COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

House of Representatives

Official Hansard

No. 2, 2009
Thursday, 12 February 2009

FORTY-SECOND PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
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FORTY-SECOND PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

House of Representatives Officeholders

Speaker—Mr Harry Alfred Jenkins MP
Deputy Speaker—Ms Anna Elizabeth Burke MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP

Members of the Speaker’s Panel—Hon. Dick Godfrey Harry Adams MP, Hon. Kevin James Andrews MP, Hon. Archibald Ronald Bevis MP, Ms Sharon Leah Bird MP, Mr Steven Georganas MP, Hon. Judith Eleanor Moylan MP, Ms Janelle Anne Saffin MP, Mr Albert John Schultz MP, Mr Patrick Damien Secker MP, Mr Peter Sid Sidebottom MP, Hon. Peter Neil Slipper MP, Mr Kelvin John Thomson MP, Hon. Danna Sue Vale MP and Dr Malcolm James Washer 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. Joseph Benedict Hockey MP
Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips

Australian Labor Party
Leader—Hon. Kevin Michael Rudd MP
Deputy Leader—Hon. Julia Eileen Gillard MP
Chief Government Whip—Hon. Leo Roger Spurway Price MP
Government Whips—Ms Jill Griffiths Hall MP and Mr Christopher Patrick Hayes MP

Liberal Party of Australia
Leader—Hon. Malcolm Bligh Turnbull MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Opposition Whip—Hon. Alex Somlyay MP
Opposition Whip—Mr Michael Andrew Johnson MP
Deputy Opposition Whip—Ms Nola Bethwyn Marino MP

The Nationals
Leader—Hon. Warren Errol Truss MP
Chief Whip—Mrs Kay Elizabeth Hull MP
Whip—Mr Paul Christopher Neville MP

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## Members of the House of Representatives

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<td>Wood, Jason Peter</td>
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<td>Zappia, Tony</td>
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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; Nats—The Nationals; Ind—Independent

### Heads of Parliamentary Departments

- Clerk of the Senate—H Evans
- Clerk of the House of Representatives—IC Harris AO
- Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

Prime Minister                      Hon. Kevin Rudd, MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion         Hon. Julia Gillard, MP
Treasurer                           Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate          Senator Hon. Chris Evans
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council Senator Hon. John Faulkner
Minister for Finance and Deregulation Hon. Lindsay Tanner MP
Minister for Trade                   Hon. Simon Crean MP
Minister for Foreign Affairs         Hon. Stephen Smith MP
Minister for Defence                 Hon. Joel Fitzgibbon MP
Minister for Health and Ageing       Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs         Hon. Jenny Macklin MP
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House Hon. Anthony Albanese MP
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate Senator Hon. Stephen Conroy
Minister for Innovation, Industry, Science and Research                         Senator Hon. Kim Carr
Minister for Climate Change and Water                                          Senator Hon. Penny Wong
Minister for the Environment, Heritage and the Arts                             Hon. Peter Garrett AM, MP
Attorney-General                     Hon. Robert McClelland MP
Minister for Human Services and Manager of Government Business in the Senate     Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry                                  Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism                        Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]
Minister for Home Affairs Hon. Bob Debus MP
Assistant Treasurer and Minister for Competition Policy and Consumer Affairs Hon. Chris Bowen MP
Minister for Veterans’ Affairs Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women Hon. Tanya Plibersek MP
Minister for Employment Participation Hon. Brendan O’Connor MP
Minister for Defence Science and Personnel Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation Hon. Dr Craig Emerson MP
Minister for Superannuation and Corporate Law Senator Hon. Nick Sherry
Minister for Ageing Hon. Justine Elliot MP
Minister for Youth and Minister for Sport Hon. Kate Ellis MP
Parliamentary Secretary for Early Childhood Education and Childcare Hon. Maxine McKew MP
Parliamentary Secretary for Defence Procurement Hon. Greg Combet AM, MP
Parliamentary Secretary for Defence Support Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Regional Development and Northern Australia Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children’s Services Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs Hon. Duncan Kerr MP
Parliamentary Secretary to the Prime Minister Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion Senator Hon. Ursula Stephens
Parliamentary Secretary to the Minister for Trade Hon. John Murphy MP
Parliamentary Secretary to the Minister for Health and Ageing Senator Hon. Jan McLucas
Parliamentary Secretary for Multicultural Affairs and Settlement Services Hon. Laurie Ferguson MP
SHADOW MINISTRY

Leader of the Opposition
Shadow Treasurer and Deputy Leader of the Opposition
Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals
Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate
Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate
Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design
Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate
Shadow Minister for Finance, Competition Policy and Deregulation and Manager of Opposition Business in the House
Shadow Minister for Energy and Resources
Shadow Minister for Families, Housing, Community Services and Indigenous Affairs
Shadow Special Minister of State and Shadow Cabinet Secretary
Shadow Minister for Human Services and Deputy Leader of The Nationals
Shadow Minister for Climate Change, Environment and Water
Shadow Minister for Health and Ageing
Shadow Minister for Defence
Shadow Minister for Education, Apprenticeships and Training
Shadow Attorney-General

The Hon Malcolm Turnbull MP
The Hon Julie Bishop MP
The Hon Warren Truss MP
Senator the Hon Nick Minchin
Senator the Hon Eric Abetz
The Hon Andrew Robb AO, MP
Senator the Hon Helen Coonan
The Hon Joe Hockey MP
The Hon Ian Macfarlane MP
The Hon Tony Abbott MP
Senator the Hon Michael Ronaldson
Senator the Hon Nigel Scullion
The Hon Greg Hunt MP
The Hon Peter Dutton MP
Senator the Hon David Johnston
The Hon Christopher Pyne MP
Senator the Hon George Brandis SC
The Hon John Cobb MP
Mr Michael Keenan MP
The Hon Dr Sharman Stone
Mr Steven Ciobo

[The above constitute the shadow cabinet]
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<td>The Hon Chris Pearce MP</td>
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<td>Shadow Assistant Treasurer</td>
<td>The Hon Tony Smith MP</td>
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<td>Shadow Minister for Sustainable Development and Cities</td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Shadow Minister for Competition Policy and Consumer Affairs and Deputy</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Housing and Local Government</td>
<td>Mr Scott Morrison</td>
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<td>Shadow Minister for Ageing</td>
<td>Mrs Margaret May MP</td>
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<tr>
<td>Shadow Minister for Defence Science and Personnel and Assisting</td>
<td>The Hon Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
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<td>Shadow Minister for Early Childhood Education, Childcare, Status of</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Justice and Customs</td>
<td>The Hon Sussan Ley MP</td>
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<td>Shadow Minister for Employment Participation, Training and Sport</td>
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<td>Shadow Parliamentary Secretary for Energy and Resources</td>
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<td>Shadow Parliamentary Secretary for Water Resources and Conservation</td>
<td>Mr Mark Coulton MP</td>
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Thursday, 12 February 2009

The SPEAKER (Mr Harry Jenkins) took the chair at 9 am and read prayers.

FEDERAL FINANCIAL RELATIONS BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Swan.

Bill read a first time.

Second Reading

Mr SWAN (Lilley—Treasurer) (9.01 am)—I move:

That this bill be now read a second time.

The Federal Financial Relations Bill 2009 appropriates funds to provide financial assistance to the states and territories and implements this government’s reforms to modernise federal financial relations in accordance with the new financial framework agreed by COAG in the Intergovernmental Agreement on Federal Financial Relations.

COAG has agreed to a new architecture of cooperative funding arrangements that will replace the inefficient, complex and dysfunctional system of grants that has plagued areas of joint Commonwealth and state involvement in the delivery of services for decades. The old ways of the past are behind us, and we are now heading in a new direction with modern federalism.

In agreeing the new framework for federal financial relations, the Commonwealth committed to the provision of ongoing financial support for the states’ service delivery efforts through:

• general revenue assistance, including the ongoing provision of GST payments, to be used by the states for any purpose;

• national specific purpose payments (national SPPs) to be spent in the key service delivery sectors; and

• national partnership payments to support the delivery of specified outputs or projects, to facilitate reforms or to reward those jurisdictions that deliver on nationally significant reforms.

GST payments

The bills provide an appropriation for the Commonwealth to make GST payments to the states equivalent to the revenue received from the GST in respect of financial years starting from 1 July 2009, and for these payments to be distributed in accordance with the principle of horizontal fiscal equalisation. These provisions are equivalent to the current GST payment provisions.

Each state will continue to receive its adjusted population share of the GST revenue. The adjusted population of each state will be calculated by multiplying the state’s population, determined by the Australian Statistician, by a GST revenue-sharing relativity, determined by the Treasurer.

The bills provide for the repeal of parts of A New Tax System (Commonwealth-State Financial Arrangements) Act with effect from 1 July 2009. Once amended, the ongoing provisions of the current act will be limited to the procedures for managing the rate and base of the GST. As such, the bills also provide for the act to be renamed A New Tax System (Managing the Rate and Base of the GST) Act to reflect better its abbreviated content.

Other general revenue assistance

The government has a range of revenue sharing and other general purpose payments in place with the states, other than the GST arrangements. Payments under these arrangements will be provided for in this bill in order to bring all payments to the states under one piece of legislation. Monthly payments of general revenue assistance will be determined by the Treasurer and paid through the COAG Reform Fund. These
payment arrangements will be set out in the intergovernmental agreement.

**National SPPs**

The bill provides appropriations for the Commonwealth to make an ongoing financial contribution from 1 July 2009 to support state and territory service delivery in the form of five national SPPs covering the key human service sectors of:

- health care;
- schools;
- skills and workforce development;
- disability services; and
- affordable housing.

The bill also provides a facility for me, as Treasurer, to determine the appropriate amount of national SPPs for this financial year. This transitional arrangement for 2008-09 is necessary to allow the government to reconcile the total amount to be paid for the year, with the amount already paid under the existing arrangements, in order to determine the correct payment for the remainder of the year.

The states are required to spend each national SPP in the sector for which it is provided. This is the only condition imposed on the states in respect of national SPPs. This will give the states the budget flexibility they need to allocate resources where they will produce the best results for the community.

In the past, onerous Commonwealth conditions on funding arrangements have tended to stifle innovation and flexibility, resulting in duplication, overlap, cost shifting and unnecessary administration costs.

In establishing these new national SPPs, the Commonwealth will provide the states with more funding certainty. The bills specify the amount of funding for each national SPP for 2009-10 and provide for the base funding to be indexed annually by a growth factor. There will be no more five-year agreements with take it or leave it offers, as occurred under the previous arrangements. These national SPPs are ongoing payments, with regular funding adequacy reviews.

The Treasurer of the day will determine the annual growth factor and each state’s or territory’s share of the national SPPs in a financial year. These determinations will be in accordance with the principles provided in the intergovernmental agreement and detailed in a methodology paper to be agreed to in March by the ministerial council on federal-state financial relations.

These five national SPPs are associated with six national agreements, which are schedules to the new intergovernmental agreement. While the states have greatly improved budget flexibility in respect of these payments, they are now also subject to substantially improved public performance reporting against clearly specified performance indicators and benchmarks. Roles and responsibilities have also been clarified, and the performance of each jurisdiction—against mutually agreed objectives and outcomes set out in the national agreements—will be independently assessed by the COAG Reform Council.

**National partnership payments**

The Commonwealth will enter into new incentive arrangements with the states—through national partnership payments—to drive economic and social reforms. It has already started this process, with more than 20 national partnerships agreed by COAG already. Continuing payments which conform to the new arrangements will be deemed to be national partnerships.

The bill also provides for the Treasurer to credit amounts to the COAG Reform Fund for the purpose of providing financial assistance to the states in the form of national partnership payments.
These payments will reward those states which best deliver the services and outcomes to their citizens, and not reward those that do not. In so doing, they will drive a new micro-economic reform agenda in this country. Most importantly, they will improve the quality of services available to the Australian community—in particular, for hospitals and schools.

National partnership payments through the COAG Reform Fund may be made to the states as:

- project payments—where they support the delivery of new projects of national importance, including new infrastructure projects;
- facilitation payments—where they may assist a state to lift its standards of service delivery or give recognition to a state which agrees to implement reforms; or
- reward payments—where states are rewarded for their progress in a way that encourages the achievement of ambitious performance benchmarks.

Parliamentary scrutiny

For the first time in a very long time, the complexity of all the Commonwealth’s financial relations with the states and territories will come under the umbrella of just one piece of legislation. That will be a significant achievement for the government, but it will also greatly improve the public transparency of these payments and the ability of the parliament to scrutinize the payment arrangements.

I would like to spend a few moments outlining the ways in which these bills improve parliamentary scrutiny of payments to the states, while at the same time providing more flexible payment arrangements.

National partnerships and general revenue assistance other than the GST

The payment arrangements for the new national partnership payments are unashamedly performance oriented. That requires some flexibility, which is provided for by the Treasurer of the day determining the monthly amount to be paid, based on the advice from the COAG Reform Council or the relevant minister. Similar provisions apply to the payment of general revenue assistance other than the GST.

The determination of these amounts, within a global limit provided by the parliament, will be tabled in parliament each month. Consequently, parliament will receive a detailed, consolidated, monthly running tally of payments to the states, including information about which states are performing in respect of particular performance benchmarks.

Parliamentary approval will be required to set the maximum amount that may be credited by the Treasurer to the COAG Reform Fund for the purpose of providing financial assistance to the states in the form of national partnerships or general revenue assistance in a particular financial year. That global limit is provided for in the bill in respect of 2008-09, and must be specified in an annual appropriation act for subsequent financial years.

That means that the parliament will have the opportunity to consider the global limit on these payments, in much the same way that it does at present where these payments are appropriated through the annual appropriation acts. If no global limit is legislated by the parliament, then the Commonwealth will not be able to make partnership payments or grants of general purpose financial assistance to the states.
**National SPPs**

Parliamentary approval will also be required to increase the amount of national SPPs payable each financial year. Determinations by the Treasurer of the growth factors and distribution of national SPPs will be legislative instruments and therefore disallowable.

**Conclusion**

Full details of these measures are contained in the explanatory memorandum. These bills provide for a very substantial improvement in the framework for federal-state relations.

I commend the bills to the House.

Debate (on motion by Mr Lindsay) adjourned.

---

**Federal Financial Relations (Consequential Amendments and Transitional Provisions) Bill 2009**

**First Reading**

Bill and explanatory memorandum presented by Mr Swan.

Bill read a first time.

**Second Reading**

Mr SWAN (Lilley—Treasurer) (9.12 am)—I move:

That this bill be now read a second time.


**GST payments**

The bills provide for the repeal of parts of the A New Tax System (Commonwealth State Financial Arrangements) Act, with effect from 1 July 2009. Once amended, the ongoing provisions of the current act will be limited to the procedures for managing the rate and base of the GST.

**National SPPs**

As part of the rationalisation of specific purpose payments, the bill provides for the repeal of the Health Care (Appropriation) Act 1998, with effect from 1 July 2009. The payments to the states appropriated through this act will be rationalised in the new national healthcare SPP from 1 July 2009.

**National partnership payments and general purpose financial assistance**

The bill provides for the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to be amended to remove the appropriation for royalty payments to Western Australia. The royalty payments will be made using provisions in the Federal Financial Relations Act.

The bill also provides for the Interstate Road Transport Act 1985 to be amended to allow payments from the interstate road transport account to be made through the COAG Reform Fund, as these payments are national partnership payments under the new federal financial framework.

**Conclusion**

Full details of these measures are contained in the explanatory memorandum.

Together with the Federal Financial Relations Bill 2009, the measures in this bill will provide for a very substantial improvement in the framework of federal financial relations.

I commend the bill to the House.

Debate (on motion by Mr Lindsay) adjourned.
CIVIL AVIATION AMENDMENT BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.14 am)—I move:

That this bill be now read a second time.

On 2 December 2008, the government released its national aviation policy green paper. The green paper described the initiatives and policy settings the government is proposing to enable a vibrant and prosperous aviation industry; one that delivers the highest standards of safety and security, competitive aviation markets and services, investment in infrastructure and environmental responsibility.

The national aviation policy green paper sets out important initiatives in the development of the government’s aviation reform agenda, which will lead to the nation’s first ever national aviation policy white paper in the second half of 2009.

Today I introduce to parliament two bills that implement this government’s commitment to taking decisive action to strengthen the nation’s safety agencies and their oversight of the aviation industry. Together the Civil Aviation Amendment Bill and the Transport Safety Investigation Amendment Bill will allow the government to fulfil the undertakings made in the green paper to have important enhancements to safety regulation governance in place from 1 July 2009.

The Civil Aviation Amendment Bill 2009 will create a small expert board for the Civil Aviation Safety Authority (CASA)—Australia’s aviation safety regulator—and strengthen CASA’s capacity to take necessary safety action.

The Transport Safety Investigation Amendment Bill, which I will introduce next, will enhance the independence of the Australian Transport Safety Bureau (ATSB) by establishing it as a separate statutory agency with a commission structure.

Safety is the No. 1 priority for government aviation agencies, and safety regulation must be robust, efficient and effective. Safety is a core part of the aviation industry and must underpin every aspect of its operation.

Australia enjoys an enviable safety record. Our safety systems are second to none and our government agencies responsible for aviation safety are internationally respected. However, the government cannot and will not rest on this record.

Our safety agencies must be prepared for their leading role in Australia’s 21st century aviation sector. The industry itself is dynamic with the significant industry growth, increasing passenger numbers, and the introduction of new aircraft, technologies and business practices. Of course, government and industry must share the responsibility for addressing these safety challenges.

