COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

House of Representatives

Official Hansard

No. 7, 2011

Monday, 30 May 2011

FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD 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 Christopher Patrick Hayes 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

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## Members of the House of Representatives

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<tr>
<td>Vasta, Ross Xavier</td>
<td>Bonner, QLD</td>
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<td>Moore, WA</td>
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<td>Wilkie, Andrew Damien</td>
<td>Denison, TAS</td>
<td>Ind</td>
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<tr>
<td>Windsor, Anthony Harold Curties</td>
<td>New England, NSW</td>
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<td>Wyatt, Kenneth George</td>
<td>Hasluck, WA</td>
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<tr>
<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 Education and Deputy Leader of the Government in the Senate
Minister for Broadband, Communications and the Digital Economy
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]
### GILLARD MINISTRY—continued

- **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**: Hon. Mark Butler MP
- **Minister for the Status of Women**: Hon. Kate Ellis MP
- **Minister for Social Housing and Homelessness**: Senator Hon. Mark Arbib
- **Special Minister of State**: Hon. Gary Gray AO, MP
- **Minister for Small Business**: Senator Hon. Nick Sherry
- **Minister for Home Affairs and Minister for Justice**: Hon. Brendan O’Connor MP
- **Minister for Human Services**: Hon. Tanya Plibersek MP
- **Cabinet Secretary**: Hon. Mark Dreyfus QC, MP
- **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
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade
Leader of the Nationals and Shadow Minister for Infrastructure and Transport
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee
Shadow Minister for Energy and Resources
Shadow Minister for Defence
Shadow Minister for Communications and Broadband
Shadow Minister for Health and Ageing
Shadow Minister for Families, Housing and Human Services
Shadow Minister for Climate Action, Environment and Heritage
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship
Shadow Minister for Innovation, Industry and Science
Shadow Minister for Agriculture and Food Security
Shadow Minister for Small Business, Competition Policy and Consumer Affairs

Hon. Tony Abbott MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Eric Abetz
Senator Hon. George Brandis SC
Hon. Joe Hockey MP
Hon. Christopher Pyne MP
Senator Hon. Nigel Scullion
Senator Barnaby Joyce
Hon. Andrew Robb AO, MP
Hon. Ian Macfarlane MP
Senator Hon. David Johnston
Hon. Malcolm Turnbull MP
Hon. Peter Dutton MP
Hon. Kevin Andrews MP
Hon. Greg Hunt MP
Mr Scott Morrison MP
Mrs Sophie Mirabella MP
Hon. John Cobb MP
Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

Shadow Minister for Justice, Customs and Border Protection
Mr Michael Keenan MP

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation
Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning
Hon. Sussan Ley MP

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel
Mr Stuart Robert MP

Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate
Senator Mitch Fifield

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition
Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport
Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General
Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee
Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

Shadow Parliamentary Secretary for Northern and Remote Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin
Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
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<th>Position</th>
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<td>Dr Andrew Southcott MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
<td>Mr Andrew Laming MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
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<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>Hon. Teresa Gambaro MP</td>
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<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
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<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator Hon. Richard Colbeck</td>
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<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator Hon. Richard Colbeck</td>
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<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
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Monday, 30 May 2011

The SPEAKER (Mr Harry Jenkins) took the chair at 10 am, made an acknowledgment of country and read prayers.

PETITIONS

Mr MURPHY: On behalf of the Standing Committee on Petitions, and in accordance with standing order 207, I present the following petitions:

Marriage
To the Honourable The Speaker and Members of the House of Representatives
This petition of Parishioners of Saint Agnes' Catholic Church, Highett Vic. 3190, draws to the attention of the 'House' that the existing Marriage Act, should be kept intact.
We therefore ask the 'House':
To consider our position on the meaning of marriage. Given the variety of domestic arrangements available in Australia, we request that you protect the unique institution of marriage as traditionally understood and actually lived as the complementary love between a man and a woman.
from one citizen

Public Holidays
To the Honourable The Speaker and Members of the House of Representatives
This petition of certain citizens of Australia draws to the attention of the House that:
• The Fair Work Act does not recognise Easter Sunday as a public holiday in the National Employment Standards. It does recognise Good Friday and Easter Monday.
• Easter Sunday is a day of great significance for the 64% of Australians who identify as Christian and the 30% of Australians estimated to attend Easter Sunday Church services.
• Easter Sunday is part of a recognised holiday break for all Australian people, Christian or not.
• With the exception of Victoria, all mainland Australian States, as well as New Zealand, recognise the significance of Easter Sunday and require shops to close.
• Indeed, the significance of Easter Sunday is widely recognised throughout the Western world by the fact that shops must close on this day in London, Paris, Rome, Milan and Montreal.
• The Parliament of NSW unanimously legislated for Easter Sunday to be a public holiday.
We therefore ask the House to:
Amend the Fair Work Act 2009 so as to include, in the National Employment Standards, Easter Sunday in the list of recognised public holidays.
from 545 citizens

Sydney (Kingsford Smith) Airport: Guardian Pharmacy
To the Honourable The Speaker and Members of the House of Representatives
This petition of the Citizens of New South Wales and Citizens of all other States and Territories in Australia draws to the attention of the House that the domestic travelling and working community of Sydney Domestic Airport, does not have reasonable access to the supply of Pharmaceutical Benefits by an approved pharmacist at the Sydney Domestic Airport. Airport Guardian Pharmacy which is located at Sydney Domestic Terminal 2 has operated as a Non-PBS Pharmacy since December 2006 and has cared for this Community of over 12 million people annually, despite not being able to provide medicines which are subsidised by the Commonwealth Government. A Section 90 approval has been denied to this pharmacy twice, due to the current pharmacy location rules criteria.
We therefore ask the House to give the domestic travelling and working Community of Sydney Domestic Airport reasonable access to the supply of Pharmaceutical Benefits by requesting that the Minister for Health exercise Ministerial Discretion so as to provide a Section 90 approval to Airport Guardian Pharmacy, Sydney Domestic, Terminal 2.
from 560 citizens
Israel
To the Honourable The Speaker and Members of the House of Representatives
This Petition of citizens of Australia draws to the attention of the House our concerns about the behaviour of the State of Israel, most recently demonstrated but not restricted to Operation Cast Lead and attacks on human rights activists endeavouring to deliver aid to Gaza. We therefore ask the House to ensure that the government takes more strident action in international arenas such as the United Nations in an effort to curtail the disproportionate use of violence by the State of Israel against the Palestinian people and those endeavouring to support them in a non violent manner in the occupied territories. We also ask that the House consider to resolve that, until Israel complies with numerous UN Resolutions as well as rulings of the World Court (relative to the illegal wall) and declares any nuclear weapons open to inspection to relevant international authorities, that the government

- Desist from negotiating/signing contracts for goods and services emanating from Israel and its illegally occupied territories.
- Desist from conducting joint exercises with Israeli Armed Forces
- Desist from undertaking cultural and trade visits to Israel

from 63 citizens

Ballarat Electorate: Mobile Phone Services
To the Honourable The Speaker and Members of the House of Representatives
This petition of the citizens located in the state of Victoria, draws to the attention of the house the lack of telecommunications services in the region of the Hepburn shire and surrounding districts as described on the petition pages enclosed.

We therefore ask the House to investigate and support the push for better telecommunications services throughout this area. We invite any member of parliament to come and investigate the inadequate services currently available.

In 2008 the surrounding communities were subjected to 4 days of bushfires which engulfed thousands of hectares of bush land and farmlands, throughout this time power was cut for long periods of time, Mobile phone coverage was not available and most people who had hands free phones were unable to use them due to power outages.

In a time where we live in a technological world it seems bizarre that a community that is located in such a high fire danger area has these problems, I believe the last thing any government state or federal would want is another Marysville disaster. Please help us with this issue before the next fire season is upon us.

from one citizen

Merit Protection Commissioner
To the Honourable The Speaker and Members of the House of Representatives
This petition of a citizen of Australia:
draws to the attention of the House of Representatives that his application for a Secondary Review of Actions by the Merit Protection Commissioner, submitted through the Secretary of Commonwealth Department of Finance and Deregulation (Finance) on 14/11/2010, is yet to receive a response. APSC has recently informed that the application was not forwarded to them. The application requested the Commissioner, among other issues, to review:

- whether the merit selection criteria of Finance have deviated significantly from the merit principles outlined in Section 10 (2) (b) and (c) of the Public Service Act 1999 (PS Act), which may be promoting discrimination and cronyism, instead of merit; and
- whether those criteria may have failed to accommodate the workplace diversity and fair and flexible workplace APS values in the sections 10(1) (c) and 10(1) (j) of the PS Act.

I ask the House to take all necessary steps to ensure that:

- no public servant be denied his or her right to seek and get a fair Secondary Review of Actions by the Merit Protection Commissioner;
- the Finance merit selection criteria and processes are consistent with the PS Act; and
I am protected from any kind of retributions for submitting this petition.

I also ask the House to consider whether an arms-length truly independent Public Service Commission drawn from outside the public service would serve Australia better and fairer.

from one citizen

Petitions received.

Responses

Mr MURPHY: Ministerial responses to petitions previously presented to the House have been received as follows:

Breast Screening

Dear Mr Murphy
Thank you for your letter of 16 March 2011 regarding the petition to return mobile breast screen services to New South Wales. In accordance with Standing Order 209 (b), I am providing a written response to you on the matter raised in the petition.

The Australian Government recognises that breast cancer is a serious public health concern for all Australians. Accordingly, in partnership with the state and territory governments, it supports efforts through BreastScreen Australia to achieve significant reductions in breast cancer mortality.

BreastScreen Australia is co-funded by the Australian and state and territory governments. The Australian Government provides policy formulation, national data collection, quality control, monitoring and evaluation of BreastScreen Australia. Funding for BreastScreen Australia is provided to states and territories through the National Healthcare Agreements, under which jurisdictions plan and implement service delivery at the local level.

Currently, breast screening services across New South Wales are provided through a combination of fixed sites and mobile screening units. The location and mode of service delivery for breast screening services in New South Wales are decisions of BreastScreen NSW and the New South Wales Government. Therefore, the citizens of this petition may wish to raise their concerns formally with the New South Wales Minister for Health, the Hon Jillian Skinner MP. Minister Skinner's details are as follows, the Hon Jillian Skinner MP, Minister for Health, Level 31, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000.

from the Minister for Health and Ageing, Ms Roxon

Aged Care

Dear Mr Murphy
Thank you for your letter of 16 March 2011 to the Minister for Health and Ageing, the Hon Nicola Roxon MP, regarding the petition 366-647 made to the Speaker of the House of Representatives on the matter of aged care funding, I am responding as the Minister for Mental Health and Ageing.

I have enclosed a formal response to the subject petition for the consideration of the Standing Committee on Petitions.

I appreciate you bringing the contents of the petition to the Australian Government's attention and trust that the attached information assists the House in responding.

Petition to the Honourable the Speaker and Members of the House of Representatives

This petition of citizens of Australia, draws to the attention of the House the inadequacy of the proposed 1.7 per cent increase in funding for aged care services from July 1, 2010.

Aged care providers should not be forced to cut vital services in order to meet a government funding shortfall which fails to address the rising cost of staff salaries along with general amenities such as electricity, gas and water.

We therefore ask the House to support an increase in funding for aged care services to better reflect the increased costs faced by aged care providers.

Response:
The Australian Government is committed to a sustainable aged care sector so that frail older people can continue to receive the quality care that they deserve. This is why it has increased the level of funding provided for aged care by more than 30 per cent over the last three years. A total of $48.7 billion will be provided for aged care over the next four years.
This financial year, the Australian Government will provide $10.9 billion for aged care, including $7.5 billion for residential aged care. On average, the Government will pay residential aged care providers $44,700 to care for each resident this year. Providers also derive income from residents, who will contribute, on average, $22,000 this year on top of the Government's payment. These amounts represent a substantial increase on previous years.

The income that providers earn in respect of each resident has increased over the last three years by more than 6 per cent per year. By contrast, average wages in residential aged care increased by less than 4 per cent per annum and the Consumer Price Index rose by an average of 3 per cent per year over the same period. That is, over at least the last three years the rate of growth in revenue for residential aged care providers, on a per resident basis, has exceeded the increases in their costs experienced.

The Government does recognise, however, that the aged care industry is facing challenges. That is why it asked the Productivity Commission to examine all aspects of Australia's aged care system, and to develop detailed options to ensure that Australia's aged care system can meet the challenges facing it in coming decades. The Final Report of the Productivity Commission's inquiry is due to be given to the Government in June 2011.

from the **Minister for Mental Health and Ageing, Mr Butler**

**Forgotten Australians**

Dear Mr Murphy

Thank you for your letter of 16 March 2011 about a petition submitted to the Standing Committee on Petitions seeking an inquiry into child abuse and neglect of the Forgotten Australians.

The petition suggests that the Senate Community Affairs References Committee, Inquiry into Children in Institutional Care (2004), did not uphold all of its stated terms of reference. Specifically, it argues that the Committee did not fully investigate all problems and cases of child neglect and that this omission has impacted the capacity for victims of childhood abuse while in institutional care to access legal redress. The petition calls for Members of the House of Representatives to open an inquiry which will allow all evidence of child neglect, institutional neglect or other agency neglect to be brought to an inquiry, or other government body's attention, and provide feedback to the Australian Government.

The Terms of Reference for the Senate Community Affairs References Committee Inquiry into Children in Institutional Care referred a range of issues to the Committee. These include investigations regarding the existence, severity and estimated scale of any unsafe, improper or unlawful care or treatment of children in any government or non-government institutions and fostering practices, established under legislation to provide care and/or education of children. The Terms of Reference also directed the Committee to make recommendations where cases of unsafe, improper or unlawful care or treatment of children had occurred.

Consistent with its Terms of Reference, the Committee emphasised that during its examination of the experiences of children in institutional care, the Committee could not deliberate on cases of particular individuals that were under consideration by courts, tribunals or other bodies which may grant some remedy to those individuals. The Terms of Reference also specified that while the Committee would hear the details of individual cases, it would only use these cases to build a picture of institutional life to assist in the identification of systemic remedies. The Committee noted that it could not delegate the Australian or state parliaments to adopt its remedies or make recommendations that were binding on other jurisdictions.


The previous government tabled its response, addressing each of the 39 recommendations, on 10 November 2005.

On 18 September 2008, the Community Affairs References Committee commenced an inquiry into the implementation of the recommendations from earlier reports: Lost Innocents: Righting the Record - Report on child migration (2001), and

The Terms of Reference did not provide scope for the Committee to reopen the broad range of issues that were covered in the earlier reports.

The Committee considered 64 public submissions and 13 confidential submissions. It heard evidence during five days of public hearings held in Melbourne, Perth, Brisbane, Sydney and Canberra, and evidence was also taken by teleconference from Tasmania and South Australia. Consistent with the Terms of Reference of the previous inquiries, the Committee did not report on the circumstances and experiences of individuals.

The Committee delivered its report, Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports, on 25 June 2009.

The Committee concluded that, despite progress, many of the recommendations of the Lost Innocents and Forgotten Australians reports were still to be implemented. The Committee noted that, with the benefit of experience since the original reports were tabled, a number of the recommendations needed revision to achieve the desired outcomes for care leavers.

Since the tabling of the Committee's report in 2009, the Australian Government has prioritised its commitment to supporting Forgotten Australians and former child migrants.

On 16 November 2009, the former Prime Minister, the Hon Kevin Rudd MP, delivered an apology to Forgotten Australians and former child migrants on behalf of the nation.

This apology, for the first time, provided national and international acknowledgement of a period in our nation's history where the most vulnerable of our children did not receive the care they deserved. The Apology recognised the pain and suffering experienced by so many children while in out-of-home care and throughout their lives. The Apology formed a significant part of the Government's response to the Lost Innocents and Forgotten Australians Revisited report. This response included a number of new initiatives and investments to significantly improve support for care leavers.

The key initiative to improve the support provided to care leavers is the development of a new national Find and Connect Service through an investment of $26.5 million over four years. This service will provide specialist support to care leavers to help them locate personal and family history files and assist them to reunite with members of their families where that is possible. The service will provide a national database that will collate and index existing government and past provider records into a national searchable database, accessible to state and other care leaver services and also directly accessible to care leavers themselves.

The Government also advised that it would identify care leavers as a special needs group for aged care purposes. Following the National Apology, the Allocation Principles 1997 under the Aged Care Act 1997 were amended, effective from 1 December 2009, to include 'care leavers' as a special needs group under aged care legislation. This means that aged care providers are able to identify Forgotten Australians and former child migrants as a priority group when they apply for aged care support or placement through the Department of Health and Ageing.

The Department of Health and Ageing is also developing education materials to assist organisations and carers in the aged care sector to recognise the special needs of care leavers. This will assist their efforts to provide appropriate and responsive care to care leavers.

The Government also committed ongoing funding for the Alliance for Forgotten Australians, the Care Leavers Australia Network and the Child Migrants Trust. This funding ensures care leavers have support and strong advocacy that enables them to contribute to public policy and service development.

Finally, to ensure that this chapter in our history is remembered, the Government has provided $2.9 million for history projects with the National Library of Australia and the National Museum of Australia. These projects are recording people's experiences of institutional and out-of-home care over the last century. The National Library has already published a number of interviews with
Forgotten Australians and former child migrants. The National Museum of Australia is developing an exhibition about the history of institutionalised care of children which will be launched in November 2011. There is a joint website at www.forgottenaustralianshistory.gov.au for these two national history projects.

Thank you again for providing me with the opportunity to comment on this petition. The Government will continue to prioritise its support to Forgotten Australians and former child migrants to ensure they can locate their records, search and find their identities and families where possible and reunite with their relatives where desired, and be supported in their healing through specialist counselling services.

from the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin

Australia Post: Darch

Dear Mr Murphy

Petition—Australia Post Shop at Darch, Western Australia

Thank you for your letter dated 16 March 2011, concerning a petition submitted for the Committee's consideration regarding the establishment of an Australia Post Shop at the Darch Plaza Shopping Centre in Western Australia.

Under the Australian Postal Corporation Act 1989 Australia Post is responsible for the day-to-day running of the organisation, including all decisions relating to the postal network. As far as practicable it is required to perform its functions in a manner consistent with sound commercial practice.

Australian Post has advised that in determining whether additional retail postal outlets are justified, it takes a number of factors into account including the location and viability of existing outlets and the volume of business likely to be transacted. The Corporation also has a national Community Service Obligation performance standard that in metropolitan areas at least 90 per cent of residences should be within 2.5 kilometres of a retail outlet.

Australia Post has reviewed the distribution of postal outlets in the general area around Darch. I understand that there are two retail postal outlets in the area: the Kingsway Licensed Post Office (LPO) is less than 2.5 kilometres from Darch and the Alexander Heights LPO less than 1.5 kilometres distance. Australia Post has noted its concern at the potential impact of a new outlet on the viability of the existing outlets in the area.

Australia Post is unable to support the request for an additional postal outlet at this stage. However, it will continue to monitor its facilities in the area to ensure it is meeting the requirements of the local community.

I trust this information will be of assistance.

from the Minister for Broadband, Communications and the Digital Economy, Senator Conroy

Child Sex Trafficking

Dear Murphy

Thank you for your letter of 30 March 2011 referring to petition 434-725, submitted for consideration to the Standing Committee on Petitions, regarding support for programs to prevent child sexual exploitation in our region. In accordance with Standing Order 209 (b), my response is as follows.

The first request in the petition, to fund an ongoing education campaign and support service which helps Australians to identify and report suspicions or concerns about child sex offenders who travel overseas, is a domestic matter and falls under the responsibility of the Minister for Home Affairs and Justice, the Hon Brendan O'Connor MP. I understand officials from the Australian Agency for International Development (AusAID) have already contacted the Committee Secretariat to ensure you also refer this petition to Minister O'Connor.

The second request in the petition, to fund community-based international development programs which focus on the prevention of and protection against forms of child sexual exploitation such as child sex trafficking and child sex tourism, falls under my responsibility.
Australia has been a long-standing and consistent supporter of efforts to combat child sex trafficking and child sex tourism in our region. The Government is committed to the implementation of the Millennium Development Goals and the reduction of poverty. By focusing on these key development priorities, Australia is helping to address the underlying causes of sex trafficking of children and young people and child exploitation. This is essential for a sustainable, long-term approach that aims to prevent people from becoming victims in the first place.

AusAID, in partnership with other agencies, also supports a number of activities to directly combat people trafficking, labour exploitation and child sexual exploitation. The focus of the aid program's efforts is to strengthen criminal justice systems and law enforcement, and prevent child trafficking through education and awareness-raising in source communities.

AusAID has recently commenced a program specifically to combat child sex tourism. Project Childhood is a four year, $7.5 million program to prevent the commercial sexual exploitation of children in the Mekong sub-region. The United Nations Office on Drugs and Crime is implementing a Protection Pillar, strengthening law enforcement capacity to combat child sex tourism, working with Interpol and assisted by the Australian Federal Police. The Prevention Pillar, implemented by World Vision Australia, builds resilience and awareness in communities and works with partner governments to improve preventive measures, including reporting hotlines. This program builds on the AusAID-funded Association of Southeast Asian Nations (ASEAN) 5-year Transition Plan for a Sustainable Response to Child Sex Tourism in South East Asia ($0.5m; 2007-2009), facilitated by the Australian charity Child Wise.

AusAID has supported successive projects in the ASEAN region since 1994 to raise awareness of child sex tourism, gain support and commitment for child protection within the tourism sector and build tourism capacity to combat child sex tourism in ASEAN member countries.

AusAID has a significant partnership through the aid program with the United Nations Children's Fund (UNICEF) which includes the protection of children from violence, exploitation and abuse.

Thank you for notifying me of this petition. I trust that this information will be of assistance to the Committee.

from the Minister for Foreign Affairs, Mr Rudd

Gippsland: Princes Highway

Dear Mr Murphy

Thank you for your letter dated 29 March 2011 about a petition recently submitted for the consideration of the Standing Committee on Petitions regarding Princes Highway funding. I have corresponded with Mr Darren Chester MP on this matter a number of times during the course of 2008-10, highlighting the substantial financial assistance to State and Local Governments to manage and maintain the roads under their care. This funding is part of the Australian Government's $6.9 billion investment in land transport infrastructure in Victoria over the six year period, 2009-10 to 2013-14.

The Australian Government has committed $140 million towards the duplication of the Princes Highway East between Traralgon and Sale, which will boost freight capacity, reduce travel times and improve road safety.

Thank you for raising this matter.

from the Minister for Infrastructure and Transport, Mr Albanese

Alpine National Park

Dear Mr Murphy

Thank you for your letter of 30 March 2011 concerning the submission of a petition regarding cattle grazing in the Alpine National Park. I regret the delay in responding.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) protects matters of national environmental significance, including National Heritage places, threatened species and ecological communities, among others. The Alpine National Park is a part of the Australian Alps National Park and Reserves National Heritage Listed Place and also contains a number of threatened species and ecological communities listed under the EPBC Act.
I must meet my statutory responsibilities under the EPBC Act to protect matters of national environment significance. In addition to my statutory responsibilities, I believe cattle grazing in the Alpine National Park sets a dangerous precedent for the management of National Parks across Australia. This move represented an extraordinary backward step in protection in a National Park.

I note that the former Victorian Government removed cattle from the Alpine National Park some years ago as a result of concerns over their environmental impact. The Victorian Department of Sustainability and Environment did not notify my department or refer the cattle grazing for assessment and approval under the EPBC Act prior to the re-introduction of cattle to the Alpine National Park.

The department has undertaken a compliance review to evaluate the risks posed by cattle grazing to the environment in the Alpine National Park. I personally inspected cattle damage to areas of the Alpine National Park with officers of the department on 25 February 2011 as a part of that review. Based on the results of the review I was not satisfied with the risks posed to matters of national environmental significance and I formally requested that the cattle be removed from the Alpine National Park by 8 April 2011. I am advised that the cattle have now been removed from the park.

I am also aware that Mr Bandt has introduced the Environment Protection and Biodiversity Conservation (Abolition Of Alpine Grazing) Bill 2011 in relation to grazing in the Alpine National Park.

Thank you for writing on this matter.

from the Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke

Statements

Mr MURPHY (Reid) (10:03): From time to time the Standing Committee on Petitions follows up on some petitions that have been presented to the House by examining them at roundtable meetings. The committee also follows up on the government’s response to some petitions at the hearings it holds with relevant public servants here in Parliament House. Last week the committee had an unusual opportunity to follow up a petition and the ministerial response with participation from both a petitioner and the relevant Public Service representatives.

I mention this petition not because it has the greatest number of signatures, although it had more than 8,000 signatures, or because it has much greater merit than the many other petitions that the committee sees. The committee does not seek to make these value judgments. In its way the petition itself was typical of some petitions and the questions they raise, but it was unusual to have the advocate and government experts available together.

The petition, like many that come before the House, was about an international issue that concerns many Australians and prompts them to act, to coordinate their efforts and to call for action here. Questions that often follow the raising of an issue of global concern, such as this one, are: is there any solution to a problem such as this and what is the appropriate role for any government in the circumstances? Needless to say, there are different views.

The subject matter of this petition was the use of the worst forms of child labour in producing cocoa in West Africa and an agreement in 2001 by major industry groups to take a number of steps, including developing voluntary standards, to grow and process cocoa beans and products in such a way as to comply with the International Labour Organisation’s Convention 182. That convention seeks to eliminate the worst forms of child labour. Some major companies in the cocoa and chocolate industry have met the standards, at least for some of their products.
One aim of that 2001 agreement was, by 2005, to label products to confirm that goods have been produced free from the worst forms of child labour. The petition that the Petitions Committee considered called for a deadline to be imposed on the importation of goods to Australia that are not certified as being produced in this way. It was useful for the committee to draw out the history of the use of child labour in producing cocoa in West Africa, which dates back to the lowering of farm incomes in West African countries in the 1990s. The sad result has been the involvement of thousands of children, working in unhealthy and dangerous conditions without access to education or health care. Naturally, this is not something any of us wants to think about when we enjoy eating cocoa and cocoa products. The petitioner told the committee that the end objective was to ensure that the farmers are paid a reasonable price. This would be expected to enable them to let their children attend school.

The minister's response to the petition had been received by the committee and published so that the petitioners were aware of the government's views on the issue. From the committee's perspective it was valuable to hear from the representatives of the Department of Foreign Affairs and Trade about Australia's international commitments to end child exploitation, and how those commitments connect with the request made in this petition. The representatives confirmed the grave concern with which child exploitation is regarded and also referred to the broader context: the eradication and whether compulsory certification of products is the most effective way of reducing poverty.

It was also useful for us to find out what prompted the petitioners to use the petitions process to promote their cause. In this instance, the committee was told that the revised petitioning process, in which petitions are likely to receive a formal response, was a factor. I am not sure how satisfied the petitioners might have been with the information they received, but certainly the committee was pleased to speak to their representatives and to have the petitioners observe the discussion, as well as the subsequent one we held with the department officials. It was an interesting and thought-provoking discussion, thanks to the preparations of the petitioners' representative and the department's representatives.

The international focus at the hearing was continued when the committee asked representatives of AusAID about a petition on the level of Australia's foreign aid and the minister's response. The petition called for a substantial increase in Australia's official development assistance to raise it to 0.7 per cent of Australia's gross national income and bring it into line with the United Nations goals. The minister has stated that the government is committed to increasing aid to 0.5 per cent of gross national income by 2015-16 and, after that, as economic and fiscal conditions permit, to progressively increase it to 0.7 per cent of gross national income.

The hearing gave the committee an opportunity to discuss the petition itself and Australia's objectives in its development assistance commitments. The committee was also able to follow up the minister's response regarding commitments towards achievement of the Millennium Development Goals by the deadline of 2015, in particular on Australia's contribution so far to achieving the targets. A transcript of the relevant segments of the hearing will later be sent to the principal petitioner associated with each of the petitions and will be available on the committee's website.

Finally, from a Petitions Committee perspective we would be very pleased if
petitioners were able to have issues they have raised resolved—but, clearly, in the majority of cases that does not happen. The certain value that we see in the process arises from the fact that the House, through the committee, ensures that issues are raised and that the responses from the government are received and made public.

PRIVATE MEMBERS' BUSINESS

Reference to Main Committee

The SPEAKER: In accordance with standing order 41(g), and the determinations of the Selection Committee, I present copies of the terms of motions for which notice has been given by that e members for Fowler, Solomon, Macquarie, Fremantle, Pearce, Dawson, Chisholm, Gippsland, Werriwa, Flinders and Fraser. These items will be considered in the Main Committee later today.

Asylum Seekers

Mr BANDT (Melbourne) (10:10): I move:

That this House:
(1) condemns the Gillard Government's deal with Malaysia that would see 800 asylum seekers intercepted in Australian waters and sent to Malaysia; and
(2) calls on the Government to immediately abandon this proposal.

The government's deal to expel asylum seekers from Australia to Malaysia is wrong and should be condemned by this parliament. The deal, like the now-defunct East Timor plan, is a rushed political fix designed to paper over the failure of the government and the opposition's mandatory detention policy. The deal will mean asylum seekers are expelled to Malaysia. The deal violates Australia's international obligations and is an abuse of human rights. That is why today I am moving a motion that is also being moved and supported in the Senate. The motion reads that this House: 'condemns the Gillard Government's deal with Malaysia that would see 800 asylum seekers intercepted in Australian waters and sent to Malaysia; and … calls on the Government to immediately abandon this proposal.'

I understand the significance of moving this motion, and I have not taken the decision to do so lightly. If passed, this motion will mean that for the first time in the life of this parliament both houses of parliament will have condemned a government policy. The government will need to take this matter very seriously because it will have received a very clear message from parliament rejecting the Malaysia deal and a very strong request that the deal be abandoned.

We all know why we are at this low point in this country's treatment of asylum seekers and refugees. For more than a decade we have had a political race to the bottom between the old parties, as they have chased votes that they think exist in certain marginal seats around the country. On the one side you have the coalition, the party of razor wire and children overboard, peddling fear and stoking resentment in the community; and on the other you have Labor, the party of mandatory detention, promising a new direction at the election but then again giving into fear and refusing to lead public opinion on this issue. It is almost like the old parties are locked in an arms race on refugees, competing to be tough and lacking in compassion. So now, instead of winding back mandatory detention, we have a government expanding offshore detention and now adopting the Howard government policy, so roundly condemned, of expelling asylum seekers to another country—a country that has not signed the convention on refugees, a country that has a history of caning asylum seekers and engaging in other abuses of human rights and a country that has not yet guaranteed any protections of the
people which our government intends to expel there. Why do we sign up to international conventions if we are not going to abide by them? Why do we seek to contract out our obligations? We cannot send fairness offshore. It is for this reason that this deal has been widely condemned, including by the United Nations High Commissioner on Human Rights when she visited Australia last week.

The government will say that this deal is good because, in return for accepting those expelled, Malaysia will send others to Australia. Let me be clear that the Greens’ position is that our humanitarian refugee intake should be significantly expanded. But an expansion of our refugee intake should not be bought at the violation of the rights of others or by swapping one person for another. Refugees and asylum seekers are human beings, not a card in a political game. It is a reflection of how low the political debate in this country has sunk that there is willingness in some quarters to accept this as a legitimate approach to immigration policy.

I was elected by the people of Melbourne in part to bring a value of compassion and represent it in this parliament. My electorate of Melbourne thrives in part because of the decades of migrants and refugees who have chosen to settle there. The people of Melbourne do not give in to the fear and hysteria promoted by the old parties. They value diversity and the multicultural community in which they live. They know that there is an alternative. We can do what happens in most parts of the world—that is, allowing people, regardless of how they come to this country, to seek asylum. Detention is a last resort, and even then should only be for the minimum possible period—a period of days, for health and security checks. The people of Melbourne also know that at a time when the country is facing a skills shortage and a mandatory detention bill of over $1 billion there are good economic reasons for a policy of fairness.

I say to the members in this place that I know moving a motion condemning the Malaysian deal is very confronting for the government and the passage of this motion will be a significant event in the life of this parliament. But there are times when, regardless of the implications, enough is enough. The Malaysia deal is wrong. It violates human rights and Australia's international obligations. It should be scrapped and I urge all members to add their voice to this call.

The SPEAKER: Is the motion seconded?

Mr WILKIE (Denison) (10:15): I second the motion. If someone comes to Australia seeking asylum we have a responsibility enshrined in the refugee convention, to which we are a signatory, to give them protection, to quickly assess their claim and to provide refuge if that claim is upheld. This legal responsibility applies regardless of how asylum seekers reach our shores and should be applied equally to those who arrive by boat as to those who come here by aeroplane.

Our real responsibility goes much deeper than our legal obligation as a signatory to the refugee convention, because we also have a pressing moral obligation to render all possible assistance to asylum seekers in a genuine spirit of goodwill. It is regarding this moral obligation that the federal government is doing the wrong thing by planning on trading asylum seekers with Malaysia, so much so in fact that the Labor Party has now lost the moral superiority it once had regarding Australia's response to irregular immigration. This troubles me because the Labor Party's approach to asylum seekers was a not insignificant consideration some nine months ago when I was struggling with
the decision of who to give limited support to in this place.

Frankly, to establish a trade in people fleeing violence and persecution is an abomination. Yes, it may well help to deter asylum seekers from attempting the risky voyage to Australia, but it is wrong, so wrong in fact that I detest it even more than the so-called Pacific solution engineered by the Howard government and still favoured by the opposition. At least on Nauru and Manus Island there were Australian officials to ensure that some safeguards were maintained.

How on earth can conditions in Malaysia be tough enough to deter asylum seekers to Australia but safe enough for the Australian government to claim that refugees' human rights will be protected? They cannot. For a start Malaysia has not signed the refugee convention and nor has it ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has not even signed the International Covenant on Civil and Political Rights. As the United Nations human rights commissioner has pointed out, any deal with Malaysia simply offers no protection if the refugee and torture conventions have not been ratified by that country.

The government has a political problem, not an immigration problem. Rather than joining the opposition in singling out asylum seekers who arrive by boat for special punishment, the government should have the courage to inform the community about the facts. Asylum seekers are not breaking any rules. The majority are genuine refugees. And far from being swamped, the number of people arriving by boat in Australia is small compared with the much more worrying number of these overstayers arriving daily by air.

So I call again on the government and the opposition to stop, take a deep breath and focus instead on developing sophisticated responses to irregular immigration into Australia that much more effectively address the conditions in source, first asylum and transit countries. Remember, this is first and foremost a humanitarian crisis and not a border protection problem.

Australia receives just two per cent of the industrialised world's asylum claims. These are some of the most disadvantaged and vulnerable human beings on the face of the planet. Let us not sacrifice the modest advances made in our treatment of asylum seekers in the last few years in the pursuit of political self interest. In particular, let us not start trading asylum seekers with a country that often treats such people as criminals, forcibly returns them to danger, routinely relies on the lash of the cane and even resorts to the barbaric death penalty.

The bottom line is that this deal with Malaysia is a shameful public policy that is inconsistent with our international obligations. It must be abandoned. That is why I have seconded the motion condemning the deal put forward by the member for Melbourne and that is why I will vote in support of it.

Ms OWENS (Parramatta) (10:20): The member for Denison talks about abomination. I start by saying that the abomination in the world at the moment is that there are some 50 million people who are displaced. Around 15 million of those people are already classified as refugees and of those only about one per cent will be resettled in a third country. So for every one that Australia takes, there are many hundreds that we do not. It is an abomination that people make choices about who to assist and who not to assist. The best that decent people can do in a world like this is try to find...
answers that are less bad than the answers if we do not help at all. These are very real ethical issues in this, as both members who have already spoken would know, as we try to find answers that provide the most good and the least harm. Whatever we do in this particular circumstance does leave some people in real harm—many more than we actually help.

The government has been talking to our neighbours about a regional solution for some time, and before the tragic events at Christmas Island that saw many people lose their lives. There is no doubt that another tragedy is inevitable if the boats keep coming. But stopping people making the dangerous journey to Australia by boat does require a genuine breakthrough. Much of the talk in the last year or so about people smuggling has centred around Indonesia, because that is where the boats usually come from. But Malaysia is the key. Most boat arrivals in Australia pay people smugglers about $15,000 to get to Australia. They fly to Kuala Lumpur in Malaysia and then start their boat journey, first to Indonesia and then on to Australia. So the logic of the Malaysian arrangement is actually very simply. Why would you pay a substantial amount of money and risk your life on a boat only to be returned to where you began your boat journey?

I would expect that an announcement like this would come in for flak from both sides of the debate because, as I said, it is a problem where there is no perfect outcome and where, whatever a government does, there is room for criticism. There will always be a way to criticise. Frankly, if our politicians and the media are not mature enough to lift their commentary above mere criticism and consider the complexities of the world of refugees then it is very difficult, if not impossible, for the community at large to find a path through what are very difficult issues for us all.

I am not going to accuse the member for Melbourne of chasing votes on this—although he has accused us of chasing votes on this—but I will say that the Greens supporters probably share a very similar position on this to his so it is easy and politically expedient to espouse the same view. In the interest of good government and not just good politics, it is incumbent upon those who criticise this deal to suggest an alternative that increases Australia's role in resettling refugees while breaking the business role of the people smugglers.

Australia's role in resettling refugees, from my perspective, is perhaps one of the most important things that we do. Of the 50 million displaced people and 15 million people already classified as refugees, only one per cent are resettled in third countries. Australia is one of only about a dozen countries that resettle refugees from third countries and one of only three—the US, Canada and Australia—that do it on a reasonable scale. So we have a very important role to play in providing homes for people who really have nowhere else to go and are likely to spend many years in camps without the support of Australia.

I am very pleased that, in the deal we have done with Malaysia, we are increasing the humanitarian intake from Malaysia by 4,000 people. Malaysia currently has around 92,000 people who are registered as refugees and in total around 270,000 displaced people living in the community. So Malaysia has a very large number of people. I am incredibly pleased to see that Australia is increasing its intake by 4,000. I would very much like to see a world in which we could concentrate more on that aspect of the important work that we do, particularly since we are one of the few countries that do that. I am glad to
Mr MORRISON (Cook) (10:25): I am not going to cast aspersions on other members of this House. This is an incredibly complex and difficult issue and we all have to make choices about how we think we are going to address it. So I would not for a second seek to question the motives or morals of anybody in this place in how they seek to approach this very difficult issue. But I would also note that no-one would be happier than I if we could stop the boats. This is something I have campaigned for in this portfolio now for some years. It is not a slogan for the coalition; it was our record in government. For more than two years we have argued with this government that its policies are the reason we have seen this unprecedented rate of illegal boat arrivals to Australia. I now notice that the government finally agrees with us and has sought to change its policy because it knows it is the policies that are at fault in causing the chaos that we now see. But this government does not understand that when you implement policy in this area you must think it through. This five for one people swap deal with Malaysia is a proposal conceived in denial and negotiated in desperation. Five for one speaks for itself. It was rushed out prior to the budget before it was finalised. Confusion still reigns over when it starts, who goes there and who does not. Confusion still reigns about who will decide who goes to Malaysia and the circumstances in which they go. The Prime Minister claims she is making the decision, but the Malaysian government says the opposite. It is quite clear that the Malaysian government will have a right of veto over who goes to their country under this arrangement, and the Prime Minister should be honest with the people about that. Confusion reigns about whether the 21 children and eight women who have arrived since 7 May will be sent to Malaysia. The Prime Minister should answer the question of whether she is going to send those women and children to Malaysia. Confusion continues to reign about the level of support and funding, almost $70 million of which will be paid to international agencies. We do not know what that will pay for. Will it feed people? Will it send their kids to school and give them healthcare? If it does any of those things, for how long will it do those things—the entire time they are there or just a little while? We do not have answers to any of the detail because this policy sits in a twilight zone of confusion which is characterised by the way the government deals with this issue and constantly fails to think things through.

Irregular maritime arrivals will be held on Christmas Island indefinitely because this agreement has not yet been concluded and the government has no other agreement with any other country anywhere in the world to send people. As a result, those who are arriving at Christmas Island are being held in indefinite detention in strict contradiction of the government's own stated and legislated detention values.

The government has also failed to address our international obligations here, which others have noted. It is not enough just to get a commitment from Asia not to refoule, as is required under the UN convention on refugees. I understand that the government needs to get that requirement and I accept that they have received that undertaking from the Malaysia government. But what they have not got is an undertaking when it comes to the United Nations convention against torture. The Prime Minister's statement says that those sent to Malaysia will not receive preferential treatment to
those who are already in Malaysia awaiting assessment of their asylum claims.

There are laws in Malaysia—actual laws—permitting fines, imprisonment and whipping of people who illegally reside in Malaysia. That is the law in Malaysia. Unless this government has an absolutely rock-solid guarantee that these laws will not apply to people sent to Malaysia then clearly they can give no guarantee about the human rights and welfare of those sent. In fact, the complementary protection law, which was introduced into and passed this House last week and is now before the Senate, may even provide an opportunity for those who are coming by boat to seek asylum from the government's own transfer laws under its own new asylum laws that it introduced into this parliament. As a result, we will see this thing potentially being wholly unwound by the government's failure to think it through. Then there is the commitment that is required in terms of the act itself, which says that human rights need to be protected and that people also are provided protection while they await asylum claims in Malaysia. That is the requirement of our Migration Act, and I learnt in estimates that the government is seeking to work its way around that requirement in the Migration Act in order to send people to Malaysia without giving that undertaking. This deal just simply does not stack up at the end of the day, and the government has options in Nauru. They only have to pick up the phone. (Time expired)

Mr CRAIG THOMSON (Dobell) (10:30): I think that the contribution just made by the member for Cook and those of the members for Denison and Melbourne highlight the difficulties of these issues. It is probably best summed up in terms of the contribution the member for Mayo made the other day when talking about detention. He said that you cannot be tough and humane at the same time in relation to asylum seekers.

On one side, we have the member for Cook telling us that we are not tough enough; on the other side, we have the contributions from the members for Melbourne and Denison telling us that we are not being humane enough.

I believe we can be both tough and humane, and this Malaysian solution is an attempt to be both—humane in the way in which we treat asylum seekers in terms of the numbers of additional people that we will be bringing here as well as being tough in trying to break the people-smuggling model that is so insidious and terrible in the way in which it treats human beings. Let us not just take that from members of the government; let us actually have a look at what the UNHCR has said. We have had some rhetoric here about how bad this solution is, but that is does not stack up with what has been said by the experts in the area.

Yante Ismail in the West Australian on 16 May, the UNHCR spokesman said:

We don't see it in terms of a swap or a bargain...

We see this as a commitment by the Australian Government to provide resettlement for 4000 people in need of an opportunity to rebuild their lives safely.

To us, it's a real commitment by Australia in burden-sharing with a country like Malaysia that is now coping with a large number of refugees and asylum seekers.

We think the agreement has the potential to enhance the protection for refugees in Malaysia, as well as the region as a whole.

If it realises more resettlement opportunities for refugees, this would be a positive outcome."

The member for Denison was the one who said that he found the swapping of people abhorrent. As I said, the UNHCR has said that they do not see it in those terms at all; they see it as a breakthrough in this area. We have to understand that with 92,000 registered refugees in Malaysia—270,000
there in total—we need to be doing our bit in making sure that we bring more people here.

It is not just one isolated UNHCR spokesman; it is many. Adrian Edwards said:
As we understand the MOU, Australia's obligations under the refugee convention are not compromised provided that the fundamental rights of asylum seekers and refugees are assured in Malaysia.

Richard Towle, the UNHCR regional representative says:
I think in that sense it has the potential to... make a significant practical contribution to what we're trying to achieve in the region.

And if it's a good experience other countries can look at it and say 'yes, that's a positive way of managing these issues. Perhaps we want to embark on similar or other initiatives under a regional cooperation framework.

The UNHCR Malaysian representative, Alan Vernon said:
... under this agreement, to the extent to which we have all the details—and of course we know that it's a work in progress which is still being discussed...we see that there are opportunities for better protection for refugees here in Malaysia, and more broadly in the region.

What the UNHCR is saying is that they see the Malaysian solution not as abhorrent but as a positive move both for asylum seekers in Malaysia and also in the region.

Most importantly, the contrast needs to be made in terms of what the opposition are saying. The opposition's model is to put asylum seekers in Nauru. It does not attempt to break the people-smuggling process at all. This particular Malaysian solution does that: it goes to the source country from where the boats first leave and makes sure there are incentives for people to be treated fairly, humanely. Australia takes more refugees, but we do it in such a way that we discourage the vile trade of people smuggling.

For those on the left and on the right to criticise only shows what a difficult and tight balance this is, but I believe the government has got this right in relation to the Malaysian solution and this is something that should be supported by all members of this parliament.

Mr CHRISTENSEN (Dawson) (10:35):
I rise to speak to this motion by the member for Melbourne this morning and, in doing so, question the motives behind this proposed Malaysian deal for asylum seekers and the outcomes. This government's border protection frenzy has become excruciating to watch—like a cross between a bizarre episode of The Amazing Race and a chicken with its head cut off.

There are stark similarities with the reality TV program. Just like The Amazing Race, this government jet sets its policy from one country to the next. We have seen the bungled attempt at using East Timor. We have seen Manus Island and PNG brought into the equation very briefly. Then we jumped on a jet to see if Malaysia could help get this Labor government's border protection right. Then Thailand and the South Sea islands have chimed in wanting a piece of the action, so bad for Australia was the proposed deal with Malaysia.

The key difference is that contestants on The Amazing Race do not know where they are going to finish, and it is not in Malaysia. The Malaysian deal is not a solution. Manus Island was not a solution. East Timor was not a solution. What we are seeing in Australian detention centres is not a solution. They are all just carriages on this train wreck that is the government's avoidance of the real solution to border protection. The Australian people know what the solution looks like. They have seen the Howard government effectively control our borders and achieve results. I believe, 'If it ain't broke don't fix it.' Unfortunately, that is not this government's approach to this policy. They tried to fix the perfectly-working solution and have been
running around like headless chooks ever since in a desperate bid to find another solution that does not look like the old one. They cannot go back to the solution that worked; that would be to admit that they got it wrong.

If a real deal with Malaysia ever eventuates—and there is not yet a deal, according to Malaysia—it will be one of the greatest injustices ever thrust upon the Australian people and the asylum seekers at the centre of this malaise. To pack up the asylum seekers and transport them to a country that not only allows but regularly practices caning, contravenes the government's own stance. Malaysia is not a signatory to the UN Convention Relating to the Status of Refugees. Even if a caning ban was written into this alleged agreement that would be no guarantee because caning is permissible under local laws in Malaysia. The PM cannot guarantee that asylum seekers would not be caned, mistreated or even tortured in Malaysia. She cannot make that guarantee. She might promise but we have seen how much a promise from the Prime Minister is worth with the carbon tax.

With a processing centre at Nauru, on the other hand, the Australian government can make that guarantee. Nauru may not be a signatory to the United Nations convention on refugees but it is willing to be. And, unlike Malaysia, it is a signatory to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civic and Political Rights. The solution was working at Nauru. The question is: why will the Prime Minister not pick up the phone to the President of Nauru? The answer to that is very simple: that would be an admission that this government got it wrong.

It was a wrong call on East Timor and a wrong call on Manus Island. It is a wrong call on Malaysia, unless you are on the Malaysian end of the deal. That is a deal of a lifetime. All Malaysia has to do is take in 800 asylum seekers from Australia and they can offload 4,000 of theirs. It is a great solution for Malaysia. What is more, the Australian government has kindly offered to pay for the whole deal. That makes it an even better solution for Malaysia. But for Australia it is a deal that stinks. It is a deal that is going to cost us an additional $1.7 billion, according to the budget papers. Malaysia is still holding the cards, because the Prime Minister is desperate to find some sort of solution. Malaysia will be holding all the aces in this deal. They will pick and choose which 800 asylum seekers they will take in. They will pick and choose which 4000 they send.

Our current detention centres are in a mess. We have violent riots and a cost blow-out of more than $3 billion. Our detention population is at record levels, more than 60 per cent of detainees having been there for more than six months and the average time spent in detention increasing from 61 days to more than 170 in that past three years. This is a government desperate for a deal.

The DEPUTY SPEAKER (Hon. BC Scott): Order! The time allocated for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

COMMITTEES

Australia's Immigration Detention Network Committee

Appointment

Mr MORRISON (Cook) (10:40): I seek leave to amend the motion relating to the Select Committee on Australia's Immigration Detention Network in the terms circulated to honourable members.

Leave granted.
I move the motion as amended:

That:

(1) a Select Committee on the Crisis in Australia’s Immigration Detention Network be appointed to inquire into and report on:

(a) the riots and disturbances in detention facilities on Christmas Island commencing 12 March 2011, and Villawood from 19 April 2011, in particular:

(i) the nature and circumstances of these events;

(ii) the nature and adequacy of the response of Commonwealth agencies to the events;

(iii) any warning, briefings or advice that had been provided to the Government by agencies and individuals in the lead up to, during and after the events and the nature and adequacy of the response to such information;

(iv) the adequacy of security protocols, procedures and resources to mitigate the escalation of tension and conflict in the detention network;

(v) the extent and cost of the damage to facilities as a result of the events; and

(vi) any other matter deemed relevant by the Committee to understand why these events occurred; and

(b) the performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the interception, detention and processing of less irregular maritime arrivals or other persons;

(c) the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;

(d) the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to the interception, detention and processing of irregular maritime arrivals or other persons;

(e) the health, safety and wellbeing of asylum seekers and other persons, including specifically children, detained within the detention network;

(f) the level, adequacy and effectiveness of reporting incidents and the response to incidents within the immigration detention network, including relevant policies, procedures, authorities and protocols;

(g) compliance with the Government’s immigration detention values within the detention network;

(h) any issues relating to interaction with States and Territories regarding the interception, detention and processing of irregular maritime arrivals or other persons;

(i) the management of good order and public order with respect to the immigration detention network;

(j) the impact of length of detention on and the appropriateness of facilities and services provided for detainees, including asylum seekers within the detention network;

(k) the total costs of managing and maintaining the immigration detention network and processing irregular maritime arrivals or other detainees;

(l) the expansion of the immigration detention network, including the cost and process adopted to establish new facilities;

(m) the length of time detainees have been held in the detention network, the reasons for their length of stay and the impact on the detention network;

(n) processes for assessment of protection claims made by irregular maritime arrivals and other persons and the impact on the detention network;

(o) the management and impact of detention on children and families, and viable alternatives;

(p) the cost, effectiveness and long term viability of outsourcing immigration detention centre contracts to provide providers and the policy alternatives;
(q) impact, effectiveness and cost of existing and prospective Government policies, including mandatory detention and any alternatives, including community release, with respect to irregular maritime arrivals and other persons detained within the detention network;

(r) any reforms needed to the current immigration detention network in Australia; and

(s) any other matters relevant to the above terms of reference.

(2) the Committee consist of 7 members, 3 Members to be nominated by the Government Whip or Whips, 3 Members to be nominated by the Opposition Whip or Whips, and 1 non-aligned member;

(3) the Committee may supplement its membership by up to four members, with a maximum of two extra Government and two extra opposition or non-aligned members. Supplementary members shall have the same participatory rights as other members, but may not vote;

(4) every nomination of a member of the Committee be notified in writing to the Speaker of the House of Representatives;

(5) the members of the Committee hold office as a select committee until presentation of the Committee's report or the House of Representatives is dissolved or expires by effluxion of time, whichever is the earlier;

(6) the Committee elect a Government or a non-government member as chair at its first meeting;

(7) the Committee elect a member as its deputy chair who shall act as chair of the Committee at any time when the chair is not present at a meeting of the Committee, and at any time when the chair and deputy chair are not present at a meeting of the Committee the members present shall elect another member to act as chair at that meeting;

(8) in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote;

(9) 3 members of the Committee constitute a quorum of the Committee provided that in a deliberative meeting the quorum shall include 1 Government member and 1 non-Government member;

(10) the Committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the Committee is empowered to examine;

(11) the Committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting;

(12) 2 members of a subcommittee constitute the quorum of that subcommittee;

(13) members of the Committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;

(14) the Committee or any subcommittee have power to call for witnesses to attend and for documents to be produced;

(15) the Committee or any subcommittee may conduct proceedings at any place it sees fit;

(16) the Committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the House of Representatives;

(17) the Committee may report from time to time but that it present its final report no later than 7 October 2011; and

(18) the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Labor's denial and failure over three years has created chaos, cost and misery in our detention network. As I said earlier in this House, no-one will be more pleased than I if the boats stop but this will not erase the havoc caused by Labor and their denial and
their failed policies. In November 2007 there were just four people who had arrived illegally by boat in our detention network. Under Labor that number has risen to over 6,500—almost double the peak that was recorded under the coalition government. Over the last several years we have seen a litany of chaos, abuse and cost blow-outs in this detention network, which defy imagination.

It was all started by this government’s failure to address their own policy measures introduced to soften the border protection regime that they inherited from the coalition government. When they softened those laws, over 11,100 people came to our shores. We had an increase in our detention population, as I have mentioned, to over 6,800. The time spent in detention increased from just over 60 days to almost 180 days. More than 60 per cent of the people who are in our detention network now have been there for more than six months.

We have had incidents of abuse, not only amongst detainees, but in particular against those Australians who are working in those centres. There have been over 70 incidents and allegations of abuse have been levelled against those in detention centres in just this financial year alone.

This is a network that is in absolute crisis. It has been in a rolling crisis since there was what was reported as a bloody fight breaking out on 21 November 2009 on Christmas Island involving 150 Afghans and Sri Lankans. That matter was over a year ago, and we have seen chorus of incidents, from further rooftop protests on 20 to 22 September 2010, 90 detainees breaking out of the Northern Immigration Detention Facility in September of last year and, on 15 November a violent brawl at Broadmeadows. On 17 November there was a rooftop protest at Villawood and at the Airport Lodge between 7 to 10 February 11 people were hospitalised and a further 11 taken to the watch house after another disturbance and riot. On 27 and 28 February there was a riot at Christmas Island in the family compound, where 13 people were injured, windows were smashed, three asylum seekers were arrested and 15 young males were moved off the island. On 16 March there was a breakout at the Asti Motel.

On 17 March there was a protest at Curtin and also on 17 March a young Afghan man died at Sherga. On 28 March a 20 year-old Afghan asylum seeker died at the Curtin detention centre and on 12 and 13 March there were mass breakouts at Christmas Island followed by the horrendous riots which saw Commonwealth officers having to retake a Commonwealth facility by force. There were the Villawood riots that were proceeded by an improvised explosive device being found in that detention centre some four weeks before that whole area of the compound was torched—something the minister did not even know about. We have an average of more than three critical incidents of the types I have been referring to—of self-abuse, assaults and escapes—occurring in our detention network every single day. This is something that demands an inquiry of this House. The terms of reference I have circulated for that inquiry are there for all to see and go in some detail into the matters that we should be looking at. We should be looking at how the riots occurred and what steps were taken by the government to avoid them. We should be looking at the procedures in place in our detention network to ensure that staff are safe, can be catered for, can be looked after and can defend and protect themselves in the course of what can often be incredibly dangerous duties. There should be codes of conduct that are enforceable so that Serco
officers and other Australians working in this environment can ensure good public order.

Australians were horrified and appalled by the behaviour we saw in our detention network over these last months. They were shaking their heads; many of them said, 'Enough is enough.' Enough is enough of the rolling crisis in our detention network and the government's attempt to not have these matters exposed to full public scrutiny.

There are also issues in the detention network around the welfare of those who are being held within detention itself. As I said, when the coalition government left office there were just four people in detention who had arrived by boat. That is how you avoid having more than three critical incidents every day in your detention network—when there is actually no-one in them. That is our objective. That is why we have always said we wanted to stop the boats, because when you do you do not have the havoc that is caused. I am amazed that the current government took almost three years to realise that their failed policies were the problem. Their policies were the reason that our detention network was filling up, causing the tension, the stress and the pressures that have led to this appalling series of incidents right across the detention network, including self-harm.

It took almost two years for the government to decide to use the powers that were created in 2005 in the Migration Act by the coalition government to enable children to be released into the community under residence determination orders. Why did it take so long? Why did it take so long for more than 1,000 children to be held within the detention network and not released into the community under residence determination orders? The minister has had that power ever since he took up his oath. But as 1,000 children got onto boats under this government's policies and made their way to our shores and into our detention network, where they have largely stayed till this day, this government sat there for almost two years and did absolutely nothing, not using any of the powers it had under the act to deal with this very serious issue.

Then, last year, they made this grand announcement implying that they would take children out from behind razor wire. They have not been behind razor wire since 2005, when just 59 children were in detention and were released into the community by the coalition government under the reforms that we made at that time.

All of these matters need to be ventilated. I do not seek to muzzle any member of this chamber—or in the other chamber if we sought to make this a joint parliamentary inquiry. It is important that we ask all the questions and put it all under the microscope, and that is why I gave my commitment to the crossbenchers and the Greens to amend the motion. All of the specific issues that they have asked to be raised in our discussions over the last week have now been included in the terms of reference for this inquiry. In my discussions with all of the crossbenchers whom I have had the opportunity to speak with personally, I have sought to include the matters they have raised in these terms of reference, because no member of this parliament should be muzzled in seeking to ask the questions and get the answers as to what is happening in our detention network.

In the motion before the House earlier today, we had debated the government's Malaysian five-for-one people swap. As I mentioned in my remarks on that matter, this is a deal which is fraught with difficulty, is far from completed and, most significantly, fails to provide the guarantees required under
our Migration Act for the welfare of those people who will be sent to Malaysia under this arrangement.

When we consider these matters, it is important that we get the policies right. We will see whether the measure that the government is introducing stops the boats or not. We will wait. No one will be happier than me if boats stop coming, but it has to be done the right way. The policies that the coalition put in place when we were in government not only stopped the boats but reduced the detention population of those who came by boat to just four. That is the outcome that we dearly seek.

So I implore members of this House to take up the opportunity for an inquiry that will be able to ask witnesses to give evidence in camera, to travel and to hear from people who have experience of the immigration network about how they work in and operate it and the resources and other things that they need; and to look into the cost, which has blown out to more than $3 billion over the last couple of years through the waste and mismanagement and failures of this government's policies. Whether the boats stop coming or not, the mess this government has created in our detention network is a national disgrace. It is a blight on our budget and it is a blight on our record for one simple reason: this government's policies failed. We need to have an inquiry to look into the mess it has created.

Mr HUSIC (Chifley) (10:51): This motion submitted by the member for Cook is sold to the parliament and the public as a sincere effort to shine a light on the way the nation's detention network is run, demanding of the parliament and, principally, the government transparency and a willingness to critically examine the management of this network. In short, this is not a call for a serious examination. It is not a move to provide genuine recommendations for the way detention centres are managed to enhance their operation. I imagine it is not even a real attempt to reconsider the model of detention. This is simply a political stunt by the opposition, who, incapable of putting forward a viable, workable alternative, seek to flex their intellectual muscles by calling for—wait for it—a parliamentary inquiry. With the opposition deprived of attention and having an inability to breathe life back into a shabby approach to the issue of asylum seekers, we are now meant to believe that the member for Cook is seeking to pursue serious policy outcomes. An opposition that refuses to join other multi-party committees tasked with dealing with the gravest policy issue confronting our generation and those that follow—climate change—now calls on the parliament to join with it in a political exercise designed to generate advantage for the coalition, not for the nation. A member who just a few short months ago could not allow grieving families the peace to bury their own and who instead, with his public remarks, poured shame onto a period of intense grief, has now struck within himself a vein of compassion. He saunters into the chamber showing us his confected concern that masks a ruptured conscience.

What has prompted this motion by the member for Cook? What in the last two or so weeks has prompted the member for Cook into this sudden push for a parliamentary inquiry? What has changed that has made this so important for the member for Cook to bring this on now is simple: the announcement made by the Prime Minister and the Minister for Immigration and Citizenship on Saturday, 7 May. The member for Cook fears that the government is putting in place its election commitment for a regional cooperation network to help end the people-smuggling model. The
member for Cook, like many opposite, is afraid that the government's policies will have the desired effect of putting in place a sharp disincentive for people smugglers and those contemplating taking the dangerous journey by boat to Australia. What we have is simply the member for Cook trying to squeeze every last drop of political capital out of the human misery of irregular migration and people smuggling. If he were genuinely concerned with the events in part (a) of his motion, we would have heard about this proposed inquiry more than a month ago. The reason we did not hear about it is because the Minister for Immigration and Citizenship responded quickly and effectively to the events on Christmas Island and at Villawood by announcing an arms-length independent inquiry led by experienced public servants Helen Williams and Dr Allan Hawke. This is the right and proper place for a sober examination of what occurred and what needs to be done to help avoid these terrible scenes happening again.

Even if we accepted that the proper place for examination of the events on Christmas Island and Villawood was a parliamentary inquiry, what is this proposed inquiry supposed to achieve? Parliamentary inquiries are supposed to be vehicles to get to the bottom of a particular event or to challenge policy settings. Is the member for Cook seriously suggesting that we should end mandatory detention—a policy that has enjoyed bipartisan support for over 15 years? The government has a policy of mandatory detention of unauthorised arrivals for the purpose of health, identity and security checks—which I thought were things that the member for Cook supported. The terms of reference put forward by the member for Cook have no real focus or desired outcome. Why? For the coalition, it is more important to continue to talk about asylum seekers or boat people than to come up with real policy solutions to tackle major challenges like people smuggling in our region.

The gall and hypocrisy embedded in this motion should drive the House away from it. The opposition would ask that the government be judged when they have shunned judgment themselves, knowing that judgment of their performance would yield little to be proud of and much to be ashamed of. The rollcall of infamous incidents stands out with innocent people caught by the fractures and flaws of their system. Vivian Alvarez Solon was unlawfully removed to the Philippines in July 2001. Four years later it emerged that she had been deported, although the government had known of the mistake two years earlier. Cornelia Rau, an Australian permanent resident, was unlawfully detained for a period of 10 months back in 2004-05. Peter Qasim was held in detention for seven years. Then there were mother and daughter Virginia and Naomi Leong. Virginia Leong, a Malaysian citizen, was arrested and placed under mandatory detention in 2001 for attempting to leave Australia without the correct papers. She was two months pregnant at the time of her detention.

What of the coalition's own efforts to reach regional understanding to tackle people smuggling? The former government, headed by a Prime Minister who was the self-appointed deputy sheriff of the Asia-Pacific, were able to muster only an island state to form the basis of their Pacific solution. Of the 13 or so independent states within the Pacific, only one agreed to their Pacific solution. And then they told us that they could bring their own regional solution, no doubt through their boat phone—with only one other country on the other end of the line—while in the background, under their watch, there were fires, breakouts and violence at Woomera and Baxter. In terms of transparency and openness, one only needs
to compare our record to theirs, and we are quite prepared to do so. This government is open and accountable about its immigration detention system, unlike those opposite when they were last in office.

As I have mentioned, we have already announced independent reviews into the incidents at Christmas Island and Villawood detention centre, and the Ombudsman consistently investigates the detention system. I also understand that the minister has fielded more than 1,200 questions on notice as part of the Senate estimates process. We are prepared to consider genuine proposals for changes to improve the operation of the detention network and the safety and security of those who live or work within it. We are building regional solutions to the regional problem of irregular migration and people smuggling. We have secured the agreement of more than 30 countries to a sustainable regional cooperation framework for dealing with asylum seekers. We are implementing that framework through cooperative arrangements with interested countries in the region, beginning with a landmark transfer arrangement with Malaysia.

In October last year, the Prime Minister and the immigration minister announced that the government would move the majority of children and vulnerable family groups out of immigration detention facilities and into community based accommodation by the end of June this year, and we are well on track to meet that commitment. We also committed to ensuring that asylum seekers within the immigration detention facilities are housed in humane, appropriate conditions and are provided with appropriate services and care. We have long acknowledged the pressures on our detention system and we are working hard to relieve that pressure by improving processing times for asylum claims and delivering a regional solution to the problem of irregular migration.

I noticed that the member for Cook in his proposed motion has again revisited the issue of the costs of damage caused by the fires at Villawood detention centre. This is an issue that was particularly embarrassing for him when he raised it during question time during budget week. His question suggested a great big cover-up by the government. The response by the minister for immigration left the member for Cook red-faced. The Commonwealth is not liable for the damage to detention centres at Christmas Island and Villawood; that is covered by Serco's insurance.

Minister Bowen has announced a range of measures to strengthen the consequences of criminal behaviour in immigration detention, including the amendments to the character test which are currently before the House. I am told the member for Cook received written advice from the department's senior legal team as well as a briefing on the legislation weeks ago—and, still, I do not believe we are any wiser on whether or not the coalition will support the reform. The changes send a strong and clear message that criminal behaviour in detention centres will not be tolerated. Will the member for Cook step up and support these changes—or is it all talk yet again?

There is no question that the government's policy of detention will have its costs. This is something that the Liberal Party know about—they were, after all, the party that spent hundreds of millions of dollars building the facility on Christmas Island. Our costs in the budget for asylum seeker management cover the new measures the government is taking to break the business model of the people smugglers, the building of a regional solution and the costs of processing. When taking into account all the
measures considered here today by the government and our record of being open and transparent on this sensitive issue, the contrasts are clear for all to see in the newfound commitment to openness and transparency that those opposite refused to embrace when they were in government.

Mr KEENAN (Stirling) (11:01): I rise to support this motion moved by the member for Cook. If the member for Chifley, the government member who just spoke on this motion, is the sum total of the government's defence as to why this parliament should not look into the government's detention network debacle, I hope that this parliament can see through such transparently naive and, quite frankly, petty and silly arguments.

We are sent here to this parliament to do many things in representing our constituents but, very importantly, this parliament should hold the executive to account. This is what this motion is really about. It is framed around the detention network, but the decision this parliament makes on it will be about what role the parliament should legitimately play. And it is vital that this parliament hold the executive to account on this issue.

This is a parliament that was supposed to be different. This is a parliament that was supposed to be more muscular and was going to assert its independence from the executive. The Labor Party when they came into government were going to 'allow sunlight in on government decisions'; yet we just heard the one contribution to this debate from the government slamming the reasons that we should have this detention network inquiry.

Our detention network does need parliamentary scrutiny. It has been gripped by a rolling crisis that culminated in March and April this year with the riots and the violent incidences that we saw at Christmas Island and Villawood. A lot has been said about those riots but beyond those we know that there are three critical incidents a day within our detention network. These can range from assaults on officers through to self-harm, riots, the setting of fires, homemade bombs and, sadly, even deaths. The incident of the improvised explosive device at Villawood was not even considered important enough to report to the minister—who was notified on talkback radio about what was occurring within his own network.

There has been a collapse of our detention network, and it is not the result of bad luck or happenstance and it is certainly not the result of international conditions; it is the direct result of failed government policies. When the Labor Party came to office there were four people in our detention network who had arrived illegally by boat. Then Labor took these fateful decisions in August 2008 that resulted in the people-smuggling model being reinvigorated. And, of course, we know what has happened since then: 227 illegal boat arrivals carrying over 11,000 people. Julia Gillard as Prime Minister has presided over 86 boat arrivals and over 4,800 people being smuggled here illegally.

If the government could kill the people-smuggling model and show some resolve and do something to stop these arrivals, we would not have the need for this inquiry into our detention network. Because there has been this massive influx of people and a massive expansion of the network, we have had the situation where people have been detained for much longer as government agencies struggle to deal with the consequences of Labor's failure. Because is it so hard to process such a large number of people, 60 per cent of detainees have now been detained for over six months. Average processing time has blown out from 61 days to over 170 days. Taxpayers' money has been squandered at an astonishing rate. An extra
$3 million of taxpayers' money has been expended on our detention network. If these are not things that this parliament should be looking into, it is hard to imagine what MPs are doing here.

We need to know what happened at Christmas Island; we need to know what happened at Villawood; we need to know what is happening in an ongoing way within our detention network; we need to know what can be done better; and we need to understand how our detention network got to this stage in the first place and what the government's plans are to do something about it. When you are seeing Commonwealth property destroyed, taxpayers' money squandered, Commonwealth employees assaulted, criminal acts committed, explosive devices being detected, mass breakouts, suicides and self-harm—and when you are seeing all this as a direct result of the failure of government policy—this parliament must take action. I urge all members to support this motion.

Mr WILKIE (Denison) (11:06): You do not have to search far for evidence that Australia's mandatory detention system is in crisis. Most nights on the news we see graphic images of the failure: people caged like criminals, riots, fires, suicide, women and children mourning their dead. And who can forget the gut-wrenching images of a boat laden with people seeking asylum smashing into Christmas Island. Yet still they come—men, women and children risking their lives to seek asylum in the country with a national anthem that boasts of golden soil and wealth for toil and, for those who have come across the seas, boundless plains to share.

These people do not come here by jumping some queue. There is no queue when you are fleeing for your life in the middle of the night or rotting in some displaced persons camp. Nor do they risk the hazardous and expensive journey to Australia because they want to be locked up for God knows how long. No, asylum seekers make their treacherous journeys because their situations are so dire. That is why they are willing to split up their families, leave behind all their possessions and risk their lives as they do. Imagine being in that position where your best option is to put your life and probably all your cash in the hands of some dodgy people smuggler.

How does Australia greet these desperate people who are committing no crime? By locking them up for months and years in circumstances the United Nations High Commissioner for Human Rights noted last week are 'arbitrary', 'in breach of international law' and which have 'for many years cast a shadow over Australia's human rights record.' If we needed more proof that this is a broken system, we have also got the report from the Australian Human Rights Commission on Sydney's Villawood detention centre. Commission President Catherine Branson describes ghost-like people covered in emotional and physical scars thinking constantly of suicide and self-harm. She told the ABC last week:

You get the sense, walking in, of disturbed people, depressed people, agitated people. There is not a sense of normality around you.

Moreover she said:

I think the average Australian would be disturbed if required to spend even a short period of time living there.

Not only is mandatory detention cruel and inhumane, it simply does not work. It is a failed and costly experiment that has gone on for much too long. Yet next year the government will spend more than $700 million on asylum seeker detention and related costs, equating to about $90,000 a year for every asylum seeker who makes it to Australia. The federal government cannot
keep kidding itself that its irregular immigration policy is working and just keep building new detention centres. In Tasmania, for instance, the government is about to spend $15 million on a temporary detention centre at Pontville to house asylum seekers for just six months. Putting the humanitarian dimension to one side, is this the best use of taxpayer dollars? Of course not.

I have long opposed mandatory detention anywhere and these latest facilities will be no different. These are people who have knocked on Australia's door seeking asylum and it is simply wrong to cage them behind wire, whether it be in Pontville or on Christmas Island. We must accept that mandatory detention does not deter asylum seekers and we must find a better solution. We must acknowledge that the proliferation of detention centres in Australia is proof the federal government's asylum seeker policy is broken.

I make the point again, and I will keep making it until the government and the opposition start listening, that this is not a border security problem. It is much more complex than that and it needs a sophisticated solution that deals genuinely with source, first-asylum and transit countries. No wonder I support the establishment of a parliamentary committee on Australia's immigration detention system. I trust it will not be a political circus, but instead the first step to Australia adopting a more humane and effective approach to dealing with the wretched souls risking all to carve out a better life here in our lucky country. Indeed, for those who have come across the seas, we do in fact have boundless plains to share.

**Mrs MOYLAN** (Pearce) (11:11): The issue of mandatory detention for asylum seekers has been much debated and much criticised since it was first implemented by the Labor government in 1992. It is a negative and punitive system of dealing with those who come to our shores seeking asylum. Apart from the all-too-apparent negative effects on people incarcerated in detention prisons, the system is administratively demanding and extremely costly. The original intention when mandatory detention was introduced by the Labor government in 1992 was to act as a deterrent to those seeking to come to our shores. Originally it was aimed at a very small number of people arriving by boat. Ten years after the implementation of the policy there were 5,000 boat arrivals—so much for its deterrent capacity. Similarly, the policy of temporary protection visas was introduced as a deterrent. In the five years prior to temporary protection visas being introduced there were 3,103 boat arrivals. In the five years following the introduction of temporary protection visas there were over 11,000 arrivals. It is time we looked at these policies in the cold light of day and worked toward a durable solution—like my colleague the member for Denison has just outlined—so that we can deal with the problem of people fleeing the threat of death and oppression in their own countries without imposing further punitive measures on them.

Examining the operation of detention centres may have the positive impact of demonstrating the futility of locking people up for long periods of time in a prison-like system that leaves them further traumatised and does little or nothing to resolve the bigger issues of asylum seekers in our region. From 2001 to 2005 I worked with others in this place for hard-won changes that were made to the system of mandatory detention, including an agreement that 12,000 refugees living in the purgatory of the temporary protection visa system would be given permanent visas, the Ombudsman.
would regularly report to this parliament on why people continued to be held in immigration detention and families with children would not be placed in immigration detention centres except as a last resort.

Those policies were implemented and then we saw the Labor government come in on the promise of a New Directions in Detention policy. The government acknowledged that 'detention that is indefinite or otherwise arbitrary is not acceptable'. We had this promise, but according to the most recent Australian Human Rights Commission report, 2011 Immigration detention at Villawood, they say that there are:

… 6819 people, including 1030 children, in immigration detention in Australia – 4304 on the mainland and 2515 on Christmas Island. More than half of those people had been detained for longer than six months, and more than 750 people had been detained for longer than a year.

This parliament should ask questions about why these practices are still continuing today. There is no justification for holding asylum seekers in detention centres once basic health and security checks are completed. It is clear that the checks are not being completed in a timely manner, and this has led to overcrowding in detention centres with all the attendant problems.

I support this motion in the hope that it will publically air and stop the cruel and odious practice of indefinite arbitrary detention of asylum seekers. The government appears to have completely abandoned its New Directions in Detention policy. We simply cannot continue to support a policy of indefinite mandatory detention with its terrible human cost to this nation and to our reputation in this parliament. Instead of resourcing the Department Of Immigration and Citizenship to carry out health and security checks, what do we see the government doing? As my colleague the member for Denison said, we see them spending huge amounts of money to build new detention centres and, of course, to refurbish other facilities such as Northam in my electorate to hold increasing numbers of detention detainees.

Mr BANDT (Melbourne) (11:16): It is clear, for reasons that other members have made clear in this House and as I raised earlier, that mandatory detention has failed. I welcome anything we can do to shed light on the effects of the policy of mandatory detention in this country. I hope that mandatory detention is treated as sufficiently serious an issue that we can move to establishing a joint select committee on it so that both houses of parliament can take the opportunity of the composition of the current parliament to have, once and for all, a comprehensive inquiry into the merits or otherwise of our mandatory detention system. I thank the member for Cook for including in his amendment to his motion calling for a select committee on Australia's immigration detention network some of the terms of reference that we think would be necessary to give that kind of breadth and impetus to the committee. I do hope that, over coming days, we can reach agreement that this ought to be a joint select committee.

It is clear that mandatory detention has failed. We know it has failed from psychiatrist after psychiatrist, mental health expert after mental health expert and human rights commissioner after human rights commissioner coming before us, the media and the Australian people to tell us about the appalling effects on an individual's mental health and wellbeing from being locked up behind razor wire indefinitely without knowing their fate. Most particularly, we know and can no longer close our eyes to the horrible life-ruining effects it has on children—children of families who have members in detention and children who are
in detention themselves. There can be no excuse for the continued incarceration of children whose parents have fled to Australia. They have fled some of the most appalling persecution conditions—conditions that we send our soldiers overseas to fight against—but we then take them and lock them up. Mandatory detention has failed because it treats them as unlawful people who have committed no crime. It treats them worse than criminals. At least criminals know when they are going to be released; people in detention do not.

We know that the system of mandatory detention has failed because it is now being prosecuted for purely political reasons. It has become an issue of who can be toughest on this issue in the hope that it will win some votes somewhere. We have lost any defining policy behind our immigration system. We know that mandatory detention has failed because it is the most costly alternative available to us, with at least a billion dollars a year being spent on a so-called border protection policy which has nothing to do with national security issues but has everything to do with attempts to win votes domestically.

My colleague on the crossbench the member for Denison made a point about people smugglers. I have no doubt that there are some very unsavoury people who are people smugglers, but for this somehow to be made an issue not of protecting the rights of asylum seekers but of breaking the model of people smugglers is completely the wrong approach. If I, and I suspect most Australians, were in the position where I or my family were being threatened, where there was war around me or where I or people I knew were being persecuted I would do anything I could to get out of my country, including paying some money to someone to get me out. I think most fair-minded people would feel the same way. The more we talk about people smugglers, the more we ignore the fact that we are talking about individuals seeking assistance to flee appalling conditions. I am reminded that it was not always like this in Australia.

The DEPUTY SPEAKER (Hon. BC Scott): Order! The time allocated for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS

Tobacco Products

Mr NEUMANN (Blair) (11:20): I move:

That this House:

(1) recognises that:

(a) there are about three million Australians who still smoke; and

(b) tobacco is a lethal product, killing around 15,000 Australians every year; and

(2) calls on all Members and political parties to immediately stop accepting political donations from tobacco companies.

The Leader of the Opposition likes to say no. In fact, he is good at saying no—he is addicted to it. He should say no to political donations from tobacco companies. Why? Because three million Australians smoke tobacco. Smoking is one of the leading causes of preventable death and disease among Australians, killing about 15,000 Australians a year. On average, the life expectancy of people who smoke is 10 years less than that of lifelong nonsmokers. Tobacco smoking not only causes diseases but impedes treatment. Smokers' wounds take longer to heal and they use hospital services more than nonsmokers. Second-hand smoke is a serious health hazard: it contains 250 toxic substances, some of which are in the worst categories of cancer-causing substances.
In 2008, the Commonwealth Department of Health and Ageing estimated the social and economic cost of tobacco use to Australian society was $31.5 billion each year—and that includes of course the health costs. That is an increase of 50 per cent from the last estimate in 1998-99. That represents 56.2 per cent of the costs of all drug use—including alcohol, illicit drugs and tobacco. Research in the Medical Journal of Australia states that a fall of just over five per cent in smoking rates would save $4.5 billion to our national economy over the next 37 years.

The smoking rate is much higher in Indigenous communities: one in two Indigenous Australians smoke and one in five will die from smoking related diseases.

The tobacco companies form a powerful, global cartel. They spend tens of millions of dollars annually on marketing and they employ highly skilled lobbyists and advertisers to maintain and increase tobacco use. Fortunately, unlike in many parts of the world, tobacco use is on the decline in Australia. Too often tobacco use is perceived to be solely a question of personal choice. The World Health Organisation tells us that tobacco users are aware of the health impacts and really want to quit.

The coalition parties are addicted to the political donations from tobacco. The Liberal and National parties have accepted a combined $3 million in donations from big tobacco, with more than $1.7 million of that coming after 2004 when, fortunately and bravely, the Australian Labor Party stopped accepting these poisonous donations. The Leader of the Opposition needs to kick his habit. As a former health minister, he knows that tobacco kills Australians each year and brings suffering to families across the country. Accepting donations from big tobacco is not acceptable given what we know about the dangerous nature of these substances. When will the Liberal and National parties stop defending big tobacco and start defending the health of Australians? When will they kick their habit of accepting money from those who manufacture these lethal substances? Why do they not give up on big tobacco? It is possibly because they are struggling to match the efforts of previous coalition administrations.

In 2009-10 British American Tobacco gave $130,385 to the national and state divisions of the Liberal Party, and $14,650 to the National Party—a total of $145,035 from British American Tobacco to the coalition. In 2009 Philip Morris gave $103,945 to the Liberal Party and $43,100 to the National Party—a total of $147,045. We know that big tobacco cannot be trusted with the facts.

This federal Labor government has acted on these matters. We have increased the tobacco excise by 25 per cent, we are restricting internet advertising of tobacco products and we are introducing mandatory plain packaging of tobacco products. This is supported by the Cancer Council, but, sadly, those opposite will not support it. We have launched the largest ever national tobacco campaign.

I say to the Leader of the Opposition: it is time to kick the habit. I say to the Leader of the Opposition: it is time to quit. I say to the Leader of the Opposition: it is time to stop the donations. We know that this is important. We know that smoking kills; it is as simple as that. Those opposite should have the courage of their convictions and stand up for the health of the Australian community and stop the donations.

The DEPUTY SPEAKER (Hon. BC Scott): Is the motion seconded?

Ms Smyth: I second the motion and reserve my right to speak.

Mr Briggs (Mayo) (11:25): I rise more out of pity than I do out of a genuine need to debate this motion. Realistically, this motion
is a desperate bid from the Labor Party to try to create a political diversion in question time. With the mover of the motion not being able to fill five minutes on his own motion, we see just how desperate a bid this is to create a political opportunity for the Minister for Health and Ageing and her little sidekick, the Minister for Mental Health and Ageing. I think this is a desperate attempt from a desperate government that has big issues on its plate that it cannot deal with. Telling fibs to the Australian electorate prior to an election and then changing its mind straight after the election has probably been its biggest issue.

So it is with a bit of pity that we waste the parliament's time with this motion when there are so many other important things we could be talking about, particularly from a minister and a government mired in hypocrisy when it comes to this issue. The Minister for Health and Ageing gets in here every day—and I am sure we will see the theatrics again today—and tries to create a big storm about donations, but she was the beneficiary of corporate hospitality from Philip Morris. I am sure that everyone knows that the Minister for Health and Ageing is a huge Lleyton Hewitt fan and she was so desperate to see Lleyton play that she went ahead and accepted corporate hospitality from Philip Morris. I think it just shows the hypocrisy. There is nothing wrong with accepting corporate hospitality—I am sure that all members on both sides do—but there is something very wrong with the hypocrisy of a minister who comes into this place day after day and tries to suggest that, in effect, taking donations from organisations makes you corrupt, accessible to corruption or that your policies are being influenced by those donations.

If that is the case then let us just go through the record on donations and the use of Commonwealth money by the Labor Party. We know that each member of the Labor Party is a wholly owned subsidiary of the trade union movement in this country. The trade unions pay a hell of a lot of money to have that right over each of those members. We know in the last three years, leading to the 2010 election, that the Labor Party received some $20 million from its trade union masters—just at the federal level alone. Coincidentally, in the last two budgets the Labor government has handed the trade unions $20 million. What a coincidence! In the last two budgets the taxpayer—including everyone sitting in the gallery watching this debate—handed $10 million to the Trade Union Education Foundation. Another effort this year can be found on page 148 in the budget papers, for the information of the member for La Trobe, where the unions were handed another $10 million for another fund, the Building Australia's Future Workforce fund:

The Fund will provide ... $10.0 million ... to unions to enable them to provide tailored information and education resources to their membership.

And, of course, to complete the money-go-round of Labor Party and trade union donations there was $20 million from the unions to the Labor Party and $20 million back to the unions from the Australian taxpayer through the Labor government. Absolute, utter hypocrites! These people get in here and waste the parliament's time on matters relating to donations. They are complete and utter hypocrites. They spend their time getting their union masters to get them elected and then they give them back their money in government. They come into this place and waste the time of this parliament when we should be debating complete fibs about carbon taxes. We should be debating the integrity of a government that says one thing and then does another directly after an election. In the last
parliament the now Leader of the Opposition outlined in this place on many occasions the complete rort that was Centenary House. Some members in this place remember the rort that was Centenary House. For those who do not remember, that was the deal the Labor Party gave themselves in a previous government, where they organised to have $36 million fleeced from the Australian taxpayer to pay for over-the-market rents from the ANAO at Centenary House in Barton.

This motion should be treated with contempt, because that is what the Australian Labor Party are showing by putting it to the parliament. This is a complete and utter joke. We know the record of the Minister for Health and Ageing in taking corporate hospitality from tobacco companies. We know this is a desperate attempt by the Labor Party to divert attention from the ongoing crisis, which is their base walking away from them because they fibbed to the Australian electorate before the last election. *(Time expired)*

Ms SMYTH (La Trobe) (11:30): This motion, as all of us on this side of the House know, is about one thing: backbone. Either you accept donations from the tobacco industry and compromise your political views and your judgment on important issues of public policy or you take a stand and say that no amount of money is worth compromising good policy. Despite fairly valiant but quite sad attempts by the coalition to avoid taking a position on political donations from tobacco companies, this is an issue that we know all parties must face up to. If the coalition cannot stand up to big tobacco, how can we ever believe that it will stand up to big polluters? How will it ever stand up to people who do not want to distribute the profits and the benefits of the mining boom amongst ordinary Australians?

We have already seen in the last couple of weeks that the coalition will not even stand up for mum and dad shareholders on the issue of excessive executive pay. When it came to the vote, they backed executives over consumers and shareholders. They tried very hard to camouflage their position. They made all the right noises about the forgotten shareholders and standing up for forgotten consumers, forgotten employees and forgotten customers, but when it came to the vote they voted to look after executives.

This motion is yet another a litmus test for the coalition. Are they able to take tough decisions or will they simply dance for the highest bidder? Will they oppose good policy because their wealthy benefactors crack the whip? Who is in fact running the show for the opposition? Is it the member for Warringah? Is it Senator Minchin? Is it big tobacco or big polluters? Is it tobacco sceptics this week, or climate sceptics? Which big lobby group has its hands on the purse strings this week?

In this parliament we are dealing with the tough issues—issues that cannot and should not be determined by vested interests; issues that test all of us. It is important to listen to community perspectives in the policy debate and to listen to different perspectives, but there is a vast difference between taking advice and taking orders. We know that tobacco smoking is the leading preventable cause of premature death and disease in Australia. We know that smoking leads to a wide range of diseases, including many types of cancer, heart disease and stroke. We know that tobacco smoking costs our economy around $31.5 billion and that 84 per cent of new lung cancers in men and 77 per cent of new lung cancers in women result from smoking. We have heard that the Cancer Council of Australia estimates that smoking claims the lives of more than 15,000 Australians each year. If we are really
talking about forgotten families, let us have a chat about the families of those 15,000. Let us talk about their dependants—their kids, their husbands, their wives—their friends and the colleagues they leave behind.

That is why those of us on this side of the House decided it was impossible to accept political donations from tobacco interests. I am confident that some on the other side of the House share that view, but unfortunately the vast majority of those on the other side of the House appear to have ducked the issue. The ALP knows it is not possible to legislate effectively to decrease the effects of tobacco while accepting donations from tobacco companies. Australians should be asking why other political parties do not do the same.

We know that tobacco companies have donated $3 million to the Liberal and National parties over the last 12 years. We also know that those parties are dragging their feet on the issue of plain packaging for cigarettes, something that doctors and other health professionals have been calling for to try to curb the rate of smoking, particularly in the group most vulnerable to tobacco marketing: young people. British American Tobacco states clearly in its charter that the political donations it makes are given specifically to influence the debate on issues affecting the company and its business. In fact, its website states:

Such payments can only be made for the purpose of influencing the debate on issues affecting the company or Group.

There is no escaping it: tobacco companies expect results from their donations. Tobacco companies expect to sway the views of political parties that accept their donations. They have no other purpose. There can be no other conclusion.

When questioned about all of this, all the Leader of the Opposition can feebly say is, 'They've wasted their money.' I think most of us would consider that money given to the coalition is a complete waste, but it really is insulting to the Australian public to expect them to believe that political donations from tobacco companies will not have an influence on the opposition's policy position. Australians need to ask themselves how a party that can do the bidding of tobacco companies, polluters and other big vested interests can still say that they stand for forgotten families.

Mr BUCHHOLZ (Wright) (11:35): The debate on this motion on political donations from tobacco companies is nothing more than a diversion from the main game in Australia at the moment: the carbon tax and asylum seekers. The government has found itself in a downward spiral of polling across the nation, and this is a poor attempt to try to divert attention away from what is a critical situation for this nation.

I will start by stating that the coalition does not encourage smoking. We never have and will not ever. I will elaborate on the coalition's position on smoking over the last couple of years. Statistics show that under the coalition government there was a decline in smoking rates across Australia. Under the coalition government the prevalence of smoking declined from 21.8 per cent in 1998 to 16.6 per cent in 2007, a substantial decrease. These rates were amongst the lowest in the world. The decline was amongst the biggest falls among OECD countries, and the fall in the smoking rate for women was the greatest among OECD countries. It was at that time that Tony Abbott, who was then the Minister for Health and Ageing, introduced the current graphic health warnings that you see on cigarette packages today. It was the coalition that first proposed an increase in tobacco excise in 2009, a measure taken onboard later by subsequent governments. It is very,
It is farcical that we are even having this debate. All the data is available for public knowledge. We as a coalition did not shrink away from our responsibility, and our proven track record, for the downward spiralling cigarette intake.

In finishing I want to allude to a quote from ex Prime Minister Rudd—potentially, the way things are going, he could be the next leader of the Australian Labor Party—from 2007. He was quoted as saying on gaming:

What I've said before, and I don't back away from it one minute, is I don't like poker machines. I've said that even though I was working in the Queensland government at the time when poker machines were introduced. That was a decision, together with other decisions, to introduce poker machines which I don't think have been helpful for working families.

I encourage this debate to be done, concluded, so we can get back to the task at hand of debating the state of the nation when it comes to the carbon tax, asylum seekers and issues that impact on families.

Dr LEIGH (Fraser) (11:40): Each year 15,000 Australians die from smoking. That means 41 people a day. By the time this debate has concluded, an Australian will have died because she smoked. We also know that smokers harm those around them—children who inhale passive smoke, or the one-in-six babies born to mothers who smoked while pregnant. Smoking rates in regional areas are twice as high as in the cities, and people in the bush have higher death rates from lung cancer, heart disease, asthma and chronic obstructive pulmonary disease.

These are the stark realities of smoking. Yet there remain groups in this place that continue to profit from this reality. The self-proclaimed party of responsibility refuses to take responsibility for the devastating impact of tobacco on Australians' health. And the
self-proclaimed party of the bush shows less concern for the health of rural Australians than the property rights of tobacco companies.

Last week I received an email from a constituent about why we should support the Prime Minister and the Minister for Health and Ageing in their efforts to reduce smoking rates. The constituent wrote:

My great-grandfather, grandfather, father and one of my uncles all died from smoking-related conditions. Each of the latter three died 20-30 years before the life expectancy for their generation. My father's addiction contributed to two decades of poor health prior to his premature death, resulting in frequent periods where he was unable to work.

My siblings and I grew up in poverty, the effects of which are still evident, and the taxpayer bore the cost of his many hospitalisations as well as the cumulative years of income support our family depended on in lieu of employment. I say this so that you will understand my absence of sympathy for the 'principle argument', that tobacco companies have a right to make a profit from pushing legal drugs.

I was proud to join the Minister for Health and Ageing and the Minister for Indigenous Health earlier this year at the launch of an ad campaign designed by Indigenous Australians to help reduce Indigenous smoking rates, rates that are twice as high as for non-Indigenous Australians and a major contributor to the life expectancy gap. Yet those opposite seem set on blocking common-sense reforms like higher tobacco excise or the plain packaging of cigarettes. As with their stance on climate change, they are the party of 'no'. There is a precedent for this kind of nay-saying. Former opposition leader Billy Snedden said about the link between smoking and diseases such as lung cancer and heart disease: 'So far I have not seen any conclusive evidence to that effect and, as I understand the position, there is still some argument on the question.' The Leader of the Opposition today is like his predecessor of yore. Mr Abbott's denial of the science of climate change is the modern-day equivalent of Billy Snedden's denial of the link between smoking and cancer.

In Merchants of Doubt, Naomi Oreskes and Erik Conway document some remarkable parallels between the debate over climate change and earlier debates over tobacco smoking, acid rain and the hole in the ozone layer. In each case, those opposed to action tried to sow doubt. Oreskes and Conway quote a 1969 memo in which a tobacco industry executive makes clear the strategy: 'Doubt is our product, since it is the best means of competing with the body of fact that exists in the minds of the public.'

As late as 1995, Senator Minchin doubted the link between smoking and adverse health effects, yet even he has now come around. If a warhorse like Senator Minchin can change his mind and accept the science, there is hope for anyone. The Leader of the Opposition wrote in his book Battelines:

Conservatism prefers facts to theory, practical demonstration to metaphysical abstraction; what works to what's in the mind's eye ... Conservatives are not optimists or pessimists but realists.

On both climate change and smoking, the science is settled—and the solutions are clear. All that stands in the way are big polluters and big tobacco.

I know there are some in the Liberal and National Parties who are concerned about going cold turkey on accepting donations from big tobacco. But I can assure them that we will help them through this. We can offer them counselling. We will walk them through this. And they will have the best nicotine patch of all: the knowledge that they have, at long last, done the right thing for the health of young Australians.
Mr VAN MANEN (Forde) (11:45): This motion is a desperate attempt by this government to divert the attention of Australians from its many failures and from its proposed tax attack on Australian families and businesses. The coalition has a proven track record of decisive action in reducing the rate of smoking in Australia and whilst in government presided over the biggest ever fall in smoking rates. As a result, Australia now has one of the lowest smoking rates in the world.

This is not an argument about the consequences or effects of smoking on people's health; it is an argument about the rights of individuals and private companies to make donations to whichever political party they so wish. Donations to political parties are often subject to much discussion, but if a legal business wishes to donate funds to a political party of its choice, it is up to the party organisation to decide whether or not to accept those donations. As former Prime Minister John Howard once stated, if donations were given by corporations and individuals carrying on lawful activities there is no reason in principle why the donations should not be accepted. Is the government really suggesting that they too discriminate in whom they receive donations from?

There will always be differing opinions between individuals and groups, based upon many different factors. Therefore, it cannot be argued that a party is influenced by one or any of its benefactors. Previous speakers have mentioned that the coalition parties have received donations from tobacco companies over the last 10 or 12 years. Equally, the Labor Party has received large donations from its trade union supporters. In fact, over the period 2007 to 2010, it received in excess of $20 million in donations from the union movement. It is interesting to note that in the recent budget the union movement was rewarded with a $10 million allocation for a trade union education foundation grant. Previous to that there was another $10 million allocated to the union movement under the Building Australia's Future Workforce program. Equally, if we go a little bit further back in time, we see that the ALP is hypocritical in pursuing this motion when you consider its historical dealings with the Australian National Audit Office in 1993, with a lease that was above market rates of rent and above market rates of annual increases, the end result being that Australian taxpayers have paid more than $36 million over and above the standard market rates of rent for the period of the lease.

The Leader of the Opposition has a strong track record in relation to dealing with the health issues faced from smoking. When health minister, he was responsible for the introduction of the graphic warnings on cigarette packets that we see today. That was made compulsory. Under the coalition government smoking rates declined from a bit over 21 per cent in 1998 to approximately 17 per cent in 2007. These rates were the lowest smoking rates in the world. It was also the coalition that first proposed an increase in the tobacco excise, back in 2009, a measure that has now been adopted by the government.

Any suggestion that we are soft on tobacco companies is just plain nonsense, and the coalition's track record shows this quite clearly. Accepting donations from a particular corporation or organisation does not mean that a party changes its views. Any party should be able to accept donations from any local business or other organisation.

Mr GEORGANAS (Hindmarsh) (11:50): I, too, like all the others on this side, rise in support of this motion. I am very pleased to do so on the eve of World No Tobacco Day,
which will be observed tomorrow, 31 May, all around the globe, when the message will be given that smoking kills. Certainly, it is a very special message to younger people who have not taken up the habit yet but are being influenced by tobacco companies through their marketing, their packaging and through the colours on the packets. It is a message to them not to take up smoking, because we all know that tobacco kills.

I say this because tomorrow it will be seven years since I gave up. I was an addicted smoker—two packets a day—and I thought I would never give up. The damage that has done to my body over a period of 30 years of smoking I cannot wish upon anyone. So I am very passionate about this debate.

I cannot believe what I am hearing from the opposite side this morning. Their argument about not supporting plain-packaged products is that the Labor Party receives donations from the unions. I say 'big deal'. I would much rather receive donations from an organisation that sticks up for workers' rights than from an organisation that is selling a product that is doing damage to people's health and that is trying to market their product to younger people, because that is the only new client they have here in Australia. I would rather receive donations from an organisation that assists people—workers—to ensure that they have rights at work. I have no problems with that. They can put up that argument as much as they like, but it is a non-argument; it is just a diversion from the real debate. The real debate is that they are receiving donations from companies that sell a product that is damaging people's health. These companies are looking at marketing their product to new clients, and their only new clients are teenagers and young people. With the laws in Australia not allowing the advertising of tobacco products, their only way of marketing is through packaging. This may not be about people giving up, but it is fundamental when it comes to people taking up smoking. Packaging is the last bastion of marketing that the tobacco companies have left to them.

It is absolutely devastating to know that there are still three million Australians who smoke and put their lives at risk every day and put the lives of others at risk through passive smoking. Smoking affects not just the people who light up but also their friends, families and workplace colleagues—and the consequences for their health can have an impact on their employment as well. Smoking damages not just you but everyone around you. Regardless of how many times you hear it, it is still a shocking statistic that 15,000 Australians die each year as a direct result of cigarette smoking—let alone the people who are dying indirectly from many other causes of tobacco smoking as well. That is 41 people dying every single day directly as a consequence of their smoking. And the Liberal and National parties on the other side are saying it is fine to receive donations from companies that contribute to these 15,000 deaths every year here in Australia.

I am very pleased to speak in support of this motion. Recognising that there is a serious problem is the most fundamental step towards addressing it. In fact, this government is already showing the strongest possible leadership on this issue. As we all know, we have introduced the world's first plain packaging to help people realise what putting a cigarette in their mouth really means: it means you are gambling with your life. I took up smoking when I was a teenager. Without a shadow of a doubt, if the packaging then looked like the plain packaging that we are going to have now, I would have thought twice about whether it was really something cool that I wanted to
take up. This is what we are trying to get through to people. That could have saved me from 30 years of smoking and all the damage it has done to me. This is incredibly important because we know that eight out of 10 new smokers are young people. This is who the packaging is aimed at. We know that packaging and branding form a significant part of that appeal to smoke.

(Time expired)

Mr SIMPKINS (Cowan) (11:55): I welcome the opportunity to speak on this motion. There is no doubt that the coalition is the party of effective action on smoking. Our leader, the Hon. Tony Abbott, acted to achieve great reductions in smoking rates when he was the health minister in the Howard government. The efforts of the Howard government on this issue are without peer. I remind members that the graphic health warnings that were introduced by the Leader of the Opposition when he was the health minister in the Howard government remain the only substantial effort made by a federal government to reduce smoking rates in recent history. In 1998 the smoking rate in this country was 22 per cent. By 2005 it had fallen to 17 per cent—the lowest on record and one of the lowest in the world. The Howard government was responsible for this through decisive initiatives and anti-smoking campaigns. I am proud to be part of the coalition, which has acted decisively and effectively with initiatives to reduce smoking rates. This is backed up by clear evidence on these matters. I say again that the Howard government was capable of making decisions and acting decisively with regard to policy and initiation of action.

I am afraid the only thing this government is capable of is politicking. I have provided evidence of this. Last week in parliament the health minister made a number of false accusations about the coalition when she suggested that she was going to introduce legislation on the plain packaging of cigarettes and tobacco. We hold true to our position that we will consider all legislation when we have seen the detail. We will make a decision when we see the bill and any regulations proposed. This is the right course of action.

But I remain a little concerned about whether we will see such legislation, because the government's only real skill is in politicking, not the delivery of programs. There is great hypocrisy within this government. They make a very poor attempt to castigate us for waiting to see this legislation. But, given their failure to deliver workable, effective and cost-efficient legislation on border control, pink batts, capital funding and set-top boxes, there is every reason to be careful about backing anything this failure of government proposes. The Australian people expect the opposition to be critical of any legislation the government proposes, let alone legislation that, it appears, does not even exist yet.

I would like to address the health issues inherent in this motion. We all care greatly about improving the health outcomes for Australians. I hope this is a priority for the government—because it is certainly a priority for the coalition. If we had an Abbott government, we would have seen action since the report on smoking issues was handed down in July 2009. Instead, we have seen several announcements, claims of action coming and claims of legislation coming et cetera. This is typical of this government. If this government is so committed to action on health, why hasn't it acted since July 2009. It has been almost two years and the only thing the government has done is this political stunt motion. This is a suggestion that we might actually see legislation in July—by the second anniversary of this report, we might actually
see this government bring some legislation into the House of Representatives.

This demonstrates the Gillard government's idea of priorities. Instead of being concerned enough about the health of Australians to take action in July 2009, they wait two years and instead make a priority of bringing this pathetic political stunt before the House. The Gillard government, faced with an opportunity to address a health problem, decided to do nothing for two years. Trying to score political points is more important to them than any legislation, so that is what they do instead of bringing legislation to the House today. This is the priority for this government: delay and politics instead of real action. The difference between the Labor Party and the coalition is that we actually accomplished something: we did the graphic warnings and we reduced the smoking rate.

I note that this motion mentions that there are three million Australian smokers and 1,500 of them die each year from smoking. I am surprised that, after two years of talking about action and only now suggesting action in July 2011, the government would mention the number of people who actually die each year from smoking. I say again that I am proud of the coalition's record and I am glad that the Leader of the Opposition, when he was health minister in the Howard government, acted to reduce smoking rates. Many people's lives were saved as a result of us taking real action as opposed to the tragic alternative strategy of this government, which was to wait two years and play politics—and maybe there might be some legislation coming towards us in July.

The DEPUTY SPEAKER (Ms AE Burke): Order! It being 12 noon, the debate is interrupted in accordance with standing order 34. The debate and the resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

BILLS


Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) 2011

Electoral and Referendum Amendment (Enrolment and Prisoner Voting) 2011

Australian Research Council Amendment (No. 1) 2011

Tax Laws Amendment (2011 Measures No. 1) 2011

Human Services Legislation Amendment 2011

Electronic Transactions Amendment 2011

Assent

Messages received from the Governor-General reported informing the House of assent to the bills.

Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr ALEXANDER (Bennelong) (12:00): The breakdown in a relationship too often leads to a phase of adult war. Logic and fairness is overridden by emotional issues. Inevitably, the child becomes the collateral damage—the victim of the conflict. Laws that have correctly been put in place to
protect those at risk—in particular, to protect women from violence and to protect children from any number of transgressions—have now empowered parents in conflict to use all too often with the aid of aggressive legal practitioners the laws that should be there to protect those at risk as strategic attack weapons to most often put the father in an impossible position to defend.