The Civil Aviation Amendment Bill improves the capacity and effectiveness of CASA to meet the challenges of an increasingly complex and diverse aviation industry. CASA must have the right structure, resources and legal framework to regulate the civil aviation industry to protect the travelling public, industry participants and the wider community.

The CASA board created by this legislation will be a small expert board of five members appointed by the minister. The board will strengthen CASA’s governance arrangements, and provide strong support to the Director of Aviation Safety and the minister. It will also play an important role moni-
toring CASA’s effectiveness and accountability across its range of functions. The board will facilitate stronger links between CASA and other government agencies, and allow for more meaningful and constructive input from industry and other relevant stakeholders into strategy.

Circumstances have clearly changed since the decision in 2003 to abolish the CASA board. Since then, a substantial amount of organisational reform has been undertaken within CASA. This was acknowledged by the Senate Standing Committee on Rural and Regional Affairs and Transport in its recent report *Administration of the Civil Aviation Safety Authority (CASA) and related matters.* The way CASA interacts with the aviation industry and the wider Australian aviation community has also evolved. Importantly, this bill implements one of the Senate committee report’s key recommendations—to introduce a small board of up to five members to provide enhanced oversight and strategic direction for CASA.

The board will assist CASA to manage the implications of industry growth and trends such as increasing pressures on secondary airports, low-cost carriers, and changing aircraft and navigation technology. There is widespread support within the aviation industry for a new CASA board, and the board will ensure effective interaction between the regulator and industry.

The new board will facilitate better relations across agencies with safety responsibilities and also allow for more meaningful industry input into strategy. It is important to be clear that this board will not be ‘representational’. CASA’s role inherently involves striking a balance between the competing needs of different industry sectors and, when appointing board members, the minister must ensure the board has an appropriate balance of professional expertise.

The board will operate at a strategic level—to give high-level direction to CASA’s regulatory and safety oversight role, but not blur the clear lines of authority and accountability for day-to-day decisions. It will be broadly responsible for CASA’s strategic direction, risk management and corporate planning.

The primary duties of the board will include deciding on the objectives, strategies and policies to be followed by CASA; ensuring CASA performs its functions in a proper, efficient and effective manner; and ensuring that CASA complies with certain directions given by the minister.

The Director of Aviation Safety will be an ex-officio board member and continue to manage CASA under the board’s strategic guidance. The director will retain executive responsibility for day-to-day decision making, staffing and financial management. The Director of Aviation Safety will be directly responsible to the board.

CASA needs to be able to use its oversight and enforcement tools in a progressive and effective manner, consistent with contemporary practices and procedures. This bill introduces a range of measures designed to improve CASA’s ability to take necessary safety actions, particularly in relation to foreign carriers operating into Australia.

There have been significant concerns raised by many inside and outside the industry about CASA’s ability to satisfy itself that all operators flying into Australia are receiving adequate safety oversight outside Australia. In the green paper the government committed to exploring whether CASA’s capacity to take a broader range of issues into account when considering whether to allow a foreign operator to fly into Australia needs to be expanded.

This bill will now amend the act to achieve higher levels of assurance of safety.
by improving oversight of foreign carriers flying to Australia. It enables CASA to take greater account of both the conduct of air operators in their home and other jurisdictions as well as the level of safety oversight provided by civil aviation authorities in other countries. The amendments are consistent with actions taken by the European Union and in North America to address these issues.

The bill also makes an important amendment to ensure that aviation safety is the main focus of key enforcement provisions in the act. It amends the automatic stay of reviewable decisions provisions to ensure that extensions of automatic stays do not continue for a period up to, and rarely less than, 90 days, but are instead subject to a decision by the Administrative Appeals Tribunal (AAT). This will ensure that, where CASA takes enforcement action based on safety grounds that give rise to serious safety concerns, the automatic stay continues only up to the time the tribunal makes a decision on an application for a stay. Holders of a civil aviation authorisation will still have the benefit of the five-day automatic stay, and a further automatic stay after that, but only until the tribunal can determine any stay application.

These amendments are necessary because the routine application of the ‘automatic stay’ provisions of safety related decisions have effectively nullified CASA’s ability to suspend or cancel the authorisations of operators found to have fallen well below an acceptable level of safety. A number of recent incidents have highlighted how access to legal remedies such as ‘automatic stays’ can arguably have the consequence of allowing operators to remain in the air despite compelling evidence of serious safety deficiencies.

Importantly, the bill will also close a gap in the current legislation by introducing an additional offence of negligently carrying or consigning dangerous goods on an aircraft. The carriage or consignment of dangerous goods is a major safety issue. The inclusion of an offence for the negligent carriage or consignment of these goods will ensure that lack of care in relation to the duty of carriers and consignors is addressed, providing an appropriate and proportionate response to this kind of conduct. This amendment will be welcomed by the aviation industry, which has expressed strong support for this approach.

The bill also makes a number of minor or clarifying amendments to ensure CASA’s ability to take necessary safety actions is clear. These include amendments to the demerit point scheme to prevent authorisation holders inappropriately avoiding demerit points; extending the period for which an enforceable voluntary undertaking (EVU) may apply from six months to 12 months; and refining CASA’s investigation powers and search warrant procedures to bring them into line with current Commonwealth criminal justice procedures and practices.

The Civil Aviation Amendment Bill 2009 demonstrates this government’s ongoing commitment to aviation safety. We are taking decisive action now to strengthen the nation’s safety agencies and their oversight of the aviation industry. Following further consultation we will release Australia’s first ever national aviation policy white paper in the second half of 2009.

Debate (on motion by Mr Lindsay) adjourned.

**TRANSPORT SAFETY INVESTIGATION AMENDMENT BILL 2009**

First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.
Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.26 am)—I move:

That this bill be now read a second time.

As I stated when I introduced the Civil Aviation Amendment Bill 2009, the Transport Safety Investigation Amendment Bill 2009 fulfils undertakings in the government’s national aviation policy green paper. The bill will amend the Transport Safety Investigation Act 2003 and enhance the independence of the Australian Transport Safety Bureau (ATSB) by establishing it as a statutory agency within my portfolio. The ATSB will have a commission structure and the new body will come into being on 1 July 2009.

Australia has an impressive safety record and the ATSB’s accident investigation role is a fundamental part of Australia’s transport safety framework. Under the Transport Safety Investigation Act 2003, the Executive Director of the ATSB already conducts systemic ‘no-blame’ investigations into aviation, marine and rail accidents and incidents with the objective of identifying contributing safety factors. The lessons arising from those investigations are used to prevent future accidents and incidents through the implementation of safety action by the industry and the government. By making the ATSB a separate statutory agency, public confidence can be strengthened in Australia’s commitment to advance transport safety.

While I am confident that the ATSB has operated successfully as a division of the Department of Infrastructure, Transport, Regional Development and Local Government, I believe that the future safety of Australian transport will be enhanced by this measure. In 2007 Mr Russell Miller AM was tasked by the then government to review the relationship between the Civil Aviation Safety Authority (CASA) and the ATSB. In finding there was room for improvement in the way the agencies interact, Mr Miller addressed the ATSB’s governance structure and recommended that the government move to clarify the ATSB’s independence as the national safety investigation agency. The government accepted this key recommendation, which received strong support from industry.

Investigations that are independent of transport regulators, government policymakers, and the parties involved in an accident, are better positioned to avoid conflicts of interest and external interference. Consistent with international standards, this bill leaves no doubt that investigations will be conducted without fear or favour and findings will be transparent and objective. Standard 5.4 of annex 13 to the International Convention on Civil Aviation (the Chicago convention) states:

The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct.

Enhanced independence will be achieved through a combination of factors. The ATSB will alone be responsible for administering the functions of the Transport Safety Investigation Act 2003 and exercising its investigation powers. There will be the capacity for the minister to provide notice of his or her views on the strategic direction for the ATSB, to which the ATSB must have regard. However, other than the ability for the minister to require the ATSB to investigate a particular matter, the ATSB will not be subject to a direction from anyone with respect to the exercise of its powers and functions.

The creation of a statutory agency will also give the ATSB discretion and responsibilities in its own right under the Public Service Act 1999 and the Financial Management and Accountability Act 1997 with respect to the management of its staff and resources.
The ATSB will, therefore, have operational independence with respect to the exercise of its investigation powers and functional independence with respect to the administration of its resources.

The ATSB will consist of a full-time Chief Commissioner, who will also be the chief executive officer of the agency, and two part-time commissioners. Commissioners will be appointed by the minister and they will have an appropriate mix of skills and expertise. Additional commissioners can be appointed as necessary for major investigations or where a particular skill or expertise is required. The powers in the act will be vested in the ATSB for overarching responsibilities such as determining which transport safety matters to investigate and publishing reports. Powers relating to day-to-day investigation activities such as entry to an accident site premises will be vested in the chief commissioner. Both the chief commissioner and the ATSB will have the ability to delegate powers, as appropriate, for the purpose of carrying out investigations.

A new power that the ATSB will have to assist with its function of improving transport safety is the power to require responses within 90 days to any formal recommendations that it makes. This requirement will provide confidence that the ATSB’s safety recommendations are being properly considered and addressed.

In addition to the function of improving transport safety through investigations and communicating the results of those investigations, the ATSB will have a function involving cooperation. The ATSB will be required to cooperate with similar agencies around the world to ensure there is coordination when investigating a transport accident or incident in cases where another country is in some way connected. Domestically, the ATSB will be required to cooperate with Commonwealth and state and territory agencies having functions concerning transport safety, or who are affected by the ATSB’s function of improving transport safety. Other agencies, such as the police or a transport safety regulator, are likely to have an interest in conducting investigations into some accidents or incidents that the ATSB is investigating. It is intended that those agencies should continue to be able to conduct their own separate investigations and that there be cooperation to allow this to occur. However, the ATSB will need to preserve the ‘no-blame’ nature of its investigations.

The Transport Safety Investigation Act 2003 already states that it is not an object of the act to apportion blame or provide the means to determine liability in relation to a transport accident or incident. With the translation of the objects of the current act into the functions for the ATSB, the act will state that apportioning blame and determining liability is not a function of the ATSB. Investigations that may result in punitive action will not necessarily have safety information freely flowing to them because there is an apprehension of a penalty by the persons subject to the investigation. This is recognised internationally by annex 13 to the Chicago convention and similar International Maritime Organisation instruments.

If the ATSB is to conduct systemic investigations, in the overriding interest of improving future safety, it must have access to all the available information. To preserve the free flow of information to its investigations, the ATSB will need to maintain an appropriate degree of separation from processes that could result in a punitive outcome, an award of damages to one party against another or an adverse inference being made about a person subject to an investigation. The existing provisions in the act for the protection of safety information, such as aviation cockpit voice recorders and witness statements, pro-
vide part of the framework for the ATSB to prevent itself being involved in the apportionment of blame or the determination of liability. Commissioners, ATSB staff members and consultants will be subject to the requirement to protect this type of information.

The bill provides for transitional provisions so that investigations commenced under legislation existing before the new laws come into effect on 1 July 2009 can be continued by the ATSB. For investigations already completed, the ATSB or the chief commissioner, as required, will be able to exercise powers in relation to such things as the disclosure of information. The bill also provides for the ATSB to perform the functions of the executive director under other legislation such as the Inspector of Transport Security Act 2006 and regulations made under the Navigation Act 1912 and the Air Navigation Act 1920 establishing confidential reporting schemes. With respect to the confidential reporting schemes, the bill provides for a regulation-making power to consolidate those schemes under the Transport Safety Investigation Act 2003.

The introduction of the Transport Safety Investigation Amendment Bill 2009 will serve to maintain and improve the already excellent safety record of the Australian aviation, marine and rail transport industries by establishing the ATSB as a separate statutory agency. Strengthening the independence of the ATSB in this way will facilitate better interaction with the transport industry and other agencies and demonstrate the government’s strong commitment to ongoing and important improvements in Australia’s transport safety framework.

Debate (on motion by Mr Lindsay) adjourned.

AUSTRALIAN ENERGY MARKET AMENDMENT (AEMO AND OTHER MEASURES) BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Martin Ferguson.

Bill read a first time.

Second Reading

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (9.37 am)—I move:

That this bill be now read a second time.

In recent years, a number of significant reforms have been made to energy markets in Australia. Under the guidance of the Ministerial Council on Energy, Australia has moved towards greater national consistency of governance and regulation. The reforms have aimed to ensure efficient infrastructure investment, promote competitive energy markets and provide lower energy prices for consumers.

The bill I am introducing today, although only making minor amendments to Commonwealth legislation, reflects another significant reform of the energy sector overseen by the ministerial council—the proposed commencement of a single national energy market operator for both the electricity and gas sectors. This operator, to be known as the Australian Energy Market Operator, or AEMO, is anticipated to commence operations on 1 July this year. Its commencement will strengthen the national character of energy market governance.

Upon its establishment, AEMO will assume the responsibilities and functions of existing gas and electricity market operators, including the National Electricity Market Management Company, NEMMCO. AEMO will also adopt a number of new functions such as the proposed National Transmission Planner function for electricity.
The bill provides for minor amendments to be made to Commonwealth legislation, namely the Renewable Energy (Electricity) Act 2000 and the Trade Practices Act 1974, as a consequence of AEMO’s assumption of NEMMCO’s functions.

The broader functions, powers and duties of AEMO will be primarily set out in legislation to be introduced into the South Australian parliament, as lead legislator for the national energy market. These will be amendments to the National Electricity Law, a schedule to the National Electricity (South Australia) Act 1996, and the National Gas Law, a schedule to the National Gas (South Australia) Act 2008. These amendments are expected to be put to the South Australian parliament in the first half of this year to facilitate the commencement of AEMO’s operations by 1 July. Other jurisdictions apart from Western Australia and the Northern Territory will also amend their legislation to effect this change.

The bill I am introducing today also corrects references in Commonwealth legislation to the title of Western Australian gas legislation. In 2008 a bill to apply the National Gas Access Law—that is, key elements of the National Gas Law—was introduced into the Western Australian parliament. However, the parliament was prorogued before the bill was passed. It is now anticipated that the legislation applying the National Gas Access Law will commence in the first half of 2009. As a consequence of the delay, the title of the Western Australian application legislation has also changed, requiring correction to references in the Australian Energy Market Act and other Commonwealth legislation. While the corrections are minor, they are important in facilitating the move by Western Australia to become a participating jurisdiction in the national framework for regulating access to gas pipeline services. I commend the bill to the House.

Debate (on motion by Mr Lindsay) adjourned.

TAX LAWS AMENDMENT (2009 MEASURES No. 1) BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Bowen.

Bill read a first time.

Second Reading

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (9.41 am)—I move:

That this bill be now read a second time.

This bill amends various taxation laws to implement a range of improvements to Australia’s tax laws.

Schedule 1 amends section 45-400 of schedule 1 to the Taxation Administration Act 1953 to provide a 20 per cent reduction of the pay as you go instalment for the quarter that includes 31 December 2008 for certain small business taxpayers.

Section 45-400 sets out how the Commissioner of Taxation determines the amount of the pay as you go instalment for the quarter that includes 31 December 2008 for certain small business taxpayers.

For the 2008-09 income year, the GDP uplift factor used in the calculation can be unrepresentative of expected profit growth in income years where economic and business conditions change quickly. Consequently, this can require taxpayers to pay too much in pay as you go instalments compared with their actual tax liability, with the overpaid tax being refunded to them at the conclusion of the income year when their final tax liability is assessed.

For the 2008-09 income year, the GDP uplift factor is eight per cent while the expected profit growth for the small business sector, as
forecast in the recent Mid-Year Economic and Fiscal Outlook, is two per cent. As such, small business taxpayers who pay their quarterly PAYG instalments on the basis of GDP-adjusted notional tax would be required to pay too much throughout the year towards their annual tax liability.

The 20 per cent PAYG instalment reduction will alleviate small business taxpayers of this cash flow pressure in the current economic environment and provide immediate and much needed cash flow relief to small businesses and encourage small business confidence.

To provide flexibility, a regulation-making power will be inserted into the law to allow reductions to be made in the future should that be considered necessary because of changing economic circumstances. Schedule 2 amends various acts relating to temporary residents’ unclaimed superannuation payments.

The government made amendments to the unclaimed money regime last year, to require superannuation funds to pay the unclaimed superannuation of former temporary residents to the Australian Taxation Office. This was done to help reduce the number of lost accounts and unclaimed money in the superannuation system which arises when temporary residents depart Australia without taking their superannuation with them.

Schedule 2 amends various acts as a consequence of the amendments required to support the temporary resident unclaimed superannuation regime, including the income tax legislation, small superannuation accounts legislation, superannuation guarantee legislation and co-contribution legislation.

The amendments also make changes to the broader unclaimed money regime to make the existing unclaimed superannuation provisions more compatible with the provisions for the payment of temporary residents’ unclaimed superannuation to the Australian government. Most of the changes are consistent (in many cases identical) with the requirements for the new temporary residents’ unclaimed superannuation regime.

Without these changes superannuation providers would need to maintain two very different unclaimed money regimes, one for general unclaimed superannuation money, and another for the temporary residents’ unclaimed superannuation.

Apart from the amendments to the co-contribution legislation, the consequential temporary residents’ superannuation amendments will have effect from the day after royal assent. The amendments to the co-contribution will have effect from the 2009-10 income year.

Schedule 3 introduces reforms to income tests which were announced in the 2008-09 budget. The reforms expand income tests used in determining eligibility for a range of government financial assistance programs to include certain salary sacrificed contributions to superannuation, total net investment losses and adjusted fringe benefits.

Affected programs include student financial assistance programs, family assistance payments, income support payments for individuals below age pension age and various means-tested tax benefits. Particular drought assistance payments are specifically excluded.

The reforms also align the income tests used to determine eligibility for the dependency tax offsets with the income test used for family assistance payment purposes.

The measures bring income testing up to date with contemporary remuneration arrangements. In particular, superannuation contributions will be assessed including all deductible personal contributions made by an individual and any employer superannuation contributions made on behalf of an employee.
that the employee has or has had capacity to influence. An example is contributions made under a salary sacrifice agreement. These contributions will need to be reported on payment summaries from 1 July 2009.

These reforms will provide an overall saving of $545 million over the forward estimates period and will apply to the 2009-10 and later income years.

Full details of the measures in this bill are contained in the explanatory memorandum. I commend the bill to the House.

Debate (on motion by Mr Lindsay) adjourned.

SOCIAL SECURITY AND VETERANS’ ENTITLEMENTS AMENDMENT (COMMONWEALTH SENIORS HEALTH CARD) BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Shorten.

Bill read a first time.

Second Reading

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children’s Services) (9.47 am)—I move:

That this bill be now read a second time.

This bill introduces a further measure from the 2008 budget, refining the adjusted taxable income test for the Commonwealth seniors health card to make it fairer and treat similar sources of income in a similar way.

The Commonwealth seniors health card is available to Australians over age pension age (65 for men and 63 years and six months for women), who are not receiving an age pension, and who have adjusted taxable incomes of less than $50,000 a year for singles and $80,000 a year for couples combined. The card entitles the holder to discounts on prescription medicines through the Pharmaceutical Benefits Scheme, bulk-billing with participating doctors and reduced out-of-hospital medical expenses above the threshold through the Medicare Safety Net. In some cases, the Commonwealth seniors health card also gives access to local, state and territory government and private provider concessions, such as discounted transport, education and recreation.

At the Commonwealth level, cardholders are entitled to certain cash payments through the income support system. One of these is the seniors concession allowance, which was increased in March 2008 as part of the government’s delivery on its election commitments, and is now $514 a year, paid quarterly. Telephone allowance is also payable to cardholders if they or their partner subscribe to a telephone service, including the higher rate that applies if they also subscribe to a home internet connection, now $138.50 a year.

Currently, income from superannuation that is not assessable and not exempt under the Income Tax Assessment Act 1997, and income that is being salary sacrificed into a superannuation fund, is not included in a person’s adjusted taxable income in determining qualification for the card.

Under this bill, the definition of a cardholder’s adjusted taxable income will be changed to include income from a superannuation income stream with a taxed source (gross superannuation) and income being salary sacrificed to superannuation.

A person in this position has already benefited from accumulating their superannuation savings in a concessional tax environment, and also benefits from the ongoing tax-free treatment of their superannuation pension payments after age 60.

This change makes sure that all income received by seniors is treated in a similar way, and contributes towards applying the income test for cardholders consistently. The
change also means that the seniors health card is better targeted to those in need of government assistance.

Income salary sacrificed into superannuation is already included in income definitions for age pensioners, so these changes will bring the definition of income for the Commonwealth seniors health card into line with existing rules for the age pension in this respect.

The government understands that some cardholders may need to make a lump sum withdrawal from their superannuation fund to pay for unexpected medical expenses, or to enter an aged-care facility. To facilitate these necessary expenses, cardholders who require these withdrawals will be able to request that their qualification for the Commonwealth seniors health card is assessed using an estimate of their current year income; that is, that they have their income assessed without that particular lump sum being regarded as income.

Legislation already exists to allow a cardholder to ask for their qualification for a Commonwealth seniors health card to be assessed using an estimate of their current year’s income. Where a cardholder can show that the increase in their income is not ongoing and is a ‘once only’ event, the cardholder is able to request that their qualification for the Commonwealth seniors health card is assessed without regard to that increase in income. This legislation will, of course, remain in place to assist those people who have unexpected increases in their income.

The amendments in the bill apply to both the social security and veterans’ entitlements-based seniors health card.

Debate (on motion by Mr Lindsay) adjourned.

AVIATION LEGISLATION AMENDMENT (2008 MEASURES No. 2) BILL 2008

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Ms PLIBERSEK (Sydney—Minister for Housing and Minister for the Status of Women) (9.52 am)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

COMMITTEES

Publications Committee

Report

Mr HAYES (Werriwa) (9.53 am)—I present the report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being placed on the table.

Report—by leave—agreed to.

DISABILITY DISCRIMINATION AND OTHER HUMAN RIGHTS LEGISLATION AMENDMENT BILL 2008

Second Reading

Debate resumed from 11 February, on motion by Mr McClelland:

That this bill be now read a second time.

Mr RAMSEY (Grey) (9.54 am)—I rise to address the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Disability is not a lifestyle choice. It is not something that someone decides to do. It is indiscriminate. Disability can be visited upon any one of us, and even
though people may not choose disability there are many in our society who learn to live with disability, who have a full and fulfilling life with disability and who grow to accept their disability—but no-one ever recommends it. It can be visited upon us at birth or as an acquired injury. It can come as a disease or just a by-product of old age. Disabilities are often multiple in their nature. They so often lead to poor outcomes not just for the person concerned but for those that support that person, their families. In many cases, families that raise children with disabilities suffer marriage failure. There are so many ramifications that become burdens on the lives of people who suffer disabilities.

While most of us try very hard not to discriminate against any sector of our community, it is human to find those who are different from us harder to deal with. It can be far too easy for us as humans to judge a book by its cover. I recount a story of a speaker whom I heard at an Apex convention. This fellow’s name is Dick. He is still around and alive at about the age of 70. He is severely afflicted by MS. Dick, by his own admission—this is what he told us—is not a pretty sight, but he has a very vigorous intellect. He told the story of when he was travelling on a domestic flight and the stewardess came up to his carer and said, ‘What would he like to eat?’ and the carer said, ‘I don’t know; why don’t you ask him?’—the point being that the stewardess was not doing anything different to what so many of us do all the time: making a judgement about an individual from their appearance. It is something we as a society have to not only legislate against but educate ourselves against to make sure we look below the surface.

This bill, which I support, clarifies and codifies the obligation of business, government and individuals towards those people who suffer from disabilities. It is a bill with great merit, but let me just take a little time to take issue with some of those on the other side of this House who have, in the course of this debate, denigrated the previous government’s record in this area. I take issue with the member for Isaacs. He knows that much of the spadework for this bill was done under the previous government and that it had intentions to move legislation along these lines. During the period of that government, I would remind him, many advances were made in the care of those who are disabled within our community, the introduction of case based funding being just one of those, and I would have thought that this debate and this type of bill generally enjoy bipartisan support. We are all driven to make advances in this area.

This bill aims at affording people as equal opportunity as possible in employment, education and the provision of other goods and services, but the application will almost certainly focus in most cases on equal opportunity in the workplace. I have a number of organisations in my electorate focusing on providing employment opportunities. Some of the more notable are Bedford Industries, the Phoenix Society and Orana, to name but a few that are supplying jobs in the supported employment sector. It is my duty, and something that I enjoy doing, to give as much support as I can to these organisations.

But the challenge is not just to get people with disabilities into the supported workforce; it is also to get them into the mainstream workforce. Agencies such as Interwork, UnitingCare Wesley and Work Solutions provide services in the area of getting people with disabilities into the mainstream workforce. But there is no point applying the big stick to business to force them to take on people with disabilities. In the end, if the employer does not want to employ someone, they will not employ someone; they will find an excuse which is perfectly explainable but which may well be driven by a prejudice.
The challenge for us, though, is to take this business case to the employment community. We cannot force them to employ. In fact, if we could it would be a bad outcome. If you could make an employer employ any individual against their will it would not be productive employment. But it is our job to go out and overcome that prejudice and sell the advantages of having a balanced workforce, of accepting people with disabilities into the workforce and finding their strengths. Once again I turn to a personal example. My friend runs a medium to large sized trucking company, and his daughter has a disability. I do not think it would ever have entered his head to have employed a disabled person on his workforce until he had a daughter with a disability. As a consequence, he now employs a young disabled fellow to clean his trucks. My friend said: 'You've just never seen anyone work harder. He does everything that I could ask of any able-bodied person. He is there on time, he does the work well and he is always happy to be there—he has pride in his work.' That should not be unique to those who have someone with a disability in their family. That is a story that we can sell to everyone, but it is our challenge as members of this place, the challenge of those who help us in our electorates and the challenge of people at large to go out and sell those positive stories and get people to take the blinkers off and look past the surface.

The meat of this bill is the clauses defining ‘reasonable adjustment’ and ‘unjustifiable hardship’. I call these the commonsense rules. A good friend of mine says, ‘I don’t care what the rules are. If I could stand up in a court of law and say that what I did at the time made perfect common sense and that is why I did it, then you know it is right.’ I subscribe to that theory. Sure, these rules are to make sure that people do the right thing but it is about opening their eyes and making the right decisions. It is right that industry should make all reasonable adjustments to accommodate, but the approach should be balanced.

We still have a lot of ground to make up in this area, but Australia is doing well by world standards. I often think that South Australia and even my hometown are the gopher capitals of the world. When travelling around Europe you just do not see that kind of access for disabled people. Our access to buildings is excellent and our carer’s benefits are a great move forward. We have done much but there is far to go, and there always will be. We will never totally redress the imbalance, but this is a good bill. It enjoys bipartisan support and it will hopefully help. But the big challenges are building the bridges and breaking down the barriers of seeing people who are different to us as being strange and difficult. As high-profile members of our community, let us go back to our electorates and provide the leadership, the patronage, the support and the resources to spread the word and take the positive message to mainstream Australia. People with disabilities are unique and they all have something to offer. We need to help them and us discover what it is.

Mr Butler (Port Adelaide) (10.03 am)—As my South Australian colleague just told the House, the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 is an important piece of legislation. Most of us in this House have been fortunate enough to live through the last several decades which have seen a great social movement against discrimination in Australia on a range of grounds—gender, race, religion and, latterly, disabilities. It is my
view that disability discrimination has not been addressed sufficiently by our governments and our community. There is still a long way to go before disabled people feel they can fully participate in Australian society, and this legislation does something more to reach that objective.

There are obviously equity reasons for what we are doing today and for what we have done in a range of other areas of discrimination. There are also very clear economic reasons to facilitate the full participation by people with a disability in the broader community. I remember very early in my career when the South Australian government removed the age discrimination provisions of the equal opportunities act, which exempted age discrimination where someone was over 65. Before that change you could terminate the employment of someone who was over 65 on the basis of their age. The removal of that provision effectively allowed people to work beyond 65 years of age, free from the threat of discrimination. The early 1990s in South Australia was economically a pretty depressed time, and I remember that there was a lot of concern that this would cause unemployment amongst lower-age groups because people would not be leaving the workforce at 65. Now we want people over 65 to continue in the workforce. We are trying to encourage them to do that. The same applies very much to the area of disability.

I was really pleased to see on the television a couple of years ago ads which I think were initiated by the former government, to their credit, encouraging employers to employ people with a disability. With the labour shortage that Australia has been experiencing for some years, there are very clear economic reasons for doing that—economic reasons that dovetail very neatly with the equity reasons for doing this.

Discrimination in any area, whether it is disabilities or other areas, is sometimes not an easy concept to come to grips with. In the area of direct discrimination it is perhaps a little easier but, where indirect discrimination occurs, it really can be quite difficult to identify and remedy. I remember 20 years or so ago Mary Gordon writing in a judgement against the Queensland Bar Association that there are two types of discrimination: not only treating equals unequally but, also just as importantly, treating people in an unequal position equally. Where you treat people who are in an unequal position equally that can also be discrimination. A number of provisions in this legislation deal with that second situation of indirect discrimination, which is often much harder to identify and remedy.

This legislation has had a very long gestation indeed. Most of its provisions put into effect recommendations from the 2004 Productivity Commission report that was received by the previous government. It is important to say that that was by no means a bleeding heart report. This was a report initiated by the former government with terms of reference that were very hard-headed and economically focused as part of a broader push by the former government to analyse all legislation against the background of competition.

The terms of reference included things like the need for the Productivity Commission to take account of any parts of the legislation—the Disability Discrimination Act—which restrict competition and to retain them only if the benefits to the community as a whole outweigh the costs. The Productivity Commission was to have regard to, among other things, the competitiveness of Australian business—including small business—and the efficient allocation of resources. Against these terms of reference and other pretty hard-headed terms of reference, the Productivity Commission came up with a
report that was balanced while recommending a range of sensible but meaningful advances in the protection of people with a disability against discrimination. This government is acting—and not before time—to implement those recommendations and a range of other things.

Before I deal with the disability related provisions of this bill I will quickly deal with just one of the provisions, which removes the dominant purpose test from the Age Discrimination Act 2004. This test, which I think is familiar to most people, was inserted in 2003 against quite significant opposition—certainly from the Labor Party, then in opposition, but also in the Senate committee report that considered the question. A number of the then government Senate members expressed significant concern about inserting the dominant purpose test at the time as well. We know that the dominant purpose test had, for example, been removed from the Racial Discrimination Act as far back as 1990. It was not long before the Legal and Constitutional Affairs Committee of this House recommended that the dominant purpose test be removed in its unanimous report of 2007: Older people and the law. Again, and not before time, this bill does just that.

Some of the responses to this legislation have been, frankly, hysterical and completely unhelpful. I am particularly thinking of an article in the Financial Review yesterday, which quoted a number of comments from the ACCI. For example, the workplace relations and legal affairs manager of ACCI, who I suspect will have a bit of a rest from media work now, said:

Older workers who are made redundant and young graduates who have job offers revoked could use the proposed laws—namely, the change I have just talked about—to argue they were targeted because of their age…

Frankly, that is placing a spin on the legislation that is completely out of proportion and completely unhelpful. This is a change to the Age Discrimination Act that brings it perhaps in line with a number of other pieces of Commonwealth discrimination legislation.

In terms of disabilities, the bill introduces a comprehensive suite of measures—some aimed at modernising our laws. Again, the one or two hysterical responses from the community in the context of more general support for these provisions have not been helpful. The ACCI report in the Financial Review yesterday said, for example, that the new discrimination laws for disability might see people with pornography addictions protected from discrimination at work. Frankly, either Mr Mammone has not read this legislation or is simply intending to stir up some hysteria. I have read this a number of times and I am completely at a loss to see how this legislation is going to protect pornography addicts from any discrimination at work.

This legislation does little more than introduce a number of recommendations from the Productivity Commission. There are four changes to the scope of the act, namely the definitions of disability. The first change is to explicitly include a genetic predisposition to disability as part of the suite of disabilities protected by the legislation. The current definition in the legislation already includes future disabilities so arguably this question is already covered by the act, but some in the community are concerned about whether or not the current wording of the legislation before this bill is passed—if it is passed—does cover genetic predisposition. In a bit of a belt and braces way this bill seeks to clarify that and in doing so it implements a recommendation of the Productivity Commission and also of the Law Reform Commission and the National Health and Medical Research Council from 2003 in this area.
Secondly, the bill amends the definitions of disability to expressly include within the scope of the act’s protections behaviour that results from a disability, not just the disability per se. If someone is discriminated against because of behaviour that results from that disability they will now also have the protection of the legislation. Again, this was arguably always covered by the act but the Productivity Commission recommended that we clarify this in the legislation. To be fair, the High Court decision in Purvis in 2003 did create some uncertainty about whether the protections extended to behaviour.

Thirdly, we propose to provide some greater certainty around protections for people using assistant animals. I must say that, before I read this legislation and the material surrounding it, I did not realise that this area had gone significantly beyond guide dogs for the blind. But it is clear from reading the material and from the circumstances of the Forest case in the Federal Court that gave rise to a lot of this discussion that assistant animals are now used to assist people with a range of disabilities, not just blindness. The fellow in the Forest case, for example, had assistant dogs to help him to deal with a mental illness, and there is a range of other ways in which animals are now being prescribed to assist people with different disabilities.

The challenge here of course is one of accreditation and one of standards, so that the community can be sure that if they are required to allow animals into public places—onto public transport or into shops—that the animals have been properly trained, not only in ways of dealing with the person’s disability but also in hygiene standards and other behaviour. Unfortunately only a couple of jurisdictions around Australia including, I am happy to say, my own in South Australia have accreditation systems for assistant animals. So the legislation has had to include a third point in the definition of assistant animal as covered by this legislation—which is not only an animal accredited to be such, because some states and territories do not have that system, but also an animal who has been trained to alleviate disability and trained to meet proper standards of hygiene and behaviour.

Lastly, in terms of the scope of the legislation, the bill removes the proportionality test, which is a change to the definition of indirect discrimination in section 6. That section targets conditions that are imposed on disabled persons with which a substantially higher proportion of people without the disability could comply. An obvious example of this might be a condition for an employment purpose or something else that people be able to run up a flight of stairs. A substantial proportion of the community could satisfy that. Someone with paraplegia could not, so that condition would be caught by section 6. The Productivity Commission recommended the abolition of the proportionality test, and we are doing that in this bill for the reasons that it is a test that serves no real, useful purpose, that it is an additional burden on complainants and that to remove it aligns the definitions of indirect discrimination with those contained in the Age Discrimination Act and the Sex Discrimination Act.