It is understandable that when these protective measures were first implemented the initial flow of genuine cases and distressing stories led those working in the Family Court to become predisposed to prejudging any male coming before them. This syndrome of using well-intentioned laws to disadvantage the father in a parental war has taken some time to be realised. The wisdom of Solomon is so easily recalled in such events, when a parent employing such tactics is choosing to cut the child in half and is therefore not the real and caring parent. Rarely does a week go by in which there is not a significant event involving a parent feeling so disempowered to effect their desires to co-parent after the breakdown of a marriage that a breaking point is reached, sometimes with the most unimaginably tragic consequences. One, in absolute desperation, climbed the Sydney Harbour Bridge and brought the city to a standstill. The only triumph was his voice finally being heard.

The unfortunate reality in these dramatic episodes is that they are the tip of the iceberg. These are pleas from those feeling that they have no voice as a result of the system. They are certainly not faultless, but such acts of desperation can only be a reminder of a process that is felt by many to be unfair or, perhaps, even unjust. Our laws and the interpretation of those laws must protect those who are vulnerable. There also should be provisions that severely punish with costs both the professionals and the partners who seek to corrupt the process by inappropriately using such laws for their commercial advantage or to inflict hurt on their former partner by depriving contact with their child. The unintended consequences when the focus is to hurt the former partner is that the children become the collateral damage and a different form of family violence is perpetrated on the children by those who may have the purest of intention. Emotional turmoil destroys their judgment and their first obligation as a parent.

I have some serious concerns with the broadening of the definition of violence to effectively include any act of disagreement or anger in any relationship that involves children. All of us in this place and throughout Australia will know that raising children can sometimes be as challenging as it is rewarding. The pressure that it puts on relationships is evidenced by the ever-increasing rates of divorce and separation. Coupled with this expansion of the definition and a reduction in the court’s ability to punish incorrect allegations equals a misuse of laws put in place to protect the vulnerable. Well-intentioned laws are taken advantage of for personal gain. We should certainly be mindful of what is actually happening through the empowerment of those who will act contrary to the best interests of the child to fight their personal wars. Every effort should be made to guard against this from occurring.

Of course, this is by no means occurring on every occasion. The men who do perpetrate violence on defenceless women and children are the most cowardly members of our society. However, it is dangerous to implement a wide-ranging law to treat all men as perpetrators of violence and not recognise that some men would never raise a hand and could themselves be victims of emotional violence. Such a law will not
facilitate the desired result for the protection of the vulnerable and fair access to family structures that our society is based upon.

This bill is a step in the right direction, and I commend the coalition amendments to the House.

Ms LEY (Farrer) (12:06): I am pleased to speak on the Family Law Legislation Amendment (Family Violence and other measures) Bill 2011. This bill amends part VII of the Family Law Act 1975, dealing with children, to enable the courts and the family law system to respond more effectively to parenting cases involving violence or allegations of violence.

Family violence exists and it is a reality. Every practitioner who deals with separating couples needs to have an awareness of this issue. Does violence exist and, if so, how are the already complex circumstances of separation and alternative dispute resolution managed in light of it? In some circumstances where violence is present, mediation is just not an option. Clarity and consistency around the definition of family violence is critically important, not least because the recipients of public funds who work in this area must be able to demonstrate what they do and what they achieve. In the public discourse, violence can be characterised as someone else's fault—something a person is driven to by their partner, outside circumstances, ill health, stress or some other factor. Family violence is unacceptable and there is never an excuse for it. No-one in today's society should have to spell out why. Apart from the threat to safety, the mental and physical pain and anguish, and the sheer psychological damage violence does to the people who are on the receiving end—and in part to those who perpetrate it—front and centre of its negative effect is the message it gives to children, who, while they may not actually have their physical safety threatened, are too often severely affected.

Witnessing violence in an ongoing parental relationship teaches children that it is a valid transaction—one they may need at some stage to employ. It is no secret that violent patterns of behaviour are passed down through generations. Women and men fleeing violent relationships often say to me that the final reason they left a violent partner was the lesson they were unwittingly teaching their children that it is okay to do this and okay to have it done to you.

Society has come a long way since the days when family violence was never admitted to, never spoken of in polite company, and when women—and it was usually women—suffered in silence, simply getting up the next day to face the world as if nothing had happened. I worry that in some of our more rural areas, where help is not readily available, in small towns where everyone knows who you are, this is still happening. This is why the resources that go into Lifeline and telephone counselling are so important.

In my electorate of Farrer we have excellent agencies, people and programs to assist separating couples. I acknowledge the Family Relationship Centre in Wodonga, which looks after a wide area including Albury and surrounds. Family relationship centres were introduced by the Howard government and there are 67 across Australia. Their task is to support a shift away from the courts and into the community as the place to deal with family breakdown.

Since its conception in 2007, the Wodonga Family Relationship Centre has dealt with 1,367 cases—and of those, 635 have been identified as having family violence present. This centre is clearly highly significant, particularly because it enables
early screening and assessment of cases and recommends the right kind of intervention, mediation or, sadly, in some cases, no mediation but referral to police or courts. The average time the centre spends with families is three months but for some families it but could be up to eight or nine months. The centre has achieved approximately 286 parenting plans and many families have been happy just to discuss their situation with a neutral person present.

The success of the family relationship centre I believe is its unique model that allows for families to determine their own arrangements. Where family violence is identified the centre is able to offer support and safe and comfortable conversations, and it can tailor its service delivery to respond to the needs of a family.

I also recognise the work of Upper Murray Family Care in Albury and Wodonga, which runs counselling programs and the children's contact service. I support the work of Betty's Place Women's Refuge which provides support, counselling and advocacy to women very much. I note, however, that there is nowhere to go for men who have been subject to family violence.

In Broken Hill I acknowledge the role of Catherine Haven Women's Refuge and the Family Support Service of Broken Hill and District as well as the family support and crisis workers in other organisations across my electorate, such as Centacare and Anglicare.

Intereach, based in Deniliquin, has early intervention as their key focus but unfortunately there are very limited counselling options. There is no specialised family violence counsellor in town. A family violence funded worker comes to visit from Albury-Wodonga, some 2½ hours away. Their role is predominantly that of court support worker. They do offer a family support program and have around 20 families they are assisting. Not all of these are victims of domestic violence. They suspect that the increase in cases being reported is to do with enhanced promotion of services available.

When people require more intensive, professional assistance it can be a very long wait. There are waiting lists of six-plus months at Echuca for an appointment with a psychologist. In regional and particularly remote areas such as the far west, Family Violence Prevention Legal Services find difficulty attracting staff because they are unable to offer legal practitioners the salaries they can earn in the city.

In looking at this particular bill, I do so with a strong view that our system of laws, no less than our system of community support, must respond first and foremost to the needs of the child. The bill proposes an amendment which requires the court, when determining what is in a child's best interests, to give greater weight to the primary consideration that protects the child from harm where there is inconsistency in applying the two primary considerations—the other being the benefit to the child of having a meaningful relationship with both parents. This amendment would appear to be superfluous as the act already gives effect to the principle of paramountcy of the best interests of the child. Are we therefore supposed to conclude that there are serious shortcomings with the existing system that need to be fixed up when there are not?

It is the best interests of the child that has led to the much misunderstood 'presumption of shared parenting', as it is often described, and the associated view that somehow each parent is entitled to 50 per cent care of their child. These concepts were never about parental entitlement; they merely recognised what I believe to be a self evident fact—that
it is in the best interests of children to have a productive relationship with both parents. This means spending time with both parents, and that neither parent should stand in the way of that.

The House of Representatives Standing Committee on Family and Community Affairs report, Every picture tells a story, unanimously stated:

We are convinced that sharing responsibility is the best way to ensure as many children as possible grow up in a caring environment. To share all the important events in a child's life with both mum and dad, even when families are separated, would be an ideal outcome.

Of course, shared parenting is not always possible and family violence may well be a reason. Partners who commit violence deal themselves out of negotiations about shared parenting.

But it has to be said that there are vexatious claims about violence, generally made by women about men for a variety of reasons. We cannot escape this fact, and having spoken to people who work in children's contact services, I know of many examples. This does not for a moment diminish the tragedy of the cases that are real and I understand, too, that some partners may believe there to be a real threat of violence when a reasonable person would not conclude such a thing. I appreciate that different types of behaviour provoke different responses and reactions from those on the receiving end of them but we nevertheless must accept that claims about violence made for strategic rather than genuine reasons are a feature of the family law landscape today. This bill seeks to change the definition of violence and I have concerns about that change. It changes a reasonable person test to a subjective test. The existing test is broad; the proposed test is too broad and may well admit claims that, while appalling behaviour is not in the interests of children, it should nevertheless not be described as violence. I am not convinced of the merits of this amendment and I await the outcome of the Senate committee inquiry.

The bill also seeks to repeal the so-called 'friendly parent provision', which currently requires family courts to consider the willingness of one parent towards facilitating the other parent to have a meaningful relationship with their child. This provision has been criticised by some as discouraging parents' disclosures of family violence and child abuse for fear of being found to be 'unfriendly'. I do not agree that this provision needs to be repealed; its proper application is nothing to fear. Running active interference against the other parent should count against you and, if there is a valid reason for not cooperating, then it will not count against you. The failure of one parent to facilitate a relationship between a child and a separated parent is a factor that courts absolutely should uncover. There can be no reason for a parent's obstructive behaviour to be excluded from consideration.

The bill proposes to repeal the section which provides for mandatory costs orders where a party knowingly makes a false allegation or statement in the proceedings. It should be noted that the test put forward is a tough one: a mandatory costs order cannot arise from evidence that was given recklessly or without belief—in other words, it applies to knowingly false evidence. If a court were prepared to make such a finding, there is no reason why a costs order should not follow. We should not seek to disturb this state of affairs.

I have highlighted key areas where the opposition does not agree with the government on this bill. The Senate committee report is due on 23 June and will no doubt inform further deliberations in the
other place. It must be stated that there are substantial areas where we are in substantial agreement with the government. These capture the seriousness of family violence and child abuse, the need to put children's interests first and the need for courts to take prompt and appropriate action in his area.

All members of this place recognise that family law is no place for politics, no place for grandstanding and no place for point scoring. The careful consideration of the matters raised by the Attorney-General, the shadow Attorney-General and members and senators is to be commended. Having said that, it is unfortunate that early intervention relationship services run by the Department of Families, Housing, Community Services and Indigenous Affairs have suffered a nine per cent cut in the budget and the family relationship centres have had a four per cent cut.

For those of us who have been through the pain of family breakdown, experienced the sheer no-win nature of it and watched helplessly at the damage done to the people we love, these are never easy issues. I believe governments should step into this arena with reluctance. But step in we must, primarily because this is a time when families stop talking to each other, stop listening to each other and often stop putting the needs of their children first. Family law legislation has to get the balance right, but governments also have a responsibility to make sure there is sufficient funding of programs that help separating couples. This help is invaluable. Too often in my rural and regional electorate I hear of waiting lists for counselling and mediation. When families are in crisis they often just cannot wait. We have a desperate shortage of children's counsellors, a specialised and incredibly important group of psychologists. Children must be able to express their feelings in a safe place in a safe way when their whole world is falling apart. A delay of even a fortnight, which may be acceptable when making appointments with other health professionals, is an unacceptable delay at this time.

I support the amendment to be moved by the member for Stirling and I await the outcome of the Senate inquiry.

Mr CHRISTENSEN (Dawson) (12:18): In addressing the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011, I have come to understand how the citizens of Troy must have felt when they were greeted with the gift of a giant wooden horse, because this bill is not what it appears. It is a Trojan horse. Just like the giant wooden horse, full of Greek warriors, in Greek legend and like an insidious computer virus, full of malicious code, this Trojan bill is loaded with consequences that will undermine some of the most basic human rights for both parents and children, and particularly fathers.

Family law is a very difficult area to legislate. There is no escaping the fact that every family is different. To create legislation that caters to all circumstances is an unlikely quest. In most circumstances, there are no winners in family law. Family breakdowns are messy. They are hurtful. They are spiteful. They are emotional, irrational and painful. The holy grail of relationship breakdowns, the amicable divorce, is rarer than a kept Labor promise.

It is in this emotionally charged atmosphere that mothers and fathers interact and children are bystanders, often witnessing behaviour by their parents at their very worst. Make no mistake: I do not object to the face-value intentions of some of the amendments in this bill. We cannot question the need to hold a child's safety in the highest regard when it comes to custody
arrangements. But we can question why these amendments are being made.

The current act, introduced by the Howard government in 2006, created the 'twin pillars' of parenting provisions. These measures recognised two primary considerations for determining the best interests of the child. The twin pillars were: (a) the benefit to the child of having a meaningful relationship with both of his or her parents and (b) the need to protect the child from harm or from being exposed to abuse, neglect and/or violence—I repeat: the need to protect the child from harm. Safety concerns for the child are already in the existing legislation. It is one of two primary considerations—considerations that, yes, are given equal weight. But, in addition, the current act specifically states in section 60CG that a court must ensure that a parenting order:

(a) Is consistent with any family violence order; and
(b) Does not expose a person to an unacceptable risk of family violence.

Protection is already provided for in the act.

What this amendment proposes to do is to take a George Orwell approach to ranking considerations. When Orwell's animals in his classic novel Animal Farm draft their legislation on the barn wall, they affirm that 'All animals are equal'. The pigs then make an amendment: 'But some animals are more equal than others'. Protection is already provided for in the act.

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What this amendment proposes to do is to take a George Orwell approach to ranking considerations. When Orwell's animals in his classic novel Animal Farm draft their legislation on the barn wall, they affirm that 'All animals are equal'. The pigs then make an amendment: 'But some animals are more equal than others'. The pigs, of course, had an ulterior motive and I fear that there is one at play here as well. What these amendments are saying is, 'Yes, the two considerations are primary, but one is more primary than the other.' What the bill does in reality is to retain child safety as a primary concern while relegating the child's parental relationships to a minor concern. It sounds innocent enough, I suppose, but the Trojan horse here is a facade of enhancing child safety. The bill is dressed up as an attempt to protect children, which is a pointless exercise, because child safety is fully ensured in the current act. What is inside this Trojan horse, the malicious code that will infect society, is an attempt to undermine equal access for both parents. This change would invite the court to ignore the requirement to consider the second pillar—the benefit to the child of having a meaningful relationship with both parents.

The Family Law Practitioners Association of Queensland is concerned about giving greater weight to the second of the primary considerations. In their submission to the Senate Legal and Constitutional Affairs Legislation Committee, they said: 'Such a provision removes the court's licence to assess in each individual case the degree of risk, its probability or, in the case of family violence, its context in terms of frequency, intensity and recency in the determination of the weight to be given to such risk or harm.'

This bill would mean that any inference of violence, proven or unproven, would have to be taken into consideration, however vexatious the claims may be. The potential danger of this change is apparent when viewed in conjunction with other changes proposed in this bill.

The broadened definition of 'family violence' would mean that a wide range of everyday activities could potentially be construed as violence. The broader definition includes as violence such things as repeated derogatory taunts. Under the proposed definition, much of what happens right here in the parliament would be construed as violence. Also included as violence is this little nugget: 'preventing the family member from making or keeping connections with his or her family, friends, or culture.' Under this broad definition, a parent could not prevent a young teenager from spending 20 hours a day talking to friends on Facebook, for fear of being accused of family violence. What
happens when a parent acts in a way that a reasonable person would describe as good parenting? What happens when a father says to his 13-year-old daughter, 'No, you can't go to Julia's party because there will be alcohol and no adult supervision'? I will tell you what happens. An upset teenage daughter talks to a vindictive mother, who then claims the daughter is a victim of family violence—and it is their right under this definition. Another child loses the right to have a meaningful relationship with her parent. Under this definition, a parent would be too scared to ground a child as punishment for bad behaviour, for fear of 'depriving a family member of his or her liberty.'

The sheer magnitude of this definition presents two problems. The most immediate problem is that living an ordinary life can too easily be construed as family violence. Adding fuel to the fire will be the actions of hurt, emotional, and spiteful former partners in stretching the truth. Tripping over the family dog will suddenly become 'intentionally injuring an animal'. Using a few poorly-chosen words a few times in an argument—which most families have experienced—will constitute family violence as 'repeated derogatory taunts'. This definition would allow everyday actions to be seized, twisted, exaggerated and used as family violence weapons in the court. What this change does is broaden the definition of family violence so much that the word 'violence' loses all real meaning. That would be a tragedy, because it would also water down the perception of family violence.

I believe that violence is violence. Violence is cruel and harmful. It is a serious problem in some families and a serious problem in the wider society. But violence is not 'grounding' a child. It is not protecting your child. Being a good parent is not being a violent parent. There is a simple solution to stop such things being interpreted as family violence. That is the 'reasonable person' test. Such a test demands that for an action to be deemed as violence it must be an action that requires a person 'reasonably to fear' for their personal safety and wellbeing. This is precisely the meaning and interpretation that this legislation strips out of the act. Is this bill more than it appears at face value? Is it another Trojan horse? I say it is most certainly a Trojan horse. On face value, the broadened definition of 'family violence' creates the illusion of providing greater protection against family violence. Yes, that is a lovely wooden horse but let's take a look inside. Maybe not, because inside this Trojan is malicious code that gives one parent an arsenal of weapons to be misused in court to deprive the other parent of their right to be a parent.

Earlier in this debate we heard the Minister for the Status of Women tell this parliament that no-one uses claims of family violence in such a way. I have some very bad news for the minister: it actually does happen. It happens every day; and if she is not aware of it happening then she is gravely out of touch with reality. If the minister does not have any contact with her own constituents, perhaps she could spend a few minutes at her laptop doing some research. Here is the sort of thing that you can find in two minutes: the newspaper headline 'Ugly feud fought on Facebook'. The article tells about a Family Court hearing late last year. At the end it says:

She had already strung the case out by falsely claiming her ex-husband had been sexually assaulting their children after one judgment went against her. Then she falsely claimed the father's new wife had been assaulting them. 'The mother has over the years attempted to manipulate the court system,' Justice Barry said.

That is just one case that can be found with two minutes of Google research, and yet the minister came into this House and said that
making false allegations of family violence and using family violence as a weapon in the courts is a myth. Do some homework, Minister. The fact that this minister has told a lie to this parliament—

The DEPUTY SPEAKER (Ms AE Burke): The member will withdraw.

Mr CHRISTENSEN: I will withdraw, but I will say that the minister has told an untruth to this parliament. It is clearly not true to say that it is a myth. It is clearly not true to say—

The DEPUTY SPEAKER: The member will return to the bill before him.

Mr CHRISTENSEN: I am, because the minister has told this House that it is a myth that family violence is misused by people in the Family Court. The fact is that it is not a myth and you can see that from a bit of research. Abuse of the system is why we have organisations like Lone Fathers, Dads on the Air, Fathers Online, Fathers 4 Equality, Men's Rights and so on. If we look closely at these groups, there is a common theme. It is a theme that helps explain why this malicious code is being pushed into the act. These are groups set up by fathers. We can talk all we want about custodial parents and non-custodial parents, but the truth is that most custodial parents are mothers and most non-custodial parents are fathers.

There are no winners in family law. All parents in family law become losers one way or the other, but some who are bigger losers than others. The current act helped to bring some equality to family law. It created the two pillars, one of which recognised the benefits to the child of having a meaningful relationship with both parents. These amendments are a backward step. They will strip fathers of their right to be fathers. These amendments will allow abuse of the system that will create another generation of stolen children.

I do not know where the government obtains feedback on the practicalities of family law and family law disputes, but I get my feedback from constituents. I talk to real people who are affected by real situations. I have conversations with fathers who are getting the roughest end of the pineapple. They are grieving fathers who have lost children through the courts. They are devastated and frustrated. They are good men who love their children and want to maintain a relationship with their own flesh and blood—something that should be a basic right.

Some of these men are on the edge. They are driven insane by the lack of justice in the system. They are left in the wilderness, robbed of basic rights and family and, with no support from our legal system, these fathers are driven to despair, driven to the brink of insanity. And if the minister wants to continue her research, she might discover what happens when fathers are placed in a hopeless situation where justice is lost through abuse of the system—which she claims is a myth. When fathers are driven to insanity, they do insane things. I can, in no way, condone the actions of men who, in the face of losing everything, choose to take everything. They do take their own lives and, very sadly, sometimes in the insanity that they are engulfed in, they take the lives of their children. I note that this is not purely a male response, given that there are numerous examples, including some recent cases, of non-custodial mothers doing the same thing.

Family violence is a terrible thing, but so are the actions of fathers driven to the brink. These amendments will do nothing to stop family violence—we already have good measures in place—but they will drive more fathers to the brink. If these amendments drive fathers to the brink, we should be asking who is at the wheel. Is the Minister
for the Status of Women at the wheel? Is the Labor-Greens government at the wheel?

I suspect that there is a strong feminist ideology driving these amendments. It is feminist ideology that has created this malicious code to rob men of their rights to be fathers. It is feminist ideology that has dressed up this malicious code to rob children of their right to have a father in their lives. It is feminist ideology that has dressed up this malicious code to create the illusion of acting to stop family violence.

I note that included with these changes is one that repeals the 'friendly parent' provisions from the additional considerations for determining a parenting order. The friendly parent provision encourages amicable behaviour among parents. It fosters friendly relationships with all parties. Most importantly, the friendly parent provision assists a court to meet the first pillar of parenting provisions—the benefit to the child of having a meaningful relationship with both of its parents. This provision has helped more fathers maintain meaningful relationships with their children and, at the same time, it has discouraged parents from abusing the system.

But justice and maintenance of rights for fathers is an affront to this feminist ideology from this government. What a clever way to rob men and rob fathers of their rights! Surely no-one would vote against amendments aimed at protecting children and preventing family violence. But that is not what these amendments are really about. There is already protection in the current act. The fact is that these amendments actually trivialise what is a very serious matter—that being family violence. The broadened definition of 'family violence' waters down the meaning of violence and will, in effect, make family violence more acceptable—precisely the opposite of the purported aim of these amendments. These amendments should be seen for what they are. They are a Trojan horse, full of malicious code designed to deprive fathers of their rights. The best thing we can do to protect the safety of children and to prevent family violence is to leave this act as it is. (Time expired)

Mr MORRISON (Cook) (12:34): I can think of no more significant thing that we can do in this place and, more importantly, what each of us as Australians can do outside of this place—whether we are members of parliament or whatever—than work to keep families together. That is, I would argue, the most significant goal that we could have in our society and in our community. Over centuries, our community has built its stability on having stable families, and we should do whatever we can in this place to strengthen families. Government from time to time may think that it can do things that take away from families, but I know one thing—and Ronald Reagan said it—and that is that government can never replace family. I am sure members of the House would agree with that.

The matters that we are dealing with here with this bill, the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011, are difficult and emotional and cause all sorts of harms. There are never any easy solutions and outcomes but, while we wrestle around these measures in this place, I would hope that all of us here are trying to get a better outcome for families and for children in particular.

My colleague, the father of the House, the member for Berowra, was the architect of the 2006 changes to the Family Law Act, in his capacity as Attorney-General. He knows better than most the challenges it poses and he certainly was not wrong when he observed that this is a very delicate issue. The fact is that the law deals with the
sobering realities of broken relationships. It attempts to traverse an emotional minefield where the stakes are high. The issue is fuelled by strong feelings on all sides. There are high levels of conflict and certainly no easy solutions. Seeking objectivity can be very difficult where the bond between a parent and their child is subject to such scrutiny. This is why the coalition is committed to ensuring that, at the heart of every dispute, the focus remains on the safety and wellbeing of the child.

As people attempt to overcome their hurt and confusion and to work through their issues with a partner, a wife or a husband, there is a risk that, in the heat of the moment, a child can become a pawn—a mechanism used to hurt, to punish and to seek revenge. We have seen this played out all too sadly all too recently. This is not always a conscious or deliberately malicious act, but the outcome is the same. Often parents are acting with what they think are the right intentions, but the law must ensure the needs of their child do not become confused or supersede their own.

It is important that children grow up knowing both parents. I believe a child should have the right to both parents—a mother and a father—to as great an extent as is possible and practical. But this must never come at the expense of the child's safety. No-one can claim any perfect solution because there is not one—simple as that. There are no two cases the same, so there is an overriding need for flexibility. To test this law we need to look at worst case scenarios, to contemplate the darkest, ugliest part of the human condition. It is not comfortable. The issues are emotionally fraught and can be confronting. But to safeguard every child in this nation we are required to do just that in order to ensure the right checks and balances are in place to protect children, even when their parents cannot. The Family Law Act was enacted to protect the defenceless at the height of their vulnerability, when society's fabric has been irrevocably torn. Each child has a right to be safe and secure and that is the underlying premise of the act. To suggest any other ulterior motive is simply wrong. There may be room for improvement. The act may not always produce the outcomes we seek, but I am concerned that these amendments may only serve to create more confusion when we ought to be seeking clarity. However, I am open to the discussion and to listening to the points that are raised.

Provided a child is safe, they should be able to grow up knowing both their mother and their father and enjoying a fulfilling relationship with each. The act as it stands upholds this principle. We should seek to encourage negotiation, not litigation, wherever we can. The coalition's approach has been, wherever possible, to get these matters out of the courts. The Howard government funded Family Relationship Centres across the nation and they were in high demand. I pay tribute to those who work in the centre at Caringbah. There was a very clear and deliberate focus on empowering people to work through their issues collaboratively and constructively amongst themselves. A report by the Australian Institute of Family Studies in late 2009 found that overall the clients of post-separation services looked upon those of the relationship centres favourably. Over 70 per cent of clients who had used the family relationship centres and dispute resolution mechanisms said the service was fair. One in two said the service gave them the help they needed. Similarly, the professionals working within these services believe their capacity to assist clients, to help parents work through their issues together, was high. But tellingly they flagged the frustrations over long waiting times, resourcing and recruitment issues.
Obviously not every case can be resolved in this way, but where these issues can be worked through, where a child can continue to grow in their relationship with both parents, surely that is preferable. It begs the question: why then is the government cutting funding to initiatives that have a clear and proven track record? Not only that, as the member for Berowra noted, the government is in fact boosting funding for legal aid in family disputes. To pull funding from initiatives that are making a real difference is very disappointing. In pursuing these amendments the government is very real danger of driving these problems back through the courts as the preferred option and undoing what progress we have made since 2006.

The proposed legislation seeks to broaden definitions, widen the range of claims that can be made and extend the grounds upon which people can dispute and bicker. The member for Blair raised a valid point when he said:

In fact family violence, as people know, occurs in many ways. That includes not just physical assault but dominating, controlling behaviours; stalking; friendship isolation; familial isolation; emotional manipulation; financial abuse; harassment; and cultural isolation.

We as a society need to be aware of this and ever-vigilant. The member for Blair went on to observe that:

We need to protect children from these types of activities. We need to protect spouses as well, if we can.

On that point, I do not believe there is any disagreement. The Family Law Act has never been about ignoring violence. Domestic violence is appalling. In my own electorate in the Sutherland Shire there were 501 reported incidents of assault relating to domestic violence last year alone in our local government area. That is 501 cases too many. Sadly, it will not be 501 cases that can now be avoided. These things weigh heavily on us all when we think about these matters—well more than one a day. Yes, the law must offer protection, but it should also offer protection from allegation and false accusation. Our legal system is a strong pillar of our democracy. We must trust that, should any threat of violence come into play, the Family Court would naturally take this into account and act in the best interests of the child.

I believe the coalition got it largely right in 2006 when the Family Law Act was amended to include a presumption that parents equally share parental responsibility for their children. If there is evidence of violence, that presumption should not and will not apply. We cannot allow claims by either parent to be coloured by dissatisfaction or rage at a former partner or situation. The consequences of severing all contact between a child and a parent are significant and long-reaching. I agree with the member for Blair that this must only be a last resort, which is why the coalition will continue to fight the removal of the friendly parent provision requiring family courts to consider how willing a parent is to facilitate a positive relationship between the other parent and their child.

Currently the courts are bound by a provision to make costs orders against a parent found to have knowingly made a false allegation or statement in the proceedings. By removing mandatory costs orders as a disincentive, you risk opening a Pandora's box of unsubstantiated and uncorroborated claims. The report by the Australian Institute of Family Studies found that more than two-thirds of those surveyed did not believe that the prospect of an adverse costs order had discouraged allegations of violence or child abuse that were genuinely held and likely to be true. That is not to say there are not occasions where this has weighed upon the
minds of parents. There are unfortunately cases which, for whatever reasons, slip through the cracks.

I have written to the Attorney-General, my neighbour across the river, on several occasions to raise these matters with him. I have always been pleased to receive a reply. I think that reflects his interest in these matters. I have made representations on behalf of my constituents in the shire on this very issue. A grandmother wrote to me expressing her concerns about the experiences a number of young mothers from the shire had had with the Family Court, including her own daughter. These cases involved allegations of abuse by spouses and the custody arrangements of their children. There were, to say the least, very difficult circumstances. My constituent wrote, and I think this is well worth noting in the context of this debate: 'Mothers are, by nature, nurturers and children need to be protected from harm. It takes a lot of courage for a mother to leave an abuser and to try to keep herself and her children safe.' She observed that it had been her experience that the legal system empowers the abuser to continue the abuse through the court process and that the mother's and children's best interests are not being validated. My constituent spoke of the family law court making judgments favouring abusive men in shared parenting arrangements and of evidence dismissed against the perpetrators of violence.

I raise that simply to raise the concerns of a constituent and to put it in the mix of the debate. Admittedly no two cases are the same and certainly you do not change a law based on one set of circumstances. So, equally, I raise the case of a young man in my own electorate who has not missed one of his support payments, loves his kids deeply and is not the subject of any allegations of improper conduct, nor would he be I believe. He has not seen his daughter for two years. As a father of two daughters, I could not think of anything worse than not being able to see your daughters. He has custody arrangements that give him access to his daughter and he has not seen his daughter for two years. He is frustrated that the orders that he has are not being enforced, which is a complaint I hear regularly from constituents. I know it is not an easy matter, but when a father cannot see his daughters for two years and he has a legal right to see those daughters and that is not occurring, surely we must be looking at things that may assist in these cases. That father advocated to me a points system that would reward parents for meeting their financial obligations and penalise those who continually breached their custody arrangements or who denied a former partner access visits. For what it is worth, I think these things should be considered for breaches of custody orders where one partner has denied another partner their legal access to their children—whether by wilful obstruction or noncompliance, or by seeking not to support the undertaking of orders. Clearly, we need to look at a system that will encourage compliance to ensure that children grow up knowing both of their parents wherever possible.

Another constituent wrote to me observing: 'The safety of a child should be put before unsupervised time spent with an abusive parent. A child can have a meaningful relationship with both parents, but if there are real issues of risk it must be undergoing supervision at final orders. Supervised access by a perpetrator of family violence would remove the child from exposure to destructive behaviours and the courts would not be placing a child back into a potentially unsafe situation at final orders.' She made the case that all officers, practitioners and advisers in the family law system should undergo mandatory training in
the effects of family violence and abuse. This training, she argues, ‘would be a valuable tool in recognising the tactics used to manipulate evaluators and judges or to intimidate the victim. Without domestic violence training of those serving the family law system, despite their years of experience, abusers may be judged time after time in the same way, which puts children at risk.’ These are all valid considerations.

There are things we could be doing better when it comes to family law. I have no doubt that is the case. It is like the ever-receding finish line, but it is one that we must continue to strive for and urged towards. I welcome discussion of this bill. We in this House are united in agreement about the need to protect and safeguard children, regardless of where we sit. No-one in this place would seek to suppress discussions that strive to better protect those most in need of our help or to ensure that our families, wherever possible, can be held together. In the sad case where that is no longer possible, then we should seek to preserve as much of those relationships as possible.

I do not believe that the amendments proposed by the government, in their current form, are the full answer at this point. Winding back the Ruddock reforms, measures that are proven to have made a difference, is very dangerous. It is important to note, as a word of caution, that opportunities to reach common ground and make constructive progress should not disintegrate into the slinging of mud and hurling of insults. This debate should not be a chance to take swipes at one other—the stakes are too high. This act has very real repercussions for the way our children live and how they grow up. I look forward to continuing this debate.

Mrs BRONWYN BISHOP (Mackellar) (12:47): The Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 is an opportunity to place a spotlight on a whole range of issues that are not dealt with in this bill. However, because of the way in which this bill has been constructed, what I am going to say is directly pertinent to it.

On 19 May, a report in the Sydney Morning Herald, said that the New South Wales 'top cop': … is embarking on a personal crusade to tackle the hidden "monster" of child sexual abuse.

Spurred by a spike in the report of assaults, particularly those that occur behind the closed doors of family homes, the Police Commissioner, Andrew Scipione, has told the Herald the community can no longer afford to turn a blind eye.

Mr Scipione said:

This is a monster that is eating at the very heart of our society and we cannot afford to pretend that it's not happening.

… ...

Published material is limited by legal obligations preventing the identification of victims. In the case of incest, identifying the offending family member would also identify the child.

Last week there was a rally in front of Parliament House. The rally was held by Rally for Children's Safety, an alliance of community groups, to highlight research that has been done on the way in which children who may have been abused are dealt with under family law. For a long time, I have advocated that we need to again allow the press back into the family law courts. When I say 'again' that is misleading—they have never been allowed in. For many people the family law court has become a very dark place. Under its rules you may not talk or publish about it. Worse than that: it is the only court in the land which the press may not attend. As I said, I have made this statement loud and clear to all parts of...
society, because I believe that when you shut the press out a court can become a dark place. As I said, for many people it has become a dark place, and I think we need to let the light in.

Like other members, I have constituents who come into my office and tell stories about how their children have been taken away from them. Recently, the number of mothers who come into my office exceeds the number of fathers, but it does not preclude fathers. I also have fathers who come in needing justice.

The report of the House of Representatives Standing Committee on Family and Community Affairs, in December 2003, *Every picture tells a story*, from which the 2006 reforms were put in place, advocated most strongly that family court business be referred to a tribunal and that a tribunal deal with most of the business that now comes before the family courts and that the family courts have a restricted jurisdiction. That recommendation was not taken up, but other recommendations were. I was part of the coalition party room that said we needed to do this. Professor Parkinson was also very involved. He was on radio the other day pointing out that so much more needs to be done—far beyond the extent of what is in this bill. I stress the importance of the inquiry that is currently going on in the Senate. I note that a reference was attempted to be made to a relevant House of Representatives committee, but that committee refused to take that reference because of the inquiry already going on in the Senate. The Senate committee was originally meant to report in July—I think it was on 23 July—but I note that they have now extended that until August. It is an inquiry which is attracting many submissions from people who see that the way in which the court currently operates does not meet the needs of children in particular.

The Australian Institute of Family Studies, while doing a review of the 2006 reforms, found that 60 per cent of separated parents were in a friendly or cooperative relationship. Most separated parents are able to make parenting arrangements with little use of family law services or lawyers; however, for families where complex issues such as family violence, family safety issues, mental illness and substance addiction exists there is a high use of family relationships services, courts and lawyers.

I refer to an inquiry I chaired back in 2006 that looked into the impact of illicit drugs on families. I found that in any one year in excess of 266,000 complaints are made about the abuse of children. I know that today we have 35,000 children who are in out-of-home care. This great concern was echoed in the words of Commissioner Scipione when he spoke strongly about the need for us to be aware that there are such things as family violence and family abuse of children:

Defying common misconceptions about 'stranger danger', many had to share a dinner table and bathroom with their abuser … That is a terrifying prospect. There is a need to investigate those allegations when they arise. Professor Parkinson, who has been very much involved in the issues of family break-ups and dealing with the welfare of children, said on 25 May in an interview with Fran Kelly on ABC radio:

There's much more we could be doing to improve the system in terms of protecting kids and in protecting victims of violence … However, it requires resources and it requires services. Changing the Act only changes the margins because most cases are decided without a Judge. About 93 per cent of cases are resolved without the Judge giving a judgement. Changing how Judges decide cases concerns only seven per cent of all the cases in the family law system. While these changes help, they don't really make a huge difference. What would make a huge difference is
to have resources for investigation and assessment at an early stage of the process. There does seem to be a real problem in getting evidence into the Family Court when allegations are made. Because of the closed nature of the court, we are unable to see patterns or reasons given. Often much of what happens in the court is not reflected in the transcript. So I think there is a desperate need to open up the courts like every other court. I think we learnt that from the court of Star Chamber, all those centuries ago, when it became a place of abused justice. It should have awakened us to the fact that we should never have imposed a ban on the press being allowed into the family law court. I am not suggesting for a moment that names should be published or that people should be photographed or identified. What I am saying is that cases should be able to be reported on if the names of the individuals concerned are suppressed. Then we could perhaps start to see patterns in the way the court operates and maybe we could see the need for change. Rather than having an assessment of what has happened after the event we could see what is happening in real time.

In speaking to this bill I want to make two very strong points. I want to make the point that children in the current situation are in a position of danger. If you read some of the submissions to the Senate inquiry and you read the stories of heartbreak, you know that something needs to be done. If you read the analysis that we are only dealing with a small percentage of people who have marriage breakdowns and manage to cope, we are dealing with a relatively small percentage—seven per cent. If you listen to those on the front line—like Commissioner Scipione, like the Benevolent Society who says there is a desperate need for more reform, or like Professor Parkinson who says that we need to go further—then the current Senate inquiry is very important. As the committee begins its public hearings and as we hear stories, I think we have to open our minds and say that we always have to be on the lookout for ways in which we can protect children. They are our most precious gift. We can look at the stories of young adults who have come out of abusive households. We can look at children who have been sexualised because of various practices which have unfortunately happened in the family home. These could have happened for all sorts of reasons, from mental illness through to drug and alcohol abuse; certainly, many of those were instanced in the inquiry that I chaired. We cannot have a closed mind and say, 'One solution is the solution for all time.' We have to keep looking at it. Most importantly, the plea I make today is the one that I have been making for a long time to a vast number of people, some of whom hopefully will pick it up: we need to open the family law court to allow the press in and allow the light to shine on what many parents feel is presently a very dark place.

Dr STONE (Murray) (13:00): I too rise to speak on the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011. This bill amends the Family Law Act 1975 in relation to protection for children and families at risk of violence and abuse, so it is a very significant bill and one that both sides of the House are most concerned to see is as right as it can possibly be. We need to have world's best practice in this area of legislation and we certainly do not need any part of this bill to be captured by minority groups who cannot justify their claims with facts or the realities of what happens throughout Australia.

The bill makes several technical amendments which correct drafting and
minor policy oversights and provide other efficiencies for the court and litigants. But we as the opposition are most concerned by some other amendments. The coalition reaffirms the 2006 reforms which we made. These were to help build healthy relationships and to try wherever possible to prevent the separation of parents, leading to the need for special arrangements for their children to live in different places. We aimed to encourage greater involvement of both parents in their children's lives after separation but at the same time we knew we needed to protect children from violence and abuse that may have been occurring within the relationship. We wanted to help separated parents agree on what was best for their children, ideally through mediation or agreements outside the court system. We wanted to establish highly transparent and easily accessed services for families. We wanted those to be available and accessible in the regions as well as metropolitan areas and we wanted to be able to cut the red tape, the bureaucracy and the delays which make the trauma of family separation and the need to support children even more difficult.

The proposed amendments in the Family Law Legislation Amendment (Family Violence and Other Measures) Bill include provision to give effect to the United Nations Convention on the Rights of the Child, which decision makers may consider when dealing with children's matters. The convention requires that the best interests of the child are considered first and foremost. Protection of the child from harm is therefore weighted above the child having a meaningful relationship with both parents if there is harm involved or threatened in that relationship. We argue that this need is already in the act and the amendment is not necessary. The existing legislation provides for the interests of the child to be paramount and take pre-eminence over the maintenance of a meaningful relationship between both parents.

The bill aims to change the definition of family violence. The exposure draft definition of family violence includes behaviour that is emotionally, psychologically or economically abusive or threatening. Many stakeholders have voiced their concern that the extension or generalising of the definition of family violence can lead to vexatious claims—that is, the use of this broad definition could more reflect the marital discord than the realities of abuse within the family. It is very important that we make sure the court always deals with facts rather than responding to children being used as weapons to inflict greater harm on an ex-partner. It must always be the case that claims are based on fact. When you have a broadening of a definition, as proposed, there is real concern about the opportunity for more vexatious claims to be made—claims not based on fact but relating to marital discord or ex-marital discord rather than the children's needs.

The bill aims to repeal the 'friendly parent' provision. The bill aims to strengthen the obligations of lawyers, dispute resolution practitioners, family consultants and counsellors to prioritise the safety of children. Again, we argue that that is already in the act. The amendments repeal the provision for costs orders to be made in the case of false family violence allegations. We wonder why you would want to do that. Surely this is a very common sense provision and it helps to make sure that we do not have claims being made which are more about the great hatred between the two partners than about reflecting the realities of family violence. The amendment also provides for simpler procedures for the participation of child welfare agencies in family law proceedings. Certainly that is a good idea.
There are many forms of violent behaviour perpetrated against women in Australia and inevitably against their children. There is no doubt that we have a major problem in Australia in relation to domestic violence and sexual assault. In fact, it is one of the most pervasive and damaging forms of violence experienced across Australia and it has been for a very long time. I would like to say that evidence shows it is diminishing; unfortunately that is not the case.

Violence not only affects the victims themselves, the partners, but invariably impacts on the children who are exposed to it and the extended families. We know there can be intergenerational abuse when a child learns in their household that striking out to cause physical harm, abuse and threats are ways to deal with frustrations rather than learning that there is an alternative way of dealing with the problems of life. We need to make sure our children are no longer seeing violence in their homes.

One in three Australian women say they have experienced physical violence since the age of 15, and almost one in five have experienced sexual violence. In 2005, over 350,000 women said they had experienced physical violence. The key results from the Bureau of Statistics are that 23 per cent of women who have ever been married or in a de facto relationship say they have experienced violence by a partner at some time during that relationship. Moreover, 42 per cent of women who had been in a previous relationship reported violence by a previous partner. Half of the women experiencing violence by their current partner experienced more than one incident of violence, and these incidents included stab or gunshot wounds and other serious injuries. It is extraordinary and shocking too that we have had research in Australia asking teenage boys and girls whether striking a partner was appropriate and that the response was often yes it was appropriate in a relationship. Thirty-five per cent of women who experienced violence from their partner also experienced that violence during periods of separation. Of all the women who experienced this violence, only 4.5 per cent contacted a crisis organisation. I think this is a very serious problem. Only 19 per cent of women who were physically assaulted in the previous 12-month period contacted the police. That is less than 20 per cent. Forty-two per cent, nearly half, gave the main reason for not contacting police after the incident as wishing to deal with the problem themselves.

Unfortunately we know that when women do contact police or other emergency services that is when the prospect of the violence against them escalating becomes real. As the Federal Police have said to me, the most dangerous time for a woman in a violent relationship is when she seeks help. That is when she is most likely to be even more seriously injured or even killed. This is a terrible problem for Australians. We need to be dealing with the incidence of domestic violence. We need to be making sure that our support agencies, like the police, the ambulance services and the medical profession, are well able to protect women when they come forward and beg for assistance.

I have to say that I have been hugely disappointed that a program started under the coalition government in north-east Victoria called BSafe has not been re-funded. 'B' stands for Benalla and 'safe' is self-evident. This program provides support and protection to women who have had restraining orders taken out against abusive partners. They are issued with a fairly low-cost monitor. They are a bit like the monitors you see the elderly use to call for help when they have fallen. The monitor is given to
women and some of their children who are old enough to understand its use. Through these monitors they can contact a monitoring service that is aware that they have a restraining order and they then immediately call the police should this small monitor be activated. Whenever the abusive partner comes near the home or tries to break the restraining order in any way, they simply press the button on the monitor. A call centre is immediately informed and then that call is immediately redirected to local police. Women have found that this simple device has substantially lessened attempts by abusive partners to break their orders. Police have seen different behaviour from the abusive partner when they are aware that the police will come quickly when the monitor is activated.

The tragedy is that this program runs out of funding in August this year. We are talking about several hundred thousand dollars to fund the program and a coordinator who manages the use of the monitors. There are some 70 women who have had these monitors and have found them to be so effective in giving them back freedom and a life without fear. Unfortunately, already the coordinator is having to tell these women that the service is to be cut off. Already the coordinator of this program is having to tell the police and other local community service providers that they cannot take the new numbers of women who are being referred to the agency.

We know that the program has been enormously successful. It has been demonstrated to be such. It even won an award recently as one of the most successful programs in dealing with the issue of domestic violence. Despite all that, this program is not to be funded after August this year. I find that extraordinary. The program should be expanded across Australia, not cut off. It has been the means for a lot of women to regain a decent life and break the cycle of intergenerational abuse. It has allowed women to stay in their homes. It has allowed children to continue to go to their local schools and retain proximity to grandparents and other supporting family members. Until these small devices were in the hands of these women, too many of them simply had to continue to run and hide because they were forever being pursued by partners breaking the restraining orders that were out against them. I ask the government to forget non-essential amendments to an act which has been working effectively. Instead they should be focusing on the programs which actually do great good when they are in the community in the hands of service providers such as the BSafe program.

We also have a great deal of difficulty in properly staffing our counselling, monitoring and mediating services in rural and regional areas. We have to make sure that we do not always have a two-speed economy, with better services provided to metropolitan families in need than to rural families in need.

I also need to refer to the National Plan to Reduce Violence Against Women and their Children. This plan recognises the diversity of the needs of women with disabilities, young women, women from culturally and linguistically diverse backgrounds, Indigenous women, same-sex attracted women and older women, and provides scope to tailor responses based on individual needs.

We find that this bill today contains many measures which will not help at all in ensuring that children are always given priority when discussing their future. It does not make sure that, after a separation, where there is no issue of child safety, both mother and father can continue to have a meaningful relationship with their child. It is not a
perfect act; no-one argues that. But certainly we in the coalition believe the amendments that have been proposed in this bill need to be re-examined, because the issues are just too important to listen to only a tiny minority with an agenda whose greatest priority is not always the safety of the children in our community.

Mr McCLELLAND (Barton—Attorney-General) (13:14): I would like to thank honourable members for their contribution to the debate. I will just pick up on some of the concluding comments of the previous speaker. I note that these amendments are not based on the view of a minority, tiny or otherwise. The amendments are based on four significant reports, including one by the Australian Institute of Family Studies which was commissioned during the period of the former government, another by the Family Law Council and another by Professor Richard Chisholm after some very distressing events. Since the initial draft was prepared, the amendments have also been supported by the Australian Law Reform Commission and the New South Wales Law Reform Commission in its report, which resulted in particular in further reflection upon the definitions of family violence and abuse.

We have essentially introduced these amendments to help achieve safer outcomes for children caught up in the family law system, and that should be the important focus and I will stress that. Over 15 years in parliament I have spoken with many everyday Australians who are wedged in difficult and complex family law disputes. I have listened to their stories, I have asked questions and at times I have heard some pretty confronting answers, including with respect to some high-profile cases. I have received a great deal of advice from a range of family law professionals and experts, from people who work in the system every day, and I have referred to those reports that essentially provide the basis for these reforms.

I must say, despite the recognition of and concern about family violence that has been reflected by all members, I have been disappointed with the opposition's response. The government categorically rejects amendments that would undercut key measures to protect vulnerable children and families in our family law system. Family law is obviously a complex and fraught area, but facts are crucial if we are to address those matters that have contributed to families being at risk of violence and abuse. With respect, I think it is somewhat arrogant of those opposite to assume to place themselves in the position of experts based on anecdotal reports to them, ignoring at the same time those four reports to which I have referred. I would question, with respect, whether any member on the other side has read or substantially read those reports or summaries of those reports.

Indeed, we believe those opposite have adopted an incorrect frame of reference—that is, a focus on the rights of parents, whether they be from fathers groups or mothers groups. We say, and we make no apology for saying, that the frame of reference in these amendments is quite clearly the rights of children. For instance, when considering the confronting topic of family violence, the member for Bennelong focused on the parents' right to seek reduced child support. When speaking about factors relevant to the child's best interests, the member for Forrest said that the bill basically reverses the presumption of innocence. When speaking about the mandatory cost order provision, the member for Cowan talked about 'trampling on the rights of the party'—the party being the parent. This bill is a family law bill; it is not a child support bill and it is not a criminal
law bill. It is a bill concerned with ensuring that parenting arrangements for children are safe. It is not about the rights of mothers groups or the rights of fathers groups, as I have said. It is about the rights of those most vulnerable in our community: our children. I want to continue stressing that point. It is not about impeding safe parenting relationships in any way, shape or form. They are not at risk. We recognise they are the majority of relationships, but there are nonetheless a substantial minority where children are at risk, and we are neglectful in our responsibility to those children if we do not act in the face of those four very substantial, very well-researched reports.

As I understand it, the opposition specifically opposes the new definition of family violence. This is a keystone of the reforms. The bill greatly improves the existing definition because it better captures harmful behaviour. It is more descriptive and requires decision makers to closely consider the personal experience of the child growing up in a family riddled with violence. Family violence is not generic or superficial. It is individualised and gravely insidious. A number of members said that this is substantially irrelevant to the work of the courts because courts only consider five per cent of cases, but that is why we need such a detailed and comprehensive definition of both violence and abuse to be in the act: it is those definitions that provide the benchmark which over time changes culture, which the courts by the implementation of the legislation will assist in developing.

The government specifically rejects any proposal that would require family violence to be hinged on, for instance, how a reasonable person might react in a particular situation or what the violent perpetrator might have intended. People should not be afraid that their experiences will be dismissed. They should not have the fear of losing their children or suffering prejudice in proceedings if they speak up about their concerns. The proposed definition is closely aligned, as I have indicated, to the recommendations of the Australian and New South Wales law reform commissions. We believe, as a result of public submissions, that it has received strong public support.

The opposition also opposes changes to the cooperative or friendly parent provisions. It says it is concerned that the reforms are not evidence based. I have referred to the evidence that is the basis of our reforms. The member for Stirling in particular argued there is no credible evidence suggesting this provision is a disincentive to disclosure. He said the Family Law Council described criticism of the provision as 'gossip' and, quite astonishingly, the member for Berowra agreed with him. With great respect to those two members, that is a gross misrepresentation of the council's report and advice. In its family violence report, the council specifically advocated the repeal of these cooperative parenting provisions. Why? Because they are a disincentive for people to report their concerns of violence and abuse, and that is what the government is addressing in its amendments. In its submission to the Senate Legal and Constitutional Affairs Legislation Committee, for instance, the council said:

…there is considerable concern that a vulnerable parent may elect not to disclose family violence or child abuse for fear of being considered an 'unfriendly parent'.

I am very concerned that the opposition views that considerable concern voiced by the council for the victims of family violence as gossip. While we play politics in this House, when there is such a substantial body of evidence surely we owe it to the children of this nation to approach this debate at a far more sophisticated level.
The member for Stirling also claimed that the Australian Institute of Family Studies report *Evaluation of the 2006 family reforms* did not provide any basis for the reforms that the government has proposed. That evaluation was instigated by the former government. The opposition must not have read that report by the Australian Institute of Family Studies, including its submission to the Senate inquiry into the bill, which states …

two specific aspects of the current legislative framework operate to discourage allegations of family violence from being raised: FLA s60CC(3)(c) ("friendly parent" provision) and s117AB (costs orders for knowingly made false statements). This evidence supports the repeal of these provisions in the proposed Bill.

So it is quite inappropriate for the opposition to mislead the House regarding the nature of those submissions.

I thank the member for Stirling for drawing the attention of the House to the report of Professor Richard Chisholm and to his recommendations about amendments to the 'friendly parent' provisions—that is, if a parent is deemed to be uncooperative by raising allegations of concern about violence and abuse, they may potentially, under the current legislation, be deemed to be an uncooperative or unfriendly parent, suffering prejudice in their submissions to the court. As submissions from key stakeholders show, both to the public consultation on this bill and the Senate committee's current inquiry, those who work in the system and family law experts all support this proposal because it is based on such solid evidence.

In terms of the issue of costs orders, the opposition has argued that the government is opening up the way for false allegations of violence to be made in court. This is nonsense and so too is the claim that the evidence relied on is misleading. Professor Chisholm recommended this repeal, and his submission to the Senate inquiry stated that the provision seemed to operate as a disincentive to disclosing family violence and did not appear to have had any beneficial effect—and I remind honourable members of the timing of when Professor Chisholm was engaged to provide advice to government. The Family Law Council said there is no evidence that section 117AB was achieving its purpose of discouraging false allegations of violence. The repeal of section 117AB is supported by strong public support, including from the legal profession and key stakeholders in the family law community. The opposition said that if a court were prepared to make a finding that a party had knowingly given false evidence there was no reason why a costs order should not follow. I could not agree more. The act already provides precisely for that and it provides disincentives for making a false allegation or false denial in parenting matters through its existing powers in section 117 of the act. It already has that discretion and that power.

I turn to the opposition's objections to including a reference to the United Nations Convention on the Rights of the Child as a specific object of part VII of the act. The convention sets out many rights of children, such as considering the child's best interests and ensuring that children are protected from physical and emotional harm. The opposition seems to have forgotten that the bill is about family violence and abuse as well as advancing the 'best interests' principle, and this measure, we believe, will fortify the focus on the rights of the child and the rights specifically of children to live free from harm and the fear of harm. Recognising the convention in the act will provide a strong statement that we as Australians are committed to protecting children, particularly when relationships break down. I have had very strong support from the court for including this object in the act. Incidentally, I suggest that the member for...
Hasluck re-read the explanatory memorandum at paragraph 23, page 5. Perhaps he made an innocent mistake when he asserted, wrongly, that this document does not say that the act prevails over the convention. It greatly concerns me that the opposition has apparently ignored the significant body of evidence that calls for these reforms.

In concluding, the bill takes positive action to ensure the safety of children and to ensure their best interests are prioritised. I have said time and time again that the government supports shared parenting but only where this is safe for the child. The bill has been the subject of extensive public consultation, and I thank stakeholders for their contributions to the development of the bill. We as a government are proud to have introduced this bill and we will be even prouder when it becomes law and makes a difference for the children and families who are faced with family violence and child abuse. The very substantial body of evidence shows that these reforms are needed, and this government will do everything we can to make the system work better for these vulnerable families and children. I urge the opposition to do the same. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr KEENAN (Stirling) (13:28): by leave—I move amendments (1) to (4):

(1) Schedule 1, item 2, page 3 (lines 19 to 22), omit the item.

(2) Schedule 1, item 3, page 3 (lines 23 to 25), omit the item.

(3) Schedule 1, item 6, page 4 (lines 6 to 9), omit the item.

(4) Schedule 1, item 8, page 4 (line 12) to page 5 (line 23), omit the item.

Before I speak specifically about the detail of these amendments I refer very quickly to the tone in which this debate has been conducted. We have just heard from the Attorney-General and we have also heard from other members of this House who in some instances talked about the detail of the bill but, unfortunately, in other instances did something that I think is pretty disgusting—that is, they came in here and somehow asserted that those on this side of the House would be less concerned about family violence, would be less concerned about the welfare of children in a failing marriage and would be less concerned about the myriad very complicated issues that we see within the family law system. I want to talk about the amendments, but I would ask members on the other side who come in here and frame their comments within those terms to reflect on how deeply offensive that is.

The amendments that I now move seek to omit the government's proposed amendments to the definition of family violence in the Family Law Act. The definition now proposed defines family violence as:

... violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.

It differs from the existing question in that it imposes a subjective test. The existing definition requires a reasonable fear for the family member's wellbeing or safety. The new definition attempts to qualify its subjectivity by incorporating a list of examples of behaviour which includes assaults, repeated derogatory taunts, damage to property and other unreasonable or criminal behaviour. However, it is an open question as to whether the list of examples is sufficient to frame and limit the subjective definition.
There is no doubt that any of the behaviours limited would cause a person to be fearful; they would also give rise to a reasonable fear for a person's wellbeing or safety under the existing law. The problem with the subjective test is that the person seeking to demonstrate that another person is violent need only state that he or she feared controlling or coercive conduct; the state of mind need not be reasonable. The consequences of a finding of violence can be drastic and permanent. It is not appropriate that a court need not inquire as to whether a fear is well founded. The effect of the coalition's amendment will be to retain the objective tests within the existing legislation.

Mr McCLELLAND (Barton—Attorney-General) (13:31): The government opposes these amendments. The opposition has moved amendments to omit items 2, 3, 6 and 8 from schedule 1 of the bill. Item 45 of schedule 1, which contains the transitional arrangements, as a consequence would also be amended. These proposed amendments to the bill would preserve the existing definition of family violence in the Family Law Act.

The government is categorically opposed to the opposition's amendments. The new definition of family violence presented in this bill is a keystone of the reforms. I have listened to the call for a better definition and have based the reforms on expert advice. The bill greatly improves the existing definition because it better captures harmful behaviour, is more descriptive and requires decision makers to closely consider the personal experience of the child growing up in a family riddled with violence. The proposed definition was recommended by the Australian Law Reform Commission and by the New South Wales Law Reform Commission in their report Family violence—a national legal response. A large number of submissions to the public consultation of the exposure draft also supported this amendment.

The definition sets out a general characterisation of behaviour, which must coerce, control or cause fear in a family member, and a non-exhaustive list of examples of harmful behaviour likely to be captured by the definition. The government considers that the overarching descriptors of family violence appropriately target the range of behaviour that results in subjugation of family members. This approach will give the courts clear legislative guidance about family violence and will help judicial officers to better consider behaviour, including patterns of behaviour within the factual context. The new, more descriptive definition will also educate and guide advisers and members of the public about family violence and, over time, will assist in changing culture. The government rejects any proposal that would require family violence to be hinged on how a reasonable person might react in a particular situation or what the violent perpetrator might have intended. To require reasonableness or intent as a precondition to family violence is to take a narrow approach to what is an insidious problem and would be particularly concerning in the context of a controlling relationship.

The Australian and New South Wales law reform commissions and the Family Law Council recommended the removal from the Family Law Act of the semi-objective test of family violence. That test requires a person to reasonably fear for or to reasonably be apprehensive about his or her personal safety, along the lines, I would suggest, that the opposition is proposing—that is, it imports an objective standard but requires the decision maker to put themselves in the position of the potential victim. A requirement to prove intent is not supportable, as it may discourage victims of
violence from disclosing evidence of harmful behaviour.

The bill is about protecting the safety of children. The bill is a family law bill; it is not a criminal law bill. Family violence is not generic or superficial. It is individualised, it can be gravely insidious and it can escalate. People should not be afraid that their experiences will be dismissed. They should not have fear of losing their children or suffering prejudice in their proceedings if they speak up about those fears. For those reasons, the government rejects the amendments.

Question negatived.

Mr KEENAN (Stirling) (13:35): by leave—I move opposition amendments (5) to (8):
(5) Schedule 1, item 18, page 7 (lines 5 to 15), omit the item.
(6) Schedule 1, item 20, page 7 (lines 20 and 21), omit the item.
(7) Schedule 1, item 26, page 10 (lines 9 and 10), omit the item.
(8) Schedule 1, item 27, page 10 (lines 11 and 12), omit the item.

These amendments relate to the government's proposed repeal of the criteria misleadingly described as the 'friendly parent' provision. Section 60CC(3)(c) of the act currently requires family courts to consider the willingness of one parent towards facilitating the other to have a meaningful relationship with the child. The provision has been criticised as discouraging parents' disclosures of family violence and child abuse for fear of being found to be unfriendly. The bill seeks to repeal this provision and replace it with considerations of the extent to which each of the child's parents has taken or failed to take the opportunity to participate in major long-term decisions in relation to the child, spend time with and communicate with the child and the extent to which each of the parents has fulfilled or failed to fulfil the parents' obligations to maintain the child. These criteria already exist in section 60CC(4).

The explanatory memorandum cites the evaluation of the Australian Institute of Family Studies and the Family Law Council report as the basis for the repeal of this provision. This is misleading. The Australian Institute of Family Studies found that some concerns were expressed that the provision discouraged the reporting of violence, but there was no statistical information to actually suggest that this was the case. The criticism was in fact voiced in the Chisholm report, and that remained uncited within the explanatory memorandum and was described as 'gossip' by the Family Law Council. I can refer the Attorney to the exact reference within the executive summary of that report.

The failure to facilitate a relationship between a child and a separated parent remains an important issue for the attention of a court and has been found to be an incident of emotional abuse in several reported cases. If the enhanced violence and abuse reporting obligations are supported, there can be no reason for a parent's obstructive behaviour to be excluded from consideration. It should also be noted that this consideration should not arise in the usual course if there are well-founded fears that contact with the other parent exposes the child to violence or abuse. The existing section 60CG makes this clear.

The unwillingness of a parent to facilitate a close and continuing relationship with the other parent is undoubtedly a relevant consideration when making parenting orders. In 2009, in the case of Villey and Prabsik, Mr Justice Watts ordered that a seven-year-old child be removed from his father's primary care to that of his mother. The relevant factual findings were that the
mother had suffered a significant mental illness following the parties' separation as a result of the treatment she had suffered at the hands of the father during the relationship. Psychiatric examination of the parties revealed the mother to be fully recovered, with an excellent prognosis. She had rebuilt her relationship with the child in an appropriate manner, assisted by professionals. The father, however, was assessed as having a narcissistic personality, with overvalued ideas or a delusion that the mother remained ill, unsafe and should have minimal involvement in the child's life.

Mr Justice Watts accepted the mother's argument that it would be more likely for the child to have a meaningful relationship with both parents if he lived with his mother rather than with his father and that the child would be likely to suffer psychological harm by damage of his relationship with his mother if he continued to reside with his father. This finding would have been more difficult to come to had this consideration been present within the act. I therefore urge the House to support the coalition's amendments.

**Mr McCLELLAND** (Barton—Attorney-General) (13:40): The government again rejects the opposition's proposed amendments—that is, to omit items 18, 20, 26 and 27, which deal with the additional considerations as to determination of the best interests of the child.

The government's proposal finds support not only in the report of Professor Chisholm, which was referred to—the *Family Courts Violence Review*—but also in the Family Law Council's family violence report and the *Evaluation of the 2006 family law reforms* by the Australian Institute of Family Studies. If the opposition were to examine the submissions to the Senate inquiry, they would see that key stakeholders and the family law experts, including those to which I have referred, support this proposal.

Following my department's public consultation on the exposure draft, the government responded to concerns raised about the proposed repeal of section 60CC(3) and (4) and (4A). Accordingly, we adjusted this measure to ensure that any disincentives to disclosing violence are removed while at the same time healthy child-parenting relationships continue to be encouraged. In saying that the friendly parent provisions may discourage disclosure, Professor Chisholm said:

... the appropriate message might be that the parent needs first to make sure the children are safe. There may still be a need to try and preserve some benefit from the children's relationship with the other parent, but it should not compromise the children's safety.

That is essentially the philosophy of this proposal. The government's amendment bill is an important measure that will encourage victims of violence to speak up for their children. I urge all members of the House to support the government's initiatives and, on that basis, reject the opposition's proposed amendments. Question put:

That the amendments be agreed to.

The House divided. [13:46]

(The Speaker—Mr Harry Jenkins)

Ayes ...................... 73
Noes ...................... 74
Majority ............... 1

AYES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crock, AJ
Entsch, WG
Forrest, JA

Alexander, JG
Andrews, KL
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC
Fletcher, PW
Frydenberg, JA

CHAMBER
Monday, 30 May 2011

AYES
Gambaro, T
Griggs, NL
Hartsuyker, L
Hockey, JB
Jensen, DG
Katter, RC
Kelly, C
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Scott, BC
Shultz, AJ
Slipper, PN
Somlyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wyatt, KG

Gash, J
Haase, BW
Hawke, AG
Hunt, GA
Jones, ET
Keenan, M
Laming, A
Macfarlane, IE
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Secker, PD (teller)
Simpkins, LXL
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

NOES
Oakeshott, RJM
O'Neil, DM
Parke, M
Piibersek, TJ
Rishworth, AL
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vannvakinou, M
Windsor, AHC
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Rudd, KM
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Wilkie, AD
Zappia, A

PAIRS
Irons, SJ
Emerson, CA

Question negatived.

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! It being past 1.45 pm, the debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour. Are there any statements by honourable members?

STATMENTS BY MEMBERS

Petition: RAAF Base Darwin

Mrs GRIGGS (Solomon) (13:52): In the lead-up to the 2010 federal election I campaigned to allow the empty RAAF base houses in Darwin to be used for the community and to prevent their destruction or removal. I have continued to fight to ensure that these houses are not sitting their vacant, and to this end I prepared a private members' motion, which was presented earlier today, to hand over the 395 houses to Defence Housing Australia, making them available to Territorians.

I am in the House today to present a petition supporting my motion, which has been through the Petitions Committee and is in order, with 719 local signatures.
The petition read as follows—

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

This petition of certain citizens of Australia draws to the attention of the House the decision of the Federal Labor Government to decommission 395 houses on RAAF Base Darwin in the midst of the Territory's worst ever housing crisis. We therefore ask the House to support the desperate need for housing in the Territory and the interests of local businesses which rely on support from local residents by excising from Commonwealth ownership the residential housing area of RAAF Base Darwin and handing the houses over to Territorians for a range of housing options including public housing and houses for first home buyers as a matter of urgency. from 719 citizens

Petition received.

Mrs GRIGGS: This petition of certain citizens of Australia draws to the attention of the House the decision of the federal Labor government to decommission 395 houses on RAAF Base Darwin in the midst of the Territory's worst housing crisis. We therefore ask the House to support the desperate need for housing in the Territory and in the interests of the local businesses, which rely on support from local residents by excising from Commonwealth ownership the residential housing area of RAAF Base Darwin and handing the houses over to Territorians for a range of housing options, including public housing and houses for first home buyers as a matter of urgency. Territorians are outraged. They see with the eye of common sense but fail to understand why this issue remains unresolved and these 125 houses continue to sit vacant. It is time to stop Labor's waste and mismanagement of taxpayer funded resources, make these houses available to Territorians and make them available now. I seek leave to table this petition.

The DEPUTY SPEAKER: The honourable member's time has expired. Leave is not required, as the Petitions Committee has, apparently, considered the petition and found it to be in order. The petition is received in accordance with standing orders.

Petition: New Zealand Potatoes

Mr ZAPPIA (Makin) (13:54): I present a petition signed by 471 people asking the House to take steps to ensure that Australia rejects the application to allow the importation of fresh New Zealand potatoes into Australia because of the existence of zebra chip disease in New Zealand potatoes. Zebra chip disease complex is a devastating potato disease, first detected in 1994 in Central America, which has caused millions of dollars of damage worldwide. Australia is currently free of the disease and the importation of fresh potatoes from New Zealand, where the zebra chip disease was detected in 2008, places at risk the Australian potato industry and the livelihoods of thousands of Australian rural families.

In 2008-09 Australia produced nearly 1.2 million tonnes of potatoes. The potato chips exposed to the zebra chip pathogen develop black lines through them and render them unsellable. There is little known about the zebra chip disease, and if the pathogen gets into Australia it will be extremely difficult and costly to control. I understand that the New Zealand Ministry of Agriculture Biosecurity has requested new market access for fresh potatoes to be imported into Australia under quarantine arrangements. I also understand that further petitions on this matter will be presented to the House over the coming weeks.

The DEPUTY SPEAKER: The petition will be received following consideration by
the Petitions Committee in accordance with the standing orders.

**Canning Electorate: Digital Television Services**

**Mr RANDALL** (Canning) (13:55): A number of constituents have contacted my office to complain about the poor quality digital TV reception experienced in the Mandurah area and in Waroona. Problems include audio drop-out, spikes, pixelations across the screen and loud and intermittent electronic noises. Residents have been told that this may be a result of faulty electronic items in surrounding premises. However, the Australian Communications and Media Authority, ACMA, who have the role of investigating these issues, only have offices in Canberra, Melbourne and Sydney. This has made it difficult for my constituents to contact them and also to have their issues further investigated on-site.

Upon contacting the communications minister, Stephen Conroy, his office advised that the residents should point their aerials in the right direction or have a technician inspect the problem. Many of these constituents have come to my office after they have paid for qualified technicians to come to their homes to inspect the problems, and even replace the entire antenna. Many have also contacted ACMA directly, to no avail. The Minister has also suggested that some of the residents may be eligible to move to digital TV via satellite, or VAST—viewer access satellite television—however, this program will not be available in Western Australia until November 2012 and will only be available upon application to areas that do not receive coverage, as deemed by the mySwitch website. According to this website, all of the complaints that have been received have been deemed to be in areas of good coverage, highlighting the inaccuracies of the service. This aside, the satellite service would come at a cost of between $200 and $350, after the government subsidy— (Time expired)

**Gould, Mr Bob**

**Dr LEIGH** (Fraser) (13:57): I rise to pay tribute to Newtown bookseller Bob Gould, who passed away on 22 May 2011 aged 74. Bob was part of the progressive left in Australia for the better part of the post-war era. From the Vietnam War to asylum seekers, he has marched and argued for what he believed in. As former New South Wales MP Meredith Burgmann noted, 'He was involved in most of the great political protest movements of the time.' Bob did live through interesting times. He was one of three people who chased down and restrained the man who tried to kill Arthur Calwell after an anti-conscription rally in 1966. His bookstores were raided for stocking such scurrilous works as Philip Roth's *Portnoy's Complaint* and pictures of Michelangelo's *David*.

Most students who attended the University of Sydney have a story about Gould's Books. Mine came when I was walking down an aisle and brushed past two precarious stacks of books on either side. Both collapsed on me, trapping me for about five minutes, until Bob heard my cries for help and ambled over.

Although he was a Labor Party member Bob was probably to the left of everyone in the current federal parliament. Yet even my libertarian friend Sinclair Davidson has noted Bob's passing, and recalled fondly his time buying books at Bob's bookstore. For his activism and his bookstore, Bob Gould injected ideas and energy into the public debate. He will be missed. (Time expired)

**Petition: Australia Post**

**Ms GAMBARO** (Brisbane) (13:58): I rise in the House today to table a petition on behalf of the constituents of Brisbane strongly opposing the decision by Australia...
Post not to reopen the Milton Business Centre. The former Milton Business Centre, along with many neighbouring businesses, was devastated by the January 2011 floods. Unlike the other small businesses in the area, the Milton Post Office has not reopened its doors. This is an additional slap in the face to local residents, families and small businesses who are still struggling to rebuild after the devastating floods.

Businesses in Milton rely heavily on the proximity of this post office to conduct their daily business activities and many businesses have had to spend money reprinting letterheads and business cards, installing letterboxes in their buildings and soaking up the cost of travelling up to 40 minutes on a daily basis to collect packages and check their post office boxes at other centres across Brisbane.

Despite my representation to the Minister for Broadband, Communication and the Digital Economy, the decisions seems to have now been made and the minister has refused to intervene or come up with an additional practical solution. I call on the minister to consider these families and businesses.

The petition read as follows—

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

This petition of the undersigned Citizens of Queensland
draws to the attention of the House: Australia Post is planning to close the Australia Post Business Centre at 37 Douglas Street Milton, Queensland. We believe the decision not to reopen in the Milton business district will cause great inconvenience for local families and business owners rebuilding after the recent flood devastation.

We therefore ask the House to: Seek assurances from Australia Post that they will commit to reopening a full Australia Post Business Centre facility in the Milton business and shopping precinct.

from 1,427 citizens

Petition received.

The SPEAKER: Order! In accordance with standing order 43, the time for members' statements has concluded.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:00): My question is to the Prime Minister. Now that we have a 'yes' campaign on a carbon tax, when will the Prime Minister finally admit that, yes, she did break her promise not to have a carbon tax, and when will she finally say 'yes' to an election so that the people will have their say on her toxic tax?

Ms GILLARD (Lalor—Prime Minister) (14:00): To the Leader of the Opposition I say that his conduct in this parliament in the first 30 seconds of question time justifies John Hewson's description of him as the 'master of the negative'. That is all the Leader of the Opposition knows. Even his fellow Liberals can no longer stomach his negativity and hollowness. The reason we saw those divisions is that when you stand for nothing it is easy to be divided, isn't it? There is no sense of purpose and no sense of unity, because under this Leader of the Opposition they stand for nothing.

Let me say the following to the Leader of the Opposition: I believe climate change is real; I know the Leader of the Opposition does not. I believe that because climate change is real we should have the cheapest and most efficient way of cutting carbon pollution. Economists tell us that the cheapest and most efficient way of cutting carbon pollution is to put a price on carbon—
Mr Pyne: What about before the election?

The SPEAKER: Order! The member for Sturt—

Ms GILLARD: and get the business in our nation that are big businesses and big polluters to pay that price—

Mr Pyne interjecting—

The SPEAKER: Order! The member for Sturt—

Ms GILLARD: not households and not taxpayers but big businesses that are big polluters. There are fewer than 1,000 of them. Then, because there is a price on that carbon pollution and they can no longer put it up into the atmosphere for nothing, because they are smart business people and because they are driven by the bottom line they will find ways of innovating and changing their business practices—

Mr Pyne interjecting—

The SPEAKER: Order! The member for Sturt—

Ms GILLARD: so that they generate less carbon pollution. We will use the revenue paid by those big polluters to assist Australian families. We will use it to protect Australian jobs. We will use it to fund programs that tackle climate change.

The Leader of the Opposition stands for a proposition that the member for Wentworth has rightly described as one that is expensive for taxpayers and will not work. It is the kind of policy you put forward when you do not really believe in climate change and your main aim is to have a policy that you can fool people with and you can bring to an end very quickly if you were ever required to implement it.

Look at the contrasts in our policies. We will require big polluters to pay and give some of that money to Australian families—

Opposition members interjecting—

The SPEAKER: Order! The member for Herbert—

Ms GILLARD: whereas the Leader of the Opposition will get Australian families to pay through increased tax and give that money to the big polluters. To the Leader of the Opposition I say that as the Liberal Party increasingly develops a sense of shame about his political tactics—

Mr Simpkins interjecting—

The SPEAKER: Order! The member for Cowan—

Ms GILLARD: it is now time for the Leader of the Opposition to stop this fear campaign and deal with the issue that confronts this nation and confronts this planet, and that is to effectively tackle climate change.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:04): Mr Speaker, I ask a supplementary question. I ask the Prime Minister why is she so negative about asking the people? Why won't the Prime Minister do the most positive thing she can and say ‘yes’ to an election? It is all very well asking the acting community, but why doesn't the Prime Minister ask the people what they think of her toxic tax?

Ms Macklin: Desperate!

Ms GILLARD (Lalor—Prime Minister) (14:04): I thank Minister Macklin for the best word to describe that performance—desperate indeed.

Honourable members interjecting—

The SPEAKER: Order! The House will come to order.

Ms GILLARD: At some point the Leader of the Opposition needs to stop insulting his fellow Australians. At some point he needs to stop insulting the intelligence of his fellow Australians.
Australians overwhelmingly believe climate change is real—that is, they are in front of the Leader of the Opposition. The Australian community has moved past him. They believe climate change is real.

To those Australians who believe climate change is real and who want to act now, we say to them, and I say to them as Prime Minister, let's act in the most effective way we can, the cheapest way we can, the most efficient way we can and the best way we can to cut carbon pollution. What the Leader of the Opposition says to them instead is to try to stoke fear.

Mr Pyne interjecting—

The SPEAKER: Order! The member for Sturt—

Ms GILLARD: Just this morning, in the last six or seven hours, we have had members of the opposition out at the doors engaged in a campaign of deceit trying to pretend to the Australian people that the government is funding the COP 11 campaign advertising that went to air yesterday.

Opposition members interjecting—

The SPEAKER: Order! The member for Casey—

Ms GILLARD: They knew that was not true, but they were out on the doors engaged in a campaign of deceit trying to say to the Australian people that the government was funding that advertising.

Opposition members interjecting—

The SPEAKER: Order! The Deputy Leader of the Opposition—

Ms GILLARD: Then we had the shameful display of the member for Murray trying to pretend to the people in her electorate that jobs were being lost at a local food manufacturer because of a carbon price, and they were going to New Zealand because of fears of a carbon price in Australia. What she forgot to tell them in that campaign of fear is that New Zealand, under a conservative prime minister, has an emissions trading scheme. That is, in the last six or seven hours—we do not even have to go further back than that—we have had the opposition out there knowingly speaking untruths to try and generate fear in the minds of the Australian community. Well, the Australian community believe climate change is real. And, because they believe climate change is real, we will work with members of the Australia community to put in place the best mechanism to cut carbon pollution and tackle climate change—by, as I say, putting a price on the biggest polluters and giving money to Australian families. The Leader of the Opposition wants to rip money off Australian families and use it to subsidise the biggest polluters. We on this side will keep talking about the facts and the best path forward for this nation.

Climate Change

Ms ROWLAND (Greenway) (14:08): My question is to the Prime Minister. Will the Prime Minister inform the House how the 10,000 Teens campaign will see young Australian women take action on climate change? Why is it critical to take action now and start the move to a clean-energy future?

Ms GILLARD (Lalor—Prime Minister) (14:08): I very much thank the member for Greenway for her question. Earlier today I was able to go to the Ravenswood School and meet with young women who are engaged in the 10,000 Teens campaign. It is part of a broader campaign to bring together one million women to raise their voice about climate change.

Mr Fletcher interjecting—

Ms GILLARD: I would have thought the member for Bradfield would want the views of his constituents to be heard in the Australian parliament. I talked to his constituents today and I am bringing their
views to the Australian parliament. I would have thought he would be interested in the views of his own constituents. At Ravenswood today, I participated in an event that was about bringing together one million Australian women who will raise their voices on climate change, one million women who will take a pledge in their personal lives to cut the amount of carbon pollution that they generate—grandmothers and mothers, aunts and sisters, banding together to have their voices heard about the need to tackle climate change. And the 10,000 Teens campaign is about young women having their voice heard too, so that they can say to their mothers and grandmothers, to their aunts and to their older sisters: 'Thank you for taking action on climate change. We want our voice heard as well.'

Ravenswood is one of around 30 schools in New South Wales involved in the 10,000 Teens campaign. Through that campaign and more broadly around the Australian nation—in Sydney, in the outer suburbs and in regional towns—we are hearing Australians say they believe climate change is real and they want to see effective action on climate change. Effective action through pricing carbon, effective action through making the big polluters pay, is what this government stands for and it is what we will bring to the Australian parliament. What people do not want to hear is a whole lot of negativity, a whole lot of fear mongering, a whole lot of bitterness from a divided political party. What they want to hear is real solutions. I visit a lot of schools and I very much enjoy doing so. Whenever I go to schools, I talk to the kids about the partnership that we the adults in this community have with them. We tell them to study hard and we have to provide them with great schools to study in. We say to them: 'When you leave school, don't drift around. Get a job or go into that new educational opportunity'—and we have to do the right thing to make sure the economy is strong and they can get the benefit of that great new training opportunity. And on climate change they are saying to us: 'Please act to do the things that we need to do to cut carbon pollution in this nation.' I am listening to their voice, the government is listening to their voice, and we will act by pricing carbon.

Carbon Pricing

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:12): My question is the Prime Minister. I refer to the Press Club address last month by the Minister for Climate Change. He said:

If the imposition of a carbon price led to production being moved offshore to a country without a comparable carbon constraint, we could end up with a worse environmental outcome as well as the loss of Australian jobs.

Given that, at the weekend, Russia, Japan and Canada advised that they would not join a second round of carbon cuts under the Kyoto protocol and the United States has reconfirmed that it will not join, will the Prime Minister guarantee that no industries will move and no jobs will be lost overseas as a result of her carbon tax?

Ms GILLARD (Lalor—Prime Minister) (14:13): I thank the Deputy Leader of the Opposition for her question. As the Deputy Leader of the Opposition would know—from news reports, from the briefings that she reads and, indeed, from the information she would get from the sister political parties of the Liberal Party around the world—other nations are moving on climate change. I am sure, for example, that there is a great exchange of information between the Liberal Party of Australia and the Conservatives in the United Kingdom. Indeed, we know that the Leader of the Opposition has been to the UK to consult with David Cameron, now the Prime Minister of the United Kingdom.
People would remember when he went to do that. What does David Cameron stand for? This is a man who, were in Australia, would be the holder of a Liberal Party ticket. He has announced to his community that he stands for cutting carbon emissions by 50 per cent by 2027—a conservative. But we do not need to look as far away as the UK. We can look across the ditch to New Zealand—another conservative. The Prime Minister there, John Key—

Ms Julie Bishop: I asked about Russia, Japan, Canada and the United States not joining Kyoto and asked the Prime Minister to guarantee that no industries would move and no jobs would be lost overseas as a result of her carbon tax. She has not answered that question and is not—

The SPEAKER: Order! The Deputy Leader of the Opposition will resume her place. The Prime Minister has the call. She knows her obligation to be directly relevant to the question.

Ms Gillard: I presumed the opposition would be interested in the actions of their fellow conservatives overseas, including of course the Prime Minister of New Zealand—a conservative in a country with an emissions trading scheme. Then let’s come to the US, mentioned in the deputy opposition leader’s question. President Obama has committed the US to a hugely ambitious agenda about ensuring that 80 per cent of the energy used in the US comes from clean energy sources—a huge agenda for change. Right around the world, whether it is China or India, we see countries acting on climate change.

I do not put the case to the Australian people that we should act in front of the world, but we cannot afford to be left behind either. We have a high-emitting economy. We emit more carbon pollution per head of population—

Mr Hartsuyker interjecting—

The SPEAKER: The member for Cowper is warned!

Ms Gillard: than any other developed nation. That means, in generating a clean energy economy for the future, we have got a bigger journey to travel, and that is why we need to start the journey now. I understand that the Leader of the Opposition and members of the Liberal Party generally are out there trying to stoke fear on this issue. They have got no solutions; they have got no belief in climate change; they have got no views about the future of this country. All they stand for is relentless negativity, to the disgust of many people who hold a Liberal Party ticket. We will meet their fear campaign with facts. As we design carbon pricing, we will be working with Australian businesses and industry to ensure that we protect Australian jobs.

If the Deputy Leader of the Opposition is truly concerned about the employment prospects of Australians today and Australians tomorrow then she should be supporting the most efficient way of tackling climate change: pricing carbon and generating the clean energy economy we need for the future. She should not be advocating a strategy which would have our nation left behind, including behind countries where her conservative counterparts are taking positive action on climate change.

Climate Change

Mr Melham (Banks) (14:18): My question is to the Minister for Climate Change and Energy Efficiency. Will the minister update the House on the government’s efforts to introduce a carbon price that will cut pollution and drive investment in clean energy? How have these efforts been received and what is the government’s position?
Mr COMBET (Charlton—Minister for Climate Change and Energy Efficiency) (14:18): I thank the member for Banks for his question. The government, as the Prime Minister has just outlined, is determined to make a very important reform to our economy for the benefit of our long-term competitiveness and the benefit of our environment by placing a price on carbon. Of course, we are pursuing that reform through the discussions that we are holding within the Multi-Party Climate Change Committee. The context of that policy is that—

Mrs Bronwyn Bishop interjecting—

The SPEAKER: The member for Mackellar is warned!

Mr COMBET: a price on carbon will apply to fewer than 1,000 of the largest emitters of carbon pollution in our economy, and every cent raised by the payment of the carbon price by those entities will go to assisting households meet any price impacts, supporting jobs and competitiveness in the trade exposed part of the economy and supporting clean energy programs. It is important, in reference to the previous question as well, to bear in mind that it has been the clear position from the outset that there will be support for businesses that are working in the emissions-intensive and trade exposed part of the economy.

Furthermore, it is very important to understand in pricing carbon that it will make cleaner energy sources cheaper relative to higher polluting sources of energy. That is a very important basis for pricing carbon in the economy. The discussions that we are having through the multi-party committee are constructive. Of course, there are some issues that we continue to work through, but all parties are approaching these discussions in good faith.

Opposition members interjecting—

Mr COMBET: You can still participate. Change your mind; get on board; show some respect for the scientific evidence. The government will continue to work through those issues with the other parties in the Multi-Party Climate Change Committee.

On the weekend we heard from 15 of Australia's top energy companies, including AGL, BP Solar, GE and TRUenergy, who all called for the urgent introduction of a price on carbon to provide certainty for business to invest in clean energy projects and jobs. We have also heard from peak bodies representing Australian business and industry. It is relevant to the debate that the Business Council of Australia and the Australian Industry Group both support a market mechanism to put a price on carbon, and they have not supported the coalition's subsidies-for-polluters policy.

In addition, today there are a number of members of the 'Say Yes' to carbon pricing campaign in Canberra, representing a wide range of Australian people and Australian organisations. That group includes two former Liberal leaders, one of whom is former Liberal Prime Minister Malcolm Fraser. I am also referring to former Liberal leader John Hewson. Amongst the group are representatives from environment groups, unions, economists, academics, farmers, doctors and sports people. They collectively signed a letter today calling for a price on carbon. Dr Hewson had this to say at a press conference today in relation to this:

Look, you've got to price carbon as the centrepiece for any adequate response to the challenge of climate change. Dr Hewson is, in the true tradition of market economists that have guided philosophy on the other side of the House for a long period of time, very unlike the current Leader of the Opposition, who has no faith in market mechanisms and refuses to accept the
scientific evidence on climate change. (Time expired)

**Carbon Pricing**

**Mr FLETCHER** (Bradfield) (14:20): My question is to the Prime Minister. Is the Prime Minister aware that in withdrawing from the 10-state emissions trading scheme in the United States—the scheme she has previously cited in support of her carbon tax—New Jersey Governor Chris Christie has said that the scheme 'does nothing more than tax electricity, tax our citizens and tax our businesses, with no discernible or measurable impact upon our environment'? Given that the Prime Minister won an election based on the promise of no carbon tax, when will she do the right thing and ask the Australian people whether they say yes to a carbon tax, by calling an election before its introduction?

**Ms GILLARD** (Lalor—Prime Minister) (14:20): I thank the member for Bradfield for his question. As I have already indicated to the House, I was in his electorate this morning talking to his constituents, who want to see action on climate change. And of course the most effective way of acting on climate change is to put a price on carbon paid by the big polluters so that they will change the way they operate their businesses and cut the amount of carbon pollution. We will then use that revenue to assist households to protect Australian jobs and to fund programs to tackle climate change and generate our clean energy future.

The member for Bradfield may want to consult his constituents about these questions and when he does he may want to say to them that he follows an opposition leader who denies the science of climate change and that fellow Liberals, who hold the same party ticket as the member for Bradfield, are disgusted by the continuing negativity of the Leader of the Opposition. They cannot believe that a man can be so empty and so hollow.

**Mr Fletcher:** Mr Speaker, I rise on a point of order in terms of relevance. The Prime Minister was asked a very specific question: is she aware that the New Jersey governor has withdrawn his state from a scheme she has previously cited?

**The SPEAKER:** There is no point of order.

**Ms GILLARD:** As I said to the member for Bradfield, we are going to act on climate change and we are going to do it with full understanding about circumstances around the world. Yes, I am aware of the change that the member for Bradfield refers to. The governor is a Republican. He is from a sister political party, which would only make me conclude that when the sister political parties get together from across the world—Prime Minister David Cameron, standing for 50 per cent reductions in emissions by 2027; Arnold Schwarzenegger, now in the news for a few other matters, as the Governor of California, having stood for reducing carbon pollution; the Prime Minister of New Zealand, a conservative standing for an emissions trading scheme—it is going to be a pretty interesting discussion, isn’t it? But the important thing that should come out of that discussion is that conservatives like David Cameron have had the foresight to say to their people, ‘Climate change is real.’

I believe that; David Cameron believes that; the Leader of the Opposition does not. We need to get on by cutting carbon pollution. I believe that; the Leader of the Opposition does not. The most efficient way of cutting carbon pollution is to put a price on it. I believe that; the Leader of the Opposition does not. As we transition to a cleaner energy future, I believe in assisting Australian households; the Leader of the Opposition does not. He believes in putting
additional taxes on their shoulders so that he can take that money and pay it to the big polluters as a subsidy. I am very happy to keep arguing for a positive path to address climate change.

Climate Change

Mr BANDT (Melbourne) (14:20): My question is to the Minister for Resources and Energy. Minister, the proposed HRL coal fired power station in the Latrobe Valley will have a pollution intensity similar to a black coal fired power station and will pump out over two million tonnes of pollution a year. Given we are now all moving to put a price on pollution and the Victorian EPA has refused to give full approval to the coal fired station, will the government now withdraw the $100 million in funding flagged by the Howard government but not yet handed over to the company?

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (14:20): The member's question goes to an announced grant by the coalition government early in 2007 by the then member for Groom, as minister for resources and energy, and the member for Wentworth, as minister for the environment. It was actually announced during a time when the coalition, led by Prime Minister Howard, actually believed in policy rather than being a policy-free zone, which is the area in which the coalition finds itself. I also remind the House that at the time the coalition, which was led by a leader who believed in making hard decisions on policy, was committed to putting a price on carbon.

The question goes to the heart of how we as a community can make a breakthrough on clean energy. Clearly, we appreciate and understand that the electricity sector is not only an essential service to the Australian community but also a major source of greenhouse gas emissions. Our government is committed not just to trying to take forward the debate on clean energy technology but also to putting in place a market mechanism based on a price on carbon side by side with a renewable energy target, which creates a framework for the market to work out the best form of clean energy. In that context, we regard the original announcements by the then coalition government as part of our endeavours for a $5 billion commitment to clean energy technology to take forward our opportunities for a baseload reliable energy sector in Australia which is also premised on reducing emissions.

Regarding the question raised by the member, I remind him that it was part of a potential range of grants by the then coalition government that included Solar Systems, which was a solar power opportunity based at Abbotsford in his electorate of Melbourne. I will continue to progress the HRL proposal in the same way in which I will progress the Solar Systems proposal now taken over by Silex because of a failure of the Solar Systems investors with respect to their capacity to commercialise that solar opportunity.

Let's go to the facts around where the HRL proposal is at the moment. Firstly, the EPA Victoria's part approval of HRL-Dual Gas Pty Ltd does not trigger any Commonwealth payment. Secondly, no low-emissions development funds have been paid to the project to date. Thirdly, the government is continuing discussions with Dual Gas and the Victorian government as to where we go with the project in the future. In essence, we will continue to work with the proponent and the Victorian government to assess whether this project meets the conditions precedent established by the coalition government not only with respect to the HRL project but also, I might say, with...
respect to the original announcements going to Solar Systems, a solar based opportunity to actually make a breakthrough on clean energy.

I will continue to apprise the House as we advance the capacity of these projects that meet the conditions precedent established by the original announcements in terms of both HRL and Solar Systems.

**Economy**

Ms O'NEILL (Robertson) (14:32): My question is to the Treasurer. Is the Treasurer aware of recent reports about the importance of credible policies to return the budget to surplus? What is the government’s response?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:32): I thank the member for that very important question. We know that the recent natural disasters have had a significant impact on our economy, but these events have not knocked our economy off its path. Our fundamentals are strong because we have low and falling unemployment, we have record terms of trade and we have an unprecedented investment pipeline. We saw that with the capex data last week and we saw it with the ABARES data as well. We have a record investment boom which is going to stretch the capacity of our economy. That is why we have put in place measures to support our workforce for the future and that is why we put in place some tough savings measures to bring our budget back to surplus in 2012-13. That is also why we put in place something like $22 billion worth of savings over the forward estimates.

It was very important to do all of that, but it stands in stark contrast to the approach of those opposite, who have no plan to bring the budget back to surplus and no plan for jobs. We have seen today this absolutely extraordinary effort by the shadow Treasurer, who started to blame all of his colleagues for the shocker that he had at the Press Club.

Mr Pyne: Mr Speaker, I rise on a point of order. I listened closely to the member for Robertson's question and it certainly did not call for this needlessly negative response from the Treasurer. I ask you to call him back to the question he was asked.

The SPEAKER: Order! The member for Sturt will resume his place. The Treasurer has the call.

Mr SWAN: I was talking about the importance of coming back to surplus. Nothing could be more important to our economy. Of course, those opposite have no plan to come back to surplus and I simply made the point that in the Financial Review today the shadow Treasurer was blaming all of his colleagues for the fact that they have no plan to come back to surplus.

Mr Pyne: Mr Speaker—

The SPEAKER: Order! The Treasurer has the call! The Manager of Opposition Business will resume his place. He will learn to sit there quietly and then I will allow him to take action. But, if he is going to prattle on through every answer, he will learn that I have limited things I can do with him. One of them is to send him out for an hour and then he cannot take any action as Manager of Opposition Business. Or I can warn him and then name him and he will be out for a day. But, on this occasion, I think he should just take this as his punishment. He has had his one point of order. The Treasurer has the call.

Mr SWAN: This morning we had the incredible sight of the shadow Treasurer writing to the Financial Review saying it was not all his fault; it was all the work of Mr Robb and all the work of the Leader of the Opposition. But he did say they described it as a very good speech.
The SPEAKER: Order! The Treasurer will relate his material to the question.

Mr SWAN: This is pretty important because, as Ben Packham said today in the Australian: 'Some Liberals believe the letter is evidence of Mr Hockey's frustration at what he sees as Mr Abbott's lack of interest in economics.'

The SPEAKER: Order! The Treasurer must relate his material to the question.

Mr SWAN: Like Dr Hewson and so many on that side of the House, they know the Leader of the Opposition does not have any positive alternatives for our economy.

The SPEAKER: Order! The Treasurer will bring his response to a close.

Mr SWAN: Mr Speaker, I am talking about the importance of bringing our budget back to surplus and the fact that those opposite do not have a clue—

The SPEAKER: The Treasurer will resume his place! Order! As I have outlined, some of these responses were previously allowed under the relevance rule. There is a higher bar. The question must be directly relevant and, if that question were reviewed, there would be one missing element that would have allowed this response to be directly relevant. I am advising the Treasurer to relate his material in a directly relevant manner—not under the old rules of relevance but directly relevant. I call the Treasurer, but he will now bring his answer to a conclusion.

Mr SWAN: I was asked about credible economic plans for the future, the importance of bringing a budget back to surplus, and the need to lift pressure on all of the elements associated with the workforce and so on to support our workforce. All of those things are policies which are opposed by those opposite. You can only laugh when the shadow Treasurer has to blame his colleagues for his incompetent performance.

Carbon Pricing

Mr HOCKEY (North Sydney) (14:37): My question is to the Treasurer. I refer the Treasurer to last week's G8 meeting, at which Russia, Japan and Canada advised that they would not join a second round of carbon cuts under the Kyoto protocol and President Obama restated the United States's opposition to the Kyoto protocol. Has the Treasurer commissioned Treasury modelling on the effect on our economy if Australia moves ahead of our major trading partners by introducing a carbon tax?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:38): The government has commissioned modelling to deal with the creation of an emissions trading scheme; that is public knowledge, and we are awaiting that modelling. That modelling is conducted by professionals in the Treasury, and they are the very same people relied upon by those opposite when the former government, under Prime Minister Howard, was putting forward an emissions trading scheme. We will await the results of that modelling and that modelling will be made public, so I can say that to everybody in the House and to all of the Australian people. We will make the modelling available. Whether it has been conducted by Mr Stern or whether it has been conducted by Garnaut, modelling has shown that the cost of inaction is far higher than the cost of action. We know all of that and we also know that what the Prime Minister said before is just so true. The sooner we begin to move, the more important it is that we can have a gradual adjustment, because as a developed economy—

Mr Hockey: Mr Speaker—

The SPEAKER: Has the Treasurer concluded?
Mr KELVIN THOMSON (Wills) (14:39): My question is to the Minister for Health and Ageing. Will the minister outline the steps the government has taken with regard to tobacco plain packaging legislation? How have these steps been received? What is the government's response?

Ms ROXON (Gellibrand—Minister for Health and Ageing) (14:40): I thank the member for Wills for his question. As he might be aware, but it appears that the Leader of the Opposition has not been, the government actually released draft legislation for plain packaging nearly two months ago, on 7 April. This legislation will restrict industry logos, brand imagery, colours and promotional text and increase warning labels on the front of packs from 30 per cent to 75 per cent. This is the exposure draft in all its 86 pages of detail. Australians still have another week to comment on this exposure draft legislation, and we have to date received many submissions. Unfortunately, even with all of this information available, the Leader of the Opposition says he cannot possibly make up his mind whether he will support plain packaging legislation or not. In fact, he said on the Today show, 'I haven't seen the legislation. Show us the legislation. When I see the legislation I will make up my mind.'

It made me wonder, when Mr Abbott, the Leader of the Opposition, was the health minister, he challenged whether these steps needed to be taken. He asked: 'Do we really have to be doing this?' He argued that smoking was a matter of 'personal responsibility' and people had 'freedom to choose.'
It is no wonder that those opposite are starting to divide on this issue. It is no wonder that people are questioning whether he is a tobacco denier as well as a climate change denier. Australia could lead the world on tobacco control, but the Leader of the Opposition needs to lead his party.

Carbon Pricing

Mrs MIRABELLA (Indi) (14:44): My question is to the Prime Minister. I refer the Prime Minister to the Australian Food and Grocery Council's modelling that suggests that food and grocery prices will rise by between three and five per cent under a $26 per tonne carbon tax. Given that the Prime Minister won an election based on a promise of no carbon tax, when will she do the right thing and ask Australia's already struggling, forgotten families whether they say yes to a carbon tax by calling an election before its introduction?

Ms GILLARD (Lalor—Prime Minister) (14:44): I thank the member for Indi for her question. First, I would say to the member for Indi that I understand that families right around the nation struggle with cost-of-living pressures. That is why, for those families, who also care about the future of this country and also believe that climate change is real, I am determined that we get big polluters to pay the price of carbon pollution and we use that revenue to assist Australian families, to protect Australian jobs and to fund programs to tackle climate change and take us to our clean energy future.

The member for Indi does not believe climate change is real but what she does believe in, presumably, is the Leader of the Opposition's plan to rip money off those families struggling with cost-of-living pressures and to use it to subsidise big polluters. I suggest that the member for Indi actually go to people in her electorate and say, 'Would it be all right by you if you paid more tax and that money went to subsidising big companies that pollute?'—because that is what the member for Indi and the Leader of the Opposition stand for.

Mr Chester interjecting—

The SPEAKER: Order, the member for Gippsland!

Ms GILLARD: Rather than trying to distort facts, as we have seen the opposition do as recently as this morning, rather than trying to generate fear, which we see the Leader of the Opposition do every day, rather than be lost in a world of climate change denial and rather than have the kinds of divisions we have seen in the Liberal Party, where the member for Wentworth says about the Leader of the Opposition's plan, 'It won't work and it will cost taxpayers,' we on this side of the House will get on with the job of tackling climate change through the cheapest way available, which is by putting a price on carbon and having it paid by the big polluters, whilst we assist Australian families, protect jobs and fund our transition to a clean energy future. That is the best thing that we can do to assist families as our nation makes this transition.

Having met with some young Australians today, representative of so many other young Australians around the nation, and having met with women today who are taking personal action on climate change, it is clear that the Australian community overwhelmingly believes climate change is real and they want us to provide the leadership we are providing as to how to tackle climate change. They do not want to hear continuing negativity and fear campaigns from the Leader of the Opposition.

Budget

Ms SMYTH (La Trobe) (14:47): My question is to the Treasurer. Treasurer, why is it critical that savings measures in the
budget are supported, and are there any threats to their passage through the parliament?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:48): I thank the member for La Trobe for that very important question, because bringing the budget back to surplus in 2012-13 is critical. You cannot actually return a budget to surplus unless you put in place savings measures, which of course is what the government did in our last budget. In this year’s budget we have restricted real spending growth to one per cent a year. That stands in very stark contrast to 3.7 per cent per year in the last five years of the coalition government. We have put in place savings measures totalling $22 billion. These savings are very important because they will fund vital initiatives such as our new initiatives in mental health but also more broadly in education and hospitals. And they deliver a net benefit to the budget bottom line of $5 billion.

Mr Chester interjecting—

The SPEAKER: The member for Gippsland is now warned!

Mr SWAN: This will be a very important thing in the parliament because we will see five key savings measures in the parliament totalling $4 billion in savings. This will be a very big test for those opposite, because you cannot say that you believe in coming back to surplus if you do not support the savings.

Of course, there has been a lot commentary from those opposite as to where they may or may not stand on this matter, but I think the final word from Senator Minchin is one that is quite disturbing. He made this point:

Too many Parties ... err on the side of populism ... That is ultimately self-defeating because you end up standing for nothing...

Those remarks are directed at the shadow Treasurer and, of course, at the shadow finance spokesman. They are now so negative that they are now opposing their own policies. They decided in their party room last week that they would not be supporting the alternative fuels measures, which were a product of the Howard government and go back as far as 2004. They have now become so negative that they are opposing even policies they supported over a long period of time. What this demonstrates is what the opposition leader said in the party room last week when he said that he will take opportunism any time—opportunism over good policy.

The SPEAKER: Order! The Treasurer will bring his remarks to a conclusion. He is to round up.

Mr SWAN: I certainly will, Mr Speaker. On the weekend a coalition MP, who will remain nameless, made this comment in the newspaper. He said:

We can’t keep agreeing with government spending measures opposing savings and ... keep our financial credibility intact.

He is dead right.

Government members interjecting—

The SPEAKER: Order! Those who are getting the Leader of the House excited should contain themselves and wait. The Leader of the Nationals has the call.

Carbon Pricing

Mr TRUSS (Wide Bay—Leader of The Nationals) (14:51): My question is to the Treasurer. Is the Treasurer aware of independent research conducted by the National Farmers Federation which shows that an average Western Australian grain producer will be $36,000 a year worse off under the government’s proposed carbon tax, even if agriculture is excluded? Does the Treasurer agree with the National Farmers Federation, which said today that this carbon tax will ‘cripple the entire Australian
Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:52): We do value agriculture as an industry and we support it strongly on this side of the House. There is perhaps no industry which is going to be more affected by dangerous climate change than agriculture. So we know this is yet further evidence of how those on that side of the House simply do not get it when it comes to the science of climate change, but there are farmers out there who truly understand the importance of dealing effectively with dangerous climate change and of putting in place policies to deal with it for the long term so they can grow and prosper and benefit from the Asian century. I personally am very optimistic about the future of agriculture in this country. Just as I am optimistic about the future of coal and iron ore, I am very optimistic about the future of agriculture because as this region grows, as the middle classes grow in Asia, they will demand more of our goods, not just iron ore and coal but our agricultural products. This is yet another reason why we as a nation must deal with dangerous climate change—to support our farmers and to support their families.