Perhaps the most controversial element of the bill is the insertion of a positive duty on those with an obligation under the act to make reasonable adjustments to, as far as possible, equalise the position of the disabled person. This is consistent with the relevant UN convention that was ratified last year and was also a recommendation of the Productivity Commission. If you read the second reading speech from the original bill that created the DDA, that was clearly the intention of the framers of the original bill but, frankly, has become a little unclear in light of the
Of course, the obligation in the bill to make reasonable adjustments is limited by the existing legislative concept of unjustifiable hardship, which is contained in section 11. What this bill does is to ensure that the unjustifiable hardship concept is now available to all discrimination covered by the act, except for harassment and victimisation. The bill also clarifies, though, that for someone to assert the defence of unjustifiable hardship they also take on the onus to prove it.

There are many other important aspects to this bill which have been addressed by a significant number of speakers on both sides of the House. I have had a long association with the disability services sector over the last decade and a half. I have very high rates of receipt of the disability support pension in my electorate of Port Adelaide. I think, on last reading, it was the highest of any electorate in the country. This is a very important piece of legislation for the Commonwealth to enact. It is very pleasing to be able to speak on it. In closing with my feedback from the disability services sector, although this is legislation proposed by the Attorney-General I might, on indulgence, say what a sterling job the Parliamentary Secretary for Disability Services has been doing in this area. His advocacy not only of rights such as those we have enshrined in this bill but of the broader objective of making disability discrimination a new frontier of human rights has been something that has really energised the disability services sector and I commend him for that, as I commend the bill to the House.

Ms HALL (Shortland) (10.20 am)—I would like to start where the previous speaker finished in congratulating the Parliamentary Secretary for Disability Services for the fine work that he has done in the area of disability services. He has taken his job very seriously and he has taken the cause of people with disability and disability discrimination to a new level. People with disability are less powerful than other people within our community and I have had the same feedback from the disability sector; which I am quite close to, as is the member for Port Adelaide. The feedback I have had is that people are very pleased with the way the parliamentary secretary has embraced the issues that surround people with disability.

The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 implements key recommendations of the Productivity Commission in its 2004 review of the act. I find it very disturbing that here we are in 2009 enacting recommendations of the Productivity Commission report of 2004. It makes it particularly clear that there is a general duty to make reasonable adjustment for people with disability and extend the defence of unjustifiable hardship, modernise key components such as indirect discrimination and improve the readability of the act. It provides a comprehensive legislative scheme to deal with assistance animals and for the recognition of the DDA of state and territory legislation that accredits those animals and clarifies the operation of the act in relation to carers, associates and disability aids. It implements the 2003 recommendations of the Australian Law Reform Commission and the National Health and Medical Research Council to make it clear that discrimination on the basis of a person’s genetic predisposition to a disability is unlawful. It also removes the dominant purpose test from the act in relation to age discrimination—and I will spend a little time talking about that later in my contribution to this debate.

This act makes explicit the general duty to make reasonable adjustments, excluding adjustments that would cause unjustifiable hardship; extends the defence of unjustifiable hardship to all unlawful discrimination in the act, except harassment and victimisation; and
extends the defence of inherent requirement to all employment situations except where it would be meaningless or inappropriate. It clarifies that disability includes a genetic predisposition to a disability, and that includes behaviour that is a symptom or a manifestation of a disability. It amends the definition of indirect discrimination to remove the proportional test, places the onus for showing that a requirement is reasonable on a respondent, and includes incidents of proposed indirect discrimination.

It ensures that the ‘special measures’ and Migration Act 1958 exemptions from the act do not exempt general actions that are incidental to those measures. It allows disability standards to be formulated in relation to any area in which it is unlawful to discriminate under the act. It clarifies that discrimination on the basis of disability of any of a person’s associates, and discrimination on the basis of having a carer, assistant, assistance animal or disability aid is discrimination on the basis of disability. And it improves the recognition of assistance animals, clarifies the obligations of potential discriminators and people with assistance animals, and extends the public health exemption in the act to the diseases of assistance animals. On age discrimination, it removes the dominant purpose clause so that, if an act is done for two or more reasons and one of those reasons is the person’s age, the age of the person will no longer need to be the dominant or substantial reason for that act to be found to be discriminatory.

So that is a general overview of my position in relation to this legislation. I will touch a little later on the Human Rights and Equal Opportunity Commission Act and talk a little more about that. But I would like to concentrate now on the dominant reason that exemption has previously been in the act.

On 10 May 2006, I spoke on legislation in relation to this, and on that occasion I emphasised the importance of not discriminating against somebody on the grounds of age. Age discrimination does exist within our community at all levels, and I think it is unacceptable that we should allow that discrimination to continue. This change to the legislation will address age discrimination. Discrimination of any kind does not benefit our nation. It creates divisions, negative feelings and actions, and it marginalises people. There is no basis for discrimination of any form, and I see this legislation as moving in that direction.

Older people have to face negative stereotypes when they are looking for work. Age discrimination also impacts on younger people. How many times have members of this House had constituents visit them in their office to ask for assistance to find employment, or to lodge a complaint that they have applied for jobs, time and time again, and have found they are either ‘too old’ or ‘too young’. The excuse used might be, ‘Your qualification is too recent’ or it might be, ‘Your qualification was too long ago’.

Mr Deputy Speaker Scott, it might interest you to know that in New South Wales—and I am sorry I have not got more recent figures than these—in 1999-2000 there were more complaints relating to age discrimination made to the Human Rights and Equal Opportunity Commission than related to any other form of discrimination. There were more than 200 people making complaints. Again, I do apologise for the age of this information that I am presenting to the House this morning. The government needs to focus, and the government is focusing, on addressing this issue, and with this change it will encourage employers to view older workers and younger workers in a different light.

The Shortland electorate is one of the oldest electorates in Australia, and that is why I tend to skip to the issues surrounding older
But it is wrong to forget that younger people find the same discrimination as do older workers. In our country at the moment, we are encouraging older workers to stay in the workforce, and if we have legislation that is designed to prevent discrimination but treats them differently from other areas and says that discrimination on the grounds of age must be a dominant reason, as opposed to every other area, it is unacceptable, and we are really sending mixed messages to the communities that we represent. It is no more acceptable to discriminate against a person because they are young or old than it is to discriminate against a person on grounds of sexuality, on racial grounds, or, of course, on grounds of disability.

I must point out that the removal of the dominant reason test was a bipartisan recommendation of the House of Representatives Standing Committee on Legal and Constitutional Affairs in 2007. That report was *Older people and the law*. This enacts the recommendation of the committee that it is entirely unacceptable to give older Australians a weaker protection simply because of their age. The new test is more consistent with the test used in Commonwealth and state antidiscrimination legislation, and the impact of the removal of the dominant reason test is likely to be minimal. As I have already stated, it relates to the same discrimination laws in relation to sex, disability and race, so I embrace that recommendation wholeheartedly.

I noted that in the *Australian Financial Review* yesterday, 11 February, there was a news item that talked about this disability law reform package. It stated that employers do not feel it is a very good piece of legislation and that the government will face a backlash from employers. I would like to say to all those employers out there that the changes in this legislation are minimal. The changes relate to fairness and equity and to the fact that discrimination against disability of any kind is unacceptable. I would like to say to employers and businesses that if they embrace this legislation they will find that their businesses continue to thrive and will probably even be strengthened. There was particular reference made to genetic predisposition to disabilities, the expanding of the scope of the age discrimination and removing the requirement that age must be the sole or dominant factor in relation to discrimination. In the article the Australian Chamber of Commerce and Industry warned that the changes could force employers to accommodate the needs of staff who have disabilities.

Prior to entering parliament I worked for many years in the area of disability. One of my roles was to assist people with disabilities to find and access employment. I would have to say that those employers who were prepared to give people a chance found that, rather than this having an adverse effect on their business, they had very loyal employees who went out of their way to perform at the highest level and who were not only capable of doing the job that they were employed to do but also willing to do that and a bit more.

I think stereotypes and discrimination of any kind make our society a poorer place, and over the 13-plus years that I worked in this area, I found that, when the employer was prepared to give a person with a disability an opportunity—and there was a wide range of disabilities ranging from blindness, deafness, muscular and skeletal injuries to quadriplegia—the worker actually made an outstanding contribution.

I say to the Australian Chamber of Commerce and Industry: do not approach this legislation from a negative perspective; embrace it; look at the opportunities it creates for you, rather than the potential problems. I think that the comments that I have made in relation to people with disabilities flow
through also to older workers. From my perspective, all the workers who have been given an opportunity have excelled, and Westpac is one employer that has embraced employing older people and has found it has benefited their business incredibly. So I would encourage all those employers out there who are listening today to embrace this legislation rather than look for problems that could be caused by it.

The bill also clarifies the existing obligation on employers, service providers and others to make reasonable adjustments to remove discriminatory barriers against people with disabilities. Over the years I have witnessed many of these discriminatory barriers. The member for Port Adelaide mentioned jobs where a person is required to be able to walk up stairs or be able to lift 20 kilos, but, if a job is actually computer based or it is a job that requires somebody to work in reception and it is something that somebody who is a paraplegic or even a quadriplegic could quite successfully undertake, there should be no barrier. These artificial barriers that are put in place are really robbing that employer of the opportunity to have the best possible employee that they could have. It is interesting to note that this was always in the act but comments by the High Court in the Purvis case cast doubt on it. The Productivity Commission recommends that existing obligations to make reasonable adjustments be made explicit.

I know from my previous work that reasonable adjustments can be as simple as setting up a work station in a way that allows a person with, say, a back injury to work at a computer. By providing a person with the proper type of ergonomic seating and by setting up their work station with the proper document holders, an employer can find that these minor adjustments make it very easy for a person with disability to work effectively within the workplace.

I note that the opposition accepted the recommendation relating to reasonable adjustments when it was in government, and I feel certain that it will embrace it in this legislation. The obligation to make reasonable adjustment is subject to the defence that an adjustment is not required if it would cause unjustifiable hardship. That is another very reasonable part of this legislation. An employer makes the adjustment, provided that that adjustment is not going to cause unjustifiable hardship to them, so it is a win-win situation.

The bill maintains the balance between the rights of people with disability and the legitimate concerns of employers. This legislation is not asking employers to do what is unreasonable but rather balancing the needs of the person with disability with those of their employer. I endorse the legislation before the House and highlight the need for the change in the act in relation to dominant reason. Discrimination of any sort makes us a much poorer nation.

Mr PERRETT (Moreton) (10.39 am)—I begin by commending the member for Shortland on those fine words. I too rise to give my full support to the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. I also thank all the children who taught me, when I was a teacher, about reasonable adjustments and also about courage, in terms of how people with disability are able to get through the day with a reasonable amount of accommodation and the good old common-sense test.

The legislation that is before the House is very important because it goes some way towards improving the rights of people with disability to enjoy equal opportunity for employment, education and access to goods and services. While we have come a long way since the Disability Discrimination Act was passed way back in 1992 under Paul
Keating’s prime ministerial leadership, but people with disability still face discrimination, particularly in Australian workplaces.

Through employment, all people have the opportunity to earn money and gain financial independence, to develop skills, to meet friends and perhaps their partners, to grow in confidence and to have a greater sense of purpose in life. A job also enables us to contribute to society and, with that, to gain a sense of achievement and pride. For so many of us, work gives a sense of belonging to our community.

Unfortunately, some people with disability still face barriers that discourage them from working. As a result, they are grossly under-represented in the workforce. In their paper *Left out and missing out: disability and disadvantage*, Mission Australia report that 34 per cent of Australians with disability are unemployed. It is estimated that, of the 700,000 recipients of the disability support pension, 20 per cent or 140,000 people are capable of work. That is the population of a fair sized city and obviously way too many to be missing out on employment.

It is well known that long-term unemployment can have a negative impact on people, particularly those who have the additional challenge of disability. Reliance on the disability support pension can be hard on families, marriages and children and can lead to social isolation, depression and other impacts. It can also delay recovery for those with a temporary disability. It is therefore obvious to all of us that Australia must do better. We must do better to fully include people with disability in all parts of Australian life.

The bill before the House implements the recommendations of the Productivity Commission’s 2004 *Review of the Disability Discrimination Act 1992*. It amends the Disability Discrimination Act to make it a general duty to make reasonable adjustments for people with disability. Therefore, a failure by employers, businesses or governments—unfortunately, governments do this too—to make reasonable adjustments amounts to discrimination. Before people become concerned, I remind the House again that there is a common-sense test built into this legislation.

The bill also improves the unjustifiable hardship provisions in the Disability Discrimination Act to include all unlawful determinations on the grounds of disability, except harassment and victimisation, in line with the Productivity Commission recommendations. Often people with disability require a carer, an aid, an interpreter or an assistance animal like a guide dog. The bill before the House clarifies that discrimination on the basis of these aids or helps is regarded as discrimination on the basis of the disability. Groups like Guide Dogs Queensland have been training and supplying dogs to support blind and vision impaired people since the 1960s, so this legislation is long overdue.

This bill also removes the proportionality requirement. Under the current act, a person commits indirect disability discrimination where it is determined that the person has imposed on a person with a disability a requirement or condition with which a substantially higher proportion of people without the disability can or would be able to comply but with which the person with the disability cannot comply. However, the common-sense bill before the House puts the onus on the respondent to prove that a requirement or condition is reasonable.

This bill also helps to clear up any uncertain language regarding our definition of disability. Firstly, it extends the definition to include disability which may exist in the future because of a genetic predisposition,
clearing up any ambiguity on that front. It also amends the definition of disability to adopt the High Court’s interpretation to include behaviour that is a symptom or manifestation of the disability.

This will not be confronting legislation for most fair-minded and reasonable employers and businesses that are already operating inclusive and accepting organisations. In fact, smart employers know that employing people with a disability is good for the workplace. I commend again the member for Shortland and her comments around this topic. Smart employers will embrace people with disability and look for employment opportunities for them. I will give some data to indicate why they should do so. Deakin University’s Joseph Graffam found in 2002 that the number of occupational health and safety incidents among workers with a disability was six times lower than that recorded for the general working population. And the Australian Safety and Compensation Council in 2007 found that workers with disability have fewer workplace injuries, reduced absenteeism and increased workplace morale—all good reasons to employ someone with a disability. ASCC stats showed the rates of absenteeism and sick leave among employees with a disability were nearly two-thirds less than those for the general population.

This bill also amends the Age Discrimination Act 2004. Acting on the 2007 recommendations of the House of Representatives Standing Committee on Legal and Constitutional Affairs, this bill removes the ‘dominant purpose’ test for adjudicating age discrimination. If an act is done for two or more reasons and one of those reasons is the age of the person, the age of the person will no longer need to be the dominant or substantial reason for that act to be found discriminatory.

I also welcome the amendments to the Human Rights and Equal Opportunity Commission Act 1986. As well as a name change for the commission—I think it the third one—to the Australian Human Rights Commission, the bill delivers some improvements to the complaints resolution process. For example, the time frame for people to lodge a terminated complaint to the Federal Court or Federal Magistrates Court will be increased from 28 days to 60 days and the President of the Australian Human Rights Commission will be given powers to finalise complaints that have been settled.

This is a piece of legislation that will bring great benefits to workplaces and to all of the Australian community. Could I particularly acknowledge and thank the advocates who have come before us over the last 40 or 50 years to fight for people’s rights to be recognised. Many advocates over the years have had to endure discrimination and hardship in their workplaces to lead the way. I particularly want to acknowledge one of them, a gentleman by the name of Kevin Cocks, who comes from my home town; in fact, I was at the footy ground the day that he became a quadriplegic. He went on from a career in banking to be in charge of Queensland Advocacy Incorporated. He has had to take on the Queensland state government in a couple of cases and has fought the good fight. Because of that, hopefully everyone will benefit. The good thing about this legislation is that all Australians will benefit because, as we age and become less steady on our feet, we benefit from people making reasonable adjustments in workplaces and other buildings.

Everyone, regardless of age, race, sexuality, disability or religion, deserves the right and opportunity to access services, complete a meaningful education and compete in a fair job market without discrimination, and it is the responsibility of this parliament to smash
down any barriers and any discrimination people may face in exercising those rights. I am therefore proud to commend this bill to the House and particularly welcome the measures to address disability discrimination.

The DEPUTY SPEAKER (Hon. DS Vale)—I thank the member for Moreton for his contribution. The question is that this bill be now read a second time. I call the member for Hasluck.

Mr Price—Hear, hear! Happy birthday!

Mr Hale—Happy birthday!

Ms JACKSON (Hasluck) (10.50 am)—Thank you for the birthday wishes. I am pleased to rise in support of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. I have been grateful for the opportunity to listen to the contributions of many other members, especially that of the member for Moreton. I endorse the comments that he has made.

The purpose of the bill has been well and truly covered by other speakers. I note that its primary intent is to improve the effectiveness of our antidiscrimination legislation to ensure that it protects the rights and indeed opportunities of not only people with disabilities but also the aged and to improve the complaints handling processes of the Human Rights Commission.

I do not intend to speak at length but I do want to touch on a couple of issues, particularly from a Western Australian perspective. For a period of time I had the great joy of working for the Minister for Disability Services in Western Australia and, as a consequence of that, had great exposure to the disability services sector in that state. I also have in my electorate, as I suspect many other members have, some very active advocates for disability services. I know, Madam Deputy Speaker Vale, you are well and truly familiar with the issues confronting people with disabilities and have long advocated on their behalf. They are a very effective and compelling group, and I think the onus is on us to do whatever we can to advocate on their behalf in this parliament.