Of course, this question is yet another example of just how desperate they have become. They will exaggerate any fact. They will twist any figure in the absence of a detailed design. We will go about constructing our emissions trading scheme in a methodical way. The climate change minister is doing a fantastic job of that. We will go about doing that based on science and based on evidence. We will go about doing it based on modelling because we have got the interests of the country at heart, unlike those opposite, who have got no alternative policies. They came in here today to call for an election, but they do not have an alternative economic policy and they do not have an alternative agricultural policy. This just shows how barren and inept they are.

MOTIONS

Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:54): I move:

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

That this House calls upon the Prime Minister to come clean with the Australian people, our forgotten families, the manufacturing sector, our exporters, our small businesses and our farmers and:

(1) own up to the following fact, that yes:

(a) she did say, five days before the last election, "there will be no carbon tax under the Government I lead";
(b) she did say, one day before the election, "I rule out a carbon tax";
(c) she did promise there would be no carbon tax without a "deep and lasting community consensus";
(d) around the world, our global competitors, Russia, Japan, Canada and the US, are walking away from the next round of Kyoto carbon-cuts; and

(2) that as Prime Minister, she should declare, "yes, I won't introduce a carbon tax without first seeking a mandate at a new election".

It is necessary to suspend—

Mr Fitzgibbon: Mr Speaker, on a point of order: I certainly do not raise this to put any additional and unnecessary pressure on you, but it is very clear, and I am sure you would agree, that I easily was on my feet
before the Leader of the Opposition. I would have thought that, if he really wanted to have a debate on climate change, he would have been quicker to his feet.

The SPEAKER: There is no point of order. The Leader of the Opposition.

Mr ABBOTT: It is necessary to suspend standing orders because this matter cannot wait. It cannot wait and standing orders must be suspended because this is a Prime Minister who is happy to listen to actors but she will not listen to voters. She wants to say yes to celebrities, but she will not say yes to the people of Australia by having an election on this topic. She will listen to actors and she will listen to celebrities, but one of the people she would not listen to is the foreign minister, who is now walking out of the chamber. None of us are surprised that he is walking out of the chamber, because she would not listen to him either before the last election. She would not listen to him when he wanted an emissions trading scheme, instead she destroyed his prime ministership and lied to the Australian people at the election we had in the middle of last year.

The SPEAKER: Order! The Leader of the Opposition will be very careful.

Mr ABBOTT: I take your admonition, Mr Speaker. What did this Prime Minister say to the Australian people before the election? Putting her hands on her heart she said, 'There will be no carbon tax under the government I lead.' That is why this suspension cannot wait. She has got to explain herself. What did the Treasurer say to the Australian people before the election? He said that my claim that as sure as night follows day there will be a carbon tax if this government is re-elected was a hysterical exaggeration. It is so hysterical that it is exactly what this government is doing and that is why this suspension of standing orders cannot wait.

This Prime Minister went to the Australian people saying: 'There will not be a carbon tax. There will not be an emissions trading scheme. What there will be is a climate change people's convention.' That is what she said. That is what she took to the Australian people and nothing would happen, she said, until there was a deep and lasting consensus. That is what the Prime Minister took to the Australian people. She reckons she has got a consensus because she has got a deal with the Greens. We had the climate change people's convention on the weekend. It consisted of just five people: two Greens, two Independents and one Labor minister to take the Greens' instructions back to the cabinet. That is no people's convention; that is a fraud on the Australian people and that is why it is important that we suspend standing orders.

I think that it is very important that the actors and the celebrities of this country should have their say. People who live in ecomansions have a right to be heard, they really do. People who are worth $53 million have a right to be heard, but their voice should not be heard ahead of the voice of the ordinary working people of this country. Their voice should not be heard ahead of the forgotten families of this country. It is one of the fundamental principles of our democracy that everyone's voice is equal. You do not give special weight to celebrities, you do not give special weight to people who live half the year in Hollywood, where there is no carbon tax, and you do not give special weight even to former leaders of the Liberal Party. You give weight to the voice of the Australian people. That is why it is so important that we should suspend standing orders, and that is why this matter cannot wait. I say to the Prime Minister, who typically has scuttled out of this chamber, that you will not be able to avoid the voice of the Australian people for that much longer.
The Prime Minister should stop thinking that a handful of celebrities somehow represent the voice of the Australian people. She should not be frightened of their voice. If she is so certain that her arguments on climate change and a carbon tax are so right, she should listen to the Australian people. She should give them a chance to say yes or no, as the case may be. She should stop thinking that the only people who count are the people who agree with her.

Why it is so important that we suspend standing orders, and why this matter cannot wait, is that this government's carbon tax will be a massive hit on the standard of living of the forgotten families of our country. It will lead to a 25 per cent increase in power prices, a 6½c a litre increase in private petrol prices, a five per cent increase in grocery prices, a $6,000 increase in the price of a new home and, as we discovered today, at least a $12,000 a year increase in the price of running a farm—and that is at just $20 a tonne. If the government's carbon tax goes ahead, at least 16 coalmines will close, 23,000 jobs will be lost in the mining industry and 45,000 jobs will be lost in the manufacturing industry.

The SPEAKER: The Leader of the Opposition will return to the suspension.

Mr ABBOTT: We must suspend standing orders because the 126,000 workers in regional Australia whose jobs will be in jeopardy if this carbon tax goes ahead deserve to be heard. What has this Prime Minister got against the manufacturing workers of our country that makes her want to destroy manufacturing by putting on our industries burdens that will not be borne by any of our competitors?

We heard a lot today from the Prime Minister about the Prime Minister of Great Britain. What she did not tell us about is the escape clause that David Cameron put in his statement the other day that, if in 2014 no other country is doing what is proposed, he will revise his targets down. What we should see is a bit of honesty from this Prime Minister, who if she was fair dinkum would say to the Australian people: 'All right, I deceived you before the election. I want to make an honest politician of myself by going to you and saying, "Give me a mandate for this tax."'

The Prime Minister says there will be compensation, but of course she has overpromised the compensation. You cannot give all of it to households and half of it to industry. The fact is that there will never be enough compensation for this carbon price, because you cannot compensate people who have lost their jobs as a result of this Prime Minister's toxic tax. The tax will be permanent, the compensation will be temporary and the tax will just go up and up. It must be $40 a tonne, according to the Greens, if it is going to drive a shift from coal to gas. It must be $100 a tonne, according to the Greens, to drive a shift from fossil fuels to renewables. We know who is running this government when it comes to this policy. It is not the Prime Minister; it is Senator Bob Brown. When the Prime Minister said, 'There will be no carbon tax under the government I lead,' did she mislead the Australian people or is the carbon tax an admission that the real Prime Minister of this country is Senator Bob Brown? The Prime Minister should get up on her feet and answer those questions. If she does not, the charge against her will be that not only did she deceive the people but also she has got no guts and she has got no ticker. *(Time expired)*

The SPEAKER: Is the motion seconded?

Mr HOCKEY (North Sydney) (15:04): I second the motion to suspend standing and
sessional orders. This matter is urgent, because the government is refusing to answer the most basic questions in this place about the carbon tax. The government is refusing to answer a question about how many jobs will be affected. The government is refusing to answer a question about the impact on the economy. The government is refusing to answer a simple question about the impact on households. The government is refusing to answer a simple question about what the price will be, leaving the vacuum to be filled by the Greens, who range between $40 a tonne and $100 a tonne. The government is refusing to answer questions about the impact of other trading partners, such as Russia and Canada, declaring that they will not have a second round of the Kyoto protocol. The government is refusing to answer a question about whether it is modelling the impact of our trading partners pulling out over the weekend from that commitment. The government is refusing to respond to the modelling of the Australian Food and Grocery Council which suggests that food and grocery prices will rise by between three and five per cent at $26 a tonne.

The government is refusing to answer every simple question that the Australian people want answered. Instead, it is sending out others. A Prime Minister with no courage at all is standing behind an advertising campaign commenced last night led by others. The Prime Minister stated blatantly on the front page of a newspaper today that she was sending her ministers out for a blitz on the Australian community, but she will not answer simple questions in this place. The Australian people are bemused by this, but they are also made afraid by this. Why? Because it clearly illustrates the fact that this is a government with no confidence, no plan and no roadmap. It declares issues to be the greatest moral challenge of all time and it declares issues to be fundamental to the Australian economy, yet it leaves the great questions unanswered. It leaves Australians confused and in a place where, if they cannot have confidence in this government, they cannot have confidence in the destiny of the nation. So it comes as no surprise that this is a matter of urgency because as each day passes new data comes out that indicates that confidence in the community is, at best, flat but it is having a real impact on our economy. Flat retail sales, flat housing starts—it all comes through in the economy because this is a government that creates no sense of confidence. It is a government that does not believe in its own words. If the government does not believe in its own words and if it has a Prime Minister who refuses to debate this issue in detail in this place, how can you expect Australians to believe the government knows what it is doing?

In the same way that this government confuses Australians about its fiscal strategy and in the same way that it confuses Australians about its approach to climate change—having said it is the great moral challenge—now the two chief salespeople for the government's new carbon tax are the ones who only a few months ago said to Kevin Rudd, 'Dump it and dump it fast.' We have a Treasurer with no commitment and no spine. We have a Prime Minister with no courage and no direction.

Out of all of that, they are smiling at the thought that the Australian people are afraid. I will tell you what: the carbon tax issue is not about climate change; it is about the rising cost of living for everyday Australians. That is what it is about. That is why there was a visceral reaction to the ads last night. There is extreme concern in the community about the introduction of a carbon tax because Australians know that over the next six months they will face higher interest
rates, higher electricity prices, higher health costs and higher education costs. They will face a flood tax, a mining tax and now a carbon tax. All of it makes everyday life more expensive for everyday Australians. The Prime Minister, who proclaims that this will be the year of decision-making, does not have the ticker to come in here and lay the details of the carbon tax on the floor of the House for all Australians to debate.

This is a government without direction and without confidence, and it emanates directly from the leadership of the Prime Minister and the Deputy Prime Minister. They are not committed to this. They simply do not understand where they are taking the Australian people. From the coalition's perspective, we are standing up for everyday Australians and we call on the government to go to the people and get their endorsement if they think it is such a great policy. (Time expired)

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:09): We just had the shadow Treasurer say there was no confidence in the Australian economy at a time when we have the biggest investment pipeline in Australia's history. What we have seen yet again—

Mr Pyne: I rise on a point of order, Mr Speaker. Is it in order for a motion to suspend standing orders, which is directed at asking the Prime Minister to explain herself to the House, to be answered by the—

The SPEAKER: Order! The Manager of Opposition Business will resume his seat. The Leader of the House will debate the suspension.

Mr Pyne: I am indeed. The reason they want to suspend standing orders rather than have question time is that they are quite rightly embarrassed by their performance in recent times. They are divided against each other. There are letters from the shadow Treasurer today in the Financial Review—a day after he did a doorstep interview saying, 'Put aside your individual interests'—which bag the shadow finance minister and the Leader of the Opposition for their lack of economic
credibility. It just does not stack up. We know that you cannot believe anything that they have to say. We know that the member for Wentworth sits there day after day reading his little iPad because there is no way he can get a question—not one question all year from the shadow minister for communications.

The SPEAKER: Order! The Leader of the House will relate his material to the suspension.

Mr Pyne: Mr Speaker, because of your rulings in past weeks with respect to speaking to the motion or to the suspension, the Leader of the Opposition did bring himself back to—

The SPEAKER: The Manager of Opposition Business will resume his seat.

Mr Tehan interjecting—

The SPEAKER: Does the member for Wannon want to respond to the point of order? The member for Wannon will be quiet. The Leader of the House knows his responsibility to relate his speech to the suspension, and on a couple of occasions I had to remind the Leader of the Opposition. The Leader of the House has the call.

Mr ALBANESE: The reason we should not have this suspension of standing orders is very clear. It is just a stunt from an opposition that is incapable of even trying to hold the executive to account. That is what we do in question time each day. The opposition says that the National Broadband Network is a major issue—it is terrible!—but it cannot even get a question from the shadow minister for communications. He is not allowed to communicate with this parliament by asking a question. We know that is the case because last week the opposition went into a public implosion. Its private division became public when the Chief Opposition Whip sent out an email bagging the member for Wentworth and bagging other senior members of his own political party. At the time, the Chief Opposition Whip said that he did not show it to the Leader of the Opposition; it had nothing to do with him—almost.

Opposition members interjecting—

The SPEAKER: Order! The Leader of the House will relate his material to the suspension.

Mr ALBANESE: Apart from the fact that he came down and got a tick off and the Leader of the Opposition went over to the box and approved that email going out bagging the member for Wentworth—it was untrue, of course—it had nothing to do with him. The reason we should not support this suspension is that we as a parliament should not provide a cover for the opposition's incompetence and its failure to stand for absolutely anything. Day after day the opposition come in here and try to move a suspension so that it does not actually have to debate the substance before this parliament—so that it does not have to debate the legislation, so that it does not have to try to hold the government to account. We know today that this Leader of the Opposition is the only Liberal leader still alive who does not support a price on carbon. Everyone else is out there—the member for Wentworth, the former member for Bradfield, the former PM Malcolm Fraser and the former opposition leader John Hewson. John Howard supported a price on carbon. He went to an election supporting a price on carbon. Every one of them supports a price on carbon except for our friend here the Leader of the Opposition.

Today in question time I thought, 'I want more questions from those opposite. That is why we should not have a suspension. There is some remote chance that the member for Wentworth might ask one. If not, there is some remote chance that the Leader of the
National Party might ask me a question.' He has not since some time early in the last term of parliament—it has been years. If question time were not adjourned each day there might be some chance.

Earlier today we did have a question from the member for Bradfield. The member for Bradfield, whose electorate had the honour of having the Prime Minister there today talking with constituents about the need to take action on climate change, said that he wants an election on carbon tax. He is having a vote on his website, and the result is that 56.6 per cent say that yes, they do support the government introducing a carbon tax. I say to the member for Bradfield that it is no wonder the Prime Minister got such a good reception.

I said last week that the opposition leader had done for political discourse what the vuvuzela did for World Cup soccer. The first time you hear him, it is a bit interesting—it is loud and you cannot ignore it. To give him credit, you cannot ignore it, but over a period of time when you hear it day after day and match after match you realise that there is only one noise, and that noise is no: no, no, no. That is the only noise the Leader of the Opposition can make. After a while you find what the Australian public finds, which is that it is just annoying. They expect better. They expect some substance from the Leader of the Opposition, not this relentless negativity, which is all we get day after day.

The SPEAKER: The time allotted for the debate has concluded.

Question put:
That the motion (Mr Abbott's) be agreed to.
The House divided. [15:24]

(Ayes .......................... 72
Noes .......................... 73
Majority ..................... 1

AYES
Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gambuto, T
Giggs, NL
Hartshuyker, L
Hockey, JB
Jensen, DG
Keenan, M
Laming, A
Macfarlane, IE
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Secker, PD (teller)
Simpkins, LXL
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

NOES
Adams, DGH
Bandt, AP
Bowen, CE
Brodie, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
D'Ath, YM
Elliot, MJ
Ferguson, LDT
Fitzgibbon, JA
Georgas, S

AYES
Alexander, JG
Andrews, KL
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC
Fletcher, PW
Frydenberg, JA
Gash, J
Haase, BW
Hawke, AG
Hunt, GA
Jones, ET
Kelly, C
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Scott, BC
Shultz, AJ
Slipper, PN
Somityay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wyatt, KG

NOES
Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Clare, JD
Combat, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, MJ
Garrett, PR
Gibbons, SW
Ms Gillard: In the absence of the opposition wanting question time, I ask that further questions be placed on the Notice Paper.

QUESTIONs TO THE SPEAKER

Questions in Writing

Mr BALDWIN (Paterson) (15:28): Mr Speaker, I draw your attention to questions 216, 217, 221, 222 and 284 on the Notice Paper in my name and, in accordance with standing order 105(b) I ask you to write to the relevant ministers seeking a reason for the delay in responding.

The SPEAKER (15:28): Order! I will take the action as required under the standing orders.
The bill proposes to repeal section 117AB, which provides for mandatory cost orders, albeit that some such orders might cover only a portion of the costs where a party knowingly made a false allegation in a statement in proceedings. The explanatory memorandum cites the Australian Institute of Family Studies evaluation and the Family Law Council report as finding that the section operates as a disincentive for disclosing family violence. This is misleading. The Chisholm report alludes to practitioner concern as the basis for its recommendation for repeal, but neither of the major studies cited makes any substantive finding. The Family Law Council report in fact recommends that the provisions should be clarified with an explanatory note or with public education. The Australian Institute of Family Studies evaluation found that 67.7 per cent of respondents disagreed with the proposition that the prospect of an adverse costs order has discouraged allegations of violence or child abuse that are genuinely held and/or likely to be true.

It should be noted that the test proposed in section 117AB is a stringent one. A mandatory costs order could only arise from the evidence that was not proffered in the circumstances or even was given recklessly or without belief. It only applies—and I think this is very important—to knowingly false evidence. If a court was prepared to make such a finding there is no reason why a costs order should not follow. Individual members of the judiciary have confirmed that such false accusations by no means are unknown and that sanctions must apply in such cases.

The courts have provided guidance on the application of the existing provision. In Charles & Charles [2007] Justice Cronin said:

> There can be no room for misunderstanding or doubt; objectively, the person making the statement cannot believe the statement to be true.

Recent cases include Sharma & Sharma (No. 2), where a mother was found to have fabricated allegations of abuse against a father and where the alleged victim had vehemently and unequivocally denied the allegation, and Klumper & Klumper, where a father was found to have knowingly made false statements about a mother's parenting capacity and in Hogan and Halverson, where a mother was found to have knowingly made false statements that a child sustained an injury while in his father's care.

Cost orders are made much less routinely in the family jurisdiction than in any other. Sadly, it is clear that some parties can and will make false statements if they perceive an advantage in doing so. Because cost orders are not routine there must be an express disincentive in the act and that is why it is very important that the House pass the amendments as circulated by the opposition, specifically, to make sure that when false evidence has wilfully been given some sanction will apply.

Mr McCLELLAND (Barton—Attorney-General) (15:34): The government opposes the amendments. The opposition has moved amendments to omit items 40 and 43 of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill, which seeks to repeal section 117AB of the Family Law Act.

Let us look at the evidence supporting the proposed repeal of this section. Professor Chisholm recommended its repeal and in his submission to the Senate inquiry he again stated that the provisions seemed to operate as a disincentive to disclosing family violence and do not appear to have had any
beneficial effect. I remind the House that Professor Chisholm had a distinguished period of service as a judge of the Family Court of Australia.

The Family Law Council said that there is no evidence that section 117AB is achieving its purpose of discouraging false allegations of violence. The Australian and New South Wales law reform commissions endorsed the recommendations made by Professor Chisholm and by the Family Law Council. Repeal of section 117AB has strong public support including from the legal profession and key stakeholders in the family law community. The opposition essentially argues that repealing the mandatory cost order provision will open the way for false allegations of violence to be made in court. Again, this is a nonsense. In fact, the Australian Institute of Family Studies, in a report commissioned during the period of the former government, found the lack of confidence in the ability of cost orders to discourage false statements has grown. The opposition has also said that if a court is prepared to make a finding that a party has knowingly given false evidence there is no reason why a cost order should not follow that event. I should say that I could not agree more. I wholeheartedly agree that there should be disincentives to knowingly making a false allegation or false denial in relation to family violence. But the act already provides disincentives to knowingly making a false allegation or false denial in parenting matters through the current power that exists in section 117. Both Professor Chisholm and the Australian Institute of Family Studies found that while there is evidence of section 117AB being applied, cost orders on this basis are rarely sought and rarely made. In fact there have been occasions when the courts have relied on the general power to order costs against a party under section 117 and found that this section is broad enough to deal with false statements, including false allegations and false denials. A case in point is Claringbold v James in 2008, where the court used its existing powers under section 117. In that case Justice Bennett relied on section 117(2A)(c) to make a cost order against a mother who was found to have knowingly made false statements.

Finally, as the opposition keeps raising the work of the Hull committee in 2003, I think it is important to note that mandatory cost orders were not part of the original proposals of the resultant report; in fact, the clause was not to become section 117AB until it was inserted at the suggestion of the House of Representatives Standing Committee on Legal and Constitutional Affairs—and it is significant to note that that recommendation was not supported by the Senate Legal and Constitutional Affairs Legislation Committee. The former government made the decision to continue to include this clause despite there being no statistical data as to the frequency of false allegations and statements noting that courts already routinely make cost orders in the circumstances. Essentially, that begs the question as to why section 117AB was inserted in the first place. We would suggest that it was merely tokenistic, because the court already has sufficient, adequate and proven powers under section 117 of the act. For that reason we oppose the opposition's amendments.

Question put:
That the amendments be agreed to.
The House divided. [15:43 pm]

(The Speaker—Mr Harry Jenkins)

Ayes ......................74
Noes ......................72
Majority ............... 2

AYES

Adams, DGH
Bandt, AP

Albanese, AN
Bird, SL
Mr McCLELLAND (Barton—Attorney-General) (15:48): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Mr ALBANESE: I move:

That business intervening before order of the day No. 4, government business, be postponed until a later hour this day.

Question agreed to.
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011
Second Reading

Mr KEENAN (Stirling) (15:49): I rise to speak on the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 and related bills. What we see with these bills is a lazy piece of policy making that is designed to recoup the costs that are associated with Labor's failed economic management. The purpose of these bills is to fulfil Labor's 2010-11 budget commitment to recover the costs of AUSTRAC's supervisory activities from 1 July this year. I could not characterise the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 any better than it was characterised by the Association of Superannuation Funds of Australia, ASFA, when they said that this bill was akin to asking the Australian Taxation Office to charge taxpayers a fee to lodge their returns.

The bills place a large burden on reporting entities, depending on how much they earn. The initial proposal from the government was to charge all reporting entities to recover the costs of running AUSTRAC, but, after a lot of those entities voiced their opposition—and rightly so because they were to be levied $500 at a time—the government revised their proposal, so now this levy is only going to apply to larger entities. I understand that only 199 of the largest reporting entities will be taxed. Those large entities will obviously be places like banks and casinos and people who you might say are able to pay the levy, but, at the end of the day, somebody always pays when the government levies a new tax. This is not a large amount of money in the scheme of things, but, regardless, this is still poor policy-making.

As we know, a Senate committee is looking into the bills and is due to report on 16 June. In a submission to the committee inquiry, the Law Council of Australia noted their concerns about the bills and about their profession falling under the reporting obligations. The Law Council said:

If law practices become subject to AML/CTF—that is, anti-money-laundering and counterterrorism financing—reporting obligations and consequently the cost recovery regime, the Law Council would have particular concerns about the impact on smaller firms.

The proposed cost recovery levy, which would apply other than beyond a legal practice's compliance costs, would almost certainly lead, in the Law Council's opinion, to an increase in the cost of legal services, making such services less affordable.

The Law Council makes a valid point which would no doubt be of concern to many businesses and institutions across Australia. There are also concerns that the levy will place Australia and its financial institutions at a substantial competitive disadvantage. This is what happens when you levy new taxes that are not levied on other players within our region. Citigroup wrote in their submission to the committee that the levy will have unintended consequences in relation to Australia's ability to compete in
the Asia-Pacific region, given the additional significant costs that the levy will impose on Australian financial institutions. They said:

We recommend that the composition of the levy be reassessed to ensure a more equitable distribution reflective of the designated services that AUSTRAAC monitors and supervises.

The government's rationale for basing the large-entity component of the levy on the earnings of the entity group is that AUSTRAAC incurs greater expenses in regulating larger entities because larger entities have more customers and usually provide more complex products. However, this calculation does not take into account the extent to which a leviable entity's earnings are related to the provision of designated services.

Due to this, an entity with high earnings may incur a large-entity component even though the entity only provides a small volume of designated services. There is a potential that the levy will have a disproportionate effect on those large entities which only provide designated services as an incidental part of their businesses.

I have already stated what some of the industry associations have been saying about these bills. I particularly like ASFA's way of characterising it. I also note that the Australian Bankers Association director Tony Burke said that the government's clear objective was to recover costs rather than provide any benefit to those subject to the regulation. He is quoted in an article:

"As the paper currently stands, the potential cost of compliance would be high," he said.

"Charge-backs to internal groups and agencies would add significant overheads in tracking costs and reconciling payments."

The same article goes on:

Institute of Chartered Accountants executive general manager Lee White said members already incurred significant costs in supporting AUSTRAAC's regulatory aims, and it was unreasonable to ask them to bear more.

"Our members provide legitimate services to clients who overwhelmingly are law-abiding individuals and businesses," he said.

"If these legitimate services are exploited by criminals, it is these wrong-doers who create the need for regulation and who should contribute to the costs through the confiscated proceeds of their crimes."

I think those comments from industry really go to the heart of this bill. The services that AUSTRAAC provide are not necessarily services direct to the reporting entities that have been charged under this legislation. As I said, it is not a large sum of money so you will not find an enormous public outcry but that does not mean that it does not represent bad policy making. It is not reasonable for the government to recoup the costs of running every government agency if that government agency is providing a public service rather than providing direct services to the people who are being asked to pay for them.

AUSTRAAC does provide a very valuable service but we believe that it is not reasonable to come back and to ask the 199 largest users to cover the costs of its running, particularly when really this is all about filling the budget black hole that Labor have created for themselves from their enormous wasteful spending up to this point.

We will not be opposing the bill in the House, although we do reserve the right to move amendments in the Senate based on the outcome of the Senate committee report.

Mr RIPOLL (Oxley) (15:57): It is a pleasure for me to speak in relation to the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 and cognate bills, the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011 and the Australian
They all relate to the Australian Transaction Reports and Analysis Centre supervisory cost recover matter.

Listening to that previous speaker and others from the opposition, I think they will be supporting these bills but that they are waiting to hear what the Senate committee report has to say on these matters. I will pick up on one of the issues that was raised by the previous speaker. Essentially, the member was saying there is no need to have organisations and businesses that carry out supervisory activities paying a fee in terms of providing that information. The reality is that this happens across a lot of areas. There is a cost, and cost recovery in any government department or any agency is a normal process. It is something that goes on. The previous speaker also mentioned that it is the case that it is not a lot of money. The cost recovery is in the order of about $89 million for the period 2011 to 2014 and represents those people involved in activities paying a fee in the process of having those activities properly recorded.

I want to briefly say how important AUSTRAC is. AUSTRAC does an enormous job. It does a great job and it provides a great community benefit, particularly against organised crime. It is estimated that it saves the community something like $15 billion a year. Organised crime, as we know, is a significant national security threat and it is a growing challenge. I think people ought to understand that.

The Commonwealth, through the Organised Crime Strategic Framework, is ensuring that Commonwealth intelligence, policy, regulatory and law enforcement agencies all work together in partnership to prevent, disrupt or investigate and prosecute organised crime in whatever form it takes. These bills ensure that there is proper financing and access so that AUSTRAC can do its job properly. AUSTRAC intelligence has a number of very important roles, specifically to detect drug and chemical precursor transactions and to prevent people smuggling, corruption, card skimming, Ponzi schemes, tax evasion, fraud and a whole range of other activities. It is there to protect the community; it is there to protect business; it is there to protect the Commonwealth and ordinary people. It has a very good track record. In fact, for the 2009-10 financial year, information that was provided by AUSTRAC brought about 3,700 cases conducted by the Australian Federal Police with other agencies, more than 1,800 cases for the Australian Taxation Office, which resulted in recovery of evaded taxes in excess of $272 million, and more than 1,200 cases involving Centrelink, leading to a recovery of more than $7 million per year.

So I think we can all agree about the great work that is done in this area. The case for the justification of cost recovery is as strong as it is easy to make: quite simply, it is good policy and it is policy of recent governments that entities which have created the need for government regulation should bear the cost of that regulation. Other regulators such as APRA already recover the cost of their regulatory activities from the entities they regulate. This happens in a number of areas. Rather than being a burden or merely a cost, it is actually an assistance to business. It prevents international crime, fraud and a whole range of other activities from being perpetrated on Australian business and, therefore, Australian consumers as well. It has a larger benefit to all those involved.

This is a comprehensive package of three bills that reduce the burden on small business. The government is committed to reducing the regulatory burden on small
business and, as a result, small business entities of a certain type will not have to pay this levy. Affiliates of registered remittance networks are excluded on the basis that AUSTRAC's primary regulatory relationship will be with the registered remittance networks rather than individual affiliates. This removes a range of small businesses such as licensed post offices and newsagents from the operation of the levy.

The government is committed through these bills and, of course, through its broader policy to proper governance and ensuring that organised crime, people smuggling, fraud, card skimming, money laundering and all of those illegal financial activities do not occur and that, where they do, they are detected, there is proper reporting, there is proper funding and that funding can be created via cost recovery through the agency. I commend the bills to the House.

Mr MITCHELL (McEwen) (16:03): I rise in support of the government's Australian Transaction Reports and Analysis Centre Supervisory Recovery Bill, the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery (Collection) Bill and the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery (Consequential Amendments) Bill. These bills are a legislative package that will ensure that AUSTRAC cost recovery is implemented effectively. The levy bill will establish a legislative structure that will allow AUSTRAC to reclaim the costs of its regulatory functions from the businesses that it regulates and, in turn, it combats organised crime, money laundering, financing of terrorism, including people smuggling, and tax evasion. AUSTRAC is a significant body in Australia. It is a vital agency—an anti-money-laundering and counterterrorism financing regulator and specialist intelligence unit which works with Australian industries and businesses to provide information about potential criminal activity to our law enforcement agencies. It is at the forefront of the fight against transnational organised crime.

AUSTRAC's strategic directions statement as outlined in the 2011-12 budget states:

In its regulatory role, AUSTRAC oversees compliance with reporting obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act) and the Financial Transactions Reports Act 1988 for approximately 18,000 businesses across diverse industry sectors that include financial services providers, the gambling industry and other specified 'regulated entities'. As Australia’s financial intelligence unit, AUSTRAC collects and analyses financial information provided by regulated entities to assist Australian law enforcement, national security, social justice and revenue agencies and certain international counterparts in the investigation and prosecution of serious criminal activity, including terrorism financing, organised crime and tax evasion.

In 2011–12, AUSTRAC will continue to improve and supplement its systems to enhance all aspects of its dealings with its diverse regulated population. AUSTRAC will also review the way in which it provides guidance to regulated entities on their obligations.

As Australia’s financial intelligence unit, AUSTRAC disseminates financial intelligence to Commonwealth, state and territory partner agencies and international counterparts. In 2011–12, AUSTRAC will continue to strengthen its support to whole-of-government initiatives and priorities focused on combating organised crime, tax evasion and threats to Australia’s security. As
part of this commitment, AUSTRAC will also continue to provide critical financial intelligence support to national investigations and taskforces.

AUSTRAC also plays a key role in identifying the methods and techniques used by criminals and this in turn is pivotal in catching and combating fraud and other serious crimes. AUSTRAC then outlines these techniques in its reports and tracks emerging techniques like card skimming, early release super schemes, Ponzi schemes, boiler room scams, and internet, lottery and sweeps take scams. AUSTRAC continues to uphold the integrity of Australia's financial system and assists to safeguard and protect Australians from serious organised crime.

This package of bills enables AUSTRAC to collect the levy and deal with the related administrative matters such as invoicing, late payment penalties and review mechanisms. It makes it a requirement for reporting entities to enrol with AUSTRAC. Currently reporting entities are encouraged to enrol with AUSTRAC. Only enrolled entities can lodge reports with AUSTRAC electronically. Over 18,000 entities have enrolled with AUSTRAC to date.

Organised crime is a growing challenge that the Gillard government is committed to fight and deter, and the passage of this legislation will go to strengthening our stance against organised crime in Australia. The impacts of organised crime are far-reaching and have severe consequences for our economy and society, as it is estimated to cost the community $15 million per year. Therefore, monitoring money flows—which is, in essence, the lifeblood of organised crime—is critical.

The Parliamentary Joint Committee on the Australian Crime Commission conducted an inquiry into the future impact of serious and organised crime on Australian society back in 2007. The inquiry found that technological developments like the internet have increased opportunities which enable organised crime groups to pursue new types of crime—things like electronic piracy, counterfeiting and forgery, credit card fraud, money laundering and denial-of-service attacks. The committee's inquiry into the legislative arrangements to outlaw serious and organised crime groups stated that the impact of organised crime in Australia is significant. The Australian Crime Commission found that in 2008 organised crime's financial impact on Australia was roughly $10 billion. These impacts include: loss of legitimate business revenue, loss of tax revenue, expenditure fighting organised crime through law enforcement and regulatory means, and expenditure managing social harms caused through criminal activity.

Last year, AUSTRAC's annual report highlighted the importance of financial intelligence in combating serious crimes. The report illustrated the significant role AUSTRAC had played in assisting the detection and persecution of a wide range of offences such as money laundering, fraud and the importation of drugs. In 2009-10 AUSTRAC received over 21 million financial transaction reports from businesses in the financial, money remittance, bullion and gambling sectors. This included almost 50,000 reports motivated by suspicious matters. The report highlighted the increase in organised crime with a record number of reports received during that year. Last year, AUSTRAC played a vital role in investigating a major money-laundering case which resulted in the imprisonment of a Sydney woman who pleaded guilty to laundering over $1.9 million through her money transfer business over a 2½ month period from November 2007 to January 2008. It was reported that the woman had divided the money into amounts of less than $10,000, which was then transferred to
beneficiaries in Vietnam using a series of false names. The woman will serve at least 3½ years before being eligible for parole. This case and the sentencing will deter others who are thinking about breaking Australia’s laws.

In the 2009-10 financial year AUSTRAC information contributed to more than 3,700 cases conducted by the Australian Federal Police and other partner agencies; more than 1,800 cases conducted by the Australian Taxation Office, resulting in recovery of evaded taxes in excess of $272 million; and more than 1,200 cases involving Centrelink, leading to a total of more than $7 million in savings per year.

It has been reported that last year organised criminals were ripping more than $15 billion a year out of the Australian economy. As I mentioned earlier, there has been an increase in organised crime with the use of new and emerging technologies and the internet, giving these criminals additional avenues. Therefore it is not surprising that there has been a 50 per cent jump in organised crime since 2008, and we are working to combat this. This government are committed to tackling organised crime. We have spent $14.5 million on a Criminal Intelligence Fusion Centre to provide new capabilities to prevent and detect organised crime. The fusion centre provides in-depth criminal intelligence and analysis and boosts the capability of law enforcement agencies to identify high-risk cash flows, patterns of crime and the individuals, businesses and corporations that may be involved in criminal enterprises in Australia and abroad.

AUSTRAC is an important agency upholding the integrity of Australia’s financial system by making businesses resilient to money laundering, tracking and discovering the techniques used by serious organised criminals. I therefore support the measures in these bills to allow AUSTRAC to recover the cost of its supervisory activities from businesses which it regulates under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

Ms SAFFIN (Page) (16:13): I rise to speak in support of the Australian Transactions Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011, the collection bill and the consequential amendments bill. Firstly, I would like to thank the Minister for Home Affairs and Minister for Justice for considering at the outset the operations of small businesses in general and particularly in rural and regional areas. In some cases if the legislation had been applied in a blanket way, it could have adversely affected the operations of those small businesses and particularly those small businesses in rural and regional areas. I know from conversations with the minister and from consultations, which he was able to ensure happened around Australia, that we have got a good outcome. The minister took the time to listen to MPs and backbenchers. That was good, because backbenchers sometimes know a thing or two and are engaged on the ground. Ministers are backbenchers too, so they hear views from their electorates as well.

These bills provide exemptions from levy arrangements and businesses can claim if they fall into those exemption categories or will be exempted—as I read it—as of right if they are in certain categories. I am not sure of the mechanism by which they will exercise that but it seems that there are two parts in place for that. I am getting nods around the chamber, so I must have read that bit correctly.

The bills give effect to sensible recommendations announced in the 2010-11 budget that, from this financial year, 2011-12, will allow AUSTRAC to recover the cost
of its supervisory activities from businesses regulated by the Anti-Money Laundering and Counter-Terrorism Financing Act. Those activities have their genesis or their national legislation but they also give effect to part of the package of the counterterrorism conventions—and there are about 13 that we are obliged or mandated by the Security Council to put in place. Indeed, we want to at a national level for reasons that are self-evident but are worthy of reiteration. The minister has quoted the figures—as I think most people in this place have done. The Australian government figures show that organised crime—where a lot of money laundering and financing of terrorism activities do take place and can take place and not just here but also internationally—costs Australia about $15 billion a year. I take it that that $15 billion figure would mean cost by commission and omission. The cost recovery that is inherent in these three bill is not new. In this area, the cost-recovery guidelines of 2002 lay out that approach. Its essence is simple. It is that entities that have created the need for government regulation should bear the cost of that regulation. People may argue that they do not allow any irregular activities that could facilitate crime and the things that we are talking about—and that may be so. But, when you are setting up a regulatory framework, it is like setting up your rates at local government level—we all have to bear that cost in a collective, coordinated way. It is no different when we are doing it nationally. It is the same cost-recovery model. If you are a beneficiary or are in a business that could cause some of that harm, even inadvertently, we all have to participate in paying in that way. The framework starts with the general and then it deals with the particular—in this case, the particular as well as that category of exemptions.

That brings me back to the small businesses and the rural and regional area and where the government is making sure that we have a coherent and cogent regulatory framework while, at the same time, making sure that small business does not have to bear the burden in a disproportionate way. This legislation is very mindful of that. It proposes that affiliates of registered remittance networks will not have to pay the levy. Affiliates are excluded on the basis that AUSTRAC’s primary regulatory relationship will be with the registered remittance network rather than with individual affiliates. This removes a range of small businesses such as licensed post offices and newsagents from the operation of the levy. That is really important in my seat of Page and I know it would be in other seats. It was really important that that was one of the considerations that the minister and those in the department involved in preparing the legislation were able to turn their minds to.

For pubs and clubs in rural and regional areas, I understand that AUSTRAC is currently consulting on a draft rule around that area—again, looking at those venues where there are a certain number of gaming machines. That will be the benchmark for where the exemption is able to be had. It is also proposed to remove non-employing entities, such as sole proprietors and partnerships without employees—which are often run by families—and microbusinesses which employ fewer than five people. That is an ABS definition. They will be able to be exempt from the base component levy. That is rather sensible.

I understand that these three bills will recover $88.9 million in the period 2011-14. That is important, because part of governing is spending. I know that I like spending in my seat of Page and I am always asking ministers for money. But, as responsible
members of parliament, we also have an obligation to talk about those bills that allow government to recover moneys and we have some responsibility to be mindful, particularly in terms of such a critical where the costs of organised crime do cost us as a community—that $15 billion a year.

I know that sometimes people think that these sorts of bills are not the bills that necessarily attract a lot of people champing at the bit to speak about them and that cost recovery, white collar crime and things like that might seem a bit pedestrian, but they are really fundamental to the way our criminal justice system operates and to good government. With those comments, I commend the bills to the House.

Mr BRENDAN O'CONNOR (Gorton—Minister for Privacy and Freedom of Information, Minister for Home Affairs and Minister for Justice) (16:22): I thank the member for Page and the members for McEwen, Stirling and Oxley for their contributions. The member for Page is quite right; the government did consider the impacts upon small businesses, took submissions from representative bodies and took submissions from members of parliament, who raised the potential adverse impacts of this levy upon organisations within their own constituencies, particularly smaller businesses and businesses in those regional areas that we would not want to impose on unnecessarily. I believe, through the process of engagement with the sector, with members of parliament and with people who are advocating on behalf of those who are involved in this sector, we have come up with a very good balance indeed.

I note that the member for Stirling did indicate that the opposition would support this bill unamended through the House. Of course, we will wait to see whether in fact the opposition will support this bill unamended in the other place. However, I say to the opposition that, if we are looking at ensuring we are sufficiently resourced to have very strong, rigorous regulations to protect the interests of our financial system and indeed protect us against organised crime and other threats to this country, there needs to be a solution. If there is just criticism of a mechanism enclosed within a number of bills, that in itself is not enough. I do implore the member for Stirling to keep that in mind. It is important that we get this right. A lot of work has gone into this and a lot of engagement with the sector, and I do believe that we have struck the right balance.

Organised crime, as has been said by all of the speakers in this debate, is a significant national security threat and challenge for Australia. Through the Commonwealth Organised Crime Strategic Framework, the government is ensuring that Commonwealth intelligence, policy, regulatory and law enforcement agencies are working together to prevent, disrupt, investigate and prosecute organised crime. AUSTRAC plays a critical role in the fight against organised crime. Through its regulatory activities, AUSTRAC helps to mitigate the risk of Australian businesses being used for money laundering, terrorism financing and other organised crime. This legislative package is necessary to give effect to the 2010 budget commitment that, consistent with the government's cost recovery guidelines, AUSTRAC will recover the costs of its regulatory activities from 1 July this year.

The levy bill imposes a levy on entities regulated by AUSTRAC under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006. It provides that the amount of levy payable for each financial year will be determined by legislative instrument and cannot exceed a statutory limit of $33 million indexed. The collection bill enables AUSTRAC to collect the
supervisory cost recovery levy and establishes the necessary framework for administering the levy, including matters relating to collection, invoicing and dealing with late payments. The collection bill also introduces administrative review of a decision by the AUSTRAC CEO to waive a levy or late payment penalty. Significant consultation has occurred with industry around the structure of AUSTRAC’s supervisory levy. Through this process the government has, as I said earlier, listened to the concerns of business and made significant adjustments to lessen the burden, particularly on small business.

The third bill in this package, the consequential amendments bill, amends the Anti-Money Laundering and Counter-Terrorism Financing Act to introduce compulsory enrolment for all reporting entities regulated by AUSTRAC. This formalises current arrangements where AUSTRAC encourages entities to voluntarily enrol. Mandating this requirement will mean that AUSTRAC can better identify its regulated population for the purposes of calculating and applying the AUSTRAC cost recovery levy. The consequential amendments bill also amends the current infringement notice scheme to allow for the issuing of notices for failure to enrol and failure to appropriately maintain enrolment details. I commend this legislative package to the House and, in doing so, I also table a correction to the explanatory memorandum in relation to all three bills.

Question agreed to.

Bill read a second time.

Third Reading

Mr BRENDAN O’CONNOR: by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Third Reading

Mr BRENDAN O’CONNOR: by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Third Reading

Mr BRENDAN O’CONNOR: by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2011

Personal Property Securities (Corporations and Other Amendments) Bill 2011
Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011
Electoral and Referendum Amendment (Provisional Voting) Bill 2011
Autonomous Sanctions Bill 2011
Therapeutic Goods Legislation Amendment (Copyright) Bill 2011

Assent
Messages from the Governor-General reported informing the House of assent to the bills.

Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011

Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Mr MORRISON (Cook) (16:31): As I rise to speak on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011, I reflect on the fact that this bill has been introduced by the Minister for Immigration and Citizenship following the riots that occurred at Christmas Island and Villawood detention centres. We all know that there are around 6,800 people in the detention network in Australia—up from just four people who had arrived illegally by boat when we left office. The reason for that is that so many boats have come. I do not think we can pass much further today without noting that yet another boat has arrived, as advised by the Minister for Home Affairs in a press release today—a boat containing 52 passengers and four crew. That is the fourth boat to have arrived since the government announced its people swap deal with Malaysia. Over 150 people have been found coming to Australia since that deal was announced. The government is quickly drawing down on what I call its asylum deal credit card with Malaysia, and it has not even completed that deal. The five-for-one people swap with Malaysia was a proposal conceived in denial and negotiated in desperation. The situation now is completely unclear. Confusion reigns, and it is clear that people smugglers are not buying the Prime Minister's bluff about a deal that is yet to be concluded and about which question marks are raised almost every day, not just from a human rights perspective but particularly from a human rights perspective.

The bill before us today deals with changes to the character test. This bill makes it clear that, from the date of commencement, a person will fail the character test under section 501 of the Migration Act if they have been convicted of an offence committed in immigration detention, during an escape from immigration detention, during a period where a person has escaped from immigration detention or if a person has been convicted of the offence of escaping from immigration detention, whether the conviction or offence occurred before, on or after that commencement. Where a person does not pass the character test because of any of the provisions in section 501, which go well beyond criminal conduct, the minister or his delegate has the power to refuse, grant or cancel a visa on these new character grounds. The amendments would apply only to persons who have been convicted of an offence by a court under the specific criminal conduct provisions that are being introduced in this bill. They would not apply to a person who is charged with an offence or offences but is not convicted. There must be at least one conviction for the amendments to sections 500A and 501 to apply. The coalition will provide some support to this bill, but we will seek to make
an important amendment, which I will return to later in my remarks.

This measure was announced after the Villawood riots, but prior to that there were some serious riots on Christmas Island. On that occasion, the Minister for Immigration and Citizenship made some remarks, to which I will draw the attention of the House. I refer firstly to a statement made on 18 March. The minister gave a press conference with, I believe, the Australian Federal Police, at which he said:

Character can have regard to a number of factors: whether somebody has been sentenced for a criminal activity to prison for more than 12 months, and also general conduct and whether somebody’s general conduct implies that they are not of good character … character considerations will be taken into account for those on Christmas Island who have organised and perpetrated this sort of activity. It will be taken into account by our decision makers and ultimately by me.

This was the strong boast from the minister in the wake of the Christmas Island riots, where the Australian Federal Police had to retake the facility by force. They had lost control of the facility, it was in the hands of the detainees, and a pitched battle was waged in that detention centre on Christmas Island.

Mr Perrett: A pitched battle!

Mr Morrison: I notice the member opposite interjects. I do not know if he has been to Christmas Island, but I have been to Christmas Island and I was there with the Immigration officials and Serco officers who were there that night. They described to the Leader of the Opposition and me the events that took place there—and it was a pitched battle. Bean bag rounds were shot into those who were in the detention centre. The member opposite may be in denial, like the rest of his government when it comes to these matters, but a pitched battle was fought and had to be won. The centre had to be retaken because of the riots going on. It is extraordinary that those opposite would want to enter into a debate about what happened on Christmas Island when they know exactly what happened there—it was an absolute disgrace. Also, having made it very clear that character considerations would be taken into account and that there were general conduct provisions as well as criminal conduct provisions, the minister was asked on 21 March by Lyndal Curtis:

You've said that you'll take into account the character test when you're considering whether those protesters should be granted asylum in Australia. Is that still the position? Have you made any more decisions on that?

The minister answered:

No, the decision, as I outlined last week, is that the Migration Act allows for character issues to be taken into account; that can take into account whether somebody is sentenced to a jail term for 12 months or more, also more general character considerations can be taken into account.

He thundered on:

But whatever people's frustrations, there is no excuse for violent behaviour. It is simply unacceptable and it is appropriate that the character test be taken into account.

I could not agree more with the minister. On 22 March he said:

I've said on a case by case basis I'll be taking the character concerns into very serious consideration.

And:

I will abide by the Act, but what I have indicated is that the character provisions of the Act allow me or my delegate to take into account prison terms and also general conduct. I will be taking that into account and examining it very seriously.

Section 501(6)(c)(ii) of the Migration Act allows the minister to cancel or refuse a person's visa on the basis of a 'person's past and present general conduct.' This is completely unrelated to section 501(6)(c)(i) which allows the minister to cancel or refuse a person's visa on the basis of criminal
conduct which resulted in a custodial sentence of more than 12 months. The government has deliberately, I believe, tried to blur these two provisions. The minister may also personally make a decision to cancel a visa pursuant to section 501(3) and in such a case the decision is not subject to the rules of natural justice nor is it viewable on its merits. Also, the minister is not bound in Australian law by any of the matters set out in ministerial directions that are provided when a decision is delegated. Where a decision has been made by a delegate or the AAT not to cancel a visa, section 501(A) of the Migration Act grants power to the minister to set aside the decision of a delegate or the AAT not to exercise the power in section 501(2) to cancel a visa. The minister personally exercises this power to set aside the original decision not to cancel a visa and to substitute it with a decision to cancel a visa. Further, the rules of natural justice do not apply to such a decision nor is it reviewable on its merits.

The minister has tried to put forward that this bill is necessary to enable him to act as he said he was going to act after the Christmas Island riots. He said the general character provisions would be taken into account and he would be making these decisions. In Senate estimates last week the Secretary of the Department of Immigration and Citizenship confirmed that the minister had sought advice prior to his press conference where he made those announcements about the operation of the general conduct provisions. So the minister had been advised by the secretary when he went to the podium and said very boldly that the general character provisions would be applied. While he has expressed some frustration at using the powers under the act, we find no amendments in this bill to the general character powers that sit under the act—none whatsoever. He has made some changes to the criminal provisions—he is right to do so—but he has made no changes to the general provisions. From that, I understand this minister has no problem with the general conduct provisions in the act. If he believed they needed strengthening and if he believed they were inadequate he would have brought a bill into this House which sought to strengthen the general character provisions in this act, but he has not done so. He has sought to amend an entirely different set of grounds.

This leaves me wondering about the motive behind what we see here today. While there can be some improvement in what the minister has put forward in this bill, it does not offer an excuse for not acting as he said he would. The minister is seeking to perform a ruse here, 'The reason I could not act was that the act was too weak.' He made a bold proclamation after being advised by his department. He was very specific about his reference to the general conduct provision and yet he has made no changes to the general conduct provision in the bill we see before us today. So, by all means, change the criminal conduct provisions, but do not try to put one over people by saying that this was necessary, because he was not prepared to use the general conduct provisions.

I remember at the time that the minister gave the excuse, 'Well, it could be reviewed judicially by the Federal Court.' Well, it might be, but if we did not make a decision in this country every time it might be reviewed by a court we would never make any decisions. Maybe that is the government's plan here because they certainly have not made too many positive decisions in this area for the last 2½ years, other than to wind back the coalition's strong border protection regime and we all know the consequences of that decision. We are in a situation where the minister has sought to make these changes, but he has not provided
an explanation about why he has not used the
general conduct provisions that were
available to him before and after the
Christmas Island riots. He has only sought to
make amendments in these areas.

I also note that this bill has come forward
not after the Christmas Island riots but after
the Villawood riots. I am not sure how many
riots it takes for the minister to get the point,
but it would seem that it took at least two
major riots where buildings were burnt to the
ground. As I mentioned earlier in the House,
the series of incidents, riots and various other
activities that have taken place in our
detention centres are symptomatic of a
rolling crisis. So the government was forced
to introduce this bill we see before us only
after it saw those further riots. I can say that
because in Senate estimates it was revealed
that the advice on changing this bill was
provided, as the secretary indicated, over the
Easter weekend of 22 to 25 April. The riots
at Villawood took place on 21 and 22 April,
and let us not forget that the riots on
Christmas Island took place on 12 March,
and here we are debating this bill today. I am
not fooled and the Australian people are not
fooled by what is happening here. By all
means, change the provisions if you think it
will improve them, and there are some
amendments that will improve things and we
will seek to amend elements of those, but at
the same time this minister has refused to
act. Where has he refused to act?

We all know the tragic story of SIEV36. That
happened under the jurisdiction of the
previous Minister for Immigration and
Citizenship, Senator Evans. He finally has
stopped some boats, but he has stopped the
wrong ones, in the wrong portfolio. The
boats happen to be on our wharves, it would
seem. That minister, when he was dealing
with SIEV36, did not take action against the
individuals who were specifically found by
the Northern Territory Coroner—by an
independent inquiry—to have been part of
the plan to scuttle the boat. That incident
resulted in the deaths of five people. It
resulted in putting the lives of Australian
Defence Force personnel at risk.

That minister, Senator Evans, chose not to
act. He chose not to use the general conduct
provisions that are available in section 501 of
the act and he decided to sit. He decided to
sit and sit and sit for his entire term as
minister for immigration and thought his
greatest failing was his inability to control
the debate, not that he had allowed thousands
upon thousands of people to arrive in boat
after boat after boat while watching our
detention centre spiral into chaos. He did not
think that was his greatest failing; he thought
his greatest failing was that he could not
control the debate. I do not think that reflects
well on that minister and nor does his failure
to take action on those involved in the
scuttling of the SIEV36. They walk around
in Australia today with permanent visas.
These are people who the government
believes are of good character, who pass the
character test and should be given a
permanent visa for stay in Australia.

The other riot occurred in late 2009 on
Christmas Island and involved some 150
Afghans and Sri Lankans. People were taken
to hospital and people were medivaced to
Perth. That was a very serious incident. At
the time, 11 people were charged. In
November last year three were convicted of
an offence, and this minister did nothing. It
was on his watch that they were convicted, in
November 2010 as reported. This minister
had the opportunity at that time to ask for a
brief to be prepared on these individuals and
on how he could take action to deny visas to
the people convicted of these offences.
Nothing happened. They walk around today
on permanent visas, as was confirmed to us
by the minister himself in this place.
We are in a situation whereby we have a minister who is a serial offender when it comes to not taking action, whether it be on those who rioted on Christmas Island in 2009, whether it be on those who rioted on Christmas Island in 2011 or whether it be on those in Villawood who rioted. We even had several of them up on the roof. We learnt last week that the Deputy Secretary of the Department of Immigration and Citizenship was sent in to a roof cavity at Villawood to directly negotiate with those who were protesting and that they were told in the course of those days that if they came down they would not be sent to Silverwater prison, when so many others were sent to Silverwater prison. Not all of those who were sent to Silverwater prison were charged, and not everyone who sat on that roof would necessarily have been charged, but 22 were removed and their concern was that they would be sent to Silverwater prison. They were told that they would not be going to Silverwater prison immediately; ultimately they might be, but if they came down they certainly would not be going there on that day.

We had the bizarre spectacle of the deputy secretary of the department going up there. I feel for the deputy secretary. I think it is a shame and a disgrace that the good officers of the Department of Immigration and Citizenship have been forced into these bizarre scenarios, having to mop up the mess of an incompetent government with failed policies. We had the deputy secretary standing on a box in a room, peering into a roof cavity, negotiating with detainees who were protesting on a roof and several days earlier, I am advised, had been throwing things at fire brigade officers. That is what it has come to.

How does this happen? It happens when you have a government that runs an operation in our detention network that is all carrot and no stick. We have complaint after complaint from those working in this detention network—people working for Serco and at other places—who are being abused, who are being attacked and who are having threats made against their life and their person. There was a case just the other week of someone who had boiling water thrown over them at Christmas Island. It was described to the media by someone in the department as a 'minor incident'. We know it was not a minor incident; we know it was a critical incident. And we know that in our detention network today, on average, more than three critical incidents occur every single day. If that does not demand an inquiry I do not know what does.

I am pleased that in this House this morning we had the opportunity to debate a motion for such an inquiry. Those terms of reference as amended now stand before this House and should be voted on on 16 June in accordance with the normal standing procedure of this House. So there is the opportunity for this House to take up that offer and to look deeply into these matters, to look at what is happening, to consider all the evidence before it, to take evidence in camera, to take evidence from those who are involved in the operations of the system and to get to the heart of why this system has collapsed under the weight of the failed policies of this government.

The form continues. The minister—who was so worked up and so concerned about the state of the detention facility that he was going to use the general character test over and over again but is yet to use it in these types of matters—inaugurated something else from Senator Evans, other than the mess he is now dealing with, and that is direction 41. Direction 41 was issued by Minister Evans in June 2009 and is an instruction, given under section 499 of the Migration Act, which provides direction to delegates on how they
make decisions on section 501. This directive replaced a directive called directive 21, which was instituted by the now Father of the House and the then minister for immigration, the member for Berowra. That directive provided for the following: that the three primary mandated considerations 'for determining whether discretion should be used under section 501 to deny a non-citizen from remaining as Australia' were as follows—these were the Ruddock tests, the coalition tests:

1. Protection of the Australian community and members of the community;
2. The expectations of the Australian community and;
3. The best interests of the child, or children, where they are involved.

Now, specifically, the expectations of the Australian community in deciding whether a behaviour is abhorrent and of bad character has been removed by this government since June 2009. The community expectation—the community standard test, if you like—has been abolished by this government. That standard said the following, under 2.12 of the old directive:

The Australian community expects non-citizens to obey Australian laws while in Australia. Where a non-citizen has breached, or where there is significant risk that they will breach this trust or where the non-citizen has been convicted of offences in Australia or elsewhere, it may be appropriate to refuse the visa application or cancel the visa held by such a person. Visa refusal or cancellation and removal of the non-citizen may be appropriate simply because the nature of the character, concerns or offences are such that the Australian community would expect that the person would not be granted a visa or should be removed from Australia. Decision makers should have due regard to the government's view in this respect.

That community standards test was abolished by this government, and it is not for returning. It is not for returning, according to the government—they are not interested in having a community standard test on behaviour and what Australians think is appropriate behaviour. And it does not only apply to detention centres; it applies to everyone who is here on a visa. Let us be clear: someone who is here on a visa, in Australia, is a guest of this nation. They are here under specific terms and conditions. They are protected by the various international conventions and treaties that we are signatories of, but they are also guests in our country. And in our country they are expected to abide by our rules, by our laws and by our standards of behaviour—all of them. When they do not, this act provides for remedies to be applied by the minister. And the previous coalition government specifically said, when making those decisions, you need to give consideration to what community standards and expectations are—and this government have abolished those standards, they have abolished that test. I think that is a great shame, and we urge the government to reconsider this matter. If the minister is serious about strengthening the character provisions, as he has boldly titled his bill, then he should reintroduce directive 21, he should re-establish the community expectations test, and that should be something of a matter of importance.

The other thing that was in the previous directive of the former coalition government was that it said in paragraph 224:

... notwithstanding international obligations, the power to refuse or cancel must inherently remain a fundamental exercise of Australian sovereignty. The responsibility to determine who should be allowed to enter or remain in Australia in the interests of the Australian community ultimately lies with the discretion of the responsible minister.

This provision was also removed. Australia's interests were subordinated to those interests.
beyond our shores, in the removal of this provision. While they may have been considered, they did not enjoy the standing of consideration that was made possible by the previous directive 21.

So we have form from this government, who are not interested in seriously addressing the issues that sit within our detention network. They can bring these measures into this House, but what they need to address is what is happening within our detention network as we speak today—and, as we speak today, it is all carrot and no stick; as we speak today, we have people working in those centres who are being abused on a daily basis, without any enforceable code of conduct that enables them to deal with disorder in the centre. Those who get up on a roof, come down from the roof and life continues as normal. That is what happens under the Gillard-Bowen plan for running our detention network. Is it any wonder that it is in such a mess?

I want to turn finally to the provision and its application. While the coalition is supportive of the bill and how it is put forward, we do not think it goes far enough. It does not go far enough in these two areas. Firstly, the bill will only apply to the misconduct and criminal conduct of people either in a detention centre or who should have been in a detention centre but who have escaped. What that says, to all of those Australians, who live all around the country, is that if there is someone here on a visa and they commit an offence—they assault you or do something of that nature; they thump you over the head, or whatever it may be—and they get a sentence of less than 12 months, they will not fall foul of this provision; but if it happens in a detention centre then they will fall foul of that provision. So it is okay for someone to whack someone over the head down at Northies, or down at the Coogee Bay Hotel in Sydney, and get a conviction of less than 12 months, and they can go on their merry way with their visas not addressed in any way, shape or form, and the minister just scurries away again and says, 'Well, it's less than 12 months; there's nothing I can do—my hands are tied.' We know this minister will not use the general conduct provisions; he has already proved that.

On behalf of the coalition I foreshadow that I will be moving an amendment, circulated in my name, that will do the following: ensure that these provisions apply to all visa holders—not just those who are in detention. There should be one rule on one side of the fence and on the other side of the fence. Too often we have seen the inequity, going both ways, in terms of one rule for some and a different rule for others from this government. What the coalition believes is, if you want to change these provisions, if you want to toughen the test, then you have to be fair dinkum about it—do not just apply it to detention centres; apply it to all of those who are on visas here if you are concerned, and the coalition would be concerned. So we are prepared to put forward that amendment, and we would seek support for that amendment from this House.

The reason that they will not support the amendment is that they want to use this as some sort of leverage against bad behaviour in detention centres by, in effect, those who fall foul of these provisions being given a temporary protection visa. Does that ring a bell? They will not call it that. They will call it something like a 'non-permanent visa' or something like that, but what it will be is a TPV—that is what it will be. On this side of the House we think people convicted of crimes, who fail to satisfy the character test, should not be given a visa. That is what we think. We do not think they should get a visa, permanent, temporary or otherwise. If you have violated the behaviour, code, laws and
standards of this country then it is no visa for you. You are not welcome in a country where you are going to violate and abuse those rules. So, the same practice and provisions that are applied for those who fail the ASIO security tests should be applied for those who fail the character test and are denied a visa. We put that before the government.

The government likes to say that TPVs will be effective in discouraging bad behaviour in the detention network, but they think they will have no impact on discouraging someone from getting on a boat. The hypocrisy of the argument is laid bare. It does not even need the 50 seconds I have remaining to make the point, because the government inches painfully closer every day to the provisions that were put in place by the Howard government. It is taking them far too long to get there. It is important that this government starts to wise up, move ahead and get to the policies that worked last time. Stop all this mucking around with all these ridiculous deals, none of which ever seem to land. Stop talking to countries that are not interested and not talking to ones that are, like Nauru, and get on with the job of stopping the boats and ensuring that our detention network does not continue to fill up and create the chaos that has occurred as a result of the government's mismanagement.

Mr PERRETT (Moreton) (17:02): I rise to voice my support for the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. I voice the opinion of nearly every one of my constituents, I would suggest, when I affirm that the recent riots and disturbances at the immigration detention centres on Christmas Island and Villawood are completely unacceptable. Not only did the riots cause extensive damage to buildings but this kind of irresponsible behaviour also put detention officers and fellow detainees in harm's way.

It is no secret that there are pressures on our detention system, and we are working hard to relieve that pressure by improving processing times for asylum claims and delivering a regional solution to irregular migration and people smuggling. All reasonable Australians know that we need to sort this out. On Friday I spent a day on the Joint Select Committee on the Christmas Island Tragedy, where we saw the footage of that horrific boat accident to SIEV221. It is not something at all we want to be repeated. We know that anything that we can do to prevent such an accident from occurring again should be done.

The Gillard Labor government is committed to an orderly and compassionate immigration process and we will therefore not tolerate the kind of behaviour at Villawood and Christmas Island that many Australians saw on their television screens. That is why this bill introduces tough consequences for criminal behaviour in immigration detention that enhance the current ability for the minister to consider the past and present general conduct and character considerations that still apply—I point this out in reference to some of the mistaken comments made by the member for Cook.

The bill ensures that anyone who commits a criminal offence while in immigration detention will fail the character test, thus enabling the minister to refuse or cancel a visa on this basis. So these two aspects of the immigration legislation complement each other. It means that those who commit offences in detention may be denied the opportunity to apply for a permanent protection visa. This nation will neither
embrace nor protect those who bite the nation's hand.

We are not talking about a return to the harsh temporary protection visas of the Howard years, despite the bleating of those opposite. Under that regime all asylum seekers, each and every one, who were found onshore to be refugees were denied a permanent visa. That resulted in a horrible status—eternal limbo. Having spoken to many refugees who went through that process, they called it soul destroying, because of the uncertainty of not knowing. People are able to wait five, 10, 15 or 20 years if there is a light at the end of the tunnel. But the uncertainty that went with the temporary protection visas was soul destroying and horrible. They had no way forward and nothing to wait for, because they did not know whether they were going to be uprooted at any time. The other horrible characteristic was that the uncertainty meant the person had no opportunity to put their roots down in the community, to be a good citizen and to be ready to go once their status changed. By contrast, under the Gillard government system, claims for asylum will continue to be assessed on a case-by-case basis.

However, those who are involved in criminal acts in detention run the risk of being denied a permanent visa. This legislation sends a very strong and unambiguous message to those in Australian immigration detention centres that this kind of behaviour is completely unacceptable—dangerous, and therefore completely unacceptable. It will help to ensure good order in our detention centres and turn those responsible away from destructive and violent behaviour. As the law currently stands, the minister is only able to apply the character test if a visa holder or detainee receives 12 months imprisonment, or more, for an offence committed in immigration detention. This bill amends the Migration Act 1958 to allow the character test to be applied for any offence committed in immigration detention, or during an escape or after escaping, regardless of the actual sentence imposed by the courts. The changes in this bill will apply to these decisions from 26 April 2011 and will relate to offences committed before or after 26 April—that is, from the date of Minister Bowen's announcement. This applies to all people in immigration detention—onshore and offshore arrivals, asylum seekers or otherwise.

I know my electorate well, but the Australian community more broadly has expressed collective disgust at the riots and vandalism we have seen at Villawood and Christmas Island. These amendments will ensure that those who commit such offences in detention will not be rewarded. This bill also increases the maximum penalty which can be enforced for the manufacture, possession, use or distribution of weapons by immigration detainees from three years imprisonment to five. This measure will boost deterrence for the manufacture of weapons and help ensure greater safety for other detainees, detention centre staff and visitors.

When people who are close to staying in what many would see as the promised land are then given a decision by the immigration system that they are not able to stay in Australia, they can behave in a bizarre and irrational way. I understand that. I am a student of literature and it is like Gatsby's green light—the idea of something that is so close yet unable to be grasped. It can make you do bizarre and irrational things like sitting on roofs. I understand that. We have seen that ever since 21 August last year, when the Leader of the Opposition went so close to winning the election but missed out. His behaviour has been quite bizarre and
irrational ever since then and it might even continue that way for the next 900 days.

Mr Robert: Mr Deputy Speaker, I draw your attention to standing order 90 on reflections on members and the imputation of improper motives. The member is making a direct reflection on the Leader of the Opposition. He should withdraw, and stick to the substance of the bill.

The DEPUTY SPEAKER (Hon. Peter Slipper): I would counsel the honourable member for Moreton to observe the standing order and be very careful that he does not reflect on the Leader of the Opposition.

Mr PERRETT: Mr Deputy Speaker, could you remind me of that rule again? I do not think I was doing that at all.

The DEPUTY SPEAKER: Standing order 90 says all implications of improper motives to a member and all personal reflections on other members should be considered highly disorderly. All I am saying is that all honourable members ought to observe that standing order.

Mr PERRETT: With respect, I did not impute any improper motive to the Leader of the Opposition at all.

The DEPUTY SPEAKER: The honourable member will resume his seat. I would ask the honourable member for Fadden to specifically point out the form of words used by the member for Moreton which he believes is outside standing order 90.

Mr Robert: It was in terms of flip-flopping around and getting so close and losing direction in terms of where he was going from thereon. It was a direct reflection.

The DEPUTY SPEAKER: There is no point of order, but the honourable member for Moreton will observe all standing orders. I would encourage honourable members not to raise frivolous points of order.

Mr PERRETT: Thank you, Mr Deputy Speaker. I was making the point that the next election is perhaps 900 days away and it would be strange to see such bizarre and irrational behaviour every single day for the next 900 days.

This bill builds on the government's strong measures to ensure this nation has an orderly immigration system. We understand that those who risk their lives on the high seas to seek asylum in Australia are genuinely desperate people. That is why the Gillard government seeks to treat these asylum seekers with dignity and respect. It is also why we are working with Malaysia and Papua New Guinea to break the people smugglers' business model and deter people from taking that dangerous journey. Looking at the footage of SIEV221, it is quite horrendous to see the decisions people make when their circumstances are such that they will risk everything to have an opportunity in a wonderful country like Australia. Our momentous arrangement with Malaysia means there is no guarantee that any asylum seekers arriving by boat will be processed and resettled in Australia. This will break the people smugglers' business model, and should save lives. Negotiations with Malaysia are continuing, but already the Malaysian government has agreed to treat asylum seekers in accordance with agreed human rights standards. Importantly, Malaysia has also agreed not to send any genuine refugees back to face persecution in their country of origin. That is our obligation under the refugee convention and that is Malaysia's commitment under this bilateral agreement.

Obviously there is no quick fix; three word slogans are not the answer; there is no simple solution. Resettling refugees is a massive worldwide challenge that demands Australia play its part, and I am proud to say that we have done a bit over the years. At the
end of 2009 there were an estimated 43.3 million people forcibly displaced worldwide, including 15.2 million refugees, 983,000 asylum seekers and 27.1 million internally displaced persons—that is more than the population of Australia.

As long as conflicts continue around the world and various countries go through political or military upheaval, we will unfortunately continue to see refugees crying out for help. That is a reality that those opposite and those on this side of the House both know. When there is war the normal process is for families to flee from it. That is what people do to protect their children and give them an opportunity. That is why an Arab spring here means a winter of despair there; that is why a freedom fighter's advance here means a family fleeing there. That is the reality of war and it is the same as it has always been. That is why the Prime Minister's announcement to increase our refugee intake as part of the agreement with Malaysia is such an important step forward in our kind and practical response to the international refugee crisis.

When our foreign minister and immigration minister talk to ministers from Italy and other countries in Europe, they say that on any one day there can be more people arriving on Italy's shores than arrive in Australia in a whole year. Nevertheless, it is an immutable tenet of respective Australian governments that we must have secure borders—whether it be putting cannons at Sydney Heads to keep the Russians out or our White Australia policy or all of those various things that we have done in our history: Australians are obsessed with this notion. However, the reality is we only have around 22 million people here. When you look out beyond our northern beaches, we have 11 per cent of the globe to patrol. Even if we had all 22 million people out there in dinghies, we would not be able to defend the borders.

I thank the Minister for Immigration and Citizenship for introducing this bill and welcome the measures to deter criminal and violent behaviour in our immigration detention centres. I commend the bill to the House.

Mr SIMPKINS (Cowan) (17:15): Of all the member for Moreton's contribution, the point I would agree with him on is that there are no quick fixes. Unfortunately, there has been an absolute quick failure. When the government decided that they were going to change a workable system, a solution, and create a problem, they were highly successful with that. They have certainly made the circumstances of a lot of people different over their time since they changed the immigration policies. They have filled up the Christmas Island detention centre and created and filled up detention centres around the country. There is no doubt that the only quick thing that this government has done is failed spectacularly.

That brings us to the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. This bill comes to the House to try to end the embarrassment that the border control failures of the government continue to deliver for the government. The reality is that television cameras have bought into the lounge rooms of my constituents and all Australians the images of riots and misbehaviour in immigration detention centres and created and filled up detention centres around the country. The newspapers report the stories of what is going on in the detention centres and the costs of that.

The reality is that the people of Australia are pretty unhappy with the assaults, the riots, the damage and the abuse of the taxpayer provided facilities. There are stark contrasts, of course, where those who are in
these detention centres get everything for free, and then some create trouble and destroy the facilities. The contrast is that that is against those on fixed incomes: Australians who do not get free accommodation, do not get free food, do not get free internet and do not get free cigarettes, nose-hair trimmers or other goodies for attending sport or classes. Australia is a very tolerant country. Australians do not mind helping out those who are down and need a hand up, but they do expect accountability.

This bill is a reaction to the scrutiny that only the coalition has provided on this matter. The questions and the close examination provided by the member for Cook, the Leader of the Opposition and many of us on this side have forced the government to at last act in the face of increasing community outrage. I am in favour of these criminal provisions, but this legislation does not go far enough. These are the sorts of legislation and measures that should apply to all those who are noncitizens and commit crimes that attract a custodial sentence, not just those in detention centres. There have been many cases where I would have liked to have seen the cancellation or refusal of visas.

Leading on from this, I again turn my attention to the common theme that my constituents so often raise with me, and that is accountability. Accountability for bad behaviour is a concept that really does mirror the expectations of the Australian community. I think that it is correct that the majority of Australians want due processes to be followed in dealing with those who seek asylum and they want the law obeyed. They want the facilities provided to be respected. They want absolute loyalty and respect for this nation from those who came here to escape another place. It is also true that the vast majority of Australians want judicial liability and process for those who break the law. Australians want those who waste taxpayers' funds and damage taxpayer funded facilities to be responsible for their actions. The vast majority of Australians expect these things and I for one do not think that the expectations of the wider Australian community are unreasonable. After all, we are here to represent the Australian community, the people of our electorates, so that is correct.

In recognition of these matters, in August 2001 the then Attorney-General, the Hon. Philip Ruddock, issued directive 21 in relation to visa refusals under section 499 and for cancellation under section 501 of the Migration Act. In that directive, three primary considerations were mandated: firstly, the protection of the Australian community, next the expectation of the Australian community, and, finally, the best interests of the child or children where they are involved. I certainly supported and appreciated those considerations. As a representative of Western Australia and the representative of the people of Cowan in this place, I reiterate that those I speak to have a clear view that their expectations are valid and should be reflected when decisions are made in relation to visa refusals and cancellations.

However, it was the case that in June 2009 the then minister for immigration, Senator Evans, cancelled directive 21 and, instead, issued directive 41. Unfortunately, what directive 41 took out was the consideration that the expectations of Australian people out of this issue is a retrograde step.

I also take the opportunity to speak on the need for a greater level of transparency in
this portfolio area. When we look at the series of events that were the catalyst for some action and this bill today, there is an increasing concern that, with each embarrassing revelation that afflicts the government, there is an increasing intention that information will be restricted. There are the details of the Malaysian rip-off swap deal, the treatment that faces those who are sent there regardless of the national guarantees, the riots and the damage to our detention facilities, the general abuse of those facilities, the assaults, and the special deals that are available to those who are being detained and that are provided by the taxpayers absolutely free of charge. These are certainly the sorts of matters that need to be reviewed. A parliamentary review into these matters is required because what this country faces is an absolute crisis. The huge blow-outs in costs, the huge number of people now in detention, the assaults and the mismanagement of this portfolio area are the reasons why this entire matter must be looked at in detail. In returning to this bill I say again that I am in support of any attempt to ensure that accountability is sheeted home to those doing the wrong thing. There is a very strong belief by my constituents that criminal action and behaviour by those in detention and those allowed out into the community must involve accountability. The minister must be ready to cancel visas to ensure that the safety of this nation is addressed and that the sorts of people we take as refugees are known by their law-abiding integration into this society and that we do not take the sorts of people who find fault and who are defined by the crimes they commit.

The trouble with what we have seen at Christmas Island and Villawood and in incidents such as the SIEV36 fire and explosion is that there is a group of people that have a predilection towards crime and trouble. We should not give them an excuse for their bad criminal behaviour by blaming mandatory detention. They knew the rules when they came by boat and the bleeding-heart lawyers and advocacy groups are assisting the trouble with their endless appeals causing long delays.

Leaving the criminality aspect behind, I will turn to the character test and I would like to mention subsection 501(6)(d)(v). In that subsection a person can fail the character test if they represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way. There seems, therefore, to be sufficient latitude for rejecting visas for all those who riot or destroy property or assault or try to scuttle boats.

Regardless of charges there are the options in section 501 to reject these sort of people. The provisions exist and there has not been an attempt by the government to upgrade these provisions. The problem is that we have a minister without the courage to act. We have a minister who has implied that there is a need for upgrading these provisions but has not acted to make such upgrades in this bill. That is the problem at the core of this attitude by this government.

I say again that the real refugees are those who are stuck in refugee camps and are in fear of their lives. Real refugees have escaped across borders and now languish in refugee camps across the nearest border. They do not have the money for airfares to fly to people smugglers. They do not have the money to cross through several countries, or move through international airport departure lounges. They do not have the money to pay the people smugglers. Real refugees are stuck in refugee camps and
deserve our concern because they suffer from malnutrition, malaria and other such afflictions. It really does irritate me when those with money exploit this country and this government's failed border policies, and that they do so with the connivance of advocacy groups that should be supporting real refugees.

There was a time when the borders of this country were strong, where those that came under the humanitarian program were literally those from refugee camps. This was a time of strength but also compassion. What we have now is a lack of control by this government and a misplaced focus away from those that need our assistance. I say let us particularly look to those refugee camps on the Burma-Thailand border, where there are the sorts of people that need our help and fit into this nation very well.

We need amendments to this bill to extend its scope, and I will be supporting that course of action. Yet we also need an inquiry into this whole portfolio area. It is the right time for a fundamental look at the crisis that afflicts the immigration detention system in this country. I call upon the crossbenchers to support the coalition's plan for a parliamentary review. The system is broken and must be examined in detail before any more lives and money are thrown away on the failures that this government has overseen and continues to oversee.

Mr BALDWIN (Paterson) (17:26): I rise today to speak on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. As I read the bill I was very concerned that the person who is failing that character test is the minister. Much has been made about the toughness of this measure and the outcomes that it will deliver. As I went through the bill and looked at what it does, I found that it does nothing more than is available to the minister now. The minister already has powers available under the act. Under the minister's powers he can refuse a visa.

When the minister was talking tough in introducing this legislation after the riots and after the unconscionable actions of some individuals I expected to see a piece of legislation instructing, 'If you do this then this will happen'—no 'if', 'and' or 'but' about it. But the amendments to this act only introduce what the minister may refuse visas for. That is the key point: this bill does not say, 'If you do this you will be denied a visa.' This bill says, 'If you do this the minister may refuse you a visa.' It does not change one thing. Perhaps that is why today we saw yet another boat coming into Australia. It was a boat carrying another 56 illegal immigrants, bringing the total to 11,413 since August 2008—a total of 228 boats.

So all this tough talk of legislation designed to toughen up the stance on border protection and all this talk about moving people offshore for processing—if they can ever get it right—is failing. It is failing because it is megaphone diplomacy without any substance. And nothing could prove that more than this bill. As I have said, it is called the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 but the only person who is failing that character test is the minister.

I needed to look no further than the minister's second reading speech where he said, in part:

If a person fails the character test, this can be used as a basis for the refusal of a visa application or the cancellation of a visa that is held by a person.

It goes on to say:

Similarly, section 500A of the Migration Act provides that the minister may refuse the grant of a temporary safe haven visa—
He said not 'will' but 'may'. That is the key point: it is no different to what currently exists.

I point out to the House that Australia has standards of socially acceptable behaviour. I understand the plight of many of these people, but I cannot understand why, when you have come from an impoverished, dangerous environment, you would bring those arguments here to this country or, whilst seeking to gain access to this country and show yourself to be a model citizen worthy of being granted a visa or citizenship, resort to the kinds of acts that we have witnessed. I return to the Villawood riot. Millions of dollars worth of damage was done by a number of people—exactly how many is not yet determined—who burnt the place to the ground. They felt they were not being processed and given visas fast enough and decided they would burn the place to the ground. How Australian is that? They want to come to this country and one of the first things they do on Australian soil, while they are being assessed, is burn the building providing them protection to the ground, endangering not only their own lives but the lives of their fellow detainees and those who are there to keep them secure.

It does not end with the Villawood riot. That was not an isolated incident. In fact, there were riots on Christmas Island where they burnt buildings and extra police had to be sent to stop the rioting. The average person in Australian society would sit there and think, 'Are these the kinds of people that I want as my fellow Australians? Do I want to share this country with the sorts of people who, when they decide they have had enough, will set fire to the place or create a riot or a disturbance?' Yes, that is the way to model yourself to be an Australian citizen.

It is reported that there are three major incidents every day across the detention centres. I say to those detainees awaiting processing and approval: if you want to be accepted into Australian society, act in a manner such that your fellow Australians would say, 'Welcome.' I cannot imagine too many people, except those in the Labor Party and particularly those in the Greens, who, following these acts, would turn around and say to anyone, 'You've just burned my home down, created a riot and put people in hospital—come on in. We want your sort of people in this country.' The people who come into my electorate office say 'No'. They say that they have had enough. It is the taxpayers—the constituents that I represent—who are picking up the bill for the damage that is being done and the extra security required for people who have supposedly come to Australia seeking a safe haven and peace. There is no safe haven and peace when you are in a detention centre and are trying to burn the place down.

In another failed test of integrity, Prime Minister Gillard during the election campaign said that she had had all the discussions and that there was going to be an offshore processing centre in East Timor. The only problem was that she forgot to tell most of the East Timorese parliament. Then she was going to Manus and then she was going to Malaysia. I have to say: I want the Prime Minister to sit with whomever I am next going to play poker against. I would just love her to be sitting on the other side of the table calling the odds—put up $800; get $4,000 back. I would just love to be playing poker against her, and what a poker face she has. She can come out in the community to do press conferences, put her hand over her heart and say, 'I've cut the deal in Timor,' or, 'We're going to Manus Island,' or, 'What a deal I've cut in Malaysia,' but will not pick up the phone and talk to the President of Nauru. This Prime Minister has also failed the integrity test—the character test—and
lacks the leadership that Australia is looking for. Tough decisions require tough people and people with character. It is an easy decision to just open the borders to the queue jumpers, pushing to the back of the queue those who have been in detention centres around the globe, desperately seeking protection and awaiting their turn while being properly and adequately processed and assessed.

I have a couple of figures to put on the record. In 2002, no boats arrived in Australia. In 2003, there was one boat with 53 people on board. In 2004, there were no boats. In 2005, there were four boats with a total of 11 people on board. In 2006, there were six boats with a total of 60 people on board. Then it started to escalate. In 2007, there were five boats with a total of 148 people on board—and it goes on and on. Now, we have gone from having four people in detention when this government came to power to having 11,413 people in detention. This government claims that it has grown our economy; the only thing this government truly has grown is the number of illegal arrivals into the country. It is an absolute disgrace.

If the government think that this bill will do anything to deter those violent acts, to deter the criminal activities that have been occurring, then they need to come in here and amend their own bill. This government need to show that they have the strength of character to remove the 'may' provisions. In order to earn the confidence of our fellow Australians, they need to state clearly to those in detention centres, 'If you do this you will not come into Australia'—not 'will not', not 'may not', and not 'at the minister's discretion'. That is what strength of character is, but unfortunately this government repeatedly fail the character test, and they fail the integrity test over a range of issues. They failed it by stating that there would be no carbon tax, and now there is a full push for it. They failed it when they said they would drive down pressures on the cost of living. They failed it when they said they would stop the boats, and all they have done is to grow and escalate it.

There is one thing that needs to happen. This government needs to show some integrity and some character, and this applies not just in a detention centre but in the community. It needs to go on the front foot and say, 'If you are a criminal in our community while you are on a visa, then you need to be denied that visa and you need to be deported back to where you were.' After all, the common catchcry from people who have come here as illegal boat people is that they wanted a safer haven. That safe haven does not include committing crimes.

I do not intend to take any more time of this House other than to say: I am disgusted that the government would seek a cheap political media shot by introducing this legislation, because in reality it does nothing to toughen up anything in relation to the illegal activities and crimes being committed by people in detention centres.

Mr Briggs (Mayo) (17:39): It is a pleasure to follow the member for Paterson and his thoughtful contribution on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. The member for Paterson is a member who is in touch with his community. He is a member who has won a marginal seat more times than people care to remember, he does a wonderful job in this place representing his constituency—and he is a wonderful housemate, too, despite what the owner of the house sometimes says on national television. But I digress.

This bill is yet another example of failure by those opposite in managing Australia's borders and the border security system. Let us not forget that it comes as a result of some
very disturbing incidents which occurred around Easter time this year which were handled appallingly. As much as I have some time for the Minister for Immigration and Citizenship, his handling of these incidents was terrible and it really reflected the problem that the Labor Party in government have with managing this issue.

We remember the scene of the Minister for Immigration and Citizenship trying to defend the government's policies when there were people on roofs at Villawood after half the Villawood detention centre had been burnt down. This was following riots at Christmas Island and at Curtin prior to that, and the minister was standing there saying, 'We can't get them off the roof, but we will change the law to make this not happen again.' This is the bill which attempts to cover over the political problem that was the episode of people on the roof during the riots at the Villawood detention centre. It has been reported in the media that the New South Wales riot squad sat at the gate for about 4½ hours watching half the detention centre burn down. These issues are pertinent to my electorate, because we still have no evidence which says that the South Australian police would be able to act if a similar incident occurred at the Inverbrackie detention facility. There have been reports about this in the media and yet no satisfactory response has come from either the Minister for Immigration and Citizenship or the South Australian police minister. I know that the South Australian police minister has many other things on his mind, but if he could at some point turn his attention to this issue it would be appreciated, because my community is concerned because of the events at Villawood.

We heard during estimates hearings about the complete farce of how the riots were managed. In a classic Senate estimates scene we heard about how Senator Cash, the Liberal senator from Western Australia, punched a hole in the minister's and the government's management of the system. She went through, in intricate detail, the events when the deputy secretary of the immigration department stood on two boxes—not one—to get into the roof cavity to try to convince those who were protesting to come down. I think it highlights nothing better than the failure of this minister and this government to properly address this issue. We have the two-box minister standing up there trying to fix what is a complete debacle of a policy. This bill highlights that and it does not fix the problem, because the problem had been fixed when the Labor Party came to government. It was stopped when they came to government and created a problem with their changes to the law in August 2008. The shadow minister for immigration makes this point day in and day out, and yet the Labor Party refuses to listen to the solution because it is a solution proposed by this side of the House. We really should be debating the solution that we suggested some time ago, that we put in place in government, which did stop this occurring. No-one on this side of the House wants to see people get on the boats in the first place. We think that is a terrible thing to encourage people to do, and that is unfortunately what this government's policies do. They put the people smugglers back in trade. They have done that and, since then, we have seen more than 11,000 people take that perilous journey. Unfortunately we have seen incidents like the Christmas Island incident just before Christmas last year, which was a terrible occurrence.

We are seeing these incidents in the detention network because the detention network is under an enormous amount of stress. I hear reports daily from within the Inverbrackie detention facility—the one in my electorate which was foisted on the
community without any consultation at all. The minister at the table, Mr Butler, knows this and he knows the shame that it is bringing the Labor Party in the great state of South Australia because of the lack of consultation and the lack of honesty with the community when they foisted this decision on the community. The day before it was announced, the Prime Minister was in my electorate and she did not tell the community or ask the community what they thought about it. It was just announced because they failed to manage this issue properly. This is putting pressure on the detention network and we are seeing outbursts at Villawood, Curtin and Christmas Island—and we hope not to see it at other places. But, as the member for Paterson said, we are seeing daily occurrences of unfortunate incidents. At Senate estimates, the incidents at Inverbrackie were well outlined by the department. They were not fully outlined, but the department is going to come back with some details. It was quite remarkable that at estimates they had very little details about many of these incidents, but we are looking forward to the information that they will come back to us with to tell us what is actually happening within the centres.

The shadow minister has put forward a worthwhile motion to have a full inquiry into the detention facilities. What is going on in these centres is very deeply concerning, particularly to those of us who have detention centres in our electorates and are experiencing the problems they are causing within those electorates. At the time that these centres were announced the minister for immigration waltzed into the electorates and told everybody, 'It will all be fine. There will be huge economic benefits. There will be no problems at all. It is a family friendly facility. This will be great. This will go really well.' What we have seen from estimates is violent incident after violent incident; we have seen people walking out the front gate; and we have seen that the South Australian police have no powers to deal with any occurrences like we saw at Villawood—thus this legislation.

To highlight the problem that the Labor Party have, I will briefly address one of the comments made by the member for Moreton, which I thought was quite a disgraceful comment, in his contribution to this debate. In fairness, the member for Fadden rightly pulled him up on this point. He attempted to compare the campaign of exposing Labor's failure on so many of these issues that the Leader of the Opposition is running to those who rioted in Villawood, rioted in Curtin and rioted in Christmas Island. It is a great shame on the member for Moreton that he would stoop to those levels.

I know he is under a great deal of pressure in his own electorate about this issue and about the carbon tax issue. I know that not because of any private conversations; I know that because I read the Courier-Mail, and pretty much every second day the member for Moreton is in there bagging the current Prime Minister and the current Treasurer for the way that they are running the government. He is right to do that—though it is an interesting strategy for his own career—because the analysis of it is right. But his comment about the Leader of the Opposition is disgraceful and reflects on where the Labor Party are at in trying to manage this issue. It is killing them and they know it out in the community. People have seen through this government. They know it was the change that Labor made that has caused this problem and that that it is the reason that these incidents are occurring.

One of their great policy ideas last year was to have a processing freeze. That was a 'brilliant' idea that resulted in probably three riots. And we have got, in effect, another
processing freeze at the moment—which, again, will be like putting the pressure cooker lid back on the pressure cooker and waiting to see if it explodes. Of course, it will explode because people will be desperate and they will react. It is unacceptable behaviour—and the coalition has always said that—but what is also unacceptable is creating policies which encourage people to get on these boats in the first place. That is what the Labor Party have done with their legislation. That is what has led to 11½ thousand people getting on boats and trying to make it to Australia. We absolutely support a strong intake of humanitarian refugees each year and we support ensuring that we take those from appropriate places. What we do not support is a flimsy attempt at legislative paper to wallpaper over the cracks which are in the system, because it has encouraged these people to get on these boats in the first place.

There was once a shadow immigration minister—at a time when you might remember these matters, Mr Deputy Speaker Thomson—who put out a very famous press release which said 'Another boat; another policy failure'. Of course, that can now be sheeted home to the now Prime Minister, who was the shadow minister for immigration when she put out that press release, because it is the opposite of it. The best thing we can do is have strong laws which do not encourage people to get on these boats in the first place, so we do not face these problems and we do not have to deal with this flim-flam legislation that comes before this place trying to cover over Labor's policy debacles.

This is another bill which highlights this minister's failure and this government's failure. As the shadow minister consistently outlines, we should be having an inquiry into the detention network and the failure of the Labor Party to manage this system properly. We should be reinstituting the solutions that were put forward by the Howard government when this was a substantial issue in 2001 and 2002. Those solutions worked. They stopped the problem. The government should grow up and adopt our solutions. It will save an enormous amount of taxpayers' money, it will save an enormous amount of human grief and it will save this minister the ongoing embarrassment of what is his complete failure to manage this issue properly.

Ms MARINO (Forrest—Opposition Whip) (17:51): This bill, the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011, would not be necessary if the Labor government had not lost control of our borders and the minister for immigration was actually doing his job. It is that simple. It would not be necessary if the Labor government had not given the green light to people smugglers and given them the opportunity to make August 2008 that they were going to try to look like they were compassionate, humanitarian and soft and make it look like they were not the Howard government. Of course, what that has done is create a situation which has encouraged the people smugglers back into business. The truth is that it is not humanitarian to encourage people to get onto these boats. It is far from it; it is the opposite of it. The best thing we can do is have strong laws which do not encourage people to get on these boats in the first place.
millions of dollars from asylum seekers. Given the free and easy open border policies of the Labor government and the way the government gave in to the demands of asylum seekers on the Oceanic Viking, I am not surprised that people smugglers have been encouraged to believe that they can get away with criminal behaviour.

One of the most consistent issues currently being raised in my electorate of Forrest is, without a doubt, that the Labor government have lost control of our borders. So many people are now actually angry. They are angry that the government has not only jeopardised Australia's strong border reputation but has recently revealed a massive $1.75 billion blow-out in taxpayers' funds used to pay for these shambolic and failed asylum seeker policies. My constituents do not trust the Labor government at all. They do not believe that Labor will stop the boats because the boats continue to arrive. Today we have seen another boat with 56 people aboard. The minister is now scratching around trying to be seen to do something.

We know that during 2001 people smugglers made 43 successful incursions into Australia. As a result, the coalition made tough decisions that made it perfectly clear that Australia was not going to be a bottomless pit of profit-making opportunities for people smugglers and would not encourage vulnerable people to put their lives at risk. This is the issue: they are encouraging vulnerable people to put their lives at risk. The effect was immediate. In 2002 just one boat arrived. Over the remaining years of the coalition government 25 illegal entry vessels arrived, an average of just over three a year from 2002 to 2008. However, in 2008 the newly elected Labor government threw open Australia's borders to people smugglers, literally putting up a sign that said 'Open for the business of people smuggling'. This unfortunately encouraged even more vulnerable people to put their lives at risk in dangerous and unseaworthy boats. In 2009, 61 boats reached Australia. In 2010 people smugglers earned their lucrative illegal income through 134 successful incursions.

The Australian people can see that Labor has well and truly lost control of our borders and my constituents continually tell me so. We know that 11,413 people have come here on 228 boats since August 2008, but this government has continued to deny the obvious. Now, after years of encouraging and allowing people smugglers to take advantage of the Australian government, Labor has decided that they need to do something. They are not quite sure what that something is and they do not know how to rectify a major problem entirely of their own making. I remember this phrase, and I hope members in this House do as well: the coalition found a problem and created a solution; Labor found a solution and created a problem.

The Prime Minister started by saying that detaining boat people on Pacific islands was 'costly, unsustainable and wrong in principle.' Then she back flipped by announcing that the government would try to re-open Manus Island. The Prime Minister also previously insisted that boat people could not be sent to Nauru because Nauru is not a signatory to the UN convention on refugees. But now she has announced 800 boat people will be sent to Malaysia, which is not a signatory either. Australia will receive 4,000 asylum seekers from Malaysia for those 800 that are heading that way. We understand this policy comes with a cost of nearly $70,000 per person.

How this will actually work no-one knows. Australia has not finalised an agreement to transfer asylum seekers to
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Malaysia, PNG, East Timor, Thailand or anywhere else. This is yet another demonstration of the problems emerging from the Labor government rushing out in panic to announce the latest deal that is not actually a deal. We all remember the mining tax mark I and II, the carbon tax mark I and II, the NBN mark I and II—the list goes on. The government's handling of these varying border protection policies leaves Australians with no confidence. Conversely, it continues to give people smugglers great confidence to continue their activities. As I said, today another 56 people arrived. People smugglers are literally making a mockery of Labor's inability to manage Australia's borders. I see that the West Australian today reported that:

Federal police officers have carried out 100 wrist X-rays of Indonesian crew members claiming to be under the age of 18 since 2008. But results of the scans have shown 60 of the so-called "children" to be aged over 18. People smugglers are now not only bringing increased numbers of asylum seekers but they are claiming to be under 18. This is another issue for the government to deal with that they have created.

This bill attempts to ensure that a person will fail the character test if they have been convicted of a criminal offence while in detention. There have been more than three critical incidents happening every day in our detention centres. They are putting people's lives at risk. Incidents have included everything from deaths, escapes, riots, and fires to assaults, particularly assaults on the people who work in these centres. Of course, there has also been millions of dollars of damage.

It is intended that the changes in this legislation will provide a disincentive for people in immigration detention to carry out violent and disruptive behaviour, but it does not do anything to address the Labor government's failure to act to cancel or refuse visas. If someone fails the character test, a decision to grant a visa can still be made. The minister has indicated that in these circumstances he intends to still allow the granting of a temporary visa to these people. The coalition does not support the issuing of such visas. While we are supportive of the new criminal provision, it does not go far enough as it does not apply to every non-citizen. If the government is really serious about this issue, it will re-introduce the provision of ministerial direction No. 21, which allows decision makers to take the interests of the Australian community into account—that is, to 'regulate, in the national interest, the coming into and presence in Australia of non-citizens.'

People, not only in my electorate but right around the nation, are angry about the contempt for Australian law in detention centres. People are outraged by reports of asylum seekers intentionally damaging Commonwealth property and their lack of respect for the Australian communities in which they are being housed. Claims that during the 11 days that detainees were on the roof of the Villawood detention centre they were free to come down, charge their mobile phones and then return without any action has frustrated and upset people and it certainly sends the wrong message. The volume of people in Australian detention centres and the associated pressure on these centres comes as a direct result of Labor's soft border protection policies. The Australian Customs and Border Protection Service is also being stretched beyond capacity. The Labor government has to take responsibility for the situation it has created. There is no-one else to blame. The Labor government has created this problem. We cannot allow the fairness and integrity of our immigration and refugee programs to be further compromised.
Mr RANDALL (Canning) (17:59): I am very pleased to speak on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. We would not be here today if there were not so many people arriving unlawfully. To use the Orwellian language of the Labor Party, they are irregular unauthorised boat arrivals—in other words, people who have jumped the queue. Let us put that in context. When the Rudd government came to power in 2007 there were only four people in detention who had arrived by boat. Now we are heading towards 7,000 in detention. What has caused this? As my friend and colleague from the seat of Forrest mentioned, it is because the green light has been turned on by the Labor Party's changes to the Migration Act, which have sent a signal that if you can get to the Australian mainland you will get a visa. We know that is pretty much the case because, as an example that I have cited in this place before, roughly 20 per cent of those who apply from Afghanistan have a migration outcome, whereas those Afghans who arrive here by boat have a far higher migration outcome, and very few of them have been returned.

We can go into the figures, and I am sure my colleagues have done the same, about the shambolic state of the migration system under the Gillard-Brown government. The immigration system in this country was the envy of the world. It was seen as one that had great integrity. In fact, when I have had the opportunity to go to other countries in the world—for example, when I visited detention centres in Italy—I have found that they saw our system under the Howard government as having the highest integrity and the best outcomes for those arriving unlawfully.

The system has become so chaotic that there is much violence in the detention centres. Let us remember what happened before this government took over in 2007. When we were building the detention centre on Christmas Island the then opposition spokesperson and now Prime Minister said, 'We won't need Christmas Island because there won't be anyone to put into it.' It was going to have a capacity of only 800. What happened? They changed the policy and turned the green light on. Now not only are there more than 800; there are, as we know, well over 2,000, with overcrowding causing many problems. In opposition they said they would not bring asylum seekers onto the mainland for processing, but Christmas Island is so full and has so many problems, asylum seekers have had to be brought to the mainland.

The government is now fishing around in Asia for any place it can to find a solution—except Nauru, even though there is a facility there that was built by Australian tax dollars. The government will not use Nauru on the basis that Nauru is not a signatory to the UN convention, yet it is doing it with Malaysia. Suddenly, we find out that Thailand might be the go or that New Guinea might be reopened. Is Kiribati going to be the next stop? Tuvalu? Some other Pacific Island? It is: tick-tack-toe, here we go; let's find a place we can put you. That is what is happening at the moment because the government is so out of control with migration arrivals and the processing of people. It is causing overcrowding and resentment, and we are becoming the laughing stock of the world. If I have time, I will tell members about a personal incident in Western Australia which shows how derisively we are being considered.

Isn't it right that we invite people to come here who will add something to our community—skilled migrants, people reuniting with family and those on the humanitarian visas which we were famous for. There were about 14,000 of those a year,
which were generally allocated to us by the UNHCR in countries where people had been waiting in an orderly fashion, applying through the camps and the post. But that is not the case anymore. We find now that if you arrive here you generally get a visa outcome.

Christmas Island was part of the exclusion zone for migration purposes and so was an ideal centre for processing. Those that have come to Australia have gradually filtered through some of the nefarious behaviour that they were involved in before they reached here and since they have arrived. I have produced evidence in this place previously that some Sri Lankans who, once they had obtained their visa, returned to Sri Lanka within 12 months of getting their visa. So much for fleeing persecution and fearing for your life.

It was reported in the Australian not so long ago that 70 per cent of entrants who arrive and get a humanitarian visa return to their country of origin within 12 months. Canada has realised this and is about to reassess the humanitarian visas it has granted, based on the honesty and integrity of the applicants' information, with a view to removing their visas or citizenship. Australia might want to look at this, because we are being taken for a ride—we are being conned—by a number of these people. I will point to some of these cases shortly. If the Canadians are doing it because people have been laughing in their face, why wouldn't Australia? Why would the minister bring this legislation to the House when he can do something about it now? He has ministerial discretion to look at the character of individuals on a case-by-case basis and say, 'This person is not a fit and proper person, given the evidence to me from the department, the police or Interpol.' Any one of those agencies would be in a position to state, 'This person is of dubious character.' He can do that now, but he does not seem to have the courage. The previous minister who I consider a colleague from Western Australia, Senator Chris Evans, had the opportunity and he did not want to do it either, which surprised me because it is well within the minister's remit to do so. I do not know why they do not because it would prevent a massive legal challenge, which I have mentioned previously about previous legislation.

Let us have a look at the reasons we are now being brought to this place. There were the Christmas Island riots in November 2009. It was a massive brawl involving 150
people. Some guards suffered minor injuries after breaking up the fight. They used pool cues, broom handles and branches et cetera. Eleven people were charged, but eight had their charges dismissed—amazing. Three were charged and two of them ended up on good behaviour bonds. That is not bad for wrecking a joint. Only one was charged so he must have been the only one who wrecked the joint. He was the only one who ended up with any sort of sanction or penalty. All three were granted visas in late 2010. These marvellous people are going to bring this sort of violent behaviour to Australia. This sends a dangerous message.

There were riots on Christmas Island again in 2011. Unrest was noted on the last weekend of February when 13 people were injured and three asylum seekers were arrested after a fight broke out over property damage. On 11 March there was the first break-out from the detention centre when 150 asylum seekers damaged the gates and fences. Initially, 100 refused to return to the centre. Christmas Island residents said that the extent of the break-out was under-reported, and many islanders feared for their safety and barricaded themselves in their homes on that idyllic island in the middle of the Indian Ocean.

A second break-out occurred days later from the North West Point Immigration Detention Centre, supposedly the island’s most secure facility. Fewer than 100 men broke free and roamed the island. It took Federal Police over a week to locate all those who escaped. Prime Minister Gillard made a comment at the time: ‘Where are they going to go to? They are on an island, after all.’ This was much to the bemusement and frustration all those who call Christmas Island home. On 17 March up to 250 asylum seekers set buildings ablaze and threw Molotov cocktails at the Federal Police. Over 200 Federal Police were taken to the island to secure the facility. Police were forced into using beanbag bullets and tear gas to gain control.

We all remember the pictures of people dragging wheelie bins that were alight and running from building to building to make sure that they were properly alight. This is what they did to Australian facilities. Were they of good character when they burned down the places they ran to for refuge so they could migrate to Australia? Minister Bowen denied it and said that some sorts of ringleaders were sent to the mainland, and some of them were later implicated in the Villawood riot.

I could go on about the Villawood riot. I can tell you that nothing galled the people of Australia more than to see what they did to Villawood when they burned down those nine buildings, including the kitchen and all those facilities. Then they got on the roof and would not come down. Around Anzac Day in my electorate people were saying to me: ‘Mr Randall, I will get them down for you. Just give me the opportunity and I will show you how to get them down.’ They were appalled by the fact that we were such a weak, lily-livered group of people who allowed ourselves to be held hostage by people who decided to come here seeking refuge and trashing it along the way. It was an absolute disgrace.

We could go on with a whole lot of other incidents. For example, guards have been bashed at Curtin. The West Australian reported on 23 March that an Iranian detainee had claimed that he had been raped by several men at the Phosphate Hill camp at Christmas Island but that no charges were laid. Coincidentally, a guy has told me that he supplies 700 condoms a week to Curtin, which is surprising given the strong male population there. Obviously there are some
cultural issues that seem to be festering. There were also scuffles at Darwin airport.

We could go on. There was the boat carrying 47 asylum seekers which was sabotaged by the crew when they threw 30 litres of petrol on the deck below. Our Navy got involved and of the five people identified, I understand that three of them have visas already. This is shameful. It is a disgrace that Australia allows this to go on. There is one clear way you could deal with this, obviously—that is, to make sure that people do not arrive by boat but arrive in an orderly fashion and apply as humanitarian entrants, rather than trying to jump the queue. Constituents come to me one after the other to say: 'Mr Randall, we love migration; we were all built on migration. This country is a migrant society. But what we don't like is when you get in a queue at the shopping centre and someone decides to push past you at the checkout because they are in a hurry. Or when somebody at the footy wants to get a better seat and he shoulders past everybody else to get the front of queue and says, "I don't care who you are because I am big and ugly enough to push you out of the way". That is what they do not like about the shambolic state of our migration system. We must maintain proper character assessments so that we end up with and maintain a system that is full of integrity. The minister is doing this because he will not do his own job. He could do this job himself, without requiring this legislation, but this is just an indication of how out of control and how messy this government is. Everything this government has touched so far is turning to mud. This is just another prime example. Our migration system, which was held as one of the beacons of the world on how to do this, has now been reduced to the state that it is in.

Mr SLIPPER (Fisher—Deputy Speaker) (18:15): I am very pleased to have the opportunity to join the debate on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. It is obvious—and any objective person looking at the facts would have to accept—that under this government our border protection policy is in tatters. Compared with the record of the former Howard government, this government has completely lost control of Australia's borders and it has turned the seas around this nation into a superhighway. There is an incentive for people to seek to come to Australia as unauthorised arrivals because of the record of this government in allowing so many of those who have arrived in this way to stay here on a permanent basis.

Let us look at the facts. Since August 2008, 228 boats have arrived. Many of them slipped through the detection net and were unexpected when they appeared off Australia's offshore islands. Eleven thousand four hundred and thirteen people have arrived in this manner. Some 56 arrived only today. On any sort of clear-headed assessment, the government's policy has not worked, and it should be obvious to anyone that this government needs to sit down and reconsider the situation.

No matter how well intentioned the government are—and I do accept that they are well intentioned—it is obvious that their policies have comprehensively failed. What they really ought to do is to go back to basics. They should go back to scratch. They should look again at what has worked in the past, look again at what is not working now. Even if they have to absorb a modicum of political embarrassment, they should say that the policies of the former Howard government with respect to border protection were infinitely more effective. The former government said, 'We will lock anyone up who enters Australia illegally,' and that proved to be a very powerful disincentive for people smugglers. People smugglers are
amongst the most evil people in the world. I think everyone agrees with that. But, if you make it not viable for people smugglers to stay in business, then obviously they will move their evil and pernicious traffic elsewhere in the world.

Many people who seek to come to Australia illegally are economic refugees. One can understand why they would want to leave the conditions in their home countries and come to join us here in Australia, a country that has freedom. We have a sense of democracy, a sense of fairness. We enjoy the rule of law. So one cannot dispute the fact that people would want to come here but, if we are going to have an immigration system with integrity, it has to be one that has checks and balances, one that has appropriate penalties and one that acts as a disincentive to people smugglers who take people's money and bring people here.

The current situation with the people smugglers is completely undesirable from the point of view of the Australian people as a whole, but it is also a very unfair situation because we have a finite capacity to absorb humanitarian refugees. We have a quota for this purpose. If people jump the queue then it means that genuine people who have been going through the appropriate processes will have a lower likelihood of being admitted to Australia than would otherwise be the case.

I can understand the attractiveness to the government of the five-for-one deal which has been heavily talked about and heavily promoted with respect to Malaysia. Clearly Malaysia gets a very good deal: for up to 800 unauthorised arrivals, we will absorb 4,000 people who are currently in Malaysia. It seems like a pretty dud deal as far as Australia is concerned. The only silver lining in the cloud from the government's point of view is that, if people do come as unauthorised arrivals, they will probably be sent off to Malaysia and they will go to the back of the queue. Hopefully that will discourage people smugglers from continuing to do what they do. It still seems a pretty bad deal for Australia because we are accepting 4,000 people in exchange for 800. If the government had opted for the policies of the former Howard government then we would not have the boats arriving and we would not have the problem.

Australia is a very generous nation. We are a compassionate nation. As you go round our country you will find that people are well aware of the benefits of migration. After all, most of us came here as migrants in one way or another. But Australians have a sense of fair play. They understand that we are a country which has amongst the highest per capita absorption of refugees from countries around the world. But it is imperative that our borders be protected so that we are not overwhelmed by illegal boat arrivals, which place strain on the integrity of our immigration system and processing and can become a financial and social burden.

When one looks at what the government is proposing to spend on unauthorised arrivals and processing and transporting them and detention centres, one can see that this places a very great strain on the budget and makes it more difficult for the government to achieve the objectives sought by the Treasurer in his budget of returning the budget to surplus within a finite period. If one could reinstate our border protection policy, one could stop the boats from arriving. The government would not have to spend what it is proposing to spend and the budgetary bottom line would be so much better off. I also do not understand why the government says it will not use the detention facilities at Nauru, which have been paid for by the Australian taxpayer. Nauru is prepared to be of assistance in this matter. It would be good for Nauru; it would be good for Australia.
The facilities are already there. It would not take them long to recommission the detention centre. Yet we find, to the contrary, the government seems to be hawking its wishes from one country in the region to another, when there is already a very obvious solution.

Labor has failed with its border protection policies, and most people in the community, in any part of the country, would agree that that is in fact the case. Our immigration detention centres are stretched and have become places where we have riots. We find that detainees are destroying the property of the Australian taxpayer. While one has to applaud the contents of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 upon first reading—and no-one could possibly object to what is contained in the bill—the bill simply does not go far enough. It is interesting to note that people who are not in detention but who commit offences are not caught by the provisions of this bill.

It is also strange to read that you can have a situation where, even though a person fails the character test, the decision to grant a visa can be taken, particularly if the person is found to be a refugee and cannot be returned to his or her country of origin. I am also advised that the minister intends to issue some sort of new temporary protection visa. Maybe it could be referred to as a return pending visa. But it is simply unacceptable, in my view, to grant visas to people who fail the character test. We have enough problems in this country already with law and order. To admit to Australia to live here on an indefinite or permanent basis those people who fail the character test is not what the Australian people want. I would encourage government members to go to any shopping centre in the country. They would find when they talk to ordinary, decent Australians, regardless of how they vote at elections, that people want appropriate levels of border protection. There is a very great level of unhappiness in the community that 228 boats have arrived since August 2008. There is a very great unhappiness that 11,413 unauthorised arrivals have somehow managed to trespass across the border to arrive here and have had to be dealt with in accordance with Australia's immigration laws. People are exceedingly unhappy that today another 56 people have arrived.

One ought to never forget that, while we talk about 'unauthorised arrivals', these are people. These are people who obviously have hopes and aspirations for a better life. They clearly must be treated with compassion, but if we had an appropriate level of border protection they would not be here and they would not actually need to have the processes which are being set out in this bill and in other bills applied to them. If we could re-create a situation where Australia's border was properly protected, we would not have these unauthorised arrivals. They would not be here; they would be somewhere else and we would not be talking about the matters we are currently talking about. It is interesting to note, however, that the government has not been prepared in this legislation to go further and to say that those people who commit offences when they are not in detention are similarly caught by these provisions.

Australia is a country which has Judaeo-Christian values. We are a country which does in fact accept our fair share of the refugee burden from around the world. We are not a heartless nation. We do care about others in strife, and we have proven time and time again that we are good international citizens. Collectively as a country we dip our hands into our national pocket to assist people overseas in times of difficulty. While most Australians sympathise with genuine refugees and the hardships they face, they
understand the need to maintain diligence in processing and to have appropriate examination of new refugee applicants. They do not want common sense thrown out the window, and they want to do all they can to protect our Australian people and to maintain the way of life and level of safety that we are privileged to enjoy in Australia.

We as a country want to have only those people who are of good character. While the bill certainly strengthens the current provisions, it does not go far enough. Most Australians are outraged when they hear about the riots and the protests which have taken place on Christmas Island and at Villawood. That indicates that these people have no respect whatever for Australia, its laws or its property and that they believe they have the right to do what they want. Even the thought of a deputy secretary of the department having to plead with people to come down from where they were is unacceptable. What happens is that a certain number of people play on the basic decency and good values of Australians.

We are a relatively small nation and we would be silly to put at risk the things that make Australia the wonderful country that it is by going soft on those who claim to be asylum seekers and as a result seek to take up residence in Australia. It is very important that anyone who commits violence, destroys property or breaches the peace while in detention is not allowed to remain here. It is certainly unacceptable that some people have vandalised and trashed the accommodation that has been provided by the Australian taxpayer. That does not sit well with the Australian people and our sense of fair play. It is certainly a bizarre type of behaviour, akin to biting the hand that feeds you. In the very short amount of time left to me, let me say that these changes to the Migration Act 1958 aim to improve the behaviour of detainees and to bring about consequences for those who behave badly. The bill is a step in the right direction. It does not go anywhere near far enough. I, on behalf of the people of Australia, implore the government to consider strengthening the provisions of this bill so that it will achieve what the Australian people would want it to achieve.

Mrs MOYLAN (Pearce) (18:30): The Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 purports to strengthen legislation so that following a court conviction leading to a custodial sentence of less than 12 months the minister will have the power to refuse to grant a visa to a person or may cancel a person's visa if they do not satisfy the minister that they pass the character test.

Lest my intentions be misconstrued or misunderstood, I do not in any way condone violent and destructive behaviour in detention centres, or in any other place for that matter. Those who break the law should clearly be charged, convicted and sentenced according to the law. However, in considering this legislation we must ask the questions: are these amendments warranted; are the remedies proportionate to the crime in cases where a sentence for criminal behaviour is less than 12 months; and should we be supporting the retrospective element of this amendment bill? The starting date for the new ministerial powers is 26 April 2011, a date that has passed. The retrospective
element lies in the new provisions under section 501(6), which will apply to individuals convicted of an offence before or after that date. The bill, in clause 501(6)(aa), provides an additional ground on which a person will not pass the character test: if the person was convicted of an offence committed while in immigration detention, during an escape or while on the run before being detained again and is convicted and jailed for less than 12 months.

Although it has been argued that in some cases retrospective laws have a place in law making, retrospective laws have been widely condemned in cases of criminal law. The difficulty in this case, though, is that it is not the criminal law that is retrospectively applied; rather it is the operation of section 501(6) following a criminal conviction, no matter how minor, which may apply retrospectively. Previously the character test specified a number of grounds or criteria of assessment—for example, 501(6)(a), that a person has a 'substantial criminal record'. A 'substantial criminal record' is defined under 501(7)(c) mainly in terms of the severity of a sentence: that a person was sentenced to a term of imprisonment of 12 months or more.

The stated reason for this additional ground is that the current provisions specifying a minimum sentence of 12 months imprisonment are inadequate. According to the explanatory memorandum, the current provision 'imposes a significant limitation on the ability of the minister to appropriately respond to the violent, destructive and criminal behaviour which has been occurring in immigration detention'. That statement comes directly out of the explanatory memorandum. Under this new provision, and again I quote:

It does not matter what penalty is imposed by a court as a result of the conviction. This creates a clear and objective basis for a person to fail the character test.

The other question we should ask in this place is: is the new provision necessary? In a discussion with David Manne, the executive director and senior solicitor for the Refugee and Immigration Legal Centre, he said that, contrary to the assertion of the explanatory memorandum, the minister's ability to respond appropriately to recent conduct involving 'violence' and 'destruction' is not confined to the ground of 'substantial criminal record' with the threshold of a sentence of imprisonment for 12 months or more. The Migration Act contains further grounds for the character test which include 'the person's past and present criminal conduct' and 'the person's past and present general conduct'. I thank David Manne for his assistance in looking at some of the worst elements of this bill.

The Refugee Council of Australia also made this comment in a recent press release: Presently, and even in his own words, the Minister for Immigration has 'very extensive' powers to deal with people in detention convicted of a crime, including criminal damage. There is no need to bolster these powers with legislation that could see them widened to include refugees who commit more minor offences while in the pressure cooker environment of long-term detention. Our concern is that a refugee who commits one misdemeanour could be denied protection and unity with his or her family for life.

In 2009 the minister for immigration issued a direction under section 499 of the Migration Act providing direction to decision makers with respect to section 501. It outlines a number of factors for decision makers to consider in determining whether a person is not of good character on the basis of criminal conduct and they include 'the nature, severity and frequency of the offence/s'. The factors do not include the penalty imposed by a court. The explanatory memorandum's statement that the new provision 'creates an objective basis for a person to fail the
character test' implies that the limitation in the definition of substantial criminal record—a sentence of imprisonment of 12 months or more—which is asserted to constrain the appropriate response of the minister is not objective. That is not the case.

We must also ask ourselves: is the new provision proportionate to the problem it seeks to address? The explanatory memorandum states that 'the changes are, in part, a response to the criminal behaviour during the recent disturbances at the Christmas Island and Villawood immigration detention centres which caused substantial damage to Commonwealth property' and a response 'to the violent, destructive and criminal behaviour which has been occurring in immigration detention'. Again, these are direct quotes from the explanatory memorandum. According to the explanatory memorandum:

... it is intended by the Government to ensure that any conviction for an offence of the kind covered by this Bill results in the person automatically failing to pass the character test.

However, the amendments do not specify any particular kind of offence and are not limited to 'violent' and 'destructive' conduct. A person who is convicted of any offence committed while in immigration detention, including minors in community detention, will not pass the character test. Offences someone detained in the community might commit include jay-walking, public drunkenness, not having a ticket on public transport, placing graffiti without consent and begging. My goodness me, if we applied this to the general community we might have a few problems.

Proponents of the bill may argue that the minister would only refuse to grant a visa in the case of very 'serious' offences, as intended—so trust the minister to exercise the greatly expanded power with proper discretion. However, it is reasonable to anticipate that, given the widespread hostility to people in detention who have committed serious offences, decision makers may feel under pressure to deny granting visas to people presumptively determined as of bad character for committing a wider range of acts other than the violence and destruction that was the reason for this bill's existence.

In a speech in the parliament this morning on the Morrison motion to establish a House of Representatives committee to examine all elements of detention centres, I called for the discontinuance of the indefinite, arbitrary detention system and I am going to repeat some of that. Of course if you overcrowd prison systems there is bound to be trouble. That is not an excuse for some of the criminal behaviour we have witnessed recently in detention centres, but it is a fact. As I said this morning, the issue of indefinite, arbitrary mandatory detention for asylum seekers has been much debated and much criticised since it was first implemented by the Labor government in 1992. It is a negative and punitive system of dealing with those who come to our shores seeking asylum. Apart from the all-too-apparent negative effects on people incarcerated in detention prisons, the system is administratively demanding and very costly.

The original intention when mandatory detention was introduced by the Labor government was to act as a deterrent to those seeking to come to our shores. Originally, it was aimed at a very small number of people arriving by boat. Yet 10 years after the implementation of the policy there were 5,000 boat arrivals. Similarly the policy of temporary protection visas was introduced as a deterrent. In the five years prior to temporary protection visas being introduced, there were 3,103 boat arrivals. In the five years following the introduction of
temporary protection visas there were over 11,000 arrivals.

It is time we looked at these policies in the cold light of day and worked toward a durable solution to the problem of people fleeing the threat of death or oppression in their own countries. In 2001 to 2005, some of us in this place worked toward hard-won changes which were made to the system of mandatory detention and implemented. Then the new Labor government came into government on the promise of its New Directions in Detention policy, a seven-point plan. The government acknowledged that 'detention that is indefinite or otherwise arbitrary is not acceptable'. The Refugee Council recently put out a press release highlighting the 1,412 per cent increase in the number of asylum seekers who have now been in detention for more than six months. That figure is an increase over the last 12 months. The government has failed to implement its own New Directions in Detention and, according to the most recent Australian Human Rights Commission report, 2011: Immigration detention at Villawood, thousands of people, including over 1,000 children, remain in these prisons. It is no wonder that there is trouble. More than half of those people have been detained for longer than six months, and more than 750 people have been detained for longer than a year.

As I said in a speech in this House in 2006, the stranger who stumbles upon our shores has a claim on both our conscience and our patriotism and, when he or she arrives with credentials uncontaminated by smugglers and pleading a case, that at very least is worthy of a fair hearing. The qualities that constitute fairness are not those that visit unmitigated sequestration and inhumanity upon the stranger. I put it to you, Mr Deputy Speaker, that this indefinite, arbitrary migration detention centre policy is inhumane and that there has been plenty of evidence, in report after report from many different agencies, to highlight the terrible harm that this system is doing to individuals, particularly to children. We should be working much harder in this place to find durable solutions and to separate out those two issues, the one of people fleeing from persecution and possible death and the other of how we treat people once they come to our shores seeking our protection. This amending legislation is a sloppy attempt to continue to paper over the cracks of a cruel system of indefinite, arbitrary mandatory detention for people who have never committed any crime.

Mr BOWEN (McMahon—Minister for Immigration and Citizenship) (18:43): I thank all honourable members who have contributed to this debate on the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. This is an importance piece of legislation. The intent of this legislation is to make it crystal clear to people in immigration detention and the broader community that inappropriate behaviour in our detention centres is unacceptable. That means that anyone who is in an immigration detention centre who is convicted of any offence will know that they will fail the character test and enliven the minister's and the department's ability to refuse them a visa if they are convicted of an offence. That is important. I will respond to some of the points made by the opposition. I will do that by addressing a series of points made by the opposition. The opposition have flagged an amendment, which I will get to in a moment. They have also made a more general contribution. I will confine my comments to their contribution on this particular bill although obviously several honourable members opposite have taken the opportunity to comment more broadly. The opposition's position on this is that this
legislation is not necessary and it does not go far enough. I am not sure how the opposition can close the ring on that argument. The shadow minister, who joins us in the chamber, has said on several occasions that he does not regard this legislation as necessary. Several of his colleagues have said that in the chamber tonight—nevertheless, they have said they will support it, which I welcome—and then they have said the legislation does not go far enough. I am not sure how you can argue that legislation that is not necessary does not go far enough. I have made the department's legal advisers available to the honourable member opposite. I understand they provided him with advice that shows why this legislation is necessary, which the honourable member is aware of—although he has not referred to it.

It is my view that this has been necessary for some time. Honourable members opposite have pointed out that there have been instances of people who have been convicted of offences whilst in immigration detention who have not then failed the character test. That is correct, and honourable members have referred to those instances. There have been others that honourable members opposite have not referred to. For example, in the 2002-03 Woomera and Baxter riots and escapes, in relation to Woomera 15 people were convicted of offences. Of those 15 people who were convicted of offences in relation to the Woomera riots and escapes, 12 got permanent visas and five were granted Australian citizenship. The honourable gentleman opposite and his colleagues complain here, and elsewhere in the broader debate, about this government not applying the character test. Previous ministers and governments found similar issues. Yes, I have taken the view that the character test does need to be strengthened. The honourable member has pointed out, correctly, that I said I would be applying the character test to people who participated in the events at Christmas Island and Villawood. Yes, I said that; of course I said that. It is not inconsistent of me to say also that I think the character test needs to be strengthened, and that is why this legislation has been introduced today.

The honourable member for Cook has criticised the government for our response to the Villawood protest. He said that we should have ignored the Australian Federal Police advice on how to handle that situation. He has criticised the government for having a senior departmental official explain to those people on the roof that they were not achieving anything and they should come down. I went back and looked at how previous governments might have handled these sorts of issues, because I thought: 'That's criticism which is aimed at the government.' I again had a look at the situation in relation to Woomera and I found a report from Saturday, 10 June 2000. It says:

Mr Ruddock said he had decided not to go to Woomera, despite demands from the boat people, because he did not feel it appropriate to go there under duress.

Fair enough, I say. The report goes on:

The secretary of the Immigration Department, Mr Bill Farmer, had been sent instead.

Previous ministers have sent the secretary for discussions with people who have been involved in protests and riots, and the honourable member opposite criticises the department and the government for having the deputy secretary say to people on the roof that they were achieving nothing and they should get down. The honourable member for Cook said in his contribution that life goes on. That was what he said. He said that for people who had been on the roof of Villawood life goes on and there are no
consequences for the people involved. He ignored the fact that one of the people involved has been charged with very serious offences with a potential sentence of up to 12 years in prison. So his argument that life goes on is a little hard to manage.

I want to spend some time dealing with the opposition's amendment, which they have flagged for discussion. We will be opposing that amendment. The opposition have flagged an amendment which would amend section 501(7) so that people who are convicted of an offence with a custodial sentence would have the character test enlivened. To listen to the contribution of the shadow minister for immigration you would think that that would mean that anybody who is in Australia who is not a citizen who commits an offence in Australia could have their visa cancelled if they committed an offence which had a custodial sentence—and that would be true. What the shadow minister for immigration did not outline to the House is who else that would apply to. There are 4½ million permanent and temporary visa holders and applicants in Australia. The shadow minister's amendment would mean that, for example, somebody applying for a tourist visa to Australia who had been sentenced to a custodial sentence perhaps 40 years ago would fail the character test. For all the 4½ million people that this would apply to, it would mean that, for example, somebody who may have spent two weeks in prison 40 years ago would fail the character test. That would mean that every single tourist to Australia, regardless of visa type, would then have to be considered by the department in that light. I wonder whether the shadow minister for immigration has consulted with the shadow minister for tourism, who is at the table. I hope he has, because this will have a very significant impact on the tourist industry in Australia. I am surprised that a former head of Tourism Australia would move such an amendment as this. If they are concerned about processing times now, I would like to see the impact of their amendment on processing times, which will blow out.

Of course the government considered the type of amendment that the shadow minister has proposed tonight. We went through it. I did consider the position that this should apply more broadly and, when some of the implications of that were pointed out to me, I made the appropriate decision. I am not sure the shadow minister has thought this through. I think we see a bit of a thought bubble from the shadow minister. He would create a special class, because according to the shadow minister's amendment this would not apply to holders of ETA visas. So if you were to come from some countries you would be covered by this amendment; if you were to come from other countries you would not be covered, because ETAs would be under a separate regime. That was the advice to me from my department this evening.

I do not think the shadow minister for immigration has thought this through at all. It is appropriate that if you are in immigration detention you are very clear on your obligations, because offences in immigration detention, even offences which do not attract a penalty of 12 months or more, involve damage to Commonwealth property, risk to other detainees, risk to Commonwealth staff and risk to staff of service providers. They are serious offences, and it is appropriate that this parliament, this government, sends a clear message about that sort of behaviour. If the shadow minister for immigration sincerely believes that this amendment is feasible, then I would invite him to call a division. I would invite him to have the names recorded of honourable members who agree with him in this House and I would look forward to that division.
occurring. I am glad that he will be supporting the bill and I welcome that support and the support of the opposition, but I would also encourage them to reconsider the amendment they propose to move here tonight. I do not expect them to withdraw it from the House but I hope, after reflection, they do not move it in the other place. We will certainly be pointing out the inefficiencies and the shortcomings in the opposition's thought bubble on this approach.

The DEPUTY SPEAKER (Mr S Sidebottom): The question is that the bill be now read a second time. There being more than one voice calling for a division, in accordance with standing order 133(b) the division is deferred until 8 pm.

Debate adjourned.

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Mr ANDREWS (Menzies) (18:53): I rise to speak on the Families, Housing, Community Services, Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011. This bill seeks to amend various acts to achieve a range of amendments to existing legislation: firstly, with respect to the A New Tax System (Family Assistance) Act, to provide for modified arrangements for advance payments of family tax benefit and the payment of FTB part A supplement for a child turning four, conditional on that child receiving a health check prior to starting school; secondly, with respect to the Child Support (Assessment) Act 1989, to determine a parent's taxable income by using their previous taxable income, indexed by growth in wages, when a tax return has not been lodged; thirdly, with respect to the Social Security Act 1991, to require payers of compensation to notify Centrelink of proposed payments of compensation; and, fourthly, to make various technical amendments to the A New Tax System (Family Assistance) Act 1999, the A New Tax System (Family Assistance) (Administration) Act 1999 and the Child Support (Assessment) Act 1989.

The bill would make amendments to take effect from 1 July regarding family benefits. This includes rules for determining whether an individual is entitled to a family tax benefit advance and the amount of the advance, the rules as to reducing the individual's rate of FTB part A to effect repayment of the advance, and the circumstances in which a debt for the unpaid amount of the FTB advance is raised.

For the 2011-12 year, the maximum advance available will be limited to $1,000 and the minimum will be limited to $160.96. For subsequent years, the maximum and minimum amounts will be linked to the FTB child rate for one FTB child who is under 13 years of age, which is indexed on 1 July of each year. If the individual is repaying a previous amount, then their maximum amount will be reduced by the original amount of the previous advance. The default repayment period over which the advance will be repaid by a reduction in the individual's FTB part A instalment rate is 182 days, or 26 weeks. This period may span two financial years. However, the repayment period may be varied depending on the individual's circumstances. The new measures relating to the repayment of advance debts would see more flexible arrangements that will result in an individual generally repaying their advance from
ongoing reductions of the part A rate, rather than a debt arising.

The health checks for young children measure will make the payment of the FTB part A supplement for a child turning four in a particular income year conditional on the child undertaking a health check. This measure will commence on 1 July 2011. The proposed amendments relating to 'determinations of adjustable taxable income' would modify the current rules applicable to the Child Support Registrar in determining a person's adjusted taxable income where a parent's taxable income has not been formally assessed. A new, more accurate default income arrangement will be introduced that uses a parent's previous taxable income, indexed by growth in wages, instead of a lower default income—that is, two-thirds of male total average weekly earnings—in cases where they have not lodged a tax return. These amendments replace the current rules for determining a parent's adjustable taxable income with new rules that will more accurately reflect a parent's income and ensure better support for children.

The proposed provisions relating to 'notice of payments of recompense for personal injuries' require payers of compensation, such as insurance companies, to notify Centrelink of proposed payments of compensation. Centrelink will then use this information to determine the social security entitlements of the compensation recipient or their partner. This will reduce the risk of individuals incurring unnecessary debt to the Commonwealth and receiving income support payments to which they or their partner are not entitled. Currently, social security recipients are required to notify Centrelink when they or their partner are to receive a compensation payment. The new provisions will streamline the notification process for compensation payments to social security recipients or their partners to ensure they receive their correct entitlements.

The bill also makes minor amendments to the family assistance law and child support legislation to clarify technical or drafting matters and to ensure that the legislation operates as intended. While the coalition will not oppose this bill, we on this side are concerned that this bill does not ease the cost-of-living pressures on Australian families. That is because the Labor-Greens alliance does not understand the pressure that Australian families are under. At a time when Australian families are struggling with the rising cost of living, cutting $2 billion from family benefits will put many under even more pressure. Over 2.1 million families will lose some support as a result of the real value of the family tax benefit supplement being cut. This is just the latest assault on families, delivered by this directionless government. Indeed, many families with parents earning average wages will lose hundreds of dollars a year through the freezing of the threshold at which families start losing base rate family tax benefit A. The family with a combined income of $110,000—for instance, with each parent earning $55,000 or one parent earning $65,000 and one earning $40,000—will lose $853.50 a year in 2012-13 if they have two children under 13 and $906.75 if they have three young children. Losing this support will hurt families, who have already seen many of their bills increase dramatically in recent years. Since December 2007, electricity prices have increased by an average of 51 per cent across Australia, the overall cost of food has increased by 13 per cent and education costs such as school fees have increased by an average of 24 per cent. With a carbon tax on its way—if this government gets its way—and mortgage interest rates having increased seven times since September 2009, repayments on the
average mortgage have increased by over $500 per month in a little under 18 months.

The working families of 2007 have indeed become the forgotten families of 2011. Family benefits are being hit. Changes to private health insurance will also hit families. Labor's ideological disdain for independent schools will also hurt families. Labor's attack on regional students and youth allowance has already demonstrated the ruthlessness with which this government is treating those families outside our cities. The Gillard Labor government's decision to rip $50 million out of family relationship services will have a serious impact in the sector that strives to keep families together, including many of these families that are feeling pressure at the moment.

This Labor government will stand condemned for its assault on families. It will stand condemned for its alliance—its partnership—with the extremist Greens. In stark contrast, the coalition is committed to easing the financial burden on families by rejecting Labor's new taxes and paying back Labor's debt as soon as possible. This will take pressure off interest rates and living costs for all Australians. This bill is therefore yet another missed opportunity, a disappointment we on this side of the House have unfortunately become expectant of from this disastrous and directionless government.

Mr HAYES (Fowler—Government Whip) (19:02): I rise to support the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011. This bill has five key aspects. The first three aspects—Better Access to Family Payments, Healthy Start for School and Strengthening Compliance—Child Support—emanate from our election commitments. The remaining two aspects—streamlining the notification processes for compensation recipients and some minor amendments to technical or drafting matters within the act—emanate from the 2010-11 budget.

We on this side of the chamber believe that the purpose of government is to help families. Despite what has just been said, any objective analysis of what is being put forward would show that this bill does exactly that. I pride myself on being able to say that my electorate of Fowler is all about families. It is the most multicultural electorate in the country. It has a disproportionately high number of families, and I know that the measures contained in this legislation will be of benefit to them. My electorate—no doubt like yours, Mr Deputy Speaker Sidebottom—is very much centred around family and family life, and I know that the initiatives proposed in this bill will make a difference in balancing the family budget.

The first aspect of the bill is Better Access to Family Payments, which is something we committed to in the lead up to the last election. It will provide more flexibility for advance payments to families on the family tax benefit. Families will be able to receive a larger and more flexible advance of their family tax benefit entitlements. This will help families meet those unexpected expenses, which I know will be welcomed by residents of my electorate.

My kids are now grown up, but as a father I get to see the unexpected expenses my kids are facing with my grandchildren going to school—school outings, uniforms and things like that. I get to see those things that impact on my daughter's and my son's expenses and what they have to do to have their kids ready for school or other activities. I understand how in reality, when this change is applied across the electorate, it is going to increase
flexibility for mums and dads out there so they can make ends meet and, importantly, ensure that their kids do not miss out. As I understand it, the amount that will be advanced will be linked to the amount a family receives in benefits, with Centrelink on hand to give parents assistance, particularly with financial counselling or other support. That too is a big thing.

The upshot of this scheme is that families will be able to avoid high credit card costs. They will be able to avoid the costs of taking up personal loans and will be better placed to plan their budgets accordingly by being able to access the money when they need it and adjust their budgets to facilitate their expenditure over periods of less demand on income support. This may not seem much to those opposite, who seem to be very dismissive of it, but for those of us who have a high housing commission component in our electorates—a high proportion of single-parent families—that provision alone will make a very significant difference. I can assure you of that.

The second component of this amendment is the Healthy Start for School package. It is another election commitment and affects family tax benefit recipients on income support payments. It links the family payments to the health checks of four-year-olds. If parents refuse to comply with the requirements, they will have their payments suspended. Mr Deputy Speaker, you will recall in the lead-up to the last election we emphasised significantly the importance of having every child being school-ready, every child being examined to make sure they were healthy—and four years old is the appropriate time, before they get to school.

Only last week I conducted an exercise with the Autism Advisory and Support Service. One of the big things they advised me of was that, whilst all these moneys are available for early intervention, unless a parent suspects that their child is slow or is possibly falling into the autism spectrum disorder band, ordinarily it is not brought to light until they get to school and a teacher decides to ask a parent in that respect. It is imperative, particularly for those disorders, that we have early intervention. That is where the difference can be made, in all sorts of areas—including my own grandson, who is on the spectrum. He was, very fortunately, diagnosed early, and I see the difference that that makes. There is probably more chance than not in him being diagnosed. But what this bill is seeking to do is to make sure all kids get a healthy start—and, as I say, we do need to ensure that our kids are ready to attend school, ready to learn and that, where there are issues, we are in a position to do something about them through early intervention. That is clearly an aspect of families embracing healthy lifestyles and providing appropriate assistance to parents. It is something that I am very fortunate with—as I said, I have a very active service in my electorate, the Autism Advisory and Support Service, run by its volunteer director, Grace Fava. They do an extraordinary job of assisting parents whose children are suspected as having, or have been diagnosed with, autism. This is one of the things that they keep emphasising to me: we need to take every possible step that all kids are given the proper checks and, where necessary, are able to access, in terms of autism, the $12,000 before they turn six to actually help them. Regrettably, a lot of kids—sometimes through denial with respect to their parents—do not go through that process, and as a consequence kids stand to miss out. This is something that was very much a key election commitment from us, and it is something we are proud to be delivering at this stage.

With respect to low-income families or where, unfortunately, marriage breakdowns
and separations occur, in my electorate I do have very high levels of separation rates. I know that there is enormous stress on single-parent families. Again, this is something that will help in that respect, at least to ensure their kids have been tested and given every opportunity for a healthy start in their learning careers and throughout their education process.

The third part of this bill is again an election commitment, and it deals with strengthening the compliance in the child support system. At the moment, in the event of a parent who fails to lodge their income, or is late with their income tax return, a default income is used, which is currently two-thirds of the male total average weekly earnings. So, where one parent decides—maybe because their income has accelerated over a particular period of time, such as by being inflated by overtime or other things—to simply not put a return in, the male total average weekly earnings is the default income that is used for calculating child support. Obviously, that has certain advantages, but there is certainly an incentive for those who want to dodge their commitments to their children, as the default figure can understate the parent's actual income. The Gillard government has committed to making this system more fair and more accurate. That is not just about going out and trying to take money from people; it is trying to do that which is right and fair for the child. I know sometimes it is a bit hard to get through, particularly when parents are still in a combative position, but the basis of this particular amendment is to do what is fair for the child. We want parents to meet their obligations and support their children. This fairer system will replace the current system. The process will generally use the parent's last known taxable income, indexed by growth in average wages. In the event that the MTAWE process provides a higher income, that will be used instead, but in the main it will be the last known taxable income, indexed by average wages. I strongly support that measure, because I believe that in all these circumstances the person who cannot miss out is the child. It is clear that, in this respect, we must do the right thing and front and centre in our consideration must be the child.

The fourth aspect to the amendment deals with the streamlining of the notification processes for compensation recipients. This was a 2010-11 budget measure and will streamline the process of notifying Centrelink when payments are made by compensation payers, such as insurers. The compensation payers will now be required to tell Centrelink before compensation payments, either as a lump sum or as a periodic payment, are made to the recipients or their partners. This new requirement will ensure that people are paid the correct amount straight away. At the moment, there are times when Centrelink is not informed, which means that overpayments are made and those debts then have to be recovered. The recovery process creates difficulties for families in having the money taken back from them. But this is meant to ensure that people receive what they are justly required to receive under law and to ensure that the payment is correct when it is first paid. That way we avoid the issue of having to go out to recover overpayments.

I can speak about what that may mean for Centrelink. I can understand that it is a good thing for them, administratively. But it does seem to me that it is a very harsh thing to do for someone from Centrelink to come six or seven months later to recover a debt when, by that time, the money has already been absorbed into the family's normal daily running costs and looking after the family. We see that and we understand it, so what we are trying to do is ensure that the money...
people receive is appropriately adjusted so that the debt is not incurred in the first instance. The vast majority of people will want to do the right thing, and it will make the process for them easier. To that extent, it will actually reward people who are doing the right thing.

In my electorate a lot of people will benefit from what is proposed in this bill. I have a large grouping of families and I know that my electorate is over-represented with people with disabilities. The fact that we are now going to examine every four-year-old will be of extraordinary benefit to my community. (Time expired)

Mr WYATT (Hasluck) (19:17): I commend the government on this legislation and the amendments to it, but there are some points I want to make. The bill we are debating today adds to the Labor government's election commitment package titled Better access to family payments, and is due to come into effect as of 1 July—that is: flexible family tax benefits advances; the healthy start for schools measure; and the streamlining of compensation payments notification.

I welcome the proposed changes to the advance payment system, because many of my constituents in Hasluck will benefit from these changes. These amendments and the rules for determining whether an individual is entitled to an advance, and their eligibility for an advance, will assist those families that for various reasons need financial assistance to address a specific need. From my childhood experience I know how these circumstances arise and create both angst and additional pressure for a family.

Hasluck has some of the country's most disadvantaged families and rising petrol and food costs are already putting upward pressure on household incomes. The carbon tax will further hurt Hasluck families and hundreds of thousands of others around this country.

The change, however, will benefit those families who receive the benefits of the family tax benefit at the end of the financial year. Unexpected surges in cost of living or unforeseen emergencies require funding and many families often do not have the spare cash to meet the increased costs. This can affect families at any time. For example, it is not uncommon for circumstances to arise where a family member loses their job or is cut back to part-time hours or a family member needs an operation and is off work for a protracted period of time. Equally, treatment for specific illnesses can have a detrimental impact on a family. The provisions will provide a degree of comfort for those eligible for advances. I met a couple who were doing well financially until the breadwinner had a debilitating accident. He is incapacitated and can no longer work even though he has the desire to. He expressed to me his frustration at not being able to do so. They now struggle to make ends meet. I know of a number of families in my electorate that have found themselves in this position recently. Every one of them would benefit from the ability to draw down on these funds as a contingency to address a financial pressure point.

The legislation will enable procedures to be more flexible than previous arrangements, and it is subject to an upper or lower limit. Repayment of the advance over a fixed period will be abolished and replaced with a period of two financial years in which to pay off the owed amount. This will reduce the burden of forcing families to make choices about what they will or will not go without. Instead they can plan for these repayments. An additional burden is sometimes placed upon families by the time constraints, and the requirement to repay is sometimes not fully understood and therefore causes some
angst when letters convey the immediacy of that payment. I compliment the government on the fact that it has given this time period to allow for those repayments to occur.

My office consistently receives calls from families having problems managing payments or repayments with Centrelink. For many it is a daunting process and reinforces a cycle of interdependency with the agency. It is like a marriage: both of you need each other but one does not understand the full complexity of the problems that they are negotiating with the other.

To be able to manage repayments in a way more suitable to the family would be a welcome development. Allowing a more flexible payment advance regime would also help certain families that are in most need. The coalition supports an Australia with smaller government and one that trusts its people to have enough intelligence to live their own lives and make the right decisions. History shows that if people are given more personal responsibility they are more likely to act in a responsible manner when it comes to their finances. I believe that this arrangement will allow people to make the best financial decision for their family, and it is long overdue. Another amendment I support is compulsory health checks for children turning four in a particular income year before parents are able to receive family tax benefit A. It is a sound health prevention measure that will enable a child's health to be assessed, treated and monitored through ongoing healthcare plans. I congratulate the government for including this measure in the legislation.

Prior to entering politics, I was the Director of Aboriginal Health in both Western Australia and New South Wales and I supported the implementation of child health checks. The health checks regime that the Labor government is seeking to introduce would ensure information collection which establishes a patient history and provides the opportunity to undertake an overall assessment of the child. This is something that has been needed for all children because it gives the capacity for those children to be identified at an early point in their lives and for specific illnesses, and even shortness of sight, to be identified. That would enable that matter to be rectified and for them to enjoy quality of life. The health checks regime will also include recommending appropriate interventions and the provision of advice and information to the child's parent or carer; and keeping a record of the health assessment, and offering the child's parents and/or carer a written report about the health assessment, with recommendations about matters covered by the health assessment. I strongly support the examination and assessments provided under Healthy Kids Checks, including: height and weight, because these are critical markers of development; eyesight; hearing; oral health, which covers teeth and gums; toileting; and allergies.

A family on income support payments does not neglect their child, or not know how to care for them, but their level of disposable income can be problematic and they may not prioritise a child health check as a result. This amendment will make people think about their child in a different way, and this small change can make a huge difference to a young person's potential for a healthy start to life and their ability to receive a decent education. It is a sad world that we live in when we must introduce an amendment to insist on health checks for four-year-olds, but it is a necessary one and I strongly support this move.

There is no silver-bullet solution to this problem for all of Australia's children. The overwhelming majority of young families in this country are strong, caring units that give their utmost attention to their children's
physical, emotional and social development. The challenge is to find a balance between a government passing on this information and being seen as patronising to new parents. People have been having children for millennia, and a government does need to be mindful of this when revealing best practice to Australian families. There is no better substitute than family tradition, passed down from generation to generation, on how to care for our young children. However, there are individual families who experience pressures which create a range of problems, and in this instance these measures are needed to assist those struggling families.

What we now know is that, more than ever, a foundation of social, emotional and physical wellbeing at a very young age has a profound impact on the child in adolescence and adult life. Government has a responsibility to act in the best interests of all Australians. Studies show that a child growing up with unchecked or undiagnosed health problems will struggle to enjoy life fully, and the onset of chronic diseases will be an imposition on their quality of life. In this regard, I welcome the move to require health checks on young children turning four, as it will identify early on, for some families, health problems which might be cured or treated. This is part of a wider attempt to ensure the nation’s young children have a better start to life. However, the devil will be in the detail of the program and services, and this is something that should be of concern to people watching this unfold under this Labor government.

An important part of this bill is the change in the process compensation recipients go through when receiving their payment. Suffering from an injury is stressful enough without having the government making it more complicated for the individual. Generally, people receiving compensation have suffered some kind of trauma, either mental or physical. Currently, when a person receives a compensation payment they must notify Centrelink of the receipt of this money so that Centrelink can determine their eligibility to receive their social security entitlements. Unfortunately, many do not realise their obligation to do so until Centrelink is aware of it and, as a consequence, the individual is burdened with a debt which they have to pay back to the Commonwealth. The new amendments will streamline the process and require payers of compensation to notify Centrelink of the payment so that Centrelink can automatically adjust the recipient’s social security payments. I believe this process will remove an unnecessary and additional stress for people that have likely suffered enough prior to receiving the compensation.

In Hasluck, I see on a day-to-day basis many people who are affected in this way. There have of late been a number of terrible accidents in my electorate which have left the survivors disfigured, severely injured or unable to work. A tragedy can strike any of us at any time. For those in our society who are fortunate enough, through their hard work, to be in a strong enough financial position to support themselves, or a family member, after an accident that results in a disability, this change will not be a factor of concern.

The expression 'There but for the grace of God go I' is one we do not often think about. But when you see a severe motorbike accident on a highway, or a person being resuscitated on the side of the road, it puts it into sharp focus that these people were travelling to work. They probably kissed their loved ones goodbye and left for the day thinking, 'I'll see you tonight for dinner,' their heads filled with the thoughts and pressures that preoccupy most of us every day. But these people did not come home safely that evening and their lives were changed.
forever. When the initial shock of their life-changing injury wears off, and pragmatic thoughts surface, government has a moral and ethical responsibility to provide appropriate support to reduce the burden on both the individual and the family. We cannot stop accidents; by their very nature they are unplanned. But what a government can do is to make sure that, if compensation is awarded, the person struggling with this trauma is not penalised by Centrelink for forgetting, or incorrectly revealing, their compensation payment to the government.

It is easy for politicians, when we are debating legislation, to forget that these changes have a real impact on people's lives. These are not just words to score political points. Our collective decisions in this place have real and lasting impacts on our constituents, who trust that we will make the right decision in the national interest at all times. Parliament should be doing all it can to make people's lives easier. For the people of Hasluck and Australia who are suffering with an injury, this measure will streamline things and make the challenge much easier. I appreciate the benefits that will arise from this legislation because it focuses on the needs of Australians at times of both trauma and opportunity and provides the necessary steps that improve the quality of life for individuals and families, but ultimately for a community. In the long term, with the child health checks, for example, and the level of streamlining in the compensation arrangements, it removes to some extent the burden and pressure on a family. This debate provides an opportunity for us to help families to understand the programs and services that arise from the legislation. When interacting with people, too often one of the greatest challenges that we have in imparting information is people's understanding of the complex programs that we have put in place to assist them. To that end, I acknowledge the work of the minister. I believe that these measures will go a long way to make life much easier for the families of Hasluck and, in the greater sense, the families and people of Australia.

Ms SMYTH (La Trobe) (19:31): It is great to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation (Further Election Commitments and Other Measures) Bill 2011, which gives effect to some of the commitments the government made during the last federal election. As members of the House will certainly know, we already gave effect to two other significant election commitments in an earlier bill to provide for improved support for families with teenagers to recognise the particular needs of those aged 16 to 19 in secondary school or vocational education.

Notwithstanding the very positive remarks of the previous speaker in this debate, I acknowledge that there have been other speakers in this debate and in previous debates who have reminisced on the contributions of the Howard government to assist families during its period of office. Certainly the measure put in place in the last bill, which gave effect to some of our election commitments relating to families, carried out a substantial piece of unfinished business in the Howard government years, when families saw their benefits drop by over $150 a fortnight, or around $4,000 a year, when their children turned 16.

In previous legislation before the House in this term, we provided for better access to the baby bonus to assist families with the up-front costs of having a new baby, so I am very pleased to speak in this evening's debate relating to family payments and legislation that gives effect to payments to families and carries on the significant initiatives which we
put in place both in this term and in our last term.

My electorate spans some of the fastest-growing suburbs of Melbourne, in the south-eastern growth corridor. It is home to very many new families who will certainly stand to benefit from the measures we have already put in place to assist them and certainly from the measures which I hope will be put in place through this bill. These measures will give families more flexibility in the way that they are paid the family tax benefit. The measures strengthen the focus which this government has given to health checks for young children. They are measures which much more accurately assess the income upon which child support payments are based so that children get the financial support that they need and deserve and which ought to be paid for their welfare and upkeep.

The bill also includes measures which were outlined in the 2010-11 budget which will streamline the notification of compensation payments for the purposes of assessing income for Centrelink payments. The first of the measures contemplated in the bill reflects our commitment to better access to family payments through advance payments of the family tax benefit. This will ensure that payments are made much more flexible and will better enable families to meet unexpected costs as they arise. The government certainly believes in a sustainable and targeted family payment system that will continue to support Australian families for many years to come. The effect of the provisions of the bill will mean that from 1 July this year, subject to the legislation being finalised in this place and in the other place, families will benefit from a payment system that gives them much more scope to choose the size and timing of their advance payments. It is a system which we hope will help families meet certain unexpected costs. We certainly appreciate how readily unexpected costs can arise for families and cause tremendous stress for them.

The new system contemplated by the bill will enable families to budget better for their households. For some families we know that the new flexibility could mean avoiding unnecessary and much higher credit card bills than they might be able to afford or high interest personal loans or simply having to forgo some important needs. The measures will ensure that families will be able to choose the value of their advance payment between certain minimum and maximum amounts and will enable families to repay those advances through adjustments to their ongoing fortnightly entitlements. The new arrangements will mean that families will no longer be restricted to receiving and repaying advances within two prescribed periods of the year, namely 1 January to 30 June and 1 July to 31 December. Families will be able to request more of their entitlements in advance, at any point in the year, and the advance will be recovered in the following six months.

There are certain safeguards which the bill puts in place. For instance, Centrelink will not approve an advance payment request if it would mean undue financial hardship for the family making the request. Families making repeated requests will be assessed to see whether they might benefit from financial support and counselling. This is a very important means of reaching those who have a need for additional support or are, for a range of reasons, having difficulty managing their finances from month to month. Another significant measure which the bill will implement relates to Healthy Start for School, which was announced during the federal election. I am particularly pleased to be talking about this measure because on the day that that announcement was made the
Prime Minister, together with the Minister for Families, Housing, Community Services and Indigenous Affairs, visited my electorate. They visited the suburb of Pakenham and we all had the chance to engage with young mothers and their children, who were having health checks at a local GP clinic. They certainly appreciated the value of those health checks and it was great to see them put in place. This measure will make sure that all children have the opportunity to have those very important health checks at an early stage in their lives. The measure will make the payment of the family tax benefit part A supplement for a child turning four in a particular income year conditional on the child undertaking a health check. This is a measure which will commence on 1 July 2011. The Healthy Start for School measure delivers on a very important election commitment.

A new requirement will also be introduced for income support recipient parents or carers of four-year-olds, which is aimed at giving their children a healthy start for school. The measure will make the family tax benefit part A supplement conditional, for these families, on the children going through a basic health assessment, such as a Healthy Kids Check. It is aimed at ensuring the early detection of particular risk factors and delayed development illnesses, vision and hearing problems. It will ensure that families are given appropriate guidance in relation to healthy lifestyles and early intervention strategies.

We certainly know that evidence shows that such guidance is very important for low-income families. We know that better education and guidance on issues such as these is critical in helping to break down patterns of disadvantage and in ensuring that more Australians are given an opportunity to participate in the economic and social life of our country. Parents will need to confirm with Centrelink that the health check for their particular child has been undertaken. Again, there are safeguards in the bill, and particular provisions which relate to exceptional circumstances, where it is possible for the new requirement to be waived where it is appropriate to do so.

The third measure that the bill will implement is the strengthening of compliance in the child support system. It is another of the government's election commitments and it ensures that the current policy for child support assessments, which uses a default income figure, is updated to reflect, more appropriately, a parent's actual income. At present the child support assessment for a parent in these situations reflects the default of a figure equal to two-thirds of male total average weekly earnings. We know that this default figure very often understates the parent's actual income, with very significant impacts upon the levels of child support which are paid. The new process will generally use the parent's last-known taxable income, indexed by the growth in average wages. But as a default, if the current process—using two-thirds of male total average weekly earnings—would have produced a higher income, that figure will be used instead.

The bill is aimed at implementing a significant range of policy initiatives which provide for flexible payments to families and appropriate and very helpful health checks, which will go to assisting families with the health of their children prior to reaching school age and will ensure that children are afforded appropriate financial support through the child support system.

There are a range of other measures that are included in the bill that are aimed at strengthening our system of welfare payments. They reflect our government's ongoing commitment to improving a system...
which provides support to families, support to those people in our society who require a safety net and the additional assistance of our government in terms of their finances. I am particularly pleased to be able to support these initiatives which were announced during the federal election and in the 2010-11 budget. I certainly commend the bill to the House.

Mr EWEN JONES (Herbert) (19:41): I rise to support the Families, Housing, Community Services and Indigenous Affairs and Other Legislation (Further Election Commitments and Other Measures) Bill 2011 in principle. Its basic tenants are sound. I do, however, need to point out that there are major issues in relation to child support assessments, which we will come to shortly.

In relation to the family tax benefit advance, we in this House must recognise that there are times when people simply have nothing. There are times when there is simply no money, nowhere to live and no food in the pantry. We must be there to support people in these predicaments, which are more often than not not of their making. There will be times when bonds need to be paid or there is an unexpected medical expense which cannot be covered. It is right that we extend this advance to people at such times as this.

I will just add a tail to that by saying that we—I mean the staff at Centrelink et cetera—must be very clear, when people are availing themselves of this service, that the money will need to be repaid. That is where the arguments can start. We have all been assaulted by people complaining about the staff at Centrelink not telling them this or that. I know that in my office, when we consult with staff at government departments, invariably we hear that the process has been explained, and in great detail. It is just that when someone is desperate for money they listen to nothing except the 'sign here' part.

I am proud of the level of service provided by Townsville Centrelink office and those officers dealing directly with people in need in my city. I have made the point previously that you never see anyone coming back to Centrelink saying, 'Thank you; my benefits were paid on time and they were exactly what you were promising.' The staff here often see people only when, in the clients' eyes, there is crises. This is where it gets tough for the staff. It is such a tense time for people on benefits. Most people do not want to be on them, and most people who need them are under the pump when they come into Centrelink. Half the time of an interview is taken up with getting the client to calm down so that the process can be explained. I would like to see continued training in customer service levels. We must move our public servants towards what everyone relates to as the McDonald's service mentality, where every person is greeted with a level of enthusiasm. Customer service is at the heart of this. Too often—and we are all guilty of this—the next client pays for the attitude of the previous client. It does not matter if the previous client has sworn at them and called them names; it is not the fault of the next person in the queue. We must attract professionals and recognise that this role is vital in limiting conflict all the way down the street and even back to people's homes.

The thing about debt is that once it starts to accumulate, especially where low income is concerned, there seems to be little or no chance of people getting back on top of it until someone eventually comes along and puts a stop to it. That is a very hard thing to do, but by far the biggest issue facing families and budgets is the issue of child support. I am sure that I speak for the majority of members in this House when I
say that child support is the No. 1 issue where people go to see their local member as a last resort. Certainly it is the case in my electorate. The problem is that you could be seeing the ex-husband immediately before the ex-wife. They will tell their stories to the best of their ability and there will not be a similar thread amongst them. Every family has one party being robbed blind while the other party sits at home spending the money on cigarettes and tattoos and not on the children. We all see them every week. I feel for them. I tell them they do not like the laws of speeding, which are black and white—no argument. If you are doing 101 kilometres per hour in a 100 zone you are speeding. The laws around child support and children in general are varying shades of grey. One side will say that the CSA is robbing them blind while the other will say that it is belting the ex up with a feather. The CSA cannot win no matter what happens, and the amendment to the legislation to determine taxable income when a tax return has not been lodged by using previous taxable income and indexing it will produce similar results to the mess we currently find ourselves in.

The fight in which parents are engaged and the children at the centre of that fight can be about making the other side pay. It can be about power in the relationship. It can be about jealousy. It can even be about the children. I do not mean to be flippant about this, but, when you have someone sitting in your office with their children telling you just how bad the other parent is and colouring it quite significantly, it makes you wonder what they are saying at home. A constituent came to me who felt that he was trapped by a woman. He said that he barely knew her and she did not even know where he lived, and yet he is faced with the CSA taking his pay for a child he did not want and does not want to see, to a woman whose last name he did not even know. Still, there is a child involved.

Using the last taxable income figure and indexing it is just too long a bow to draw. Circumstances change so much and this is just not fair to anyone. I would question why people do not complete their tax returns, although I know there are a number of obvious reasons why they do not, but I do believe that the CSA should not be put in the position of making arbitrary decisions. Too often, the hands of the CSA are tied.

I have a friend who left the matrimonial home. He is now 52 years old and has just signed a 25-year mortgage on a one-bedroom unit. His ex-wife sold the family home for over $1 million and has no debt. As each of their three children reached 18 you would think his payments would decrease, but his ex-wife successfully argued that he actually had more available cash and therefore could afford to pay more. Anyone who has a teenager knows that when they hit 18 you are only beginning to make the payments. Yet, as much as he argued the point, the decision was never changed. He always had to stump up more money.

I always say that, when you are talking to parents who are divorced, there are three sides to the story: her side, his side and the truth. The problem with this amendment and the act in general is that they do not and cannot take into account every variable. What we in this House have to do is support the CSA with a framework around which they can work.

I have been asked on a number of occasions by constituents to fully review the child support mechanisms as the level of discontent is just so great. Mind you, we must always keep in mind that no-one is beating a path to the door of their federal member to tell them that they feel they are paying the right amount of support and that
the money is being used correctly. More’s the pity. There has to be a place where people can go when the going gets too tough. The appeals process now leaves both sides angry and bewildered. There has to be a place where a couple, or their representatives—although I would prefer it if legal representatives were not used—can go to discuss and conciliate a result in front of a panel of some sort. Even if you do come out with the same decision, at least you have been heard. What we are hearing now is that people are just not being heard.

This story will, again, not be new to members. A couple have split. One or both have new partners and new children. The ex-wife has a new baby and therefore is not working at present. The ex-husband is told to pay more maintenance for his children, even though his ex-wife’s partner, who knew about the children and walked into the relationship, is working in a high-paid job. The ex-husband has a new wife and a new child, but seemingly this does not matter; he just has to pay more.

Who wins in this argument? I do not know the answer to that question, but I can tell you who does not win—the children of the first marriage, who have done nothing wrong. Their expectation is to be housed, fed and educated by parents who love them. Unfortunately, the current method makes too many parents look at the children as pieces of property and millstones around the current domestic arrangements. For the sake of the children, there must be an appeal process where one party can go and explain their case and have it heard with empathy. For the sake of the Child Support Agency officers there must be an empathetic final tribunal where parents who feel they have been hard done by can have a say on their future and where all the facts are presented.

I am the parent of three children whose ages range from nine to 18 years. I know firsthand the costs involved in raising children and about the entire grey area that is family law. There is no section of law that has had more inspection, review and attempts at improvement. I support what we are trying to achieve here, but I just think we have to give parents a forum where they can feel they are being listened to. That is what it gets down to when you are a parent sitting in an electoral office with someone who has had a CSA problem. What they want is to feel that they have been listened to—that they have had a forum. We owe it to our people in the field, the CSA officers, to not make them the final front.

Ms O’NEILL (Robertson) (19:52): I rise to speak in support of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011. I support this bill because, as an Australian and a member of the Australian Labor Party, I deeply value the role that families in our society play. I have long believed that if a government is one that supports families it will provide the necessary financial support for families who find themselves experiencing financial hardship.

I firmly believe that you cannot state in this parliament that you support families unless you support comprehensive, efficient and effective family support. During my previous career as a teacher, I gained firsthand experience of how financial hardship can devastate families. Indeed, as a member of parliament and through the experiences of my wonderful staff and the work that they do for our community, I know that we are often confronted with constituents who are experiencing financial hardship in their families. This bill succeeds
in advancing the cause of alleviating financial hardship for just such families.

The main provision in this bill that I support is the increased flexibility it provides for families seeking an advance on their family benefit payments. Such flexibility can ensure that unexpected costs can more easily be paid without relying on credit and thereby worsening the financial position of these families. Under this bill the maximum rate of advance payment would be linked to the family’s rate of payment. Overall, a maximum amount of $1,000 will apply. The general maximum rate of payment that can be advanced under this bill is 7.5 per cent. Currently, the maximum advance amount is fixed at $324. This full amount can be advanced only twice a year, specifically on 1 July and 1 January. Sadly, that legal requirement and nicely organised program does not actually fit with the reality of people’s lives. We need to consider that the reason that many families need to advance their benefits is that unexpected expenses may incur not on 1 July and 1 January.

All families will on occasion experience unexpected costs, and I am sure that all members in this House have experienced this themselves. Such costs can relate to the breakdown of white goods in a house, a car needing to be repaired or urgent repairs needing to be made to a house. In fact, I am mindful of my own experience when, two days before Christmas and very shortly after the birth of our second child, our washing machine broke down. Gladly, we were employed and were able to pull the money together. But I can remember going shopping with my mother on that occasion for a washing machine and thinking that I would be very sensible and buy a cheaper version. My mother looked at me in disgust and said, ‘Look at the size of your family and the ages of your children. You’d better figure out, darling, that all your washing days are ahead of you. You need to buy the right washing machine.’ Those sorts of decisions which need to be made, and based on the guidance of those who have gone before us who can lead us in the right direction about how we sensibly can spend money, are going to be enabled by allowing flexibility for people who want to make good decisions in the interests of their family, just as I did on that occasion just a couple of days before Christmas.

Similarly, we cannot forget that medical expenses are often unpredictable—in fact, they are always unpredictable—and that such expenses can have a devastating impact on family budgets. People do not and cannot plan their sicknesses. They do not organise sickness around peak earning times. Under this legislation, families that are receiving assistance from the Commonwealth will be able to request their entitlements in advance at any point of the year, as required. This allows for those less financially adaptable members of our society to manage the complex and challenging realities of living. This provision will enable the advances that they need when they are required, and it is a vast improvement on the previous, inflexible system where advances were available only twice a year. Whilst enabling advances to be made, the previous system was limited in its effectiveness because the advances were not in tune with the needs of real people and real living. This legislation accepts that flexibility is a critical factor in determining the success of such a program, allowing advances that can then be repaid through adjustments via ongoing fortnightly entitlements. The bill provides families with an additional choice and additional ownership of their own financial futures by allowing them to manage their family budget.

Importantly, this bill represents a much needed alternative to the option that currently exists where families that might be
disadvantaged are required to rely on credit cards or, even worse, extremely high-interest small loans when unexpected costs arise. This bill also provides a much needed alternative to simply having to make do without an important family requirement when confronted with an unexpected cost. The assistance with financial literacy that this measure offers is also evident. Importantly, a safeguard will be provided in that Centrelink will not approve an additional advance payment if it is clear that it would result in financial hardship.

I am proud to support this reform because it represents this government's strong and proud record in sensible and practical reforms to the welfare system. This flies in the face of general criticisms of those opposite that this government has not succeeded with a reform agenda nor achieved positive economic and welfare reform. Additionally, it flies in the face of criticisms that reform cannot occur in this parliament. As the Minister for Infrastructure and Transport, the Leader of the House, put on record last Thursday, 26 May, as of 1.30 pm last Thursday the Gillard government has passed 112 pieces of legislation through this House in eight months. This compares with the 108 bills passed in the first 12 months of the Howard government. Apart from productivity and efficiency, this legislation reveals other Labor government commitments.

The DEPUTY SPEAKER (Mr Murphy): Order! The debate is interrupted in accordance with standing order 34. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.
That this House:

(1) notes that the Government has:
   (a) admitted there is a problem with the criteria for independent youth allowance for inner regional students;
   (b) committed to bringing forward its review of the matter with the broad purpose of finding a permanent solution to address the disadvantages that currently exist for rural and regional students in qualifying for financial assistance; and
   (c) indicated it will remove the difference between the inner regional areas and the other regional zones for the eligibility criteria for independent youth allowance; and

(2) calls on the Government to bring forward its timetable for resolving the matter, and in particular ensure that:
   (a) the review is completed and funds to pay for the measure are secured by 1 July 2011;
   (b) the current eligibility criteria for independent youth allowance for persons whose homes are located in Outer Regional Australia, Remote Australia, and Very Remote Australia according to the Remoteness Structure defined in subsection 1067A(10F) of the Social Security Act 1991 also apply to those with homes in Inner Regional Australia from 1 July 2011; and
   (c) all students who had a gap year in 2010 (ie, 2009 Year 12 school leavers) and who meet the relevant criteria qualify for the payment.

This is the fifth opportunity the parliament will have had since the last election to vote in favour of inner regional students. On 28 October last year the House dealt with a youth allowance motion, which was moved by the member for Forrest and seconded by the member for Gippsland, that would have placed inner regional students in the same boat as students from other parts of regional and rural Australia so they could qualify for the youth allowance under a criteria that was more readily available to regional students than the one that has been implemented by the government. That motion was supported by the crossbenchers and passed in October last year. The government took it as an indication from the parliament of the need to ensure that rural and remote students were fairly treated but did not act on the motion and in fact has kept the discrimination against inner regional students in place through to the present time, creating a cohort of students who are incapable of being eligible for the independent rate of youth allowance under the old criteria in spite of the fact that the government has admitted that those students are disadvantaged because they are in inner regional Australia and that this should be addressed.

The government has demonstrated its acceptance that this arrangement is discriminatory by announcing a review of the criteria for the independent rate of youth allowance for inner regional Australia that will apply from 1 January 2012 to report by July this year. The only problem with that policy solution is that it creates three cohorts of students. It creates a cohort of students from before 2010 who could apply under the old rules. It creates a cohort of students who can apply under the new rules in three parts of rural and remote Australia and it creates a third cohort of students—those who graduated in 2009 from year 12, who are ineligible to apply for the independent rate youth of allowance under criteria which are fair to them as regional students who are disadvantaged in terms of their access to tertiary education, which has not been taken into account by the government.

There have been three other occasions when the House has been called to vote on introducing fairness criteria for inner regional students. On 21 February this year the House dealt with a bill that was passed
by the Senate after being sponsored by Senator Fiona Nash from New South Wales. It would have put inner regional students on the same footing as other regional students. That bill was passed by the Senate and defeated inexplicably by the crossbenches in the House of Representatives on 21 February.

Again, I moved in this House an amendment, which was dealt with on 3 March, to an amendment that had been moved by the member for Goldstein to the Appropriation Bill (No. 3) 2010-11 that would equally have placed inner regional students in a position where they were on the same footing as other rural and regional students. Inexplicably again the crossbenches defeated that motion on the basis that they had done a deal with the government which would see a review of the youth allowance criteria for inner regional students and would give those students the opportunity to be placed in a fairer position than they are now. The flaw in that deal, the very substantial hole in the heart of that deal, is that it only required the government to report by July 2011 on how it would address the unfairness that is now endemic in the system, with the changes, if any, applying from 1 January 2012. Senator Evans in estimates indicated that there should be no expectation at all that the criteria would be changed. So the crossbenches were sold a pup, a pup that they purchased at the expense of inner regional students.

Mr Tony Smith: It was a mutt.

Mr PYNE: It is mongrel of a deal; the member for Casey is right. The crossbenches, I am sure in good faith, accepted this deal only to be sold down the river by Senator Evans and the Prime Minister, because the government is not intending to act until at least 1 January 2012, and even then Senator Evans has indicated there may be no change to the eligibility criteria. So again, on 23 March, an amendment was moved by the member for Menzies to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Bill 2011 that again placed inner regional students in the same position as all other regional students, and again the crossbenches defeated that resolution.

The question leaps to mind: why would the coalition return a fifth time to move this motion. It does seem unprecedented that we would return with a fifth motion or amendment in order to place inner regional students in the same boat as all other regional students. We return with this motion because the unfairness the government has created in terms of eligibility for the independent rate of youth allowance is causing real hardship to rural families at a time when they can least afford it, at a time when cost-of-living pressures are rising well in excess of the official inflation rates. Every family knows that the official inflation rates bear no resemblance at all at the current time to the cost pressures that families are facing, whether they are school fees, electricity bills, food and grocery prices or the daily requirements of living. Those cost-of-living pressures are greater today than at any time in the 18 years that I have been a member of the House of Representatives. But at this really difficult time in families' lives the government has acted to create hardship for inner regional students who are clearly incapable of finding the 30 hours of work a week needed to qualify for the independent rate of youth allowance under the government's changes. They found it hard enough to qualify when the criterion was 15 hours, but finding 30 hours work is beyond the capacity of students in inner regional Australia. However, that is what is required
by a government that is out of touch and far too focused on getting its carbon tax, its mining tax and its flood levy through the parliament. It has forgotten the daily needs of Australians from across regional and rural Australia who cannot go to university unless they get this vital support from government.

I commend the motion to the House.

Ms Marino: I second the motion and reserve my right to speak.

Ms OWENS (Parramatta) (20:14): The member for Sturt said that perhaps the government is not focused. I say that we are focused on outcomes. If you listen to the member for Sturt you might think there had not been any outcomes as a result of the reforms of student allowances introduced by this government, but in fact there have. The number of enrolments in regional areas has increased since the introduction of these reforms, and many more students across the country have had access to student allowance than would have prior to these reforms.

I will talk about the reforms in general for a few minutes. In March 2010, the government introduced comprehensive reforms to ensure that, across Australia, more university students would have fairer access to student income support. The changes to the youth allowance eligibility criteria aimed to ensure a fairer and more equitable allocation of resources to provide support for the students who most needed assistance. The legislation giving effect to these reforms was supported by the coalition.

The reform package ultimately directed more support to students from low-income families who were genuinely in need of financial assistance. Prior to the reforms, the parental income test was just $33,300. The Bradley review found that 18 per cent of students who were living at home and receiving youth allowance through having been considered independent were from families with incomes above $150,000, 10 per cent were from families with incomes above $200,000 and three per cent were from families with incomes above $300,000. Accordingly, the review recommended the tightening of the workforce participation criteria. We did that and, at the same time, increased the number of eligible students by increasing the parental income test from $33,300 to $44,000. That is not all we did. We also began reducing the age of independence for full-time students receiving youth allowance. The implementation was phased so that the age of independence was reduced to 24 years from 1 April last year, 23 years from 1 January this year and 22 years from 1 January 2012.

With effect from 1 April 2010, all university students receiving student income support have also been entitled to a start-up scholarship for each year of their course. The scholarship provides essential assistance to university students for the high up-front cost of textbooks and specialised equipment. We also introduced a relocation scholarship. With effect from April 2010, all dependent university students receiving student income support who need to relocate to study receive a relocation scholarship. The scholarship will assist students with the high cost of establishing accommodation. This scholarship is also indexed. In 2011, it is valued at $4,124.

I am particularly pleased to say that, from 1 January 2012, students enrolled in all masters by coursework programs will also be eligible to apply for student income support. This is an excellent incentive for more mature people to upskill. From 1 July 2012, the personal income threshold will rise from $236 per fortnight to $400 per fortnight. Students receiving support will be able to earn up to $400 per fortnight without having their payments reduced. The student income
All of these changes significantly improve the capacity of students, particularly those from low-income areas, to access a university education. We have already seen, in the last year, the number of students from disadvantaged households enrolled in universities increase by eight per cent—a substantial improvement over past years.

There are 793 people who live in Parramatta who are now receiving youth allowance because of this government’s changes to the youth allowance arrangements—that is out of a total of 3,517 receiving student income. This is a very good result for the people of my electorate. Parramatta has the 51st highest number of new youth allowance recipients across the country, and I am very pleased to be a member of the government which has delivered this benefit to people in my electorate. I am also delighted to say that Parramatta ranks very highly for numbers of start-up scholarships. We are in the top quarter in that list, and we rank about halfway on the list of areas where people have received relocation assistance. Of course, we are blessed with an excellent university campus in the Parramatta region. Many students also receive relocation grants to attend that university, and they are of course extremely welcome in Parramatta.

We will reap the rewards of this key investment in years to come. Unlike the coalition, who could have invested the proceeds of the mining boom mark 1 in education but chose not to, this government knows the value of investment in education and training and the value of supporting young people as they work hard to better themselves.

We are already seeing the effects of the changes flow through our communities. Labor’s landmark reforms to youth allowance give more students the opportunity to go to university by targeting financial assistance to those with the greatest need. Just 12 months on, you can see significant flow-on benefits. Students who need support are receiving it, and hundreds of students are becoming the first members of their families to attend university. In just 12 months the number of dependent students from disadvantaged backgrounds receiving the maximum youth allowance payment has increased by 108 per cent, and the number of rural and regional university students receiving youth allowance has increased by 22 per cent. I should point out that under the coalition government the proportion fell but it has increased in the last year by 22 per cent. There has been a 15 per cent increase in the total number of university students receiving youth allowance; this is effectively an increase of 21,000 university students. New scholarships have also been hugely successful over the past year. There have been 240,000 university students who have received a Student Start-Up Scholarship and more than 55,000 of those are from rural and regional areas. More than 36,000 university students who need to move away from home to study have received the Relocation Scholarship and 15,000 of those are from rural and regional areas. More than 107,000 young people have already benefited from our changes because they are either eligible for youth allowance for the first time or they are receiving more money than before, and more than 36,000 of those are from rural and regional areas.

These figures show that after only 12 months the government’s reforms have already resulted in a fairer and more equitable targeting of youth allowance payments. More than 18,000 students have achieved independence since 1 April 2010 as a result of the age of independence being
lowered from 25 to 23, and 2,800 of those students are from rural and regional areas. From 1 July 2012 students will be allowed to earn more money through part-time work before their payments are affected when the personal income test threshold increases to $400 per fortnight. During the coalition’s time in office the story was quite different. The participation rates of young people from regional areas declined. Regional participation rates fell from 18.7 percent to about 18.1 percent. Under this Labor government that number is tracking back up again.

The government’s recent reforms to student income support have significantly improved the financial assistance to students from low socioeconomic backgrounds, including regional students. The government is responding positively to concerns about the current eligibility arrangements for youth allowance. The current arrangements for youth allowance were determined following an agreement between the government and the coalition in March last year. The government is committed to removing eligibility distinctions between inner regional and outer regional students by 1 January 2012. To facilitate this the government has brought forward a legislated comprehensive review of student income support with a particular focus on the capacity of rural and regional students to access higher education. The review is headed by an independent chair, Professor Kwong Lee Dow, and will report by 1 July this year. Options for implementing new eligibility arrangements are being considered as part of the review. The review is also considering appropriate savings that can be made to pay for extensions in eligibility for youth allowance. Following the review, the government will implement new eligibility arrangements for youth allowance to remove eligibility distinctions by 1 January 2012.

I am particularly proud to talk about our achievements in reforming student allowances. They have made a significant difference in my electorate and clearly they have made significant improvements in regional and rural areas as well.

Ms Marino (Forrest—Opposition Whip) (20:26): I strongly support this motion moved by the member for Sturt because many families and students in my electorate have been unfairly discriminated against by the changes to youth allowance. In 2009 the Prime Minister decided to make the changes and she effectively chose winners and losers—and my students were the losers. The Prime Minister drew arbitrary lines on a map and inflicted stricter rules on those classified as inner regional compared to those classified as outer regional for the purpose of applying for independent youth allowance. So students have been, and still are, in limbo—that is what we have.

We continue to hear dreadful examples of how this is affecting those in regional and rural areas like my own. For example, I know of two students who go to the same school, travel on the same bus and live just kilometres away from each other, yet one of the students is able to have a single gap year and the other has to work for 30 hours a week for 18 months and take two years away from study just to qualify for youth allowance support.

I know that young people are choosing alternative pathways in year 11 and 12 already because they know their families cannot afford to send them to tertiary education and the government has not given them confidence. I know this because I talk to the mums and dads who are sometimes working two jobs each to try to afford their children’s higher education or training at a time of significantly increased costs of living.
I understand the discrimination these changes have brought to students and families in regional and rural areas. We on this side have introduced motions and legislation aimed at putting fairness back into the criteria for independent youth allowance, but the Labor government has voted against fairness and equity for regional and rural students every single time. We have provided a voice on behalf of every student in Australia whose higher education is being so badly affected by the Labor government's changes to accessing youth allowance. The Prime Minister recently released a media statement that claimed more people are receiving youth allowance support than ever before, according to new figures. She claimed success there, but how many of the additional students come from inner regional areas? Where is the breakdown of where these additional students are coming from?

Unfortunately, the Labor government will go to any lengths and use all forms of spin to hide the truth that my students and their families are currently living with. This uncertainty is just dreadful. The truth is that students in inner regional areas are still being penalised by this government because of where they live and the Prime Minister continues to ignore their plight. They cannot find 30 hours of work in regional and rural areas because of seasonal work or a lack of work, or they cannot get access because of their age. I look forward to Senator Nash asking a range of questions during Senate estimates this week. The Labor government shows very little interest or understanding when dealing with the issues facing regional and rural residents. This was demonstrated to me when one parent recently contacted me. During this youth allowance debacle, on Wednesday, 17 June 2009, she sent the Prime Minister an email. She explained how these changes to youth allowance were affecting her family. To her surprise and disgust, it took until Friday, 6 May 2011 for her to see a brand new 'read receipt' email from her message. You might think I have mixed up the dates, but unfortunately it did take the Prime Minister—or her office—nearly two years to even read my constituent's email. And that was not the only time.

Unfortunately, it reinforces the message that the Prime Minister views students and families with contempt. I am appalled and hurt for my constituents. This has been going on for too long. It is a very serious matter, and I condemn the Prime Minister for her treatment of people who are seeking the best educational and training opportunities for their families. What it has done to some of these people is just appalling. I want to thank every family that came along to the hearings that Professor Kwong Lee Dow conducted in my electorate. They gave heartfelt and very genuine explanations of what it has done to their families, and I thank them for their contributions.

I call on the government to support this motion by the member for Sturt and bring forward the timetable for resolving this matter. It is so important to the decision making of young people and their families. Are they going to qualify this year? Will they be able to qualify next year? The young people who are in limbo deserve certainty and they need to be able to plan for their futures. This form of discrimination should not be allowed to continue.

Mr ZAPPIA (Makin) (20:31): This motion by the member for Sturt, on the criteria for independent youth allowance, is nothing more than a pretentious attempt to show concern for university students. I make this single point: if he were truly concerned for university students he would have opposed the Work Choices legislation that
the previous government, of which he was a member, introduced into this place. Most university students I know work part time. They do jobs that most other people would not do. They do not get paid terribly highly, yet it was them and people in similar employment positions who would have been most affected by the Work Choices legislation. In fact, they would have been much worse off because of it. They were the ones who were going to lose all their rights.

Let me also make it very clear that Labor believes the opportunity of high-quality education should be available to all students regardless of their background or where they live. The changes made to youth allowance payments in April 2010 were made to give more students the chance to go to university. They targeted those students most in need of assistance. Since those changes were made more than 100,000 young people have benefited because they are eligible for youth allowance for the first time or they are receiving more money than before. More than one-third of these young people are from rural and regional areas.

If this motion is designed to address a problem for students in regional areas, it ignores last week's announcement that the number of rural and regional university students receiving youth allowance has increased by 22 per cent since changes to youth allowance payments were introduced. Hundreds of students are becoming the first members of their families to attend university. The new scholarship programs that were introduced have also been hugely successful over the past year in helping more students overcome some of the costs that come with attending university. More than 240,000 university students have received student start-up scholarships towards their education costs. More than 55,000 are from rural and regional areas. More than 36,000 university students who need to move away from home to study have received relocation scholarship payments towards their accommodation costs. More than 15,000 are from rural and regional areas.

These changes have been positive not only for those living in rural and regional areas but also for those in my own electorate of Makin. For example, 841 young people in my electorate benefited from changes to the parental income test and now receive youth allowance. Since 1 April 2010, all university students receiving student income support have been entitled to a student start-up scholarship, providing essential assistance to university students for the high up-front costs of textbooks for each year of their course. In my electorate of Makin, 1,382 young people have benefited from these changes.

The member for Sturt may be delighted to know that over 2,000 residents of the Sturt electorate have received the student start-up scholarships since 1 April 2010. I question whether the shadow minister would roll back the changes made in April 2010 if he were in government, thus denying thousands of young people in his electorate critical assistance. Since April 2010, all dependent university students receiving student income support who need to relocate to study receive a relocation scholarship valued at over $4,000 for the first year and over $1,000 for subsequent years of their course. To this point, 140 young people from Makin have been paid a relocation scholarship. I understand that in the electorate of Sturt 214 young people would not have benefited from the scholarship had Labor not been in government. All in all, some 2,584 people in Makin receive youth allowance, and I understand that the figure in the electorate of Sturt is very similar.

I will finish on this point: earlier this year we debated the student amenities legislation
in this place. Again, I recall that the highest beneficiaries of student amenities at universities are young people from rural and regional areas. I also recall that it was the member for Sturt and his party who opposed that legislation every step of the way. If he were truly concerned about the welfare of students from rural and regional areas going to university he would have supported that legislation, but he did not—which again highlights that the motion he has brought before the House tonight is nothing but a stunt.

Mr SECKER (Barker—Opposition Whip) (20:36): I rise tonight to speak on this motion on behalf of all students in my electorate who are being unfairly discriminated against by this government. This is the government's fifth chance to change the criteria for youth allowance so that all students have a fair chance of furthering their education. The coalition has been pushing for the government to make the criteria fairer for inner regional students because the maps currently used are ridiculous and do not reflect the difficulties students from some areas have in getting to university. Under the old criteria they had the opportunity of getting youth allowance if they were away from the workforce for 1½ years. But what we now have is that, in Mount Gambier, if you live in the city, 450 kilometres away from Adelaide or Melbourne, you are treated like a student in Adelaide or Melbourne, but if you live outside the town boundaries, you are treated as you were under the old Howard government conditions. So you have this stupid decision, which is based not on educational criteria but medical criteria relating to the availability of doctors—and, as a result of that, being in a city area like Mount Gambier, a reasonable sized city of about 23,000-24,000 people, you are treated differently.

Of course, if you have doctors operating from within the city of Mount Gambier, people from outside the boundary can go to those doctors; it does not really affect them. It is really only about the funding that goes to doctors in that metropolitan area of Mount Gambier. But in this situation, they have used those criteria to have two different standards of students. So, if you live inside the town, you are treated like someone who lives in Adelaide or Melbourne, but if you live outside the town limits, that line on the road, you are treated differently. This is obviously a stupid situation, based on criteria which are not related to education. So all we are trying to do is point out to the government, for the fifth time, that they do not get it, they do not understand that people in Mount Gambier are obviously very angry, on the basis that they are treated differently from those who live outside the township. And if you understood Mount Gambier at all you would know that outside the town boundaries is still part of the urban area, which is the District Council of Grant.

So we have these two classes of students. Inner regional students are currently forced to find 30 hours of work. Anyone who has any idea about regional communities would know that this is very difficult. I have
received a huge amount of letters, calls and emails from concerned students and parents, over the length of this debate, because this is a genuine problem that needs to be fixed. As a representative of a large rural electorate, where parents are faced with huge costs to fund their children's university studies hundreds of kilometres away, I remain extremely concerned by the government's arrogant dismissal of the very sincere problems caused by the changes to the support arrangements for rural and regional students. This is an opportunity for the government to stop the inequity and get it fixed. (Time expired)

Mr SIDEBOTTOM (Braddon) (20:41): What we have with this motion tonight is a repetition of several stunts by those opposite—

Mr Secker: It's not a stunt; that's outrageous!

Mr SIDEBOTTOM: Thank you; you have had your four-pence worth. It is a stunt to raise an issue which this government is now, and has been for some time, taking on board. I do not deny the difficulty with the inner and outer regional classifications. The member for Barker and others here know that I have been critical of that for some time and remain so—and, with them and others in here, on my own side as well, saw to it that we had a review, and that is what we are indeed doing. So let us get the facts on the table for a start. We are having a review led by Professor Kwong Lee Dow, who has been going around regional and rural Australia taking evidence, and we have a commitment to do something about it, to remove the inequity in terms of eligibility distinctions that the member for Barker pointed out and which exists in my electorate. So I recognise that.

But, you see, we are dealing with this motion, which is in effect purely and simply rehashing an argument. And nowhere—apart from in the contribution of the member for Barker, to be fair to him—does it recognise the fantastic record that this government is now able to make some claim to in getting more students to university, and most especially more students from rural and regional Australia. I am glad the member for Barker was at least reasonable in making that case, because it was not the case with the member for Sturt or any other speaker that I heard from the other side. I think it is important, therefore, to restate that case: many more families and students are eligible for support to go to university now than ever before—and that is a tremendous thing.

We know that the reforms are striking a chord with students, particularly students with disadvantaged backgrounds. Indeed, the number of students receiving the maximum youth allowance—now, listen to this—has increased by 108 per cent. In anybody's terms, that is a policy that is working. It is doing what it is intended to do and on the grounds of equity, notwithstanding some of those anomalies have been raised both over here and by those on the other side. Importantly, the number of rural and regional university students receiving youth allowance has increased by 22 per cent. So, we have those on the other side telling us about the hard-luck stories, and I am not sure how they go about quantifying those, but there are many more good-luck stories because of this support scheme. There has been a 15 per cent increase in the total number of university students receiving youth allowance, so the scholarship program has also added to this and been highly successful. For example, more than 240,000 university students have received Start-Up scholarships towards their education costs, and more than 55,000 of the 240,000 are from rural and regional areas. Also, more than 36,000 university students who need to
move away from home to study have received relocation scholarship payments towards their accommodation costs. That is more than 15,000 who are from rural and regional areas.

So, yes, there are some anomalies, but by far the greatest percentage of rural and regional students and their families benefit from this fantastic reform program. More than 170,000 young people have already benefited from our changes, because they are either eligible for youth allowance for the first time or they are receiving more money than before. More than 36,000 of these young people are from rural and regional Australia.

We have changed the parental income test, we have lowered the age of independence, and, when the personal income test threshold increases from $236 to $400 per fortnight from 1 July 2012, students will be allowed to earn more money through part-time work before their payments are affected. There are anomalies, but there are fantastic stories as a result of this legislation.

(Time expired)

Mr CHESTER (Gippsland) (20:46): In joining the debate I want to pay tribute in particular to the regional MPs on this side of the House, who have pursued the issue of student income support with such vigour over the past three years. I want to thank the shadow minister for education for his tireless pursuit of this on behalf of regional students and I also thank Senator Fiona Nash, who has been a great champion in the other place for regional students. I also recognise the members for Forrest and Barker, who have already spoken here tonight. I also thank every regional MP on this side of the House who has been prepared to stand up for rural and regional Australian students. If the time was not so limited for this debate tonight I am sure there would be a line-up at the door of regional MPs, like the member for Dawson, who is in this place, and Deputy Speaker Scott, the member for Maranoa, and my good friend the member for Wannon, who I know is very passionate about getting a fair go for students in his electorate.

That is the bottom line in this debate. It is about getting a fair go and abolishing the discriminatory system that was introduced by this Prime Minister when she was the Minister for Education. The motion specifically refers to the issue of independent youth allowance. I take up the comments from the member for Braddon, when he described this motion as a stunt. He knows it is not a stunt, because he knows there is a problem with the independent youth allowance system and these discriminatory boundaries, these lines on a map, between inner regional and outer regional. I also take up his comments in relation to the income thresholds for dependent youth allowance. No-one on this side that I am aware of has had a problem with the revised income thresholds. We are specifically talking about the independent youth allowance and the inner regional and outer regional boundaries.

This is Prime Minister Julia Gillard's mess. From the day the former education minister started amending the system of student income support, she talked big and she delivered a mess. Even the government has admitted that the system of discriminating against students, with definitions of 'inner regional' and 'outer regional' for the purpose of calculating the independent youth allowance, is a complete mess. We have these ridiculous lines on a map, which other members have already spoken about here tonight. The workforce criterion for achieving independent youth allowance in inner regional areas of 30 hours per week over a two-year period is almost impossible in many parts of regional Australia and completely impossible in all
the rest. It is a very difficult criterion for students in small regional towns to meet.

The other problem we have, and the reason this motion is so important, is that the students from the 2009 and 2010 academic years will be treated inconsistently compared to their brothers and sisters or cousins from other towns who may have gone through year 12 at a previous time. So we have students from different years being treated inconsistently with their cohorts.

This motion gives the government a clear way forward. This government is always complaining that the opposition is too negative. Well, we are putting forward a positive solution here tonight to remove the discriminatory criteria by 1 July this year and to start fixing the mess. Many on this side of the House understand the problems with the current system of student income support and the impact it has on regional students. Some on the other side, including the member for Braddon, claimed to also understand the issues, which left me wondering why this government refused to act. Then it dawned on me. Regional Australia does not have a voice in the Gillard government cabinet. It is the most city-centric ministerial list you will ever see. I invite anyone to have a look. The minister for regional development, the member for Hotham, has his electorate office in Clayton. The Minister for Agriculture, Fisheries and Forestry, a Queensland senator, has his electorate office in Brisbane. The Minister for Resources and Energy, the member for Batman, has his office in Preston. The Minister for Infrastructure and Transport, the member for Grayndler, has his office in Marrickville. I could go on, but the bottom line is that none of the senior ministers with carriage of issues that are critical to the future of rural and regional Australia actually lives in regional Australia. The minister for tertiary education is a senator for Western Australia, whose electorate office is in Perth.

These people simply do not understand the cost barriers faced by regional families in sending their children to university. They do not live and work in regional communities and they do not understand the hopes and aspirations of regional families. It is an absolute disgrace that we would have such a city-centric cabinet table that fails to stand up for the interests of regional people.

Finally, let me quote from someone who does get it, a concerned parent, Mr Rob Oliver from Sale, who made a submission to the government's current review. He submitted the following in a letter:

In summary the outcome of your review needs to be immediate action to fix this mess and give all regional students the same access to independent youth allowance. The entire community does not want to hear hollow rhetoric about an education revolution when the government's own actions with respect to youth allowance are inhibiting the education of our country students.

That says it all. This government cannot keep hiding behind its slogan of 'the education revolution'. It has to deliver a fairer deal for regional families. It has to fix the mess that Julia Gillard created.

Ms BRODTMANN (Canberra) (20:51): I rise tonight to speak on the independent youth allowance, with a sense of irony. Irony, because it comes from the side of politics that for over a decade ignored calls to reform the youth allowance system. It ignored pleas from students, especially rural students. It ignored pleas from welfare peak bodies. It ignored calls from the education sector. In fact, it is the side of politics that ignored calls from just about everyone to improve access to youth allowance to make sure young Australians could get access to this vital payment. Those opposite had 10 years to invest wisely the fruits of the
resources boom and to share the bounty of the nation with the nation. Those opposite had 10 years to invest in the skills and education of the future, but they failed to do so. Those opposite had 10 years to make substantive reform to the youth allowance system to improve access and outcomes, but they failed to do so—a failure that saw regional participation rates not just stagnate, but fall. So it is with a strong sense of irony that I rise to speak on this motion. In fact, I think it goes a bit beyond irony. It strains the bounds of credibility that those opposite would now seek to become the champions of access to education by all Australians, especially when we consider that, at the last election, they campaigned on a platform of cutting $1 billion from the trades training program. This policy would have seen over 1.2 million students from over 1,000 secondary schools miss out on the opportunity to engage in education pathways to become the next generation of electricians, bricklayers, hairdressers, chefs, plumbers and carpenters. And now those opposite have the audacity to continue to rail against this government’s Building the Education Revolution, a program that in my electorate has seen new libraries and classrooms built and upgrades to essential infrastructure. So I find myself straining to believe that they are genuine about education and improving access and outcomes in education. However, for tonight, I will take it at face value because, as the saying goes, it is better late than never.

The historic reforms that this government has made to youth allowance has seen thousands of students from across the country, including regional students, gain access to opportunities which were unknown prior to the election of this government. The figures speak, and they are astounding. After just 12 months an extra 21,000 students are receiving youth allowance—a 15 per cent increase. There has been a 22 per cent increase in the number of regional students receiving youth allowance and there has been a staggering 108 per cent increase in the number of students from disadvantaged backgrounds receiving youth allowance. Let me just say that again. There has been a 108 percent increase in the number of students from disadvantaged backgrounds receiving youth allowance.

Our changes to youth allowance are a success. In just over three years Labor has dramatically increased the number of young people receiving support to gain an education. Unlike those opposite, who ignored for a decade the calls to improve the system, we are prepared to listen. We are not resting on our laurels. We are a government of reform and we are always looking for ways to improve. So I will not stand here and say that the task of improving educational opportunities is finished. We are prepared to listen, learn and constantly improve because we on this side are genuinely and deeply committed to education for all Australians. That is why we have brought forward the review into youth allowance, with a focus on the capacity of rural and regional students to access higher education. This review will consider options for new eligibility arrangements and appropriate savings that can be made to pay for any change to the system. It will report on 1 July this year.

This government is committed to education. It is committed to ensuring that every Australian can benefit from the opportunities that exist now and in the future. That is why we invested in the Building the Education Revolution program; that is why we are investing in skills and education; that is why we made historic reforms to youth allowance; and that is why we will continue to make reforms into the future.
The DEPUTY SPEAKER (Hon. BC Scott): Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Death Penalty

Mr MELHAM (Banks) (20:56): I move:
That this House:
(1) notes the release on 28 March 2011 of an Amnesty International report entitled Death Sentences and Executions 2010 and that:
(a) over the last 10 years, 31 countries have abolished the death sentence in practice or in law; and
(b) in December 2010:
   (i) the United Nations General Assembly adopted its third resolution on a moratorium on the use of the death penalty; and
   (ii) 23 countries had carried out executions in 2010 compared to 19 countries in 2009; and
(2) recommits to its bi-partisan condemnation of the death penalty across the world.

I have always opposed the death penalty. It is ineffective as a deterrent and it is ethically wrong. Amnesty International released its latest report, Death Sentences and Executions 2010, on 28 March 2011. Since 1977 Amnesty's work in relation to the universal abolition of the death penalty has expanded. Over 30 years later, from the original 16 countries, the number of countries which have abolished it now 139. That is in no small measure due to the work of Amnesty International.

When the United Nations General Assembly adopted its third resolution on a moratorium on the death penalty in December 2010, there were more countries supporting the resolution than ever before—139 voted for it, 41 voted against it and there were 35 abstentions. It is those countries that voted against the resolution, and those who abstained, that we must continue to lobby, as appropriate, to abolish this inhumane practice.

According to the report at least 23 countries are known to have carried out judicial executions in 2010 and there were at least 527 known executions. While several countries do make their figures known, it is difficult to establish the exact figures as these are regarded as 'state secrets'. At least 2,024 new death sentences were known to have been imposed in 67 countries in 2010. On the figures available to Amnesty there were at least 17,833 people under sentence of death. Of those countries which retain the death penalty, the explanation provided is that it is only used for the most serious of crimes. Of course, that is a matter of definition based on the culture and history of those countries. For example, we are all aware that some countries impose the death sentence for drug offences which in other countries carry a sentence of imprisonment. In some cases the imposition of the death penalty is mandatory for such offences. Other countries impose the death sentence for sexual relations between consenting adults, homosexuality, blasphemy, adultery and prostitution. Other countries use this penalty to silence dissent and political opposition.

Of course, another aspect of this barbaric practice is the lack of due process in the judicial proceedings leading to the imposition of the death penalty in some countries. The Amnesty report provides examples of little or no fairness in the courts prior to sentence, including confessions extracted under torture. There is a clear prohibition in international law on the use of the death penalty against juveniles, yet Amnesty has documented cases in which people under 18 years of age have been sentenced to death. I particularly noticed in the report, in Annex II, the list of abolitionist
and retentionist countries as at 31 December 2010. Australia is, of course, amongst the two-thirds of the world that has abolished the death penalty in law or in practice. It is very satisfactory that it was the Labor government which introduced the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill, which effectively extends the prohibition of the death penalty in Australia to every state and territory and ensures that it cannot be reintroduced. It is a matter of great pride that this legislation was supported by all parties of the parliament. I call on the House to recommit to the bipartisan condemnation of the death penalty and ask that we all continue to work to ensure its abolition across the world.

It is worth reiterating past experiences in England to elaborate the point that we are making here this evening. We can all remember the cases of the Birmingham Six, the Guildford Four and the Maguire Seven in England. Those people were convicted in each of the cases and, if the death penalty had been in operation in the United Kingdom at that time, would have been subject to the death penalty. It took many years of agitation on behalf of their supporters, in terms of inquiries that took place, to eventually establish the fact that in a number of cases police had lied and those lies had led to the conviction of people. Their convictions were found to be unsafe and unsatisfactory. If the death penalty had been in existence, many of those people would have been executed, not released many years later. For various reasons, mistakes are made. In one of those cases there was a misdiagnosis in relation to the use of soap and the use of powder to do with bombs. (Time expired)

The DEPUTY SPEAKER: Is the motion seconded?

Mr Lyons: I second the motion and reserve my right to speak.
same ilk. In that respect, I am certainly pleased to support in this chamber the motion that we remain steadfastly opposed to the death penalty. It is not because I believe that the rights of those punished should be lifted to the same level as those of the victims but rather because the way in which the death penalty demeans all of us causes me primary concern.

In that respect, I applaud the work of Amnesty International in publishing this report. Amnesty International has seen, since it first commenced campaigning for the abolition of the death penalty in 1977, growth from 16 countries abolishing capital punishment to 139 countries abolishing the death penalty in law or in practice. The reality is that, of course, there is still more work to be done. I would hope that those in the chamber this evening and those who support this particular motion, as well as those abroad who are with us in spirit on this motion, recognise that the ultimate goal is the abolition of the death penalty across the world. There are still some 58 countries that are classified as retentionist and far fewer still use it. Over the years we have seen the growth of feeling that the death penalty does not in any way, shape or form reflect the spirit of the countries or the people of the countries that have either abolished it in law or in practice.

In December last year the UN General Assembly adopted its third resolution on a moratorium on the use of the death penalty, with more UN member states supporting the resolution than ever before. The resolution was adopted with 109 votes in favour, 41 against and 35 abstentions. The reality is that many countries that still use the death penalty use it in a manner which is not even consistent with the most basic benchmark threshold of punishment for the most serious crimes. With around 17,000 people sentenced to death I urge all of those who support the abolition of the death penalty to recognise that we make ourselves better—we make our societies better—by punishing through other means those who have committed these heinous crimes, and recognise that the sanctity of life must be upheld, and that we must not debase ourselves by trying to—(Time expired)

Ms PARKE (Fremantle) (21:07): On a plane flight recently I read a legal thriller by John Grisham called The Confession, about a man who had committed the vicious rape and murder of a high school cheerleader nine years earlier. In the novel an innocent young African-American man who has been convicted of the murder now only has four days before his death sentence is carried out. The real murderer, now suffering from an inoperable brain tumour, decides to confess. By the time he manages to persuade the authorities that he really is the murderer by leading them to the buried body the young African-American man has already been executed. As is often the case in real life, there was no happy ending to this story.

I wish the only time an innocent person was executed was in a novel or a movie. The reality, however, is that it has happened all too often throughout history and wherever the death penalty exists. The reality is that it continues to happen. In Western Australia we have had a number of cases of murder convictions being overturned when the innocent persons had already spent many years in prison. It is fortunate we no longer have the death penalty, or the compensation for a wrongful conviction would have gone uncollected.

If ever I need a grim reminder of those gory days I only need to walk around the corner from my electorate office to the old Fremantle prison and see the small dark chamber where people were hanged. Hangings at Fremantle prison would take
place at 8 am on Monday mornings. The condemned would be woken at 5.30 am, showered, transferred to the condemned cell, given the services of a spiritual adviser and offered a glass of whisky. On leaving the condemned cell they would be taken to the gallows. Usually, only 60 seconds elapsed before the trap was pulled. The last execution was that of Eric Edgar Cooke, on 26 October 1964. Cooke had been convicted on only one count of murder but evidence and his confession suggest he had committed many, many more, including those for which other people had already been convicted.

Of course, even when the correct person is convicted of a serious offence the death penalty is abhorrent, for the many reasons that have been spoken of in this place. I noted in a speech on 22 February 2010:

The death penalty is an act that decreases the store of human dignity. It is a practice that has no social justification, for all the evidence indicates that it does not function as a deterrent, and ... it is not right that our system of justice function as an instrument of vengeance.

I was speaking on the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill. It was a matter of great pride for me and many other Australians when the federal parliament passed this law last year with multipartisan support, making it impossible for the death penalty to be reintroduced at the state and territory level.

Of course this was an incorporation, into domestic law, of our international legal obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty. When speaking on that bill I also referred to Indonesia and acknowledged that it takes very seriously offences involving drugs and wishes to ensure that a strong message is sent to the community that dealing in drugs will not be tolerated. I noted that it is possible to be tough on crime and drugs without imposing the death penalty, which is a fundamental violation of the right to life. This is demonstrated by the fact that the international criminal tribunals which try and punish the most serious crimes possible—genocide, war crimes and crimes against humanity—do not have the death penalty. The arrest of General Ratko Mladic by Serbian authorities last Thursday will enable justice to finally be done for the atrocities committed in Sarajevo and Srebrenica. Yet whatever his fate within the judicial process, Mr Mladic will not receive a death sentence. And that is appropriate. As US Supreme Court Justice William Brennan once said:

The state does not honour the victim by emulating his murderer.

I made a statement last week welcoming the Indonesian Supreme Court's decision to overturn Scott Rush's death sentence, in which I noted the important progress made by Indonesia in strengthening democracy, respect for human rights and the rule of law in the past decade. As noted in Amnesty International's report on Death sentences and executions 2010, the trend throughout the world is for increased abolition of the death penalty in practice or in law. It is, however, shocking that only last year China executed thousands of people for a wide range of crimes that included non-violent offences, and after proceedings that did not meet international fair trial standards. This is a matter that I trust is traversed in Australia's regular human rights dialogue with China.

I would like to take this opportunity to congratulate Amnesty International on its 50th anniversary and for the incredible work it does to advance the cause of human rights throughout the world. I also want to thank and pay tribute to the member for Banks for bringing this important motion regarding the death penalty to the parliament and to thank
all of the members who are speaking in support of this motion.

Mr RUDDOCK (Berowra) (21:12): I am delighted to have this opportunity to commend my colleague the member for Banks, to warmly support the remarks of the member for Fremantle and to support the remarks of my colleague Mr Ciobo about the importance of this motion.

I am delighted to have the opportunity to speak on this motion because, as a long-standing member of Amnesty International, I know that this is one of its core interests and one which I am particularly pleased to support. I am delighted to see that they have focused on this interest in the way they have.

I have before me the report of Amnesty International, Death sentences and executions 2010. It notes that this is the occasion that Amnesty International is able to draw attention to this particular issue of executions. It also notes that after the creation of Amnesty International in 1961, it began sending appeals to prevent executions of prisoners of conscience. Then, over time, its work on the death penalty expanded. Recognising that as a punishment the death penalty is cruel, inhuman and degrading and an affront to the right to life, Amnesty International opposes the death penalty in all cases without exception.

I am pleased, as a member of Amnesty, to be able to support that statement very strongly. I am delighted, also, to note that somebody whom I had some adverse comments to make about, in terms of their priorities, the chair of the Human Rights Council of the United Nations, made some remarks on the universal abolition of the death penalty, as early as December 2009. I am glad to see that she was taking this matter up because I think it deserves priority. When marking the 20th anniversary of the death penalty optional protocol, she said:

I am opposed to the death penalty in all cases.

I hold this position for a number of reasons: these include the fundamental nature of the right to life; the unacceptable risk of executing innocent people by mistake; the absence of proof that the death penalty serves as a deterrent; and what is, to my mind, the inappropriately vengeful character of the sentence.

It is important to note some of the observations that have been made. The member for Fremantle highlighted the fact that China executed more people than the rest of the world put together when it carried out executions involving more than 1,000 people. I found that an astonishing figure. Closest to it was Iran with 252, North Korea with 60, Yemen with 53 and, regrettably, the United States of America with 46. When President Bush Sr visited Australia I was glad that the parliament, through the Parliamentary Amnesty Group, saw fit to raise this matter with him. I am sorry that things have not changed.

Amnesty’s report also notes that four countries in the G20 executed people in 2010—China, Japan, Saudi Arabia and the United States—that 23 countries carried out executions, that 58 countries are classified as retentionist, with fewer than half of them actually executing people in 2010, and that 138 inmates sentenced to death in the United States of America had been exonerated since 1973. It makes note of the methods used, including beheading, electrocution, hanging, lethal injection and shooting.

I note that the honourable member for Fowler is going to follow me in the debate. No doubt he will make mention of Scott Rush, an Australian sentenced to death in Indonesia. Like him, I am glad that that sentence has been commuted. It would have been a real tragedy if it had occurred.