I must say that I was a bit surprised by some of the contributions from members opposite, because essentially the amendments reflected in the bill are recommendations from the Productivity Commission, the Law Reform Commission and, indeed, a number of parliamentary committees, and I thought they enjoyed genuine bipartisan support.

As I said, I want to focus a bit on disability services in Western Australia. You may be surprised to know that the most recent information I have, from an Australian Bureau of Statistics survey done in Western Australia in late 2003, estimated that 405,500 Western Australians reported having a disability. That is some 20.6 per cent of the population. An estimated 246,800 Western Australians—or 12.6 per cent of the total population—are carers for people with a disability. So one in every 17 Western Australians aged 15 and over has a disability and is also a carer of a person with a disability. That is some 91,600 people. Of that nearly half a million people with a disability, some 115,800 people have a profound or severe core activity limitation. A profound limitation refers to when a person is unable, or always needs help or supervision, to carry out the functions of normal daily living. A severe limitation usually refers to when a person sometimes needs help or supervision with daily-living routines or has difficulty understanding or being understood by family or friends. Most people with a disability experience some form of limitation or restriction due to their disability.

In Western Australia, we have been very conscious of the issues affecting people with a disability and also of the trends in disabil-
ity, because the number of Western Australians with disability is increasing. I referred earlier to the Australian Bureau of Statistics surveys on disability and the report of the extent of that disability. They have provided figures that show that, between 1998 and 2003, the number of people in Western Australia with a disability had increased by some 50,000, and they are predicting that, between 2006 and 2026, the number of people with disability in Western Australia is expected to increase by more than 210,000, mainly due to our ageing population. So many of the issues affecting people with a disability also affect people who are ageing, because part of the downside of ageing—as I am reminded today on my 47th birthday—is a decline in our abilities in some regard.

Mr Haase—Get out!

Ms JACKSON—I know it is young, Member for Kalgoorlie. It is young for some. The motto that the Western Australian Disability Services Commission has had is ‘Good access for people with a disability means good access for all people’. That not only has led to some very positive changes in our state but also, I think, reflects good common sense and good business sense.

I noted with some regret the comments made in this place last night by the member for Tangney when he addressed this legislation. He was very concerned that the legislation was going to expose businesses and employers to substantial cost in having to take steps to make their businesses or their goods and services accessible to people with a disability. I was, frankly, a bit concerned by his comments and, indeed, appalled at his lack of understanding of what is happening in his own home state of Western Australia. One of the things that he talked about was access to shops. Whilst he understood that it was practical and proper for a house like the parliament to ensure that we have good access for people with a disability—that growing group of people that I have talked about—he thought it was an outrageous imposition on his local fish and chip shop to maybe have to install a disabled toilet.

I do not know what happens in the electorate of the member for Tangney, but my local fish and chip shops generally do not have toilets for any of their customers, let alone toilets for people with a disability. But they do make sure that the doorways and entrances to their buildings are wide enough not only to accommodate electric wheelchairs and the like but also to accommodate the pushers and prams that parents are often required to use. We are not talking about causing hardship or cost on employers; we are talking about sensible business decisions to allow access to business. Good access for people with a disability means good access for everyone. I know that members of this House would have had the experience of trying to get, for example, double strollers through doorways and can sympathise with that need. Good access is good business sense and good common sense.

Indeed, in Western Australia, by legislation introduced in 2004-05 or thereabouts, all state government agencies and departments and all local government in Western Australia are required by law to develop a disability access and inclusion plan. This was done on a proactive and cooperative basis. It involved, in many cases, good consultation with people with disability in their local communities and state wide to ensure that in Western Australia we have good access for everyone. I know many other states have indicated an interest in the proposal in Western Australia. In the main, it was a wonderful exercise, opening the eyes of many businesses and many local governments to the fact that there were people living in their community who were unable to access their services and benefits.
Another initiative in our home state—which I know also operates in the state of Victoria—is a wonderful thing called the carers card. People with a severe disability are often unable to participate in activities without being accompanied by a carer. I know from my constituents Carol and Norm Franklin that their son Stephen requires a carer in attendance for him to be able to participate in normal activities. Stephen, for good reason or bad, is a one-eyed Dockers supporter, and one of his great delights in life is being able to attend a football match. Until the introduction of the carers card, that involved the family spending twice the amount of money to get Stephen into the football with his carer—twice the amount of money to pay for public transport to and from the ground. Now, with the introduction of the carers card, which is available to people with a disability, many businesses are cooperating with the state government through that scheme and are allowing free entry to the carer. All of them report that that has been a positive scheme and, indeed, they are displaying logos in their businesses and enterprises to ensure that people know that they are supporters of the carers card. This is being done with goodwill and cooperation from local business without any kind of fear about unreasonable expense or the like.

In conclusion, I want to share another initiative that is very Western Australian. We have a wonderful scheme that operates in WA, sponsored by the Disability Development Council, which is called the Adopt a Politician Scheme. Most of us who are members of parliament, state or federal, in Western Australia have been fortunate enough to have been adopted by a family who have a family member who has a disability. In my case, I have been adopted by Lisa Harris’s family. Lisa is eight years old and she suffers from a chromosomal abnormality—a condition known as Turner syndrome—and she has a very severe level of disability. She has been wonderfully supported by her parents, Phil and Tania, and is dearly loved by her younger brother, Matty, and younger sister, Lizzie. As a result of my adoption into their family, I have become personally aware of some of the issues and hardships that they confront. Life for them, and the way in which they participate in the community, is very different from what it is for those of us not exposed to the issue of people with a disability.

I see legislation like this having immediate relevance for the Harris family, who live in Kenwick in my electorate. I know that, as a result of legislation like this, Lisa will grow up in a country that has a very clear position on ensuring the proper rights of people with a disability. To that extent, I am delighted to support this legislation today and I urge all members of the House to do so.

Mr HALE (Solomon) (11.03 am)—It gives me a great deal of pleasure to speak on the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. I have a brother who has, over a number of years, been adopted by our family. He is a Tiwi Islander. His name is Fabian Bush. He suffers from cerebral palsy. My mother spends a lot of time with Fabian. They go to the movies and the football together. He is a mad Collingwood supporter unfortunately. We have tried to bring him over to Essendon on a number of occasions but he sticks to his Magpies. This sort of legislation is very good for someone like Bushy. It has been fantastic to have him in our family. I take this opportunity to speak about him, because he is one of these types of guys who just loves life. His body is all twisted up through his illness, through cerebral palsy, but his brain is as sharp as a tack. He is 40 years old now. My father and I used to have great pleasure in giving him a couple of beers whenever he came to the St Mary’s football club, but we
have now been told by his doctor that giving him beer is inappropriate. He enjoys life, and I think that people with disabilities do enjoy life. There is a clear message to all of us about just being able to get out there and enjoy life.

My father came down for my swearing in at this place and he was in a wheelchair at the time. It was so difficult to get him into planes and to get him down sky bridges and to get him into taxis and those sorts of things. As a society, we need to make things easier for people with disabilities. We need to make it easy for people with disabilities to go about their daily routines. If it means building houses that have doorjambs 820 millimetres apart instead of 740 millimetres, those are the sorts of things that we need to do. As a country, until we really embrace people with disabilities and make things easier for them, we have not arrived as a country. So it is with a great deal of pleasure that I take this opportunity to speak about my brother Fabian and what an inspiration he is to me. I commend this bill to the House.

Mr Hayes (Werriwa) (11.06 am)—I thank my colleague the member for Solomon for jumping in the way he did. He is very nimble on his feet. The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 will implement a package of amendments to improve the operation and effectiveness of the antidiscrimination legislation. It will form an important part of the government’s commitment to enhancing the rights of people with disabilities and will assist in pursuing the goal of greater social inclusion. The current act is part of a suite of Commonwealth antidiscrimination laws which includes the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, the Human Rights and Equal Opportunity Commission Act 1986, and the Age Discrimination Act 2004.

The disability discrimination bill will make disability discrimination unlawful by dealing with the physical and attitudinal barriers that directly and indirectly preclude people with disability from making use of their knowledge, skills and talents and preventing their effective participation in our community. It will afford people with disability the right to expect quality of opportunity in employment, education and the provision of goods and services. How we treat people with disability is, in my way of thinking, almost a reflection of our attitudes.

Madam Deputy Speaker Vale, you also come from an outer metropolitan area of Sydney. Apart from being a great place to live, we are over-represented with people who live with disability. That is probably for a range of different reasons, but the most likely reason is that the land is more affordable in the outer metropolitan areas of Sydney—if land is more affordable anywhere. Therefore, people with disability and their families tend to gravitate out there. In my electorate in the south-west of Sydney, we have a heck of a lot to do with people with disability. In fact, I have engaged in my office Vicki Meadows, whose daughter has very serious autism. Apart from her efficiency, Vicki can help us with a range of things. The fact is we can deal with those people with disability who come to our office. They are not just another number or just another constituent to us. We are their last port of call when they need assistance; when they need people to listen to them. Sometimes we act as a conduit to various agencies, not only to Commonwealth agencies. We tend to be the clearing house for people with disability or families who live with disability for entitlements, whether they fall under federal, state or local government provisions. We must have due regard to the fact that some people in our society, unfortunately, have been dealt a very difficult hand and we
should be doing as much as possible to assist people and families in that situation.

Talking about families, we are very proud of our nephew, Patrick Donachie. He swam for Australia at the Sydney Paralympics. That was a wonderful event. Young Patrick enjoyed himself thoroughly. Ever since birth Patrick has had an intellectual disability. He regards himself as being a bit slower than others, and that might be so, but you would not find a more loving kid anywhere. This kid is dedicated to his training. I know his coach and I watched him grow up—that shows I am getting a bit old—and now he is training swimmers. Patrick’s disability is intellectual and feeling included meant so much to him. He went to school throughout the south-west of Sydney, before I went into politics of course, and he was able to get up and talk in front of other students. For a kid who has an intellectual disability, for a kid who is reserved, the fact that he was included brought Patrick out, quite frankly. He talked to fellow students and then he started talking to business and community leaders, and now he works for Macarthur Disability Services. Patrick has become an icon for young sporting people in our area, particularly for young people with disability, to show them that you can do things.

So it was to my profound regret and anger that Patrick did not get a chance to swim at the Athens Paralympics. Do you know why? A Spanish journalist, I think—and I do not want to belittle the people of Spain—wanted to prove a point and his point was that he thought he could fake an intellectual disability and get into a Paralympic team, and write a story about it. He had a lawyer involved with him, so he could prove the point that people can fake a disability. What followed was such a ruckus around Paralympic circles that as a consequence that particular category of intellectual disability was dropped from future Paralympics. Patrick missed his opportunity but as of last week he is still training because that is what he loves and what he cares to do. But when you look at this and the fact that someone faked a disability for personal gain, the truth is that that Spanish journalist really did have a disability—an antisocial disability. What he did was almost a crime against humanity. I do not want to labour the point but, despite the fact that Patrick Donachie is my nephew, all the kids who fall into that particular category of intellectual disability have had any chance of inclusion in the future, any chance to stand in the limelight, stripped away by a journalist who wanted to prove a point and sell a story. That does not reflect my view of journalists generally, but when a person would stoop that low to exploit disability to sell a story I regard that as a crime against humanity.

As I said at the outset, the south-west of Sydney is an area which is overrepresented with people living with disabilities. On that point, I convened a disability forum in December of last year. I was very pleased to be able to host this forum and Vicki Meadows, who I mentioned earlier, played a very significant role in pulling together all the various carers, providers and parents, and a number of people with disabilities themselves were able to come along to this forum. The basis of the forum I put on was to ensure that people in south-west Sydney had the opportunity to contribute to the development of the government’s National Disability Strategy. The key points that came out of our forum were issues of access to services, accommodation, education, employment, obviously, finance, health, transport, and volunteers working in the sector. Above all—and this came from the parents—what is needed is a whole-of-life approach to disabilities.

One thing I know about Vicki, who works for me, is that every so often she has got to go along and prove her daughter’s disability. Young Melissa is now 18. As a matter of fact...
I went to her debut not so long ago. Melissa has never actually acquired speech; she is profoundly autistic. Vicki as a mother nevertheless still has to go along and actually prove her daughter’s disability every now and again. She would love to be able to be like everybody else. That is why we did the debut for the Macarthur district family care. Vicki and Anne-Marie Woods came up with this idea that parents of kids with disabilities are often shut out. It has been in the back room as something they did not venture into society with. My view is that people who live with people with disabilities, and people with disabilities themselves, are as much part and parcel of our society as anybody else. They should be celebrated the same as anyone else, and hence our position that we should be looking at social inclusion.

So late last December we decided to put on a debut. We had, I think, 22 young ladies, some turning up in wheelchairs, some without limbs, young Melissa Meadows turned up with her brother, and we had an absolutely fabulous evening. The parents without exception had thought, ‘We will never actually do what other parents do out there, have a debut to celebrate the coming-out of our daughters.’ So we had it and it was wonderful. I have got to say there was not a dry eye in the whole house. It was certainly a wonderful experience and gave an opportunity to us as a society to reflect on disabilities.

When I grew up and no doubt when you grew up, Madam Deputy Speaker Vale, we probably knew that one or two members in our distant families had disability but you did not see them much. We have to get to the situation now where not just in employment, not just in accessing services but throughout the whole fabric of the community there is an understanding that people who have got disabilities are as much community members as anybody else.

There was a High Court decision taken not that long back in the Purvis case. I do not know all that much about the case. I did read the head note. As I understand it, this fellow had mental disability and part of his disability was obviously his actions but he wanted his animals around him. He decided to visit a clinic in Queensland for a dental appointment, I think, and he took his dogs. He was discriminated against on the basis that he could not bring animals in. One of the things in discrimination is that if you have a document saying you are disabled and it is legally prescribed then you can enter, whereas in his case it was almost a symptom or a predisposition of his actual mental illness that was on display. It was regarded originally by the authorities and then by the lower courts that he was not being discriminated against. The High Court read through that to not look at what people who have disability might have legally associated with their disability as a whole but look at their symptoms, look at their whole predicament and then make the decision whether they should be reasonably excluded. What this bill does is to try to address that and to try to bring some common sense, if you like, to the way we treat people with disabilities in our community.

Many of the recommendations followed in this bill emanate from the Productivity Commission report of 2004. It is designed to improve the Disability Discrimination Act 1992. The key amendments to the Disability Discrimination Act introduce an explicit and positive duty to make reasonable adjustments for people with disabilities, such as Mr Purvis. It is not okay just to be able to say we have done what we thought we were theoretically legally required to but we did not actually go that extra yard. In terms of making adjustments, this really comes very much into employment. It is all very well to say, ‘We could not have this person here because we would have to make changes in our op-
eration to accommodate their disability.’ If those changes are not unreasonable, it is appropriate that those changes be made. If someone refuses to do that, is it appropriate to regard that as being an offence under the act and being discriminatory? That is one of the key factors that this act seeks to bring about.

I note the comments from Dr Belinda Smith, a researcher from Sydney University, particularly looking at this aspect of disability legislation. Dr Smith says:

Such a provision acknowledges that to achieve substantive equality, organizations need to do more than simply apply their criteria consistently and treat everyone the same. An obligation to provide reasonable adjustments in effect distributes some of the burden for change across a range of actors in society.

I think that is pretty close to the mark.

I have spoken about and, I am afraid, a little maligned the Queensland health service in discussing the Purvis case. Now that I am actually looking at my notes, I discover that the case against Queensland Health involved Che Forest. Che Forest was the fellow who had the mental disability and wanted to have his animals in his area. I suppose I should have looked at that as I was talking. Clearly that is an example of where we do need to make allowances for people with a range of disabilities, not just for the disability but for their symptoms or how they publicly exhibit their disability.

The Purvis case was actually a New South Wales based case and was dealt with in the High Court. It dealt with a student who was expelled and who had engaged in various acts of antisocial and violent behaviour whilst at school. That case certainly dealt with matters that were also clearly spelt out in the recommendations of the Productivity Commission, which balanced the duty to make adjustments by limiting it to measures that would not impose unjustifiable hardship.

The general ‘unjustifiable hardship’ defence is also being extended to all areas in which discrimination is unlawful under the act. These amendments, as I say, were also recommended by the Productivity Commission.

One of the proudest moments I had last year was not just attending Macarthur Disability Services. This service supported a lot of teenaged kids who were trying to become job ready. They were going through various training exercises and being allocated to a number of areas. One of the kids had some time working with Marsdens law firm. Others were working in shops, learning to use cash registers. After I had spent a couple of hours with them, they invited me to go to their Macarthur disability ball. I thought it was a wonderful occasion. I turned up there. As I said, my nephew Patrick Donachie works there, as does Anne Thorn, who is the CEO of Macarthur Disability Services and does such a wonderful job throughout the greater community of Macarthur, from Picton through to Liverpool. It was a wonderful event, held at the Catholic Club at Campbelltown. They had a very understanding band on that night. This was these kids’ one night out, and they got up there onto the stage, participated, mimed and danced. Again, it was just wonderful that we went that extra yard for social inclusion. (Time expired)

Mr BIDGOOD (Dawson) (11.26 am)—It is with pride that I rise to speak on the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. This bill implements key recommendations of the Productivity Commission in its 2004 Review of the Disability Discrimination Act 1992, in particular making it clear that there is a general duty to make ‘reasonable adjustments’ for people with a disability, extend the defence of unjustifiable hardship, modernise key concepts such as indirect discrimination and improve the readability of the act. The bill also provides a comprehen-
sive legislative scheme for dealing with ‘as-
sistance animals’ such as guide dogs and for
the recognition under the Disability Dis-
crimination Act of state and territory legis-
lation that accredits those animals, and it clari-
ifies the operation of the Disability Discrimi-
nation Act in relation to carers, associates
and disability aids.