Mr HAYES (Fowler—Government Whip) (21:17): I too thank the member for Banks for bringing this motion before us this
evening. Everyone who has participated in this debate so far has spoken on other occasions that I can recall on the issue of the death penalty. Capital punishment, the death penalty, is the most cruel, inhumane and irreversible form of punishment that there can be. It is an absolute affront to those of us who stand for human rights.

In 1977, when Amnesty International started its campaign against the death penalty, there were, as I understand it, only 16 abolitionist countries. Now, little more than 30 years later, 139 countries are abolitionist. In the last 10 years alone, more than 30 countries have abolished laws or practices with respect to the death penalty. I applaud everybody who has been involved in that and I congratulate those countries for taking a responsible position on human rights.

My involvement in the issue of capital punishment started almost five years ago, not long after my by-election, when I had a chance encounter, meeting with the parents of Scott Rush. Scott Rush is one of the Bali Nine. He was arrested at Denpasar airport carrying a large quantity of drugs. He was a drug mule; there is no doubt about it. His father had tipped off the Federal Police about what his son was up to in an attempt to stop his son's life of crime. What his father did not understand, of course, was that if you got caught overseas, particularly in Bali, it would mean the death sentence. Together with Myuran Sukumaran and Andrew Chan, Scott was, until very recently, on death row at Kerobokan Prison.

As a matter of fact, about five or six weeks ago my wife, Bernadette, and I went to Kerobokan Prison to see all the Australian prisoners on death row. I have to say that as a parent it struck me that, but for the grace of God, it could have been any of our kids over there—and they were kids. Scott Rush was 17 when he was apprehended carrying his quantity of drugs. Certainly it was misguided and certainly it was criminal activity, but at the end of the day he is someone's child. Visiting the prison left me with all the feelings experienced by a parent in this circumstance. I would not like to have to leave my child in Kerobokan Prison waiting for a final verdict to be made.

Fortunately for Scott Rush, his final judicial review was handed down a couple of weeks ago. By a majority vote by the bench of two to one his execution was commuted to life imprisonment. Sukumaran and Chan are still waiting for judgment to be made in respect of their judicial review. I felt I shared a common bond with Lee and Christine Rush: the unreserved love that we have for our kids regardless of what they have done. Since our visit, Scott has fortunately had his sentence commuted. I hope and pray that that occurs for Myuran Sukumaran and Andrew Chan as well.

I am proud of the fact that, in this country, Gough Whitlam in 1973 took the steps federally to abolish the death penalty. In 1990 Australia signed the Second Optional Protocol to the International Covenant on Civil and Political Rights. Australia voted in the United Nations General Assembly resolution calling for a global moratorium on the death penalty in 2007. Australia co-sponsors the resolution for human rights and calls for all nations to abolish capital punishment.

As time is rapidly running out, I would like to leave you with the words of Chief Justice of the Constitution Court in South Africa, Ismael Mahomed. He said that the death penalty:

… is the ultimate and the most incomparably extreme form of punishment … It is the last, the most devastating and the most irreversible recourse of the criminal law involving … the planned and calculated termination of life itself;
the destruction of the greatest and most precious gift which is bestowed on all humankind.

Mr CHRISTENSEN (Dawson) (21:22): The former President of Poland, the late Lech Kaczynski, once a fighter against the repressive Soviet puppet government in his country through the trade union movement, warned that countries that give up the death penalty award an unimaginable advantage to the criminal over his victim—the advantage of life over death. In Australia in 1973, the death penalty was abolished for federal offences and, in 2010, the former Rudd government passed laws that prevented the death penalty from being reintroduced by any state or territory in Australia.

I know that the death penalty has not been used as a punishment in this country since 1967 but, in effectively removing the capability for the nation or any of the states to reintroduce that penalty, I say that this parliament gave an unimaginable advantage to the criminal over the victim. I also say that this House of Representatives, in doing that and in supporting a motion such as the one before us today, fails to live up to its name. To be truly representative on this issue we would adhere to the views of the general public on this issue instead of the views of Amnesty International or the United Nations.

One poll I found on the question of support or opposition to the death penalty was conducted less than a decade ago and was specifically regarding terrorism. In August 2003, Newspoll conducted an extensive survey in which respondents were asked whether they were in favour or against the introduction of the death penalty in Australia for people who were found guilty of committing major acts of terrorism. The result was that 56 per cent of respondents supported the death penalty in those circumstances, as opposed to only 36 per cent against.

I may be a minority in this place when I say that I too support the death penalty for terrorists and for those found guilty of the most heinous of crimes—the murder of a child, particularly when it involves rape or the murder of an elderly person or a person with disabilities, again particularly when it involves rape. I may be a minority in this place when I say that, but I can tell you that it is not a minority view in the electorate at large. That fact is acknowledged by even the Australian Coalition Against the Death Penalty, which admits on its website that there are recent polls showing that 70 per cent of Australians support capital punishment for heinous crimes.

I turn now to one case that I believe fully warrants the death penalty: the vicious murder of Zahra Baker, a young girl originally from Giru in my electorate of Dawson. According to a staff member at a Giru day care centre: 'Zahra seemed very happy. She always came in with a smile on her face. She was at preschool then and was diagnosed with cancer. She went away for treatment. She was a very happy, determined little girl. She was willing to give anything a go.' She was a little girl struck down with cancer at a young age. She went through chemotherapy and all the horrors that that involves, and she lost a leg to that terrible disease. Zahra moved with her father and stepmother to America—a terrible move given what transpired. But, in the darkness, the shining light may be that true justice can be served, given that the crime occurred in North Carolina, where the death penalty is still an option.

The tiny body of Zahra Baker now lies scattered across the woodlands and in the creeks in a small North Carolina town. The autopsy on her remains found that two different cutting instruments were used to dismember this little girl's body, and her skull has never been found. I will not speak
about that matter in greater detail and I will not point out potential suspects, although that is something that is readily available through the media. What I will say, though, is that if the police are able to find her killer and prove guilt in a court of law, and all the information is pointing to that conclusion, then I say that the death penalty would be the only just penalty to fit the seriousness of that crime against that young girl.

Some people may reel from that statement but, in our protected world here in Canberra, we are not exposed to the great evils out there, and I suppose it would be the same for a Hollywood actor. In his book Mindhunter, a former FBI serial profiler, John Douglas, talked about the actor Scott Glenn coming to see him to do research for a character he played in Silence of the Lambs. Douglas recounted: 'Glenn was a pretty liberal guy who had strong feelings on rehabilitation, redemption and the fundamental goodness of people.' Douglas showed him crime scene photos and let him listen to recordings of killers torturing their victims. Douglas wrote: 'I made him listen to one of two teenage girls in Los Angeles being tortured to death in the back of a van by two thrill-seeking killers who had recently been let out of prison. Glenn said that after seeing and hearing what he did in my office that he could no longer oppose the death penalty.'

I want to talk about deterrence. Repeated empirical evidence suggests that capital punishment has had a deterrent effect. That is proven. I make no apologies for supporting the victim over the criminal.

Mr LAURIE FERGUSON (Werriwa) (21:27): In responding to the previous speaker, I note that one of the areas where he would allow the death penalty is the heinous crime of killing young people. It is worth noting that part of the horrendous capital punishment reality of this world is that there are 19 states in the United States which execute people under 18 years old; and since 1999, nations including China, Iran, Saudi Arabia, the United States and Yemen have executed under-18-year-olds. The member talked of things being beyond the realm—that we can convict people when it is certain that the case is proven. It is worth noting on that front, as was indicated by an earlier speaker, that in the United States alone 138 inmates on death row have been exonerated. I do not think there is any certainty in this matter.

I join previous speakers in saluting Amnesty International in its 50th year for its action with regard to capital punishment. That was not one of its original aims; it was focused very much on political prisoners. But, over the course of time, it went on to the situations of prisoners' families, the nature of court procedures and areas such as capital punishment. Obviously, as other speakers have indicated, there are a few nations on this earth which are particularly prominent with regard to execution. China stands out. The numbers are so large that no-one is certain of the realities. Iran, which conducts stoning for sexual offences, which in the last fortnight is debating whether somebody will be blinded for theft, is another prominent one. I want to talk about the United States, not because it is the worst but because we perhaps have more information about some of the realities there due to its open media. It is worth noting not only that capital punishment is wrong morally but also that there are real questions as to the lottery of life that capital punishment involves. Afro Americans constitute 12 per cent of the population of the United States but 41 per cent of the people on death row are Afro American.

Debate interrupted.
ADJOURNMENT

The DEPUTY SPEAKER (Hon. BC Scott): Order! I propose the question:
That the House do now adjourn.

Solomon Electorate

Mrs GRIGGS (Solomon) (21:30): It has been a very busy time back in my electorate of Solomon, with lots of activities, events and openings taking place. The SIDS and Kids NT is an organisation that is very dear to my heart. It always amazes how hard the volunteers work to raise the much-needed funds for the very important awareness programs for SIDS and Kids. A special acknowledgment and thanks must go to Fiona and Craig Peters, who work tirelessly for this charity, especially when there is a BBQ fundraiser. That seems to be their speciality—the best sausage sizzles in town.

On 5 May I was delighted to host the presentation of the Australian Defence Medal for three long-time Northern Territory residents which was held at the Palmerston Sports Club. I was joined by military representative Major Pat Hay and we presented medals to Mr Christopher McManis and Mr Noel Barry. Unfortunately, the third recipient, Mr Rodney Arrowsmith, could not attend, but we did acknowledge him on the day.

The Fred's Pass Annual Show was held over the weekend of Friday, 13 May to Sunday, 15 May and this year celebrated its 33rd year. There was a great range of stalls, exhibits, rides, food, drink and activities for everyone to get involved in. Each year this event seems to get bigger and bigger and better and better. Congratulations must go to the organising committee.

Following on from my previous mention in this House about the Arafura Games, on the final day of competition I attended the volleyball finals at Marrara Indoor Stadium.

In an exciting nail-biting game between Papua New Guinea and Macau, PNG eventually took the men's gold medal. The medal presentation was very memorable with the winning PNG team singing their national anthem to a very excited crowd. Special mention and congratulations to Katie Sharpe from the Women's Defence team. She was awarded Best Setter and Most Valuable Player awards and was absolutely delighted! John Cassat from the Men's Defence team was awarded Best Server for the competition. A very special mention and congratulations to the Northern Territory medal winners and Alex Billeter from the Women's NT team, who received the Best Blocker award. It was wonderful to be able to present an award to a local. I was so very proud to also present the bronze medal to the Women's Tiwi Islands team.

To all competitors across all the sports and countries, thank you for participating in the games and thank you for visiting our beautiful Top End. Thank you also to the many volunteers and sponsors for their contribution to the games. Many have said that one of the highlights of this events was local talent Jessica Mauboy, who certainly knows how to entertain a crowd.

On Sunday, 15 May I attended Darwin's premiere pet event, the RSPCA Million Paws Walk at Jingili Water Gardens. It was a fabulous morning. It was wonderful to see many locals with their four-legged friends supporting this worthwhile event. My cocker spaniel Toby thoroughly enjoyed the event. He took a real liking to Alice Burton's dog Yani, who was in the running for the smallest dog on the walk and also Leigh Gordon's cute little black cocker spaniel Duke. Miranda and Michael Opie's babies, Gremlin, Muppet, Yeti and Womble, were all RSPCA rescue dogs and stood out in the crowd as they all wore pink tutus. The funds raised through walk registrations and online
fundraising goes towards vital programs, services and campaigns undertaken by the RSPCA, as well as supporting our daily battle to stop animal cruelty.

I attended the opening of the new Woolworths store at Karama on Wednesday, 18 May. Locals tell me they are delighted with the new store and were very impressed with the refurbishments of the Karama Shopping Centre complex. I was surprised that there were so many people waiting for the shop doors to open. Officially, I was the second customer of the store, purchasing some locally grown heliconas for my electorate office. Congratulations to regional manager Michael Batycki, area manager Rick Lowe and store manager Domenic Devirgilio on the opening of this new store. If your first day was any indication, I am sure Karama residents are going to keep you very busy.

As part of Walk Safely to School Day on Friday, 20 May I hosted a healthy breakfast at Malak Primary School. Students loved the fresh fruit, yogurt, fresh bread and cheese. The biggest hit by far was the watermelon. A special thank you to Principal Peter Swan and his staff for registering the school for this event. There is a real sense of community within the school. This is a real credit to Principal Peter Swan and his dedicated team of teachers, such as Vanessa Hoare and Marita Maloney. After breakfast was finished I was asked to present the weekly awards—and that was such a privilege.

Finally, I attended the Paspaley Darwin Star Ball for the Starlight Foundation on Friday, 20 May with my good friends Erica Sims and Jack Cranwell. Through the generosity of Territorians more than $200,000 was raised for the Starlight Foundation on the night. One of the highlights of the evening was the raffle. (Time expired)

**Women in Public Office**

Ms ROWLAND (Greenway) (21:35): Tonight I pay tribute to women in local government and specifically mention the 2011 Australian Local Government Women’s Association Conference of New South Wales, which was hosted over the weekend in Blacktown City. This was the ALGWA diamond jubilee conference, celebrating a momentous 60 years of activity promoting women in public office and women with careers in local government.

The theme of the 2011 conference was SWIFT: the acronym for 'strong women influencing future trends'. As attested by the diverse range of participants, drawn from urban, regional and rural councils and shires, from all political and indeed apolitical persuasions, now is the time for women in local government or women who aspire to be in local government to take control of their respective agendas.

Research compiled by the Local Government and Shires Association of New South Wales illustrates a female participation rate in local public office positions which has unfortunately remained largely stagnant over the past three local government elections since 1999, at around 26 per cent. This is not good enough. I was fortunate to arrive at this place with the benefit of experience in both the private sector and as a council representative. I firmly believe that all women in public office have an obligation to identify and encourage the participation of other women. Throughout the conference there was ample opportunity for women to share their respective experiences and motivations for seeking election to local government. Almost to a person, delegates recounted how it was due to the inspiration or support of other women, not necessarily
women of their own political ilk or in their geographic area, who ignited their own desire to put their hand up to represent their local communities.

With just over 12 months until the next local government elections in NSW, I take up the obligation to enhance the reality of one of the tenets of the NSW Local Government Women's Charter:

Local governments are in a unique position to work with the community to increase the numbers and participation of women in public life, so that decision-making more clearly represents and reflects the interests and demography of communities.

It was a great honour for me to deliver the official opening address at the weekend's conference, and in doing so I singled out a policy area that I feel very strongly about—the constitutional recognition of local government. This is a campaign that has been driven for decades by local government across Australia, and indeed across the political divide. One of the measures in this year's budget included funding to implement this government's specific policy commitment for the constitutional recognition of local government. The need for such recognition was sharpened following the 2009 High Court decision in Pape v Commissioner of Taxation. The prevalence of federally funded projects for local government in areas such as roads and community infrastructure, project managed and delivered by locals, demands that their validity be placed beyond doubt.

As history tells us, the success of referenda depends on cross-party support. It is therefore disappointing that, while those opposite once supported constitutional recognition of local government, late last month we saw another rift in the coalition ranks. The shadow minister, Senator Joyce, as late as February this year told the parliament the coalition was supportive of constitutional recognition of local government. It has now emerged that the Leader of the Opposition has reduced this quite unequivocal position to in-principle support. No-one in local government wants a repeat of the 1974 and 1988 referenda on constitutional recognition, which were opposed by the Liberal Party. I hope for the sake of local government and all Australians that those opposite get their act together and unite behind sound policy.

I finally want to acknowledge the hard work by the team at Blacktown City Council who brought the conference together: Allynson Bradford, Bree Gilmour, Argyro Ballas, Tanya Bigeni, Nadine Nesovic and Nicole Winram. I also want to mention the events team at Blacktown City Council, including Peter Filmer and Kevin Poilly, who did so much for the conference as well as staging the final week of the Blacktown Fiesta, culminating in the hugely successful Streets Alive parade on Saturday. This was surely one of the biggest parades ever, a beautiful day hosting so many residents of Blacktown and beyond, including representatives from Blacktown's sister cities, Porirua in New Zealand and our country sister city, Liverpool Plains. Last of all, a special congratulation to Councillor Julie Griffiths of Blacktown City Council, who was elected the new ALGWA president at the conference.

South Australian Aquatic and Leisure Centre

Dr SOUTHCOTT (Boothby) (21:40): Last Monday Swimming Australia announced the new South Australian Aquatic and Leisure Centre at Marion would host the 2012 Olympic trials. This is the culmination of a dream for so many people in my community. To go back, Adelaide has not had a FINA-standard pool since the early 1990s and last hosted a national-standard
event with the Pan Pacific Trials in 1997. The 1997 Pan Pac Trials in South Australia was when Ian Thorpe sprang to notice, first qualifying for the Pan Pac's team as a 14-year-old. Ironically, it will again be South Australia that hosts his trials comeback. This is the first time that the Australian Olympic trials have been held outside Sydney since 1992. Ian Thorpe, Libby Trickett, Geoff Huegill and Michael Klim will all be making their comebacks for the Olympic team for London in 2012.

While the lack of a FINA-standard pool has held back the development of swimming in South Australia, we have seen some South Australian swimmers shine at the highest level. Matthew Cowdrey OAM from my home state of South Australia has competed at the 2004 Paralympic Games, the 2006 Commonwealth Games and the 2008 Paralympic Games. He collected 14 medals between the Athens and Beijing Olympics, including eight golds. Hayden Stoeckel, originally from Renmark, swam at the 2008 Beijing Olympics and claimed a silver and a bronze medal.

The pool's first event was the Australian Age Championships, which were held between 18 and 23 April 2011. They were an outstanding success and had more than 1,500 competitors. I was able to go to the South Australian Short Course Championships on Friday night, which were opened by the Governor. Future confirmed events include the Australian Short Course Championships from 1 to 3 July 2011. This will be the first televised event from the new swimming centre. The Australian Swimming Championships next year will be doubling as the London Olympic and Paralympic trials. In 2013 the site will also host the Australian Swimming Championships, doubling as the FINA World Championship selections and the Australian Age Championships.

I would like to pay tribute to several people without whom this facility would not have been built. The Mayor of Marion, Felicity-ann Lewis, her chief executive, Mark Searle, and the team at the City of Marion kept working on this vision for more than a decade and put together the submission to federal government in 2006. Nick Minchin as finance minister and Rod Kemp as federal minister for sport ensured that $15 million was delivered to the City of Marion in 2006 for this facility. It sat in the City of Marion's bank account for five years and by the time it paid for the project it was almost $20 million. I want to pay tribute to Michael Wright, who was the then South Australian sports minister. He made a commitment that if the federal government put in $15 million he would match it, and he did that. I would like to pay tribute to Alex Candetti, the Executive Chairman of Candetti Constructions, who demonstrated that a local builder could deliver a major project like this. All the people who were involved in the South West Indoor Aquatic Centre, a community group which sprang up more than a decade ago and started campaigning for an indoor pool in the south-western suburbs, by getting the local government, state government and federal government all involved, now have one of the best facilities in the Southern Hemisphere and an aquatic centre that compares with the Water Cube in Beijing. This is the culmination of a dream for a lot of people. It is an outstanding facility that will really do a lot for the sport of swimming at the grassroots level and at the elite level in South Australia. We look forward to hosting the Australian Olympic and Paralympic trials in 2012.

**Clean Start Campaign**

Mr Stephen Jones (Throsby) (21:44): A few months ago I met with union members from United Voice, including
workers employed as cleaners in my electorate of Throsby. Members may be aware that United Voice is the new name for the union formerly known as the LHMU—the Liquor, Hospitality and Miscellaneous Workers Union. United Voice represents workers in the hospitality, aged-care, security, childcare and cleaning industries.

Cleaning staff—the people who keep our workplaces, hotels and shopping centres spick and span and healthy—are some of the lowest paid workers in our economy. We should never forget that it is workers like these who felt the full brunt of Work Choices under the previous government. Having survived Work Choices, cleaners around Australia are now campaigning for respect, a liveable wage, job security and fair and safe working conditions. The name of their campaign is Clean Start. I was proud to support Clean Start before entering parliament and am proud to maintain that support in this place.

The United Voice members that I met with are very concerned about the conduct of one company, in particular, which is refusing to negotiate with their representative, the union. The company is the biggest publicly listed cleaning company in Australia and holds nearly 30 per cent of all shopping centre cleaning contracts across the country. The company's name is Spotless.

Recently, I wrote to the Managing Director and CEO of Spotless, Mr Josef Farnik, calling on him to respect the wishes of the majority of the company's employees by entering into good faith negotiations with United Voice. Retail cleaners have legitimate concerns about their pay and conditions. They deserve a liveable wage, job security, fair and safe working conditions and the fundamental right to collectively bargain. Aside from low wages, retail cleaners are taking a stand against bullying and harassment, overwork and unsafe work practices. Despite repeated attempts to start genuine negotiations, Spotless has so far refused to bargain with workers and their union.

It should be noted that Spotless has already signed up to Clean Start for hospital and office cleaners, and it should be applauded for this step. Spotless have replied to the letter that I wrote to them and have raised the issue of sham contracting in the retail cleaning industry and their concern about it. That is also a concern for other employers like Spotless, but it is no excuse to refuse to bargain in the retail-cleaning industry in good faith.

Employees are concerned that Spotless is aggressively promoting individual flexibility agreements across the retail cleaning workforce. There is no excuse for any employer to be using individual flexibility agreements as a back door way of returning to the Work Choices style take-it-or-leave-it agreement making that characterised the previous government. I understand that the independent umpire, Fair Work Australia, has been called in to adjudicate. That is a good feature of the new system, and I look forward to its ruling.

We do not often see the labours of cleaners, who work late nights and early mornings, and yet their work affects us every day. They certainly do not deserve to be spurned and ignored by their employer for wanting to negotiate a collective agreement. I encourage all members to take an interest in this issue and keep the focus on Spotless until it changes its strategy and begins treating its workers and the union with a bit of respect.

I also call on government departments to apply the fair work code and incorporate the Clean Start principles in their departments and in the contracts that they let to the
contract cleaning industry. It is the policy of government. Unhappily, it is a policy that is not being applied in all federal government departments, but one that should be.

Child Safety

Mr SIMPKINS (Cowan) (21:49): I wish to raise the issue of child safety and our responsibility as adults to protect all children. To begin with, I say that we are not islands and we do not have the leisure to see our own families as our only responsibility. If we surrender the streets outside our home to crime, because we feel safe behind the alarm and security screens of our own home, that crime will start knocking on our door next. It is far better that we control and defend the streets and the communities which surround us with a willingness to act than withdraw and isolate ourselves, thereby surrendering our streets to crime and our neighbours to their fates.

Across this nation we are used to seeing stories of children at risk of violence, neglect, abuse or sexual abuse. In our streets, our suburbs, our towns and our communities there are children at risk right now. There are children who are being abused, and that is a reality. Anyone and everyone who is aware or who suspects that children are at risk is duty bound to take action. It is not right that we merely sit back and say, 'Well, there is an agency that is responsible for that,' or 'The court can decide about that.' It is without doubt the responsibility and the duty of any adult to do what needs to be done to ensure the safety of children in these circumstances.

I recently heard of a case where the relevant government agency became aware that the mother of two young children was cohabiting with a child sex offender. This man was well known to the officers of the agency. Apparently he would begin by befriending the partner or boyfriend of a mother. He would try to take over as the partner of the mother and then target the children. The officers of the agency saw that this man was at this house. Incredibly, the action that was decided upon was to place a sealed letter on the file of the children for the next court appearance to determine custody arrangements. I have trouble reconciling that plan as a legitimate course of action. The officers were obviously concerned about the risk to the children, but they were only prepared to let the matter be known at a hearing two months later. This says something about the way these matters are treated and prioritised in the system of child protection. It is my understanding that some two weeks after the letter was written, extended family members of the children became aware of the risk and decided that they would not return the children after an access visit and instead seek a temporary custody order to enable them to look after the children. Fortunately, these family members were not prepared to wait for the court hearing two months later, and they were not prepared to have confidence in the system and the government agency; they were instead prepared to act decisively and immediately upon becoming aware of the risk involved. I naturally wish the family well in the future and I hope that the court will make a wise judgment and rule that the children can remain with the extended family for the long term, as it is certainly the case that such an upbringing in a positive and healthy environment stands in stark contrast to the neglectful and inappropriate circumstances that defined the early lives of the children.

I use this example to highlight that there is a problem with the abuse, neglect and otherwise negative upbringing of children all the way around this country. I do not think that it is a very widespread problem—in fact, I hope it is pretty rare—but I suspect that it is present just about everywhere. I believe that
relevant agencies tasked to manage such cases must be prepared to act quickly and decisively. They must be prepared to focus absolutely on the safety of the children and take the children to safe circumstances without delay. It is also my personal belief that there are crimes and degrees of neglect that justify children being permanently removed from their parents or families.

I draw hope from the fact that next door to these problems there are people who care and who are prepared to act. All people need to be aware that if they believe there is a problem that something should be done about, then they are personally responsible for taking that action. I believe that those who suspect or those who know and do nothing are complicit in the crime. A 'Nothing to do with me' attitude will allow this evil to spread and will breed even greater tolerance, and we can never accept that.

I therefore take this opportunity to encourage Australians to be aware of what is going on around them. We should all be aware of our surroundings and be prepared to immediately act when we see or suspect crime taking place. As soon as we suspect a crime, it is then completely our responsibility to act; it is no-one else's. It is my fundamental belief that if every law-abiding citizen was prepared to take action it would be a powerful deterrent to crime in this country. The greatest deterrent to crime is the certainty of being caught, and the certainty of being caught is achieved by the willingness of all of us to act immediately upon identifying crime.

**Live Animal Exports**

Mr KELVIN THOMSON (Wills) (21:54): I want to urge the government and my parliamentary colleagues to take a look at tonight's episode of *Four Corners* and move to suspend the trade in live cattle to Indonesia. The *Four Corners* program leaves no doubt that action to suspend the live cattle trade to Indonesia is now needed. Animals are being whipped, animals are hitting their heads repeatedly on concrete blocks, animals are watching other animals being killed and cut up in front of them, and animals are having their throats only half-slit and are dying a lingering, horrible death. We can do better.

I want to add my voice to that of community organisations such as the RSPCA, the World Society for the Protection of Animals, Animals Australia, the Australian Meat Industry Union and a number of my parliamentary colleagues—the member for Fremantle, the member for Page and the member for Lyons—who have all said that we need to rethink our support for live cattle and live sheep exports. This is not a battle cry for vegetarianism; it is about moving to process sheep and cattle here in Australia.

I think there are three ethical reasons and three economic reasons we should look at moving away from live exports. The first ethical reason is the fate of animals during transportation. Animals become heat stressed and overcrowded during transportation. Around 40,000 Australian sheep die en route to the Middle East each year. The main cause of death is starvation.

The second ethical issue is the handling, transportation and slaughter methods used once animals reach their destinations. Many importing countries have no animal welfare laws. Australian sheep are bound and shoved into car boots in a region where temperatures reach 50 degrees Celsius in summer. Both sheep and cattle have their throats cut whilst fully conscious and suffer from prolonged, distressed and painful deaths.

The third ethical issue is that Australia is a member of the World Organisation for
Animal Health and has obligations in its bilateral trade agreements to protect animal health and wellbeing. With many Middle Eastern countries not complying with the guidelines, Australia needs to do more to support the World Organisation for Animal Health in its endeavours to improve animal welfare.

Then there are three economic reasons to reconsider live exports. The first is that processing animals in Australia provides more economic value than exporting them live. This stands to reason—it is no different to the argument for value adding to our natural resources rather than just exporting the raw product. A report by ACIL says a sheep processed in Australia is worth 20 per cent more to the economy than one processed overseas. The ACIL report also says that the value adding for a live exported sheep is $36 but for processed sheep it is between $42 and $47.

The second economic reason for moving away from live exports is that the Australian meat processing industry is being crippled from competition with the live export industry. In the past 30 years 40,000 meat processing jobs have been lost and about 150 processing plants have shut down. It is an ongoing problem. Last year 1,000 Australian meat workers lost their jobs, with some plants operating at 50 per cent of their capacity. Roger Fletcher, the founder of Australia's largest independent meat processing facility and chilled meat export company, said:

We’re the main employer in country regions, after mining, and we want to be here for the long haul. It’s devastating when vulnerable rural communities suffer industry closure and job losses ... caused in part by the live export industry.

The third economic reason is the clear evidence that Middle Eastern consumers do accept chilled meat products from Australia. In 2009 sheepmeat exports exceeded live sheep exports in both dollar value and live sheep equivalent. This is not surprising because the religion of Islam does not endorse cruelty to animals. There are two major religious festivals in the Middle East each year, Eid Ul Fitr and Eid Al Adha. The meat for such holidays can and should be sourced locally.

Given these facts, claims by Liberal and National Party senators about the importance of the live export industry simply fall flat on their face. A value-adding Australian meat processing industry would provide more jobs for farmers, stock hands, shearers, truck drivers et cetera. The trade will not go elsewhere. There is plenty of refrigeration in key export markets such as Bahrain, Kuwait, Qatar and the United Arab Emirates. When we first stopped exporting animals to Egypt due to cruelty concerns in 2006, it was reported that the Egyptian government move straight to chilled meat imports to fill the demand. Tonight's *Four Corners* program leaves no doubt that action to suspend the live cattle trade to Indonesia is now needed.

**Hughes Electorate: Graffiti**

Mr CRAIG KELLY (Hughes) (21:59): The marks of graffiti vandalism left on public and private premises leave an ugly image in the mind and are faced by communities across the country. Graffiti vandalism also reduces the value of properties and the aesthetic appeal of our local communities. On top of this, illegal graffiti is a type of criminal vandalism that costs communities many thousands of dollars each year to clean up. In New South Wales it is punishable by imprisonment, community service orders and fines of up to $2,000.

Constituents of Hughes, both before and after the previous election, have reported their disgust at unwanted graffiti, particularly in the Menai, Wattle Grove, Holsworthy and
Panania areas. In budget figures presented just a fortnight ago, the Sutherland Shire Council announced that they had spent over $150,000 on graffiti and graffiti removal programs. Recent figures also show there were some 1,411 reported incidents in the year to March, with 21,903 square metres of graffiti removed over this period.

A genuinely positive story has recently come out of the Liverpool area. Just over two years ago, a local resident, Allan Dabbagh, formed a community group dedicated to the removal of graffiti in our local community. The group, run entirely by local volunteers and funded out of the pockets of the many dozens of residents involved, works by dividing volunteers into categories responsible for individual streets. and they have had stunning results.

The Locals Against Graffiti Gangs, or LAGG, aims to remove graffiti within 24 to 48 hours of it going up, but they regularly beat this target. Back when the group was formed, this ambitious target for the rapid removal of graffiti was a principal concept in its creation. As Mr Dabbagh noted:
One of the most effective ways to abate or stop graffiti is rapid removal. Graffiti artists want their tags to be seen, and if it's removed quickly it discourages them. It's the best way we can fight back.

LAGG has been funded out of the pockets of local volunteers. In recent weeks they received a supportive boost to the operations by Liverpool City Council. In its April meeting, the council voted to allocate a grant of $10,000 to the group over the next two years. The funding is to be used to spread the word and to buy cleaning products and uniforms. The Deputy Mayor of Liverpool, Councillor Ned Mannoun, who moved the motion, said afterwards:
When the council works with the community you get better results and, while we have been working with LAGG, I don't think it's fair they should have to pay for this themselves.

Indeed, it is not.

The LAGG website displays a media article from 13 August 2010, just before the last federal election, when the Minister for Home Affairs made a $50,000 commitment for a graffiti removal van for Wattle Grove. A similar commitment was made for Engadine, also in my electorate of Hughes. We have heard a great many claims that Labor will deliver on all election commitments made by all candidates. On 20 October last year the Prime Minister said:
Yes, I do commit to keeping the promises at a local level that Labor and Labor candidates made at the last election.
But do we ever really know with this government? The local community should be rightly suspicious of this promise. After all, it was this Labor Prime Minister that made the notorious comment just before the last election:
There will be no carbon tax under the government I lead.
I hope that this Labor government does not try to squirm out of this commitment by pouring money into marginal seats going to the next election, and I promise I will not let this issue rest until this commitment is delivered in full.

Finally, I congratulate the member for Fowler for announcing his support for the coalition policy to provide funds for CCTV cameras in the Liverpool CBD, an area badly neglected by Labor for many years. If he is committed, as his quote to the Liverpool Leader suggests, then I welcome his support and would be glad to work with him. If not, then the residents of Liverpool can rest assured that the provision of CCTV cameras is an ongoing coalition commitment that will be delivered under the next coalition government.
Wakefield Electorate: GP Superclinic

Mr CHAMPION (Wakefield) (22:04): It is interesting that the previous speaker was talking about commitments made at election time. I remember in 2007 the now government made a commitment to build a GP superclinic in the Peachey Belt. The Peachey Belt is a great area, with Davoren Park and—

Dr Southcott: Is it open? We're still waiting for it.

Mr CHAMPION: Member for Boothby, just listen. Take a deep breath. We made a commitment to the Peachey Belt. The Peachey Belt is Davoren Park and Smithfield Plains. There are some other growing suburbs around it—Andrews Farm, Munno Para West and the like. There are many new homes being built for young families and new arrivals to the electorate in the form of many defence personnel.

It is great that today the UniHealth Playford GP Super Clinic opened its doors for the first time. That is a $7.5 million commitment that has been delivered upon. It is a very important commitment. There was only one doctor previously in the Peachey Belt and he worked about three days a week—a very committed individual but he is getting on in age. So this was an area of high need and very few GPs. So it is great to have UniHealth. UniHealth is an amalgam of the University of Adelaide and the University of South Australia. They will bring GPs, nurses, visiting specialists and a range of allied health professionals across physiotherapy, exercise therapy, mental health, occupational therapy, drug and alcohol counselling and nutritional advice to this area.

The issues of mental health, drug and alcohol counselling and nutritional advice all came out of the very good consultation that we had in June 2008, which was attended by over 80 people. Those 80 people, who included many prominent citizens in the local community, provided a lot of feedback, particularly on those issues. I would like to thank Betty Alberton, Shirley Harris, Shaun Barby, Geoffrey Pope, Denis Davey, Shirley Wissell, John Eyndhoven, Stephen Hollingworth, and Coral Gooley, whose local knowledge and expertise helped make this a better centre and helped make Unicare and Dr Garry Taylor more aware of local needs and local demands. It is a particularly important centre. It is situated on Curtis Road, which is adjacent to the Peachey Belt and right in the centre of the new growth in the area. It is part of a redevelopment of an area that has had its knocks over the last two decades and needs all the help it can get.

Importantly, right next door to the Unicare GP superclinic is going to be the Playford North clinical training facility. This was a $4.6 million contract that was won by Unicare to construct a new two-storey dedicated teaching and training facility. That $4.6 million covers land acquisition, construction work, site infrastructure, information technology infrastructure and specialised medical equipment. The project should be completed in the first half of 2012, with training commencing at this time.

The new building will incorporate eight multidisciplinary teaching and consulting rooms, a dedicated student study area, a library, a lecture theatre/meeting room, student amenities areas and a lifestyle training and resource centre. It will be used to provide interdisciplinary teaching and training through the co-location of students, registrars, GPs, nurses, mental health professionals and allied healthcare professionals. It will offer placement opportunities for Indigenous health students and provide employment opportunities for these students in the future.
This is all designed to deliver education programs that focus on the high-need areas of the local community, including chronic disease management, lifestyle and risk factor management, health promotion, prevention and wellness. As I said before, Adelaide Unicare, which is also running the GP superclinic, will be running this very important training facility. My hope is that this will help train and keep doctors in the north, in our local area. Hopefully if they train there they will find a home in the local community, establish businesses and provide good health care for the north. (Time expired)

Mental Health: Hills Clinic

Mr HAWKE (Mitchell) (22:09): I rise tonight to pay tribute to the great achievement in Australian history which has occurred in my electorate of Mitchell. In recent weeks I had the privilege of attending the opening of Australia's first purpose-built private mental health hospital. This is what I regard as a remarkable achievement. Two psychiatrists, Dr Ted Cassidy and Dr Jason Pace, had the vision to establish Australia's first purpose-built private mental health facility—and what an achievement it is.

It is a hospital facility at Kellyville on the corner of Arnold Road, only a few kilometres from the original mental asylum declared by Governor Lachlan Macquarie, the first asylum in Australian history, also in my electorate of Mitchell at Castle Hill. Governor Macquarie, after the battle of Vinegar Hill, declared that the Castle Hill site, in recognition of the trauma created by that incident, would become an asylum. We were very privileged to have the current governor, Governor Marie Bashir, attend and open Australia's first purpose-built private mental health hospital. It was a remarkable occasion. She made an excellent point. She noted that the word 'asylum' means a safe place or refuge. Asylum was a beautiful word that meant Castle Hill and also meant Kellyville, just down the road.

It is fantastic to see such great achievement come to fruition in light of what regulatory and other impositions are placed on such achievement in Australia today. Dr Ted Cassidy and Dr Jason Pace are fantastic visionary psychiatrists. They have worked in public health most of their lives and in private practice recently. They are serious veteran professionals. But to put together from the ground up a hospital capable of housing initially 30 and then some 60 patients is no easy thing to do in Australia. I am sad to say that it required great forbearance and great overreach from these two great human beings to go through with the process.

I want to record in the House today that I think we ought to be doing more to take out the impediments to such great and visionary achievement in our country. I have spoken with them about the impediments, difficulties and challenges they faced from government. I want to record that not a cent of government money went into this facility—not a single cent. And yet we have this fantastic private mental health hospital, the first of its kind in Australia today. It is purpose-built. There are plenty of other facilities that get rebuilt. Commonly it will be explained to you that most often mental health facilities are rebuilds because of the guidelines that exist in Australia today. Those guidelines have become an impediment. People will go for low-cost facilities in a rebuild rather than build a new purpose-built facility, which I think is a great shame. When you go there and you see the design, the use of modern construction and the use of gardens—the return of gardening and the use of plants in the treatment of mental illness is quite well documented—you really get a sense from this building and
this place that this purpose-built facility is going to achieve its purpose. Buildings have purpose. They have form. They have a reason for being designed the way they are. That is no different with a mental health facility. So of course, if we have guidelines in this country today that restrict or impede the development of such facilities, we ought to look at them.

The state government initially exempted this fine facility from its cut. But by the time it came around, because of the local council requirement that the hospital give up a small parcel of land for a road, they had to resubmit their DA and then they came under ridiculous state legislation that required further hundreds of thousands of dollars from what was going to be a mental health hospital, which ought to be exempt from ridiculous bureaucracy and government regulation. These challenges ought not be put in front of such fine work and fine achievement, and it ought not be as hard. In fact, when I asked them, they both recorded that if they had known how hard it would be to get this facility built they might not have gone ahead in the beginning. It is a sad indictment of our society today that we would regulate in such a way that would prevent this kind of great human achievement or make it so difficult.

I want to record that Dr Ted Cassidy and Dr Jason Pace have made this facility a fine success. They already have 30 patients within the first month of opening. When I visit that facility and I see the work that they have done in putting together from the ground up a fully functioning private hospital, without a cent of government money or any help and just purely from their investments and their passion for treating the mentally ill, I am very proud of that. When you visit the rooms that are named after key Australians who have made achievements in this field—such as the Australian psychiatrist who discovered that lithium had an important use in psychiatry—you get the sense that these are two professionals honouring their profession and honouring the mentally ill.

**Fowler Electorate: Disabilities Forum**

Mr HAYES (Fowler—Government Whip) (22:14): Last Friday I hosted a disabilities forum in my electorate, the second such forum I have hosted since becoming a member of parliament. I find community forums are a wonderful way of getting together individuals and organisations that are passionately involved with a particular issue and giving them the opportunity to express their views direct to government. The purpose of the forum was to enhance the dialogue between government and the disabilities community by allowing individuals to hear about the current and future government reforms in this area and by giving these community members and organisations an opportunity to raise their issues directly with government officials.

The forum was held at the Mounties Club in Mount Pritchard. I would like to use this opportunity to thank Mounties and their CEO, Greg Pickering, for providing the venue and catering for the meeting. This is just one of the many examples of the good work that Greg and his team at Mounties do for their local community. They are certainly an indispensible part of the south-west of Sydney.

The Parliamentary Secretary for Disabilities and Carers, Senator Jan McLucas, was also present on behalf of the government. She was there to hear firsthand the concerns and issues being raised by disability organisations and individuals alike. More than 60 active local community members, including people with disabilities, parents, carers and service providers, were in attendance. We had a number of speakers
from local disability groups, including Lucy Reggio from the Special Needs Ability Program Providers, Grace Fava from the Autism Advisory and Support Service and Branko Boskoski from Disabilities South West. The speakers were highly inspirational, outlining their own journeys and their current commitment to supporting or assisting those living with disabilities.

Representatives from 15 other local disability groups were present. I would like to praise the contribution that they make to our community, where people and families living with disabilities are unfortunately overrepresented. The forum provided individuals, carers and community disability groups with the opportunity to tell us what the government can do to help make their lives a little easier. The issues raised during the forum ranged from everyday concerns faced by individuals with disabilities and their carers to the government's current and future directions in respect of the disability sector.

I was particularly inspired by a number of individual stories. One that really struck a chord with me was that of a 16-year-old woman called Rebecca. Rebecca is a student, but she is also the full-time carer for her father, who has polio. She is currently endeavouring to maintain her education while looking after her father in the process. I thought her experiences and what she said at the conference were truly inspirational. A number of other individuals also shared their stories of dedication and commitment and of assisting not only themselves in their day-to-day life with disability but also their family members or fellow members of the community.

I am in the process of compiling a report outlining the issues that were raised during the forum which will make a contribution to the government's future directions and policy development in the disability sector. The Gillard government's strong commitment to ensuring individuals with disabilities and their carers are adequately assisted has been demonstrated in a number of recent policies in this area, including the early intervention and workforce participation measures, the Better Start for Children with Disability initiative and a number of other programs. All of these were fully discussed during the course of this forum.

Disability has always been an area which I have taken a very close interest in, and it is an area which this government has justifiably made one of its priorities. I am personally committed to doing all I can as a member of parliament to assist the disability community. I know that, regrettably, some people are dealt a very hard hand in life, but as a government and as a caring society we need to act to make life a little easier for those who have a lot of challenges ahead of them, particularly in raising a family and pursuing employment.

Before concluding, could I mention Hoxton Industries, an employer of people with disabilities. They currently employ over 150 people with disabilities. They make an extraordinary contribution to our community and I would encourage any employer who can to outsource work to Hoxton Industries and the like, as it would be a very valuable contribution to our community. (Time expired)

Home Insulation Program

Mr TRUSS (Wide Bay—Leader of The Nationals) (22:19): Today's Courier-Mail, in a major article headlined 'Time to stop the waste', deals with some of the bungles, blunders and wipe-outs of this government. Featured prominently is a discussion of the disastrous Home Insulation Program which has defrauded thousands of Australians. There have been examples of fraudulent
operators, substandard products, unsafe work practices and gross mismanagement. Like all members, I have received many complaints about this scheme, and I want to refer to just a couple of them tonight. I believe that the Parliamentary Secretary for Climate Change and Energy Efficiency, Mr Dreyfus, is genuinely trying to resolve as many of these issues as he can, and $100 million more was provided to assist him in that process. But that will go nowhere near fixing the cases of heartbreak, mismanagement and fraud that have been a feature of this program.

On the Sunshine Coast there were 25 home insulation businesses before this program began. The number grew to 250 during that period and unfortunately in the process the program destroyed the reputations of honest, hardworking local businesses because so many out-of-towners, fly-in fly-outs and people phoning from interstate and canvassing door to door have left a trail of destruction and damage across the countryside—broken roofs, insulation just chucked in the ceiling and never properly installed, holes in the ceiling. The government has been unwilling to find ways to resolve so many of these issues.

PricewaterhouseCoopers identified 150 claims where there was no insulation installed. In fact, in reality the total number will be much higher than that. I had a former constituent who bought a house in another city and several months later inspectors arrived to look at the insulation in his roof. There had never been any insulation installed in his home. There were 2,444 cases identified where more than one installer claimed for the same house. I have an installer in my electorate who was one of the victims of this scam. He installed the insulation, doing it properly, he believes, but another person had already claimed for installing insulation in that particular house.

The Auditor-General identified 347,789 payments that were higher than the amount that it had actually cost to put insulation into the particular homes. Let me mention just a couple of these from my own electorate. I had a constituent who had foil installed in his home in August 2009 and removed in October 2010, just a few months later. At the time of the foil installation he was required to pay $1,700 in addition to the subsidy from the government. It all had to be taken out because it was dangerous. The government paid the cost of taking it out, but this man was left without $1,700, which he had to pay in addition to what the installer had received— and there is no compensation for that amount of money. Another case concerns constituents was persuaded by a representative of a company to have triple-layer foil insulation installed. On that company's advice they had triple-layer insulation put in. It cost an extra $1,019 on top of what the government subsidy would provide. However, once this product was installed the constituent found that the temperature in the house was 1½ degrees hotter than if one had been standing outside. So the constituent had it pulled out, but now they have got to meet the full cost even though the department has told them that this product never ever met the required rating— another very unhappy customer.

I refer also to the Green Loans assessor program and a case brought to my attention only a few days ago. One of my local Green Loans assessors went to all the expense of training. He did only 83 assessments and earned less than $16,000. But now he finds that, under the terms of the program, he has to maintain an insurance premium of $4,900 a year for seven years to cover the work that he undertook. Even though he did only $16,000 worth of business—and most of that was used up in training, advertising, registration and start-up costs—he is going
to pay $34,300 over the next seven years on insurance policies on just 83 jobs.

I have drawn most of these matters to the attention of the parliamentary secretary and he has been unable to fix them. I think he is trying, but the government must devote resources to fix these completely unconscionable outcomes which are a direct result of the mismanagement of this program. *(Time expired)*

**Macedon Ranges Healthy and Active People Project**

Mr MITCHELL (McEwen) (22:24): Last week I had the pleasure of announcing a $700,000 grant, on behalf of the Gillard Labor government, to the Macedon Ranges Shire Council to run programs that encourage and support people to adopt and sustain healthier lifestyles. The project, titled Macedon Ranges Healthy and Active People, aims to improve health outcomes for local residents who are not in the paid workforce and are experiencing, or are at risk of experiencing or developing, weight related chronic diseases. The project will assist participants to initiate and sustain behavioural change within the community by engaging residents in effective, ongoing physical activity and healthy eating programs and other activities. The project will include the Heart Foundation's Walking program and AustCycle's national programs. These programs will be complemented by local programs and activities including structured physical activity and healthy lifestyle classes such as Live Well, Be Well, Stay Well; Strength for Health; and Lifeball. There will be support for local planned activity groups, cooking classes and community garden work, and awareness raising about the importance of healthy living. This funding will promote preventative health measures. We know that these measures work, which is why we are funding this fantastic local initiative to encourage people to try out a variety of healthy eating and physical activity programs.

We held the announcement at the Kyneton Toyota Aquatic Centre, in the neighbouring electorate of my good friend the member for Bendigo. This facility was built out of our government's stimulus funding. It is a facility that the community is rightly proud of. The centre hosts an eight-lane, 25-metre lap pool; a warm-water exercise pool offering hydrotherapy classes; a learn-to-swim pool; a fitness centre with state-of-the-art equipment; three squash courts and a sports stadium. With all of these wonderful features and a great group fitness timetable offering a variety of classes, there is something on offer for everyone at this brand-new facility and they invite everyone to come down and enjoy. I was impressed with the building. The new pools and the work on new tennis courts were amongst the main attractions, but so were the opportunities for the community. To better develop healthier communities through programs is something that will have a far-reaching positive impact on the residents of Kyneton and surrounding areas. While I was there I was reminding them that the coalition tell us that the stimulus funding was a waste of money and the facility should never have been built, so the offer was put to the coalition to come down. I invited them to come down and have a look and see this facility and then try to tell the community that this was a waste of money. But I am sure that it has fallen on deaf ears amongst those opposite.

I would like to take this opportunity to put pressure on the Baillieu Liberal government to stick to its election commitment. The Baillieu Liberal government promised it would provide funding of $10 million to the Kilmore and District Hospital if we did. Well, the Gillard government is
demonstrating its commitment to my local community by delivering $10 million in our federal budget. Now the Baillieu government has gone into hiding; that is to say it has not delivered, it has not mentioned nor has it committed to this funding. Our funding, the Gillard Labor government's funding, will go to the redevelopment of the theatre suite with a day procedures and recovery unit; the expansion and enhancement of the acute inpatient facility to provide expanded acute care services and to increase the number of acute beds from 30 to 60; and the construction of a new outpatient facility to deliver comprehensive integrated primary health care. Not only will this funding go to improving and strengthening our local healthcare system; it will also provide opportunities for training and development and stimulate our local economy by creating more jobs for locals. I now call on the Baillieu Liberal government and the local Liberal member to live up to their promise and deliver on its commitment of $10 million to assist in funding the expansion of the Kilmore and District Hospital so that people in Kilmore and surrounding areas can enjoy better health care in a hospital that they are fiercely supportive of and fiercely committed to.

House adjourned at 22:29

NOTICES

The following notices were given:

Ms RISHWORTH: to move:

That this House:

(1) notes the devastating impact of tobacco products on the lives of Australians, with smoking causing numerous life-threatening diseases including cardiovascular disease, lung cancer, stomach cancer, pancreatic cancer, liver cancer, cervical cancer, leukaemia and oral cancers, and that the majority of smokers regret the decision to ever start;

(2) acknowledges that there is significant evidence to suggest that creative design, branding and promotion of tobacco through its packaging:

(a) reduces the impact of graphic health warnings;

(b) increases the attractiveness and appeal of tobacco products for adolescents; and

(c) misleads consumers to believe that some tobacco products are less harmful than others;

(3) recognises that this Government is already implementing a suite of reforms aimed at reducing smoking and its harmful effects; and

(4) supports the significant measures proposed by this Government including the measure to mandate plain packaging of tobacco products from 1 July 2012.

Ms BRODTMANN: to move:

That this House:

(1) notes that:

(a) Australia had a record year in 2010 with 309 multiple organ donors;

(b) activity in 2011 shows that Australia is on track to steadily sustain this improvement with 112 donors already this year;

(c) following the injection of $151 million by the Government to establish a coordinated approach to organ donation, 242 staff have now been appointed in 77 hospitals and DonateLife agencies across Australia, thus enabling all jurisdictions to work cooperatively to support sustained improvements in organ donation;

(d) there were 931 transplants in 2010 and already there have been 327 transplants in 2011; and

(e) States and Territories are committed to supporting this reform agenda; and

(2) acknowledges:

(a) the selfless act of all donor families who have supported new life for transplant recipients;

(b) the introduction of a national protocol for donation after cardiac death that will ensure
Australia maximises the number of organ donors;
(c) that many hospitals that have not previously donated organs and tissue are now undertaking this important role as a result of the extra funding and staffing that are available;
(d) that the States and Territories reaffirmed their commitment to the reform agenda in February 2011, in particular the financing of increases in tissue typing, retrieval of organs and transplant surgery;
(e) the success of the two advertising campaigns launched in May 2010 and February 2011; and
(f) the importance of continued input of community groups and non government organisations in raising awareness among the Australian community.
House of Representatives

Monday, 30 May 2011

The DEPUTY SPEAKER (Hon. Peter Slipper) took the chair at 10:30.

CONSTITUENCY STATEMENTS

Flinders Electorate: Police Presence

Mr HUNT (Flinders) (10:30): On behalf of the people of Lang Lang, I want to refer to the risk that that wonderful town may lose—and has already partially lost—full police presence. Lang Lang has traditionally had a 24-hour police presence. However, not that long ago, due to reasons unrelated to the performance of an excellent local police officer, the officer was moved for reasons of safety. Since then Lang Lang has had partial police representation only. Against that background I have written to the Chief Commissioner of Victoria Police, Mr Overland, requesting that Lang Lang immediately be given a full 24-hour police presence. The reason for that is very simple.

The Lang Lang Community Emergency Response Team, the CERT, is a group of dedicated ambulance volunteers who act as a first response until paramedics arrive. Mr Comber of the CERT made it clear to me that, with no police presence in town, recently one evening he was confronted by a mentally disturbed woman armed with a knife. Along with other CERT members, Mr Comber was forced to try to placate the woman and defuse the situation while waiting for police to arrive. There is no criticism of police; it is simply that the distance needed to be travelled was considerable. The CERT members were at risk for between 30 and 45 minutes. That has meant that they are constrained to a significant degree in what they can do to take care of people who may suffer from mental health conditions but have a violent tendency. This situation has been backed up by Mr Comber advising of another incident in which a young man was running amok through the town, smashing shop windows, damaging the community hall, vandalising the bus stop and destroying street lighting. I am also advised that other forms of vandalism and local crime have increased.

As a consequence of this, I have written to the police commissioner. I believe that it is wrong, inappropriate and unacceptable for Lang Lang to be without a police officer on a 24-hour basis. This situation must be remedied. My approach will be to stand up for the people of Lang Lang to make sure that we have a full police presence and that the 24-hour police role that has traditionally been associated with this town is returned and that it is done as a matter of urgency. I will not rest until Lang Lang has a 24-hour police presence.

Chisholm Electorate: Lighter Footprints

Ms BURKE (Chisholm) (10:33): Today I want to get up and say congratulations and thank you to the members of the Lighter Footprints group, a climate action group that has been operating around my electorate. They are actually based in Kooyong but since late 2006 many of the members of the group have come from the Chisholm electorate. This group has come together to focus their energies on action towards pending climate change. It is not a political group. It is a group of concerned citizens who have been seeing for years that climate change is real and that, without action, we will not be able to leave to our children a society and environment in which to live.
The Lighter Footprints webpage is very good, and I commend people to look at it to get some ideas about you as a local community getting together to do something about your own environment. On their opening page, they quote George Monbiot:

The real issues are not technical or economic. The crisis we face demands a profound philosophical discussion, a reappraisal of who we are and what progress means. Debating these matters makes us neither saints nor communists; it shows only that we have understood the science.

This is a group of individuals from around Surrey Hills, Canterbury and other local areas who have come together since 2006. They meet each month and they are very active in the local community. At every community event I go to—a fete or whatever—they have a stall. They are out there in the community and they are pushing this barrow as concerned citizens. They are not pushing a political agenda; they are doing this because they want to ensure an environment for their children and grandchildren to live in. On Saturday they took part in what is now known as the 100% Renewable campaign and they organised an enormous group of volunteers, who used my office as their focal point to meet at because my office has a rather large sign. So they all said, 'Meet at Anna Burke's office'. They spent most of Saturday doorknocking to be part of the 100% Renewable energy campaign. The aim is to take the time to have more than just a cursory glance at this issue, to try to have 20,000 conversations Australia-wide about the use of renewable energies.

If you go to the 100% Renewable website, it talks about how people and communities across Australia share a vision for a 100 per cent renewable future, an Australia powered entirely by clean renewable energy. In a country like Australia, where the sun beats down every day, where the wind always blows, where there are hot rocks under the ground creating heat and where waves on our long coastlines keep rolling, renewable energy just makes sense. So they were out there doorknocking on Saturday. It was not the best day in Melbourne; sadly in winter there are not too many best days in Melbourne. It was raining and it was inclement, but they all went out—a huge group of volunteers—of their own volition to doorknock houses. They went out to talk about climate change, not with hysteria and not to talk about the political aspects, but to say that we as individuals can take action, that we can take action now and that we need to ensure we have a future for our planet.

Armenian Genocide

Mr HOCKEY (North Sydney) (10:36): The Armenian genocide is one of the least known, least understood and least respected human tragedies of the modern era. It was the systematic eradication of a particular group of people and it was a genocide by anyone's definition of the word. Well over 20 countries around the world have officially recognised the genocide; Australia is yet to become one of them. I have long stood in this parliament calling for the elected leaders of our nation to recognise these events. Along with my colleagues the member for Bradfield, who is here, and the member for Bennelong, I am determined to see this become a reality.

It is 96 years since the beginning of the Armenian genocide, on 24 April 1915, when political, religious, educational and intellectual leaders were mercilessly put to death by the authorities. But the drive to have it formally recognised is now stronger than ever. A new generation of Armenians has become determined to see all governments around the world recognise the events of 1915 and beyond for what they were—the systematic genocide of the Armenian people. The Armenian community will not give up the fight. A resolution will not
make up for the families of loved ones lost to the brutality of the events nor will it ease the terrible suffering of the Armenian people. But it will provide reassurance to the Armenian community and to good people all around the world that we recognise their pain and reaffirm our determination to ensure that genocide does not happen to any group, at any time or at any place.

Given that there are more members of the Armenian community outside the country than inside Armenia, it is only fitting that the country has a proactive strategy to engage the Armenian diaspora. Recently I met with Armenia’s Minister of Diaspora Affairs, Hranush Hakobyan, on her short visit to Australia, during which she connected with the Armenian diaspora. Along with my federal colleague the member for Bradfield, I had the pleasure of meeting the minister and discussing the action being taken in Australia to recognise the genocide.

When my good friend Gladys Berejiklian was sworn in recently as the Minister for Transport in New South Wales, she became the first member of the New South Wales parliament with Armenian heritage to become a minister. She is a former board member of the Armenian National Committee of Australia, and I know that she will continue to advocate for the Armenian cause and that she will be a wonderful advocate for the Australian Armenian community. As a nation we were brought together as immigrants, imbuing us with the values of tolerance, understanding and a fair go. It is time we recognised the facts of the past to ensure the future does not contain such deplorable acts as the Armenian genocide.

(Time expired)

Dwyer, Mr Phillip Kevin

Mr NEUMANN (Blair) (10:39): On 6 April 2011, Ipswich sadly lost Phillip Kevin Dwyer—known as Kev—a party stalwart, a loyal unionist and a strong civic leader. Kev was born on a small farm at Peak Crossing, south of Ipswich, on 5 May 1927. From these humble beginnings he went on to become an advocate for the rights of workers in the Ipswich community. During his 83 years, Kev led a varied and interesting life in which he played many roles within his family, his parish, his working life, his political life, his sport, his hobbies and his community.

Prior to entering local politics he was involved in the union movement—the AMWU. As an apprentice boilermaker he learnt that in order to improve things around the workplace he needed to get involved to make a difference. He went on to hold many positions in the AMWU: delegate convenor, state councillor and state organiser. He was always at Labour Day marches in Ipswich. He was a man of principle who impressed upon the workers the need to respect good working conditions and on more than one occasion he sent workers back who were on strike because he thought what they were doing was unreasonable. He valued the hard-won conditions of his era, including sick leave and long service leave, as privileges not to be abused or taken for granted. He said the greatest thing about working with the Metal Workers Union was helping people. It was important to him that he did the right thing by both employers and employees and he was respected for it.

Parallel to this, he joined the Australian Labor Party in the early 1950s and went on to hold several positions including branch president, campaign organiser, Labor alderman on Ipswich City Council from 1973 to 1994 and Deputy Mayor of Ipswich, where he served with his good friend the Mayor of Ipswich, Des Freeman. When asked about his membership of the
Australian Labor Party and his political activities Kev explained that it was consistent with his values because it was all about helping other people. In that era he saw such activity as the best way to achieve this. He committed his energies to working for the rights of others.

Australians are known as people who stand up for what is right, who give everyone a fair go. Kev was proud of his Irish heritage and their fighting spirit. During his life he embodied Australian traditions to the maximum with an Irish passion. Married to his longstanding wife, Clare—who supported him in all he did for Ipswich, the party and the union movement—they, along with their six children, lived at Woodend until his death. He was a devoted father, husband and grandfather. He was proud to have been educated in St Edmunds. He had a strong Catholic faith. He loved sport—cricket and rugby league—and was involved in many organisations and he coached for many years. He was a stalwart of many organisations including his beloved Ipswich United Services Bowls Club. Kev was a mentor, an example and a leader. Kev: we admired you, we respected you, we loved you. Many thanks on behalf of Ipswich.

Armenian Genocide

Mr ALEXANDER (Bennelong) (10:42): Earlier this month the people of Bennelong were appalled to learn of the vandalism of a monument located in Meadowbank Park dedicated to the victims of the Armenian genocide. The simple plaque and foundation stone memorialising the 1.5 million Armenian men, women and children massacred by the Ottoman government were smashed and removed just weeks after the annual Armenian genocide commemoration by the Ryde City Council. The same monument was vandalised two years earlier. It is reassuring to note that the Ryde City Council will be constructing a larger, stronger and more vandal-proof Armenian genocide memorial in its place.

Our nation has been built on the values of inclusion, acceptance and respect for all cultures. Such acts of ancient hatred are therefore un-Australian. Bennelong has a vibrant and active Armenian constituency who have embraced their new home while also maintaining strong links to their history and culture. For the victims who no longer have a voice and for their descendants who suffer every day, it is essential that these dark pages in the world's history are remembered. It is only when the evil possibilities of humanity are forgotten that we are then capable of allowing history to repeat itself.

During World War I almost 400 Anzac soldiers witnessed the massacre of Hellenes, Armenians and Assyrians whilst imprisoned as POWs by the Ottoman Empire. In a number of their memoirs we read of the starvation, the massacre and the suffering of the inhabitants of these lands. Twenty countries and 42 of the United States' states have recognised the Armenian genocide as a bona fide historical event. This recognition is not designed to antagonise or repudiate the modern day Turkish government as so many Western nations enjoy productive and constructive diplomatic relations with this now great nation and their secular administration. In recent correspondence to the Turkish ambassador, I wrote of my own experiences in Turkey some 40 years ago. I recalled the hospitality I received and the incredible natural beauty of the land. I wrote of the metaphor of Istanbul, straddling the Aegean and Black seas, serving as the bridge between east and west. The recognition of these atrocities is an essential pillar in the bridge between this dark past and a peaceful future of respect and coexistence. The struggle for recognition will only intensify for the Armenian community in Bennelong. Just like their local memorial stone, if knocked down they will rise

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again, with greater determination. Their ancestors would expect nothing less. As a member of this parliament, I will continue to give them the representation they deserve.

Percival, Mr Greg, OBE

Mr HAYES (Fowler—Government Whip) (10:45): With the passing of Greg Percival, Campbelltown loses one of its last genuine community builders, someone who has positively impacted on the lives of many in our region. Having lived in Campbelltown for the past 35 years, for me, three people stand out for their contributions to the area. Along with Gordon Fetterplace and John Marsden, Greg Percival played an impressive role in the realisation of a modern Campbelltown.

Greg was born in April 1925 and was the fourth generation of his family to live locally, with his grandfather establishing a butcher shop in Ingleburn in the 1880s. Locally educated, Greg served in the Navy during the Second World War, on the Fairmile class attack boats, and until his death remained an active member of the Fairmile Association. Following the war, he worked in the family butchery business. He married Diana Drew in 1951 and was blessed with three children, Virginia, Drew and Susan, all remarkable in their own right.

Not content to just live and work in the area, Greg was a person with ideas on how Campbelltown could develop from a sleepy rural centre into the city it is today. In 1956 Greg was elected as an alderman on the Campbelltown City Council, where he remained for the next 31 years. He had two terms as mayor and two terms as deputy mayor. In addition to local government, Greg served two terms in the New South Wales Legislative Council. In recognition of his outstanding service to local government and the Campbelltown community, Greg was awarded an OBE in 1976. Clearly, few had more to do with the planning and development of local infrastructure than Greg Percival. He became an institution in the area, not because of any political prominence but more for the care and commitment he gave to the community. Greg nevertheless was a man of vision as well as a thorough gentleman.

After being elected in the 2005 by-election, Greg was a regular visitor to my office. He always impressed upon me that my responsibilities were not just to represent people in the federal parliament in Canberra but to assist whenever possible in building a stronger community for local families. Greg was passionate about Campbelltown and its people. Regardless of the political differences we had, Greg being a long-time member of the Liberal Party, he and his wife Dianna befriended Bernadette and me, and for that I am truly grateful.

Few people in life we refer to as ‘special people’ and truly mean it. In Greg’s case the term is not only appropriate but justified. On behalf of Bernadette and me, and no doubt a very grateful community, I offer Diana and the whole Percival family my most sincere condolences as I reflect on the incredible contribution that Greg Percival has made to the area and how he affected the lives of so many people for the better.

Armenian Genocide

Mr FLETCHER (Bradfield) (10:48): I rise in this House to show support for the Armenian community and join with them in the solemn commemoration of the Armenian genocide. Many Armenian Australians are situated in and around my electorate of Bradfield on Sydney’s North Shore. It is estimated that there are around 50,000 Armenians living in Australia, and about 40,000 of those live in the federal electorates of Bradfield, Bennelong and North Sydney. Armenian Australians have made an enormous contribution to Australian
life and are prominent in many areas of commerce, trade and politics. I particularly note the Armenian heritage of my friend and colleague the Hon. Joe Hockey, and my friend and colleague in the New South Wales state parliament, and now the Minister for Transport, Gladys Berejiklian. I recently had the pleasure of meeting the Armenian Minister of Diaspora Affairs, Hranush Hakobyan. Australia’s multicultural society has benefited greatly from the contribution of Armenians, but their presence here was triggered by the dispersion of Armenians from their homeland in greater Armenia, which lies in the highlands surrounded Mount Ararat, where Armenians have lived for over 4,000 years. In modern times, we have witnessed the atrocity of the Armenian genocide, which began on 24 April 1915. Regrettably, the Armenian genocide has not yet been formally recognised by the Australian government, and I join with my parliamentary colleague Mr Hockey and my parliamentary colleague Mr Alexander in calling for that to happen. Between 1915 and 1923, 1.5 million Armenian men, women and children perished. It is appropriate that we pause to reflect upon this atrocity and to join with the Armenian Australian community in mourning the lost souls of families and friends.

The Armenian genocide decimated a nation, and the tragic events of 70 years ago continue to reverberate through generations and through descendants spread the world over. In the national Parliament of Australia, it is therefore important and appropriate that we take the time to mark this sad anniversary—as a nation which has offered a home to so many people of Armenian descent, as a nation whose core values are profoundly confronted by the horror of what happened in the Armenian genocide and as a nation which is a member of the community of nations committed to building a harmonious and peaceful world, unblemished by the kind of ethnic hatred of which the Armenian genocide is, sadly, one of all too many examples.

The DEPUTY SPEAKER (Hon. Peter Slipper): I thank the honourable member, and I am sure that all members would associate themselves with the sentiments expressed by the honourable members for North Sydney, Bradfield and Bennelong.

Building the Education Revolution Program

Mr RUDD (Griffith—Minister for Foreign Affairs) (10:51): It is important in this place to reflect on significant events in our local communities. The Australian government is proud of the education revolution, from early childhood education, through schools, through secondary schools, through training, technical colleges and TAFEs, through universities and through research. We are also proud of Building the Education Revolution through the single biggest school modernisation program that the country has ever seen.

In my own community in Brisbane's south side we have invested some $88 million across 124 projects to improve the quality of our schools in our local community. Coorparoo State School recently opened their $3 million performing arts centre, which the school use for their drama, their music and their particular performances by the Coorparoo kindergarten kids as well as for their Anzac Day services. Also the government has invested $2.5 million in West End State School's new multipurpose teaching and technology building, which is their main library resource centre. It is used also for hosting sporting events, for drama classes and for P&C fundraising purposes.

In December I attended the Mayfield State School's year 7 graduation at the school's new $1.1 million multipurpose hall, which is used for the whole range of school activities and
fundraising events and assemblies. Bulimba State School use their new $2.8 million hall, which is an architectural feat in itself, built on a cliff side, for school events including fetes and fundraisers. It is also where they anchor their Stephanie Alexander Kitchen Garden Program by teaching young kids at school how to cook from the kitchen garden, which is now part and parcel of their school.

In June I will open the new $3.2 million multipurpose hall and library at Morningside State School. That is actually where my kids went to school years and years and years ago. For folk down south, let me just make one point: because Queensland summers can be so intense, the tropical rainfall activity so massive and the sun so scorching, it makes it impossible for the school to get together for single events a lot of the time. Therefore, for these Queensland schools in particular to have for the first time a meeting place is a major step forward.

St Martin's Catholic Primary School recently opened their fantastic new $2.5 million multipurpose hall, named the Dominic Centre. Through these investments in the schools of Brisbane's south side, we are making a real difference. At not one of the school openings that I have been to have I encountered a word of criticism about the school modernisation program that has been undertaken or the new facilities which are there—all writ large in the smiles on the kids' faces.

**Cowper Electorate: Charity Bike Ride**

Mr HARTSUYKER (Cowper) (10:54): On 2, 3 and 4 May this year I had my annual charity bike ride. The beneficiaries of that bike ride were the Disabled Surfers Association and Macleay Vocational College. The Disabled Surfers Association does fantastic work in providing people with a disability with the opportunity to enjoy the surf in a safe and controlled way. I certainly commend the president, Sue Kleidon, and Cliff Lloyd and Leanne Lloyd for the great work that they do in providing opportunities for people who would otherwise not be able to enjoy surfing. Macleay Vocational College is a great educational institution in Kempsey which provides opportunities for young kids who might otherwise miss out on a good education. I commend Jann Eason and her staff for the hard work they do in providing those educational opportunities.

The first day of the ride commenced at Maclean and I was flagged off by Councillor Jim Simmons. We went on to Grafton, concluding at Nana Glen. The second day was from Nana Glen to Nambucca Heads and the third day was from Nambucca Heads to Kempsey. It was a very enjoyable ride and I certainly commend Mel Roach and Alan Oldroyd, who participated with me on the whole 311 kilometres. I would also like to thank the major sponsors—BCU, the local credit union; McDonald's and the local franchisee Dave Munro; and Andrew Lindsay at Coopers Surf. Without their valuable support we would not have raised anything near the almost $7,500 we did raise. I would also like to commend Valla Lions, who are a regular supporter of the ride and put on a fantastic barbecue at Urunga. I commend President Robin Parker and the Lions for the great work they did in providing a delicious lunch which gave us the energy to continue the ride.

The main purpose of this ride was to raise money for the two organisations, DSA and Macleay Vocational College. It is vitally important that we support our hardworking volunteers out in the community and our valued educational institutions who provide opportunities to people—the DSA providing opportunities in surfing and the Macleay
Vocational College providing opportunities in the education field. Both do great work and I certainly commend their work to the House.

**Jock, Mr David**

Ms KATE ELLIS (Adelaide—Minister for Employment Participation and Childcare and Minister for the Status of Women) (10:57): I rise to inform the House of the remarkable journey of David Jock, who has called the good electorate of Adelaide his home. I first came to hear of David's journey following a visit from my ministerial colleague the Hon. Brendan O'Connor MP to Baptist Care SA. Our government awarded more than $300,000 to Baptist Care SA under the Proceeds of Crime Act 2002 for their Imagine the Future project, which provides an early intervention program targeting disadvantaged and at-risk young African migrants. As a youth worker involved in this project, David is using his own experiences as a new migrant to Australia to assist other young people to adjust to life here, to help them to be aware of their choices and what support is available to them, and to encourage them to take charge and control of their future.

At the young age of nine, David's parents made the heartbreaking decision to send him away from Sudan to protect him from the incoming militia, joining thousands of others who set out for a refugee camp in nearby Ethiopia. The fall of the Ethiopian government in 1991 meant that David was forced to return to Sudan, where he was faced with human suffering and destruction. Homeless and heartbroken, David and his family had no option but to try and reach the new Kakuma refugee camp in Kenya, some 600 kilometres away. Over the course of their journey, taking some nine months, David saw many perish from the gruelling conditions, and there was the constant threat of attack. Finally arriving at Kakuma, David spent the next 11 years taking care of his two little brothers before the Australian government offered humanitarian visas to David, his brothers and his uncle. David's decision to leave Kakuma was a difficult one, but his decision to live in beautiful Adelaide was one more easily made. Having read a brochure that the South Australian capital is known as the city of churches, David thought, 'Why should I not go to the city of churches?' Since arriving in Adelaide, David is an outstanding example of the remarkable contribution that our migrant community makes each and every day. Now, through his work with Baptist Care SA, David is mentoring other young migrants to make positive contributions to their local community and ensuring that their transition to life in Australia is both supported and successful.

I take this opportunity to share this success story—one of many—and to congratulate David on his remarkable resilience and passion, and thank him for his ongoing commitment to our local community. I also want to acknowledge the work of Baptist Care SA, who are doing some truly remarkable work to support people most in need. I am proud to be part of a government that funds and supports these programs that are taking place where our community needs them most. *(Time expired)*

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! In accordance with standing order 193, the time for constituency statements has concluded.
PRIVATE MEMBERS' BUSINESS

Iraq

Debate resumed on motion by Mr Hayes:

That this House:

(1) notes that:

(a) for more than 2,000 years religious groups such as Assyrians, Mandaeans, Chaldeans, Syriacs and other Aramaic speakers have called Iraq home;

(b) in 2003, Australia was part of the 'coalition of the willing' that invaded Iraq in the belief that Iraq harboured weapons of mass destruction;

(c) since 2003 there have been horrendous acts of persecution against these religious minorities in Iraq, including murders, bombings and extortion; and

(d) the Catholic Church reports that one million Christians have fled Iraq since the 2003 invasion;

and

(2) recognises that:

(a) thousands of people are sheltering in Syria, Egypt, Jordan and the northern regions of Iraq because they feel they cannot return to their homes for fear of death and persecution;

(b) due to our part in the 'coalition of the willing', Australia has a moral responsibility to deal compassionately with these displaced people; and

(c) it will be a damming critique on humanity and the Coalition forces, who have vowed to protect the people of Iraq, if religious groups with such a significant historical link to the region are forced out at the hands of terrorists.

Mr HAYES (Fowler—Government Whip) (11:01): Today I rise to speak about an issue which is of great concern—that is, the persecution of the ethnic and religious minorities of Iraq, which has escalated since the invasion of Iraq by the coalition of the willing in 2003. Without wishing to be political about this, the point should be made at the outset that, regardless of the policy of participation in the coalition of the willing, Australia was part of the coalition and what goes with that, I believe, is responsibility. This is an issue that I have raised on a number of occasions in this chamber and also in correspondence with the minister for immigration. Unfortunately, however, this is an issue which is often sidelined in debate about Iraq and the ongoing security concerns in the region. My position is unequivocal. As a member of the coalition of the willing, Australia has a responsibility to pursue this issue and to do all it can as a good global citizen to raise awareness of the issue, in the first instance, and, more importantly, to ensure that the democratically elected government of Iraq protect all its citizens regardless of race and religion.

Regardless of one's opinion about the invasion, there is no doubt that persecution of minorities in Iraq requires compassion and a proactive response. I strongly believe those countries that participated in the 2003 coalition of the willing that invaded Iraq have a moral responsibility imperative, and that is what I want to focus on in this debate. Despite the Australian government's motives to help restore democracy in Iraq and to seize evidence of weapons of mass destruction, and despite the contest that may have been associated with that, the fact is that Australia did participate in that invasion. As a consequence, we have unleashed certain forces that hitherto were not fully understood before 2003.
There are a number of credible reports that members of ethnic and religious minorities in Iraq are subject to continuous persecution, often to the point of death, within their own country. These include various Christian groups, the indigenous Assyrians, Mandaeans—the followers of John the Baptist—Chaldean Catholics, Syriacs and the other Aramaic speakers who have all called the geographic area known as Iraq home for the last 2,000 years. They all have a unique history within Iraq but, at the moment, they are all disproportionately represented amongst those who have fled Iraq since 2003. They are also disproportionately represented in the refugee numbers in Syria, Jordan, Lebanon, Turkey and Egypt. We see the numbers are truly astounding when we look at the figures associated with those who have fled Iraq due to persecution. The US State Department says that prior to 2003 Christian leaders estimated that there were somewhere between 800,000 and 1.4 million Christians across the various indigenous Assyrian groups, such as the Chaldeans, Syriacs and Armenians. Currently, according to the American State Department, the number is somewhere around 400,000. If you look at the Sabaen-Mandaean community—the community that follows the teaching of John the Baptist—you see the number is even more stark, with the current community numbering around 3,500—down from 60,000 in 2003.

It is clear that there is real persecution and a real ongoing fear of persecution for those minority groups in Iraq. It is not limited to religion or is it a black-and-white case of something that has been experienced by any particular groups. It transcends religion and includes groups such as, as I say, the indigenous Assyrians, whose rights must be protected in any resolution of contemporary Iraq.

While the Iraqi constitution protects freedom of association and freedom of religion, there is one hell of a gap between those statute rights and the real situation on the ground with these minorities being persecuted and those responsible for the persecution not being held to account. The reports, such as those released by the UNHCR, the Assyrian International News Agency, Amnesty International and the Minority Rights Group International, all point the finger that this persecution is happening and, quite frankly, that not enough resources have been committed to addressing these concerns.

The Catholic Church, for instance, has estimated that this issue has seen over one million Christians flee Iraq since 2003. A secondary issue to all of that in this debate is the plight of refugees and the role that we in Australia have in assisting those persecuted to come to this country to make a new start. As I said at the outset, having participated in the coalition of the willing, for whatever reason, what goes with that participation is responsibility.

There are many people in my electorate of Fowler who come from these persecuted minorities and, as all participating in the debate probably know as well, they know what a first-rate contribution they have made as citizens of this country. They have embraced Australia as their new home and I have greatly enjoyed getting to know them and their communities better. On their behalf, I have written previously—as the member for Werriwa and now the member for Fowler—to the then Minister for Immigration and Citizenship, Senator Chris Evans, and to the current minister. I believe we must do more to assist those who are fleeing persecution in Iraq. This is our moral responsibility and, while so far very few visas have been granted to refugees fleeing persecution and currently sheltering in Syria, Jordan, Turkey, Egypt and other places, it is my strong hope that this will change as we do more in this space.
As I mentioned previously, I have forged a strong relationship with community leaders and I thank them for their continuous support and advocacy for their communities. In particular, I thank Mar Meelis Zaia, the Archbishop of the Assyrian Church of the East of the diocese of Australia, New Zealand and Lebanon, for his continuous advocacy and leadership on this issue. I would also like to thank and commend the work of Hermiz Shahen of the Assyrian Universal Alliance and Mr Amad Mtashar, who represents a significant proportion of the Mandaean population, which is also represented by me and the member for Werriwa.

In the limited time I have left, I would also like to draw attention to the provinces of northern Iraq, in the area of Kurdistan. Many indigenous Assyrians and Christian minority groups have sought sanctuary in those provinces. It is one thing to have a degree of sanctuary shown to them there, but without resources such as schools, hospitals and also the opportunity of having a future, it is one step away from the persecution from which they fled in other areas of Iraq. If we are going to be serious about a refugee or a visa solution to all of the issues here, we do need to make a renewed commitment with financial as well as other resources to Iraq with a view to reducing this persecution and doing something just for the people of Iraq. (Time expired)

Mr RUDDOCK (Berowra) (11:11): Can I thank the member for Fowler for raising the matter of religious minorities in Iraq. I have over a long period of time associated myself with Sabean Mandaeans, Assyrians, Chaldeans and the Aramaic speakers generally, not because they are in my electorate but because they do have a very significant place in our community in Sydney. I had the opportunity of visiting many refugees in Jordan and Syria and I had the great privilege of being able to provide places within our refugee and special humanitarian program for people in need of resettlement in Australia who had fled Iraq.

Let me just make a couple of points about this debate, because I do not think it should be taken out of context. In my discussions with people in the region, particularly from the Middle East Council of Churches, I found a very real awareness of the plight that Christians have been suffering. But the council also made the point very strongly that we would not want to preside over essentially Christians being driven out of the Middle East generally. This has very real repercussions not just for Iraq but also for Syria, where many of the Eastern churches have their patriarchs and where some of these issues are arising now. The same issues arise in Egypt, where 10 per cent of the population, almost 10 million as I understand it, are Egyptian Coptic Christians. And so it is important, I think, to see these matters in the broader perspective. This is not about seeing Christians driven from the Middle East; it is about accommodating those who have had need to flee.

It is also important to understand that this is not a new issue. Christians were fleeing Saddam Hussein. Many of the people I met were people who had fled long before 2003. I do not wish to make an issue of it, but to suggest that our part in dealing with this issue is predicated only on having been part of the 'coalition of the willing' that got rid of Saddam Hussein would, I think, be hanging it on the wrong peg. Equally I would make the point that many of us who were involved in some of the decision making had a much wider perspective than just issues of weapons of mass destruction being potentially harboured by Saddam Hussein. I have to say from my own point of view, as one who participated in some of those decisions at an earlier point in time, it was the horrific gassing of his own population that had a far greater impact upon me. It was his lack of humanity for his own population that was a
very real and substantial concern. But I do not make a debate about that. I simply want to be
associated with a resolution that makes it clear that for more than 2,000 years religious groups
have called Iraq their home, and they are fine people who are entitled to be able to exercise
their choice to practice their religion as they see fit. Such provision is made in the Iraqi
Constiution today but the concern as you go through and look at events that have occurred
even in 2009 and 2010 is that many attacks do occur. I have got a schedule of incidents of
violence that have been perpetrated against Christians, against Sabean Mandaeans, where
people have been bombed, where they have been killed. Obviously it is those acts of
terrorism, which may not be directed against them because of their religion but are directed
against them, certainly not by the state, that can often bring people to a point where they flee.

I think it is very important to know that the Assyrians and the Chaldeans and the Syriac
people are descendants of the ancient Assyrian nation that occupied much of modern-day
Iraq. They trace their roots back to more than history as we understand it. I think we have
been enriched by having those people settle in Australia and able to talk with us about so
much of their history and the importance of it. The Sabean Mandaeans I find particularly
interesting. We all know of John the Baptist but we do not realise often that there are specific
people who identify around him and who claim descent from his teachings. They are
monotheistic, they are identified with the Sabean religion and are believed to have developed
out of the mainstream Sabean religious community. The Mandaeans have applied the term
Sabean Mandaeans to themselves and they have become known by Muslims under this term.
There are estimates that something of the order of 60,000 and 70,000 Sabean Mandaeans are
around the world and still adherents to that religion. So I think it is very appropriate that today
we have an opportunity to note the importance of these religions, to note that Australia can
play a part where people have been subjected to horrendous acts of persecution. We know that
they have been bombed, we know they have been murdered and we know that there is
extortion.

Relevant to the numbers of people involved, I heard the honourable member speak of that
and I noted that the Americans, because there are no census data available, have suggested
that prior to the 2003 period Christians estimated their numbers of followers to be between
800,000 and 1.4 million. Currently they suggest it ranges between 400,000 and 600,000.
These are very significant numbers. They may not be necessarily the one million that the
member refers to I think in his motion or in his own discussion of this issue, but nevertheless
they are very significant indeed. It is the case that it is highly unlikely that all of those people
are going to be able to be resettled. Many of them have fled into other parts of the Middle
East. While I would like to see them comprising a very significant proportion of our
continuing resettlement program, I have to say that the special humanitarian program which
many identify with and want to sponsor their own relatives is under enormous stress because
of the unauthorised boat arrivals, and that is leading to many people being extremely
disappointed that there are not places for them within the special humanitarian program. I
think this reinforces the view that I hold very strongly that managing our borders is of
particular importance because it enables us to focus on those people who need help most and
to do so in an objective way. It is the case that many Christians, many Sabean Mandaeans, are
sheltering in Syria, in Jordan and in other parts of the Middle East and they believe they
cannot safely return home. I think it is important that Australia continues to play a role in
ensuring that resettlement options are available for them. As I mentioned in the initial stage of
my remarks, it was a great privilege to have an opportunity to see the circumstances in which many of these people were living in Damascus and in Amman. It was a great privilege to be able to play a part in ensuring that many were resettled here in Australia under our refugee and humanitarian program.

As has been noted by the member for Fowler, those who have come and made Australia their home have made a very significant contribution to this nation and will continue to do so positively. I think we are enriched when we are able to focus on our own religion and to understand its many roots and the different elements of our heritage—whether it be Catholic, orthodox or even Protestant—in places like Iraq and Syria. I commend the member for raising the matter and I hope Australia can continue to play a positive role in dealing with the problems that religious minorities are facing, not only in Iraq but in the Middle East generally.

Mr LAURIE FERGUSON (Werriwa) (11:21): I am pleased to join the two previous speakers, who have long-term credibility in association with Middle Eastern Christians and their causes. There is one group who are not included in the motion because they have no constituents in this country to advocate for them. They are quite small. They are the Yazidis, who are misdescribed often as devil worshippers. In the last two years, they have suffered a particularly horrific attack, when Islamic fundamentalists sent a truckload of explosives into one of their small villages and murdered hundreds of people.

I do not want to enter into the debate between the two previous speakers about the connection between the Western intervention in Iraq and the persecution of Christians; I do, however, note that the former Bishop of Parramatta, Kevin Manning, in his strenuous opposition to the war, placed a very heavy emphasis on what he predicted to be its outcome for Christians. That was because of his close association with the Catholic Bishop of Baghdad. There were very early predictions that, because of the association of Christianity with the Western world, there would be very counterproductive outcomes for them. That is not to say by itself the intervention was right or wrong, but it is certainly a factor in what has occurred.

There is no doubt that we have witnessed a significant long-term assault on the Christian minority in Iraq. It has been characterised by the kidnapping of bishops and at least 12 priests and by car bomb attacks on churches. In November of last year there was a physical siege of a major church, leading to the murder of 52 people. I noticed a report by Serena Chaudhry in Reuters in the last month or so, during Easter, which talked about a person, Raad, who had lost 30 personal friends in that murder of 52 people.

I agree with the member for Berowra on one point—that it would be an unfortunate outcome if we spent all of our energy on facilitating the departure of Christians from the Middle East. Obviously the genesis of Christianity is in that region, there are many historical ties to the Middle East and there are various important religious centres there. I read a book in the last year or so about the experience of a Baghdad Jewish family who had an internal debate in their family about whether they should go to Israel in the early years of its establishment and the way in which various Zionist organisations paid Jews to leave Baghdad at that stage to build up Israel. It was a heart-wrenching decision for members of that family. Some of them stayed in Baghdad because of thousands of years of connection with the city...
and only left later when persecution occurred and they became the victims of internal political struggles in Iraq, whereas others left earlier.

I do not think the aim should be that we put everyone on planes and send them to America and Australia, but there is no doubt that significant numbers of Christians have fled the region and should become a major consideration of countries with regard to their refugee intake. There is quite a bit of debate about the figures. Austen Ivereigh, in October 2010, talked about there only being 800,000 Christians in the early 1990s. Other figures are in the area of 1.15 million, going down to 850,000 in recent years. The member for Fowler has cited other figures from the US Department of State. But what is very fundamental is that a very large number—of the order of hundreds of thousands—of Christians are fleeing to Jordan and Syria in particular.

I want to say in passing that another threat they face is right on the horizon today and that is the question of what occurs in Syria. No-one would defend the Assad regime; no-one would stand by its attack on Homs in the 1990s or the current shooting down of demonstrators. But in this week's New York Review of Books, Melise Ruthven makes this point:

While its massacre in Hama was horrendous and it has an abysmal record on human rights, engaging in torture and severe political repression, it—

that is, the Syrian government—

had a good, even excellent one when it came to protecting the pluralism of the religious culture that is one of Syria's most enduring and attractive qualities. Some of these virtues are captured in Brooke Allen's engaging account of her travels in Syria, The Other Side of the Mirror, where she meets ordinary people from different backgrounds and rejoices in the natural friendliness of Syria's people and the extraordinary richness of its past. Instead of the Soviet-style grayness she expected to find from accounts in the US media, she discovers a sophisticated cosmopolitan society where life is being lived in many different styles and varieties.

The author of the book review goes on to say:

Visiting several mosques, churches, and shrines, she provides impressive testimony of the country's religious diversity and the regime's commitment to religious freedom. It would be tragic if the pursuit of democracy led to the shredding of this bright human canopy, where religious and cultural differences seem to have flourished under the iron grip of a minority sectarian regime.

The reality is that we might not have much time for the Assad regime—we know that it is Alawite self-interest which preserves this pluralism—but one of the realities that Christians in the Middle East understand is that, whatever we say about their lack of democracy and the suppression of human rights, we have a serious problem now with what is going to happen to Christians in Syria, including the significant number of Iraqi Christians who have fled there. I had a discussion with former Minister for Foreign Affairs Downer recently and he was making the same point. As I say, it is a very complex picture.

I would hope that many Muslims would join Shaikh Shuja, the Chairman of the British Muslim Council, who, in the attacks of November last year stated:

For more than 1,000 years Christians, Jews and Muslims have lived in peace and harmony as good neighbours, and we have no doubt that they will continue to do so. The present suffering of Christians is a part of the tragic political situation suffered by all the people of Iraq. The Christians in Iraq are a part of Iraq. The majority of the Christians are not likely to leave Iraq and, if they do so, those who are left there are likely to be more vulnerable …
It is important that the Muslims in Iraq and the world over should come forward to express their condemnation of persecution of the Christian minority and to give whatever spiritual, material and practical help they can.

This important statement by, as I say, British Muslims shows that they appreciate just how dire have been the circumstances of Christians in recent years. This is, as the member for Fowler has indicated, a matter of great significance to significant numbers of Christians who have entered Australia and who tend to reside in the member for Fowler's electorate, my electorate and other parts of the Liverpool region.

They have been assiduous in lobbying members of parliament to make sure that there is an understanding of the continuing plight their people suffer in the region and to make sure that, when we consider the size of our refugee intake and where we take people from, this continues to be a significant factor. As both members have indicated, they have proven to be a very good group of citizens. They are highly concentrated in areas such as jewellery and IT. They are essentially—more, perhaps, in the case of the Mandaeans than the other groups—very Western oriented. If you went to their events, you would see the way in which they have integrated very fully, not only to the employment opportunities in this country but to the actual culture. One of the things that particularly impresses me about the Mandaeans, amongst all the other groups, is that they have been outward going. They have made sure that they have associated themselves with Australian NGOs and with community groups outside their own community. They have not been insular; they have not been separate—they have sought to come into the mainstream of this nation.

As I say, I fully associate myself with the two previous speakers in raising an important matter. In a world that has many similar human rights issues where large numbers of people flee from persecution, it is important, given Australian involvement. We are not saying for one moment that it is necessarily the be-all of association. It is a complex situation. There are Islamist fundamentalists, Salafis, who would have murdered Christians at the drop of a hat. It did not necessarily require Western intervention. But we did have it, it is an ingredient, and we should make sure that we continue to focus on this area, to press government and to press departments to make sure that this group remains in our minds with regard to the refugee humanitarian intake.

Mr SIMPKINS (Cowan) (11:30): When I became aware of this motion this morning, I chose to take up the opportunity to speak, not because there were a great number or because I have been contacted by members of these persecuted groups but because I have often spoken in this place of the need for religious freedom in the world. Particularly in the region of the Middle East, we see that there are problems. In Iran, we see the problems for the Baha’is. In Egypt, we see the problem for the Copts. For those reasons I am particularly keen to speak on this motion and reiterate the messages of previous speakers.

When we look at what is happening in the Middle East now, we can see that there are times of great hope ahead. With what happened in Egypt, to a degree, and what has happened in Libya, the mood is for change and the mood is for democracy. We should be very encouraged by that. Unfortunately, things have not worked out quite the way that a lot of these religious groups had hoped they would. I know that for the Coptic people in my electorate of Cowan the hopes they had for Egypt are unravelling fast.
Indeed, when we look at Iraq, the hopes of religious minorities in that country also have not been fulfilled. What we want for Iraq is a strong democracy, pluralism and opportunities for all forms of religion to have the freedom that they desire so that their followers can live in peace and can raise their children in peace and adherence to their faith. But that is not the case. It has always been difficult in the last thousand years or so for Christians in the Middle East, and it certainly does not appear to be becoming any easier in Iraq.

We see that there are certain groups, whether they are al-Qaeda or other extremist Islamic groups, which tend to look at minorities as an opportunity to blame, to persecute, to further their political considerations and to further their political case for power. When you look at Iraq, at the need for constitutional change and the need for the democracy to really strengthen and lock in the rights of religious minorities, there is still a distance to go with regard to these matters. There are laws, of course, that say you have freedom to practise your religion, but unfortunately there is also a lack of will on many occasions. Crimes go on against these groups—churches are blown up; people are attacked with bombs or are shot—and the state of investigation is highly disappointing. It is a major problem in places like Iraq and it is a major problem in the region. But it is not right for us to immediately opt for the safe haven. As has been said by people who have some of these particular groups within their electorate, they have come to Australia and have flourished, and long may it be the case that we have the opportunities for people to come here and carry on practising their religious freedom.

We should be looking at some of these countries to try to work with them to strengthen their democracy and help them to move towards a time when not only can they have a constitution that guarantees religious freedom but also there is a willingness and a determination by all agencies of government—defence and police—to comply with the needs of minorities. That is what we should be working towards and what we must do. I agree that all of the groups mentioned have added great value. They have integrated well into our society and enjoy the freedom that we have. Within the constraints of the humanitarian program we should be looking for further opportunities whereby such people can be given the chance to come to Australia and flourish. Admittedly, the humanitarian program is under some stress at the moment, and I do not wish to go there in this debate, but I think that when there are further opportunities to reconfigure the humanitarian program we should look to make contact post 2003 and allow these groups of people into the country.

There is a fair bit in the motion about what has changed in Iraq since 2003. It is clear that a lot of work needed to be done post 2003. I have already alluded to and spoken about some of that. At the same time, no-one could ever say that Saddam Hussein was any form of positive influence on religious freedom or the freedom of minority groups. Irrespective of why the second war in Iraq took place, we should have the confidence to say that the removal of Saddam Hussein was overwhelmingly positive for Iraq. There will always be challenges, because into the environment that followed his removal and the fall of his regime, came those who sought to take political advantage. The long enmity that has existed between Iran and Iraq and the influence of al-Qaeda and those who are against some of the religious elements within Iraq have created opportunities post Saddam Hussein for havoc, death and destruction.

There is hope for the future in Iraq. We should focus on trying to work with that country to encourage it and the instrumentalities of its government to make the most of the new
democracy—the new period—and be very determined to develop the right laws and implement those laws to ensure that minority groups are protected.

I conclude by saying that I support the inclusion of Christians within the humanitarian program, particularly those from Iraq who are a good and positive influence—the Medes and the Chaldeans. I also support the words of the motion that more needs to be done in Iraq. I also pray for the Christians who have long been persecuted not only in Iraq but within this whole region, and I include here my good friends from the Coptic Orthodox Church who have been so badly persecuted in Egypt.

The DEPUTY SPEAKER (Mr Murphy): Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Defence Properties

Debate resumed on motion by Mrs Griggs:

That this House:

(1) notes:

(a) that Darwin is currently experiencing the worst housing crisis since Cyclone Tracy, and the Minister for Defence Science and Personnel, the Member for Lingiari, supports the plans to demolish or remove the houses in Eaton; and

(b) the significant adverse impact the demolition or removal of 396 defence houses at Eaton will have on the local community, local school and local businesses; and

(2) calls on the Government to:

(a) excise the Darwin suburb of Eaton from RAAF Base Darwin;

(b) hand over the 396 houses managed by the Department of Defence in the Darwin suburb of Eaton, to the Defence Housing Authority (DHA); and

(c) direct DHA as a matter of priority, to develop and implement a business plan that would determine the percentage of the 396 houses in Eaton that could be made available for lease or sale to the local community in order to help address the critical housing shortage.

Mrs GRIGGS (Solomon) (11:40): The purpose of my private member's motion is threefold. Firstly, it notes that Darwin, and indeed the Northern Territory, is currently experiencing the worst housing crisis since Cyclone Tracy and that the Minister for Defence Science and Personnel, the member for Lingiari, supports the plans to demolish or remove 396 houses at Eaton—or as the locals know it, RAAF Base Winnellie. Secondly, it notes the significant adverse impact the demolition or removal of these houses will have on the local community, the local school and the local businesses. Thirdly, it calls on the Gillard Labor government to take action by excising the Darwin suburb of Eaton from RAAF Base Darwin; handing over the 396 houses currently managed by the Department of Defence in Eaton to Defence Housing Australia; and, as a matter of priority, directing DHA to develop and implement a business plan that would determine the percentage of the 396 houses in Eaton that could be made available for lease or on-sale to the local community in order to help address the critical housing shortage.

It is well over 12 months since I first publicly raised this issue in an attempt to stop the lunacy of this Labor government demolishing 396 perfectly good houses at RAAF Base Darwin. I promised Territorians that if I were elected I would continue to fight to make these
houses available to Territorians. True to my word, I raised this issue the first day I came to this place, and I have raised it at every opportunity I have had in this place. Territorians cannot understand why this Labor government insists on having these houses sitting there vacant, especially when people are sleeping in cars or on the streets because of the housing crisis. Everyone knows that the Northern Territory is one of the most expensive places to live in Australia. Territorians tell me every day that they feel like this government has comprehensively failed to address the cost-of-living pressures on Australians, particularly Territorians.

I asked Minister Snowdon, a fellow Territorian, a number of times on behalf of the people of Solomon to make these 396 houses available for Territorians. I pleaded with him not to leave them vacant. We all know how houses that are left vacant deteriorate, and that is exactly what is happening right now. These houses are slowly rotting away. It is a complete waste of taxpayer funded resources. No-one likes to see waste, especially such a blatant example of waste. Territorians are outraged. They see with the eye of common sense but fail to understand why this issue remains unresolved and why these houses continue to sit vacant. I have been talking to some of my colleagues in this place and they also cannot understand why these houses are sitting vacant, and they have indicated their support for my motion.

During the 2010 election campaign, Territorians were told by this Labor government that the houses were to be demolished or removed because the Joint Strike Fighters were to be based at RAAF Winnellie and that the noise from these planes would have an adverse effect on the RAAF houses and that, supposedly, the noise would not impact the industrial area or the private houses right next door. How does that work? Embarrassingly for this government, the Department of Defence came out and corrected the record. The JSFs were not going to be housed at RAAF Winnellie at all; therefore, the noise from the planes was irrelevant. Defence further corrected the record by stating that their 396 houses do not meet the new Defence Housing standards and that this was one of the factors the houses were recommended for removal or demolition. This is what Territorians are so upset about. The new Defence Housing standards will not be implemented until 2016—five years away. Although these houses do not meet future defence housing standards, many Territorians would love the opportunity to live in or own one of these houses. They do not want them sitting there vacant. It is important to use these houses, and that is what I have said from day one: let's use these houses. This government, by keeping these houses vacant, continues to send a message to Territorians that this government stands for waste and mismanagement. One of the excuses I was given was that Defence personnel want to live in southern style houses. How practical is that in the tropics? I understand that Defence Housing Australia is now building tropical style houses. If we give these houses to DHA they are going to have 396 tropically designed houses already in their stock. DHA has experience in successfully building communities that integrate both Defence and civilian families. Why should Eaton be any different? (Time expired)

Mr LAURIE FERGUSON (Werriwa) (11:45): An interesting story, but I think the situation is a little bit more complex. At the outset we should note the importance of Defence to the Northern Territory. A recent estimate was that $800 million a year of gross state product in the Northern Territory stems from the defence department presence. I think we have to be cognisant that at any one time it is important they have a degree of latitude in
thinking the way forward with regard to their presence. Whilst the previous speaker had a throwaway line conceding that there had been some construction by the current government of housing up there, it is perhaps more noteworthy that 185 of those houses for defence personnel come under the government's nation-building economic stimulus program—a policy thrust that was opposed by the opposition. So we should remember that when they lament the sad state of housing, which of course is pronounced there. There is obviously a high demand in the Northern Territory because of other aspects of their economy. We know that around the world and in Australia there has been a drying-up of finance by the banking system to the building sector and there are problems. But before we start getting too excited about the problems there, we should perhaps concede that the current government has been extremely active with regard to public housing, social housing, opposed by the opposition again in New South Wales.

It is not as though the defence department is sitting on its hands doing nothing. There has been construction of 381 houses in Darwin, including 338 in the new suburb of Lyons, and there is further construction occurring. It is also important to note that defence personnel have been voting with their feet with regard to the use of this housing. Despite the offer of it, people just will not take it. One has to question how suitable it might be for other people, no matter how lamentable the housing shortage is. In actual fact it is offered to defence personnel and currently 50 per cent of the houses at RAAF Darwin are vacant, for a number of reasons. Some are vacant due to the posting cycle; others are due to routine repair requirements and, more particularly, major upgrades and repairs and the reality that demolition is the only option for some of that housing.

The minister has not been inactive. He has sought an answer from the Department of Defence as to what the long-term aims are. Minister Snowdon has noted that there is an expectation that the government will be able to provide more information about the outcomes of this review quite shortly. It is not a matter of just handing over what has been regarded by the defence personnel themselves—not by the minister, not by major authorities in the defence forces but individual soldiers themselves—as inadequate housing. I really question whether housing of that sort is really the solution to the shortages in the Northern Territory. It is defence land and defence might have other options for the land. It might sound like a very nice idea, a bit of sloganeering, a bit of political self-interest to demand that it be turned over for public housing, but its location and the long-term requirements of the defence department itself should be a major consideration here. It might be required to be used for different purposes. I also understand that some of it has been offered at various stages to the Northern Territory government and the Department of Families, Health, Community Services and Indigenous Affairs and, surprisingly, they have expressed a very strong lack of interest in taking responsibility for this land. I would think that, given the fact that the minister has indicated that he will be making a response to the review in the near future, given the fact that much of this housing has been found to be unsatisfactory by defence personnel, given the paramount requirement that defence's long-term considerations are part of the decision making there, this motion is inappropriate.

Mr ROBERT (Fadden) (11:50): When it comes to defence housing, as at 31 October last year, the DHA owned or had a lease for 15,770 houses. By virtue of history, and anachronistically, defence still owned 2,383 houses. The vast majority of those were then
managed by DHA. Of those 2,383 houses owned by defence, 678 are at Alice Springs. Defence owns them and DHA manages them. We all know that defence does not do well in managing housing. DHA is set up as a statutory authority and is the professional housing manager. It manages over 15,500 houses. The question has to be asked: why is defence continuing to hold on to 2,383 houses? I can see why the government is hesitant to hand them over, especially with 81 of them at Inverbrackie being turned into an asylum seeker detention facility due to the lack of accommodation because of the government's botched attempt to try to stop the boats. Indeed, all it has done is seen over 250 boats and over 12,000 people come to our shores seeking asylum.