This bill will implement a 2003 recom-
mendation of the Australian Law Reform
Commission and the National Health and
Medical Research Council to make it clear
that discrimination on the basis of a person’s
genetic predisposition to disability is unlaw-
ful. This bill is about improving the opera-
tion of the Disability Discrimination Act and
other human rights laws by also implement-
ing key recommendations from the 2004
Productivity Commission report and other
relevant reports. Importantly, the bill will
also remove the dominant purpose test under
the antidiscrimination act, improve the com-
plaint handling process for the Australian
Human Rights Commission—formerly the
Human Rights and Equal Opportunity Com-
mission—and change the legal name of the
commission. This bill forms an important
part of the government’s commitment to en-
hancing the rights of people with a disability
and will assist in pursuing its goal of enhanc-
ing greater social inclusion.

Discrimination can be both overt and sub-
tle. Discrimination is always wrong. Whether
it be age discrimination, disability discrimi-
nation, withdrawing human rights or sexual
discrimination, it should not be tolerated in
any way, shape or form. I am proud that we
live in a country where the government
works towards promoting fairness and
stamping out discrimination in society
through the laws against discrimination.

People with a disability and their carers
contribute so much to our society, and that is
too often—unfairly—unrecognised. When
the Parliamentary Secretary for Disabilities
and Children’s Services, the member for
Maribyrnong, Mr Bill Shorten, visited my
electorate of Dawson, we saw firsthand the
great work done at the Endeavour workshop
at Slade Point. We also visited the Chances R
workshop, operated by Mackay Regional
Council, which provides important training
to young people and is also an important
boost for the environment through the recy-
cling it does. Both workplaces provide a
great service to the community and both
workplaces employ at least some people with
varying degrees of disability. Both work-
places have excellent, hardworking and
dedicated employees and managers.

On a personal note, friends of mine who
have disabilities are actively engaged in the
workforce. A good friend of mine, John Pol-
lock, is blind in one eye and has only 20 per
cent vision in the other eye. Yet John is able
to work in the local minilab in Mackay and
has been a darkroom technician for over 25
years. In spite of his visual impairment and
disability, he is truly an excellent photo-
graphic technician. I pay credit to him be-
cause he has a very positive attitude to en-
gaging in the workplace. In all the years I
have known him, since 1993, I have never
once heard him complain about his disability.
I am proud to call him a good, close and
loyal friend of mine. He is a person who ex-
emplifies the willingness of people with
various impairments and disabilities to be
fully engaged in the workforce. I commend
his employer, Healthpoint Chemist in Syd-
ney Street, who gainfully employ him. He
has been there, I believe, somewhere be-
tween eight and 10 years. He is doing a fan-
tastic job and I know that he is highly re-
garded and respected in his workplace.

Another personal friend of mine in Mac-
kay is Garry Matthews, who became wheel-
chair bound some years ago. Regardless of
the wheelchair, he has been actively engaged
in the community. Again, he is another prime example of someone who has been involved in local community radio, various charities and social activities in the Mackay region. He is currently studying for a degree and also helps the homeless. In spite of his disabilities and in spite of his restrictions, he has a positive attitude to life. These people are to be admired, because it would be easy to be negative and to beat oneself up and become frustrated. But they have a positive attitude.

It is the role of government at a federal, state and local level to encourage people who want to be gainfully employed in spite of their disabilities, impairments and restrictions. I believe that that is the true role of a compassionate, caring government that wants to mobilise its whole workforce, particularly those who have certain limitations. We should encourage and not exclude those people. It is important that discrimination not be tolerated and that basic human rights be upheld. A person’s religious views, ethnic background, level of education or gender should have no bearing on an individual’s chances and opportunities in this country.

In conclusion, I am proud to be a part of a country that wants to mobilise every aspect of the workforce—those who are able-bodied and those who are not. For those who have various impairments—whether it be to sight, hearing or the ability to communicate through voice—we must do everything possible to enhance their abilities so they can reach their full potential in contributing to the whole of society so that they have an enriched and fulfilled life in the workplace and a sense of connection and contribution to the whole of society. I believe that is the role of a federal government which shows true compassion to all of its people and is inclusive. I am proud to be part of a government that is improving the human rights conditions for its people. I wholeheartedly commend this bill to the House.

Mr ZAPPIA (Makin) (11.36 am)—I rise to speak in support of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. I do so with a great deal of pleasure because this is a matter that should have been brought to this parliament some time ago. It is interesting that once again we are dealing with legislation which was recommended in reports of some four or five years ago but that was never brought into the parliament. That seems to be the pattern for a number of the pieces of legislation that we have dealt with this week.

Like those previous bills that I referred to, this is a bill that is long overdue. It is a bill that goes some way towards ensuring that Australia’s laws in respect of the way we deal with and treat people with disabilities are consistent with our human rights obligations under a number of international laws which we are signatories to and under laws that have been enacted in this country to ensure that there is going to be equality amongst all people of this land. Interestingly, I believe the bill very clearly differentiates between the Rudd Labor government and the previous Liberal government and members opposite because this is a bill about equality and supporting those people who are somewhat disadvantaged. It philosophically highlights the difference—that this is a government which cares about people who are disadvantaged and people who are doing it hard.

We know that those people who, for one reason or another, have a disability have a much more difficult life to live. We know that roughly one in five people in society have a disability of one kind or another and, of those, there are some 1.2 million who I would refer to as people who have a serious and severe disability. Of course people with
disabilities can be put into different categories because there are different levels of disability relating to individuals. Some, obviously, have physical disabilities, others have mental disabilities and some have a combination of both, or other health issues that cause them to have a disability. It is undoubtedly—no one would deny this—one of the most difficult and complex areas to deal with. But, having said that, we have an obligation as representatives of those people to do whatever we can to make their lives just a little easier.

I can speak with some personal experience about the issues raised in this bill. In the past I have had to comply with building requirements and ensure that buildings were consistent with access provisions for people with disabilities. I am well aware of the additional costs that are often incurred. Sometimes people may ask why they should have to incur those costs for the sake of so few people who may use their facility. But having expended the money and then seen the people come through the premises which I operated I came to appreciate why it was necessary for me to have incurred those costs. I do understand that burden.

I also understand the burden on employers with respect to meeting the requirements placed upon them to ensure they do not discriminate against people with disabilities in any way. I have been in that position, and I look back now and can well understand, appreciate and support the provisions in all forms of legislation which ensure that people should not be discriminated against in any way, shape or form. I will come back to that a bit later.

I can also understand the importance of this legislation from a government point of view. Some years ago—in fact it was probably about 10 years ago now—the City of Salisbury showed some leadership by establishing a wide community consultation process in order to develop a disability discrimination policy for the city. At the time I was the mayor and I attended all the community consultation sessions. I listened carefully to all the views that were put to us by a very broad section of the community. Subsequently, we did develop a policy and, more importantly, we developed an ongoing advisory committee made up of people who collectively had a range of disabilities and who advised the council of the day about policy matters that the council should involve itself in. In particular, it advised the council on a broad range of measures and areas where council should expend funds. Again, I understand the burden placed on governments in trying to ensure that funds are spent so that people with disabilities are not left out. That committee stands to this day and continues to advise the council. I am well aware that it did require not only an incredible effort by the local community and the council of the day but also an ongoing financial commitment by the council. Each year that council sets aside a certain amount of money in order to gradually work through the buildings, the roads, the footpaths and the playgrounds that it wants to modify and adapt in order to ensure that people with disabilities are not in any way left out.

An example of that approach can be seen in some of the work that has taken place. One of the issues that people with disabilities quite often face is public transport. If someone wants to get on a bus or a train and go to a particular destination, the facilities provided to enable the person to get from the platform into the bus or train are, in most cases, inadequate. If you have provisions which say, for example, that the government of the day ought to ensure that all of those facilities are adequate then you suddenly start to understand the quantum of dollars that are required in order to make all of those
bus shelters and train platforms comply with what is required. But you begin the process, and that is the important thing. It is not a question of saying, ‘As from tomorrow, this is what ought to be in place in all places’, but it is important that you begin the process. That is exactly what happened in the City of Salisbury.

An interesting thing, and one of the last things that I was personally involved with before I was elected to this place, was the development of the first ever playground for children with disabilities in the city of Salisbury. We take it for granted that parents can just take their children out to a playground and the children can enjoy the use of the facilities that are there. But if you have a child with a disability—and the disability could take many forms—those common community services and facilities which the rest of society takes for granted are simply not there. So we established a playground specifically designed to cater for children who had disabilities and their parents, and I have to say that it was one of the proudest moments of my time as Mayor of the City of Salisbury.

I go back to what I said earlier in respect of my personal experience in developing premises and then operating and managing them and their use by people with disabilities. The premises I refer to were in fact a fitness centre, and one of the services that we offered was a rehabilitation service for people with disabilities. I came across a whole range of people with a diverse range of disabilities, and in doing so you get to understand what the life of these people must be like. And you get to understand how what we take for granted when we do not have a disability makes their life so much different.

As a result of that, my eyes were opened not only to what could and should be done but to the level of undercommitment by communities generally in trying to assist these people. It is often said that the way we treat our most disadvantaged is a measure of ourselves as people, and there is no question at all that people with disabilities are one of the groups that are disadvantaged. That is not to say that they do not have opportunities and that they do not live full lives in a different form, but they cannot often live the kinds of lives that the rest of us who might be considered to have normal lives do.

The particular people I want to speak on behalf of today are the carers of people with disabilities. I say that because I have witnessed and spoken to—including not very long ago—carers who look after persons with disability, and you start to understand that, when you assume that responsibility and that role, you become a 24-hour per day, seven-day a week, 12-month a year carer for the person. There is no relief unless someone, in some way, helps you to get that relief. One of the things I welcome and would like to see more of is services being provided to ensure that carers are given some sort of relief from that ongoing obligation. I know that there are some services in place and that there is a lot of good community work being done and a number of good community organisations that provide that kind of respite for carers. But, again, it is not enough.

When you consider that it is not just the person with the disability whose life is restricted but also the carer’s, you start to understand why it is so important that we do something for them. It is not just the one person. For every person with a disability, there is every likelihood that there are a number of others who equally have to live an entirely different kind of life. One of the things I have noticed about both people with disabilities and their carers is that they never complain. What they tend to do is make the most of the life they have, and they are grateful for
whatever opportunities they do have. It really
gives you a great deal of respect for them.

This bill raises a number of matters, and I
want to briefly talk about those matters. It
talks about the issue of age and removing the
dominant reason test. If someone is discrimi-
nated against on the basis of having a dis-
ability and also of being of a particular age,
the age, which, in the past, would have been
the dominant reason, should no longer apply.
This is a welcome removal of that provision
which, quite frankly, should never have been
in there in the first place. About so many
changes made to legislation that I see in this
place I often ask the question: why was it
ever there?

Some of the other measures relate to a
disability which may exist in the future. I use
the term ‘including because of a genetic pre-
disposition’. I know other speakers have
raised this matter as well. Again, I welcome
the amendment to the act, which removes
any doubt about the interpretation of this
matter. The other definition that will be made
a lot clearer as a result of the provisions in
this bill is the definition relating to behaviour
that is a symptom or manifestation of the
disability. Again, I ask the question: why was
this not made clearer in the original legisla-
tion? I suppose so much legislation is drafted
with every good intention and it is only once
different provisions of them are challenged
in the courts that one realises that they need
to be amended in order to have the intent of
the bill being practised.

The change that I will pay a little bit more
attention to is the recommendation of the
Productivity Commission in respect of rea-
sonable adjustments for a person with a dis-
ability. I guess the question of ‘reasonable
adjustments’ will always be contentious, and
the word ‘reasonable’ itself is very subjec-
tive. And it is a fair area to have some debate
and discussion about. I go back to what I
said earlier in terms of my own experience,
whether in the area of local government or in
running my own business. There are de-
mands placed on you and you have to, at
some point in time, ask the question: is that
reasonable or is it unreasonable? And I
would like to think that the amendment put
forward by the Productivity Commission
brings a degree of fairness to both sides of
the argument. Like any provision in any bill,
we will have to wait and see whether it is
ever tested in the courts. But, again, if we
can make it as clear as possible for all par-
ties, I think it will be a step forward.

The criteria determining unjustifiable
hardship are expanded and, again, I welcome
that because, again, you come back to issues
which are subjective, as the phrase ‘unjusti-
fiable hardship’ is. But, again, anything that
can clarify and remove doubt on that is not
only good for the person with a disability
and for their family but also good for the rest
of society because, whether they are employ-
ers or other people in the community, they
know where they stand.

The last matter in the bill that I will
briefly touch on is the issue of associates or
assistance animals. There have been many
cases, including some in my own state of
South Australia, where people have been
discriminated against not because of their
own personal disability or their own ability
but rather because they had an assistance
animal or they were with a person with a dis-
ability and therefore created a degree of
discomfort either to others or a service pro-
vider or a person who ran or owned an estab-
ishment. Sadly, that is common behaviour
amongst humans—human beings quite often
tend not to want to get involved with some-
one with a disability. Again, the clarification
of this issue within the bill is absolutely im-
portant.
The last point I will make is this: one of the areas of disability which I have some real concerns about and which is not particularly clarified in this bill but which I bring to the attention of this House is the issue relating to the education of children with disabilities. Children with disabilities quite often find it very difficult to access a school that has the services that they require. But, more importantly, not all schools are able to provide services for children with a range of disabilities; they simply do not have the resources. It seems to me that, quite often, these children, for all the disability they might have, might well still be able to get the best out of their schooling if the services were just that little bit more appropriate. And I know that probably all schools do their best to ensure that they provide education to children with disabilities to the best of their ability. But I believe it is an area that we as a society, as a state and as a nation can do more in. It is a matter that I will be pursuing through other quarters. It is a matter that we raised through the House Standing Committee on Education and Training, and it is a matter on which I am in discussions with both government ministers and some of the local schools in my area. In closing, I will say this on the schools that I have had discussions with on this matter: I commend them for acknowledging the problem of children with disabilities and the problems the parents face, and for the terrific work they are doing to try to respond to them. I commend this bill to the House.

Mr RAGUSE (Forde) (11.56 am)—I rise today to speak on the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. I would certainly like to commend the honourable member for Makin on his contribution. He has proven, long service in local government—as a councillor for near on, I think, 30 years. He has spoken briefly today on the work he has done but it does not do him justice, because I know he has been an advocate for the sorts of things we are talking about when it comes to discrimination but also to disability. In fact, when we talk discrimination generally, its most insidious forms are where it relates to issues of disability. It is probably the most cruel and unkind of any level of discrimination when it relates to disability. And while as a culture in this country we have got much better at it over the last three decades or so, it is something we have to be continually aware of and to continually work towards moving forward on.

This bill intends to improve the effectiveness of the Disability Discrimination Act to ensure it continues to protect the rights of people with disabilities. The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 implements many of the recommendations of the Productivity Commission, the Law Reform Commission and parliamentary committees. The previous government accepted the bulk of these recommendations; however, they were never implemented. So I am proud today to say that the Rudd government is continuing with this reform.

In developing this bill, the Rudd government consulted industry bodies, the Australian Human Rights Commission and the states and territories before it was introduced. This bill clarifies existing obligations on employers, service providers and others to make reasonable adjustments to remove discriminatory barriers to people with disability.

The Productivity Commission recommended that the existing obligation to make reasonable adjustments be made explicit. In fact, the bill does implement this recommendations and I was quite disappointed to read in the Financial Review on 11 February in an article by the Australian Chamber of Commerce and Industry, the ACCI, that they be—
lieve that the changes would force employers to accommodate the needs of staff whose disabilities they may not know about. They saw that as a major issue. This is a fallacy, and it is perpetuated by the ACCI—but perhaps they were reported wrongly in terms of their intention. I know that pointing out issues to their membership is important but, when it comes to disabilities, we certainly cannot take this particular line. Again it is a part of the culture that we need to change. I would like to do ask the ACCI to look more closely at this legislation, because I believe the reasonable adjustments are subject to the defence that they will not be required if adjustments would cause unjustifiable hardship. And amendments to the ‘request for information’ provision in the Disability Discrimination Act will allow employers and others to seek information from the person with disability, providing it is for a non-discriminatory purpose. This ensures that this amendment maintains a balance between the rights of people with disability and the legitimate concerns of business owners and others. In a submission to the parliamentary inquiry, in fact, the ACCI stated:

… as we enter into a possible recessionary period, there is no clear policy rationale to introduce such changes that may have unintended consequences.

I suggest to the ACCI that they need to look more closely at this legislation. This legislation follows recommendations, as I said, from the Productivity Commission, the Law Reform Commission and the parliamentary committees and I would suggest that we are moving forward as a government to ensure that discrimination is something that we can put behind us.

The wonderful thing is that this legislation has bipartisan support from the House, and I know members on the other side of the chamber have provided their input. I am pleased to hear, from some of the comments made today, that we all agree that discrimination and how we deal with it, particularly in the area of disability, is something we have to move forward with. I always like to talk specifically about how legislation affects or supports members of my community and would like to talk today about a number of people in my electorate of Forde who work in organisations for people with disabilities. The member for Makin spoke about young people and children and how we should provide the sort of education to people who have disabilities to support them to ensure that when they are of working age they have the right to take their place in the workforce unhindered by some of the issues that we have spoken about and other members have spoken about today.

There are a number of people I would like make special mention of today. As I said, the Beenleigh Special School is in my electorate. The principal, Roselynnne Anderson, does a fabulous job. She is a woman with so much compassion and understanding. The idea behind the work that she does with these young people is to provide them with every ability to enter the workforce, and the legislation we have put through this House should ensure that people have that easy transition. I would also like to mention the former P&C president, Tania Gray, who for many years has actively fundraised for the school.

It is interesting that the discrimination shows through. Beenleigh Special School has had a number of attacks of graffiti and other vandalism, and it is unfortunate because the type of vandalism shows that people do have some level of discrimination and a lack of understanding of disabilities and of how people in these communities and schools are working very hard to give young people every opportunity. I should mention that the current P&C president, Leah Rooney, is carrying on the great work.
The Windaroo Valley State High School has a special education program and the teacher and coordinator, Erin Kerr, does a fabulous job. At the end of last year, Parliamentary Secretary Shorten visited Windaroo Valley school to look at how the programs are being delivered and the caring that comes from people like Erin. In a large high school you need to make sure that the school administration supports these programs, and I should say that the principal, Dennis Irvine, does a wonderful job in supporting this type of program. I will go further and say that we must look at our education systems to allow the transition, particularly for young people. While the mainstream of education does not necessarily accommodate issues of disabilities well, the people in higher administration roles in the region that I represent—the district director, Glen Hoppner, and the executive director for the region, Samantha Knowles—do a fabulous job in supporting the schools that have these special needs and in working with them to provide young people with opportunities. The Beenleigh RSL has done a lot of fundraising for the schools, particularly the special school, in my district, and I must pay tribute to the work that they have been doing in providing services to these young people.

I must make special mention of a gentleman by the name of John Temple, who in his own words is severely disabled. He has certain problems with his coordination and he does not speak very well but he has worked actively for 30 odd years. He is a person who still today at the age of nearly 65 wants to continue in the workforce. He does not have much mobility and yet he has been able to drive large earthmoving equipment for many years. He is a great role model for younger people. John has lived with discrimination and he understands it in the workforce, and I know that he will commend us on bringing these changes forward. Another visit to the electorate by our parliamentary secretary will be precisely to talk to John about some of the other wide-ranging issues for disabled people.

I would also like to say today that I am very proud to be the new convener of the Parliamentary Friends for People with a Disability. It is a group that has operated in this parliament for a long time with great support all over. I am very proud to take on the position. In fact, in this coming year, Mr Deputy Speaker Slipper, I would like to see your involvement. I know you are very active in your own electorate with issues of disability and I would like to encourage all members of parliament—certainly those here today—to get involved and to work together to solve some of the issues around disability that we are dealing with in this legislation.

Before I close on my part of the debate today, I want to recognise a group on the Gold Coast, Autism Gold Coast—a group of people who, particularly as parents, have had enormous difficulties over the years convincing governments and other authorities of their special needs. Parliamentary Secretary Shorten has met with this particular group, and I know he was very encouraged by the sort of actions and activities that they want to be involved in. I am encouraging all members to join the parliamentary friends to get a better understanding of the issues that we are dealing with in our community, particularly when it comes to disability. It is so wide ranging and takes so many forms.

In conclusion, I would like to say that the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 is a step forward in promoting and providing greater services to people with disabilities, particularly in the workplace. Overall this bill will enhance the human rights and anti-discrimination framework in Australia. While we have come so far with human
rights and antidiscrimination, this should not mean that we stop. Equality is a right and we need to remain diligent to ensure that we do not go backwards on human rights. For these reasons I commend the bill to the House.

The DEPUTY SPEAKER (Hon. Peter Slipper)—I thank the honourable member for Forde for his kind words with respect to me personally.

Mr CRAIG THOMSON (Dobell) (12.07 pm)—I rise to support the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. This bill will implement key recommendations contained in the Productivity Commission’s 2004 Review of the Disability Discrimination Act 1992. In particular, it will clarify that there is a general duty to make reasonable adjustments for people with disability, extend the defence of unjustifiable hardship and modernise key concepts such as indirect discrimination. The bill will also improve the act’s readability.

We have a duty as a national government to use our resources to make life a little easier for people who are doing it tough. Late last year the government held the first Australian Council of Local Government meeting in this very parliament. The federal government made a commitment of over $300 million to go towards new infrastructure spending for local government. That funding was conditional upon its being spent by September of this year, providing an economic stimulus and saving some local jobs. I am proud to say that the Wyong Shire Council has applied to spend $520,000 on a liberty playground at Canton Beach, Toukley—a liberty playground being a playground with equipment for disabled children. This is the second such playground that the Wyong Shire Council has had a part in, the first being built at Long Jetty. Some of the $1½ million that went to the Wyong Shire Council for that first disability park helped provide disabled toilets.

Disability affects people of all ages in everything they do in life. Things as simple as going to the park to play on a swing present difficulties for people who have disabilities. Governments at all levels need to be conscious of these facts. We need to make sure we take disabilities into account and look at making things that we take for granted a reality for people who suffer from disabilities. It is terrific that over the past two years the Wyong Shire Council has built two liberty parks—the only two such parks in my electorate. The money that helped provide for them came from the Rudd government as part of the economic stimulus package, which also provided money for people who are doing it tough.

The Rudd government believes that people inherently deserve a fair go, whatever their particular circumstances. That applies to people with a disability more than any other group, and it is great to see these projects going ahead in my electorate. I would particularly like to pay tribute to Wyong Mayor Bob Graham for helping to push these projects through. That kind of local leadership helps to make these things a reality. He has been a champion of this particular issue and deserves to be recognised for that.

In this bill, the government is about ending areas of avoidable discrimination. I have no doubt that the bill will result in fairer outcomes all round for those who are disabled. The government is committed to making sure that there is proper social inclusion. We understand, as do many business leaders, that reducing disadvantage is now both a moral and an economic imperative for Australia.

I also acknowledge the Parliamentary Secretary for Disabilities and Children’s Services and the work that he has done on this piece of legislation and in this area more
His speech yesterday on this bill was very impressive and moving. It is one that I know many speakers have acknowledged because of the passion that he put into it. But it was not just about words. The parliamentary secretary has visited many of our electorates, mine included, to talk to people with disabilities and to talk to employers about how the disabled can be given a better lot in life.

The parliamentary secretary came to my electorate in December last year, and together we visited the facilities of Aged and Disability Support Services. We toured the facilities and met with a variety of disability service providers as well as clients and their carers. The parliamentary secretary had a very frank discussion with carers, staff and clients who rely heavily on the region's disability networks. We were able to hear of some of the ongoing difficulties that they face, some of which are based on the geography of the Central Coast. Our area has little public transport and has mountains on one side, a lake in the middle and the sea on the other side. Simple issues of transportation are hard enough for able-bodied citizens on the Central Coast, and that is magnified many times when we are talking about the disabled. Transport was one of the very real problems that were raised with the parliamentary secretary.

The parliamentary secretary also spoke in simple terms about where we currently are with policy and attitudes in relation to disabled people. He spoke about how, as a proud nation with egalitarian values, we need to move forward in this area. He said to the group that, if you could not get a job or access to transport, education or meaningful and dignified income support—all things we take for granted—because of your gender or skin colour, people would be saying that was dreadful, outrageous and simply wrong, and they would be right. But people do not say the same thing in relation to people with a disability. That is a very important and powerful point that the parliamentary secretary made in this parliament and directly to the clients of Aged and Disability Support Services and the people who help the disabled in my electorate. It certainly shows where he is coming from and the passion that he has about making sure that the Rudd government looks at making a difference in relation to the things that so affect the lives of the disabled. We need to start to make some changes so that getting access to education, transport, income and so forth is not a struggle. There should be things in place that make access easier than is currently the case.

He went on to say that reform in attitudes to people with disabilities begins in local neighbourhoods. He emphasised that in every neighbourhood in the country our attitude to the disabled needs to be addressed. I think this is a message that every member of the House can take back to their own electorates—that is, that some of the discrimination and the reasons the disabled are not given a fair go for equal treatment are rooted in the attitudes in our local areas. As the elected representatives of those areas, it is incumbent upon all of us in this place to lead the debate so that this often hidden discrimination can come out and together we can change the attitudes of our local communities. By doing that, we help to change the attitudes of the nation as a whole. In Australia we have embraced and are very proud of the notion of a fair go for everyone, but it seems the only area in which we have forgotten that and are lacking is that of the disabled. It is something that cannot continue.

Some of the key points of this bill are as follows. The bill aims to improve the effectiveness of the Disability Discrimination Act to ensure it continues to protect the rights of people with disabilities. It does not introduce new significant obligations and it imple-
ments many of the recommendations of the Productivity Commission, the Law Reform Commission and parliamentary committees. The opposition accepted the vast bulk of these recommendations when in government. However, unfortunately—and it is not just something we have seen with this legislation but something we have seen many times with legislation the Rudd government has brought to the House—they failed to implement it. We are determined to put those recommendations in place, which is partly what this bill is about. In developing this bill, the Rudd government consulted industry bodies, the Australian Human Rights Commission and the states and territories.

There have been some frequently asked questions about this legislation. One of those is: will employers, businesses and people who own or control premises face tougher obligations to ensure that they make reasonable adjustments to accommodate people with disabilities? The bill clarifies the existing obligation on employers, service providers and others to make reasonable adjustments to remove discriminatory barriers against people with disability. This was always in the act, but comments by the High Court in the Purvis case cast doubt upon it. The Productivity Commission recommended that existing obligations to make reasonable adjustments be made explicit. The bill implements this recommendation. The obligation to make reasonable adjustments is subject to the defence that they will not be required if the adjustments would cause unjustifyable hardship. This ensures that the Disability Discrimination Act maintains the balance between the rights of people with disabilities and the legitimate concerns of business owners and others. It is very important that this balance is there.

Another question in relation to this legislation is: will the amendments force employers to accommodate the needs of staff whose disabilities they may not know about? Amendments to the 'request for information' provision in the Disability Discrimination Act will permit employers and others to seek information from a person with disability, providing it is for a non-discriminatory purpose.

Let us look at why the amendments broaden the definition of ‘disability’ to include genetic predisposition. The current definition of disability includes disabilities that may exist in the future or are imputed to a person. The bill does not broaden this definition; instead, it makes explicit that this definition already includes a genetic predisposition to a disability. The amendment implements recommendations by the Productivity Commission, the Australian Law Reform Commission and the National Health and Medical Research Council to make this explicit for the avoidance of doubt. Again, these recommendations were made to the opposition when in government and were accepted but not implemented. Again, they are something the Rudd government is determined will be put in place.

Another question that has been raised in relation to this legislation is: why has the ‘dominant reason’ test been removed from the Age Discrimination Act, and will that broaden the application of the act? The removal of the dominant reason test was a bipartisan recommendation of the House of Representatives Standing Committee on Legal and Constitutional Affairs in its 2007 report Older people and the law. Members of the opposition, including the current Leader of the Opposition, recommended scrapping the test. I think all of us would agree that it is entirely unacceptable to give older Australians a weaker protection simply because of their age. The proposed new test is more consistent with the tests used in other Commonwealth and state antidiscrimination legislation. The impact of the removal of the
Employers and business owners are already required to comply with state antidiscrimination legislation, and no state or territory antidiscrimination law contains a dominant reason test. They are also required to meet the same test under the Commonwealth discrimination laws that relate to sex, disability and race.

This is an important bill which goes to enhancing and protecting the roles and opportunities for disabled people in the community. It is legislation that should be a priority for this parliament to pass. It has long been needed and it is something about which we can proudly say, ‘We’ve taken the first step in removing some of the obstacles for people with disabilities while taking into account the role that business and employers play.’ I commend the bill to the House.

Ms RISHWORTH (Kingston) (12.22 pm)—I am very pleased to rise to speak in favour of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. The amendments before us today look to amend areas of important acts, including the Disability Discrimination Act 1992 and the Age Discrimination Act 2004. These two pieces of legislation are part of a number of Commonwealth antidiscrimination laws. Since their introduction, these laws have served as very important legal protections to stop discrimination of citizens in our society because of, for example, race, sex, disability or age, whether this discrimination occurred in our workplaces, in our education institutions or in the provision of our goods and services. These pieces of legislation not only have provided a legal avenue for those who have been discriminated against but also have changed attitudes very significantly within our community and really have been leading the change, whether it be in our workplaces, our schools, our universities or our public spaces. The majority of our community would now find it unacceptable to deny employment to a woman based on her gender. They would also find it unacceptable to not have things like disability parking in our shopping centres or to not provide a service to someone based on their nationality.

The amendments that we are debating here seek to amend the Disability Discrimination Act. The Disability Discrimination Act is about giving those with a disability the opportunity to more fully participate in our society. Its objective is to eliminate both direct and indirect discrimination and to promote community acceptance and the rights of people with a disability. I have seen many situations in workplaces and in other institutions where only a small modification—whether that be a physical modification or an attitudinal modification—has meant that people with a disability are able to participate in employment or gain an education. In fact, in the earlier part of this debate, we heard the Parliamentary Secretary for Disabilities and Children’s Services speak about how some of these modifications only cost up to $500. That is a very small amount of money to allow someone to fully participate, whether that be in education or the workforce.

We also need to acknowledge that removing barriers that exist for those with a disability will allow those individuals to contribute enormously to our community. Indeed, the whole community, including employers, will benefit significantly from this contribution. As I have heard the parliamentary secretary for disabilities say on numerous occasions, employers who employ people with a disability say that often these individuals have better attendance records, remain longer and have fewer injuries at work than those without a disability. However, these barriers still exist. In my own electorate, I am constantly inspired by those who...
have a disability. One example of a person confronted by the barriers, though, is a constituent of mine who is a three-time medal-winning Paralympian who recently brought home gold and bronze medals for individual cycling from the 2008 Beijing Games. I have met this gentleman. He is persistent, he is disciplined, he fights for what he wants to get, and he goes out and gets it. Unfortunately, because of his disability, this gentleman is finding it hard to gain employment, despite achieving world standards in his chosen sport.

The amendments before the House are designed to implement a number of recommendations made by the Productivity Commission in its review of the Disability Discrimination Act. These recommendations include improving the operation and effectiveness of the act. The amendments will also reduce uncertainty by making explicit the positive duty to make reasonable adjustments for people with a disability. Failure to make these reasonable adjustments results in discrimination. In addition, the bill clarifies that discrimination on the basis that a person possesses or is accompanied by a carer, an assistant or an aid equates to discrimination on the basis of disability. This clarification is very important and is in response to the full Federal Court decision in the case of Forest v Queensland Health. Ensuring that people who need assistance are not discriminated against because they need that assistance is very important.

I would like to acknowledge one high-profile case reported widely in Adelaide, where a visually-impaired gentleman was denied a ride in a taxi because he had a guide dog with him. This action really emphasises that those with a disability are, in Mr Ellison’s words, ‘treated like second-class citizens’. He says that he has been able to compare because he originally had sight and then lost it, and he has definitely noticed the different way that people treat him. He said that he took his case to the Equal Opportunity Commission not for the money but to stand up for people everywhere with disabilities—and I certainly commend him for that.

The amendments before us today extend the definition of disability in two ways. Firstly, the legislation extends the definition of disability to include those who may, in the future, have a disability, including because of genetic predisposition. Although the previous speaker, the member for Dobell, acknowledged that this was already implied within the existing legislation, this amendment does make it incredibly explicit. As our scientific understanding of the human genome increases, a lot of people in my electorate have shared with me a concern that, if that knowledge is then imparted to insurance companies, they may not get insurance for something that may happen to them down the line. So this amendment is a very important part of the legislation. The amendments also extend the definition to include behaviour that is a symptom or a manifestation of a disability, which is also very important.

The bill has also—as per the Productivity Commission report—extended the availability of the defence of ‘unjustifiable hardship’ to all unlawful discrimination on the grounds of disability. The combinations of these amendments ensure that the Disability Discrimination Act maintains a balance between the rights of people with a disability and the legitimate concerns of business owners and others. The changes before us today build on the Rudd government’s commitment to those with a disability. Helping those with a disability and their families has been a great priority for this government. In particular, the government has ratified the United Nations Convention on the Rights of Persons with Disabilities. Further, the government has committed to a national disability strategy which aims to provide a unifying
framework of targeted action to address bar-
riers and promote a more inclusive and uni-
versally acceptable society. This will benefit
not only people with a disability but also, as
I have said before, the entire community.
This strategy will provide real outcomes for
those with a disability and has been open for
wide community consultation. As part of this
consultation, the government has put to-
gether a new national advisory council ad-
vice to the Australian government on the
needs of people with a disability, their fami-
ilies and their carers.