I can see why the government are super keen to retain defence housing under the Department of Defence rather than under DHA—not to assist defence members per se but perhaps to build on what they have done at Inverbrackie. This motion, moved by the member for Solomon, quite rightly calls on the professional housing manager, DHA, which has over 15,500 houses under its management, to control and own all of the stock, which includes the 2,383 houses that defence currently has. This will require those 678 houses in Darwin to be handed over to DHA. This motion raises particular concern with respect to the 396 houses at Eaton. Defence conducted a strategic review into all of its property in Darwin in 2009, and Minister Warren Snowdon, in a press release, concluded:

... that there is a continuing strategic need to retain the housing land at RAAF Base Darwin to accommodate future Defence capability and contingency needs.

That may well be the case, although the report was due to be released in early 2011 and it has not been, so it is very hard for the community to work out what this Labor government is doing. It promised to release a report and, surprise, surprise, it has not released it.

As of June last year, of those 396 houses at Eaton, 102 were empty. Presumably, the number is now higher. Currently, Territorians are experiencing a house vacancy rate of four per cent. The median house price in inner Darwin is $760,000. The median rental price for a three-bedroom house is $526. Territorians are living on the street, living in cars because this government will not listen to the local representative, the member for Solomon, who is pleading for these empty houses—over 100 of them—which have now been empty for over 12 months, to be made available to local Territorians. This government talks of social justice as if it knows something about it but, when the single greatest opportunity is here for it to demonstrate justice and love for a community, it is found desperately wanting.

The member for Solomon has stood here on numerous occasions in this place and pleaded with this stone-hearted, cold government, saying, 'Over 100 houses are available; please help Territorians.' That is what a good local member does: she stands up for her community for what is right and what is just, as opposed to this government which does not heed the calls of the local Territorians so her pleas fall on deaf ears.

Eaton is 3½ kilometres from the city, and the nearest primary school, at Ludmilla, is 400 metres away. This housing area of Eaton feeds a lot of children into that primary school, and, for that primary school to continue to be vibrant and viable, Eaton housing is an important component. It is important to support the local Winnellie business owners and to rebuild a vibrant inner-city community. The golf course is also part of the area around there, as is the childcare centre. The bottom line is that there are over 100 houses empty, built in a style that is particular to Darwin and a style that I note the DHA is spearheading at the Muirhead...
development. They are using the same style—the style of houses at Eaton. The defence personnel want to use Eaton because it is close to the base. With over 100 houses available that DHA is able to either sell and rent back from the community or lease to the community, the member for Solomon quite rightly calls on the government, as a responsible member does, to provide options for this housing to the community. I support the member for Solomon for her work.

Mr RIPOLL (Oxley) (11:55): I completely disagree with this motion. I think that the contributions from the member for Solomon and the member for Fadden have nothing to do with defence housing, with people living on the street or with the housing crisis in the Northern Territory. They are nothing more than cheap politics. The reality is that there is a housing crisis in the Northern Territory, but what is being proposed in this private member's motion does absolutely nothing to address that, nor does it do anything to address the concerns of military personnel. Unlike both those members, over the past decade and more I have spent some time working in this area with the Defence Housing Authority and in particular in the Northern Territory. One thing that we learned when we went through a whole range of defence housing homes is that defence personnel vote with their feet. They make the decisions, and they ought to get the same standard as is expected right across the community, not substandard housing.

The reality is that there are a number of issues with the houses in Darwin, particularly those that are on the base, not least the security of the base in terms of how they are managed and developed. The Defence Housing Authority has already moved a number of the homes that are capable of being moved off site. That is already being done. There are a number of solutions. Those that can be done are being done. Currently about 50 per cent of the houses at RAAF Base Darwin are vacant, but they are vacant for several reasons. Some are in the posting cycle, so they are going to be vacant. Others are scheduled for routine repairs, major repairs, upgrades or demolition, and the ageing condition of many of the properties makes them uneconomical to repair or otherwise to upgrade. It should also be noted that other vacant housing is available for selection by ADF personnel, and they choose houses of a high standard or high quality, which they ought to have.

A lot of work has been done by the Public Works Committee to make sure of funding and a lot of work has been done by members of this House on both sides to make sure that ADF personnel are properly looked after and given the sort of standard in housing that is expected right across the community. In fact, we have already moved a number of houses from Larrakeyah, with 61 houses being moved off site and saved from demolition. Where it can be done it will be done, but it needs to be done in an economical manner and in a manner that meets community and building standards and housing standards. Defence has also approached the Northern Territory government and the Department of Families, Housing, Community Services and Indigenous Affairs to determine their interest—whether they would be prepared to take some of this up—but unfortunately both organisations have advised that at this stage they are not interested in acquiring the houses. Perhaps the members for Solomon and Fadden could do some more work in that area. Leasing any of these houses to the public would also require an increase in defence personnel and resources to manage the required agreements when they were moved off site.

Mr Robert interjecting—
Mr RIPOLL: Perhaps the member for Fadden would like to work for DHA. He would probably do a better job than the whole department would, because he certainly feels that he is better placed, having lived in one of the houses.

The government also has a plan for housing in Darwin. We expect to make announcements soon about RAAF Base Darwin houses, as we have done for a lot of years to ensure that defence personnel, whether they are based in Darwin, in the Northern Territory, or based in Tasmania, in Sydney or in RAAF Base Amberley, in Queensland, just in my backyard—wherever they are—get a better or equal community standard of housing, housing that you would expect for any other family in the community.

I do not see why there should be an argument on the other side to give them substandard housing, to force them into empty houses which they clearly do not want to occupy. I find that quite offensive. I think Defence Force personnel should have those options, and they certainly do under this government. It has been long held, regardless of who was in government, that we all work to the benefit of Defence Force personnel to make sure that the standard of the houses they live in is not that of houses of 20 years ago. They are modern, decent homes that are built to a community standard which is currently acceptable. When you read through the private member's motion from the member for Solomon—and I understand that she is a new member of the House—the reality of the motion does not do anything for either Defence Force personnel—

Opposition members interjecting—

Mr RIPOLL: I can just tell by the catcalling and all of the other insults that are coming from the other side that they are very defensive. They got their opportunity to speak on this and put their view, and I am putting my view. My view is that we ought to look after Defence Force personnel, not force them into substandard housing. All this motion is about is cheap politics.

The DEPUTY SPEAKER (Mr Murphy): The time allotted for the debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Greater Western Sydney Conservation Corridor

Debate resumed on motion by Mrs Markus:

That this House:

(1) notes that in the 2010 Federal Election, the Coalition, Australian Labor Party and Australian Greens committed to establishing the Greater Western Sydney Corridor but the Australian Government has failed to act to protect Cumberland Plain Woodland and endangered flora and fauna species; and

(2) calls on the Australian Government to implement the Coalition's policy to protect Western Sydney's Cumberland Plain Woodland and endangered flora and fauna species, and:

(a) establish the Greater Western Sydney Conservation Corridor linking nature reserves and identified priority lands within the Greater Western Sydney Region, as an environmental legacy for future generations;

(b) establish a joint State-Federal Consultative Committee to consider information with regard to the establishment of the Greater Western Sydney Conservation Corridor;
(c) consult and work with the NSW Government on strategies to acquire identified 'priority conservation sites' for the Conservation Corridor, utilising funds held within the NSW Growth Centres Conservation Fund for that purpose;

(d) identify private land that links areas of the proposed Corridor and work towards a mutually beneficial outcome with private land holders; and

(e) consult with the NSW Government on the feasibility of a comprehensive audit of the Greater Western Sydney bushland region to identify conservation values that will include listings of threatened and or endangered species.

Mrs MARKUS (Macquarie) (12:00): It is with great pleasure that I speak to my motion to establish the Greater Western Sydney Conservation Corridor. The corridor seeks to link a series of nature reserves with priority conservation sites and private and public land to establish a continuous conservation corridor for the protection of Western Sydney endangered flora and fauna species. It will also deliver an environmental legacy for future generations in Sydney's Greater West. The creation of the corridor will see a continuous linkage of large bushland remnants from Mulgoa Nature Reserve to Shane's Park, to Windsor Downs Nature Reserve, to Agnes Banks Nature Reserve and back to Mulgoa. The ideal outcome is a corridor over 30 kilometres in length and 10,000 hectares in size.

With an estimated 500,000 new residents forecast for south-western, western and north-western Sydney over the next 15 to 20 years, the needs for green space and natural bushland and the opportunity to save Western Sydney's unique ecological communities and to enjoy some quality of life are more important than ever. There are many challenges ahead to achieve this and I believe it can be achieved if we work together. The establishment of the corridor was an election commitment of all major parties, with the coalition pledge of $15 million being described by a key local environmental group as 'the greatest commitment of all of the parties'. Had the coalition been elected, the corridor would be well advanced towards becoming a reality. I note that since the election there has been silence from Labor and Green candidates on the issue. The coalition, on the other hand, is taking action to help the environment and the people of Western Sydney.

The motion addresses a number of key strategies—establishing a joint state-federal consultative committee to guide the way forward; consultation with the new New South Wales government on the feasibility of a comprehensive audit to identify conservation values for threatened and endangered Cumberland Plain woodlands vegetation and animal species and on strategies to acquire identified priority conservation sites and private land essential to the viability of the corridor; and of course the establishment of the corridor. I am committed to working with my state and federal colleagues to save some of the last remaining stands of Cumberland Plain woodland and the unique and diverse fauna of Western Sydney in a lasting environmental legacy for future generations.

As the member for Macquarie, an electorate that incorporates the Blue Mountains and the Hawkesbury, I am honoured to have stewardship over some of this nation's most beautiful and uniquely diverse natural environments. Stewardship is the careful and responsible management of the environment for future generations, which includes taking action to protect, minimise, mitigate or remediate harmful impacts on the environment. Hence the need for this motion. I saw the need to protect Western Sydney's unique natural flora and fauna and I saw the need for people to stay close to nature. This corridor, I believe, will successfully
deliver on both those needs. Life is about balance, and through the establishment of the conservation corridor, strategically located in the heart of Western Sydney's urbanisation, we can lock in a place where wildlife can thrive and survive and a place where people can enjoy and learn about natural habitat. They can be part of the solution.

As a young person I grew up at Gladesville in Sydney, surrounded by natural nature reserves. They were my playground, and this is what I want for future generations of Greater Western Sydney. There is an ongoing challenge to identify, protect and save Greater Western Sydney's unique wildlife. My motion today is a result of the coalition's commitment to direct action on the environment, and I encourage the community, my parliamentary colleagues both state and federal and the present and future residents of Greater Western Sydney to support this motion.

Ms OWENS (Parramatta) (12:04): I understand that the member for Macquarie has recently become the representative for the Blue Mountains, and I can understand why that would require her to start to understand the environmental needs of the area. I would just like to say that when you find out about an environmental matter it is actually worth trying to find out what has been happening as well. Finding new things to do is very important, and we all do that, but there has actually been action going on in this area. To ignore it is a little bit dishonest, to say the least. For a start, the member for Macquarie says in her press release that the coalition's commitment to the Cumberland Plain Woodlands gives 'a great opportunity to create an environmental legacy for future generations to enjoy'. It seems too obvious to point out the irony of the statement, coming from a party who are not quite sure if they believe in climate change and from a member of parliament who attended the 23 March carbon tax demonstration in Canberra. This is a party whose plan to secure an environmental legacy for all future generations, not just Western Sydney, is nothing short of laughable.

Mrs Markus: This is practical action. It will bring about a result.

The DEPUTY SPEAKER (Mr Murphy): Order! The honourable member was heard in silence. She will extend the same courtesy to the member for Parramatta.

Ms OWENS: They uphold their concern for the Cumberland Plain, which they are going to save with a green army, according to the member's press release. If they were really concerned about the environmental legacy for future generations to enjoy, the first thing they would look at is the big picture and they would sign up for a price on carbon, as we have—

Mrs Markus: So what will you do about—

The DEPUTY SPEAKER: The member for Macquarie will desist from interjecting.

Ms OWENS: and they would act locally, as we already are. The member for Macquarie would have us believe that this government has 'failed to act to protect Cumberland Plain Woodland'.

Mrs Markus interjecting—

The DEPUTY SPEAKER: The member for Macquarie will desist from interjecting.

Ms OWENS: I would say that the member for Macquarie has failed to do any basic research in preparation for her press stunt today in the House. The government is well and truly aware of the threat to this unique environment, the remnants of which contain about 150 endangered native plant species as well as those overlooked little things, to quote the Botanic
Gardens, such as the plain mosses, lichens and fungi. Only about seven per cent of the remaining bushland in this region is protected, and its subregion has less than 13 per cent of the pre-1750 native vegetation.

Let me remind the member for Macquarie of the long-term work this government is doing to protect this unique environment. In the dying days of the 2004 election campaign, the coalition, with no community consultation and without regard to its enormous conservation value—and without comment from the then candidate for Greenway, now the member for Macquarie—wreaked havoc on plans to save the Cumberland Plain by secretly selling off the 181-hectare Cranebrook Air Services area near Penrith to a private developer. That is a little bit of history that you have left out of your spin activity each day.

Mrs Markus: Well, what are you doing—

Ms OWENS: The member for Macquarie would know, if she had done any research at all, because in 2009, in a joint initiative with the New South Wales Labor government, we undid the damage and brought the site back, providing National Reserve System funding to support the New South Wales Department of Environment, Climate Change and Water. Cranebrook is now managed for conservation by the New South Wales Office of Environment and Heritage as part of the Wianamatta Regional Park—a little bit information the member for Macquarie might want to find out about before she goes off on some half-baked criticism of the government. That of course is home for 10 per cent of the remaining Castlereagh Swamp Woodland endangered ecological community.

In addition to this, in 2010 the Gillard government committed up to $7.5 million to connect important bushland and habitat to consolidate the Cumberland Conservation Corridor. On top of that $7.5 million to buy property to connect the corridor, we are also providing support for the Western Sydney region through our flagship environmental initiative Caring for our Country. This program will invest $2 billion over five years nationally and focuses on landscape-scale measures. In Western Sydney regions the government has provided the Hawkesbury-Nepean Catchment Management Authority with over $9 million over four years from 2009-10 and $2.6 million over three years from 2010-11. This funding is for improved natural resource management, and in the Hawkesbury-Nepean region focuses on increasing native habitat for nationally threatened species, including in the Cumberland Plain Woodland.

The member for Macquarie might be silent on these matters, because it certainly makes her press release much more interesting if she can claim, falsely, that the government is doing nothing. But, again, if you want to discover the environment, discover what is actually being done as well.

Mr MATHESON (Macarthur) (12:09): I commend the member for Macquarie. I can see, from what she had said in this chamber today, that she is very passionate about her community. I also acknowledge and commend the shadow minister for climate action, environment and heritage. Both have an ongoing commitment to preserving the natural ecological communities of Greater Western Sydney.

I am very pleased to have this opportunity to speak on the motion on the Greater Western Sydney conservation corridor. For too long we have seen these beautiful natural habitats destroyed by overdevelopment, encroachment by agriculture, pests and inaction by
government. If the government does not take action now this part of Australia's environmental heritage will be lost forever. The coalition has a strong commitment to ensuring that our natural environment is preserved for future generations in the form of an environmental legacy. In the 2010 federal election campaign, the coalition pledged $15 million to establish the Greater Western Sydney conservation corridor. This was publicly described by the Western Sydney Conservation Alliance as the greatest commitment of all parties. This is not a tin-pot agency coming out and making just any statement. The alliance are saying that the coalition's policy is the best policy of all the parties.

In the Macarthur region, indeed in the Greater Western Sydney area, the Cumberland Plain Woodlands ecological community, including many endangered flora and fauna species, is considered by the Environment Protection and Biodiversity Conservation Act 1999 to be critically endangered. That is why it is fantastic to see the member for Macquarie standing up for her community. Prior to European settlement, the Cumberland Plain Woodlands covered over 125,000 hectares across Western Sydney, stretching from the Hawkesbury region down through Holsworthy, Campbelltown and the greater Macarthur region. Today, less than 10 per cent of the original woodland remains and of this only 30 hectares lie within the National Parks and Wildlife Service protected areas. It is a crying shame.

The Cumberland Plain Woodlands have been devastated by development, agriculture and pests. The remaining ecological community exists only in small patches, adding further pressure to the woodlands. The federal government needs to act now to protect the Cumberland Plain Woodlands. The protection of this critically endangered habitat was an election promise made by all sides of politics but it seems that this promise is going to be left by the wayside.

The Sydney growth centres strategic assessment report proposes to allow another 1,187 hectares of this endangered habitat to be entirely cleared—that is a disgrace—to make way for the north-west and south-west growth centres. This amount totals about 11 per cent of what remains of these woodlands. It is imperative that we protect these woodlands by, firstly, implementing the coalition's policy to protect Western Sydney's Cumberland Plain Woodlands and endangered flora and fauna species by establishing the Greater Western Sydney conservation corridor linking nature reserves and identified priority lands within the Greater Western Sydney region.

As the member for Macquarie stated, this motion alerts the people of Greater Western Sydney and south-western Sydney to the Labor government's failure to act to protect the Cumberland Plain Woodlands and endangered flora and fauna species while allowing continued development in the Greater Western and south-western Sydney areas. In my electorate alone, the population is going to double to 500,000 people. In the Camden local government area, the population is going to grow by 330 per cent. All of the trees are being cleared for a corridor from Greater Western Sydney to south-western Sydney.

It is a mind-boggling result of the government's inaction over the past few years. We need the government to act now and protect the Cumberland Plain Woodlands in Greater Western and south-western Sydney so that the children and families in these growing areas can appreciate what great lands they are.

Ms ROWLAND (Greenway) (12:12): I take this opportunity to speak on this private member's motion that calls on the government to implement coalition pre-election policy and
to work with the New South Wales government on a number of specified matters with the objective, one would think, of making some positive contribution to the natural environment of Western Sydney.

Firstly, I want to point out that the preservation and enjoyment of the remaining Cumberland Plain Woodlands have long been a Labor priority, as was eloquently pointed out by the member for Parramatta, and one of deep policy importance to me. More relevantly, it is a priority that has been backed up by decades of policy in action at a local level, including by Blacktown City Council, informed by local advisory groups and scores of conservation volunteers. This long history of environmental sustainability puts to rest any ill-informed assumptions that residents in Western Sydney care little for their natural environment. To the contrary, there are parts of Blacktown City that contain some of the last remaining areas of the Cumberland Plain Woodlands. In one of the fastest developing urban landscapes in Australia, where one can stand in paddocks that until recently contained cattle and horses, you can literally see the edge of metropolitan Sydney under construction. With this development comes not only residential dwellings but recreational and other needs, such as schools and community facilities.

As someone who has long been involved in local government, I have witnessed firsthand the inevitable tensions that arise in the context of rapid urban development and the achievement of local environment sustainability frameworks, and I could name many individual instances. There can be no argument that the recognition and preservation of those rare ecological communities must be implemented in a way that achieves long-term results and that our investments must continue to be tied to such goals. Speaking of long-term results, I want to highlight the Greening Blacktown program, which was designed to preserve as much of the existing established tree stock as is practicable and has resulted in the city enjoying a distinctive green canopy, visible from nearly every vantage point. It was groundbreaking for its day and it too does not operate without criticism. While a councillor I regularly took complaints from residents who objected to the requirements of tree preservation orders under the Blacktown Local Environmental Plan, which requires council approval to remove or prune any live tree which falls within the scope of the order. This was designed to achieve a balance for what was, even when it was first instigated, one of the fastest growing areas of Australia and a city which is now home to figures approaching one in every 70 Australians.

Secondly, I want to point out the policy in action which is being demonstrated by innovative programs such as Regenesis, which both I and the member for Chifley have mentioned in this place. I have long believed in the paramount importance of community-owned environmental initiatives. That is what makes Regenesis so special. In partnership with Liverpool Plains Shire Council, the Regenesis program offsets local communities' carbon emissions through environmental restoration and tree planting. Regenesis is the first of its kind for local councils and has resulted in the planting of 33 forests in the Blacktown and Liverpool Plains regions—that is, 220,000 native plants and more than 100 hectares, grown according to the carbon-trading requirements established by the Kyoto protocol.

Finally, I want to mention the provisions of this motion that call for federal-state initiatives for a Western Sydney conservation corridor. Well, that is going to be a bit harder now since the New South Wales Liberal government has abolished its environment department by
'elevating' it to a mere division of the Department of Premier and Cabinet. Premier O'Farrell says this is not a downgrade. Let us tell that to Catherine Cusack, his former climate change spokesperson, who was dumped for not supporting the policies of the Shooters and Fishers Party on hunting in national parks.

There is clearly no intention by this Liberal government in New South Wales to prioritise the environment. Instead, it is plain to all that the environment, including any supposed consolidation of the Cumberland Conservation Corridor, will be compromised rather than prioritised. Does anyone seriously believe that a Liberal state government, which is prepared to trade off shooting in national parks, is going to engage in conservation in Western Sydney? I absolutely doubt that.

Mrs Markus: What would you do?

Ms ROWLAND: I am glad the member for Macquarie is interjecting because, as we all know, her great contribution to the environment was standing in front of a grossly sexist sign alongside Pauline Hanson at a carbon tax rally. Finally she has discovered that she has the residents of the Blue Mountains in her electorate who, surprise, surprise, care about the environment. If she were serious about protecting the environment she would go for some policy in action along the lines I have mentioned. She would start supporting policies in action, like those I have mentioned and like the member for Parramatta has mentioned. Let us make no mistake. This New South Wales Liberal government cares less about the environment than the member for Macquarie herself.

Debate adjourned.

Marine Conservation

Debate resumed on motion by Ms Parke:

That this House:

(1) notes that:

(a) Australia's oceans are the most diverse on earth but less than 1 per cent of the South-West, North-West, North, Coral Sea and East marine regions are currently protected;

(b) the Australian coastal lifestyles and our coastal economies are dependent on the good health of our oceans;

(c) evidence from marine sanctuaries around the world, including in Australia, New Zealand, Canada and the United States, has shown that fish populations and fish size dramatically increase inside sanctuaries and in the nearby fished areas;

(d) the marine and environmental science is clear, and in 2008, 900 scientists from the Australian Marine Scientists Association reached a consensus that the creation of networks of large marine sanctuaries will:

(i) protect ocean life, including threatened species and critical habitats;

(ii) recover the abundance of ocean life within and beyond sanctuary boundaries, fostering more and bigger fish;

(iii) increase the resilience of ocean life to climate change; and

(iv) underpin the future of commercial and recreational fisheries and the sustainability of coastal economies; and

(e) through international agreement under the Convention on Biological Diversity, Australia has committed to establishing networks of marine reserves in its oceans by the end of 2012;
(2) welcomes the fact that:

(a) during 2011 the Australian Government will be finalising marine bioregional marine plans for the South-West, North-West, North and East marine regions (including the Coral Sea) in keeping with the commitment to a national marine conservation scheme first agreed to at the Council of Australian Governments in 1998;

(b) each marine bioregional plan will include a proposed network of Commonwealth marine reserves that will include sanctuary zones; and

(c) 2011 is the year of delivery for the world-class protection of the world's richest marine environments; and

(3) calls upon the Australian Government to further consider:

(a) establishing networks of large marine sanctuaries in each of the marine regions currently under investigation in the marine bioregional planning process; and

(b) providing sufficient funding for the transition of commercial fishing activities displaced by the establishment of marine sanctuaries.

Ms PARKE (Fremantle) (12:18): As Peter Dodds McCormack wrote in our national anthem *Advance Australia Fair*, ‘Our home is girt by sea’. But it is a sea much larger than he could ever have imagined in the 1870s. Thanks to international agreements, Australia now has responsibility for oceans double our 7.7 million square kilometres of land. Only the oceans of Canada and France are larger. Australia’s oceans are big but their size is not all that matters. They are special for many other reasons. The area of our marine environment brings together three of the world’s most important oceans—the Southern, the Indian and the Pacific.

Different depths, temperatures, salinities, light, circulation and seabeds create habitats that support unique and globally significant ocean life. According to the 2010 International Census of Marine Life, Australia has the most diverse oceans in the world with 32,889 plant and animal species, and scientists believe this may only be 10 to 20 per cent of the species that call our oceans home.

Australia has the world’s largest area of coral reefs, the largest single reef—the Great Barrier Reef—and the largest seagrass meadow, in Shark Bay. We also have the third-largest area of mangroves and more than half of the world’s mangrove and seagrass species. Our oceans provide life support for six of the seven known species of marine turtles, 45 of the world’s 78 whale and dolphin species, and 4,000 fish species, which is 20 per cent of the global total. Most countries with a coastline have one or perhaps two climate zones that influence their ocean life. Here in Australia we have the lot—tropical, subtropical, temperate, subantarctic and antarctic. In the tropical north, coral reefs, extensive tidal flats, seagrass meadows and mangroves fill the seascape, shelter the shoreline and provide critical habitats for Australia’s rich tropical ocean life. Moving south, the water temperatures gradually decline. Subtropical waters are wedged between the tropical and temperate zones, where they are shaken and stirred into a remarkable living cocktail. Ocean life is very different in the cooler temperate zone along Australia’s southern coast. The biodiversity in this area is found nowhere else in the world and at unmatched levels. This includes 70 per cent of macro-algae such as seaweeds, 80 per cent of fish and 90 per cent of animals like sea stars and molluscs. Way down south, the cold restricts most ocean life to subantarctic islands, the coast of Antarctica and nearby waters.

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MAIN COMMITTEE
Our big oceans have a broad range of water depths down to more than 7,000 metres. Great mystery surrounds the ocean life in Australia's deepwater mountain ranges and massive submerged canyons. Some, like the Perth Canyon off the coast of my Fremantle electorate, are larger than the Grand Canyon in the United States. Perth Canyon is one of only three feeding grounds in Australia's oceans for blue whales, the largest animals ever to have lived on the planet. Much of Australia's ocean life is found nowhere else; most of it we are yet to discover, and there is a great deal to be learnt from what we have and have not found. Over the millennia, Australia's oceans have become the lifeblood of the nation, pumping oxygen into our lungs and water into our veins. They are a constant force within our lives. The future of the ocean and of our way of life and our economy are inseparable.

Our oceans provide us with food. In Australia 500 ocean species are commercially harvested and worth more than $2 billion each year. Seagrass meadows and mangroves in estuaries, where our oceans meet our rivers, are critical for commercial and recreational fishing. In Queensland up to 75 per cent by weight of the commercial fish catch is estuarine. Of course, we know our oceans are good for our health. Why else would we call the summer afternoon ocean breeze that cools down Fremantle and Perth the 'Fremantle Doctor'? Australia's oceans are also at the forefront of the fight against human disease. Drugs derived from sponges, cone snails and bioluminescent bacteria are helping battle cancer, HIV/AIDS, chronic pain and bacterial infections.

Where our oceans meet the shore mangroves, it is the beaches, sand dunes and coral reefs that protect coastal communities from wave attack and storms, while seagrass meadows process wastes. Australia's oceans store 'blue carbon' in seagrass meadows, mangroves and seaweeds. If the world's nations stopped the loss of blue carbon from oceans and 'green carbon' from forests and woodlands, they would mitigate up to 25 per cent of greenhouse pollution. Our oceans are in many ways the foundation of the Australian lifestyle. Most of us choose to live by the seaside—indeed, 85 per cent live within 50 kilometres of the coast—all of us would visit the coast at some point for holidays or recreation and about five million of us fish. And of course Australia's oceans drive the economy. The annual oceans based industries of fisheries, petroleum, shipping and tourism were estimated by the Australian Institute of Marine Science in 2008 to be worth $38 billion. So, rather than just 'girting' our home, Australia's oceans are part of its foundations and fundamental to our economy, culture, traditions and lifestyle.

Our oceans have given us a life and a lifestyle, but what have we given them in return? Polluted estuaries, bleached corals, underwater waste dumps, reductions in fish numbers, broken coastal habitats, introduced marine pests, the ongoing loss of mangroves, seagrass meadows, salt marshes and kelp forests, and now climate change—the list goes on. Whether we are politicians, conservationists, oil producers, commercial and recreational Fishers, scientists, teachers, divers, ship owners, tourist operators or beachcombers, we must acknowledge that the oceans belong to each and every one of us. We all have a stake in creating a better future for them.

Science tells us our oceans are in trouble but it also shows us what has to be done—the charting of a new course that can recover our ocean life in this generation and protect our marine ecosystems for the generations to come. The first big step in this journey is the establishment of a network of large marine sanctuaries in Australia's oceans. Evidence is
building in Australia and around the world that allowing some ocean areas to be free from fishing and other extractive uses is an essential conservation tool. This is not only true in the tropics but in temperate waters too. Marine scientist Ben Halpern reviewed 112 studies and 80 marine protected areas and discovered that fish populations and fish size all dramatically increased inside reserves and that that ocean life spilled over to nearby fished areas. In another study, sanctuary zones around the Palm and Whitsunday islands in Queensland were shown to contain around four to six times the density and abundance of coral trout compared to similar fished areas. Within Jervis Bay Marine Park, red morwong have shown a significant increase in abundance and size distribution in sanctuary zones relative to fished areas. In my own electorate of Fremantle, the sanctuary zones around Rottnest Island have densities of spiny lobster 34 times higher than in fished areas. They also have higher lobster size and egg production than the fished areas contain, while numbers of Western Australian dhufish are five to 10 times greater and breaksea cod three times greater.

Marine sanctuaries can also become sites for scientific research and help build understanding of ocean ecology, fishing impacts and how to improve fisheries management. It is without question that they help stabilise fisheries that exist beyond their boundaries. Marine sanctuaries can aid overfished and threatened species recover their populations and create jobs in their management and encourage increased tourism, recreation, research and education. Marine sanctuaries can store blue carbon where mangroves and seagrasses are protected and they therefore build the resilience of ocean life to climate change.

To help protect and recover Australia's ocean life, it is critical that we establish marine sanctuaries in our oceans. Their size, number and location should be based on solid science and the proper consideration of the region's social, economic and cultural values. It is critical that sufficient funds are set aside to ensure that those commercial fishers affected by an increase in the protection of our oceans are given the necessary assistance and support.

Polling indicates that the creation of marine sanctuaries will receive support from most Australians, even from recreational fishers. Two years after the 2004 rezoning of the Great Barrier Reef Marine Park, which increased the percentage of the park free of fishing to 33 per cent, James Cook University surveyed the views of recreational fishers. Most thought the rezoning was a good idea and that it had either no effect or a positive effect on their fishing. When Recfish Australia recently polled recreational fishers it found that, if they were no longer able to fish in an area that had become a sanctuary, they would feel comfortable about simply finding somewhere else nearby to fish. In survey results released just last week by Patterson Market Research it was found that almost two-thirds of West Australians support protecting at least 30 per cent of the waters that constitute their big blue backyard in the form of marine sanctuaries. In the same poll, six out of 10 West Australians who regularly fish believe marine life is in decline and an even greater number, 72 per cent, support the creation of marine sanctuaries to protect fish stocks and other marine life.

But resolving the issue of too little protection in our oceans goes further than simply creating marine sanctuaries. We must also tackle the other threats that are facing our ocean life, including loss of habitats, introduced marine pests, water pollution and climate change. As well as protecting ocean life, this will also protect those elements of our economy and lifestyle that depend on healthy oceans: our beach and oceans, our recreational and commercial fishing, and our ocean based tourism. Having well-protected and healthy oceans
that are sustainably used is, I am sure, a desire of all members of this House, and I urge everyone's support for a network of large marine sanctuaries in Australia's oceans.

Dr WASHER (Moore) (12:23): It is an absolute privilege to support the member for Fremantle on this important issue. The establishment of marine sanctuaries is aimed at improving the management of the whole of the marine ecosystems, including the interaction of people and industry with marine environments and species. Very little is known about Australia's oceans, especially in the deeper water where demersal fishing occurs. Marine sanctuaries include important areas such as feeding, breeding and foraging habits of unique and threatened species. It is believed that stocks will recover within the reserve and the spill over of these species will help the sustainability of recreational and commercial fishing. Researchers also suggest that closing reef areas to fishing can delay the effects of one of their biggest threats—climate change. Such marine reserves may give reefs a fighting chance.

My electorate of Moore in Western Australia overlooks the Indian Ocean. It is a beautiful stretch of coastline of long and sandy beaches. Running along three-quarters of the electorate's coastal boundary is the Marmion Marine Park. Established in 1987, it was the first marine park in Western Australia's state waters and aims to protect the diverse ocean life of the local limestone reefs and islands. The park has become a very popular spot, with Perth people making more than 1½ million visits each year to swim, boat, fish, snorkel and dive. At Hillarys Marina, the Aquarium of Western Australia is a great place to spend a few hours and marvel at WA's remarkable ocean life in huge tanks. Some of that life is found in the Marmion Marine Park.

If I were to stand and face west and look down to the rocks and water's edge, across the surf break and the Little Island sanctuary zone to the horizon and then imagine travelling 350 kilometres, all I would see would be Australia's oceans. As the member for Fremantle has already pointed out, our oceans are big and under international law we are charged with the responsibility of looking after them. As my eyes travelled across those waters to the west, I might see some juvenile southern bluefin tuna heading south from their only known spawning ground, in Western Australia's Kimberley region. They travel past my electorate and the electorates of Fremantle and Forrest on their way down to Cape Leeuwin, in our state's south-west corner. There the young tuna must choose which way to go—east or west. Some head west but most turn east—a decision tuna have been making for aeons. It is locked into their DNA.

The South-west Marine Region stretches from Kalbarri to Kangaroo Island. It is the focus of the federal government's regional marine planning process and a draft marine plan has just been released for 90-day public consultation. Like the choice for juvenile southern bluefin tuna, the government is deciding which way we should go in our oceans. For the government, though, the choice is over the direction to take oceans protection. This process has its origins with the Howard government's release of Australia's Oceans Policy in 1998, the same year I entered federal parliament. Australia's Oceans Policy was released to wide acclaim and ushered in an extended period of marine research, community and stakeholder consultation and oceans protection. It is now 13 years since the policy's release—13 years since I stood here and addressed this House in my maiden speech. Preparing for today made me think back to that first speech and what might be relevant now. In one section I said:
Tourism is set to be a major business in the electorate, taking advantage of our exquisite coastline which stretches in pristine condition for many kilometres. New marinas in the future will no doubt mirror the success of existing marinas at Hillarys and Mindarie, which produce valuable tourist dollars.

Environmental tourism is becoming more important to the electorate and more marine parks need to be established. Hopefully we will establish marine research facilities along the coastline to improve coastal management and engage in effluent research, sea safety and pollution control. Marmion Marine Park has now been joined by others in WA's state waters. As well as the wonderful aquarium at Hillarys Marina there are also the laboratories of the WA Department of Fisheries, where important marine research is now being conducted. I am very pleased to see increased protection for WA waters, but it is now time to turn our attention to creating a network of Commonwealth marine reserves in what some have called Western Australia's 'big blue backyard'.

The aquarium at Hillarys Marina, AQWA, has ocean life from each marine ecosystem in state waters. Variations in geology and coastal alignment, water temperature and water depth create different habitats for an amazing diversity of marine plants and animals, most found nowhere but here. This month's release of the draft south-west marine plan is a remarkable opportunity to establish protection for a representative sampling of ocean ecosystems in our big blue backyard—just like one big aquarium, this time an oceanarium. Putting a marine reserve network in place can also help prevent problems occurring in some of our state waters. Members outside of Western Australia might not have heard of the 'vulnerable five'. No, they are not a group of endangered superheroes but five species of WA fish that are in trouble due to overfishing. We need to create some places free of fishing to help stabilise and rebuild their numbers. There is even general acceptance among recreational fishers that this would be a good initiative. Other problems for our state waters have included water pollution from catchment run-off and groundwater tainted by urban development, the loss of seagrass meadows—the nurseries of the sea—and fish kills from algal blooms.

The coalition has a proud record of protecting the health of our oceans. After the release of its Oceans Policy and the establishment of the regional marine planning process, the Howard government began the building of a remarkable oceans protection legacy. The internationally acclaimed rezoning of the Great Barrier Reef, which increased marine national park zones from five per cent to 33 per cent of the park, is the highlight. But the legacy also includes marine reserves at Macquarie Island and Heard and McDonald Islands and in the South-East Marine Region.

We cannot ignore the tireless campaigns of successive Howard government environment ministers to see the end of commercial whaling. This was borne out of the Fraser government's ending of commercial whaling in Australian waters—the last whaling station to close in Australia was at Cheynes Beach, near Albany, in the federal electorate of O'Connor in 1978. With the rezoning of the Great Barrier Reef, the Howard government led the world in oceans protection and encouraged other leaders like George W Bush to follow with very large marine reserves. For example, the 364,000 square kilometre Northwestern Hawaiian Islands Marine National Monument was signed into law in 2006, Kiribati created the 410,000 square kilometre Phoenix Island Protected Area in 2008, while the UK government created the Chagos Islands Marine Reserve of 540,000 square kilometres in 2010.
Australia now needs to again set the pace by establishing networks of Commonwealth marine reserves in the south-west, north-west, north and east marine regions, and within those networks there should be a system of marine sanctuaries or marine national park zones. The best available science, and the scientific consensus, is definitely on the side of the sanctuaries. The member for Fremantle has already mentioned the success of the sanctuary zones at Rottnest Island. In the Abrolhos Islands, about 400 kilometres north of Perth, fish abundance was up to eight times higher in areas closed to fishing compared with fished areas. There are many other examples in Australia and overseas where marine sanctuaries have had a very positive effect on ocean life. Last year 245 international marine scientists outlined their rationale for very large marine sanctuaries, and during the 2010 federal election 152 Australian scientists sought support from the Labor and coalition parties for sanctuary networks to reverse the decline of our ocean life.

I encourage my colleagues on this side of the House to support the rollout of Commonwealth marine reserves and marine sanctuaries and work to ensure that sufficient funding is allocated to assist displaced commercial fishers and affected regional communities as Australia moves towards further increasing the protection of its oceans.

The DEPUTY SPEAKER (Mr S Sidebottom): I thank the honourable member for his contribution, and I do remember that speech from 13 years ago.

Mr KELVIN THOMSON (Wills) (12:37): Just like national parks on land, marine national parks are places in the sea where wildlife and their habitats are fully protected. Marine national parks are essential to protect the ocean's rich diversity of life. They are havens which allow fish to spawn and grow, and they protect vulnerable species. Marine national parks also provide us with places to visit, research and get a sense of what the ocean was like before the emergence of industrialised fishing.

For the protection of oceans, the 2003 World Parks Congress in Durban recommended to governments that they establish networks of marine protected areas free of fishing. The deadline for implementation of the recommendations is 2012, consistent with the protected area network recommendations from the 2002 World Summit on Sustainable Development in Johannesburg, which I attended, and meetings of the Convention on Biological Diversity. Australia has been slowly developing its National Representative System of Marine Protected Areas over the past two decades. Thanks to large protected areas in the Great Barrier Reef, Macquarie Island and Heard and McDonald Islands, about 10 per cent of the exclusive economic zone is covered by marine protected areas. But only half of that is marine sanctuary level protection, with most in the tropics and subantarctic areas. The figure is even lower when we consider the four marine regions—south-west, north-west, north, and east, including the Coral Sea—which are currently part of the Gillard government's regional marine planning which continues the process begun by the Howard government. Less than one per cent of these regions have marine sanctuary level protection. This is vastly different from the National Reserve System, which over the past century or more has been expanded to give some protection to about 13 per cent of our land surface. No-one in this House should accept that one per cent is anywhere near enough to protect the ocean life of our marine regions. Australian scientists believe that even 10 per cent protection is too low to reverse the decline of our ocean life. They believe that protection levels similar to that of the Great Barrier Reef...
Marine Park—33 per cent in marine sanctuary level protection—are needed to protect and recover our ocean life.

At the 2010 election, the Gillard government committed to give sanctuary level protection to the important and special areas of our oceans. These should include breeding, feeding and spawning places, iconic areas and critical habitats. The South-West Marine Region, stretching from Kalbarri to Kangaroo Island, is the focus of the Gillard government's first regional marine plan and the draft was released earlier this month. The government is using the regional marine plans to expand the National Representative System of Marine Protected Areas and include zones with varying levels of protection. The percentage of the regions covered by the network, and the size, number and location of marine sanctuaries within it, as the member for Fremantle has noted, need to be based on the best available science and the careful consideration of social, economic and cultural values.

Although the government's decision-making journey begins in the South-West Marine Region, the direction it chooses for the region's conservation values will set the course for the other marine regions of the next 12 months. If the private member's bill on regional planning currently in the Senate were to become law and make the marine reserve declarations disallowable, all of that certainty would disappear and the community's faith in the regional marine planning process would be shattered. It would also waste all of the money, time and other resources thus far spent and move us no closer to protecting our oceans.

The Australian government has international and national obligations to protect Australia's oceans. Through the current regional marine planning process, we need to establish a network of Commonwealth marine reserves by the end of 2012 with the conservation of ocean life and cultural values as its core objective. Of critical importance is education and capacity building in Indigenous communities. The engagement of traditional owners must be at the heart of the planning, protection and management of their sea country.

My electorate of Wills does not have any coast, but it is bordered by the Moonee Ponds Creek and the Merri Creek, which flow into the Yarra River which in turn enters Port Phillip Bay. I am acutely aware that what we do in the catchments of our coasts and oceans can have major impacts on our ocean life and recreational and commercial activities. Over the years I have been personally involved in actions to improve the water quality of these creeks and to reduce pollution loads going into Port Phillip Bay. We need to be doing this right across the country. But the most important step we can take right now for the future health of our oceans is the establishment of a national network of large marine sanctuaries. I urge members of this House to support the motion.

Mr McCormack (Riverina) (12:42): The coalition began establishing marine protected areas in Australia's territorial waters when it was last in government. The coalition remains committed to the responsible development of marine protected areas to protect iconic marine environmental assets. But we do hold deep reservations about how federal Labor has managed the continuation of the policy since it has been in government. The recreational and commercial fishing sectors, as well as the businesses and communities reliant upon them, have raised serious and justified concerns about a lack of consultation and, dare I say, green bias from Labor. Labor's marine protected areas process is secretive and skewed towards satisfying extreme green groups.
The coalition will put on hold the marine protected areas process until it really properly delivers a bigger, better, fairer say for recreational and commercial fishers, and associated industries and communities, in all stages of the process. The coalition suggests that new bioregional advisory panels be appointed for each marine bioregion to provide the vehicle for this expanded industry and community consultation. In line with pre-existing coalition policy and practice, we believe that we need to genuinely seek to minimise socioeconomic impacts of marine protected areas. All marine protected area proposals should be accompanied by a comprehensive, publicly available, socioeconomic impact statement.

Peer reviewed science used in the development of MPAs and any associated no-take zones must be made publicly available in a timely way and be considered by all the necessary agencies and panels. Where consultation and negotiation cannot reduce impacts of proposed MPAs below levels that are reasonably compensable, then compensation, structural adjustment or other appropriate measures need to be delivered before any constraints are implemented. The displaced effort policy needs to be reviewed by a ministerial panel jointly chaired by the Minister for Agriculture, Fisheries and Forestry and the Minister for Sustainability, Environment, Water, Population and Communities.

After the announcement of its oceans policy and the establishment of the regional marine planning process, the Howard government started developing a visionary oceans protection legacy. The highlight of this, as was stated in the Main Committee just this morning, was the rezoning of the Great Barrier Reef, endorsed worldwide. But the legacy of other significant marine reserves has also been a major plus for this country and, indeed, the global environment. What must also be noted is the relentless campaigns of successive Howard government environment ministers to see the end of commercial whaling. This was born out of the Fraser government's ending of commercial whaling in Australian waters. The last whaling station to close, as has been stated, did so way back in 1978. With the rezoning of the Great Barrier Reef, the Howard government led the world in oceans protection and encouraged other international leaders to protect the oceans.

The coalition will seek to hold the Gillard government to account over marine planning by ensuring the declaration of marine parks is subject to parliamentary scrutiny. Currently, the environment minister can declare marine reserves, with potentially major ramifications for all users of the ocean across this vast area, at the mere stroke of a pen. It is outrageous that a single minister can make far-reaching decisions over waters extending to the edge of Australia's exclusive economic zone, or EEZ, without the necessary checks and balances. The Gillard government is continuing a process for the development of marine reserves in the EEZ which began under the coalition. The government's consultation process has been minimalistic, especially under the former environment minister, Mr Garrett, who demonstrably favoured green organisations over all other affected interest groups. Green groups, and conservationists generally, deserve a say in the process but so too do the tens of thousands of people who have a deep stake in the ocean environment for their livelihood and their leisure activities. The reserves will contain potentially large areas where many activities will be totally banned. The best available science and consultation with all stakeholders, including fishers, needs to be used in any marine park decisions.

Mr ZAPPIA (Makin) (12:47): I commend the member for Fremantle for bringing this motion to the House. I believe the motion, which is quite lengthy, covers very well the critical
issues relating to the development of marine conservation parks. I want to refer in particular to subparagraphs (a), (b) and (c) in paragraph (1) of the motion. Subparagraph (a) talks about only one per cent of some key areas in Australia being currently protected sections. Subparagraph (b) talks about the fact that where you have marine parks in place fish populations ultimately increase. Subparagraph (c) talks about the importance of marine sanctuaries in preserving the ocean life we have, which in turn goes on to benefit both commercial and recreational fishers.

I have had some personal experience of the establishment of a marine conservation park in my home state of South Australia. I was a member of the advisory committee that established a dolphin sanctuary in Gulf St Vincent, just outside of Adelaide, and I then went on to serve as a board member on that sanctuary. I can well recall that the arguments in debates that were put up then were similar to some of those that I have just heard from members opposite on this issue. There were concerns about recreational and commercial fisheries. I say that when the process is properly managed the ultimate outcome is, in fact, one that benefits everyone concerned. It becomes a win-win situation. All the fears and scaremongering that went on at the time that that conservation park was being established proved to be unfounded. In fact, the coastal area of Adelaide, which is probably the biggest fish breeding ground for our state, is reviving and we are getting better fish numbers and, as a result of that, everyone is becoming a winner.

We have built our national identity and lifestyle around our oceans and coast. We know our oceans are great because we have got great places to prove it: the Great Barrier Reef, the Great Sandy Strait, the Great Ocean Road, Great Keppel Island, Great Oyster Bay, Great Palm Island and the Great Australian Bight. The Great Australian Bight is in my patch of ocean off the South Australian coast in the South-West Marine Region, which stretches 1.2 million square kilometres from Kangaroo Island to Kalbarri in Western Australia. I note it is a region that the South Australian government is also looking at in terms of developing marine parks or sanctuaries or conservation areas along that coastline. The marine region is the first of four in which the Gillard government will establish networks of Commonwealth marine reserves by the end of 2012. This comes at the same time as the South Australian government is finalising its own marine parks network. So what are the iconic places and ocean life that should be given high-level protection in the four marine regions? Let me take you on a quick tour. The mixed seagrass, sand and limestone reefs at the head of the Great Australian Bight provide a nursery for the threatened southern right whale. The bight's extensive shelf is covered in sands, and the many animals that filter water for their food—sponges, ascidians and bryozoans—make this one of the world's most diverse soft-sediment ecosystems. Blue whales come to feed at canyon upwellings near Kangaroo Island. So do school sharks, fur seals and Australian sea lions.

Further west, the deepest waters in Australia's oceans are found in the Diamantina Fracture—more than seven kilometres deep. Its isolation, complex seafloor shape, mixing of currents and great depths are likely to support unique ocean life. Rounding the south-west corner of Australia, the seagrass meadows of Geographe Bay attract loggerhead turtles, resting humpback whales and a mix of tropical and temperate ocean life that feeds, breeds and lives in the area.
The Abrolhos Islands almost mark the end of the South-West Marine Region and it is here where the warm Leeuwin Current has created a remarkable mix of tropical and temperate ocean life. Shark Bay is at the beginning of the North-West Marine Region, which extends over one million square kilometres to the Northern Territory border. Shark Bay has one of the largest dugong populations in the world, and Ningaloo Reef near Exmouth is the longest fringing barrier reef in Australia.

We have been protecting rivers, forests, mountains, canyons, plateaus and national parks on land for more than a century. It has taken us all that time to realise that we now need to protect the currents, kelp forests, sea mountains, underwater canyons, plateaus and other iconic areas in our oceans. There is some catching up to do, but by the end of 2012 the Gillard government will have established a network of Commonwealth marine reserves in each of the four regions. High-level protection of marine sanctuaries must be a critical component of those reserves. (Time expired)

Mr HAASE (Durack) (12:52): I find myself speaking on a motion moved by Ms Parke, the Labor member for Fremantle. At first I thought she was another puppet for Senator Brown and the Greens, until I did a little research on Ms Parke. Now I think that perhaps she would have stood as a Green had she not been standing for the electorate of Fremantle, a traditional Labor stronghold. I am quite sure Ms Parke could not have dreamt of a better parliament—Labor in government and the Greens in power. This 43rd Parliament allows Ms Parke to thrust her latte-coated opinions into the arena to appease the Greens without, she hopes, upsetting her voters.

Her first speech in federal parliament, given on 14 February 2008, contains the word 'indifference' six times, not including when the word was used in reference to a book titled My War Against Indifference. The definition of indifference can best be conveyed as a lack of interest, concern or sympathy—and the member seems to be standing by what is obviously one of her favourite and most self-descriptive words. She is showing indifference to the people in my patch and hers, although I am quite sure the member would not refer to her coffee strip as a patch.

Commercial fishing is worth $400 million to the Western Australian economy every year, and a lot of that goes through her port of Fremantle, the very same port from which in 1922 her great-grandfather John Stanley Parke and his son George were the first people to export Granny Smith apples to the world. I wonder what her forebears would think if they knew her mob had sold out the apple industry and all but endorsed the draft recommendations of Biosecurity Australia which advise that business as usual for New Zealand growers will qualify them to export apples into our country dripping with fire blight. I wonder what her great-grandfather would say if he could see her trying to stop a Western Australian primary industry for the sake of appeasing the greenies that are infiltrating the seat of Fremantle at a rate faster than a fishing boat trying to get back to shore before a storm. I do not mind the odd flutter, but I never hedge my own bets. I would hazard a guess as to her attitude regarding iron ore being transported through Fremantle, even though it is transported in containers. Don't get me wrong; I support the balanced approach to marine conservation. In fact, it was the coalition who began the process of establishing an integrated network of marine protected areas around Australia's coastline when previously in government. However, I do not support a government that has not been involved in extensive and cooperative consultation examining
both the protection of biodiversity and a process to minimise social and economic impact on fishers, businesses and their communities.

This motion deeply concerns me, although there is one point of particular concern, and that is the provision of sufficient funding for the transition of commercial fishers' activities displaced by the establishment of marine parks. Correct me if I am wrong, but I have it on the very good authority of Guy Leyland, acting CEO of the West Australian Fishing Industry Council, that the member has not met or arranged to meet with anyone in Fremantle associated with the commercial fishing industry to discuss the impact of marine parks and displacement compensation. The Department of Sustainability, Environment, Water Pollution and Community, SEWPAC, has not included in their budget anything for displacement compensation. The budget allocation is for administration purposes of rezoning only. In fact, the rumoured word back from the industry is that the best case scenarios of compensation from SEWPAC are gross underestimates based on catch figures from 2006. History shows us the lack of consultation between bureaucrats and fishermen has led to bitterness and uncertainty. My fishermen are nervous and they have every right to be. Their financial future is at stake and the member and her Green friends are indifferent to their livelihoods. History also shows us that the compensation bill paid to businesses affected by the Great Barrier Reef Marine Park blew out from $10 million to $250 million.

The fishing life is not a life for everyone but for those in the industry it is a life they are committed to and more often than not one that their family before them was also committed to. It is a life that takes its physical and emotional toll. Fishermen have to know where the fish are, how to catch them and how to sell them. They have to know the sea and be prepared for all possible outcomes. Now they need to be prepared for marine parks, with little or no consultation and in all probability little compensation for their family business. Marine parks and conservation are fine, but not without effective consultation and compensation. This current proposition looks like another harebrained Labor scheme, ill considered and designed only to appease Senator Brown and his dwindling band.

The DEPUTY SPEAKER (Mr S Sidebottom): The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Pharmaceutical Benefits Scheme

Debate resumed on motion by Mrs Moylan:

That this House:

(1) recognises the provision of affordable medicines through the Pharmaceutical Benefits Scheme (PBS) is central to Australia's health system;

(2) acknowledges that since its inception, the PBS is an uncapped program;

(3) agrees that evaluations of pharmaceuticals for listing under the PBS should be transparent, evidence based, and not subject to capricious political interference;

(4) notes that:

(a) before recommending medicines for listing on the PBS, the Pharmaceutical Benefits Advisory Committee (PBAC) conducts a rigorous evaluation to determine the comparative clinical and cost effectiveness of the proposed medicine;

(b) the three tiers of major applications for PBS listings are designed to promote an efficient Government approval process; and
(c) positive recommendations by the PBAC have nearly always been approved by the Minister for Health;

(5) deplores the Government's new policy that:
(a) despite positive recommendations by the PBAC, all applications for listing will be further scrutinised by Cabinet;
(b) listing of medicines can be deferred indefinitely;
(c) no new PBS listings will occur unless offset savings are found; and
(d) until the budget returns to surplus, these measures will remain in place;

(6) recognises that:
(a) in scrutinising applications, the PBAC already determines value for money; and
(b) under the Government's new policy, access to medicines will be limited and medications which could improve the treatment of chronic or common conditions will remain financially unaffordable for many Australians; and

(7) condemns the Government for prioritising a return to surplus above the wellbeing of Australians

Mrs MOYLAN (Pearce) (12:57): I thank the member for Moore, who is not in the chamber at the moment, for seconding the motion and also for his sensible contribution so far to this discussion as a member of parliament and as a medical practitioner. On 25 February this year the Minister for Health and Ageing announced the deferral of listing of a number of Pharmaceutical Benefits Scheme medications that had received a positive recommendation from the Pharmaceutical Benefits Advisory Committee. In subsequent interviews the minister justified the deferral on economic grounds, saying that, until the budget returns to surplus, positive recommendations will not be listed on the PBS unless offsets can be found. Under this system a recommendation by the PBAC to the minister will be referred to cabinet and then referred to a subcommittee consisting of the Treasurer, the Minister for Finance and Deregulation and the Prime Minister if the Prime Minister is available. The committee will then decide on the listing according to the budget bottom line rather than their primary obligation to make available to every Australian citizen best-practice medicine.

Although the minister said that medications that are new or could save lives may be listed by the government, the process will add further unnecessary layers of paper shuffling in what can only be described as a cumbersome and inefficient process. Further, it puts the health of many Australians at risk by denying them best-practice medicine. The ingenuity of mankind will ensure that new and more effective medications are regularly being discovered. My grandfather would likely not have lived until his mid-70s had it not been for the discovery of insulin. Sick and bedridden, he lay for months with his severe malady and was saved from an early death only through the discovery and the availability of insulin. By leaving decisions as to which medications should be listed on the Pharmaceutical Benefits Scheme to a subcommittee of cabinet, on the basis of the budget bottom line, instead of to the expert members of the PBAC, the government risks putting the lives of many Australians in jeopardy. Interference with the recommendation of the expert panel is almost unprecedented. There have been a couple of cases, such as Viagra, but in the past it has been very rare that cabinet has not accepted the recommendations of the PBAC.

This system risks setting up a two-tier system of health where those on low or middle incomes are unable to afford access to best practice medicine. The minister for health has not placed a time limit on when positive recommendations would be considered, except for the
blanket statement that the process will continue at least until the budget is in surplus. Given the way we are going, I do not think we can look forward to that any time soon. The government has already spent all of the extra income and budget revenue that the resources boom has delivered to Australia, and then some. It has recklessly squandered taxpayers' money on harebrained schemes such as the now failed insulation program and the botched GroceryWatch and FuelWatch schemes.

To make up for this maladministration of finances, they are now looking to deny Australians reasonable access to best practice medicines, based on the recommendations of its own expert body. The AMA vice-president, and a former member of the government's expert independent Pharmaceutical Benefits Advisory Committee, Steven Hambleton, was accurate in his appraisal that the government is politicising the drug approval process. In an article by Sue Dunlevy in the Australian on 10 March 2011, Dr Hambleton said that the new rules were about 'overt rationing of health care', and I concur.

Among the greatest concerns is the sheer lack of transparency. The decision to defer is arbitrary. Cabinet, especially ministers concerned with finances, lacks the expertise to adequately judge which medicines should and should not be deferred in the process and undermines the role of the PBAC. Brendan Shaw, from Medicines Australia, said the government should accept the independent advice to list medicines on the PBS. He said:

The Government's own expert committee has said making these medicines available is cost effective, is value for money and is the right thing to do. It's unclear what expertise or experience cabinet ministers have at their disposal to override the decisions of their own expert committee. The Government has brought politics into what was an effective and depoliticised process in a highly-sensitive area where people's health and indeed their lives are at stake.

The cost of medicines has already been subject to an economic evaluation by the PBAC; there is no need for further analysis. This policy that the government has implemented is short-sighted, as products which could have cost the government less have already been deferred. There are examples piling up of patients suffering conditions such as schizophrenia, chronic disabling pain, lung disease and blood clots having to forgo best treatment or having to pay up to $100 per month, instead of the PBS co-payment of $34.20. As I said, it sets up a two-tier system, because those who are on low or middle incomes are unlikely to be able to afford the full cost of these medications.

I think this further diminishes the government's commitment to its mental health policy that has just been announced, because conditions such as schizophrenia can be treated. There are amazing new medications coming onto the market and, in many cases, they allow somebody suffering from severe mental illness to fully participate in the workplace and in the community. Without those medications, these people are unable to properly function in society. So I think it is false economy and false savings and it is not the best outcome for those whose lives are put in jeopardy through not being able to access best practice medicine.

In February, the government saved $30 million, for example, by delaying subsidies for seven new medicines, including Duodart, a treatment for benign prostate cancer; a new schizophrenia medication, Invega Sustenna; and a lung medication, Symbicort. Withholding new improved medications can have a significant impact on the quality of life for many Australians and indeed, as I said, on their capability to fully participate in the workforce. It is therefore a false saving. I call on the government to reverse this policy and to allow the PBAC
to resume its premier position of providing critical advice to cabinet on what medications should be listed. Clearly, this is not a matter for ministers of this government to decide entirely; they should be guided by this expert panel. As I said, in the past there have been very few occasions when the recommendations of that expert panel have not been listened to or taken heed of by cabinet and where those medications have been refused a listing.

The government is deciding on the basis of the budget bottom line. But, as I said, we have seen an awful lot of squandering of money on schemes which, at best, could be called harebrained schemes, which have failed. I would have thought that this government has a primary responsibility to ensure the good health and quality of life for every citizen in this country. On that basis, I would hope that the minister would reconsider this decision on the listing of medicines and the recommendations of the PBAC.

Ms HALL (Shortland—Government Whip) (13:06): I will start by saying that I know the member for Pearce is a person who has genuine concern about issues of health and social wellbeing of people living in Australia. But, on this particular issue, I cannot agree with all that she has had to say. Firstly, I would like to go through a little bit of the history of the PBS. It was established in 1948 and it has supplied approximately 140 life-saving and disease-preventing drugs. The PBS was a Labor scheme which was introduced by Ben Chifley as part of his plan at that stage to look at a nationalisation of the health scheme, and that was found to be unconstitutional. But the PBS scheme came into being. It is a scheme which subsidises the supply of drugs to Australians. It is a scheme that has served our country very well. It is a scheme that I am extremely supportive of and it is a scheme that has increased in cost over a number of years. In 1956, I think the co-payment was 5s, or 50c, and it is now up to $34.20. I note that there was a massive increase in the co-payment for PBS drugs under the former Howard government, when the cost to consumers absolutely skyrocketed.

In the first year the scheme was introduced, it cost the Australian government £149,000. It now costs $6.5 billion. It is interesting to note some of the actions of the opposition when they were in government. Former Treasurer, Peter Costello, was very proactive in increasing the costs to Australians of the PBS co-payment.

We on this side of the House respect the independence of the Pharmaceutical Benefits Advisory Board. The role of the PBAC is to make recommendations to the government. In 2001 the former government inserted another layer, stating an exception that, where a drug was going to cost more than $10 million, it should then be referred to the cabinet. The referral of recommendations from the PBAC to cabinet was actually brought into being under the Howard government. This is not something new; it was a Howard government initiative.

The member for Pearce was right in saying that not only did they defer the listing of a drug—it was Viagra—but they rejected it. One of the uses of Viagra is for sexual dysfunction—and that can even be caused by other medications—but another is for pulmonary hypertension. I had a constituent who suffered from pulmonary hypertension. She was having difficulty walking from the door of my office into my office. She saw me quite a few years ago. She was pointing out to me just how important that drug was for keeping her alive, yet the previous Howard government had refused to list it.
We can go through and look at a variety of issues around the PBAC and the listing of drugs, but the most important thing is to ensure that there is a drug available to treat all conditions. The deferral by the minister was based on the fact that these drugs would probably be very nice to have listed on the Pharmaceutical Benefits Scheme—they do offer some benefits; I have spoken to a number of the companies that produce some of these drugs, and I know that there is an argument for listing some of them—but they are not groundbreaking drugs. They are not new drugs. There are drugs available currently that provide treatment for those conditions. To put before the House that there is no treatment available for people suffering from these diseases is not quite honest.

The minister was reluctant to have to defer—and I emphasise defer, not reject, as was the situation with Viagra—some of these drugs under a provision that was put in place by the Howard government. The reason she chose to do this was that there were some drugs available. She believes it is absolutely imperative that some drugs that are not listed should be listed. When she was faced with the choice of continuing the Bowel Cancer Screening Program or placing a drug on the PBS where there was already a drug available to treat the condition, she decided that the Bowel Cancer Screening Program, which saves life, will be funded now, and $137 million over four years has been put into that program.

Government is about choices. The government has not rejected those drugs from being listed. I know that drug companies can come back and provide additional information that shows that if they are not listed there is no other treatment available. I look at something like Fragmin, from Pfizer, for blood clotting. There are already warfarin and heparin, which Australians can use to deal with those sorts of illnesses. A number of drugs were listed. There was Nplate for a rare bleeding disorder, Xolair for severe asthma, and Duodopa for Parkinson's disease. It could be demonstrated there was no substitute drug currently available for these. There was Galvus MET for type 2 diabetes; Epiduo Gel for severe acne; Prevenar, a pneumococcal vaccine; Mentorix, which is also a meningococcal C vaccine; and Prevnar, which was listed in the budget. There were a number of new drugs listed.

For those opposite to stand in this House and say that this is the first time this has happened and that it is something specific to this government is very misleading. It was the Howard government that put in place the requirement for drugs that were going to cost the PBS over $10 million per year to be referred to cabinet. The Howard government was the first government to use this mechanism. It has been used in the past. It was the Howard government that not only deferred but rejected the listing of Viagra. I put my full support behind the PBS and the work of the PBAC. I do not think this is contrary to its purpose.

Dr WASHER (Moore) (13:16): I thank the member for Pearce for bringing this important motion before the House. Judy, you have always been a good social operator in these areas. Minister Roxon has announced that in the future all decisions about drugs to be listed on the Pharmaceutical Benefits Scheme, or PBS, and recommended by the Pharmaceutical Benefits Advisory Committee, the PBAC, will have to be passed by cabinet regardless of price.

The past process for getting drugs listed on the PBS was for the drug to undergo scrutiny by the PBAC, a committee independent of government, which Minister Roxon herself had said was one of the most rigorous in the world for assessment of a drug's clinical and cost effectiveness. This process historically evaluated new medicines for listing and negotiated prices. Any drug that was estimated to cost more than $10 million in any year needed to have
approval from federal cabinet, a process that often led to delays of up to 12 months. This same process now has full cost recovery from industry for the PBAC assessment, whereas previously it was based not on cost recovery but on recognising the integrity of the PBAC recommendations and getting medicines to the patients in need.

The major worry is that patients will not get the medicines they need when they need them, an essential commitment of the National Medicines Policy that every government must embrace. In this climate, international manufacturers of new medicines may decide not to bring their medicines to Australia, a disaster for therapy in a modern medical world. Drugs still pending cabinet decision are drugs for bowel cancer, deep vein thrombosis, hyperhidrosis, schizophrenia, pain relief and asthma management, an anticoagulant and a synthetic hormone.

There should be extreme consumer concern that new and innovative drugs may be blocked from subsidy because of this government's ruling that causes indefinite deferral. For those in this House concerned about mental health, two drugs—one, known as Invega, for schizophrenia and the other, Consta, for treatment of bipolar disorder—have been indefinitely delayed despite PBAC approval. Several other new advances in approved mental health drugs for the treatment of severe mental health disorders are in the Australian regulatory pipeline but face an uncertain future.

The Prime Minister and cabinet announced that they would bring the budget into surplus by 2012, so they are using that reason to delay the listing of innovative medicines. I have always argued that unless we treat the consumer with the best therapies available to achieve evidence based, best practice outcomes, we will all ultimately pay more. For example, the drug for schizophrenia, Invega, deferred despite PBAC approval, is reported to have savings of up to $52 million per year in treatment costs. Apart from costs, there is no question that keeping people with mental illness working and living useful productive lives in the community is a moral duty. According to the latest ABS figures from 2009, mental illness costs Australia around about $20 billion a year. That includes the cost of lost productivity and labour force participation. Mental disorders were identified as the leading cause of healthy years of life lost due to disability. These new measures which block patient access to new medications on the PBS potentially affect every person with an illness in this country. This amounts to bad policy and bad medicine. I implore my Labor political friends to address the caucus to reverse this truly dreadful budget decision that for the first time has politicised the provision of medicines to the Australian community.

Mr MURPHY (Reid) (13:20): I am very pleased to speak on this motion moved by the member for Pearce, although with great respect to my friends the member for Pearce and the member for Moore I do not support parts (5), (6) and (7) of the motion. It is important to clarify, firstly, that the government had agreed to list seven new medicines and vaccines on the Pharmaceutical Benefits Scheme and National Immunisation Program and defer the listing of seven other drugs. Understandably, the government is concentrating on listing drugs for serious conditions and where alternative treatments are not available. The drugs that will not be listed at this time will still be reconsidered and are mostly for conditions where existing treatments are already available on the PBS. Further, 52 new and amended listings and new brands of existing listings were also listed on 1 April.
I have always supported equitable access to necessary and life-saving drugs at an affordable price. Indeed, let me remind the opposition of some of my long and hard-fought community campaigns to have necessary and life-saving treatments listed. In 2006 I raised my very serious concerns with the Howard government's refusal to list the life-saving breast cancer drug Herceptin on the PBS for people with HER-2 early onset breast cancer. Despite the undeniable benefits of this life-saving drug with very few side-effects, the PBAC rejected the listing of Herceptin on the cost-effectiveness basis. From the beginning of the campaign in 2001 until the listing of the drug in 2006, many women were going to extraordinary lengths to pay for the drug, at approximately $60,000 a year. One woman told me of her weight loss to reduce the cost of the treatment as she would need less Herceptin in each dose. This was occurring in times of economic prosperity and it was an absolute disgrace. It was only after a very long national campaign led by individuals and support groups, including a petition in my electorate that alone collected over 12,000 signatures, that the former Minister for Health and Ageing, Tony Abbott, announced that he would consider listing the drug. The decision was only made in light of the overriding human element, aside from a list of criteria presented to the PBAC.

My community also campaigned strongly to extend the PBS eligibility of Alimta to include mesothelioma sufferers. In support of the late Bernie Banton's fight to get equitable access to affordable treatment for this condition, I initiated another petition in my local community that received overwhelming support. At the time, Alimta was a treatment provided on the PBS only to lung cancer patients, some of whom were smokers. It was unconscionable that victims of asbestos related mesothelioma were denied the same access to affordable care. Moreover, different states provided different subsidies. Although Bernie Banton was receiving his treatment free of charge, he did not believe it was right that other victims of asbestos, including workers, children and people who washed asbestos laden clothes, would have to pay $18,000 to $20,000 a year for treatment. Again, it was not until after a very strong and long public campaign, led by the late Bernie Banton, that the former Howard government extended eligibility for Alimta to sufferers of mesothelioma.

More recently, last year, I raised my concern about the availability of the life-saving drug Soliris for sufferers of paroxysmal nocturnal haemoglobinuria. One of the youngest known sufferers of this rare disease, Whitney Lane, lives in my electorate of Reid. The disease affects roughly 100 Australians and the average life expectancy from diagnosis is just 10 years. Soliris had been recommended by the PBAC for funding under the Life Saving Drug Program; however, the introduction of new PBAC guidelines meant the treatment underwent further consideration. The fact that treatment costs $480,000 per annum per patient and that it is required for 12 to 16 days without failure I believe means the government has to ensure proper scrutiny and planning. Following the positive review of the PBAC under the new funding conditions and criteria, Soliris was listed for PNH sufferers. The government also ensured that the cost of the treatment was capped, irrespective of the number of new sufferers, and took the appropriate measures to ensure public money was providing a very good cost-effective benefit to the community.

The Labor government believes in providing better health and hospital services for our country and is endeavouring to put the 'care' back into the healthcare system that was so sorely lacking under the former Howard government. We will continue to ensure that the PBS...
remains sustainable so that it continues to provide low-cost medications to Australians, ever mindful of the responsibility that the funding is targeted to make sure patients and taxpayers are getting value for money.

On a positive note, I thank the member for Pearce for putting the motion on the Notice Paper so that we could debate it. Notwithstanding that, I cannot support parts (4), (5), (6) and (7).

The DEPUTY SPEAKER (Mr S Sidebottom): Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

BILLS

Appropriation Bill (No. 1) 2011-2012

Second Reading

The DEPUTY SPEAKER (Ms Vamvakinou): Before the debate is resumed on Appropriation Bill (No. 1) 2011-2012, I remind the Committee that pursuant to the resolution agreed to by the House on 10 May 2011 this order of the day will be debated concurrently with Appropriation Bill (No. 2) 2011-2012 and Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012.

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

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

"while not declining to give the bill a second reading, the House:

(1) condemns the Government for incorporating in an annual appropriation bill provisions to increase the limit on government borrowings above the total of $200 billion;

(2) recognises that a special case must be made for such a significant increase in borrowing limits and that the Government must explain any special circumstances that it believes justify such an increase; and

(3) demands that the Parliament be given the opportunity to consider separately and vote on the proposed increases in borrowing limits set out in Part 5 of Appropriation Bill (No. 2) 2001-12."

The DEPUTY SPEAKER: The immediate question is that the words proposed to be omitted stand part of the question.

Mr EWEN JONES (Herbert) (16:01): We heard all the leaks which said that this was going to be a tough budget. Yes siree, the Treasurer and the Prime Minister were talking it up all along. This, my friends, was going to be the year of delivery. Well, they got that right! They delivered a $49.4 billion deficit; they have delivered a record borrowing limit of $250 billion; they have delivered a record net debt of $107 million; they have raised their own record borrowing on a daily basis to $135 million per day; they have raised their own record of interest payments on this debt to $7 billion per year—that is, $19,178,072 per day or $799,086 per hour, after hour, after hour, of interest payments alone.

We have heard about the China boom mark 2. We have heard the Minister for Foreign Affairs wax lyrical about the rivers of gold coming to our economy. But we have seen what this government has done with these and we—the people of Townsville—sit back, scratch our
heads and wonder what happened. And what do we have to show for it: debt, no plans and no prospects. We certainly have seen growth though. The Commonwealth Public Service has grown by over 20,000 people since 2007. While the Prime Minister was telling everyone that things are tough and we have to tighten our belts, her Department of the Prime Minister and Cabinet grew by over 100 new staff. This budget does not deliver what it promised. In fact, the biggest line item in the savings in this budget is the flood levy itself. This government can talk pretty tough, but it cannot back it up.

I take issue, as does my electorate, with the announcement of funding for the Bruce Highway and roads in North Queensland. The Treasurer carried on about the announcement of roadworks in Vantassel Street as though it was brand-new funding. Those of us who have been hit by the continual flooding of the Bruce Highway know that this was already to be done. This flood mitigation work was pulled during the recent floods to aid flood mitigation work elsewhere in the state. The project has been reinstated but surely the Treasurer will not mind if we in Townsville take this promise with a grain of salt. It should never have been pulled in the first place.

In the week prior to the budget, I held a budget roundtable in Townsville. Those in attendance included small businesses in the mining and construction sectors, retail and service industries, and representatives of our region's chamber of commerce and health sector. To a person, they want the waste stopped. They look at the way this country and our state of Queensland are being run and they want the waste stopped. They are sick and tired of being treated like an ATM for any level of government which cannot balance its books. Each and every one of those represented at the meeting have been forced to make tough decisions to keep their costs down. But at every turn they are faced with an increasing number of taxes, charges and regulations from government, which simply does not see anything other than an easy grab. It has to stop. I call on this government to get serious about taxation and deliver on its promised tax summit so that real reform to the way business and individuals are taxed can be discussed and implemented. In Townsville, the message I am getting is that business is simply not hiring. We have seen unemployment rise to 8.5 per cent in my city. While there are significant projects happening in Queensland, Townsville may face skill shortages as professionals in trades chase jobs across the state and the country. All these government charges and regulations are making it increasingly costly to live anywhere, but especially in Townsville. There have been interest rate rises, levies, rising government charges and the like which have added to the pressure on ordinary families. The strain is seen in my office every week when I see broken families and pensioners come to me, worried about where they will get the money to survive. They do not care whose fault it is that bananas are $13 a kilo or that petrol is $1.45 per litre. They just want help, and they do not see it coming from this government.

What they do see coming from this government is a continuation of the failed pink batts and school halls programs. What they do see is a set-top box program worth $376 million being rolled out by the same people who delivered the pink batts program and the solar power program. Somewhere in that meeting surely someone, anyone, would have said, 'Are we sure about this? Haven't we got form on this sort of thing? Haven't we learned any lessons from the last few times we got involved?' Surely someone somewhere said something about it costing $360 for a set-top box to be installed at a pensioner's home. I checked the website of the Good
Guys in Townsville and found six different digital TV sets costing under $360, the cost to install a set-top box. So why bother with a set-top box at all? Send them all to Troy Williams and they can get a brand new TV for less than the government is paying. Where is the sense here, and why has no-one in the government stood up in this place and said, 'This is just not a good idea'?

Of course, the whole budget is basically predicated on a lie, and the Treasurer dare not speak its name. That the carbon tax is not mentioned in the forward estimates reduces this budget to a farcical document. He comes into this House and pours scorn on all who dare to question his commitment to the tax. But he is not allowed to include it in his calculations, nor was he a part of the team used to sell the product to start off with. This government does not care about global warming, climate change or climate action. What this government care about is telling Australians that the budget will be back in surplus in an election year, and they do simply cannot stop spending. It is only by taxing people that they can do this. This government and the Treasurer want the people of Townsville to believe that the budget will be back in surplus due to economic management but, in truth, they are just going to raise taxes to try to get a result.

I would like to say that the reforms to mental health are welcomed by all of us. It is a good start, but there is still a lot of work to do. I would like to use this opportunity to call for the states to get out of mental health altogether. We need a system where decisions are made and the money gets to the pointy end as quickly and as intact as possible. By having to engage the states in the process, there are extra costs which take vital funds away from the clinicians and the services they provide. I recognise the government's commitment to headspace and the recent approval of the headspace phase 1 at Riverway in Townsville. This is a vital project, and the non-intrusive way in which young people can access services will save this country millions of dollars into the future. I know that the Mental Illness Fellowship of North Queensland has also received funds from this government to establish a proper base in Townsville away from the hospital in a non-threatening manner. I note that Andy Froggatt, their soon-to-depart CEO, has worked very hard to get this up across all levels of government. I thank the government for their support here. I do note though that the new funding is actually outside the forward estimates. I just hope that this is not some sort of accounting trick to appease the sector while not delivering on these vital reforms.

I want to touch on something not covered in the budget but something that surely must be considered. The Defence Force Retirement and Death Benefits Scheme, or the DFRDB, needs to be indexed correctly. I am not about to take a swipe at this government for its inaction, because it has been in front of the Whitlam government, the Fraser government, the Hawke government, the Keating government, the Howard government and the Rudd government. As well as the Gillard government, all have ducked and weaved on the issue and made those people in our defence forces who have served at least 20 years all the poorer by doing so. The Whitlam government needed cash and took the money for the Defence pensions and absorbed it into consolidated revenue. For that, he told the forces, they would keep all their benefits and their pension would be indexed to the consumer price index, the CPI. Every other pension is also indexed to the male total average weekly earnings, the MTAWE, and the pensioner and beneficiary cost of living cost index, the PBCLI, as well as the CPI, whichever is the highest.
This has meant that the DFRDB recipients have slowly but surely slipped further and further behind.

I have a very good working relationship with retired Brigadier Neil Weekes, who is a DFRDB recipient. In one of our conversations last week he asked me if it was fair. When I asked him what was fair, he responded by asking me what was fair or right that DFRDB recipients who have served a minimum of 20 years in the armed services continually are treated as second-class citizens by their government. We as politicians line up every Anzac Day and we let the reflected glory of our men and women of the armed services wash over us at functions and on exercises. But as soon as they retire we drop them like a bad habit. We, the coalition, have finally been able to get this as policy on our side and we will fix this once we have government. But wouldn't it be lovely to be as one House on this issue? It is no wonder that all politicians are treated with scepticism by the defence forces when we are pretty much two-faced in how we deal with them. No, Neil, it is not right and it is not fair.

When it comes to education, I have real concerns about some of the government's plans in this country. I worry about NAPLAN. I worry that it has become the only thing taught in schools. It is the only thing taught in the years that the test is given. It is the only thing taught in the year preceding the examination. My question is: what happens to sport or music or art? These are disappearing from our schools' teaching landscapes as the My School website is hanging schools out to dry. The $400 million being touted as bonuses for high-performing teachers is simply misguided. The sooner we as a country realise that teaching is a calling and the money, while important, is not the sole decision maker for professionals making the career choice the better. I think you would find that most primary school teachers would prefer the money to be spent on additional aide time to assist them with delivery of quality education. By installing a bonus system into schools you are making internal politics and personal relationships more important than providing education to our children. I would also call on the government to recognise the need for funding equity in primary and secondary schools. If we can learn that mental illness can be better treated if detected early—and the cost to the community is lowered if it is treated early—then surely funds must be made available to primary schools to pick up and treat learning difficulties and/or disabilities.

This budget does not provide a decent building block for the future. It is too much of a punt to be taken seriously. This budget fails to address rampant government spending and papers over the cracks instead of bringing in real reform. For the sake of Australia and for the sake of Townsville we must have a change of government.

Mr CHEESEMAN (Corangamite) (16:13): I take this opportunity today to speak on the very important Appropriation Bill (No. 1) 2011-2012 and related bills. This is a vital budget for this nation and it is certainly a Labor budget, a budget that focuses on the key elements and key challenges that this nation faces, both in terms of building a modern economy and also making sure that every Australian has the opportunity to participate in a workplace and to earn a respectable wage. I believe this budget is not only very much a Labor budget but also a very fair budget, a budget that is very smart and of course does recognise the very important challenges our nation faces and will build employment opportunities as the private sector returns to this economy following the global financial crisis.

The budget talks about an economy that has near full employment. In my electorate of Corangamite and also in the broader Geelong area there is almost full employment at the
moment. Many of the communities that are still suffering from unemployment have in fact had multigenerational unemployment, and I believe this budget provides opportunities for those particular parts of the Geelong community to engage in the workplace.

It is fair to say that our economy is the envy of the rest of the world. Many parts of the OECD still have an unemployment rate that is close to 10 per cent. Of course our own unemployment rate is just a tick under five per cent. This budget is the right budget for this particular point in Australia's evolution. It provides for record investment in many parts of our economy, particularly the nation-building parts of our economy—rail, road and our telecommunications system. The National Broadband Network will be critical, particularly for rural and regional Australia. The regions will be given a playing field level with that of metropolitan Australia, something that has certainly not been the case with broadband. Being a regional member of the House of Representatives, I am very pleased and proud that the National Broadband Network will open up our economy and put us on a level playing field.

This budget provides $1.8 billion for critical infrastructure upgrades to our public hospitals and health services, particularly for the regions. In Geelong we were very pleased to receive the announcement of $26 million for a regional cancer centre, which will not only service the broader Geelong region but will provide very important cancer outreach services to the Western District of Victoria, an area that has suffered from high rates of cancer. This fantastic initiative was put forward by the Geelong Hospital, and I was very pleased to be with the minister, Nicola Roxon, in Geelong to make the announcement that we would invest in that very important area.

This budget also delivers in terms of our transport infrastructure in Corangamite and for the whole of the western side of the state. Particularly, we are working in partnership with the state government to deliver the Regional Rail Link, an important piece of Victorian infrastructure that this government is committed to, which will assist western Victorians with access to Melbourne via public transport. Importantly, locally this budget continues to deliver the necessary funding for the Geelong Ring Road, which is a very important road in the Geelong region, and also provides funding for the continued duplication of the Princes Highway. The Princes Highway is arguably the most important piece of economic infrastructure in the Geelong region. Again, we are delivering the necessary money to duplicate it not only to make the road safer but also, importantly, to open up the western side of Victoria and to provide a very much safer transport passage and greater access for primary producers and others in western Victoria to get their product to the port of Geelong, the Port of Melbourne, Avalon Airport and Tullamarine Airport. I think that says a lot about this government and the priorities that we have set. We very much believe in putting in place the nation-building infrastructure that we do of course require.

Importantly, this budget also continues the process of implementing our historic higher education reforms. I have spoken on education in almost every single session of parliament since we came to office in 2007. We certainly have great ambition for Australia's education system, whether it be our universities or our schools. I must say I am a very proud member who has contributed to a lot of the debates that have taken place in this place on education. This budget continues to deliver with respect to that. Again, some $500 million is available for regional priorities. Again, this particular government is very keen to ensure that our
regions do not miss out. Labor has had a very proud and longstanding history with respect to Australia's regions. Importantly, this budget again prioritises funding for our regions.

This budget also provides some $916 million for regional infrastructure projects that will be undertaken by our regional development bodies. They will be prioritised by those bodies. We have made available funding for those regions for the very projects that they require and that they consider as priorities. It is part of a $1 billion program that this government has committed to over the next five years.

I do want to make the point that in every budget, except for this last one, Labor have been in a position to be able to deliver tax cuts. We were not in a position to be able to do that with this budget. I know that the Treasurer has had to make some very tough decisions to enable us to bring the budget back to surplus. We will of course continue to work hard to do that. In terms of reducing the Commonwealth spend as a proportion of the economy, I think this budget is the single biggest step back that the Commonwealth has ever made. It is important that we do that, because we have a very substantial pipeline of private sector funding, particularly in association with the mining industry, that will be coming through in the next few years. It is important that the Commonwealth step back from the economy to enable that investment to come through. If we do not make those tough decisions and the Commonwealth does not reduce its spending—which is what we are doing—then of course that will have inflationary consequences in the Australian economy and will push up the cost of living and a whole raft of other things. We have delivered what I believe to be a very substantial budget.

I particularly want to make the point that, for many generations, my seat of Corangamite was considered a backwater by the Liberal Party. They owned the seat—that was their belief—for some 73-odd years and nothing much ever happened. There was no funding, no election commitments and no campaigning. None of that took place. We worked hard and we were able to win the seat in 2007 and again in 2010. That really was on the back of a lot of hard work and getting the right mixture of projects in the seat to open up the economy and to provide opportunities for young people from my part of the world to go to university, not only to the major metropolitan universities but also locally. We have worked hard with Deakin University to put in a lot of additional money to enable it to grow as an institution. I certainly look forward to continuing to work with the university to grow that institution, which has very much embraced Geelong and assisted the great transition that has taken place across the Geelong community. It is an innovative university and one that is very comfortable working with the federal government's innovation agenda. I look forward to continuing to work closely with it and the various ministers to ensure that it is able to grow and provide opportunities for young people.

It is also important to recognise that every single primary school in my seat has had a construction project either finish or be underway—building new classrooms, new libraries, new sports stadiums and the like to help educate young people. When I get around to talk to those school communities—the parents, the teachers and the students—they are all singularly excited by the Commonwealth government's massive investment in Victorian schools. It was pointed out to me that Building the Education Revolution was like the equivalent of 10 years of normal state government capital—a massive investment to help stimulate the economy but also, importantly, to provide modern educational spaces which teachers could use. We have also put money into the new GP superclinic. We continue to work with Deakin University and
the innovation centre. We continue to invest in the duplication of the Princes Highway and in
the Geelong Ring Road.

This budget, as I said earlier, is a budget for its time. It is a tough budget. We have had to
make some difficult and challenging decisions. But I think it will set up our economy to take
full advantage of the mining boom. I commend the bill to the House.

Mr O'DOWD (Flynn) (16:28): I rise to speak on Appropriation Bill (No.1) 2011-2012
and the 2011 Labor budget. It is important that I place on record how little this budget
delivers to the people of my electorate of Flynn. Flynn is a very productive electorate. It has
aluminium and cement industries and coal-fired power stations. It is the beef capital of
Australia. It has grain, citrus, sugar cane, small crops, cotton—it goes on and on. We add a lot
to the Australian economy.

I want to expose this budget for what it is: all talk and no action. It is all smoke and
mirrors. The government has shown again that it has no idea when it comes to nation
building. It has no idea how to manage the big projects needed to secure Australia's future. I
will give you some examples of how the Labor government budget fails not only the people
of Flynn but the people of Australia. Firstly, the majority of workers in Central Queensland
must drive long distances to and from work. Many work in mines and in the service industry
and their homes are hundreds of kilometres from where they work. This budget will penalise
these workers by slugging them for going into work. Under the 2011 Labor government
budget, people who have no choice but to travel more than 40,000 kilometres per year will
pay 20 per cent fringe benefits tax, up from the current seven per cent. On a $65,000 vehicle,
a miner, a tradie or a salesman will shell out an additional $8,450 in tax. This is not just an
attack on the mining industry; it hits the pockets of all kinds of workers who purchase a work
vehicle through salary sacrifice and have to drive long distances in doing their work.

Secondly, the government must stand condemned for continually breaking election
promises. It must stand condemned for building false hopes within the community only to let
people down because it has no idea how to plan and manage projects within budget. I will
give you some more examples of how the people of Flynn have been short-changed by the
Gillard government and how they are being lied to by the Gillard government. These are just
three examples. And you Labor guys over there had better put your fingers in your ears, beause I know you do not want to hear this—that goes especially for the member for
Capricornia, who has done her best on radio and in the papers to gloss over these issues
without giving any idea at all when the real work will start.

Let us look at the Calliope Crossroads, the Yeppen bridge and the Gracemere upgrade—
and then there is the Port Access Road. Promises made during the election campaign of 2007
and in 2010 have been pushed aside and replaced with a wide range of excuses. This is not
good enough. There is an urgent need for the government to get back on track and stop
hoodwinking the Australian public. The Calliope Crossroads presents a vital bit of
infrastructure which enables Dawson Highway traffic to cross over the Bruce Highway at
Calliope. It was promised, at a cost of $55 million, by both major parties in 2007. Labor failed
to honour that promise during its first term of government. It was promised again in 2010,
but by this time Labor had driven the cost up to $155 million. In the 2011 budget, however,
there is nothing—only a few pennies for planning. This intersection has been planned to
within an inch of its life. Millions have been spent by Labor planning for something, but they

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have no idea at all when this project is going to start. There have been suggestions that the original $55 million to complete the project will only cover the planning and resumption of land.

Likewise, another bridge for the Yeppen flood plain, with double lanes to Egans Hill and to Gracemere along the Capricorn Highway, is essential. The Gladstone Port Access Road is also an important project which so far has had no public consultation. We can all see the need for these projects, but nothing is being done to bring these plans to reality. In fact the government, in its latest budget, reveals that work will only start in 2014-15 and then only if the mining resource rent tax is approved. How many people will have to die on these roads before the government moves?

The reality is that the government cannot move on these issues because it is virtually bankrupt. It has transformed a strong surplus economy in 2007 into a basket case in just three years. In 2007, the coalition left the Australian people with billions of dollars in the bank. We are now borrowing in excess of $135 million a day and this budget seeks to increase our borrowings to $250 billion, up from $200 billion. We have wasted money on the failed pink batts program, the dodgy BER scheme and the countless other touchy-feely, feel-good projects. Labor has thrown money around like a drunken sailor, and I apologise to the drunken sailor for associating him with this government. The 2011 Labor government budget is an attack on middle Australians. It is an attack on working families. It is an attack on the hardworking men and women of Australia who work in our regional towns and cities.

Madam Deputy Speaker, I would like to turn your attention to another very important issue affecting the people of Flynn. I refer to the proposal by the Labor government and the Greens to introduce a carbon tax into the Australian economic landscape. To pretend that a carbon tax will not cost several thousands of Queenslanders their jobs is in my opinion the height of gross stupidity or incompetence or both. Our forefathers and captains of industry have worked diligently over the last 200 years to establish a wide range of industries and development projects across Australia. We cannot let the Green-Independent-Labor government destroy our industrial base. My electorate is without doubt the carbon capital of Australia and it naturally follows that it will be that area of Australia that suffers most from the effect of a tax that will effectively make industry less competitive on the world market.

Like with everything else, this government skirts around the issues. They will not tell industry what price per tonne they will have to pay for this carbon. Is it going to be $26 per tonne or $45 per tonne? Maybe it is going to be $100 per tonne, as demanded by the Greens, or maybe it will be somewhere in between. Uncertainty destabilises our industries. The government has a responsibility to ensure that any change to the way businesses are taxed and regulated is carried out in a measured way over a long time frame. To pretend that this tax will improve world pollution and lower temperatures, when the government's own experts say any change in a thousand years will be minor, is dishonest. The reality is that this is a tax the government must have to help dig itself out of the fiscal hole it has created for the Australian people. Let us be honest about it. Tell the Australian people the truth. The government cannot manage money and we need the Australian public to yet again cop it on the chin.

The state of our health and community services in the electorate of Flynn is in urgent need of an overhaul. There is nothing in this budget to give the community any comfort at all. On 27 July 2010 Prime Minister Julia Gillard said, 'I want to be absolutely clear—mental health
will be a second-term priority for this government.’ The budget papers reveal that this is a tricky move by the Prime Minister. Most of the money will be delivered in five years time—the last year of the next term of the government. The budget shows that $500 million has been cut from regional programs. It is a snub to Central Queensland when $480 million of regional development funds has been allocated to the roads around Perth Airport.

In summary, this budget delivers nothing substantial to my electorate of Flynn. It eats into the incomes of hardworking families and will take jobs from Australia and place them overseas. The government is gambling with our country and our lives. There are no guarantees about the precarious world economy and yet this sham of a budget is based on the assumption that the economies of our trading partners will continue as they are today. Where will we be if these predicted downturns in China occur? What measures has the government taken to deal with another global economic disaster if it should happen? The government has left us no room to move. It has spent foolishly and has not provided for much needed infrastructure projects like the Bruce Highway and many other trouble spots around the area, especially our internal roads. I implore the government to get its priorities sorted out and concentrate on projects that will benefit Australians in the long term.

Mr Gibbons (Bendigo) (16:39): During a time of global economic uncertainty when many Western countries are battling against low or negative economic growth and a large national debt, this budget is all about getting the settings right. It is about getting the settings right for a strong, secure and sustainable economy that will benefit all Australians in the years to come. As Craig James, chief economist at CommSec, has said:

Overall, it is a smart budget, and a budget right for the times and challenges ahead.

There is much talk about our economy today being resourced based—indeed, our resources industries do make a huge contribution to our national output—but, as the Treasurer pointed out in his post-budget speech to the National Press Club, this is as much an oversimplification as thinking Australia was just an agricultural economy during the last century. We are not simply a resource economy and the time of our manufacturers has not passed. Indeed, our manufacturers have innovated and moved with the times and they will continue to do so.

I take the opportunity today to talk about one innovating manufacturing sector in my electorate: defence manufacturing, its importance to the region's economy and jobs and how this sector has been responsible for making or breaking the aspirations of several political candidates and in some cases political careers. It is worth spending some time going through a brief history of defence manufacturing in Bendigo. Seventy years ago the Commonwealth government announced plans to build a Commonwealth ordnance factory in north Bendigo to manufacture and refurbish heavy gun barrels for the Australian Navy, produce munitions and a range of other heavy engineering tasks for the war effort. Between 1942 and 1981, the factory not only manufactured and refurbished defence equipment for Australia's requirements but also completed several large export contracts including some for the United States navy. At its peak of operations the factory employed well in excess of a thousand people.

The announcement in 1981 by then Treasurer Phillip Lynch that the Fraser government would sell or close the Commonwealth Ordnance Factory with a loss of hundreds of jobs produced an angry reaction in the Bendigo community. A study of the impact of the proposed closure on Bendigo's economy was undertaken and an intensive lobbying campaign got
underway. In fact, three Bendigo councillors got together and nominated as legislative assembly candidates in the 1982 Victorian election on a cross-party 'Save the Commonwealth Ordnance Factory' ticket. The idea was that those electors who would normally vote Liberal but wanted to register a protest about the factory sale or closure could vote for Councillor Joe Pearce and direct their second preference to the Liberals, Labor voters could vote for Councillor Dick Turner and direct preferences to Labor and those supporting other parties could vote for Councillor Chris Stoltz and then preference one of the minor parties or candidates. In the event, sitting Liberal member Darrell McClure was dumped and Labor's official candidate, David Kennedy, who campaigned extensively on the Commonwealth Ordnance Factory issue, was elected.

The proposed closure claimed another political victim in the following year's federal election when sitting Liberal member and then Chief Government Whip John Bouchier was defeated by Labor's John Brumby. The future of the Commonwealth Ordnance Factory was once more a major issue in the local campaign.

In the late 1980s the Commonwealth government restructured several government owned defence manufacturers, including the Commonwealth Ordnance Factory and the Commonwealth Clothing Factory which had been manufacturing defence uniforms and combat clothing since 1912. In 1989, then Minister for Defence Kim Beazley announced that a new government owned entity, Australian Defence Industries or ADI, would bring these organisations together to create Australia's largest defence manufacturer.

Another reorganisation in 1992 saw ADI consolidate its defence clothing manufacturing operations in one location at McGoldrick Court in Bendigo. Three years later, this was established as a separate business and subsequently sold to the private sector and became Australian Defence Apparel. This company has a track record of innovation in the manufacture of combat clothing and associated equipment. It continues to operate today, producing high-value personal body armour as well as a range of military and combat uniforms, and currently employs about 300 people.

The future of the remaining ADI operations was again an issue in the run-up to the 1996 federal election. The then Leader of the Opposition, John Howard, visited Bendigo and promised not to privatise ADI. He told a press conference, including the Bendigo Advertiser, on 14 February 1996, 'No, no and no; we have no plans to privatise ADI.' The coalition won the election and John Howard became Prime Minister on 2 March 1996. Bruce Reid, who had defeated Labor's John Brumby in the 1990 election, was re-elected as the federal member for Bendigo with an expectation that the government would keep its promise not to privatise ADI. In early 1997, the government selected ADI's Bushmaster protected mobility vehicle as a preferred option over the ASVS Taipan alternative. Then in February Liberal Minister for Defence, Ian McLachlan, announced the government's decision to fully privatise ADI, despite John Howard's campaign promise to Bendigo not to do so. The Howard government was re-elected in 1998, but I successfully defeated the new Liberal candidate for Bendigo, Max Turner—Bruce Reid having announced his decision to retire—with the ADI privatisations betrayal and the future of the Bushmaster contract among the main local issues. John Moore replaced Ian McLachlan as defence minister in 1998 and the following year the Howard government sold ADI to a fifty-fifty partnership comprising Transfield Australia and French company Thompsons-CSF, which is now Thales.
In 1999, the first production contract for 370 Bushmasters was signed with ADI and the first Bushmasters to be used on operations, the two original prototype test vehicles affectionately known as B1 and B2, were deployed to East Timor. After Peter Reith replaced John Moore as defence minister in 2001, he received a recommendation from the Defence Materiel Organisation that the Bushmaster production contract should be cancelled. Sections of the defence department and senior military personnel had expressed strong doubts regarding the Bushmaster's suitability for the ADF. This ensured that the suitability of the Bushmaster and ADI would again be a major issue in the 2001 federal election campaign. The Howard government was re-elected, but I was successful in retaining Bendigo for Labor.

In March 2002, I led a deputation to new defence minister, Senator Robert Hill, to argue the case for retaining the Bushmaster contract for ADI. Four months later, Senator Hill, to his great credit, announced that the government would honour a revised Bushmaster contract with ADI, although the number of vehicles would be reduced from 370 to 299. The first production Bushmasters rolled off the assembly line at ADI Bendigo in 2003 and in 2006 Thales Australia acquired 100 per cent ownership of ADI and assumed full control of its operations. The company restructured and Thales specialist vehicles were created at the Bendigo factory. By this time, more Bushmasters had been deployed in East Timor, Iraq and Afghanistan, where again and again they demonstrated their superiority in saving the lives of Australian defence soldiers.

After succeeding Senator Hill as defence minister, Dr Brendan Nelson increased the contract with ADI for Bushmaster PMVs to a total of about 730 vehicles. This was about the time that the Australian Defence Force Land 121 Phase 3 vehicle acquisition program released specifications for several light, medium and heavy trucks including a number of armour protected vehicles. Twenty vehicles were initially assessed with a view to short listing the light to medium category down to three, but despite the Bushmaster's proven combat performance, a utility variant, then called the Copperhead, was not even included in the initial assessment process. Again, some senior defence personnel had expressed doubts on this vehicle's suitability.

Meanwhile, having seen the success of Bushmasters in Iraq and Afghanistan, the Netherlands Defence Force placed an initial order for 25 Bushmasters, which was subsequently increased to a total of 86 vehicles. This important export order was won despite a conspicuous lack of support from the Howard government for Thales' efforts to sell their world-beating products overseas.

In the 2007 federal election, potential export markets for Thales protected mobility vehicles was a major issue in the Bendigo campaign. I retained the seat for Labor and the member for Hunter was sworn in as the new defence minister in the Rudd government. This was followed by further export success for the Bushmaster when the British defence force took delivery of 24 vehicles.

In 2008 the new Labor government overhauled the troubled Land 121 Phase 3 program resulting in the Bushmaster single-cab utility vehicle finally being considered in a new round of initial assessments. Subsequently the Defence Materiel Organisation short-listed the Bushmaster utility, along with vehicles from Mercedes-Benz and MAN. We are still waiting for a final purchase recommendation, which has been expected from the DMO since last December.

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The ADF also needs to replace a significant part of its ageing Land Rover fleet and its Land 121 Phase 4 program will provide around 1,300 light protected mobility vehicles for this purpose. Defence minister Fitzgibbon announced in 2008 that Australia would commit about $40 million to participate in the US joint light tactical vehicle development program, with a view to buying a US vehicle to meet the ADF's light protected mobility vehicle requirements. The minister's statement also signalled an opportunity for Australia's defence manufacturing sector to compete in the light protected mobility vehicle program, and Thales developed the Hawkei prototype for this category. However, during private briefings on Land 121 Phase 4 from senior DMO personnel in 2009, I was told that they did not believe Thales were capable of producing a light protected mobility vehicle. Senator John Faulkner replaced the member for Hunter as Minister for Defence later that year and a separate Minister for Defence Materiel, the member for Charlton, was appointed.

In May last year Mr Combet announced funding for three Australian manufactured light protected mobility vehicles to compete against the US JLTV. Thales, Force Protection and General Dynamics each received funding of up to $9 million to develop prototypes. Thales's Hawkei is the only Australian designed and manufactured vehicle involved. We have also learned from the US documents made public by WikiLeaks last year that US diplomats have been pressuring Australian officials to abandon our defence manufacturing sector and purchase products exclusively from the United States.

In the narrow re-election of the Gillard government in 2010, I was returned as the member for Bendigo, the member for Perth replaced Senator Faulkner as the Minister for Defence and the member for Blaxland became Minister for Defence Materiel. In February this year Thales delivered two Hawkei prototypes for an intensive test and appraisal process to select an Australian light protected mobility vehicle to compete with the successful US JLTV vehicle. A decision on this is anticipated within two years.

The people of Bendigo continue to support the city's defence industries. In April, about 300 people attended a rally to demonstrate that support. Since then, the defence minister has announced an order for another 101 Bushmaster PMVs for the Australian Army. Today, Thales is part of Bendigo's progressive and innovative defence industry—one that also includes protective clothing manufacturer Australian Defence Apparel and the Defence Imagery and Geospatial Organisation. Bendigo's defence industries employ more than 800 people and the jobs supported by the ADA and Thales operations alone represent approximately 18 per cent of Bendigo's total employment in manufacturing. It is one of the key sectors of Bendigo's economy. The annual direct output generated by the defence industry in Bendigo is estimated at more than $490 million and, including the flow-on effects to other sectors, the industry's total contribution to the local economy is estimated to be around $760 million a year.

I have tried to demonstrate today that Australia has a world-class, innovative manufacturing capability in protected mobility vehicles and armoured protective clothing. I believe it is in our national interest that this should be retained and supported—and this is a regionally-based industry that contributes significantly to the economy of central Victoria. As I have also shown, we do not always make it easy for our domestic manufacturers to deliver the world-class products they are capable of producing. The saga I have recounted of Thales and its Bushmaster vehicle program is one of delay, prevarication and uncertainty, and it has...
claimed more than one political scalp along the way. If we are serious about encouraging our manufacturers in this country, we must walk the walk and not just talk the talk. We must do better. Government can do much to support local manufacturing through its various acquisition programs without making compromises on the quality of its purchases. This year’s budget includes several measures that continue this government's support for local industries to innovate and compete in world markets. I commend the budget to the House.

Mr BILLSON (Dunkley) (16:54): The budget Appropriation Bill (No.1) 2011-2012 and related bills were largely built on a speech full of misrepresentations, make-believe and an incredible dose of optimism when the Treasurer introduced them on budget night. Labor proclaims this budget for what it might do not in this financial year, and not in the next financial year, but in the year after that—that is the key selling point of this budget. We seem to have moved into a bit of a time warp where we have chosen to ignore the budgets and the fiscal position in the intervening period and are not talking about this financial year or the next but the one after. There is a suggestion that at that time Labor will deliver something it probably would not know if it saw it, and that is a budget surplus.

I say make-believe is at the heart of this budget because, when you look at the assumptions that underpin it, we need to take into account a number of things. The Gillard government is counting on record high terms of trade staying that way and at worst being diminished by four per cent, a fairly minor adjustment, but apparently the Gillard government believes these incredible terms of trade, probably the best in 150 years, will not change by more than four per cent.

Secondly, it then talks about some Herculean projections in revenue. If you look at the GST figures, for instance, there is an enormous growth in the revenue that that is supposed to bring in. There are also some assumptions embedded in it about what the mining tax will bring to this budget even though the mining tax has not been finalised and many commentators are suggesting the concessions or negotiations that Prime Minister Gillard engaged in will see the biggest three mining companies likely to be paying less tax than they are now because of changes in the way assets will be valued and offsets in terms of state-based royalty changes.

There is also something that cannot speak its name in this budget, and that is the carbon tax, one of the most substantial impacts on the Australian economy and on the Australian community, a new tax that comes in at exactly the same time as the mining tax. Albeit not well argued and not well analysed in the budget, the mining tax is at least there. But the carbon tax is not. Then you go behind those figures even further and you realise the slender surplus that the Gillard Labor government believes it will produce not this year, not next year but the year after—a slender surplus that is less than most of the adjustments in the budgets over recent years, but apparently we are supposed to believe that in these out years those assumptions will be right—is built on bracket creep. There are no tax cuts to adjust the threshold rates at which income tax is paid. So you will see Australians who are fortunate enough to gain an increase in their income increasingly moving into higher tax brackets. There are not even tax cuts in this budget that maintain people's tax liability; as their income goes up they are going to sneak into higher brackets and pay higher income tax because of it. But on the flipside, in terms of family allowances and the like, you see a number of those benefits also now getting into this budget benefit through bracket creep category where, as
their incomes move and those thresholds stay frozen, people will increasingly move out of those areas of eligibility. So it is a piece of fiction. This budget would be in the fiction section of most public libraries but, alas, we are here to discuss it.

But there is one moment of disclosure and that is the disclosure, I think in Budget Paper No 2, where there is finally an admission that the debt ceiling that the government has had to operate under will need to be increased. You might recall that when Labor was elected the debt ceiling captured by the Commonwealth Inscribed Stock Act, if I recall correctly, was around $75 billion. It was pushed out to some $200 billion as part of the government's response to the global financial crisis. It was pushed out there with an assumption that the government would need to account for its actions to move out to that higher figure to prove that there were some special considerations that justified that increase. Now not only are we faced with a request to push that $200 billion debt cap out to a quarter of a trillion dollars, $250 billion, but now the government wants to have no requirement on it to explain and to justify its actions to increase the debt to $250 billion.

Why this is important is that, long after the electorate is able to cast its judgment on the Gillard Labor government and whatever that judgment may be, some of the legacies of its actions will still be with us in terms of the debt that we will all need to pay—not only service but hopefully repay at a subsequent date when the coalition is elected down the track, but we will all be paying for it. It is perfectly reasonable that, if the Gillard government wants to max out the Visa card limit of the Commonwealth, it should account for its actions. That is why the coalition's amendments are very worthy of support. We have said that we are not declining to give the bill a second reading but the government deserves to be condemned for incorporating in the bill this plan to push its government borrowing limits above $200 billion, and that we should recognise that a special case must be made for such a significant increase in borrowings and that the government must explain any special circumstances that it feels justify taking our debt above $200 billion. The parliament needs to be given the opportunity to hear the government's case. If the government is so convinced there is a need to blow out Commonwealth debt above $200 billion then the requirement to justify that action is perfectly reasonable. There may well be a good reason, but where is the accountability and transparency in this Australian parliament where the Labor government thinks it can simply run over the top of a $200 billion debt limit feeling no need to justify its actions to the Australian public?

The debt binge that the government is on is just one of a number of challenges that my community, my electorate, and also the constituency that I represent as the shadow small business minister are facing. It is little wonder that small businesses are struggling to get access to finance, when there is a gorilla in the room devouring financial resources at such a huge rate, as evidenced by the blow-out in the government debt for this year, next year and, I would dare suggest, for many years to come. But that is just one of a number of challenges the small business community faces that the government has not faced up to in this budget. The government has failed to address any of the major and compelling concerns and challenges faced by the engine room of our economy. In fact it seems almost an environmental initiative that the government is trying to take a couple of cylinders out of the engine room of our economy as some kind of response to climate change.
It is quite bizarre. The key challenges that the small business community face do not even crack it for a mention in this budget. Instead, there are a number of tricks where the government is suggesting it is doing good things by the small business and family enterprises of Australia but where they are actually being serviced by harmful measures that the government is not that keen to talk about. Earlier speakers have talked about the impact of FBT changes and what they would mean for a small business that might provide a delivery van or a work vehicle for their employees. There is also the issue of the instant write-off. The government seems to proclaim that as a great win for small businesses, that somehow there will be a cash flow benefit. But they have failed to mention that to get the benefit, in the example cited by the Treasurer, for an end-of-year tax benefit—not this financial year but next, probably payable in October 2013 or somewhere in that order—of $1,275 you need to spend $34,000. In terms of cash flow analysis, that is a hell of a lot of lolly—$34,000 to get $1,275 back. But it is the only good thing that the government thinks it can cite in this budget.

You dig a little bit deeper and you wonder: how is this being financed? The courage of the Gillard Labor government is to take on 400,000 of our smallest businesses. By scrapping the entrepreneurs tax offset, they are ripping out of 400,000 of Australia's smallest businesses and self-employed an incentive to provide for their own wellbeing and to provide opportunities for others. This measure was introduced by the Howard government to give support and encouragement to those people prepared to invest in their potential to support their own livelihood, to nurture a business, to grow opportunities in this country. If you think that is a terrible thing to do, it was quite remarkable last week when Canberra based Labor MP, Andrew Leigh, had a spray at those who were actually benefiting from the entrepreneurs tax offset. Rather than face up to the over 400,000 small and microbusinesses scattered right across Australia, who see this modest incentive as some encouragement to provide for their own requirements and to provide their own employment and economic opportunities, Mr Leigh had a spray at them, suggesting that people are deliberately organising themselves and rejecting 'market opportunities which might be present' solely to claim the ETO benefit he describes as 'a fairly low level of assistance'. So what is he saying? Is he saying that for a 25 per cent discount on taxable income people would turn their back on an opportunity to grow their business? He went on to decry the fact that the average payment being made was less than $500 and that 70 per cent of those claiming it were getting less than $600 back. Looking at the standard tax table and allowing for a tax-free threshold, the average person claiming the entrepreneurs tax offset—which, according to Labor's own figures, is around $500 in benefit—is earning about $420 a week. These people are earning less than $22,000 a year as entrepreneurs in their own right through self-employment, and this Labor government wants to take a modest incentive off them to somehow fund a dodgy cash benefit where you spend $34,000 to get $1,275 back.

What is this about? The people being criticised by the Labor Party are earning under $22,000 a year and they get a modest benefit for that. Mr Leigh goes on to say that 70 per cent of the claims are for less than $600. According to the standard tax table and allowing for the tax-free threshold, do you know how much they are earning? It is $466 a week. Their grand income is under $25,000 a year, and they are getting slugged with extra tax by this Labor government, which claims to have some passing interest in small business. Well, it does not. Labor has never understood small business and never bothered to understand the challenges
that the small business community face. It was bad enough when Kevin Rudd was Prime Minister, but at least there was apathy. Now it is downright adversarial.

What the small business community needs is an advocate and an ally. Since the election of the Labor government, 300,000 jobs have been lost in the small business community and 25,000 small businesses no longer exist. When the government boasts about the jobs it is creating, it is not boasting about jobs being created in small business and family enterprises. These are the economies of outer metropolitan and rural communities that do not have the luxury of a CBD or a mine. This is what drives the livelihoods and opportunities across Australia and they are being done over, day in and day out, by this government.

But it gets worse. The Prime Minister has the gall to go out there saying that you must value the working capability of every Australian. Well, apparently not. Apparently you only value people who receive a pay cheque. Why would you go after them with this enterprise tax offset? Why would you wipe that out? It is because they are self-employed. They are not receiving a pay cheque; they are trying to earn their own and perhaps create pay cheques for others.

But it gets worse. The opposition and those two million people who derive their livelihoods from self-employment were very concerned about secret meetings between the union movement and the Gillard Labor government, the ones that were denied and then admitted to. Nick Sherry had a very awkward time in the Senate explaining these meetings that everyone else seemed to know about but he said did not happen. This coordinated, multipronged assault on legitimate contracting and self-employed arrangements had another weapon added to it out of this budget. This is now a new weapon. It was not enough to send out the Fair Work Ombudsman to get stuck into self-employed independent contractors. It was not enough to send the tax office out after these people with no evidence that there was a need to have such a jihad against them as has been unleashed by this Gillard government. It was not enough to send the Australian Building and Construction Commissioner out after them. That was not enough. Do you know what is out there now? Under this budget, the Labor government wants those people who are engaging contractors to now be involved in this web of making sure nobody is self-employed and that everyone is forced into a traditional employee-employer relationship where the union movement has what it believes is a controlling stake and a controlling interest.

When is enough enough? When are you going to let independent contractors and self-employed people actually have a fair go? Every day there is a new attack on them. Why? It is because they do not fit in this neat little unionist view that everyone receives a pay cheque. These people are earning their incomes through hard work. They do not have the comfort of being able to turn to an employer and say, 'Hey, things are a bit tough, but that is okay; you can cover me for a few more weeks until things pick up.' These people do not become unemployed; they just do not have enough work. As the government talk around participation in our economy, do they not realise that self-employment is a legitimate way for people either returning to the workforce after periods out or maybe contemplating retirement trying to juggle their working arrangements? Being an independent contractor and self-employed is as legitimate as any other way of earning a livelihood in this country, but you would not know it.

Assistant Treasurer Bill Shorten came out with another press release today somehow suggesting, 'It will not be a problem for any honest contractors; we will just throw a bit more
red tape and compliance obligations at them.’ You stalk people and harass them out of a legitimate career and employment trajectory, and those people who dare engage contractors because it supports their entire workforce— (Time expired)

Ms PARKE (Fremantle) (17:08): I welcome the Gillard government's disciplined and responsible 2011-12 budget, and I congratulate the Treasurer and his department and staff. This budget delivers the fiscal settings and savings that will keep a lid on inflation and return Australia to surplus in 2012-13 while delivering an historic and comprehensive mental healthcare program and investing further in jobs training and in renewable energy.

That combination of fiscal prudence, hard-won savings and forward-looking investments is, in a nutshell, the hallmark of our government, which has delivered the following significant achievements. It has put in place a response to the global financial crisis that has seen Australia outperform other developed countries. It has reduced unemployment and maintained low inflation growth against the background of the worst crisis since the Great Depression and following a summer of unprecedented natural disasters. It has made the largest investment in schools and the largest single lift in payments to pensioners. It continues on the path to increasing our foreign aid commitment to 0.5 per cent of GNI by 2015-16.

This budget makes a historic $2.2 billion investment in mental health services. This government has been prepared to make very difficult decisions, such as introducing a carbon price to the economy and adopting world-first plain packaging for cigarettes, often at some political cost, so that Australia benefits now and in the long term.

The budget includes $22 billion in savings by achieving efficiencies in the delivery of government services and by continuing Labor's program of identifying unnecessary and unproductive churn in our tax and payment assistance framework in order to ensure that government payments and concessions are made only when they are for genuine assistance. That is the responsible thing to do and it is the only way to ensure fairness in the system. By creating savings we will not only improve the bottom line but also make possible key investments in critical policy areas and better support for those who need it most.

Despite the strength of the resources sector in WA, there are many people in the Fremantle electorate who are not benefiting from the boom and who, instead, are facing rising costs in the form of state government electricity charges and the rent impact of a severe housing shortage. This is especially true for those on low and fixed incomes. In recognising the patchwork nature of the economy, and also by bringing forward the low-income tax offset, this budget provides $772 million of increased family tax benefits to support parents with dependent teenagers aged 16 to 19 in full-time study.

In addition to the record pension payment increases, made since 2009, which have seen the maximum pension rate increase by $128 per fortnight for singles and by $116 for couples, this budget now expands the work bonus for pensioners, which will come into operation from 1 July. This change follows the same philosophy that drives the government's efforts to support and encourage greater work participation across the board. Those words 'support' and 'encourage' are important, because the approach of this government is to ensure that (1) the system provides incentives for people to move from welfare to work and (2) the education and training and job support framework can enable that transition.
This budget does both of those things. As I have just mentioned, the pensioner work bonus changes mean that older Australians can now work more before suffering a reduction in their pension payments. The government will also be providing $95 million in wage assistance to reward employees who provide work to persons, including older workers over the age of 50, defined as 'long-term unemployed'. In terms of supporting work readiness, the budget introduces the Building Australia's Future Workforce package, whose initiatives include $558 million to deliver around 130,000 appropriately tailored training places; $200 million in assistance to apprentices; and $1.75 billion in partnership with the states and territories for necessary reform of the vocational education and training system. This investment is a distinctly Labor project and it will be particularly welcome in my electorate, which includes areas that have higher than average youth unemployment and therefore presents a clear need to equip young Australians with the skills and qualities that allow them to take advantage of jobs that the Western Australian economy is generating.

Of course, the Building Australia's Future Workforce package follows from earlier steps taken by the government in this area, such as the funding of the Trade Training Centres in Schools. In March this year the community cabinet came to Fremantle. It was hosted at South Fremantle Senior High School, which will be the site of a new $4.3 million maritime trades training centre. Just two weeks ago I accompanied the Minister for School Education, Early Childhood and Youth, Peter Garrett, on a site visit to the new training centre. These are the kinds of substantial training and education ventures that will be the foundation of jobs and productive lives for the next generation of Western Australians.

From a Fremantle perspective this budget addresses a number of issues that have been prominent in my community, and I want to touch on some of those. Mental health reform is the best example of this government's steady progress in tackling overdue and big picture reform. Indeed, there were few larger issues in 2010 than the need for a dramatic shift in the way that mental health care is provided and funded in Australia. It is an issue that I have been engaged in for a long time, not least because acute mental health care is provided through the Alma Street Clinic of Fremantle Hospital and so there is a focus in the Fremantle area on people receiving that care. For too long, mental health care has been the poor cousin within the health services framework and for too long mental health has been poorly understood and inaccurately perceived by the general community. Change has been occurring and I want to acknowledge the courage of ordinary Australians and of prominent people who have come forward and been open about their own mental health challenges, including in this place the member for Goldstein. When people realise that depression or anxiety is an illness and when people realise that it comes out of nowhere to affect footballers, bricklayers, lawyers, musicians, teenagers and politicians and when people realise that it can be treated and that it does not have to be a barrier to participation in life or a barrier to performance at a high level then we will have achieved a cultural shift that allows us to approach this area of health openly and without stigma.

On the night of the Candidates Forum that was held in Fremantle during the 2010 campaign, a candlelight vigil was held to demonstrate the strong desire in the community to see a new and effective commitment to mental health care in Australia. It is no surprise then that the government's historic $2.2 billion mental healthcare package has been well received. I have had a number of emails in the last three weeks welcoming the introduction of short- and
long-term measures, including the $433 million for suicide prevention, the $492 million for early intervention when it comes to children and young people who experience or who are at risk of mental illness and the $200 million to support mental health programs for those who are homeless or at risk of homelessness.

I recently accompanied the Minister for Social Housing and Homelessness, Senator Arbib, to St Pat's crisis care centre in Fremantle, where this funding was warmly welcomed. Those who work day in, day out with the homeless, like my friends at St Pat's, are only too aware that mental illness is both a cause and a consequence of homelessness. When the first annual Gimme Shelter concert in Fremantle was being planned five years ago, it was a clear objective of the concert to raise funds and awareness not only for homelessness but also for mental illness. It is fantastic that the federal government has also recognised this link in the budget and provided serious money towards assisting the many Australians struggling with the dual difficulties of homelessness and mental illness.

To drive the long-term reform in this area, the budget provides new funding of $12 million to a total commitment of $32 million over five years for the creation of an independent National Mental Health Commission, which will provide accountability and transparency as well as contributing analysis and direction in the development of the Ten Year Roadmap for ongoing mental health reform. The commitment to increase the national network of headspace centres to 90 has been particularly welcome. Fremantle was fortunate to have one of the first such centres established and it has proved its worth from the moment it became operational.

At a time when the cohort of senior Australians as a proportion of the population as a whole is set to increase markedly, I am a big supporter of initiatives that give effective support and resources to assist elderly people who wish to continue to live independently. As I have said before, wherever this is possible I think this is actually the natural preference of most people and most families and it is also a scenario in which the load on the residential aged care system can be reduced. For those reasons I am delighted that this budget brings with it new increases to Home and Community Care, or HACC, program funding. The latest allocation of $9 million in funding to WA brings the total 2010-11 WA funding to more than $212 million, underwriting services that benefit 66,000 Western Australians or nearly three per cent of the population. Eight providers in the Fremantle electorate are among more than 270 organisations that deliver HACC services. In addition to the extra $396,000 in recurrent funding, four Fremantle providers will also receive one-off funding for new capital including Neighbourhood Link in East Fremantle, which will receive nearly $140,000 for a new bus; Melville CARES, which will receive $40,000 for IT equipment; and, the Villa Dalmacia Social Centre, which will receive $15,000 for vehicle modifications. In each of these cases and through the boost to recurrent funding, this Labor government is making an investment in the wellbeing of elderly Australians and in the peace of mind of their families, while at the same time alleviating the pressure on residential aged care.

That effort to help those who want to live at home has a parallel in the budget with the $72 million Healthy Communities Initiative, which supports local governments who run programs that encourage healthier lifestyles and therefore deliver important preventive health outcomes. Once again, this is funding that provides direct benefits to individuals but also reduces the likely future impact of illness and disease that result from unhealthy diet and lifestyle choices. In my electorate, the City of Cockburn was one of four local governments in Western
Australia and the only one in the metropolitan area selected under this program. It will receive $700,000 for its Co-Health Lifestyle Project, which is aimed at those not working full time and at risk of poor health outcomes. It also includes some targeted nutritional education for Indigenous and Torres Strait Islander Australians. The Minister for Health and Ageing, Nicola Roxon, made this welcome announcement at the Cockburn seniors club in my electorate two weeks ago. As noted by the Mayor of Cockburn, Logan Howlett, at the event, the Healthy Communities initiative also complements extremely well the existing projects encouraging healthy lifestyles that are underway in the city of Cockburn and to which the federal government has provided generous assistance, including the Coogee Beach Surf Life Saving Club, the GP superclinic and the Bibra Lake wetlands education centre precinct.

In terms of big picture infrastructure, I am very pleased that the budget provides further support for rail freight into the port of Fremantle. As part of the government's $350 million contribution to the Perth urban transport and freight corridor upgrade project, we are providing funding to the development of the Kewdale Intermodal Rail Supply Chain, and that includes a $27 million contribution to a rail-passing loop near Fremantle port and works comprising stage 2 of the North Quay rail terminal. The project will provide intermodal freight services for the receipt of interstate and intrastate containerised and bulk freight and international and interstate containerised sea freight.

That is the direction we need to go in. By increasing rail and coastal sea freight, and by supporting better freight coordination through the Kewdale intermodal facility, we will see a road freight impact reduction by volume of total freight. More trucks and more and bigger roads for those trucks cannot be the answer to our freight challenge. I am glad that this government is keen to work in partnership with the WA government when it comes to new rail infrastructure and to better roads and freight management yet, quite sensibly, continues to have absolutely no interest in funding the outdated folly that is Roe Highway stage 8.

In conclusion, this budget is a no-nonsense, practically oriented and rigorous blueprint for economic stability, responsible savings and necessary investment in the things that matter for Australia's future—namely, education and training, health service capacity, economic infrastructure and renewable energy. It is marked as a Labor budget by its fairness; its social responsibility, when it comes to protecting and assisting vulnerable people in our community; and its willingness to undertake difficult reform, including reform to Australia's tax and payment assistance framework.

Mr CHRISTENSEN (Dawson) (17:21): I rise to speak on Appropriation Bill (No.1) 2011-2012 and cognate bills and to condemn the lost opportunities that this budget represents. This is indeed a budget that has a bark that is worse than its bite. Madam Deputy Speaker, two weeks ago, you might remember, the hounds were out howling at the moon before this budget was delivered, howling about how tough things had to be and howling about how tough measures would be taken to bring the budget back into surplus. But what was the result come budget night? An utter disappointment and a disgraceful waste of opportunity.

This budget does not cut back on spending. On the contrary, the budget actually increases spending, ramping up government expenses from $351 billion to $368 billion. That is no way to go about returning a budget to surplus. If that is the government's plan, then it is a dog of a plan. That is not surprising as it comes from a dog of a government delivering a dog of a budget. It beggars belief that a government purporting to have the ability to bring a budget
back to surplus would start by increasing spending. You do not have to have a high-school education to recognise the fundamental flaw in that plan, and Labor wonders why the public thinks it has no economic credentials.

If this government thinks spending more money is a tough budget that can deliver a surplus, then it is not smarter than a fifth grader. But increased expenditure alone is not why this is a dog of a budget. The real issue that Australian families find unpalatable is the reckless waste they are witnessing from the current government. Far from tightening its belt, this government has employed an additional 24,000 public servants since it took power in 2007. That is a bitter pill to swallow for people in my electorate of Dawson, many of them living in regional towns with an entire population less than that.

We now have 1,027 public servants in the Department of Climate Change and Energy Efficiency alone. This is a department that has proved to be a total failure. It has failed its first priority for 2010-11, which is spelt out in its corporate plan. It is, 'Delivery of the government's election commitments.' That is not just a fail; that is a fail of epic proportions. The government's pre-election commitment was that there would be no carbon tax. The Prime Minister said, 'There will be no carbon tax under the government I lead.' That was her election commitment, and yet we have 1,027 public servants there in the Department of Climate Change and Energy Efficiency beavering away to achieve the polar opposite of that election commitment, trying to sell a lie to the Australian public. It is now time for the Minister for Climate Change and Energy Efficiency to amend his department's corporate plan so that he can at least say that 1,027 public servants paid by the Australian taxpayer are achieving the election commitments of the one Greens MP in the House of Representatives.

It is the same Australian public money that is going to pay for the scandalous excesses of this government, like exorbitantly priced set-top boxes for pensioners, valued at $400 each. Even the pensioners recognise what a contemptible waste of money that program represents. Those who have already purchased a set-top box for themselves tell me that they would just like to be reimbursed the $50 that it actually cost them. I have listened with interest to various members of the government, particularly the member for Kingston, yelping that the coalition members keep talking about these set-top boxes. I say: get used to it, because that is what the general public is talking about.

How can this government look the public in the eye and say to them, 'We're paying $400 of your money for something that is worth $50'? How can this government look the public in the eye and tell them, 'We're increasing our offshore asylum seekers spend by an extra $1.7 billion of your money so that we can swap one of our illegal immigrants for five of Malaysia's'? These are not the actions of a government capable of a budget surplus. These are the actions of a government with an atrocious record of debt and deficit. Australian families who are struggling to meet spiralling cost-of-living expenses cannot even comprehend the sheer magnitude of the debt that this government is racking up. How can the average family comprehend interest payments of $135 million every day? The average family cannot even comprehend just how much money that is, let alone the thought of borrowing that much on a daily basis to service debt incurred by a government addicted to spending—$135 million a day, and every single taxpayer will have to pay that debt back.

It is also interesting to hear the government speakers yelping about how the coalition have not produced a detailed budget on how we would do things. The answer to that probably
should be a bit obvious: fixing the Labor-Greens debacle is a moving feast because the mess gets bigger each day, $135 million a day bigger, and that is if they stop making bad decisions today. But debt and deficit are to be expected from this lot in the long run. This dog of a government is a mongrel breed with a big Labor streak, a Labor streak that has no form on the board for economic competency, just a track record of reckless spending and reckless taxing. And added to this mix now are the Greens, whose barren economic understanding is limited to the cost of a pair of sandals and whose economic answer to alarmist bleatings about climate change is to close down all the coalmines in Australia.

This government is a pack of strays with no legitimacy, no direction and no leadership, an illegitimate government that has sold its soul and the soul of the Australian taxpayer in a desperate grab for power. The price the Australian people have to pay for the grubby deals that are so far apparent is blatant pork-barrelling in the extreme to woo the Independents, reckless pokies legislation that will destroy clubs and the communities that depend on them and, of course, the biggest tax with no mandate to ever be thrust on Australian families. This is a sign of a weak government, a dog of a government with not one but many different leaders, these multiple leaders all leading the pack astray, all pulling in different directions and pushing the government from one extreme to the other.

One of this government's leaders, Senator Bob Brown, is leading the pack off to investigate this rotting carcass of a carbon tax that no-one wants to touch, but now it is one in, all in. They are all feeding on that same rotting carcass because that is the only way they can stay in office. And the country is forced to follow, even though everyone knows it is a rotting carcass. Industry can smell that it is rotten, business can smell that it is rotten, and families can smell that it is rotten. Even the government recognises how rotten it is, by not including the carbon tax in its budget. The majority of this pack is too embarrassed for the public to see where it is going to be led. The mining tax legislation has not been introduced into parliament, yet it is in this budget. How can this government pretend the carbon tax is not part of the nation's economy in the next four years when it will have far-reaching, damaging consequences for every single person, every single family and every single business in this nation?

This dog of a government is embarrassed because it knows it has no mandate to introduce a carbon tax. On the contrary, as I said, the Prime Minister has a mandate for there to be no carbon tax under the government she leads. Even the taxpayer funded Climate Commission cannot sell this tax to families, who will have to pay for it, because those families are not stupid. They understand the Climate Commission is just a taxpayer funded advertising scheme for a bad tax. They understand that the commission was never going to provide advice or a report that did not support the government's carbon tax decision that has already been made, that was made in a backroom deal to get the Greens on board to form government.

We have been given thousands of doomsday predictions and not one of them has come to pass. Even a couple of weeks ago the world was supposed to end. The world did not end, and we did not have aeroplanes dropping out of the sky or nuclear weapons launching themselves with the Y2K bug. The world did not end in an ice age as they predicted back in the 1970s. Forty years ago science, as reported in Time magazine in June 1974, was of the opinion that global cooling that had been experienced for more than three decades was a sign of an impending ice age.
We do not need scientists to tell us that the climate is changing. The climate is always changing and always has changed. But that is not to say we should not cut pollution or develop alternative energy. And everyday families know that the best way to cut pollution is to do something about it. They know that investing in new technology will cut pollution. They know that taxing every man, woman and child in Australia is not the way to cool the planet. Families in my electorate of Dawson know that if Climate Commissioner Tim Flannery’s wild predictions of people having to row a boat down the main street of Mackay to get to work were true—that is what he said—then getting slugged an extra $300 on their electricity bill would not make one scrap of difference.

The Greens, who have a single member in the House of Representatives, seem to be the majority shareholder of the leadership of this government through Senator Bob Brown. The extent to which the Greens are willing to hold this government to ransom is a frightening proposition for the Australian economy and the families who depend on it. Not happy with the mining tax to bleed our biggest industry dry, the Greens have insisted on this carbon tax, so bad that the Labor streak in this government are too embarrassed to show it in public and put it in their budget. But, as if that is not enough to kill the golden goose, they have insisted on including in this budget an amendment to the fringe benefits tax that will see hardworking miners pay $8,000 a year for the privilege of going to work. Under these changes, someone who works in the mining industry and who leases a $65,000 vehicle for the long drives to and from work, racking up more than 40,000 kilometres a year, will be taxed at 20 per cent instead of seven per cent FBT. That means the FBT payable for that vehicle, which is used to get them to and from work and around the work site, will increase from $4,550 to $13,000. But it will not just apply to mineworkers and the industries servicing the mines; it will also apply to regional farmers and even sales representatives forced to travel enormous distances just to provide for their families. It would appear this government has some kind of visceral hatred for people who are working hard and having a go, especially if they live in rural Australia and even more especially if they have the misfortune to work in the mining industry that is propping this country up.

The extremist Greens, and the Labor government that panders to their extremist views, will continue to kill off industry, to kill off opportunity and to kill off the hopes and dreams of families until the Australian people have the opportunity to stop them. They will continue to rip the heart out of our way of life and our future in the interests of a few—the few scruffy tails wagging this dog of a government. While this budget delivers further blows to the cost-of-living pressures on everyday families, it makes a deceitful attempt to look like it gives more than it takes.

Last year prior to the election we identified the need for urgent action on mental health in Mackay. The Mackay region has an unacceptably high rate of youth suicide. There is a very good solution to this problem. It is called headspace. Headspace mental health centres have proved to be successful in terms of curbing youth suicide. The coalition made an election commitment to the people of Mackay that we would provide a headspace centre for the region if we formed government. We did not, but we still intend to work hard to get this Labor government to match that commitment. It is unacceptable that an area of such need is ignored in the latest rollout of new headspace centres. We had a petition circulating in Mackay that got 4,000 signatures in six short weeks. It was with great expectation that people who worked
so hard to highlight this issue watched the delivery of the budget, and expectation was heightened with the leaks of a big investment in mental health. However, it was a little off the mark—$700 million of the mental health package was re-announcing previously committed funds. But there was a glimmer of hope: $197 million and 30 new headspace centres. But, on closer scrutiny, only seven per cent of the funds will be provided in the next financial year and more than 80 per cent does not kick in until after the next election. In an act of high deception, this yellow dog of a government pushed $65 million of that $197 million out to a period of five years from now. Flying in the face of a standard four-year budget estimate, the government included a third of the package in 2015-16. If Professor Flannery is right, we will all be rowing boats down the main street of Mackay before that promise ever comes to fruition. In addition to that are $580 million in cuts to mental health programs coordinated by GPs. On Friday, I was informed that psychologists have been sacked, in the mess that is now the coordination of federally funded health services in Mackay. One wonders whether this is the result of those cuts.

This is a government that must accept the fact that if you lie down with dogs you will get fleas. It is a flea-bitten government that needs to go to an election, and the most humane thing to do is to let the people put this dog of a government down before it is too late.

**Mr ADAMS** (Lyons) (17:36): We just heard some comments about mental health. These appropriation bills before the House certainly deal with mental health. Record numbers of Australians are receiving mental health treatment, according to an evaluation released today. There are certainly still some groups who are not accessing the services that they need, so there is more work to do. While treatment rates for people with mental health disorders such as anxiety and depression have improved from 35 per cent in 2007 to an estimated 46 per cent in 2010, many young people, men, people living in rural and remote areas and people in areas of high socioeconomic disadvantage are still missing out.

The honourable member for Dawson says that his seat is missing out on headspace services and other things. Maybe it is him; maybe he is not working hard enough to generate the activity needed to get those resources in his area, or maybe he cannot put the figures together. I do not know. But people with mental health issues are entitled to services and this government has put money into this budget to deliver those services. Let's not talk about dogs and fleas; let's talk about what is happening. What are the opposition proposing? They have not produced a budget; they have just ranted and raved. The shadow Treasurer has failed to produce an alternative budget—once in the House and once at the Press Club. They just will not say what they would do to spend budgetary moneys.

An evaluation of the Better Access to Psychiatrists, Psychologists and General Practitioners through the Medicare Benefits Schedule initiative was released today by the minister. Better Access provides Medicare rebates for mental health services. The evaluation was commissioned by the Department of Health and Ageing in 2008 and was overseen by experts in the mental health and research fields. The evaluation found that from 2007 to 2009 over two million people received more than 11.1 million individual mental health services. Around half of all Better Access consumers may be new not only to Better Access but to mental health care more generally.

The initiative provided value for money for those it reached and consumers experienced clinically significant reductions in levels of psychological stress and severe symptoms upon
completing the treatment. Investment in Better Access has been $1.45 billion from 2006-07 to 2009-10. The evaluation findings are encouraging, especially on access and improvements in treatment rates for common mental disorders. They also point to some areas of particular concern that echoes the feedback received from the mental health forums held late last year. We still need to do more for those people who are continuing to miss out on much needed mental health care—men, young people and those people living in rural and remote areas, as the member for Dawson would know; as well as those in areas of low socioeconomic disadvantage. These people stand out in all the statistics I see and I am sure that you also see, Madam Deputy Speaker.

It is also vital that we focus our efforts on getting the right care to the most vulnerable in our society, including those at greatest risk of suicide—young people, Indigenous Australians and those with severe and persistent conditions. The outlines in the budget certainly go in that direction. Mental health reform is a key priority of this Labor government in its second term. This is why the Prime Minister has asked the minister to establish an expert advisory group on mental health. The group has already started to provide ideas for real improvement in mental health services that are achievable and make best possible use of the government's resources.

The Better Access evaluation is important to help inform the government's reform efforts and to ensure the balance of services across the spectrum of mental illness. The Gillard government is committed through its reform efforts to ensure that mental health services are coordinated, cost efficient and fundamentally targeted to those people most in need.

In addition to Better Access, the government is investing $120.7 million between 2010 and 2014 in the Access to Allied Psychological Services, ATAPS, program, which delivers psychological services at low or no cost to patients and targets hard-to-reach groups. The government is also investing $64.2 million between 2010 and 2014 in mental health services in rural and remote areas under the Mental Health Services in Rural and Remote Areas program.

There is also a program—the government's flexible care packages—for people with severe mental illness or illnesses. In the 2010-11 budget, $58.5 million was allocated in funding for flexible care packages to provide clinical and case coordination services to better support people with severe mental illness in the community, delivered through Medicare Locals. These are all new initiatives in this budget. Clinical services include psychological therapy provided by specially trained providers such as psychologists and social workers, who will be encouraged to link patients to other services in the community for people with severe illness. Flexible care packages will allow Medicare Locals to purchase the services people need to keep them well in the community and out of hospital. Consultations across the nation, including in regional areas, have been conducted on the design and implementation of these flexible care packages. More than 70 written submissions were received. These consultations have shown that there is strong support for the implementation of the flexible care packages, including from GPs, who are central to supporting and finding referral pathways to other services for their patients with a severe mental illness. There is also a desire to see them implemented in a considered and staged way, with a clear and consistent process to ensure appropriate targeting to people with severe illness and with support for a development phase to enable essential service links and quality assurance to be arranged at a local level, before services start to roll out.
The government has listened to the sector and based on the feedback received will implement the flexible care packages in a staged approach to coincide with the establishment of the first 15 Medicare Locals. From now until 1 July clinical governance, service delivery and quality assurance issues will be determined in consultation with relevant stakeholders. From 1 July, the first 15 Medicare Locals will become eligible for funding to provide additional services to consumers through flexible care packages. Work will also be done to ensure Medicare Locals are provided with funding for development and planning, before service delivery starts.

The roll-out of these flexible care packages demonstrates the government's commitment to ongoing mental health reform. The government will continue to work with the sector to deliver mental health reform and ensure the best delivery of services for people with a severe mental illness.

Many people will remember the service in my electorate of Lyons, Rural Alive and Well, which was set up during the terrible drought times to try and bring back some hope to many farmers who were in despair of losing their animals and their properties. This too falls into the area of mental health. These community-developed programs are vital for keeping an eye on the mental health of our farmers and rural workers, and make up the many approaches to deal with mental health problems that have emerged in recent years. There is a community-based approach, and this is taking place in areas such as forestry in Tasmania, with a lot of contractors and forest workers being laid off. There is a person dealing with those issues using a community-based approach, referring the people concerned to professional assistance if that is needed.

Mental health issues have offered a real challenge to many ordinary health services. I am sure there are many other instances around Australia where mental health have been put into the too-hard basket. It with a great relief that I see that the budget has been able to provide a priority weighting to mental health issues. This will allow the local health services to provide primary services that have links to referral services for those who have been touched with a mental illness. It gives me great joy to see so much emphasis being put on mental health in this most recent budget.

I would also like to touch on education. I continue to have the honour of opening BER projects in my electorate. I opened one on Friday in the historical township of Evandale. If you have flown into Launceston Airport, Evandale is the village at the end of the runway. It has spent, very well, a lot of money to improve the school, renewing the school hall and making it larger. Many classrooms and playground areas have been improved as well. I was at the opening at Oatlands District High School the week before that. The principal of Oatlands high school described the money that came through from the Commonwealth government as 'a fairytale'. She said it was like a fairytale that they received the money; they could do so many things that they wanted to do to the school. It has enhanced their program so much. That is a great thing to see happen, and, as I said, I am always honoured to do that. It is enhancing the educational opportunities for young people in Tasmania.

We have also had the opportunity in this budget to continue the flow of money to Tasmania for irrigation projects which are set to rejuvenate the farming community of Tasmania. The Whitemore scheme was opened earlier this month, with 40 kilometres of pipeline delivering about 5,500 megalitres over about 12,000 hectares. Of course, we will be going to the
Midlands scheme very shortly. That will take a couple of years to get on stream as the biggest irrigation project in the electorate of Lyons, and that will revitalise and create a lot of economic activity that will enhance us into the future. This budget has been very good for Australia and very good for Tasmania, and I have a great deal of pleasure in supporting these bills through the parliament.

**Dr SOUTHCOTT** (Boothby) (17:51): What can we say? This is another Labor budget, another deficit budget, another budget which adds to growing government debt. Despite all the government's rhetoric, this was not a tough budget. It is a budget that has all of the wrong priorities for Australia. Constantly saying that it was a tough budget, constantly repeating those words to the public, will not make it true. The Prime Minister was right when she described it as a traditional Labor budget. It is. It is a budget with big deficit, big debt and more taxes. It is a traditional Labor budget. It is another deficit budget.

The Labor Party, incredibly, have not delivered a budget in surplus in the last 21 years. We even have a member of this House who has never seen a Labor budget surplus in his lifetime. The Labor Party have not delivered a budget surplus since the Hawke-Keating government did in 1989-90. It requires a special sort of genius to deliver four deficit budgets in a row during a time of a resources boom and during a time when the economy has been growing. The deficit for 2010-11 will be almost $50 billion. Net debt will now peak at $107 billion. What this country needs is a safe pair of hands guiding our nation's finances. The Treasurer has broken another record. We should give him a medal. He has managed to beat Keating's debt record of $96 billion in 1996. Debt will peak at $107 billion.

The coalition paid off Labor's debt last time and will pay it off again. This government is borrowing $135 million a day, and its interest alone will be $7 billion a year. The total interest paid on that debt over the next four years will be $26 billion. That is $26 billion we do not have to spend. How many hospitals could $26 billion have funded? How much infrastructure could have been bought for $26 billion? The worst part is that the carbon tax is not even included in this budget, so this budget is built on a false premise. The carbon tax is expected to add $11½ billion to household budgets, which is going to add further to pressure on the cost of living.

There are a couple of points in this budget that I want to focus on—first of all, the government's attempts to wind back the private health insurance rebate. In every one of the four budgets delivered by the Labor Party so far, they have attacked private health insurance and those who hold private health cover, and they are persisting with their plan to wind back private health insurance. The private health insurance rebate was originally introduced by the coalition government in 1999. Labor's proposals to means test the rebate has been twice rejected by the Senate and yet the government are introducing it again. They just cannot let this go. The Labor Party hate private health care. They are pursuing this as an ideological argument. They have not really thought about this at all. The importance of private health insurance is that it takes pressure off the public system. It provides people with choice but importantly it takes pressure off the public healthcare system. Within five years, this move will be budget negative and within five years it will be costing more than it saves.

Recently, the Australian Health Insurance Association commissioned a report by Deloitte which shows that the cost due to increased public healthcare system demand will be $2.4 billion over the next four years. It is going to end up costing everyone. Private health
insurance premiums are estimated to rise more than 10 per cent over and above the annual premium rises. This is on top of the 15 per cent, 30 per cent and 45 per cent cuts in the rebates for people on different incomes. In the electorate of Boothby more than 70,000 residents have private health insurance. More than 73 per cent of households in my electorate of Boothby hold private health insurance. This is a budget which is no good for them. This budget measure is an attack on every single one of those households.

Mental health is an important priority. It has been really good that mental health has been at the centre of the debate in federal parliament. That is in no small part due to the leadership shown by the Liberal Party on this issue. It was the $1.9 billion package announced in the 2006 budget when the Leader of the Opposition was the health minister which led to improvements in the way that GPs and psychologists were rewarded for spending time with their patients with mental health problems. And through Pat McGorry and John Mendoza, the opposition developed a very good mental health policy, which we took to the 2010 election. The Labor Party's policy at that election was appalling. They showed complete neglect of mental health.

This is an issue where the Liberal and National parties have made the running. We have put up good ideas and the government have responded. But their mental health budget measures are really an illusion. It is like a lot of things with this government: it looks good but by the time you kick the tyres and have a look under the bonnet, you find out it is another lemon. When you look into the budget papers, you realise that what was described is not what you end up with.

In 2011-12, the Gillard government are providing $47.3 million in new funding for mental health. But, unfortunately, in that same year they are also cutting $62.8 million from existing mental health programs. In year 1, giving with one hand and pulling back with the other, there is actually a drop of $15½ million dollars in funding for mental health. This is hardly following through on the Prime Minister's promise that mental health would be a priority in their second term of government. Unfortunately, over the next four years of the forward estimates, after taking into account the budget cuts there is only $583 million in new money. It is nowhere near what was announced in the budget. The majority of their big spend on mental health is old money rebadged with a new name. It is about a third of what the coalition promised for the same period. Their truthful commitment is hardly the $2.2 billion dollar headline figure that the Minister for Health and Ageing has been putting about. The worst part is that the majority of the mental health funding is promised not now, not next year, but in five years time. This is towards the end of the next government's term. The coalition committed $1.5 billion at the 2010 election, and we announced another $430 million more recently.

There is another aspect of the funding for mental health which I think is very short-sighted. These are cuts to general practitioner funding for mental health. Anyone who knows anything about mental health will realise the importance of having it dealt with by a general practitioner in the first instance. A lot of mental health can be dealt with very adequately by a GP. Budget day was a sad day for patient care in general practice because what the government did was rip $580 million over four years out of mental health programs coordinated by GPs. General practice is the universal access point for health care nationally. Most people have a medical home which is their GP, and it is very important for continuity of
care that people do have a medical home and that they do have one GP who can coordinate their health care. GPs are best placed to identify and work with patients due to their recurring contact and due to the fact that they have known a patient often over the life and perhaps are caring for the whole family as well. Dr Pesce, the former president of the AMA, has agreed with this position. He said, 'Family doctors are the preferred entry point for mental health care.' The government has dramatically devalued the role of the family doctor in managing community mental health. The RACGP have stated that around 70 per cent of patients will consult with their GP when they are first noticing problems with their mental health. To date 17,000 GPs across the country have undertaken additional mental health skills training.

The MBS rebates for GP mental health plans have been cut by half. This measure alone will strip $405.9 million away from GPs over five years. Under the new budget measures, the rebates will be reduced from the current $163.35 to $85.92 for consultations lasting between 20 and 40 minutes for those practitioners who have completed mental health training. This rebate will be dropped to $67.65 for GPs who have not completed the mental health training.

The government have also slashed the number of allied health treatment services available to patients under the Better Access initiative. This measure strips $174.6 million over the next five years. Under this reduced initiative, patients are only allowed to access up to six subsidised mental health services through the MBS, with an additional four subsidised services for those who need it. This is down from a total possible of 18, a cut of almost half. The majority of the funding for mental health is to now be distributed by Medicare Locals. It is still unknown how effective this will be.

GPs are still unsure how these bodies will operate or how effective they will be. I urge the government on this issue to properly consult with the general practice organisations, the RACGP, the AMA, the AGPN and GP Registrars Australia, before the implementation of these damaging cuts to mental health funding provided by general practitioners. It will be detrimental to patients. It is something which has worked very well, I think, since the Better Access program was introduced in 2006. This is a very short-term and short-sighted measure by the government.

Ms SAFFIN (Page) (18:04): I welcome the opportunity to talk generally about the budget and the budget priorities and the government's handling of this, particularly over the last four years since the federal Labor Party came to government. One of the things that I always find rather puzzling is the view put, particularly by the coalition, that only they can manage the economy and only they can manage the government. Yet, if you read the history of budgets, of macro and microeconomic reform and of federal governments in Australia, you will see that that is simply not true; it is not borne out by the facts. The major reforms to our economy actually started in modern times during the period of the Hawke-Keating governments. But I have to say that, at the time, there were a few more 'yeses' from the then coalition opposition than we hear now. All we hear now from the opposition is 'no, no, no'—whatever it is. It is almost like a case of 'cut off your nose to spite your face'. They do not know when to say yes. A measure of an effective and credible opposition is knowing when to say yes.

What I want to talk about is this Labor government's budget. It builds on that history of reform, and it has done so since coming to government in 2007—and each budget thereafter, including this budget, reflects that. This budget reflects two essential things. One is keeping the economy strong—strengthening it where it needs to. That is necessary if you want to
spend, and we need to spend because of the priorities that have to be funded in the electorates. I know that governments, whoever they are, have every backbencher at them wanting some of that money spent in their electorates. I am no different; I always want my share. But for a government to spend across the nation you need a strong economy. You also need—and this is the second essential thing and the essence of the Labor Party and what it does in government—to inculcate a fair go. That is inherent in this budget and in the way that the budget spend is prioritised. But this also means that there have to be savings; it has to be a responsible budget.

One thing that I have always said is that I am not in parliament to help the Mr Packers, the Mr Palmers, the Mr Forrests and the Ms Rineharts. It is nothing personal. Many of these people do big things and some do it more than others in terms of their sense of corporate social responsibility, which is a key—

Mr Danby: Some of them have it, some of them don’t.

Ms Saffin: And some of them do it and some of them do not. However, I do not think they need my representation—I am sure they do not even know who I am. I am here to represent those without much voice, like people on wages, pensioners, my mum and a whole lot of other people in my electorate, such as people without jobs living at or below the poverty line as it is set in Australia, people living with mental illness, people basically in need and people suffering oppression and injustice wherever they are. Budgets—and Labor budgets more so—are one way of representing the people that I am talking about, and this budget shows that.

My seat of Page is not a rich seat; yet we do not feel poor. Ours is a rural and coastal area. We have a larger than average number of senior citizens. The aged care industry is one of 11 industries in my seat. In terms of numbers, we have twice the national average of Aboriginal and Torres Strait Islander people living in the area. In fact, 10 per cent of Australia’s Aboriginal and Torres Strait Islander population live within the strip from the Hunter up to the Tweed. My seat sits within that strip. So when we talk about closing the gap and Indigenous Australia, we are talking about a large proportion of that population living in my seat and in the broader coastal framework.

I feel quite honoured to be on the expert panel for constitutional recognition of Indigenous Australians. This is something that we are approaching in a multipartisan way. I am on the expert panel with the honourable member for Hasluck, the honourable member for Lyne and Senator Rachel Siewert, so we have a broad political representation. This is something that we are talking about at the moment. Closing the Gap is an important policy way of incorporating a fair go. God knows that Aboriginal and Torres Strait Islander people have not had a fair go throughout our history in Australia, and it behoves all of us to try to give them a fair go. Is it complex? Yes. Is it complex for people in need? Yes. But we still have to do it.

On the evening of the budget, I put out a statement on what it meant for me and the people locally in my seat of Page. In the lead-up to the budget, I had speculated as much as anybody else. People spend weeks speculating about what is going to be in and what is going to be out. It is one of those times when people think that backbenchers will have some particular information or knowledge. Those who are in government or who have been in government know that that is not quite true. What we see in the media is what we know. But that did not stop me speculating and being in the media, as it did not stop everybody else! On the day after
the budget, I did eight or nine interviews in the media about it. So I have actually covered a lot of the things in the budget that impacted on us locally. Two of the general areas I went through were health and mental health.

I have always said that, if I have a key priority, it is health. I continue to make sure that I am knocking on the doors all the time on health. There were some good things in the budget in terms of health. Up to about $1.8 billion had been available in the Health and Hospitals Fund, and there is $475 million allocated to it but not yet spent. That means that some people can get a second go. I have said that in our area we can have a second go at trying to get some of that. That $475 million is national, so there will be a lot of people knocking at the door trying to get some of it, but we have got to get in and try. There were some other good things in the budget. One was the permanent funding for the National Bowel Cancer Screening Program, something that I and other members had lobbied for. I commend the Minister for Health and Ageing for that.

I also commend the minister for the $2.2 billion for mental health services. That is a historic investment in services for those with mental illness. My comments around mental illness over a long period of time have been that none of us have got it quite right. There is a lot more that needs to be done, but this is a good start. The fact that we actually went to an election with mental health as an issue was really important, because often it never gets into elections as a seminal issue. But there is still a lot more to do in terms of how we engage people and engage them early, and some of the strategies in the mental health framework. It is a 10-year plan and it needs to be ongoing about how we respond to people with mental illness.

I listened to some of the speeches in this place about how GPs are our first port of call. They are for most things, but there are a lot of people who do not get access to mental health services through GPs being their first port of call. It is an issue I have been engaged in for a long time as a mental health advocate, and it is something that I am currently engaged in through personal family circumstances and experience. I share that with lots of families around Australia. It is another complex area to be formulating policy around, and it is one of those areas where it is better if we can do it in a bipartisan way. The people who suffer from mental illness deserve that. Another area of the budget that I want to talk about is regional spending and development. There has been record investment in our region for transport, water—infrastructure, which covers health as well—and education of over $4.4 billion. The previous government was elected in 1996, and in 1997 that government axed the whole department of regional development as well as a lot of regional development programs. I thought that was a rather odd thing to do, particularly when it was a coalition and one part of that coalition was the National Party, which says it is the natural party of the country or the bush. We reintroduced those programs and did a lot more in regional Australia.

That brings me to a report issued recently called Investing in regions: making a difference. We called it the Grattan report as it was put out by the Grattan Institute. It hit the headlines because it said regional investment fails to make a difference. It just seemed absolute nonsense. At my university—Southern Cross University—the vice chancellor, Peter Lee, entered the public debate and said, 'It's fundamentally flawed.' He went through the report critiquing the methodology. One of the measures the report used, which I found intriguing, was the number of patents that come from regions. I found that a rather odd measure. Regions that have small to medium businesses may never generate a patent—unlike my region, which,
with someone like Rick Richardson, generates a lot of patents. He is an inventor with a national and international reputation. It just seemed an odd measure. My husband is a retired academic who chaired some regional economic development forums. He has a PhD in this area, and when talking to me at home about this issue he has been rather exercised. I keep saying, 'Get out and publish something on it because you know the issue better than most.'

The report also said basically that having a university in your region does not make a difference to a regional economy. What nonsense! We have figures that quantify that and it is really clear that it does make a difference, even with the jobs alone. It does make a difference with people from regions going to universities. Just having one there is a symbol; it appeals to that aspiration to go to university. I know it has done that in my area and in other regions across Australia. I would be surprised if any member here were able to agree with that report and the general approach that it took to regional development right across Australia.

In closing, I am happy to support this budget—it is responsible and will get us back into the black.

Mr FORREST (Mallee) (18:19): There is no doubt that the budget is the principal policy opportunity for the government of the day. This is my 18th budget, the first three in opposition, 11 from government and now four again from opposition. It is an opportunity for the government to set its priorities, where its priorities are going to be. I have to say, contrary to what was said by the previous speaker, the member for Page, that from my constituency's point of view I feel as though on their behalf they have been completely let down. For example, and I will give plenty more in the 15 minutes of this contribution, this budget in the middle of Australia's biggest flood crisis has elected to withdraw exceptional circumstances assistance to my farming communities at the time of their greatest need. It is completely inappropriate. EC money could have been viewed as a stimulatory expenditure we needed to kick-start these important regional economies. Without EC the job will be much harder. In fact, there will be much more pain for my families struggling to save their businesses.

I have been interested to listen to the contributions from government members focusing on expenditure; bold statements that this is the largest level of expenditure on infrastructure that there has ever been. Opposition conservative contributions have been more about where this huge amount of money has come from that is borrowed and reminding their own constituents it has to be paid for. Money does not grow on trees. The ideological differences are remarkable. There seems to be a thought from the government that it does not matter that a nation can transfer, intergenerationally, its debt responsibility to a new generation. I have been raised from a conservative point of view. I support the concept that you borrow, you mortgage to buy your modest home and then you extend that to perhaps borrow again to develop your business, but you keep it at a level that you know you can manage knowing full well that you need to put away for the rainy day. The disaster is going to come. In my experience it was either frost in the dried vine fruit industry or it was hail, and you knew that when you got the good year you did not spend it all but you put it away as one in every seven at least would be a disaster year. I do not believe that a nation should be any different in the way it manages the money it has got custodianship of, which belongs to taxpayers. But that is just the ideological difference between the two arguments I have been listening to for the last week or so as people make their contributions with regard to this budget.
My constituency tell me they feel very badly let down. I think the budget has failed to pick up on the importance of our rural powerhouse, that it has the capacity to make a major contribution to our national economy. It has done so for years and will continue to do so. It just needs a little bit of support as we get through the disasters that it has endured, from Queensland through New South Wales all the way to Victoria. In fact, the Victorian flood circumstances astounded everybody, particularly when you think of the arid nature of the Mallee constituency I represent. It has a notional annual rainfall of 10 inches in the year in the old measurements, 250 millimetres. There was that amount of rainfall in two or three days. At Mildura on 9 March there was 250 millimetres in eight hours. It has completely devastated the viticultural industry there and it is an ongoing struggle. So to have that exceptional circumstance removed at that time was hard. I was corresponding with the relevant minister and, yes, it is an awkward position to be in to have exceptional circumstance financial support for a drought outcome but the implications of the opposite, a flood, are just the same: financial pain and financial insecurity. In my Mallee constituency 183 agricultural constituents reported loss and damage of more than $250,000 each and 400 had losses of more than $100,000 each. This gives a staggering total in the order of $350 million in losses at the farm gate—figures supported by the Victorian Farmers Federation and the Department of Primary Industries in Victoria. And this does not allow for the much higher value-added amount after processing, mostly into food but also into fibre.

I have some of the best farmers and horticulturalists in my constituency, but their balance sheets have been crippled by a decade of drought. Just when they thought that El Dorado was upon them, an opportunity to get them out of trouble with their banks, down came the worst meteorological disaster that the region has probably ever seen. I wrote to the minister on 11 February 2011 imploring him not to abandon EC and to find another option, knowing it was going to finish on 31 March—as recommended by the National Rural Advisory Council. But their advice was put to the minister's office before the rainfall. To this day, I have not had a response to my correspondence—very disappointing. My intention was to provide early advice, not knowing then but suspecting that meteorological outcomes of the nature that were showing up in the Pacific due to the El Nino. My prophecy came to fruition, sadly. Fruit, vegetables, melon and nut crops were all affected. As well, the viticultural and the dried vine fruit sectors were affected. Wine grape growers were already struggling but I thought table grapes in the Murray Valley was one commodity that had the capacity to allow horticulture to carry on, especially after getting formal access to China after many years. But the weather conditions wrecked the crop. The fruit rotted and it got downy mildew, a fungal growth that develops in the bunch because of the high humidity. It was very disappointing. I had hoped that this budget would offer something more to my constituents, but it did not.

Eight out of the nine municipalities in the electorate of Mallee have experienced severe flooding, particularly in January. The community of Charlton was flooded three times in six months, to the extent that 80 per cent of the township was inundated with water up to the height of my chest. The hospital, the aged-care facility and the doctor's surgery were all in one complex which was inundated.

The Charlton community are still struggling to recover from that. Those people are in despair as they try to sleep in this cold weather with no carpets on their floors and the gyprock removed from their walls up to chest height. They are waiting for their insurers to respond
positively and honour their claims. I put those insurance companies on notice: if I do not get some positive responses from them in accepting claim responsibilities in Donald and Charlton then I will come into this place and name and shame. If people do not want to insure that is fine, but do not leave those who had insurance hanging by a hook not knowing where to go from here. One of those people is the doctor in Charlton. He is not in a good frame of mind. When you have young children and you cannot live comfortably in your own home, the pressure on a family is devastating. That is the Buloke Shire. Donald also lost its aged-care facility in the flood. Equally as devastating was the news in Queensland but down south they were a little disappointed because whilst no-one was injured and no lives were lost the outcome was the same. The 30 residents at the aged-care facility in Donald had to be relocated across the region. This has created enormous uncertainty and will lead to very poor outcomes from a health point of view. That is why I am so disappointed that this budget will see the closure of the Medicare access facilities in those vital towns spread across the north-west of Victoria in my constituency.

The DEPUTY SPEAKER (Hon. DGH Adams): Order! It being 6.30 pm, in accordance with standing order 192 the debate is interrupted. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS
100th Anniversary of the Sinking of SS Yongala

Debate resumed on the motion by Mr Christensen:

That this House:
(1) recognises the one-hundredth anniversary of the sinking of SS Yongala;
(2) notes that:
   (a) the SS Yongala sank in a cyclone on 23 March 1911 on a voyage from Mackay to Townsville;
   (b) the SS Yongala was lost 12 nautical miles off Alva in the Burdekin; and
   (c) 122 passengers lost their lives as a result of the ship's sinking; and
(3) extends its thoughts and sympathies, at this time of memorial, to the living descendants of those who perished with the sinking of the SS Yongala.

Mr CHRISTENSEN (Dawson) (18:30): The SS Yongala had a proud history in a young Australia and continues to be a key player in the history of North Queensland. The Yongala steamed out of Mackay, at the southern end of my electorate of Dawson, on 23 March 1911, bound for Townsville, at the northern end of Dawson electorate. It was a journey the Yongala would never complete. She steamed into a cyclone and sank 12 nautical miles off the coast of Alva, in the Burdekin. All 122 passengers were lost.

One hundred years ago, steamships were a vital link between North Queensland settlements and the southern capital cities. Mackay's port, in those days, was a hive of activity as passengers and freight were arriving and departing with the tides. The Yongala was named after a small South Australian town because she was built in England, in Newcastle upon Tyne, for the Adelaide Steamship Company at a cost of £102,000. Originally working across the southern half of the continent, she linked Melbourne and Sydney in the east with the goldfields of the west. Having been launched in 1903, she was assigned the Brisbane to Fremantle route in 1906 and was the first ship to complete the then-record direct trip of 5,000
kilometres. In the quieter months, the *Yongala* was assigned to the east coast passage between Cairns and Melbourne.

In 1911, she set out on her 99th, and fatal, voyage. On departure from Mackay, carrying 49 passengers, 73 crew, and a racehorse called Moonshine, the *Yongala* was still within sight of land when the cyclone warning came in. Unfortunately, it was too late to relay the message to the *Yongala*. Although wireless was available in some ships of the time, the *Yongala*'s wireless was still in transit from England. The *Yongala* steamed ahead northward along the Coral Sea, oblivious to the mounting storm ahead. It was not until several days later that concerns were raised about the late arrival of the *Yongala*. Although wreckage was soon washed up on beaches from Bowen to Hinchinbrook, the actual wreck was not detected until 1943 and it was not until 1958 that two skin-divers dived the wreck and retrieved the ship's safe. The safe was positively identified, by serial number, in 1961.

Today, the wreck of the *Yongala* is considered one of the best diving attractions in Australia and plays a major role in the tourism industry of Townsville. This tragedy is strongly tied to North Queensland in more ways than through historical event alone. The passenger and freight ship is itself a reflection on the lifestyle of those families who built North Queensland in the early years. The North Queensland communities are intrinsically tied to the Coral Sea and are always aware of the prevalence and the dangers of tropical cyclones. No doubt a ship placed in a similar position would have a much greater chance of survival today. The modern equipment we use to monitor the weather and to maintain communication would provide enough warning for a ship like the *Yongala* to seek refuge from the impending storm. Sadly, for the friends and families of those on board, such equipment was not available in 1911. Those friends and families will forever have a connection with our North Queensland coastline, and their loved ones hold a special place in our memory and in this parliament's memory 100 years on.

**Mr Husic** (Chifley) (18:34): I rise to speak on the motion moved by the member for Dawson, noting the circumstances 100 years ago in which 49 passengers and 73 crew perished on board the SS *Yongala*. The SS *Yongala* is unlikely to be a name known to many Australians, other than serious scuba divers. Today, the wreck of the *Yongala* lies approximately 48 nautical miles south-east of Townsville and 12 nautical miles east of Cape Bowling Green in relatively shallow waters at a depth of 16 metres below the surface. The Museum of North Queensland, which manages the conservation of the SS *Yongala* wreck, recognises it as the largest, most intact historic shipwreck known in Australian waters apart from the modern Australian Navy warships intentionally sunk for recreational diving purposes.

Of course, the loss of the *Yongala* was a tragedy unparalleled in its time, having claimed 122 lives. Communities throughout eastern Australia and South Australia commemorated the tragedy in churches and village halls. Donations were offered to the *Yongala* distress fund, begun in March 1911 for the relief of families in distress. Other than the sheer tragedy of this story, I was intrigued by another dimension altogether. That was the role that technology and innovation played in the loss and finding of the *Yongala*. On the fateful last voyage, *Yongala* departed Mackay bound for Townsville and Cairns and, while the *Yongala* was still in sight of land, the signal station at Flat Top received a telegram warning of an approaching cyclone. Although the first Australian shore-based wireless station capable of maintaining
communication with ships had been established in Sydney in 1910, few ships carried wireless in 1911. Ironically, a wireless destined for installation in *Yongala* had recently been dispatched from the Marconi company in England. Five hours later, the lighthouse keeper on Dent Island in the Whitsunday Passage watched *Yongala* steam past into the worsening weather. It was the last sighting.

Of course improvements were made to technology, and continue to be made, to make shipping safer for the generations that followed. Technology also played its part in the rediscovery and later identification of the *Yongala*. Despite its shallow resting place, *Yongala* remained undiscovered for 36 years. In 1947, the Royal Australian Navy hydrographic vessel HMAS *Lachlan* stopped to examine an obstruction reported four years earlier, using antisubmarine equipment and an echo sounder. The obstruction was thought to be a sunken ship, and was presumed to be the SS *Yongala*, but no further action was taken.

In 1958, a shell fisherman came upon this obstacle once again and, being fascinated by the mystery of the *Yongala*, spent the next few weeks dragging the sandy seabed with grapnel. The fisherman, Bill Kirkpatrick, commenced a salvage operation using a hardhat diver but this was unsuccessful. A second salvage attempt was made some time later, this time with Kirkpatrick and the Queensland Underwater Research Group hoping to positively identify the wreck as the *Yongala*. During this salvage operation, a safe was recovered and brought to the surface. In the presence of Customs officers, the safe was smashed open but it contained only sludge. Positive identification of the wreck only occurred after a photo of the safe was published in the *Townsville Daily Bulletin* and seen by the Chubb safe dealer who identified it as one of their safes.

In another irony, it was much older technology which helped identify the wreck. The partial serial number found on the door tongue was sent to England for identification, where Chubb confirmed that it matched the serial number of the safe which had been supplied to the ship builder Armstrong, Whitworth and Co. for the *Yongala*, and which had been installed in the purser's cabin.

Today, there are more than 10,000 recreational dives on the *Yongala* every year. The site is protected under the Historic Shipwrecks Act 1976 and managed through the Museum of Tropical Queensland, Townsville—a beautiful part of the world. The museum controls access to the site through permit only. There is strictly no access to the internals of the wreck but the artificial reef *Yongala* is now home and provides a great haven for sea life and wonderful viewing to those who dare to venture beneath the surface. I thank the member for Dawson for moving this motion.

Mr EWEN JONES (Herbert) (18:39): I thank the member for Dawson for moving this motion on the 100th anniversary of the sinking of the SS *Yongala*. We have heard tonight that the ship was built in South Australia, and I am reliably informed that the actual name of the vessel is pronounced 'Yongulla', whereas the actual name of the building in Townsville is the Yongala Lodge—there are always arguments about pronunciation. It is an Aboriginal word, although I am not sure of the meaning. All 122 people were lost as the ship sailed into a cyclone, and that was a great tragedy. The racehorse Moonshine almost made it to Townsville. It was washed up; it never made it to shore alive. It had an undistinguished racing career and it did not win its last race either. What I would say is that since finding the *Yongala* in 1958 it has turned into not just one of the great dives in Australia but one of the top five
dives in the world. The member for Flinders is a very avid and very keen scuba diver—he keeps his tickets low. He has dived with the great whites in South Australia. He has dived all over Australia and yet he has never done the Yongala. I had the member for Flinders in Townsville just prior to the 100th anniversary, but the weather was such that he was not able to make the dive.

On Saturday, 26 March this year, there was a celebration for the 100th anniversary at Yongala Lodge. Yongala Lodge was built by the Rooney family in Townsville who lost one of their family members in the sinking of the Yongala. The Rooney family built the lodge and they also built the massive and beautiful altar in St Joseph's Church, the Strand, which is directly across the road and home to Father Mick Peters, one of the greatest blokes in the history of the world, even if he is a Warwick boy and a Nudgee boy.

There was a dinner at Yongala Lodge for 122 people and everyone's place card marked with a crew member, passenger or racehorse that was on the ship. It was a fantastic evening. It was hosted by Stephen Price the local breakfast radio host and I was lucky enough to be called upon to do the auction that evening where we raised some valuable funds for the coastguard and other local charities.

Mr Christensen: Were you moonshining?

Mr EWEN JONES: I was not moonshining; I was actually a stoker in the thing. Natalie and Bob Flecker are now the owners of Yongala Lodge. Natalie has been nominated in the Townsville Chamber of Commerce Young Business Achievement Award. Natalie and Bob are truly wonderful people. They work hard. They have reopened the restaurant six nights a week to provide great food and welcoming service to people who stay there, as well as to the locals in Townsville. Shivaun, one of the waitresses, is a personal friend of mine and always gives me great service and slips me the occasional free beer.

Government members interjecting—

Mr EWEN JONES: I have declared it on my pecuniary interests—it does go down with those sorts of things. Natalie and Bob organised the evening on a shoestring. It was a great evening. I congratulate everyone involved with it. They had a number of people there related to those who lost their lives on that fateful day.

I would finish by saying that if you ever have the chance to dive the Yongala you should take that opportunity. It is a truly beautiful dive. The water is crystal clear. You will see tropical fish the like of which you have never seen before. It is so close to Townsville—you leave first thing in the morning and you are back by five o'clock in the afternoon.

Tourism in North Queensland has suffered some terrible blows and the tourism sector in Townsville particularly is suffering. The dive and tourism operators are doing it very, very tough. I would urge everyone who has a current scuba diving ticket to get out there and dive the Yongala now. Anyone who has not got a scuba diving ticket should get up there, do a scuba diving course and then do the dive. Stay in Townsville, stay at the Yongala Lodge, and eat up and drink up big.

Ms BRODTMANN (Canberra) (18:43): I too rise to speak on the motion put forward by the member for Dawson and I congratulate him for the motion. I would also congratulate my colleagues the member for Herbert and the member for Chifley for speaking on this private member's motion. It is great that you have drawn our attention to the tragedy and wish to
extend the sympathies of the chamber to the families and friends of those who suffered in that tragedy.

Just on the pronunciation—‘Yongala’ or 'Yon-gala'. Can I go for Yongala? We have the same thing in Canberra. Some people call it 'Can-berra' and it is actually 'Canberra'. I must admit that I am not necessarily the most knowledgeable person on Australia's shipwrecks. However, the story of the SS Yongala is a fascinating and important part of Australia's maritime heritage. Those opposite and also my colleague here, the member for Chifley, will probably wonder why the member for Canberra is speaking on such an issue, given that Canberra is landlocked. I remind those in the chamber that the division of Canberra also includes Norfolk Island and that the electorate of my colleague the member for Fraser also includes Jervis Bay, because, when Canberra was set up as a city in 1927, every Australian city had to have a port. That is why we have Jervis Bay. That is why the member for Fraser has his own little part of the electorate down in beautiful Jervis Bay.

On 14 March 1911, the SS Yongala embarked on its 99th voyage in Australian waters, under the command of Captain William Knight. It would be his last voyage. On 23 March that year, the Yongala departed Mackay at 1.40 pm with 617 tons of cargo, 49 passengers and 73 crew bound for Townsville, but it never made its destination. One hundred and twenty-two passengers and crew lost their lives when the ship sank in a cyclone 12 nautical miles off the coast of Cape Bowling Green in the Great Barrier Reef on 23 March 1911.

The exact details of the sinking are to this day unknown, and they may never be known. A board of inquiry following the sinking could not render a judgment due to the lack of eyewitness evidence. It was believed at the time that the Yongala hit the reef or a rock and sank. Present research suggests that, given the absence of life rafts, it happened quickly. What is known is that the Yongala, absent modern-day technology such as radar, sailed blindly into a cyclone. If she had had a wireless—which was waiting on the wharves in Cairns—it could have warned her of the impending bad weather.

By the time of World War Two, the Yongala and its fate had all but faded from memory. In fact, it had become the subject of ghost stories, becoming a mysterious ship that travelled the waters around Townsville. How exciting! It was not until 1947 and the end of the war that the Navy gave serious consideration to an obstruction that had been noted some years earlier. The HMAS Lachlan determined that this obstruction was most likely a large steamer, but no further investigation was made. The location of the Yongala was only discovered in 1958, when divers recovered a safe whose only identification was a serial number, the contents of the safe having long ago been destroyed. However, further investigation of the serial number revealed this safe to be the one installed in the purser's cabin on the Yongala during its construction in 1903.

The story of the Yongala does not end with its sinking and rediscovery. Out of this tragedy a century ago, a new life and purpose has emerged for the wreck of the Yongala. Today it acts as an artificial reef and major dive location, bringing tourism to the area. It is a microcosm of the greater barrier reef, and it is said that it has a greater spectrum of corals and fish than can be seen on the barrier reef. These features have made the Yongala one of Australia's most popular destinations for divers, with over 10,000 divers visiting the wreck every year. At 110 metres long, the Yongala is one of the largest intact historic shipwrecks in the world and the...
largest in Australia. The wreck is a significant part of Australia's maritime history, and I urge all Australians to learn more about it and our maritime heritage.

In closing, I would like to extend my sympathies and those of the people of Canberra to the families and friends of those who perished in the sinking of the SS *Yongala* 100 years ago. This significant part of Australia’s heritage is protected by the Historic Shipwrecks Act and it is a heritage site, so it has a very special place in our hearts.

**The DEPUTY SPEAKER (Hon. DGH Adams):** Order! The time allocated for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

### World Multiple Sclerosis Day

Debate resumed on motion by **Ms Burke:**

That this House:

(1) notes that:
   
   (a) Thursday 26 May marks World Multiple Sclerosis Day; and
   
   (b) around the world, World Multiple Sclerosis Day in 2011 is being given the theme of employment to acknowledge that staying at work is a key concern for people diagnosed with multiple sclerosis;

(2) recognises that:
   
   (a) multiple sclerosis is most frequently diagnosed in people aged between 20 and 40 years, at a stage in life when these people are building their careers and their families;
   
   (b) the Australian Multiple Sclerosis Longitudinal Study reported that 80 per cent of people with multiple sclerosis lose their employment within 10 years of diagnosis;
   
   (c) like many chronic diseases, multiple sclerosis is costly, and enabling people with multiple sclerosis to stay in work not only builds their confidence and self-esteem but helps to meet the costs that come with managing a lifelong disease; and
   
   (d) with the ageing of the population, people with chronic diseases such as multiple sclerosis will increasingly feature in Australian workplaces, requiring enhanced management and support of these employees; and

(3) commits itself to:
   
   (a) ensuring that the labour market and welfare system continue to provide assistance to people with multiple sclerosis in supporting them to both obtain and retain employment; and
   
   (b) encouraging employers to incorporate greater flexibility in workplaces to enable people with multiple sclerosis and their carers to fulfil their productive capacity.

**Ms BURKE (Chisholm) (18:49):** I moved this motion to mark World Multiple Sclerosis Day on 26 May 2011. I am extremely familiar with and very supportive of the work of MS Australia, whose offices have been located in close proximity to my electorate and now fall within my electorate boundaries. In particular, I have developed a long association with the staff of MS Australia, particularly Robert Pask and Alan Blackwood, and I thanked them for their dedication to the sufferers of MS when I had the opportunity to present at their annual conference. My support for MS Australia has prompted me to become involved in their work, much of which addresses the employment issues facing people with multiple sclerosis and their families. Multiple sclerosis is rarely fatal and most sufferers live with this episodic illness for years. The global theme for World Multiple Sclerosis Day 2011 is employment.
Staying at work is a key concern for people diagnosed with MS as the disease is most frequently diagnosed in people aged between 20 and 40, a time when they are building careers and families. This fits in line very much with the federal budget's theme: work brings dignity.

Australian research shows that people with the disease have less chance of being in paid employment than those with other chronic illnesses. More than 80 per cent of people living with disease lose their jobs within 10 years of diagnosis. This is despite the fact that most people with MS are diagnosed in their 20s and 30s. The experience of people with MS in employment is shared by many people with a chronic illness in Australia. The Australian Institute of Health and Welfare in 2009 reported that people with chronic disease are 60 per cent more likely to not be in the labour force than people without chronic disease. This report also found that of approximately 10.5 million Australians aged between 25 and 64, 33 per cent reported at least one of the following chronic diseases: arthritis, asthma, heart disease, chronic obstructive pulmonary disease, depression, diabetes and osteoporosis. It found the Australian economy loses nearly 540,000 full-time workers associated with the presence of chronic disease each year—10 per cent of the workforce in 2004-05.

Staying at work provides MS sufferers with numerous benefits, as well as, the economy overall. By staying in work MS sufferers have the opportunity, despite their condition, to contribute meaningfully to a workplace. This builds self-confidence as well as vocational skills and experience and it provides a significant avenue for human interaction. Most people are diagnosed in their 20s and 30s, so can you understand the social implications if they are not in the workforce at this time.

Like many chronic diseases, MS is a costly disease. The Victorian Chronic Illness Alliance found in 2006 that some people with MS can spend up to 20 per cent of their income on health costs. Therefore, a further significant benefit of employment is that through work MS sufferers can earn an income that enables them to meet the costs that come with managing a lifelong illness. In the 2005 report on the cost of MS in Australia, Access Economics found that people with MS tend to work more frequently part time, at three times the rate of part-time employment of Australian workers. Many people find this is a way of managing their illness and do best when there is good workforce flexibility. This is a group of Australians with work skills and experience who can remain employed with the right support.

With the ageing of the population, chronic disease will be a growing feature in the workplace and MS sufferers will need to be supported through employment. The recent measures in the federal budget to boost employment of people with disabilities will assist people with MS. New rules allow people on the disability support pension to work up to 30 hours per week for two years without affecting their eligibility for this pension. This is a significant incentive and an important support for people with MS who are determined to stay in the workforce.

A real-life example shows how people with MS have been supported by the federal government through this change. Simone Rutherford of Melbourne has lived with MS for five years and thanks to a supportive employer has been able to continue working part time as the manager of the accounting division of a national clothing company. Simone already works part time but has not been eligible to receive a healthcare card or the disability support pension. If she needs to further reduce her work hours due to her condition, she will meet the new criteria announced in the federal budget and still be able to afford to live with the cost of
the disease, maintaining her employment which is what most people want to do. In addition, the provision of high wage subsidies to reward employers who hire people with a disability for at least 15 hours a week will make people with MS more attractive to potential employers. Changes to Jobs Service Australia ensured that MS Australia could operate a special neurological employment service in Victoria, and they currently support over 100 people with MS through this scheme.

We also need employers, unions and the health sector to play their part. Businesses must be willing to not only acknowledge that MS sufferers and their carers represent an important source of skills and experience and that they need to be retained but also incorporate a greater workplace flexibility to enable MS suffers and their carers to fulfil their productive capabilities. The work of local organisations provides more than helpful examples. BrainLink, which is also housed with MS Australia at the Nerve Centre in Blackburn, is an organisation working with MS Australia in Victoria and provides support for carers and families of people with neurological disease, and has been very active in promoting good employment practices. Whilst good support for MS sufferers is essential, research into the cause and eventually a cure is also vital to ensure that we not only support people with MS but also one day find a cure for this insidious disease. I am proud to report that in my electorate there is a great deal of research going on in this area and I commend the MS Australia.

Mr SIMPKINS (Cowan) (18:54): MS is reportedly the most common chronic neurological disease in young adults, with 70 per cent of all diagnoses occurring between the ages of 20 and 50. The disease mistakenly attacks normal tissue, primarily myelin cells. Myelin is an insulating matter which protects nerve fibres in the central nervous system. Scar tissue that subsequently forms along the myelin sheath causes nerve impulse problems, as it can result in the symptoms of the disease, including impairment of motor, sensory and cognitive functions. The most common symptoms include extreme fatigue; blurred or double vision; numbness or pins and needles; weakness in the arms or legs; loss of balance, coordination and mobility; and problems with or changes in memory and speech difficulties.

In our country as many as 22,000 people are affected. Three times as many women as men have MS. They are more often Caucasian and more likely to be living in a temperate zone. MS is less common in warmer areas. Although there is neither a cure nor a specific cause, it is suspected that environmental and genetic factors are behind it. I understand that the incidence of MS in Tasmania is six times higher than in Queensland.

I nevertheless rise to speak on this motion for several reasons. When I was younger I struggled with fatigue, connected with my sport of rowing. My doctor briefly thought I had MS. Having done some reading on the disease, at the time I was a little concerned and was somewhat relieved to be later cleared of the possibility of having it. Unfortunately, since those days, my mother-in-law in Perth and my sister-in-law in Sydney have both been diagnosed with MS. I am therefore acutely aware of the challenges that face those who suffer from MS. The fatigue, the weakness and the balance issues are those that I know of from my wider family experience. But, in addition to those realities, I still remember when my mother-in-law, who has an ACROD disability pass on her car, was harassed by a person who said that she obviously was not disabled and was using the pass illegally, because she did not appear to be disabled. That is an additional challenge that faces many MS sufferers. They do not have the obvious outward signs of being disabled or even debilitated by the disease but,
nevertheless, still suffer the debilitating symptoms of the disease. I learnt many years ago that seeing everything in black or white terms was a reckless approach. So I hope that more people can acknowledge the range of disabilities of others rather than immediately reach an incorrect assumption.

On more positive matters, I am pleased that the Australian of the Year 2011 is the well-known director of MS Research Australia, Simon McKeon. He established that organisation in 2004 and it is now the lead research organisation for MS in Australia. I congratulate him and welcome to the fight against MS the profile that his long-term commitment and now his position have added to the fight.

Given the vagaries surrounding the cause of the disease and the factors that contribute, it has nevertheless been determined that there are rehabilitation therapies that can assist sufferers. Physical therapy can assist and include exercises to stretch and strengthen muscles, as well as improve the range of motion, thereby assisting with fatigue reduction and muscle tightness. Occupational therapy in the provision of advice on aids to help in the home and workplace are available. Vocational therapy can offer advice on managing in the workplace. It is also the case that a healthy diet is of assistance, including keeping up the water intake; avoiding coffee and caffeine; eating high-fibre foods and foods with good omega-3, with some doctors recommending as many as three fish meals a week to make it beneficial. But, in overall terms, sufferers need to address having a low-fat diet.

Another interesting response is to address the downside of body overheating. It has been said that body heating adds to reduced nerve functioning and that there is a need for the body to be returned to a normal temperature. Active cooling can help reduce fatigue and improve the balance of a person. Researchers are now looking at cooling suits and whether they can be effective. Obviously, my constituents and other Australians with MS are not likely to have access to cooling suits, but they can use air-conditioners if they have them and not heat the home as much in winter and obviously avoid spa baths and heated pools, although swimming in pools remains very good exercise.

MS sufferers are also at greater risk with their symptoms when they have colds or flu because their immune systems are more active. This therefore highlights the need for preventive health measures like having flu shots, but not the nasal spray version because it has a live virus in it and that will activate the immune system.

From my indirect experience I appreciate some of the issues that face those with MS. Once you have it, life will always have its challenges. But, as I have said, therapies do exist to improve the lives of those who live with MS each day. It is, however, through research that we must continue to look for a cure to stop this disease. And, to those who suffer from it and those who will, I can say that I will always remain committed to the strong allocation of funding for research that will one day see the demise and eventually the elimination of this disease.

Ms HALL (Shortland—Government Whip) (18:59): I thank the member for Chisholm for bringing this motion about World MS Day to the House. I think it is an important motion. I also acknowledge the contribution made by the member for Cowan and thank him for sharing his personal and family experiences in relation to MS. To begin, I acknowledge the fine work being done by Robert Pask and the way he has communicated and worked really hard within
this place to raise members' awareness of MS and the challenges that people with MS face on a daily basis.

There are over 16,000 people in Australia who have MS—75 per cent of those are women, 87 per cent are of working age and the average age at diagnosis is 30 years. It is a disease that tends to affect people between the ages of 20 and 30—that is the time when they are usually diagnosed. Its prevalence in Tasmania is eight to 10 times greater than in North Queensland—I note the member for Lyons has just left the House and that, as he did, he nodded in acknowledgement of that fact.

The symptoms of MS are extreme fatigue, chronic pain, impaired mobility and vision, and high co-morbidity with depression. It leads to relationship and employment problems and to the high costs of chronic illness—as much as 20 per cent of a person's income can be spent on health related needs. MS costs Australia something like $2 billion a year. This includes loss-of-productivity costs of around $160 million a year, the replacement cost of informal care provided to Australians with MS of somewhere in the vicinity of $250 million and direct out-of-pocket healthcare costs for Australians with MS of $160 million per year—that is not each; it is across the board.

The rate of full-time employment for people with MS is lower than for the Australian population and 80 per cent of people with MS lose their jobs within 10 years of diagnosis. Their representation in part-time work is 30 per cent higher. People with MS have higher occupational skills levels than the Australian population, but 48 per cent of people with MS earn less than $300 per week. That compares with 39 per cent of the wider population. The annual productivity cost is, as I mentioned, somewhere in the vicinity of $160 million.

The Gillard government recognises these problems and the Parliamentary Secretary for Disability Services is particularly keen to help—to increase employment in our community for people with MS and to give them the support they need. Jobs in Jeopardy assistance is available through the Disability Employment Services program to help people stay in the workforce. There is also initial support of up to $500 per week for employing a worker with normal hours of work for six months. If ongoing support is then required, an independent assessment is made. Annual funding for such support can be up to $13,200 and is available as long as required.

MS can advance in many ways. When it does, it can result in impairment to mobility and other functions. The government is committed to ensuring that people with MS get the maximum support they need. I would also like to acknowledge Nicole Mundy, one of my constituents, who has come and spoken to me about the issues and needs that she has. She is a young woman, a professional woman, who is managing to maintain her job, but she is constantly faced with challenges. She has shared those challenges with me and emphasised the importance of government support for people suffering from MS. I would like to conclude by once again thanking the member for Chisholm for bringing to the attention of the House that 26 May was World MS Day.

Ms O'DWYER (Higgins) (19:05): Multiple sclerosis is a disease that has no known cure and no known cause. The symptoms of MS vary from sufferer to sufferer and are often unpredictable. It affects men and women alike regardless of their physical health. It is a frustrating and often highly debilitating disease that requires a great deal of care and management. Multiple sclerosis is the most common chronic disease of the central nervous system.
system among young Australians. While scientists believe that genetic and environmental factors play a role, the cause of MS is not known. It is not a fatal disease, nor is it contagious or inheritable. But for those suffering from it, it can be a very debilitating illness.

Last Thursday we marked World Multiple Sclerosis Day. The purpose of World Multiple Sclerosis Day is to raise awareness but also to promote a culture of understanding. There is no known cure for MS. While therapy and disease-modifying treatments can make a difference, these are often expensive, intrusive and come with adverse side effects. They can reduce the speed at which the disease takes hold, but they cannot stop it. MS predominantly affects people between 20 and 40 years of age. This means that people diagnosed with MS are most often in the most productive stage of their life. Either they are beginning to set their own social and financial goals or they are embarking on a new stage in their career or consolidating the gains they have made throughout their life. They may be starting families, or putting their children through school or university. Diagnosis can mean that their ambitions and life goals are shattered or put on hold.

Those who are diagnosed with MS are uncertain about what it will mean for them in the short term and into the future. The unpredictable nature of the disease makes it even more difficult to live with. Symptoms can be varied, and it is never easy to predict which will occur and which will be more prevalent. Sufferers of MS can experience chronic pain, fatigue, speech difficulties, loss of coordination and loss of mobility. Some people with MS may become seriously disabled, while others may experience one or two attacks and remain symptom free for the rest of their lives. The frequency and severity of attacks cannot be predicted. Changes in condition and the ability and functions of the sufferer will occur over time, and this can be an incredibly frustrating process.

The most frustrating thing about MS is that simple activities that were once taken for granted are now made far more difficult and in some cases impossible. This means that those who are suffering from MS are forced to forgo many of the pleasurable things that normally they would not have thought twice about doing. But the worst thing about MS is the impact it has on gainful employment. The reduced ability to stay in work or find new work results in a reduction in wages, but just as importantly it can have a very negative impact on self-esteem. The figures are stark: we know that 80 per cent of people with multiple sclerosis lose their employment within 10 years of diagnosis. This loss of employment can mean a loss of identity and a loss of purpose. In many cases, a greater understanding of MS would allow them to stay. A flexible workplace would also allow them to stay.

The strain that MS places on the individual sufferer and their family is great. The disease affects family members and care givers as well, and this creates an additional burden. MS places not only a physical burden on the sufferer but a financial and emotional one. For families, the difficulties are compounded by the need to communicate to children the nature of the illness and what it means for the family. Management of the disease becomes more intensive as the disease takes hold and this can create continuing complications for family arrangements, and it is often necessary to renegotiate family roles.

Understanding and awareness play an important part in this process. The more knowledge that workplaces have of the disease, the better they will be able to accommodate MS sufferers. It is important that we continue to ensure that we continue to expand the opportunities that are available to everyone, and to ensure that employers are given the
flexibility needed to incorporate those with illness or disability into their workforce. This is important not only for the individuals and their families but for the Australian economy as a whole. This not only creates benefits for those who have MS, but will enhance productivity in the workplace and throughout the economy. In my final moments standing here I would like to specifically refer to a very famous Australian who was diagnosed with MS 10 years ago: the current Australian of the Year, Simon McKeon. He has indeed made an incredible contribution to Australia and his example is a wonderful one for all.

Ms SAFFIN (Page) (19:10): I would like to thank the honourable member for Chisholm for affording us the opportunity to talk about MS tonight, particularly as World Multiple Sclerosis Day was on 26 May. I want to talk about two things. Firstly, in my area there is a local group, the Australian Multiple Sclerosis Network of Care, whose members are very active in providing support to each other and in advocacy to the medical profession and to me. The group has been promoting chronic cerebrospinal venous insufficiency, CCSVI. I will talk a bit about that and then about MS Australia and the good work that they do.

Peter Sullivan, the coordinator of the Multiple Sclerosis Network of Care, has prepared a discussion draft entitled *CCSVI in Australia—a strategic overview—from the perspective of those with MS*, dated May 2011. It is really well written and it sets out what the issues are. I cannot pretend to understand all the medical issues, but I can see that a group of people who are suffering from MS are saying, 'We benefit from this particular treatment in this particular area,' and there are some issues of contestability around that, which there often are in terms of making advances in medical treatments.

Peter Sullivan has said that he would like to see formal recognition of CCSVI as a vascular disorder in its own right. He would like to see participation in the introduction of programs to bring the medical profession up to speed. But I have to say that often the medical profession have to bring us up to speed; it is not just one leading the other. Peter Sullivan calls for funding programs to monitor the long-term effectiveness of treatment procedures, including but not restricted to clinical trials recommended by vascular specialists. He would like to see funding and promotion of a national CCSVI screening program. Currently, 25,000 people are involved in screening. In some situations Medicare rebates are available, but it is a confused area. He believes that there should be assistance for those without private insurance to gain access to appropriate treatment and care. I am not sure what the implications of those requests would be, but Peter asked me to put that forward and I said that I would be happy to do so as a representative and advocate. I note that the MS Australia website has a page on CCSVI headed 'Your questions answered' and that there are differences between what MS Australia says and what the MS Network of Care says. But this is certainly an emerging issue that we will have to turn our minds to.

The second matter I wish to raise is that the honourable member for New England wanted to speak in this debate tonight, particularly as this issue relates to health, but he is occupied elsewhere. Our electorates of Page and New England share a border. I know that the honourable member particularly wanted to put on record some comments and research provided by Robert Pask and Alan Blackwood from MS Australia. Figures provided by them show that around 10 per cent of the workforce is lost to chronic disease. Eighty per cent of people lose jobs in the first 10 years after being diagnosed. Eighty-seven per cent of people with MS are of working age. Early intervention may help keep people in the workforce and,
presumably, keep some off the DSP. People eligible for DSP can now work up to 30 hours before being penalised. The previous threshold was 15 hours, and that is a welcome change. Fifty-eight per cent of carers of people with MS report having to change their work hours—that is a big loss—and 540,000 full-time workers are lost to our economy each year due to chronic disease.

Mr FRYDENBERG (Kooyong) (19:15): I rise to support the member for Chisholm's motion acknowledging World Multiple Sclerosis Day on 26 May this year and recognising the impact of this progressive neurological disease on so many Australians and their families. Probably like many in this chamber, as a school student I was a keen participant in the MS Readathon—a wonderful national fundraising program now in existence for more than 30 years. This program not only introduced thousands of kids to the joys of reading books; importantly, it raised awareness in our community about the extent of MS. It helped demystify what for many families was a disease that simply affected someone else. Whether it is through activities like the readathon, the Freedom from MS Regatta, the MS Walk and Fun Run or the staunch advocacy of committed individuals like Australian of the Year and founding chair of MS Research Australia, Simon McKeon, the important cause of MS is front of mind.

In Australia, it is estimated that over 20,000 people have MS. Globally, the figure is more than 2½ million. Significantly, 70 per cent of sufferers are female and 98 per cent are Caucasian. While it is not unusual for people with MS to have a relative with the same condition, it is yet to be proven to be strictly hereditary. The onset of symptoms commonly occurs between the ages of 20 and 40, and can take a number of forms. Tremors, fatigue, impaired vision and partial or complete paralysis are typical. But, critically, while we can find references to MS in the medical literature dating back to the early 19th century, we still do not know its primary cause or its cure. What we do know is that for those with MS the body's immune system sends antibodies and white blood cells in an attack on the myelin sheath, which surrounds nerves in the brain and spinal cord. The subsequent damage to the central nervous system comes as nerve signals are prevented from controlling muscle coordination, vision, sensation and strength.

What can we as a society do to improve the lives of those who suffer from MS? The answer is multifaceted. We can drive efforts to improve the employment opportunities and workplace flexibility for those with MS. As is pointed out in this motion, the Australian MS longitudinal study reported that 80 per cent of people with MS lose their employment within 10 years of diagnosis. When one considers that the onset of symptoms can take place at the start or, as is often the case, in the prime of a working person's life, the issue of employment becomes even more acute. Losing one's income is devastating not only in an economic sense but also in a personal sense. A job can provide a sense of purpose and build self-esteem. The road to better health for those who lose their employment becomes that much harder and the burden on their families and carers that much greater. What we need are more job retention strategies and to consider seriously the recommendations of MS Australia around the further development of workplace flexibility, advisory services by employers for employers, the expansion of the workplace modification scheme to include non-capital items and an expansion in the number of specialist disability employment providers. MS Australia have also called on us to do more to provide aids and equipment to those in need. In their words,
There is chronic underfunding of public aids and equipment.’ Other important issues raised include providing high-quality alternative care so that young people with MS do not have to go to a nursing home and support for accessible and affordable housing, including for the cost of house modifications for those with MS.

Just as important as each of these initiatives is the significant public investment in medical research. Research is our only hope in finding what has proved to date to be an evasive cure. MS Research Australia plays a critical role allocating publicly raised funds and coordinating a national partnership with 20-plus Australian research institutes; so too the National Health and Medical Research Council plays its role delivering government funds. It is here that MS Australia are calling for progressive neurological diseases such as MS to be a greater research priority. MS affects thousands of Australians directly and many thousands more indirectly—families, friends and carers. While its cause and cure remain a mystery, its impact on the lives of our fellow citizens does not. As they face the challenges the disease brings, MS sufferers deserve our every support to make their lives better not just today in the workplace and in the home but also tomorrow, as it will hopefully not be long before medical research finds a cure.

The DEPUTY SPEAKER (Ms K Livermore): The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

40th Anniversary of the Ramsar Convention

Debate resumed on motion by Mr Chester:

That this House:

(1) notes that:

(a) 2011 marks the fortieth anniversary of the Ramsar Convention and the establishment of a list of wetlands of international importance; and

(b) the existence of 64 Ramsar-listed sites in Australia covering 8.1 million hectares; and

(2) highlights the:

(a) social, economic, environmental and cultural importance of conserving wetlands through wise use and management; and

(b) need for ongoing Commonwealth funding to other agencies, including volunteer organisations, which play an important role in educational initiatives and practical environmental projects to protect and enhance Australia's wetlands.

Mr CHESTER (Gippsland) (19:20): In speaking to this motion on the 40th anniversary of the Ramsar convention I want to highlight the critical importance of wetlands in Australia but particularly in the Gippsland electorate, where we have two Ramsar listed wetland sites— Corner Inlet and the Gippsland Lakes. With this anniversary of the convention, it is timely to reflect on the mission statement:

The conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.

The term 'wise use' is one which appeals to me personally. 'Wise use' has at its heart the conservation and sustainable use of wetlands and their resources for the benefit of humankind. I make that point because it is central to my view of natural resource management, particularly when we are talking about vast holdings of public land, like we have in
Gippsland, and the complex environmental systems at play in areas such as the Gippsland Lakes and Corner Inlet.

While the Greens in this place advocate a policy of lock it up and leave it, I believe in practical land management and engaging the local communities. I believe we need to have a balanced approach with a focus on working with our local communities and listening to those communities, not inflicting policies from the cities. Our wetlands are a treasure trove of biodiversity, but they are not museum pieces. They certainly need active management and we need to get amongst them to fully appreciate what is available to us.

Many of our reserves of public land in Gippsland are overrun with feral animals and introduced weeds, and the environmental features which led to the decision to establish a protected area in the first place have been severely compromised by lack of action on the ground. When we are talking about wetlands, the impact of foxes and cats in particular has had a devastating impact on a wide variety of bird species. The underinvestment in programs to reduce the impact of noxious species is a fault of both state and federal governments. I do not lay the blame before one side of politics over another. I believe there is a critical need for ongoing Commonwealth funding to state agencies and volunteer organisations, which play a critical role in practical environmental management.

To make my point, I cannot go past the current government's failure in relation to Landcare. This government stripped $11 million out of the forward estimates for Landcare but can still find room in the budget for $13 million worth of climate change advertising. Given a choice between propaganda and propagation, there are no surprises here—the government has opted to preserve itself rather than preserve the environment.

I recently attended the Yarram Yarram Landcare awards and spoke to people who are making a difference every day through their stewardship of their own land and the work they do as volunteers on public land. Their work in the catchment areas is undoubtedly providing benefits to the Ramsar listed wetlands of Corner Inlet, and I thank them on behalf of all Gippslanders for their willingness to make such an important contribution. In this the 40th anniversary year of the Ramsar convention, the current federal government should be investing more in supporting the volunteers who are keen to protect and enhance their local environment, and it should begin by reinstating the money it has stripped from Landcare to help employ facilitators to maximise the value of the volunteer effort on the ground in regional communities.

It might surprise some opposite that the National Party is advocating such a strong position in relation to the Ramsar convention and wetland areas, but it is the people of regional Australia who have been at the forefront of practical land management over many generations and we will not sit back and allow ourselves to be painted as being somehow anti-environment when it is our communities doing the hard work on a daily basis, getting our hands dirty and actually getting out there and supporting the environment.

For people to value our wetlands they need to be able to visit them, and so I support the development of infrastructure and facilities that allow humans to gain a close-up appreciation of our fragile wetlands. Again, we need a balanced approach. This is not to suggest there should be open slather on development; it is to make the point that local communities, which are often called on to be the custodians of such assets and provide a great deal of the practical environmental work in regional areas, should be able to benefit commercially from our...
wetland areas. There are economic opportunities to be found in our world-class wetlands but the lack of facilities on public land is a major issue for the Gippsland tourism industry. Wise use of our wetlands should involve the development of facilities such as boardwalks, viewing platforms, environmentally appropriate accommodation and other infrastructure which allows locals to benefit from the jobs which exist in ecotourism. It is an opportunity that we have failed to capitalise on in Gippsland, and the federal government should be working in partnership with the state government to support such activities in the future.

I recently wrote to both the state and federal environment ministers in relation to the Rotamah Island Bird Observatory, on the Gippsland Lakes. I will give the House a more fulsome account of the island at some stage in the future, but suffice it to say that there is an opportunity there for both state and federal governments to work in partnership with the passionate members of my community to achieve some great environmental outcomes.

Briefly, in the time that I have left, I would like to reflect on this government's lack of commitment to the Gippsland Lakes and their Ramsar listed wetland areas. While the federal government commits over $200 million over a five-year period for the Great Barrier Reef, it has committed just $3 million for the Gippsland Lakes, which the locals regard as the Great Barrier Reef of the south, and this funding expires this year. There are many individuals, community groups and landholder organisations that are passionate about our lakes and rivers and are ready to do their share of the practical work that is required. It is a pity that the same level of passion does not exist in the ministerial offices in Canberra. (Time expired)

Ms GRIERSON (Newcastle) (19:25): I rise to mark the 40th anniversary of the Convention on Wetlands of International Importance. I welcome the member for Gippsland's motion and I celebrate the achievements in my electorate, in the Australian community and internationally that have been brought about because of this treaty. In Australia we have 64 Ramsar listed sites, and internationally there are over 1,900 wetland sites. Australia, like 159 other nations, is a signatory to the Ramsar convention. The treaty provides a framework for the recognition and protection of wetland ecosystems and the plant and animal life that relies on them. Like this motion, the treaty recognises:

... that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable ...

The United Nations Environment Program World Conservation Monitoring Centre estimates that six per cent of the world's land surface is composed of wetlands.

In my electorate, the Hunter estuary is a Ramsar listed wetland and includes Kooragang Nature Reserve, Ironbark Creek, parts of the Hunter River and the Hunter Wetlands Centre. Dotted with melaleuca swamp forests, freshwater reed marshes and mangrove creeks, the Hunter Estuary is a living environment, providing a temporary home for migratory waterbirds during their seasonal migrations and a more permanent, or semipermanent, ecosystem for the breeding of fish. The estuary is also a place for recreation, for amateur fishermen and women, for birdwatchers and for families canoeing or picnicking in the wetlands. As a result, the Hunter Wetlands Centre has become a hub for ecotourism in the region, attracting more than 100,000 visitors each year and contributing to the environmental, cultural and economic prosperity of the city. In fact, in 2005 it won the international Ramsar conservation award for education. In both 2007 and 2009, it won the Hunter Tourism Award for ecotourism.
But, since European settlement and the encroachment of urban developments on wetland ecosystems, there have been tumultuous changes in landscapes, and it is estimated that over half of Australia’s wetlands have been destroyed. Through habitat change, pollution, overexploitation, the introduction of alien species and climate change, our wetland ecosystems and the biodiversity that they sustain continue to be at risk. A 2009 snapshot Ramsar study report into the management of Australia’s Ramsar listed wetlands to the end of 2007 revealed serious ecological and management issues at protected wetlands.

That is why, as a government, we have invested in Australia’s wetlands, building partnerships between government and local volunteer organisations to protect, promote and preserve wetland ecosystems and biodiversity. That is why we have provided almost $2.5 million for educational facilities at the Hunter Wetlands Centre since being elected in 2007, as well as $550,000 to support conservation management and ecotourism at the Hunter Wetlands Centre and over $16,000 for volunteer groups who work at the centre. Through this funding, Green Corps, for example, have supplied environmental training and work experience for young people aged 17 to 20 who have worked to restore wetlands in the Hunter estuary.

It would be remiss of me, in the context of this debate, to not acknowledge the tireless efforts of one of my constituents, Christine Prietto, in promoting the Ramsar convention in Australia and helping make the Hunter Wetlands Centre the national success story it is today. In 2001-02, Christine led the process for the listing of the Hunter Wetlands Centre under the convention, building on the work of Kevin McDonald, Brian Gilligan, Max Maddox and probably lots of other people I have forgotten. Christine has since played a major role in promoting public awareness of the convention and now serves on Ramsar’s Scientific and Technical Review Panel. The success of the Ramsar convention, both nationally and internationally, owes a great deal to the expertise and passion of people like Christine.

I commend this motion, and I thank all those people around the world who tirelessly work to protect our natural environment. Over the past 25 years in my electorate our local volunteers, our environmental leaders and our activists have put in an outstanding effort. My daughter is nearly 29, and I recall being a volunteer at that stage in the wetlands myself. I congratulate them for returning an area earmarked to become landfill to its natural state as a wetland ecosystem rich with biodiversity. To all of them: happy 40th anniversary and congratulations on a job well done.

Mr COULTON (Parkes—The Nationals Chief Whip) (19:30): I rise tonight to speak on the 40th anniversary of the Ramsar convention. I acknowledge the contribution of the member for Newcastle. As someone who has two daughters who attended the University of Newcastle, adjoining the Newcastle wetlands, she did not mention the emblem of Newcastle and the bird that recognises that—that is the mosquito. But I digress. It is a wonderful attraction in Newcastle.

Ramsar is the only global environmental treaty which deals with a particular ecosystem. The convention's mission is:

... the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.

In the Parkes electorate there are four significant wetlands, which cover collectively 163,000 hectares. The Gwydir wetlands—that is, the Gingham and the Lower Gwydir—make up 823
hectares around 60 kilometres west of Moree and are considered an inland terminal delta, as four wetlands make up the site. The Gwydir wetlands are special because they provide breeding and feeding habitat for large numbers of colonial waterbirds.

The Macquarie Marshes is probably one of the most recognised sites in my electorate. It is located 100 kilometres from Warren. It has international importance and is one of the largest remaining inland semipermanent wetlands in south-eastern Australia. It is a major waterbird breeding area and an important refuge for a large number of other wildlife species.

Narran Lake is a very spectacular nature reserve of 5,531 hectares situated approximately 75 kilometres north-west of Walgett and 50 kilometres north-east of Brewarrina in the north-west of New South Wales. Narran wetlands are among the highest ranked sites for species richness, number of breeding species and total number of birds.

The Paroo River wetlands, making up 138,304 hectares, have two components—the 71,133-hectare Nocoleche Nature Reserve, which is approximately 180 kilometres west of Bourke, and the 67,171-hectare Peery component, which is located within the Paroo-Darling National Park, around 240 kilometres south-west of Bourke. These support a large number of threatened plant and animal species.

At the moment the wetlands in my electorate are absolutely magnificent. They are completely saturated, and the wildlife has returned. Indeed, tourism is flourishing in western New South Wales at the moment, largely because of the introduction of water into these areas. I would like to make some points with regard to the intention of some people in this place and in a wider area to play the role that nature has played for thousands of years. Over the last few years we have seen the government buy up millions and millions of dollars worth of water in the name of protecting the environment. The futility of buying water and storing it in dams—I might say by relative newcomers to the system, many of whom have been there for only the last 40 or 50 years—was shown last summer, when Mother Nature took things into her own hands and, with no help from mankind, replenished those wetlands in a cyclical nature, as she has done for millions of years. So we now have our dams full of so-called environmental water ready for the next so-called flush to the wetlands.

But these wetlands are ephemeral. They go dry when it is dry and they flourish and come to life when it rains. The arrogance of mankind in trying to take on the role of nature to control these wetlands is futile and making very little difference to the health and overall nature of these sites whilst significantly impacting on the wealth and productivity of— (Time expired)

Ms SAFFIN (Page) (19:35): I came into this place tonight to give unqualified support to the honourable member for Gippsland's private member's motion. Having listened to his contribution, I now have to change that and qualify it a little bit. I still support it in general but I have to say on point (2)(b), the need for ongoing Commonwealth funding to other agencies, that I agree that we do need ongoing Commonwealth funding but I would make the point that the mission of the Ramsar convention is the conservation and wise use of all wetlands through local, regional and national actions and international cooperation. It has to be funding at all levels. The honourable member did stage a bit of an attack. I can attack back, because the previous Howard Liberal government did not provide funds for Ramsar wetlands. The member was not here, but it is certainly a party that the member for Gippsland is associated with.
On the 40th anniversary of the Ramsar convention, I want to turn my comments to the points of agreement that we all have here. I thank the honourable member for putting this before the House. There are two things I want to say. One is that the official name of the treaty is the Convention on Wetlands of International Importance especially as Waterfowl Habitat. I think its original title has been lost, but that reflects the original emphasis on the conservation and wise use of wetlands primarily as habitats for water birds and also for migrating birds. It has just come to be what we call Ramsar. That is what we refer to it as.

In my area, I have WetlandCare Australia, which is a national organisation. It is based in Ballina. It operates out of Ballina but does national work and indeed is involved in international cooperation as well. It has worked for a number of years to put together a national project of some significance, particularly for coastal wetlands up and down the east coast of Australia. I work to support that because I know as members we want to work to support things that directly benefit our electorates. That is our job. But in supporting this project, which would cover 20 wetland areas in New South Wales and in Queensland, I knew that it would directly benefit my area and other areas. I have worked with WetlandCare Australia for a number of years and made sure that they got meetings and that they got to talk with ministers. They did a whole lot of work with departments and experts that they were able to do themselves. I can report that they were successful in securing a $2.5 million grant to work on this major project over 20 areas. The WetlandCare Australia general manager is Nicci Carter. She has been a great advocate for that organisation. The CEO, Ben Copeman, and project manager, Adam Gosling, are committed people. They will work to make sure this is implemented.

The coastal 20 wetland restoration project involved WetlandCare working in partnership with communities, government and industry to undertake restoration of 20 important wetlands in north-eastern New South Wales and South-East Queensland. One of the things that I said at the launch of that was that, given there were so many environmental organisations and programs, in my early days as the member for Page I decided that WetlandCare Australia was an organisation that I wanted to throw my support behind because of the significant work it was doing. There are so many environmental issues that sometimes we have to decide on a focus and go for it. For me it was wetlands for a whole range of reasons. Our coastal wetlands face increasing pressures from climate change and from the twin pressures of rising sea levels and changed rainfall patterns. Also, they are really the lungs of our country and they are the breeding grounds particularly for our fishing, both recreational and commercial. (Time expired)

Dr STONE (Murray) (19:40): I also rise to support this motion and I commend the member for making it a part of this day's business in this parliament. The Convention on Wetlands of International Importance was signed in the small town of Ramsar near a significant wetland in Iran on 2 February 1971. Since then the convention on wetlands has taken its name. The Ramsar convention holds the unique distinction of being the first modern treaty between nations aimed at conserving natural resources. The original Ramsar convention's intention was to protect migratory waterbirds and their habitats. Clearly, this was a unique idea at the time given most people had no real concern about habitats beyond their own borders. The convention has now been broadened in its scope to include the protection of
all wetland biodiversity and the wise use of all wetlands, and that includes an understanding of human use of those wetlands.

Australia was one of the first countries to become a contracting partner to the convention and it designated one of the world's first Ramsar sites, on Cobourg Peninsula, in 1974. Australia's 64 Ramsar sites now cover around 8.1 million hectares including freshwater, marine, permanent and ephemeral wetlands in every climatic zone.

Eleven of Victoria's wetlands are listed as Ramsar sites. They include the Barmah forest and the Gunbower forest in my electorate of Murray. The Barmah-Millewa forest is the largest river redgum forest in Australia, covering 66,000 hectares of floodplain and is of special value for maintaining the genetic and ecological diversity of the region because of its size and variety of communities. The Barmah forest also has the most extensive areas of the now-rare Moira grasslands in Australia.

Providing environmental flows to Ramsar and other sites in Australia has always been a priority for both the New South Wales and Victorian governments. The first environmental flow into the Ramsar listed wetlands from the Murray and into the Barmah-Millewa forest was in 1979. In 1993 the Murray-Darling Ministerial Council allocated an annual 100 gigalitres to the Barmah-Millewa forest and its Ramsar listed wetlands. This environmental flow has been released from the Murray into the forest since then in 1998, 2000, 2002, 2005-06 and 2010. The environmental flows are not new therefore to modern thinking, but what is now realised is that environmental flows are often best managed with regulators and other works and measures. It is not a case of flooding over the banks of a river and hoping for the best. The tragedy is that over the years local Barmah-Millewa forest experts—and they have indeed been local people—have been sacked and replaced by inexperienced and often poor managers of the environment drawn from the public service of New South Wales and Victoria. The community fora once guaranteed that there was a decent outcome. Now we are seeing some terrible outcomes. The tragedy is that, despite the commitment of significant environmental flows to the Barmah-Millewa forest and the Ramsar-listed wetlands, which include nearly 27,000 hectares of freshwater wetlands, they have been experiencing the worst blackwater events ever recorded. This has been a consequence of poor forest and wetland management in the area. The biggest blackwater events on record are a consequence of a lack of any cold burns for at least 40 years and a lack of any grazing when it was noticed that the vegetation loads were the largest on record and would be a danger if there were hot, shallow waters flooding into the forests. When that did occur we had enormous deaths of a whole range of biota including crayfish and endangered species, Murray cod and other fish. Indeed, even the vegetation has been killed.

This has not been the only tragic event in the Barmah-Millewa forest as a result of the incorrect or the misunderstood management of the environmental flows. In February in the summer of 2009 there was in fact a theft of environmental water. It occurred when a number of regulators were broken open by some misguided individuals who thought that not enough water had been released at that time into the forest. Regulators were smashed and locks were smashed, resulting in a flood of about 850 megalitres into the forest. It was a misguided and tragic attempt. Unfortunately, some 30 kilometres by five kilometres, or 60 square kilometres in all, of forest and wetlands were affected. Waterbirds attempted to breed but with no hope of fledging their offspring, given the short, sharp nature of this flow and, of course, the
blackwater event that followed. There was also a tragedy in 2006, with 10 per cent of the birds in the major bird-breeding event killed when environmental flows were cut off too soon and delivered too late into the forest. *Time expired*

**Mr Kelvin Thomson** (Wills) *(19:45)*: The 40th anniversary of the Ramsar convention reminds us of the significance of conserving wetlands through wise use and management. This is particularly important for migratory shorebirds, which fly right around the world every year in remarkable journeys of endurance and persistence. They depend on every link in the habitat chain remaining intact. Australia, China and South Korea are signatories to the Ramsar Convention on Wetlands of International Importance. Australia also has bilateral agreements on migratory birds with both China and the Republic of Korea.

Unfortunately, some nations have failed to live up to their obligations to protect shorebird habitat. One such threat involves the Yellow Sea and the preservation of its tidal flats to ensure the conservation of the remaining shorebirds in our flyway, the Australasian-East Asian flyway. With a sustainable future for our shorebirds under threat, I believe it is vital that we take action and honour the commitments we have signed up to at the international level. At future meetings concerning these bilateral migratory bird agreements, Australian delegates need to ask their counterparts what is being done in their countries to ensure sufficient appropriate habitat remains to ensure that birds can successfully stage their migration.

The Australian government should also advocate for the issue of shorebird habitat to be listed as a standing agenda item at each Conference of the Parties of Ramsar, the Convention on Biological Diversity and the Convention on Migratory Species, the Bonn convention. I urge the Minister for Sustainability, Environment, Water, Population and Communities to request and lobby for the issue of reclamation of shorebird habitat in the Yellow Sea to be included as a major agenda item on the program for the next International Union for Conservation of Nature and Natural Resources world congress, to be held in the Republic of Korea in late 2012.

As a quote from the book *Invisible connections: why migrating shorebirds need the Yellow Sea* highlights:

Like the shorebirds that rise into the air to cross continents and oceans, so too we must all rise to the challenge—to secure a future for the birds, the tidal flats and the living world which we all share.

Moving now from the global to the more local I want to talk about the Murray-Darling Basin, as some others have done before me. The Murray-Darling Basin contains 16 internationally significant Ramsar listed sites, which are hotspots for unique wildlife: the Macquarie Marshes, Coorong, Lower Lakes and Murray Mouth are all Ramsar listed; in fact, the Lower Lakes complex is the biggest Ramsar site in the Southern Hemisphere.

It has been clear for more than a generation that the way water is used in the Murray-Darling Basin is destroying the river system and dismantling the environmental foundations underpinning community wellbeing. In November last year, the Murray-Darling Basing Authority released a report filling an important gap in our knowledge about the economic benefits of bringing the basin back to health. Written by leading academics from the CSIRO and Charles Sturt University, the environmental benefits report outlined a way of estimating the economic value of the environmental benefits that flow from the basin and its rivers. A key conclusion within the report is that restoring the Coorong, an internationally significant
wetlands system at the end of the Murray River, from poor environmental health to good health is worth $4.3 billion to Australians.

An Australian Conservation Foundation report takes the methodology and source data from the report and expands on it to ask, ‘What would an improvement in the health of all the Murray-Darling Basin rivers be worth to Australians?’ Their analysis concludes that restoring the entire Murray-Darling Basin towards health is worth $9.8 billion to Australians. The costs of inaction if we do not return water to the Murray-Darling river system include ongoing costs of salinity across the basin, loss of dairy farms in the Lower Murray, blue-green algae outbreaks, blackwater events and lost revenue to nature based tourism operators relying on healthy rivers. We are at risk of killing the goose that lays the golden egg. Australians care about the health of this river system, as demonstrated by the current email campaign by concerned Australians anxious that this parliament puts the science first. A key concern in these emails is the environmental values of this great river system. I hope that the opposition, and the National Party in particular, stops running interference on the measures needed to better protect the river system.

The DEPUTY SPEAKER (Ms K Livermore): The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

The Philippines

Debate resumed on motion by Mr Laurie Ferguson:

That this House:

(1) notes:
(a) there has been a long running armed conflict in the Philippines;
(b) both the new President Benigno Aquino III and the National Democratic Front of the Philippines have expressed the desire to resume the peace negotiations between the two parties which began in 1992 and were suspended in 2005; and
(c) the Royal Norwegian Government is the third party facilitator of these peace negotiations and it is actively supporting the resumption of the peace negotiations; and

(2) welcomes the re-commencement of the formal peace negotiations between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines from February 15-21 this year; and

(3) encourages both parties in their efforts to resolve the conflict, and expresses a sincere wish for their success.

Mr LAURIE FERGUSON (Werriwa) (19:50): Unless there is a major outbreak such as the Ampatuan massacre of December 2009, where 58 people, including between 20 and 34 journalists, were gunned down in relation to the attempt of an opposition candidate to file election papers in Mindanao, the Philippines essentially receives a very good press in this country. It has the vestiges of a democratic system, with the exception of the Marcos period. However, the situation is far more complex, particularly in the area of industrial relations. As recently as 8 March Celito Baccay was shot down after arguments with the human resources officer of the Japanese corporation Maeno-Gikan. On 11 February armed forces intervened in a recognition fight at a Dole Philippines plantation. Amongst the actions undertaken by the military in support of management to stop union activity were closed-circuit TV installations
in all polling places, visits by the military to families of pro-union activists even beforehand and dismissal of workers with the same family names as people who were agitating for union recognition.

As I say, the situation, except for the complete coverage of the Moro Liberation Front, a pro-Islamic group in the south of the country, is that we have an image in Australia of a very competitive democracy. For 50 years the New People's Army has been waging a struggle in the Philippines. The very reputable International Crisis Group has commented on the dispute on 14 February this year that the government of the Philippines was 'unable to control and develop large parts of the country'. They further said that neither side could win militarily. They went on to say that 12 agreements and 25 years later they have scarcely touched on substantive issues. They were speaking of negotiations that have been on at various stages in the process.

The new government of the Philippines did indicate a preparedness to enter into negotiations to try and finish this dispute. The comments of the International Crisis Group in the same document in February were:

The monitoring committee must hold the NPA commanders to account for their actions. Likewise, the Philippine military and police should avail themselves of this opportunity to demonstrate their commitment to human rights by cooperating fully with the joint investigations that the committee will undertake once convened.

We have a situation where negotiations did commence in Oslo with the active support of the Norwegian government and some progress was made in relation to that. There was a ceasefire that operated throughout those peace discussions and there was an agreement that they would move forward to further discussions this year. It is of concern that the government of the Philippines has not complied with one of the major agreements reached in the Oslo meetings and four months later has not released 17 consultants and protected people who are still in detention in government prisons. Overall in the Philippines there are estimates of about 340 political prisoners awaiting concrete action by the government of the Philippines in accordance with the comprehensive agreement in respect of human rights that was arranged back then.

At the end of those peace talks in February the agreement was that there be the reconvening of a joint monitoring committee to oversee the implementation of a comprehensive agreement in respect of human rights, the agreement to form working groups and committees on political and constitutional reforms to conclude in February 2012 and an agreement that measures would be undertaken for the release of those political prisoners. Both sides at that stage released a few individuals in compliance with the agreement. There are perhaps more confident projections of a worthwhile outcome to these negotiations than in prior incidents. The government did release 43 people, mainly health workers, who had been held for over a year in a situation where their guilt was very much questioned. That was a good sign but there were agreements to release another large number of people. One would hope that these negotiations can be facilitated and that an end is made to a conflict that is ravaging significant parts of the country.

Mr CRAIG KELLY (Hughes) (19:55): Ever since Ferdinand Magellan was speared to death on Mactan Island in 1521 the 7,107 islands that came to make up the Philippines have faced problems with law and order. The Philippines is a nation that has a history of conflict...
and turmoil from the period of Spanish rule to the Spanish-American War to the atrocities of war crimes committed during the Second World War by Japanese occupation forces to the ongoing Marxist and Islamic insurgencies to the dictatorship of the Marcos regime with its crony capitalism. Even since the return of democracy and government reforms after the people power revolution of 1986, the country has been hampered by national debt, government corruption, coup attempts, a persistent communist insurgency and also the problem of Islamic separatists.

Currently the Australian government travel warning notes:

… violent crime still remains a significant problem in the Philippines …

We continue to receive credible reports indicating terrorists are planning attacks against a range of targets, including places frequented by foreigners …

We strongly advise you do not travel to Mindanao … due to the very high threat of terrorist attack, including kidnapping and related counter-terrorism operations.

The Global Peace Index has the Philippines ranked today in the bottom 20 nations classified as the 'least at peace' at 136 out of 156 nations.

Against this background I am sure all Australians wish the new Philippine President Benigno Aquino III the best as he attempts to lift the living standards of all Filipinos, rid his nation of violence and end hostilities with both the National Democratic Front and Islamic separatists in the south. President Benigno Aquino III is no stranger to violence for he was just 23 years old when his father was assassinated at Manila International Airport upon returning home from exile in the United States.

It must be recognised that the National Democratic Front is a coalition of far left leaning political parties controlled by the Communist Party. We hope that the members of the National Democratic Front of the Philippines realise that in every country where it has been tried communism has failed and, while communism may promise a socialist paradise, history has shown it only delivers poverty, hunger, misery and economic stagnation. Some may say a leopard never changes its spots and even our current Prime Minister was a card-carrying member of the Socialist Forum. We hope that for the benefit of all Filipinos the National Democratic Front comes to the realisation that their leftist ideologies will only harm the Philippines.

Ultimately what will bring peace and prosperity to the Philippines is not a signed piece of paper but a strong economy and the provision of equality of opportunity for all Filipinos. The greatest weakness of the Philippines democracy and its economy has been that the country has had no comprehensive anti-trust policy or regulations. In the past this has assisted to promote excessive concentration of economic power in the Philippines. It has stagnated its economic growth and has denied opportunity for its small business sector to compete and, in doing so, has created the breeding ground for anti-democratic forces to fester. It is therefore very encouraging to see that the Philippines has recently drafted anti-trust laws similar to the Sherman Act, the Clayton Act and especially the Robinson-Patman Act.

As the current Senate President of the Philippines, Juan Ponce Enrile, recently said:

We need to foster an environment that is conducive for the development of micro, small and medium enterprises.

President Aquino said in his first State of the Nation address:
... it is the government's duty to ensure that the market is fair for all, put an end to monopolies and cartels by giving the Philippines antitrust laws; that this will give life to these principles, to afford Small and Medium-Scale Enterprises the opportunity to participate in the growth of our economy. By drafting these laws, the Philippines government is sending a message that it wishes to foster an economy where an individual who wants to be an entrepreneur rather than a member of a socialist collective or unionised workplace will not have his opportunities restricted by unfair trade practices and discriminatory pricing. We wish the Philippines well and we hope the peace negotiations between the government of the Republic of the Philippines and the National Democratic Front are successful.

Mr HAYES (Fowler—Government Whip) (20:00): I rise today to support my colleague the member for Werriwa and thank him for bringing forward this motion regarding the political situation in the Philippines. It is an issue I had a keen interest in when I was formerly the member for Werriwa and I am really pleased to see how the new member for Werriwa is engaging with the Filipino community in the south-west of Sydney. I would particularly praise the efforts of people such as Rey Monerto and Lourdes Kaiser. I know Laurie is working very closely with them. In my own electorate of Fowler—

A division having been called in the House of Representatives—

Proceedings suspended from 20:00 to 20:08

Mr HAYES: Before the suspension, I was saying that in my own electorate of Fowler I also have a growing Filipino community, many of whom worship at the All Saints church in Liverpool. As a matter of fact, I was there only last Sunday with the member for Werriwa for the Liverpool Catholic Club mass. Ray and Lolita Abbott, who fundamentally coordinate the Filipino community in Liverpool, also attended. It gave us a good opportunity to have a talk. Part of that was about the special relationship between Australia and the Philippines and the interest there is in having both countries play a significant part in the Asia-Pacific community. As with any conflict, the vast majority of Filipinos are no different; they do not want to have endless hostility in their land. They simply want to get on with their lives and provide the best opportunity for themselves and their families within their local community.

Living in such a fortunate country as this, I find it hard to imagine the ongoing hostilities which have engulfed the Philippines since the 1960s. While the casualty figures are not exactly accurate, because they are not always available, from a quick search that I did, indications are that in the vicinity of 120,000 Filipino citizens have lost their lives during this conflict.

All Filipinos have been affected economically and socially by the ongoing conflict. It is simply a fact that no nation can truly develop its economy, its education, its health system, its commitment to an independent judiciary and the emotional health and welfare of its citizens while it is under such a cloud of hostility, as is the case in the Philippines. Hence the poverty levels that currently exist in the Philippines and why people are only too willing to sell a kidney in order to fund a family. These conflicts started, as I say, in the sixties and a whole generation of Filipinos have lived with nothing other than this conflict for their entire lives. Regrettably, unless a breakthrough is made the next generation will be exposed to the exact same thing.

Australia, as a strong voice in the region, should do all that we can to assist all parties to come to a peaceful resolution of these hostilities. This is not only in the best interests of the
Philippines; quite frankly, it is in the best interests of the whole of the Pacific region. For Australia directly, a safe and secure region means not only stronger ties with our neighbours but also a lesser burden for our region, particularly when it comes to the unsafe aspects of their homeland and the need for people to, as they do from time to time, seek asylum. I do note that there has been progress in the Philippines of late and, as alluded to by the member for Werriwa, there seems to be a willingness by all participants to try to resolve the ongoing conflict.

In 2010 and 2011 the Norwegian government acted as a broker between the government and the National Democratic Front. As the member for Werriwa outlined in his motion, negotiations occurred earlier in the year between the two parties. There is a strong interest in pursuing this dialogue and, hopefully, to a point of resolution. I also note that Norway has taken a leading role by joining the International Monitoring Team, which is overseeing the ceasefire between the government and the Moro Islamic Liberation Front.

I join with the member for Werriwa and all those who are wishing the Philippines well. It is in our interests and it is in theirs to obtain peace and stability. It is important not only for our region but for all mankind that we settle down the position in the Philippines where there is not only a suitable and lasting ceasefire but peace of which I think all of us can be duly proud and something that we should keep in our prayers.

**Mrs PRENTICE (Ryan)** (20:13): I rise to speak in support of this motion about peace negotiations in the Philippines. The pursuit of peace should be at the forefront of the foreign policy of all nation states. Even in terms of our military operations, peace remains the ultimate objective. There is no contradiction between having a strong military capacity and the pursuit of peace. There is no contradiction between committing troops to battle in a just cause and the pursuit of peace. Sadly, in today's world, we as a nation must commit our troops to war to achieve that very objective. Once again, I pay tribute to our brave and committed servicemen, who, at our direction, go to war and risk so much.

In particular, today I pay tribute to Sergeant Brett Wood, who gave his life in service of this nation. We owe him and his colleagues so much. They are also true peacemakers. It is against that background that the report of the resumption of peace talks in the Philippines offers so much hope because, even after years of conflict, the opportunities presented by negotiation are invaluable. These peace negotiations mark a new effort by both parties to bring an end to their 40-year conflict. The insurgency in the Philippines formally began in 1969, pitting the Filipino regime against rebels including the New People's Army and separatists of both the Moro National Liberation Front and the Moro Islamic Liberation Front. It continues to be one of the least resolved and least reported conflicts occurring today, despite the World Health Organisation estimating that 16,000 Filipinos are killed by violence in a year. The conflict itself is said to have claimed tens of thousands of lives throughout its 40-year duration.

It is appropriate at this significant time in the history of this conflict to offer some cautious words of congratulation. We should recognise the courage of the parties to those negotiations—not courage in battle but rather the courage to put aside the passions and indeed hatreds generated by war and to talk. The Philippines government and the National Democratic Front should be congratulated because, as Sir Winston Churchill famously said at a White House lunch in June 1954, 'To jaw-jaw is always better than to war-war'. But also...
today I want to pay particular tribute to the peacemakers—those governments and people who go out of their way to resolve conflict and to assist in negotiations. In this instance it is the royal Norwegian government and diplomats who have acted as third-party facilitators in peace discussions for over a decade.

It is also timely that we acknowledge and support Australia's proud record in this regard, because particularly in our neighbourhood we have an enviable track record of peacekeeping and peacemaking. Australia can look with pride to our sponsorship with New Zealand of the long-running but remarkably successful peace process in Bougainville. The contribution of diplomats like Nick Warner, the then Australian High Commissioner to Papua New Guinea, John Hayes and Nigel Moore of New Zealand, and so many others is a tribute to diplomacy at its best, as are the contributions by Norwegian facilitators in the Philippines. Equally, in East Timor and the Solomon Islands Australians can look with pride to our contribution towards peacemaking. I refer to people like Leo White, a Brisbane barrister who has always been willing to go out of his way to selflessly support peace building, be it in Bougainville, in the Solomon Islands or on the Thai-Burma border.

At ANU's State, Society and Governance in Melanesia program, Anthony Regan has brought to bear a remarkable understanding of law and practical common sense to assist in peace negotiations around the world. In my electorate of Ryan, the former Australian Centre for Peace and Conflict Studies at the University of Queensland, now the Peace and Conflict Studies Institute Australia, provides much needed support in our region. People like Volker Boege, Anne Brown, Serge Loode, Anna Nolan and Morgan Brigg have all contributed to peace around the world, just like those in the Philippines are striving to achieve. It is important to give recognition to our peacemakers. They truly make the world a better place. As prominent Norwegian political scientist Barth Eide commented, 'Dialogue is not a sign of weakness. It is the strategy of the brave.'

The DEPUTY SPEAKER (Mrs D’Ath): The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

CONDOLENCES
McNicol, Mr Greg

Debate resumed on the motion:
That this House:
(1) expresses:
(a) its condolences to the family of Australian citizen Mr Greg McNicol who was shot while helping to transform a run-down apartment block into a family building in Detroit;
(b) its gratitude to the City and Police Department of Detroit for the speed with which they have apprehended the alleged killer, and urge that the investigation is continued until such time as police are certain that no other parties were complicit; and
(c) our great respect for the people of America and in particular those engaged in the great renaissance of Detroit; and
(2) respectfully call on the Mayor and City of Detroit to create a public park in the vacant land adjacent to where Mr McNicol was both working and lost his life, with an appropriate recognition of Mr McNicol's vision for a better local community.
Mr HUNT (Flinders) (20:18): In addressing this motion for Greg McNicol, I speak both as a local member representing his parents and as a friend. As a friend, we go back to 1978, 33 years ago, when we were each 12 years of age. It is three-quarters of my life that we knew each other. Against that background, let me begin by expressing my condolences and the condolences of the House to Greg McNicol's family: to his father, Graham, who I know has been so deeply affected by this loss, and to his mother, Maureen, who is going through difficult and challenging times of her own but who has been the absolute rock of the family for decades and decades. Although she was a good foot shorter than Greg McNicol, or maybe a little bit more, he was always terrified of his mother. She was a woman of stout heart and she remains a woman of stout heart despite great challenges. Her family relies upon her as the absolute rock of their existence.

Let me express my condolences to Greg's brother Steven and his sister Karen, but most significantly, to Greg's wife, Katie Scartezini, who remains a Brazilian citizen. Greg and Katie lived together in the United States. Katie is an extraordinary woman. She is a figure in her own right nationally in both countries as a speaker and author. She has an extraordinarily positive attitude to life and she found her life partner some eight years ago in Greg McNicol. Each of them had had their own journey and for Greg this was the coming together of his life. There had been some dark and difficult days along the way but he found his partner and he was in the best place of his life. I last saw him on the balcony of my own home on the Mornington Peninsula, where 17 months ago he came to visit. We spent an evening one summer between Christmas and New Year with friends Peter Beamish, Ian McConville, my wife Paula, Gregory McNicol and his wife Katie. He talked about the journey he had made and the fortune he had had in finding his partner, and he talked about his plans to renovate, to build small local communities in America one block at a time.

He recognised that the global financial crisis caused enormous hardship but he also saw in it the opportunity to be engaged in a commercial venture, at the same time operating towards the higher angels. In particular, Greg set out at that stage that he thought in some of the more depressed cities in the United States there was a possibility, particularly in African-American communities, to give people a sense of hope, possibility and opportunity by taking some of these rundown buildings and working with the residents on progressively upgrading and reforming them to make them a family community. He set out to do that and he was doing that in a number of places, most notably in Detroit in Beniteau Street. It was sadly in that street that he met his end while attempting to do the best by the residents, to create a small, local community that would provide a way forward and an opportunity, a sense of living at its best to people who might otherwise have struggled. It is a great tragedy, a senseless strategy. My one comfort, and I know the family's one comfort, is that in Katie he had made his life partner and they had shared time together. The great tragedy is that their hopes for a family were never realised.

The second element of this motion is to express the gratitude of the House:

... to the City and Police Department of Detroit for the speed with which they have apprehended the alleged killer, and urge that the investigation is continued until such time as police are certain that no other parties were complicit.

I particularly want to speak on behalf of family who have asked me to convey to Mayor Dave Bing and to all members of the City of Detroit Police Department their thanks. They are
thankful for all that has been done so far but they have concerns that the investigation should be fully conducted in the event that there was more than one person involved in the killing. That is a matter for the police, but as a House we express our hope that the police will not rest until they have exhausted all inquiries.

In particular as part of the thanks on half of the family I want to thank the Foreign Minister of Australia, Kevin Rudd, and his chief of staff, Philip Green. Both acted personally to assist Katie and her brother Giovanni obtain the requisite visas to move from Brazil, where sadly Katie was at the time of Greg's death, up to Detroit to gather his remains and bring Greg's remains back to Australia. They were assisted by the Australian ambassador, Kim Beazley, and by the United States embassy in Australia. I especially thank Deb Blakie from the consular division of the Australian Department of Foreign Affairs and Trade. Her assistance has been herculean, compassionate, caring and fundamental in helping the family bring all the details together.

On behalf of the House, I also make the point that there is no animosity towards the city of Detroit. There is great respect for the people of America, particularly those engaged in the great renaissance through which Detroit is now passing. It is a city which has seen its hard times. But last year it had its lowest murder rate in some decades. Sadly, it still has a murder rate of over 300—and my friend, the son of Graham and Maureen and the husband of Katie, is one of this year's victims. There is a great challenge in each of our cities but we wish Detroit godspeed in their work. This brings me to the last part of the motion, which states:

(2) respectfully call on the Mayor and City of Detroit to create a public park in the vacant land adjacent to where Mr McNicol was both working and lost his life, with an appropriate recognition of Mr McNicol's vision for a better local community.

Greg's vision was not just the building at Beniteau Street; it was to create a living community by way of a small local park on the adjacent vacant block. It is a simple vision and I ask the mayor to do all he can. Mayor Bing, we know of you in Australia and we know of your city in Australia. We have great respect for you and for your city. We ask that you consider acquiring or converting this land in some way to create a small family park with picnic tables, seats and benches, to allow locals to sit beneath Greg's favourite tree and to live a proper family life with some calm and serenity to which we are all entitled.

I want to finish with a special note of thanks to Ed Husic, the member for Chifley. He suggested this motion. He is from the government side of the House. It was a very thoughtful commendation and the family pass on their thanks. He has established an enviable early reputation for honourable conduct in this House. Finally, I commend this motion to the House, but I say goodbye to my friend. It has been a difficult time. We will miss you, my friend.

Mr HUSIC (Chifley) (20:28): I echo the condolences expressed by the member for Flinders about the death of an Australian expatriate, his high school friend, Greg McNicol. At the outset, I extend my condolences and deepest sympathies to Mr McNicol's wife, Katie, his father, Graham, and his mother, Maureen, and to other family. From testaments and reports in the media, Mr McNicol was a driven, self-made businessman who leapt across the Pacific from his home in Mt Eliza, Victoria, to the United States of America. His death touched Australians back home with tributes flowing from his Mt Eliza community and in Detroit where he made many friends. He was a property developer setting out to start a dream and
bring his skills and talents across to the United States. Embodied within Greg McNicol's story are those national attributes we admire so much. Often we celebrate the efforts of other business people and sports people because it is natural to garner easy coverage for their endeavours. But Greg McNicol represented our country uniquely. I learnt a lot about his efforts, and the tragic circumstances that surrounded his final moments, through a thoughtful feature article that ran in the Sydney Morning Herald a few Saturdays ago, written by Nick Miller and Chris Johns. He was, as the Herald article said, on a 'journey from the Mornington Peninsula across the world to Los Angeles and then Detroit was a journey of self-discovery. He knew there was something out there for him; he just had to find it.' His was not a journey necessarily anchored simply in self-advance. He was trying to make a difference in the lives of people in tough neighbourhoods. Greg McNicol wanted them to savour hope for a more secure, comfortable future. He was doing incredible work, investing in properties he wished to rebuild. His most recent project involved renovating a rundown 10-unit apartment complex in Detroit, where his mind saw a vision for a better community, improving the quality of life for tenants while providing more affordable accommodation.

Representing the seat of Chifley, where I have had the great pleasure of attending the openings of many new social housing initiatives, Mr McNicol's work spoke to me. It was something I could relate to. I have seen firsthand what a difference new, well-presented accommodation can make in the lives of people who never imagined they would be so fortunate to experience this, especially if they had been stuck on public housing queues for a decade or more. So, regardless of location, this fellow citizen of ours, Greg McNicol, was helping to offer others a brighter future, something our parliament should surely take the time to honour.

To describe Mr McNicol's achievements, I quote the Herald article of 21 May:

His tradesman's skills—roofing, plumbing, carpentry—were relics of his previous life; when he left school early he was an RAAF mechanic for seven years. After that he built his own wholesale nursery. Then he moved to California and got into the building trade, earning US qualifications in plumbing, electrics, construction and building codes.

From what I have learned, Greg McNicol did not do things by halves. He moved into the properties he was renovating to make sure they were protected—and to apply the work ethic he was renowned for, as recounted by his sister Karen, when she said he was the 'first there in the morning and the last to leave'. Through his industry and hard work he earned the respect of local residents in Detroit, who had nicknamed him the 'Crocodile Hunter'. Residents cooked for him, fed him and offered him company and support. But as much as he offered a better future for some, Mr McNicol had to make tough calls about others, sometimes evicting tenants as part of his redevelopments. As a result of an argument he had had with some tenants he had sought to evict, Mr McNicol was shot at close range. To quote the Herald: Neighbours, angry because they liked McNicol and knew he meant well, brought bandages. Some tended to him. But it was too late.

I understand the member for Flinders, Greg Hunt, has spoken to Foreign Minister Rudd to ensure that the Detroit police thoroughly investigate Mr McNicol's death, and we have heard some of the other measures that he has followed through to ensure this is the case. Having read Mr Hunt's letter to the Mayor of Detroit, David Bing, I understand Mr McNicol's family and friends have vowed to see through his work, and I am sure many in this House extend to
them every single encouragement with their efforts. As local Detroit resident and friend Flo Benson said:

There are people like Greg taking a chance in Detroit, who are not going to get stopped. This time next year this property will be thriving, the way he knew it would. His life won't be in vain.

The member for Flinders, in his letter to the mayor, remarked: 'Greg's passion was to help some of the poorest neighbourhoods in America, one block at a time. The heart of that vision was the apartment complex at 4110 Beniteau Street.' I note the letter by the member for Flinders extended a modest but important request, asking the city to consider acquiring the adjacent vacant block to help create a small park for residents, a park that might be named after Mr McNicol. To quote the member for Flinders, this would be 'a small but profoundly meaningful gesture not only for Greg's family but also for nearby residents'.

As I speak on this motion I think of my own communities in Chifley that have experienced their own trying times of late, where the community has come together to help those feeling the pain of loss. I look to my own area where the death of young Keisha Abrahams touched so many people. Our local newspaper, the Mt Druitt Standard, recently featured photos of a purple fence erected in her memory—purple being her favourite colour. Community members built the fence and Emerton Hardware donated the paint. Dozens of messages from passers-by have been left on the palings. The support and outpouring of emotion and concern have been constant over the course of the year.

In mid-August last year my wife, Bridget, and I visited the local temporary shrine dedicated to Keisha. As we left our flowers we were moved on that cold night by the warmth of others in their well-wishes for Keisha. I hope when the pain eases with the passing of time that a fitting memorial will be set up to remember Keisha, as a landmark testifying to the compassion and spirit of Mount Druitt's communities.

But tonight we honour an Australian who has left. I would like to extend my deepest sympathy to Mr McNicol's family, his wife and his friends. We in this parliament offer our condolences as we remember his life and extend thanks to the community for their valued support and hope that others who were so close to him find comfort in this time.

The DEPUTY SPEAKER (Mrs D’Ath): The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS

MySchool, MyHospitals and MyChild Websites

Debate resumed on motion by Dr Leigh:

That this House:

(1) recognises:

(a) Australians are keen to have better access to information about government performance;

(b) more transparent public services have been shown to perform at higher levels; and

(c) greater access to information helps Australians make the best choices; and

(2) commends the Australian Government on the creation of the MySchool, MyHospitals and MyChild websites.
Dr LEIGH (Fraser) (20:36): Four hundred years ago, Sir Francis Bacon made a simple observation. He said, 'Knowledge itself is power.' This motion recognises the transformative power of information. When we put information in the hands of voters we help people make the best choices for themselves and their families. Providing information also helps improve public services which are crucial to boosting productivity growth in Australia. This motion focuses on three websites created by the Australian government: MySchool, MyChild and MyHospitals.

The myschool.edu.au website allows schools, teachers, parents and the community to compare schools serving statistically similar backgrounds and to compare all schools in Australia. It allows parents to identify and learn about high-performing schools, including schools in which significant student progress is demonstrated. Under MySchool 2.0, parents can now look at student gain over time and they can learn about the financial resources available to the school. Since the MySchool website was launched at the start of last year, over five million people have visited the site.

The mychild.gov.au website helps parents find childcare options suitable for their needs. It allows parents to find information about the childcare places in their area and assistance with childcare costs. The website now includes information about vacancies across the full range of age groups and information on both permanent and casual vacancies. In the last 12 months alone, the MyChild website has had over 420,000 visits. The website also links to useful information for parents such as children's health and wellbeing, and parenting and family support services.

The myhospitals.gov.au website provides information on bed numbers, patient admissions, hospital accreditation and types of specialised services. It also provides national public hospital performance statistics such as waiting times for elective surgery and emergency. It helps patients choose the hospital that is right for them and allows everyone to compare the performance of their local hospital with other hospitals around Australia.

These websites were opposed at the time of their creation. Some education insiders opposed the MySchool website. The Australian Medical Association and some state governments opposed the MyHospitals website. The opposition recently has been critical of the updated MySchool 2.0 website, preferring instead to keep financial information secret from Australian families. Opposition to data release has been based around two arguments. First, critics argue the performance measures are imperfect. This is undoubtedly true, but it sets the bar too high. We should always strive to improve the quality of information but the perfect should never become the enemy of the good. Second, those who oppose data being released claim it will lead to underperforming institutions being stigmatised. But so long as the data are collected so as to minimise the potential for manipulation and provide the broadest possible set of indicators, it will help identify the strongest and weakest institutions. Rather than allowing poor performance to continue under a veil of secrecy, we should let a little sunlight in.

We also have good evidence that more information raises overall performance. In the case of school accountability, Stanford University researchers Martin Carnoy and Susanna Loeb found strong evidence that those US states that provided more public information about school performance experienced more rapid growth in maths scores. Similarly, Eric Hanushek
and Margaret Raymond found that students in countries which published school performance
data tended to do better on international exams.

The same is true of hospitals. In his book *Better: A surgeon's notes on performance*
medical writer Atul Gawande discusses the impact that performance information had on the
treatment of cystic fibrosis, a genetic disease that impedes lung capacity. While patients at the
average treatment centre would typically live to 33 years, those at the best centre lived to age
47. Over recent decades the life expectancy of cystic fibrosis patients has increased
substantially as treatment innovations have percolated down from the leading centres.

Making school and hospital performance information publicly available should help
everyone, but there are good reasons to think the poor may benefit more than the rich. In a
low-information environment, information is restricted to insiders who share it with their
friends. Publishing statistical data helps democratise access to information, allowing everyone
to see what the insiders already know. The more comprehensive public data is, the less
individuals will need to rely on questionable sources of information. *(Time expired)*

Mr CRAIG KELLY (Hughes) (20:41): This motion on the MySchool, MyHospitals and
MyChild websites should win a prize—it is one of the most hypocritical I have seen since I
have been in this place. It is a motion one should describe as an own goal, or a self-inflicted
wound. Where does one start to dissect a motion that talks about this government's
performance, or about how greater access to information helps Australians make the best
choices? It is self-evident that greater access to information helps Australians make the best
choices—just look at what happened at the last election, back in August, when Australians
went to the polls.

At that time, the information on the carbon tax that Australians had access to was a solemn
promise from the lips of the Prime Minister that there would not be one. If Australians had
greater access to information and had not trusted a single word that came out of the Prime
Minister's mouth, they would have made the best choice and simply not voted for the Labor
Party. While on the subject of access to information and helping Australians to make the best
choice, last night we had 'Carbon Cate' and this ridiculous 'We say yes' campaign on TV—
possibly the most dishonest and deceptive advertisement ever shown on national TV. How
can Australians seriously make the best choice when served up such dishonesty?

One of the golden rules that applies equally in government as it does in life is that you
should practise what you preach. Unfortunately, that does not seem to apply to this
government. If this government truly believes greater access to information helps Australians
make the best choice, what about the NBN? Certainly a cost-benefit analysis would help
provide greater access to information about the NBN. A cost-benefit analysis would help this
Labor government but, instead, it is rushing ahead and spending billions of dollars on a lick
and a promise when already the alarm bells are ringing loud on the NBN. If the member for
Fraser, who moved this motion, truly believed that greater access to information helps
Australians make the best choices, why is he not demanding that a cost-benefit analysis be
undertaken before they spend a further dollar on the NBN? Hypocrisy, thy name is Labor.

We have also seen this government's approach to access to information with its simplistic
notion 'let us build a website'. Who can afford the high farce of this governments
GroceryWatch website? Perhaps the worst thing about this website is the damage it did to the
credibility of the ACCC. The ACCC took a political stance by aiding and abetting this Labor

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government's attempt to flog the lemon of GroceryWatch while the public was laughing at them. What the ACCC should have been doing was prosecuting this government for misleading and deceptive conduct.

If this member truly supports Australians having better access to information about government performance, how about a website that details the Labor government's performance in relation to the debt that they have created? Let us have a website that informs the public about how this government is building a mountain of debt by borrowing $135 million every day or $5.5 million every hour or $93,000 every minute. We could call it 'Labor debt watch'. Unfortunately, the problem with such a website is that it would struggle to keep up with the growing mountain of debt.

We could also have a website that informs the public about the effect on prices from a tax on carbon dioxide at different rates. The website could set out how much electricity prices would rise with a tax set at $20, how much electricity prices would rise if the tax were set at $30, at $40, at $50 and so on all the way up to $100 and more. We could also have a website that informs the public about how much this carbon tax will actually reduce global temperatures. In conclusion, this motion is just a further demonstration of how out of touch this government is and how their real intention is to hide the facts about this government's dismal performance.

Ms OWENS (Parramatta) (20:46): It does go without saying that good public policy is built on good information, as is stated in the motion before us. I am going to speak on the motion before us about the MySchool, MyHospitals and MyChild websites, unlike the previous speaker who seemed to go quite wildly into other areas. Good information is what helps governments set priorities and stay focused on the big issues. We also need accurate information to evaluate programs and make adjustments where the need arises.

For that reason, I was very surprised, when we came into government back in 2007, to find out just how little information we actually had about things of great importance. We did not, for example, have consistent data on schools and, when we sought to introduce a program that targeted disadvantaged schools, we could not even get together an accurate list from the information that was available around the country. We did not have comprehensive data on literacy and numeracy, we did not know how children's literacy and numeracy skills were going over time, we did not have the data to enable us to identify and learn about which schools were performing well, we could not tell which schools were struggling or why and we did not have comparative school financial data. In fact there was very little information in the government domain that would inform a policy aimed at improving the quality of education across the country and making sure that good quality education was available for all.

We also did not have comprehensive data based on the health and wellbeing and development of our very young children, our nought to fives. This is a very important part of a child's life; it sets them up for the rest of their life. We could not work on prevention and early intervention in mental health where it was most needed because we simply did not know where it was most needed. That data was not there.

Parents did not have access to information about early childhood services. I remember talking to one of the peak bodies for childcare providers, based in my electorate, and they said that they also did not have data on where the populations were changing, where the childcare centres were and what services were needed then and would be needed in the future; nor did
the government of the day. That was an extraordinary thing to learn in a world where information is king—that in 2007 the Australian government did not actually have the information it needed to make serious policy in these areas.

We did not have information on average waiting times in our hospitals nor could the general public easily find out which hospitals specialised in what. Now, I am pleased to say, in many of those areas the information is actually collected and available and is being improved year by year. In some areas, we are beginning new programs—the Australian Early Development Index is a particularly important policy at the moment and I will spend a moment talking about that fantastic initiative, which also highlights the importance we place on information. The Australian Early Development Index measures a young child's development. It is like a checklist that measures five key areas of early childhood development—physical health and wellbeing, social competence, emotional maturity, language and cognitive skill, communication skills and general knowledge. We are now the first country in the world to have collected comprehensive and population based data on the health, wellbeing and development of our five-year-olds. In this year's budget, the Gillard government is committing an additional $29.7 million over five years to the Australian Early Development Index. We will now be collecting data on an ongoing basis every three years. It is a vital tool to help ensure that governments and communities continue to maximise our children's life potential. In this area, like so many others—particularly areas like education, health and early childhood wellbeing—having the information we need to plan services and focus our efforts in the right places is absolutely essential, as it is essential to evaluate current programs and determine where improvements are needed.

I would also like to talk briefly about how some of this information has been used. Arthur Phillip High School, one of the schools in my electorate, is one of the beneficiaries of the new school partnerships which place additional funds and support in schools with the highest need. Again I point out that when we came to government in 2007 it would not have been possible to identify that school among the many others that were in need of additional help, and I commend the government for the work it has done in making that information available to policymakers and the public at large.

Mr WYATT (Hasluck) (20:51): I rise today to debate the motion put forward by the member for Fraser, who in his motion is calling on the House to recognise the importance of transparency. I must admit that I fully agree. I commend him for the motion, and I hope that his call for transparency is a genuine expression of the need for the Australian people to have access to information about government performance. I equally agree that greater access to information helps individuals and all Australians to make the best choices for themselves and their families and ultimately their community.

The question I would ask is: is it truth in transparency, or is it the perception of truth coloured by the filters of the degree of truth in transparency? If it is the latter, then what he seeks with this motion does not resolve the intent of what he seeks to address. I am reminded of the words of Henry David Thoreau:

To the man who cherishes a secret in his breast, there is a still greater secret unexplored. Our most indifferent acts may be matter for secrecy, but whatever we do with the utmost truthfulness and integrity, by virtue of its pureness, must be transparent as light.
Australians are asking for more transparent, democratic government that is completely open and frank, transparently honest in replying to answers sought and honest about its motives, which are clear and easily understood. The introduction of the My School, MyHospitals and MyChild websites has good intent, and they provide information that helps people and families to make discerning choices. Initiatives such as these are limited in the information provided, and what is not captured is the quality of human interpersonal relationships based on caring, understanding and compassion. The social, emotional and supportive nurturing environment is a significant component of the learning and workplace locations.

The motion says Australians need more information about government performance, greater transparency and better access to information to make informed decisions. These things are needed from a responsible government, but sadly Labor's actions are very different. Instead of reducing waste and streamlining processes, the Public Service has bloated under Labor's watch. Over 24,000 additional public servants have been employed since Labor was elected in 2007. That is equivalent to over 1,000 AFL teams, for example.

My office is bombarded with calls from constituents in Hasluck who are concerned about Labor's failed border protection policies. As we speak, immigration department officials are scouring the country to find more beds for people as detention centres overflow and succumb to rioting. Maybe we should have a My Detention website if we are serious about being transparent as the member suggests. Australians could see how many people were detained, the cost of detention, the number of riots, the number of staff injured or even the cost of putting up a fence and replacing damaged buildings.

One wonders what is next. Does the member for Fraser propose that the concept of transparency be expanded to enable Australians to fully understand the role, function and outcomes that taxpayer funded organisations perform, maybe creating a My Department/Agency website, and could that be extended to include a My Question Time website?

Of particular concern to parents and teachers in Hasluck is the terribly managed My School website, which flies in the face of this motion's call for greater transparency and information. Through My School, the government rushed to list the individual schools' finances for greater transparency but refused to honour its commitment to list the contractual obligations of BER programs on the My School website. Surely, this would allow parents to see how money was administered and spent at their child's school. There have also been many reports of students across Australia being asked to not sit tests to stop negative results appearing on the My School website.

In Hasluck, our students are blessed with many fantastic schools—too many to mention—but of course there are some that are struggling with teacher numbers, student attendance and the lack of funding. During this time as a teacher I found that there were literally thousands of teachers, support staff, principals, administrators, cleaners and volunteers whose enthusiasm made schools a positive place to be for students. There are many reasons that a school might not perform as well as one nearby or elsewhere in the state. Each area has its own unique people and demographics. It does not show the efforts of individual teachers in spending time with a particular student to help identify areas for improvement. It does not show the disadvantage some children have to work through to achieve. Transparency and accountability are important but this government is going the wrong way about introducing it.
Mr LAMING (Bowman) (20:56): It is a particularly good day to be debating this motion from the government, a day when the Courier Mail ran the banner headline 'Time to stop the waste'. With that, it focused my mind on why I am here this week. Those in my electorate in south-east Queensland are finding it really tough because of a 63 per cent increase in the cost of power and water. Families in my electorate know the challenge of making ends meet. It is in that context that we have to be very cautious about the way we approach motions like this lest we appear to not be focusing on things that are of concern to our constituents. Mums in my electorate have told me about the tough choices they have to make about whether they can afford to put their kids through swimming lessons. And there are those who went to Woolworths and found that loaves of bread were two for $6 and had to ask, 'If I give you $3, will you give me one of those loaves?' We know that 80,000 people have turned up to Salvo services around the country this year who have not done so before. When we notice that the people of Australia are struggling with cost-of-living pressures and we are focusing our attention on the expenditure of government money on the things that really matter, we must be very careful not to be too celebratory about some websites.

I do not deny that there are one or two benefits from these websites. It should not be forgotten that the My School website was cultivated through the Howard government years and thwarted at every step by the unions and by the then Labor opposition. And the only practical benefit for ordinary people from the My Child website and the My Hospital website—and it should be noted that four per cent of Australians have looked at the My Child website and a slightly larger number have looked at the My Hospital website—is the fuel dial graphic that shows the long waiting lists and compares state averages. The practical reality is that people have very little choice about what public health services they access. In most cases, they access the public service to which their GP has referred them. So the idea that one can look at what is happening in other states, regions and even the far corners of the country to find, say, a slightly shorter waiting list for varicose vein removal is of intellectual fascination for those of us in this Committee but of almost nil practical benefit for the ordinary person who in reality will be guided by their GP as to where to have their operation.

I do not want to spend too much time on the individual policy errors of this government, but I will relate an incident in Boston when I was sitting in the back of a taxi that was being driven by a Haitian. He heard my accent and said: 'You're Australian. You have that female Prime Minister.' I said, 'That's right.' He said: 'She said before the election no carbon tax and straight after it she is talking about one. She has signed her political obituary.' I sat there stunned. As members in this place, we will be remembered by that extraordinary duplicity. That is why we have to be very careful that we do not focus on the next policy initiative that follows things like Fuelwatch, the set-top box program or the pink batts—and I will not go into the details of that. These simple things have become examples of extraordinary excess and waste. Is government largesse better than simply writing a cheque? As the Courier Mail pointed out today, 'Writing a cheque for families for $560 and saying "Would you like the cheque or would you like the website?" I'll take the cheque. But you did not give them a
chance on the other side of the chamber. That decision was made on their behalf, how to spend their money. And so we have these dilemmas of 260 childcare centres that mums genuinely wanted but will never be built.

The DEPUTY SPEAKER (Mrs D'Ath): Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made in order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.

GRIEVANCE DEBATE

Biosecurity

Ms MARINO (Forrest—Opposition Whip) (21:00): I am raising a very serious grievance on behalf of Australian apple and pear industries, Australian fruit consumers and the Australian environment—especially those plant species that are killed by fire blight. Australia was once a biosecurity island fortress, but the brick walls of that fortress, our biosecurity and quarantine programs, have been cut back and undermined by this government. My own state of Western Australia was the envy of the world as we did not have many of the world's major pests and diseases and as a consequence our fruit industry used no more than 40 per cent of the pesticides applied annually by eastern states growers and international exporting nations. However, almost a decade ago as a result of poor quarantine management a disease called brown rot of stone fruit was allowed to enter the state and it is now endemic, costing the production industry annually tens of millions of dollars.

The latest example of this contempt for and neglect of our border protection is the recommendation by Biosecurity Australia to abandon the need for adequate protocols to prevent the incursion of fire blight, leaf roller, apple curling midge and European canker with the importation of New Zealand apples. Fire blight is a bacterial infection found throughout New Zealand that devastates trees, leaving them with a scorched appearance that in severe cases looks like they have had a blowtorch applied to them. The Western Australian Department of Agriculture and Food advises that a serious epidemic of fire blight is likely to decrease apple and pear production by up to 50 per cent. But it is not just apples and pears. A number of other species will be affected. The control of fire blight once established will not be easy. The Australian Quarantine and Inspection Service identifies sixteen genera plants that can act as hosts across Australia. That is why it is so important to prevent it getting into Australia in the first place. That is why New Zealand apples have not been allowed into Australia in the past. Of course New Zealand apple producers do not like this, and it was inevitable that they would challenge Australia's border protection through the World Trade Organisation.

Australia should have been ready to stand up for our borders. Instead we have surrendered with barely a whimper. So why has Biosecurity Australia abandoned our borders? We can only assume it has done so because the Prime Minister has forced it to do so. There is a great episode of Yes, Minister in which Sir Humphrey is determined to prevent the minister getting his way on policy. Mr Hacker got around him by announcing publicly that what he wanted was already happening—the 'it has to happen, it's been announced' strategy. It is this form of political deception that our own Prime Minister has forced on Biosecurity Australia and by default the people of Australia. On her trip to New Zealand the Prime Minister needed a good
news announcement to boost her profile so she announced that apple imports would go ahead. Therefore the border protection and quarantine of Australia were sacrificed to give this Prime Minister a good media story. Following this, Biosecurity Australia had little choice but to sacrifice our biosecurity because the only other option was to contradict a Prime Minister. She has hung them, and us, out to dry.

These are the same people who know what is at risk here, who for years have argued to sustain Australia's biosecurity. The latest proposals are an abandonment of the quarantine principles that have made us amongst the cleanest producers of high quality food in the world. There are no proposed uniform standards of management and inspection proposed for New Zealand orchards. Instead it is proposed to rely on New Zealand's 'integrated fruit production system'—in effect a quality assurance program managed by farmers under an accreditation system. It is not a quarantine program, it is a quality assurance program that is also used in South Africa and Argentina. Its purpose is to promote the product by standardising the fruit leaving the farm, not to prevent disease spread to another country. It is the same quality assurance program that exists in Australia. However, in Australia it is not used as an alternative to quarantine and it does not allow access for Australian fruit into any overseas market. There will be no standards applied for disease control in the orchards in New Zealand, and there may yet be no external audit of disease control in these orchards. Instead, Biosecurity Australia has pinned its hopes on every New Zealand fruit-picking back packer having a good day, on identifying diseased fruit and removing it. What are the chances of that?

In addition, the New Zealand Integrated Fruit Production system of quality assurance does not apply a measure for the maximum residue levels of antibiotics on fruit before export. Fruit arriving here can carry antibiotics including streptomycin, which is banned in Australia in the interests of preventing antibiotic resistance in human health but is still used in New Zealand.

Curiously, in its haste to abandon our strong borders, Biosecurity Australia has shown itself willing to drop its standards to below that applied by the United States. The US applies stricter quarantine protocols on New Zealand apple imports than those proposed by Biosecurity Australia. However, New Zealand has not been to the WTO to have the US protocols downgraded. Perhaps they thought Australia was an easier target and perhaps they have been proven right. Instead of relying on backpackers in New Zealand to maintain our border protection we should be demanding independent inspections of their orchards. Orchards with recorded fire blight outbreaks should not be able to export to Australia. And shipments arriving with trash—that is, the leaves and other plant debris—should be immediately rejected, as they would be by the US.

This quarantine debacle is highlighted by one astounding and very disturbing fact: Biosecurity Australia recommended protocols that allow for a minimum of 600 fruit samples from each consignment of fruit packed to be inspected and found free of quarantine pests for Australia. Six hundred pieces of fruit from each consignment may mean 600 pieces of fruit out of a number of containers of apples from a variety of sources. It may mean only one apple in a million being inspected. What do you think the chances are of finding an infected one? Simple maths tells you that it is a one-in-a-million chance.

That is the odds we are giving our national biosecurity: one in a million. The government's commitment to biosecurity is a national disgrace. Labor's 2009 federal budget slashed $35.8
million from the quarantine and biosecurity budgets, leading to the loss of 125 jobs, and reduced inspections of arriving passengers and cargo. The sum of $58 million was also slashed from the Customs budget, leading to 4.7 million fewer air cargo consignments being inspected each year and 2,150 fewer vessels being boarded on arrival. This neglect has set the trend that Labor has continued into the current budget.

In 2011, another $32.8 million was cut from the operational budget of the Department of Agriculture, Fisheries and Forestry, reducing the capacity of the department to deliver services to Australian agriculture.

I quote from Ally Mackay, who contacted me. She said: 'WA is now importing apples and the quantity from New Zealand is well in excess of 500 tonnes each year—that is, stone fruit. As more apples and pears are imported into the Eastern States from New Zealand and China, it is only a matter of time, perhaps 12 to 18 months, before local domestic markets are in serious decline.' That is an issue, as is the issue of our biosecurity. Ally also said, 'We were the envy of the world. In Western Australia we did not have the world's major pests and diseases and that, as a consequence, our fruit industry certainly used no more than 40 per cent of the pesticides applied annually by international exporting nations.'

In my electorate, these issues are very serious. The majority of apples and pears in Western Australia are grown in my electorate. The actual growers are seriously concerned about their biosecurity. The organic growers are extremely concerned. They have been talking to me on a regular basis and I thank them for their involvement in this issue and for their genuine concern about a very serious issue. Biosecurity measures in this nation, unfortunately, are taken far too lightly. We will find that, once we have compromised that biosecurity, with fire blight, a leaf-curling midge and European canker, we may be in a position of not being able to eradicate these particular diseases.

I condemn the government for not focusing far more on Australia's biosecurity. It appears to me that the announcement that the Prime Minister made in New Zealand pre-empted the capacity of Biosecurity to be able to manage the risk that goes with importing apples from New Zealand.

Employment

Mr SIDEBOTTOM (Braddon) (21:10): I would like to thank the government for its efforts to tackle, as is its responsibility, unemployment in my region. The federal government has adopted a number of projects and programs and initiatives. I am speaking about things in addition to the Jobs Fund, in addition to the highly successful BER program in my region and also the Regional and Local Community Infrastructure Program. On top of those things, the federal government has gone about developing specific programs to tackle unemployment. In many ways this has been highly successful. The government has been able to achieve this success because it has responded to a local situation, taken local advice and remained fairly flexible in its programs. Only recently in the budget one of my municipalities was deemed to be one of the place-based initiative areas for Australia and eligible for the funding that is associated with that.

On top of those government initiatives, which I will return to in a moment, there are government programs and I want to congratulate the business and employment unit of the O group organisation in my region who have been the recipients of Small Business Advisory...
Service funding, Small Business Field Officer Program funding, Home-Based Business Program funding and Building Entrepreneurship in Small Business program funding as well. They have gone about helping small businesses in my region. Many of the small businesses in my region have been able to grow and absorb the unemployment that has unfortunately been caused through the closure of two of our paper mills, the Tascot Templeton carpet factory and a major part of the McCain vegetable processing plant in Smithton. We now face the prospect of losing more jobs through the forestry sector restructuring going on in Tasmania, particularly with the unilateral action of Gunns. Unfortunately that will have a negative impact. On top of the programs I have just referred to, and before I mention the major one I want to talk about, the federal government has also funded the ForestWorks program to specifically map and do an inventory of all those workers at our paper mills and to see them into training or setting up their own businesses or retiring. Each and every one of them will be tracked. That program has done a terrific job. On top of that, my region has also been the beneficiary of a local employment coordinator.

I congratulate the former Prime Minister, Kevin Rudd, who personally intervened in this next matter I turn to, and Minister Kim Carr and I were pleased to play a part in it, as were many other government ministers. I refer to the North-West and Northern Tasmania Innovation and Investment Fund. I want to share this with you colleagues, because I think it is a template that is applicable throughout Australia. I do not care what the region or what the party—it works. It is working in my region, and I am really pleased that it has tackled unemployment.

This fund was established on 8 December 2009. It had a $17 million competitive grant template to assist with the development of the broader north and north-west economies. The fund was intended to stimulate innovation, investment and jobs in the north-west and Northern Tassie in the face of the unemployment that I mentioned to you earlier. It is a joint initiative. In the main it is from the federal government but it also has a Tasmanian government contribution, and I thank them. It was established as a regional structural adjustment program and provides merit-based competitive grants of a minimum of $50,000 to business for innovative projects that would create sustainable jobs and/or diversify the region's economy, including supporting projects that encompass new innovation and technology and emerging industries. I know that sounds a lot, but it actually worked on the ground, and I would like to share with you how we do it.

The grants support business expansion or capacity-building projects on a matching dollar-for-dollar basis, and that is the key. If you have to put skin in, I think it is a demonstration of your bona fides and that you are dead serious. This is not just a handout; this is actually assisting and working with the enterprise in cooperation. The capacity of the applicant to successfully undertake the project was assessed, as was the capacity of the applicant to match the funding being applied for, which was really important.

So the federal government contributed $12.5 million and the state government $4.5 million. The fund received 123 eligible applications, and the applicants sought nearly $120 million of the funding. As you can see, it does not work out exactly like that. AusIndustry assessed all the projects against the eligibility and merit criteria and provided recommendations to an assessment panel for consideration. The assessment panel included an independent member of the local community from the region as well as representatives from the Australian and
Tasmanian governments. It was delivered by AusIndustry, with Tasmanian based staff available to provide advice to potential applicants. I thank all those members of AusIndustry who have taken part in this—in particular Geoff Atkinson and his crew, who have done a terrific job. They are local people, knowing local conditions and applying local solutions.

Thirty-six projects were approved, with total project budgets of nearly $36 million. There was over $19 million in matching contributions from the businesses, so it achieved that first up. The projects are to be completed—and many are—and the final payments made before 30 June this year. Due to the number and quality of applications received, there was no need for a second round. This was in the north-west of Tassie where, on the surface, things are hard and people are doing it hard, but it is a diversified economy, and that is at the heart of the survival of rural and regional Australia. This helped us to continue to diversify and sustain what we have there. It was estimated that 417 jobs were to be created. We have already created 256 jobs to date, so it is doing a great job that way. There are six grants of more than $1 million, four grants between $500,000 and $1 million, five grants between $250,000 and $500,000, and 21 grants between $50,000 and $250,000. The projects cover a wide range of business types and sizes. The largest grant, for instance, was just over $2 million, and the smallest grant was $50,000.

I will just share with you some of the projects, because I know we have regional members here, and this will typify the successful applicants and the broad range and diversity of the businesses: building supply wholesaling; two electricity supply businesses; bakery product manufacturing; two dairy product manufacturing businesses; wholesale trade; two biotech, pharmaceutical, veterinary and diagnostics businesses; two meat-processing businesses; poultry processing; three vegetable-growing businesses; four construction businesses; fabricated metal product manufacturing; other manufacturing; nuts, bolts, screws and rivet manufacturing; other food product manufacturing; automotive repair and services; mining services; retail trade and other services to water transport; fresh meat, fish and poultry retailing; sheet metal product manufacturing; printing and printing support services; marine shipping; plant nurseries; bacon, ham and smallgoods manufacturing—mmm, that's excellent business; iron and steel forging; plastic manufacturing; aquaculture; and boatbuilding. Anyone who was unsuccessful could be contacted, and was contacted, by AusIndustry to give them feedback for any future applications in terms of this program.

I recommend to you, colleagues: if you are looking for a template, no matter what side of the fence you are on, you cannot go past what we call the North West and Northern Tassie Innovation and Investment Fund. I really do recommend it to you, and I thank everybody that has participated in this, particularly those businesses who have invested in our region's future. If I could do anything before I either leave or they kick me out of this place, it would be to get a replication of this into the future. I recommend it to you, and if any member would like to have a yak with me about this I am more than happy to share it with them.

**The DEPUTY SPEAKER (Hon. Peter Slipper):** I am not sure whether the descriptive rendition by the member for Braddon of the consumption of smallgoods from his area was necessarily orderly or disorderly, but I suspect we will move on.
South Pacific

Mr FRYDENBERG (Kooyong) (21:20): Mr Deputy Speaker, you know you have a problem in foreign policy when one of your nearest neighbours hosts a significant regional leaders meeting and you are not invited but Luxembourg is.

The DEPUTY SPEAKER (Hon. Peter Slipper): Well, as the Deputy Speaker, I would not expect to be invited!

Mr FRYDENBERG: Hang on, you might say; isn't Luxembourg the second smallest member of the European Union, a relatively minor aid donor and insignificant in the global security debate? Yes, it is, but it is also a candidate for a temporary seat on the UN Security Council for 2013-14—you guessed it, in a run-off against Australia.

So there we have it: Luxembourg being personally invited by Fiji's Prime Minister Frank Bainimarama to join him and the leaders of Papua New Guinea, the Solomons, Vanuatu and New Caledonia and representatives of Indonesia and East Timor at the Melanesian Spearhead Group summit he recently hosted in Suva—Luxembourg in, Australia out, a diplomatic humiliation if ever there was one and, to boot, a significant setback for our Security Council candidacy, which to be successful would require widespread support from our neighbours in the region.

But what is more disconcerting for the future of Australian policy is that this event is symptomatic of a broader malaise in our Pacific strategy. In the words of the respected government funded Australian Strategic Policy Institute, ASPI, in their 2011 strategic assessment titled Changing pace, Australia's 'influence in the South Pacific is in relative decline'. The report goes on to suggest that our absence from regional groupings such as Bainimarama's group, the heightened interventions of third countries in the region and the rise of a new generation of leadership who do not have the deep and abiding personal relationships with Australia that their predecessors had are all contributing factors to our decline.

Such a development is a code red for Australian diplomacy. The South Pacific is our backyard and has to be tended to as such. In fact, stability and security in the South Pacific were highlighted in the 2009 defence white paper as the second priority task for the ADF after insuring Australia against direct attack. The department of foreign affairs in their strategic documents place an equivalent weight on our interests in the South Pacific. But, just as it guides the Gillard government's official policy as prepared by the bureaucrats, it is also the direction and the priority laid out by the Labor Party's political apparatchiks at the last election. The Labor Party's 2010 election document Advancing Australia's interests internationally boasts on page 10:

Federal Labor has reversed the years of neglect of the Pacific by the Coalition. We have restored strong relationships with countries like Papua New Guinea and Solomon Islands.

... … …

Federal Labor has taken forward a comprehensive agenda with our Pacific island neighbours. Our efforts have been welcomed by the region and have ensured that difficult issues like the political situation in Fiji have been met by the region with a unified stance.

Well, that is news to the region and another culpable example of Labor spin. Pacific leaders turned up in their droves to accept Bainimarama's invitation, despite Australia and New
Zealand's absence. After succeeding last year in persuading Vanuatu's former Prime Minister Edward Natapei to cancel the summit and prevent a handover to Bainimarama, Australia has now run out of tricks. Bainimarama now has the leadership, has hardened his resolve against Australia and is extending his diplomatic reach, including joining the 118-nation non-aligned movement. Meanwhile, Australia continues with its failed strategy of isolating Fiji and has left a power vacuum which other countries—in particular China—are rushing to fill. China now funds the Melanesia Spearhead Group Secretariat in Vanuatu's capital, Port Vila, and has hosted Prime Minister Bainimarama on an extensive visit to Beijing. The Fijian Prime Minister did not take much convincing as to where his best interests lay, saying that China:

… is the only nation that can help assist Fiji in its reforms because of the way the Chinese think … they are visionary …

We need infrastructure, we need water, we need electricity. Australia and New Zealand and America, none of those nations are going to provide that.

It is a sentiment shared by the Chinese. China's Vice Minister of Foreign Affairs, Cui Tiankai, said during a visit last year to the Pacific region that his country's ambition was to 'further strengthen cooperation with Pacific islands' regional organisations'.

The language is subtle, but the message is not: an expansionary China eyes a strategic opportunity to expand its influence in our region and is now in headlong pursuit of the opportunity. Fiji is not the only beneficiary; in addition to receiving the promise of a generous aid program late last year, East Timor purchased two Shanghai-class patrol boats, and its Prime Minister, Xanana Gusmao, indicated his desire for stronger bilateral military ties. Australia's cause for concern is only compounded by the revelation in the Wikileaks cables that in 2007 Beijing approached Dili about establishing a surveillance radar facility on its coast under the guise of helping Dili campaign against illegal fishing. China offered to build and operate the facility with Chinese technicians for no cost, but the East Timorese fortunately understood the offer for what it was: an attempt to expand China's intelligence collection capability in the region. Despite this near miss, there is nothing to say that the next Chinese offer will face a similar rebuke.

Elsewhere, in Vanuatu, the parliamentary building has received funding from Beijing; so too the High Court building in the Cook Islands, a school building in Tonga and sport stadiums in Port Moresby and Suva, to name a few examples of China's largesse. Soft loans running into hundreds of millions of dollars—strategic investments from Chinese state enterprises—have been matched by high-level visits from various figures, including the Chinese Premier, and goodwill visits from the Chinese navy to ports throughout the Pacific. While the success and reach of China's efforts are abundantly clear, the United States has renewed its efforts. Hillary Clinton visited PNG late last year and held special meetings with Pacific island leaders on the margins of the UN General Assembly, and America's Assistant Secretary of State for East Asian and Pacific Affairs, Kurt Campbell, reiterated before Congress the Obama administration's interest in the South Pacific and called for an 'enhanced engagement' with the region and a 'stepping up' of their commitment.

What a contrast that is with Australia's approach. Our foreign minister, Kevin Rudd, has found time to visit Lichtenstein, Tunisia and Kazakhstan but has not made one visit to PNG, Fiji or New Zealand since his appointment as foreign minister. PNG and Fiji have not been
graced by his presence since 2008. Such a travel itinerary for an Australian foreign minister is incompetent at best and negligent at worst. If Australia has a prime minister who by her own admission has no interest in foreign policy matters and would rather be in a school classroom than meeting her counterpart foreign leaders and has a foreign minister who is more intent on pursuing his own personal ambitions in the United Nations than on visiting our neighbours in the region, what hope do we have of correcting this mess that we find ourselves in in the South Pacific?

What is more, with the Prime Minister and the foreign minister barely on speaking terms, the likelihood of a coordinated and effective new strategy is nil. All this comes from a government whose foreign policy achievements are minimal and whose foreign policy failures are numerous. An Asia-Pacific community initiative that failed to get off the ground, a non-existent East Timor solution that antagonised our key neighbours—including Indonesia—and an abandoned quadrilateral security dialogue with strategic partners India, Japan and the United States are all initiatives, to name just a few, which have failed.

I finish where I started: Australia's strategic influence in the South Pacific is on the wane, and the Gillard government's foreign policy approach is compounding our problems. Urgent action is required, and our foreign minister cannot afford to be distracted by personal frolicks abroad or personal vendettas at home. Australia's national interest requires dramatic action today—because tomorrow will be too late.

**Live Animal Exports**

Ms PARKE (Fremantle) (21:29): If the true moral test of a nation is our treatment of those who are most vulnerable and dependent on our care, including our animals, then we are failing. The Australian live export industry involves cruelty to animals, especially to the extent that once those animals leave our shores, their treatment is uncertain, poorly monitored and, as a result, often appallingly violent, painful, and even torturous.

This evening, one of Australia's most respected current affairs programs, *Four Corners*, has aired further evidence of Australian cattle being the subject of brutal and savage treatment, this time in Indonesia. What makes the footage in this case particularly distressing, and also particularly compelling as part of the argument against the live export trade, is the casual and clearly unexceptional nature of the cruelty meted out to Australian cattle and the fact that it is occurring through the use of slaughtering infrastructure and methods that have been provided to these Indonesian abattoirs by LiveCorp and Meat and Livestock Australia.

As the member for Fremantle, I am constantly reminded of the live export trade by virtue of the fact that some 80 per cent of Australia's live sheep exports and 25 per cent of its live cattle exports pass through the port of Fremantle. I am further reminded by the more than a thousand emails and letters I have received from my constituents and the many other concerned Australians, from city and country alike, who want to see this trade end. For too long we have allowed live animal exports, with all its inherent and potential cruelties, to drift along unchecked and unreformed. During that time some 150 million animals have been exported to countries where there are no laws to protect them from treatment that is unnecessary and unacceptable.

It took one of our peak animal welfare bodies, Animals Australia, to send investigators to the Middle East for the first time in 2003. From that moment onwards, when the first evidence
of sheep being brutalised in Kuwait aired on 60 Minutes, outraging Australians, the live export industry discovered a sudden interest in the welfare of animals in importing countries despite having exported millions of animals there for decades.

Their response was a four-day animal handling workshop in Kuwait. No-one asked the obvious question of industry: why had this not occurred before? No-one questioned how effective a four-day workshop would be in a country where there were no laws to prevent ill-treatment. Since that time, Animals Australia investigators have consistently provided evidence of abhorrent treatment of Australian animals in Bahrain, Qatar, Oman, Jordan and UAE, and further evidence from Kuwait, but on each occasion that the chronic mistreatment has been exposed the industry and regulatory response has been to defend or make excuses for practices that are indefensible and inexcusable. The response has been to maintain the industry virtually unchanged and to argue that engagement with the importing countries would bring about change that was better for Australian animals and better for their own domestic livestock. Unfortunately, three decades on, there has been little progress of this kind.

In 2005, Animals Australia produced evidence of practices at the Bassateen abattoir in Egypt in which cattle were having their leg tendons slashed and eyes stabbed to disable them prior to slaughter. The industry and regulatory response was to claim that improvements at the Bassateen abattoir had been implemented, not just for Australian cattle but for all animals, and that the reported practices no longer occurred. So Animals Australia sent investigators to Egypt and returned with irrefutable evidence that leg tendon slashing and eye stabbing continued as a common practice. As a result, the Australian cattle trade to Egypt was halted for three years and now only continues at one internationally controlled abattoir.

We are now in a position of having to reflect on the possibility that if appropriate action had been taken across the industry in response to the revelations from Egypt, Australians would not tonight have watched our cattle being terrified, tortured and brutalised in Indonesia. Unfortunately, we have consigned over 6.4 million cattle to unregulated and cruel treatment over the past decade. Two of Australia's peak animal welfare bodies, Animals Australia and RSPCA Australia, took the evidence from Indonesia directly to Four Corners rather than to the industry or the regulators because they feared that no action would be taken if the treatment of animals were not fully and publicly exposed. Based on their previous experience it was an understandable decision.

It was not only the treatment of the cattle that shocked and horrified me when I viewed this footage; it was that Australian-installed restraint devices, partly funded by industry support from government, is in effect contributing to and facilitating the brutal treatment of cattle. If the level of cruelty without the Australian restraint boxes, on a scale of one to 100, is 100, the level of cruelty with our Australian restraint boxes is 99 out of 100. Rather than protect the welfare of Australian cattle, the installation and use of Australian restraint boxes has entrenched a system that causes significant suffering. Footage of these industry devices has now been viewed by the world's leading slaughter expert, Professor Temple Grandin, who has condemned their use, stating that 'these devices contravene every humane principle around the world', and that they are 'absolutely atrocious and unacceptable'. The question must therefore be asked: do we need to receive any further wake-up calls before realising that we have supported an industry that operates on a foundation of endemic and unchecked animal welfare failures?
I do not believe the extreme cruelty Australians are witnessing on *Four Corners* tonight would be condoned by our producers and farmers, who care about their animals' welfare. It has been the industry and regulatory support of the trade to date that has kept producer confidence in it. In the knowledge that *Four Corners* was about to air the most damning evidence yet of institutional cruelty, we have again seen the live export PR machine swing into action with the customary blend of excuses, pleas of ignorance and promises of change. I understand this includes suspending the supply of Australian cattle to three facilities out of more than 100 in Indonesia that receive our live cattle exports.

But let us remember that these three abattoirs are not facilities operating on some kind of rogue basis; they are not abattoirs that have somehow been missed in the industry's effort to educate and monitor. On the contrary, these are facilities into which the Australian industry installed their own restraint boxes so that Australian animals could be slaughtered humanely—according to what the Australian live export industry apparently regards as best practice for Indonesia. And yet the animals were tortured, one after another. And yet the practices shown in the footage as routine went unchecked. And yet the Indonesian abattoir workers were so comfortable with the acts of gouging eyes, breaking tails, slashing leg tendons and administering an average of 11 cuts to an animal's neck while it thrashes around, blood spraying everywhere, that they let Animals Australia film this conduct without a second thought.

In anticipation of the broadcast of this footage, an Indonesian action plan has predictably been released by the live export industry. The content of that plan is, in my view, only a further indictment of the industry. One of the plan's 'desired outcomes', with all of the predictable wiggle room that the word 'desired' carries with it, is that from 2015—that is, in four years—Australian cattle only be supplied to facilities where the full supply chain meets OIE standards. These baseline international standards do not even require preslaughter stunning—the only way that cattle can reliably be slaughtered in a humane fashion. This has obviously never been a priority for the industry, as the 103 brutal restraint boxes they installed in Indonesia cannot actually incorporate the practice of stunning.

It is unacceptable for Australian animals to be savaged and tortured for another four years while this doomed industry pretends to try and fix things that they have done almost nothing about for two decades. Tomorrow morning, every MP and senator will be hand-delivered the evidence Animals Australia gathered in Indonesia and a scientific assessment of that evidence by RSPCA Australia. The information will contain a critique of the live export industry action plan. I encourage all members to view and assess the material and to consider seriously whether we can in good conscience allow this kind of conduct to go on year after year, ship after ship, terrified animal after terrified animal.

Let us remember that this evidence from Indonesia comes barely six months after Animals Australia filmed further evidence of Australian sheep being horrendously treated in the Middle East. And let us remember that, if those responsible for this treatment were made accountable to Australian animal protection laws, they would undoubtedly be prosecuted for animal cruelty. There must be immediate and substantial changes to the live export industry, including an immediate cessation of all cattle exports to Indonesia and strict conditions on the export of our animals to other locations imposed by a regulatory framework that is fully independent of the industry itself. It is also time for Australia to plan for and implement the...
phase-out of the live export trade in favour of an expanded chilled meat industry that will provide a better economic outcome, a better jobs outcome and the humane treatment of animals.

Finally, I want to pay tribute to Lyn White and the other brave souls from Animals Australia, as well as the team from *Four Corners*, who went into the Indonesian abattoirs and filmed these horrendous cruelties at what was likely a huge cost to their mental wellbeing. I also want to thank other Australian animal welfare groups who also tirelessly work to bring the indignities suffered by live export animals to public attention, including RSPCA Australia, WSPA, Stop Live Exports and Animals' Angels. On behalf of those who cannot speak for themselves, we thank you.

**Hughes Electorate: Intermodal Freight Terminal**

Mr CRAIG KELLY (Hughes) (21:39): I rise tonight to raise a considerable grievance of the residents of the southern Sydney suburb of Liverpool in my electorate of Hughes—a grievance I share. Currently on the books are plans for two massive intermodal freight terminals in Sydney. An intermodal terminal is the location for the transfer of freight from one transport mode to another—in other words, one could define it as an inland port transferring containers from rail to road. The current proposal is for these two intermodals to be located on the existing National Defence Storage and Distribution Centre and the School of Military Engineering, located right in the heart of residential Liverpool amongst the family oriented suburbs of Wattle Grove, Moorebank, Holsworthy and Hammondville.

There are real economic and environmental concerns about these developments, including the cost of the projects, the effect they will have on local roads, their effect on the health on local residents through increased diesel emissions, and of course their effect on the entire local environment of south-western Sydney. However, these developments are currently being bulldozed through without adequate community consultation or the required consideration of all environmental issues.

Firstly, I will go to the cost of projects. In 2008 the Minister for Infrastructure and Transport stated that the government had committed $300 million towards the development of an intermodal terminal at Moorebank. Further, the 2010 budget provided $70.7 million to undertake business cases, designs, approvals and an implementation strategy, as well as for the relocation of the School of Military Engineering. However, earlier this year a government tender for the relocation of the School of Military Engineering was issued, at the staggering price of up to $750 million. So already, even before one single construction cost has been incurred, this project is more than 150 per cent over budget. In addition, the government will have the expense, unknown at this stage, of relocating the National Defence Storage and Distribution facility—a facility substantially larger than the School of Military Engineering. Therefore it is likely that the taxpayer is going to face a bill of at least $1.5 billion just in relocation costs. We could be spending in excess of $1.5 billion and not have a single new thing to show for it.

The real concern for the local community is the environmental effects of such a massive development in their own backyard. During the last federal election campaign, my ALP opponent for Hughes had a number of different positions on the intermodal, until finally, some 2½ weeks before the election—after he had been in the field for seven months—he came out saying, 'I oppose the Moorebank intermodal unconditionally and will fight it on
every front.' However, within a week of the election he had packed his bags and moved out of the electorate, and he has not been sighted since.

In the meantime, the local community has held many well-attended community information meetings, which I have attended. While no Labor minister has even bothered to visit the site and the federal environment minister has not even bothered to reply to my invitation to visit the site, the shadow environment minister met with community members back in December, when he called for a 'full and proper environmental study' and an 'arm's length assessment' under the Environment Protection and Biodiversity Conservation Act.

Further, the shadow minister for infrastructure noted on 27 January: 'The concerns surrounding this proposal have been made worse because of the poor local consultation process which has failed to adequately deal with the issues raised about the possible environmental impact of this facility.'

To put a halt to this project, with the help of local residents, I have been successful in having Liverpool City Council agree to prepare and submit a 'referal' of the intermodal developments to the federal environment minister under the provisions of the EPBC Act. This was despite local Labor initially opposing a thorough investigation, before being shamed by an overwhelming display of community desire for the referral, as demonstrated by the large turnout at the council meeting considering the motion for it.

The EPBC Act is our nation's key piece of environmental legislation. The act has been designed to provide a high level of public involvement in the decision making and to ensure an open and transparent system that allows public scrutiny of decisions made. The wide definition of the word 'environment' under the act would enable consideration of many factors before the intermodals could proceed, including if there is a real chance or possibility that the intermodals will: (1) generate smoke, fumes or other chemicals which will substantially reduce local air or water quality; (2) result in the spillage of toxic substances through their storage or transport; (3) substantially increase the demand for infrastructure such as local roads; (4) affect the health, safety, welfare or quality of life of members of the local community through factors such as noise, fumes, smoke or other pollutants; (5) cause physical dislocation of individuals or communities; and (6) cause a long-term decrease in or threaten the viability of a native animal population.

It is clear that the intermodal developments qualify for 'assessment' under the act, because the intermodals are proposed on or will affect Commonwealth land. And although neither members of the public nor myself as the local federal member have the ability to 'refer' the intermodals to the federal minister for his determination if the developments are to be assessed under the act, under the provisions of section 69 of the act, the Liverpool City Council does have the authority to 'refer' the developments to the federal minister. The comments reported in a past edition of the local Liverpool Leader by a spokesman for the minister for infrastructure that the local Liverpool councils do not know the process associated with major projects, and further comments which created the false impression that construction work could not proceed unless there was a proper assessment under state and federal environmental laws are simply false and misleading.

It should be noted that the 10-step planning process detailed by the Sydney Intermodal Terminal Alliance, known as SIMTA, in their Community News Update of October 2010 did not include any reference to an assessment under federal environmental law.
preliminary environmental assessment report prepared on behalf of SIMTA conveniently overlooked the fact that the development could—and should—have been referred under the federal EPBC Act because the intermodal is proposed on or will affect Commonwealth land. Either the minister's office does not know what is going on with the intermodals or they do not fully understand the processes for assessment under federal law or they are attempting to hoodwink the local community.

Following receipt of the council's referral, the minister must publish the proposed intermodal development on the department's website for public comment. It is crystal clear that the intermodals are likely to have a significant impact on the environment in general, and it is clear that the minister will have no alternative other than to have the intermodals fully assessed under federal environmental law.

The minister must also decide on the type of assessment process to be undertaken. This includes the option of assessment by full public inquiry, under the provisions of sections 106 to 129 of the EPBC Act, whereby the minister appoints a commissioner and specifies terms of reference for the environmental inquiry. Such an inquiry provides for a kind of 'public trial', and would provide a forum for extensive public involvement to ensure a transparent system of assessment for all the environmental factors in connection with the proposal. However, the minister can also choose a less vigorous inquiry.

I am putting the minister on notice that the residents of south-west Sydney will be demanding a full assessment by public inquiry under the provisions of sections 106 to 129 of the EPBC Act. We are not going to accept anything less. At the conclusion of the public inquiry, the commissioner must report to the minister and the report must be published. Then the minister must decide if the intermodal cannot proceed or if the intermodal can proceed in full or in part and what conditions are placed on the approval. In making the decision the minister must consider both economic and social matters, and the effect on people and their communities.

In conclusion I would also like to thank Councillor Gary Lucas and Councillor Ned Mannoun for proposing and seconding the motion for the referral, and the other councillors that ensured that the motion passed. Additionally, I would like to congratulate the hard work and toil of the dedicated community members across Liverpool's south-western suburbs including Roy Carter, Nansi Giddies, Dominic Scutella, Lorrae Lemand, John Anderson, Jane Desmond, Brian Bruce, Ray Van, Allan Corben, Peter Langsam and many other local residents that seek to protect the beautiful family-friendly area in which they currently live. I repeat and I give them my promise that I remain committed not to leave a single stone unturned in fighting against these intermodal developments. (Time expired)

Palestine

Ms HALL. (Shortland—Government Whip) (21:49): At the commencement of my contribution to this debate I would like to congratulate the member for Fremantle on her contribution to the grievance debate tonight and say that I endorse every word that she says and I know how committed she is to this particular cause.

My contribution revolves around a visit I made in April this year to Palestine with the Friends of Palestine. On that delegation were Maria Vamvakinou, Sussan Ley, Melissa Parke and myself.
The DEPUTY SPEAKER (Hon. Peter Slipper): You should refer to members by their electorates, not by their names.

Ms HALL: My apologies. It was a delegation of four members of parliament. At the onset of this trip to Palestine I was overwhelmed by the hospitality that was shown to us and I thank Izzak Abdulhadi, Patricia Abbott, the Palestinian Legislative Council public relations department for their hospitality.

I came away from that visit convinced that one of the imperative issues facing the world is the need for a two-state solution in Israel. It is something that this government is committed to and something that I think we all should work very hard to achieve. It was a unique experience and my predetermined idea of what I would experience when I arrived in Palestine was quite incorrect. Nothing I had read about, nothing I had seen prepared me for what I encountered in Palestine. We entered Palestine via the Allenby Crossing and that was quite an experience. It took us 4½ hours to traverse that crossing but once we entered Palestine we were greeted by some very hospitable, optimistic people. What surprised me was the strength of the economy, the strong sense of business, a strong business community that exists there, the entrepreneurship and the fact that the Palestinian people were very keen to develop trade relationships with our country, and some already have quite strong trade relations with Australia. This is a people who want freedom and their freedom will also ensure the freedom of Israeli people.

I did not quite understand what occupation meant until I arrived in Palestine. As a person who has an aversion to arms and guns and any sort of conflict, I was overwhelmed when I was confronted with people with guns over their shoulders and that this was an everyday occurrence. The first checkpoint I arrived at I found quite confronting because it was something that I was not used to, something that I had not experienced. So there were firearms at checkpoints and the Palestinian people accepted this as a very normal state of affairs, but I found it quite confronting because I saw it as something right out of the ordinary, an abnormal way of life, yet the Palestinian people accepted and live under those circumstances.

The first time I saw the wall that has been built to separate Palestine and Israel I was really surprised. I had read about it. I had heard about it. It has even been talked about in this place. But seeing it demonstrated to me the complexity of the situation—how the wall acted as a barrier and how it separated Palestinian people who had worked various plots of land for most of their lives and were now unable to move from where they lived to their agricultural lands. That was something I did not expect to see when I went to Palestine. I did not expect it to be the way it was.

There is not only the barrier created by the wall but a barrier of bureaucracy: the need to get a permit to travel, the need to stop at a checkpoint—everything you do whilst you are there is encompassed in that bureaucratic system. In the infrastructure there is a dual road system and a dual system for accessing water, one for the Israeli people and one for the people from Palestine. There is very, very good health care. I was really impressed by the hospitals that I visited, the quality of care that was available and the expertise of the doctors, but there are also a number of barriers that need to be circumvented within that system.

The Israeli settlements and the housing demolitions have created a lot of angst within Palestine. I was very, very fortunate to visit Gaza. I learnt that there are 1.2 million refugees...
living there. Eighty per cent of the people in Gaza live in poverty. I visited the United Nations food distribution centre, a job creation program for fishermen who were unable to fish outside the three-kilometre limit and then a hospital. I saw the wonderful programs that were being run there by UNRWA.

One of the real highlights of my visit to Palestine was visiting an UNRWA school. Human rights were incorporated into the curriculum. Human rights were being used as part of the learning tools. One young person after another in the classroom stood up and told me how human rights taught them to respect each other and about the impact that that had on their ability to learn. The principal reported to us that, since human rights had been incorporated into the curriculum, the learning outcomes for the young people at that school had improved enormously. We also visited a number of other important areas, particularly in Gaza.

I must say that it convinced me that it is time for the occupation to end. It is time for Palestine to become a state. It is time for the Middle East conflict to end. There is a vote in the United Nations in September, and I think it is time that this conflict was put to rest, not only for Israel and Palestine but for the rest of the world. Until we have peace, and lasting peace, in the Middle East, it has an enormous impact on each and every nation in the world. It will benefit Israel. It will benefit Palestine.

Both Israel and Palestine have a right to exist. We here in Australia believe in a two-nation solution. It has been supported by governments of both persuasions. There was a motion debated in the House last week stating this. A two-party solution means recognition of both parties and it means that both parties have the right to exist. Israel and Palestine live side by side. They need to live side by side in secure, recognised boundaries and respect and accept each other, and this will lead to a peaceful coexistence. It is time for this conflict to end. It is time for this occupation to end. It is time for both sides to respect each other. I commend my contribution to this House. (Time expired)

The DEPUTY SPEAKER: The time for this debate has expired. The debate is adjourned and the resumption of the debate made an order of the day for the next sitting.

Main Committee adjourned at 22:00.
QUESTIONS IN WRITING
Ministers: Staff, Capital Works and Acquisitions
(Question Nos 257 and 258)

Mr Briggs asked the Minister for Social Inclusion and the Minister for Human Services, in writing, on 3 March 2011:

(1) How many personal staff are employed by the Minister.

(2) What is the (a) total cost, and (b) breakdown of costs, of all capital works and acquisitions in the Minister’s private office since 3 December 2007.

Ms Plibersek: The answer to the honourable member’s question is as follows:

(1) The employment of staff under the Members of Parliament (Staff) Act 1984 is administered by the Department of Finance and Deregulation (DoFD). On 22 February 2011, DoFD tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 February 2011.

(2) The cost of capital works and acquisitions for Ministers’ offices is shared by the Department of Parliamentary Services (DPS), DoFD and home departments. The Special Minister of State will accordingly respond on behalf of all Ministers in respect of costs incurred by DPS and DoFD.

Since my appointment as Minister for Human Services and Social Inclusion on 14 September 2010, I am advised that the total cost of acquisitions in my office incurred by the Department of Human Services to 3 March 2011 is $9,337.41. A breakdown is as follows:

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Broadband
(Question No. 291)

Mr Fletcher asked the Minister representing the Minister for Broadband, Communications and the Digital Economy, in writing, on 21 March 2011:

In respect of the statement by Mr Mike Quigley, Chief Executive Officer, NBN Co. Limited, that NBN Co. Limited has an arrangement with Telstra for it to provide voice only services to end users for $24 (Senate Environment and Communications Legislation Committee, Additional Estimates, 22 February 2011, page 131),

(a) will this arrangement apply only to customers who as at the time of transfer from Telstra's copper network to the National Broadband Network, were Telstra voice only customers;

(b) what arrangements will exist for customers who wish to take a new voice only service from Telstra because, for example, they have moved house or were previously customers of another telecommunications provider;

(c) given that this retail price of $24 will involve Telstra incurring a loss, will Telstra receive payment from NBN Co. Limited (or another party such as government) for all such customers; and

(d) will these arrangements reduce competition in the voice only market, as other retail operators will be unable to match Telstra's retail price without incurring a loss.

QUESTIONS IN WRITING
Mr Albanese: The Minister for Broadband, Communications and the Digital Economy has provided the following answer to the honourable member's question:

(a), (b), (c), (d) These matters concern commercial-in-confidence information which are currently subject to negotiations between Telstra and NBN Co Limited. However, NBN Co Limited is able to confirm that the statement by the CEO is correct and is reflected in the detail of these commercial arrangements between Telstra and the company.

**Defence Materiel: Staff**

(Question No. 306)

Mr Robert asked the Minister for Defence Materiel, in writing, on 23 March 2011:

In respect of the Defence Materiel Organisation in:

(a) 2007-08;
(b) 2008-09;
(c) 2009-10; and
(d) 2010-11.

By classification level, how many:

(i) military staff;
(ii) public service staff; and
(iii) professional service providers, are/were employed.

Mr Clare: The answer to the honourable member's question is as follows:

In respect of the Defence Materiel Organisation the numbers of staff (headcount) which are/were employed is as follows:

(a) As at 30 June 2008, the total DMO workforce was 7,335 as follows:
   (i) 1,513 Military personnel;
   (ii) 5,641 Australian Public Service personnel; and
   (iii) 181 Professional Service Providers (Contractors).
(b) As at 30 June 2009, the total DMO workforce was 7,475 as follows:
   (i) 1,536 Military personnel;
   (ii) 5,763 Australian Public Service personnel; and
   (iii) 176 Professional Service Providers (Contractors).
(c) As at 30 June 2010, the total DMO workforce was 7,290 as follows:
   (i) 1,504 Military personnel;
   (ii) 5,666 Australian Public Service personnel; and
   (iii) 120 Professional Service Providers (Contractors).
(d) As at 4 March 2011, the total DMO workforce was 7,222 as follows:
   (i) 1,426 Military personnel;
   (ii) 5,781 Australian Public Service personnel; and
   (iii) 15 Professional Service Providers (Contractors).

A detailed breakdown by classification is shown within the below table:
DMO numbers of staff employed by Headcount

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<td>Cadet APS</td>
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<td>5,641</td>
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Professional Service Provider (Contractor)

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<th>Contractor (PSP)</th>
<th>30 June 2008</th>
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<th>4 March 2011</th>
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NAVY

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<td>Commodore</td>
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ARMY

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<td>Major General</td>
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<td>Brigadier</td>
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<td>Colonel</td>
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QUESTIONS IN WRITING
Prime Minister and Cabinet: Think Tanks and Policy Institutes  
(Question No. 310)

Mr Robert asked the Prime Minister, in writing, on 23 March 2011:

(1) How many think tanks or policy institutes are funded by the Minister's department, and (a) what are (i) their names, and (ii) key areas of research, and (b) in what office/agency within the department do they fall.

(2) What sum of funding was provided to each of the think tanks or policy institutes in part (1) in (a) 2007-08, (b) 2008-09, (c) 2009-10, and (d) 2010-11.
(3) For each think tank or policy institute in part (1), on what date (a) was an announcement made that it would be formed, and (b) did it commence operating.

Ms Gillard: I am advised that the answer to the honourable member's question is as follows:

Only one think tank or policy institute, i.e. a body established for the purpose of conducting research, has received funding from the Department and the Prime Minister and Cabinet. The Australian Institute of Family Studies which researches issues affecting families in Australia has received funding from the Office of Work and Family in the department.

Other details sought are:

<table>
<thead>
<tr>
<th>Funding ($ million)</th>
<th>Date announced</th>
<th>Date operation commenced</th>
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<tr>
<td>2007-08</td>
<td>2008-09</td>
<td>2009-10</td>
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<td>$4.26</td>
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<tr>
<td>2010-11</td>
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<td>February 1980</td>
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Tourism: North Queensland
(Question No. 351)

Mr Ewen Jones asked the Minister for Tourism, in writing, on 10 May 2011:

What assistance or new initiatives is his department undertaking to increase tourism to North Queensland, in particular Townsville, in light of the high Australian dollar and the recent events that have decimated the tourism sector in the electorate of Herbert.

Mr Martin Ferguson: The answer to the honourable member's question is as follows:

Since January 28, 2011 my department and Tourism Australia have intensified their work with the Queensland Government to deliver a $12 million Tourism Industry Support Package in response to the Queensland floods and Cyclone Yasi.

The Tourism Industry Support Package marketing campaign has included:

- a global media mega famil, where almost 200 international and domestic travel writers, news journalists and bloggers from more than 20 countries were taken on familiarisation tours of some of Queensland’s top destinations;
- marketing activities targeting Queensland’s key markets, including New Zealand, China, Japan and the United Kingdom;
- an international youth and adventure traveller campaign;
- domestic marketing activity, including a brand and retail campaign telling Australians that Queensland is open;
- a multi-faceted interstate marketing campaign under the theme “Nothing Beats Queensland” which includes seven different commercials being run nationally and television networks broadcasting nationally from various Queensland destinations; and
- intrastate marketing encouraging Queenslanders to support their mates by holidaying at home.

As part of the Queensland mega famil, 10 domestic media visited Townsville and Tropical North Queensland. The media experienced, first hand, local activities such as jet skiing at Palm Cove, walks along Williams Esplanade, day spa experiences, visits to Magnetic Island, snorkelling and diving on the Yongala shipwreck.

The Tourism Industry Recovery Forums program was jointly funded through my department and the Queensland Department of Employment, Economic Development and Innovation. The program offered workshops for tourism businesses in areas directly and indirectly affected to provide information on
what assistance is available, as well as to deliver existing content on business resilience. The objective of the forums was to build tourism business resilience and capability in the recovery phase and beyond. A forum was held in Townsville on 13 April 2011 and 32 operators attended.

Under the “Servicing the China Market” CEO Workshops program, my department has engaged an experienced consultant to conduct a series of workshops from May through July across five Queensland regions where Chinese tourism is most concentrated. The objective is to develop the product currently being offered to the China market in these regions. The regions in which the workshops are being conducted are the Gold Coast, Tropical North Queensland, the Whitsundays, the Sunshine Coast and Brisbane.

My department will also provide support for up to 100 tourism industry representatives to attend the Australia-China Tourism Summit 2011 in Cairns from 7-9 June 2011. This will include a Queensland tourism industry networking function on 7 June 2011. A number of businesses and industry organisations from North Queensland have been invited to take advantage of this opportunity, including Townsville Enterprise.

The Trade Advisory Support program, funded by my department, will be delivered by Enterprise Connect, through a Memorandum of Understanding with the Department of Innovation, Industry, Science and Research who administer the Enterprise Connect program. Known as the Queensland Tourism Service, the Service will provide a Tourism Business Review to eligible tourism businesses which will be carried out on-site by skilled and experienced Business Advisers at no financial cost to the business. The Business Adviser will work with the business to understand the business’ strategy and operations; identify strengths and opportunities, including benchmarking against best practice; assess potential areas for growth and improvement; and help firms access world-class business tools, processes and technology. In addition to the Tourism Business Review, tourism businesses will be eligible for:

- Tailored Advisory Service – providing matching funding of up to $10,000 to implement changes identified through the Tourism Business Review;
- Enterprise Learning – informal peer-group learning sessions to assist clients to maintain and embed improvements set out in the Tourism Business Review; and
- Workshops, Industry, Intelligence and Networking (WIIN) – an events program aiming to improve awareness of relevant innovations, technologies, expertise and best practice amongst small and medium-sized businesses.

A further element of the Tourism Industry Support Package was providing support for tradeshows. Support was made available to assist in the attendance of 300 Queensland tourism businesses at the Australia Tourism Exchange in Sydney on 18 April 2011. Seven of these businesses were Townsville operators – Townsville Enterprise Limited, Tropical Horizons Tours, Vision Hotels and Resorts, Wildlife Island and Bush Safari, Reef HQ Great Barrier Reef Aquarium, Dreamtime Journey by Kookaburra Tours and Adrenalin Snorkel & Dive. The subsidy helped many operators attend, who would have been unable to otherwise attend.

In addition to my department’s activities, on 6 April 2011 the Minister for Foreign Affairs, the Hon Kevin Rudd MP, welcomed a group of over 70 Heads of Mission and Consuls-General and their spouses to Queensland. The purpose of the visit was to demonstrate to the world that Queensland is well and truly back in business and to assist the diplomats in knowing first-hand, and being better able to share, the tremendous opportunities on offer there. The visit included a day in Cairns, finishing with dinner in Port Douglas.

It should be noted that the assistance being provided by my department and portfolio agency, Tourism Australia, is in addition to measures taken by the Commonwealth Government under the Natural Disaster Relief and Recovery Arrangements and the Commonwealth and Queensland Government
funded Rural Resilience Fund. It is also over and above other support such as TQUAL Grants and funding for Regional and Local Community Infrastructure Projects. In the 2009 round of TQUAL grants, $100,000 was provided to Mount Flagstone Station Pty Ltd, 45 kms southwest of Townsville, to assist with the refurbishment of the historic homestead to provide quality farm-stay accommodation in the Townsville region. In the first round of Regional and Local Community Infrastructure Projects in 2008-09, over $16 million of funding was provided to the Townsville City Council for redevelopment of the Townsville CBD.