This government has also made changes
to allow those on the disability support pen-
sion to transition to the workforce more eas-
ily by introducing a new pre-employment
referral service and removing one of the big-
gest disadvantages—the threat that, if they
participate in this pre-employment referral
service, they might lose their benefits. This
has been welcomed by many of those on a
disability support pension in my electorate.
In Kingston we have a lot of people suffering
from a disability. There are over 6,900 peo-
ple in my electorate receiving the disability
support pension. Many of those people have
spoken to me about their desire to return to
the workforce. They want to be productive.
They want to be involved in employment.
They want to volunteer. But there has been
some concern from them about, if they can-
not do it—if they try and they are not able to
perform, if something goes wrong—how
hard it will be to receive their disability sup-
port pension again. This has been of great
concern to many of my constituents. Cer-
tainly, many of them have told me about
their burning desire to re-enter the work-
force, and we need to support them to do
that.

This government has also tabled a draft of
the new disability standards for access to
premises. These are changes which the pre-
vious government had committed to but
failed to deliver. In addition, the Rudd gov-
ernment, through an increased $1.8 billion
boost in funding under the new COAG
agreement with states and territories, has
committed funding for five years to support
care for children and teenagers with a dis-
ability whose parents who are in the work-
force or who might need respite services.
Respite services are becoming a growing
issue. A lot of parents speak to me about
really wanting to care for their children but
every now and again needing that break. I
think our focus on respite services and con-
tinuing to improve those is incredibly impor-
tant.

I want to make one more comment about
what this government has done to help those
with a disability and their families. I would
like to acknowledge the work done by the
Minister for Health and Ageing and the Par-
liamentary Secretary for Disabilities and
Children’s Services in the area of autism.
Autism spectrum disorders are an emerging
disability that needs our support—support
for those families and for those in the com-
munity. I have been approached by many
parents who are finding it difficult to support
their children and provide them with all the
opportunities that every parent wants to pro-
vide: a good education, good health and op-
portunity for the future. These parents are
coming to me desperate for some support. I
am very pleased that this government has
committed to a number of autism areas of
policy, including early learning centres spe-
cifically specialising in autism, autism advis-
ers, playgroups and early intervention ser-
vices. This focus and commitment to helping
those with autism spectrum disorders and
their families is incredibly important and
something that we must build on—whether it
is through the families I speak to or in the
schools. We must acknowledge that this is a
relatively new disorder. It is something that
is becoming more and more evident. It is
more readily being diagnosed, but it is something that people in our community—whether they are teachers, schools, parents or the people suffering from autism—need some assistance with.

The bill before us today also makes amendments to the Age Discrimination Act. The bill removes the ‘dominant reason’ test. Previously, if an older person, for example, was not given employment for two or more reasons including age, it would only be discrimination on the basis of age if age was the dominant reason. Removing this test makes it clear that this discrimination because of age is illegal. I am pleased that the opposition has supported the abolition of this test. However, it is worth noting that it was introduced by the former Liberal government in 2004. I am pleased that now both the government and the opposition are supporting the abolition of this test. The recommendation to implement this change came as a result of the Standing Committee on Legal and Constitutional Affairs report into older people and the law. The Law Council of Australia acknowledged in their submission that this dominant reason test was out of step with tests applied to other pieces of legislation about discrimination.

Discrimination because of age is something that I continue to get complaints about from my constituents. I particularly get complaints about employment. I have received many comments at my street corner meetings from people aged between 50 and 65. They say to me they have experience; they have knowledge and skills. However, even during Australia’s skills crisis, they cannot obtain employment. They have reported to me that they have applied and applied and applied for jobs. And, although they are unable to prove that they did not get the job because of their age, they believe that, with one look at their age on their resume, their resume is put aside for that of someone younger. Some have reported to me that now they do not even put their date of birth on their resume, just in order to try and make it to the interview phase.

To address this type of attitude we need more than just legislation. It will require a cultural shift in attitudes and recognition that those older Australians do still have a significant amount to contribute to our workforce. However, legislation is a good start and strengthening this legislation to remove the dominant reason test is, I think, a really important step. The bill before us today and all its amendments are steps towards eliminating discrimination in our society for those with a disability and eliminating discrimination based on age. As a result, I commend the bill to the House.

Ms REA (Bonner) (12.38 pm)—I too am very pleased to speak in support of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008, which is before the House today. Protecting and promoting the human rights of every individual in the Australian community is a fundamental responsibility of every member of this House. Indeed, our democratic institutions—our parliaments and our local government chambers being the most precious—cannot properly function if we live under a cloud of discrimination.

This legislation seeks to amend the Disability Discrimination Act to better protect the rights of people with a disability and broaden the umbrella of legal protection that ensures an individual’s disability does not prevent them from enjoying the opportunities and rights the rest of us do. For too long in this country so many of our citizens were not able to engage in public life, to do basic things like go shopping—much less attend school and join the workforce—because we as a society could not be bothered to cater for their needs. There are many valued employ-
ees in workplaces across the country today who are able to work simply because of a ramp or a specially designed toilet. The Disability Discrimination Act dates back to 1992, and it is an indictment of us that it took so long as a country to actually legislate to end discrimination against people with disability. On the other hand, this act is now 17 years old and, thank goodness, times have moved on and we are now much more aware of the diversity of the needs of people with a disability. In short, the act is well overdue for an update.

The bill addresses a number of key areas that improve the quality of life for people with a disability. In particular, it talks about reasonable adjustments to workplaces and other organisations so that people with a disability can enjoy many more activities and contribute to the working life of this country. There has been some criticism of these provisions, but I wish to say to employers that they should not be alarmed. The bill requires reasonable adjustments to be made to the workplace to accommodate people with a disability. However, it also allows for a business, workplace or other organisation to claim unjustifiable hardship if these adjustments are too onerous.

Instead of querying these amendments, I would urge all business, industry owners and managers to consider what they are missing out on if these amendments are not passed. It could well be that they miss out on a valuable and very productive employee simply for the want of a ramp or a toilet, or accommodating an assistant animal. The cost of adjustments could well be outweighed by the productive and enthusiastic contribution of someone who performs brilliantly but would otherwise not even be there because the work environment did not suit their disability. We have already heard from previous speakers on this side who have talked about many examples where employers have actually commended the contribution of workers they have employed who have a disability but whose work performance often far outweighs others in their employ. It seems to me, therefore, that the real cost to the employer or manager is to overcome their prejudice and recognise the talent and skill of the person seeking employment, not their difference, so to speak. This bill in fact seeks to expand the labour pool, not restrict it. Whilst balancing the rights of people with a disability, it is also practical in that it acknowledges the concerns of business owners and others.

It is important to remind the House that these amendments have not been presented to radically change the act but rather to clarify existing provisions. The amendments come as recommendations from the Productivity Commission, the Law Reform Commission and the House’s own Standing Committee on Legal and Constitutional Affairs—all esteemed groups who have done a very broad-reaching analysis of how we as a community and a workplace can work better.

The legislation also responds to the recent decision by the full Federal Court in the case of Forest by clarifying the operation of part 1 of the act. That is, discrimination on the basis that a person possesses or is accompanied by a carer, assistant animal or aid is discrimination on the basis of disability. Can it really be the case in 2009, 17 years after the Disability Discrimination Act came into being, that these obvious needs for people with a disability to go about their daily business cannot be acknowledged and indeed can be used to prevent employment or any other activity? You only have to look at the court case and the subsequent decision that gave rise to these amendments to appreciate just how significant this decision is. Mr Forest was denied access to a hospital and a medical centre in Cairns because he was accompanied by an assistant animal that was trained to help manage Mr Forest’s psychiatric dis-
ability. We are not just talking about a job or getting into an entertainment venue; we are talking about a needy individual being denied something as basic as medical services. Thank goodness that the full Federal Court upheld Mr Forest’s right and denied the appeal by the Queensland government. As a result, we are here today debating these very necessary amendments to the legislation. I am proud to be a part of this debate and to have the opportunity to personally vote in support of this bill.

The bill also ends possible discrimination for people who may end up with a disability in the future because of genetic predisposition. I know there are some who deem the act to be sufficient in this regard, as the definition of disability is believed to be broad enough, but I am pleased that the Attorney-General has sought to put this beyond doubt by introducing this amendment. The Disability Discrimination Act also makes disability discrimination unlawful by aiming to deal with physical and attitudinal barriers that act to directly and indirectly preclude people with disabilities from making optimal use of their knowledge, skills and talents such that they may effectively participate in the community. It affords people with disabilities the right to substantive equality of opportunity in areas like employment, education and the provision of goods and services.

What I am really pleased about is that the amendments to this act will reinforce and strengthen that very noble goal and aim of this legislation. It could mean that, for example, in my electorate of Bonner, the 3,376 people with a disability who are currently on the disability services support pension may well be able to seek employment now and overcome that hurdle that they have faced in the past and that has denied them employment—that is, prejudice because of their disability. It may well be that, now through these amendments, they are able to seek employment, to contribute fully to the workforce and to participate more fully in their local community and more broadly in our national society, and not necessarily be what some people perceive themselves as—a burden on the taxpayer. They would rather give than take. This act enables them to do that. It also means that the children who graduate from the many wonderful schools in my electorate that cater for children with disability—the Darling Point Special School, the Mount Gravatt East Special School, the Mount Gravatt West Special School and Seton College, which is just outside my electorate, but many families in my electorate use the services of that wonderful college—will find themselves with greater opportunities as a result of this legislation. I am very proud to support it.

The bill also removes the dominant reason test in the Age Discrimination Act. Not only is this, once again, a basic redress; it was also recommended by both the Australian Human Rights Commission and the Law Council of Australia to bring the Age Discrimination Act in step with other pieces of discrimination legislation. It is almost ironic to think that we actually have one act that is more discriminatory than other pieces of discrimination legislation and we are finally bringing them in step together.

This particular amendment will also have far-reaching consequences for improving the contribution of many more people to our workforce. We live in the age of the baby boomer. I am the youngest of seven children. I am, in fact, 13 years behind the next youngest sister, which means that I just made it into generation X, thank goodness. But I have six siblings who are all baby boomers. I am only too well aware of their force in this world. Baby boomers are never going to give up, they are never going to slow down, they are never going to move aside and they are never going to roll over. As they get older it
seems that everyone gets younger—40 becomes the new 30, 60 becomes the new 40 and so on. The expression ‘you are too old to do that’ will not last for much longer. If anyone is brave enough to tell the Rolling Stones and Leonard Cohen that they are too old to work, then they are a braver person than I.

Of course, that is how it should be. Any workplace that does not respect the skill, wisdom and corporate knowledge attained by people who have worked for a long period of time, either in one company or in one profession, does so to their detriment. The concept that youth means you are better is only a fairly recent phenomenon. Every culture on earth has always respected, honoured and venerated their elders. Indeed, it was the elders of any community that were given the authority as decision makers and judges. Why? Because nothing can beat wisdom that is borne of experience. That is why, once again, I would like to say to the employers, business owners and managers out there that they should not be afraid of this amendment but rather embrace the opportunities this will give them to choose from the best candidates for the job rather than have people excluded because of their age or disability. It is also particularly important that, at this most difficult economic time, anyone who wishes to remain in the workforce or, indeed, return to the workforce should be able to do so without fear of discrimination on the basis of their age.

The bill also seeks to change the name of the Human Rights and Equal Opportunity Commission to the Australian Human Rights Commission. It gives the commission a truly national, indeed distinctly Australian, identity. This name change is important and it comes at a time when the Attorney-General is asking all Australians to get involved in the national consultation on human rights which is currently underway. Our democracy cannot survive or progress unless we remain vigilant about the protection and promotion of human rights for all our citizens. Our parliaments and our courts become farcical if we do not respect our citizens through laws which protect their individual rights and prevent discrimination. That is why I am very pleased that the Attorney-General has established this consultation process. In fact, he has announced a consultation committee of very eminent persons in our country to go right around Australia to engage everybody in this consultation: Father Frank Brennan, who, of course, everyone in this House knows, has been a great champion of human rights and the prevention of discrimination for many years in this country; Mary Kostakidis, a well-known journalist who has given many of us very important and valuable news from here and around the world over many years; Tammy Williams, an Indigenous lawyer; and former Australian Federal Police Commissioner, Mick Palmer—all of whom are very eminent persons and very worthy of being members of a committee that will be consulting people on this very important matter.

I would like to take this opportunity to encourage all Australians to get involved in the consultation. This is not just an issue for lawyers for whom so many human rights issues are reduced to debate and discussion about laws and the specifics of law. This is an issue that affects every single one of us, particularly if rights are taken away. And that is why I would encourage all Australians to embrace this incredible opportunity to have a say in how their country addresses the issue of human rights, how their country can legally protect their individual human rights and how their country can better promote and protect human rights.

The committee has addressed a number of parliamentarians in this House and has advised us all, particularly at the launch, of the incredible scope and number of visits that
they are making across the country. They are going to the furthest and most remote communities of our country as well as our major cities. They are giving every citizen in this country as much opportunity as is humanly possible to be involved and to engage in this process. It is a very important one. It is one that we must always have at the top of our minds. We must never become complacent, because the day that we do our human rights will start to be eroded and our democratic institutions will no longer be as strong as they have always been. So I would like to take this opportunity to support the amendment to change the name and to support the amendment which gives people more time to bring complaints to the new Australian Human Rights Commission. The need for this also highlights the need to be ever vigilant about protecting our rights, to engage in consultation and to embrace the opportunity to not just discuss our own individual rights but to produce legislation such as this which further amends our discrimination acts to end discrimination against those who are more vulnerable in our community. On that note, I commend the bill to the House.

Mr DEBUS (Macquarie—Minister for Home Affairs) (12.55 pm)—As a member of the baby boomer generation I particularly associate myself with the observations of the member for Bonner. The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 is indeed a significant step in improving the operation, the efficiency and the effectiveness of our system of antidiscrimination. The bill will implement a number of the recommendations made by the Productivity Commission in 2004 for the improvement of the Disability Discrimination Act 1992. Key amendments make explicit the duty to make reasonable adjustments for people with disability. They broaden the operation of the defence of unjustifiable hardship. They make more certain and more clear the coverage and application of the act in relation to carers, assistants, disability aid and assistance animals, and they recognise state and territory initiatives on accreditation of assistance animals. The power to make standards under the act is broadened.

The bill clarifies a range of other matters in the act. It expressly includes within the meaning of disability genetic predisposition and behaviour that is a symptom or manifestation of a disability, and it adds additional criteria for what is to be considered in determining unjustifiable hardship. The bill also clarifies where certain burdens of proof will lie. With regard to other antidiscrimination acts, the bill proposes to remove the so-called dominant reason test from the Age Discrimination Act 2004. This gives effect to the bipartisan recommendation of the House of Representatives Standing Committee on Legal and Constitutional Affairs in its 2007 report called Older people and the law. The bill will amend the Human Rights and Equal Opportunity Commission Act 1986 to formally change the name of the commission to the Australian Human Rights Commission. Amendments will improve the efficiency and effectiveness of the commission’s complaints-handling process.

I would like to thank members for their contribution to the debate, and the vast majority of members, including opposition members, for their support of this bill. In particular, I acknowledge the contribution by the member for Maribyrnong, the Parliamentary Secretary for Disabilities and Children’s Services. He is a passionate advocate for this sector and has made a most considerable contribution in the area more generally since he has been in this House. As the member for Farrer, the shadow minister for justice and customs, said in her speech to this House yesterday:
... it is very important that we as a parliament stand in support of the right of those with disabilities to participate fully in employment in our society.

For the record, with respect to the member for Tangney, I note that his comments yesterday were completely wrong in both fact and law, both with regard to the bill and with regard to the rights of persons with a disability. As I have outlined, this bill makes changes that have been reviewed and considered carefully, not only by the Attorney-General’s department but by respected bodies that include the Productivity Commission, the Australian Law Reform Commission and committees of this parliament. The changes are not radical; neither are they tinkering. The bill provides important corrections and clarifications, and appropriate improvements to our laws and administrative mechanisms, in a practical and measured way. We look forward to seeing the recommendations of the Senate Standing Committee on Legal and Constitutional Affairs, which is presently considering the bill, and we will, of course, give careful consideration to that committee’s recommendations. The bill is another significant step in ensuring that our laws continue to promote greater equality, equal opportunity and a fair go for people with disability, and I commend it to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr DEBUS (Macquarie—Minister for Home Affairs) (1.00 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Various amendments are also being made under this bill to social security laws, to amend incorrect references and to clarify the operation of certain provisions in the Social Security Act 1991. The bill clarifies the method of calculating the amount of youth disability supplement that is to be added to a person’s rate of youth allowance and the definition of a partner with a rent increased benefit. The bill amends the Social Security Act 1991 to extend to sickness allowance and parenting payment (single) the provisions which prevent a person from receiving payment while there is an assurance of support in force. As members of the House will know, an assurance of support is a commitment to the government to repay certain welfare payments paid to migrants during their first two years after arriving in Australia.

The amendment will mean that a person who is subject to an assurance of support will not qualify for sickness allowance or parenting payment (single) where their assurer is willing and able to provide them with an adequate level of support and where it would be reasonable for them to accept that support. I note it is anticipated that there will be nil financial impact resulting from these amendments and that the estimated cost of death benefits over the next four years of $6.1 million will be met from the existing premium pool of Comcare.

The coalition continues to stand strongly supportive of safety in the workplace. An employee is fundamentally entitled to go to work and conduct their work feeling safe and in the knowledge that appropriate procedures and measures are in place to protect them from hazards to their health and hazardous situations. All stakeholders working together have a duty of care for safety. Employers have a duty of care for the safety and wellbeing of their employees who, in turn, should recognise and work according to the occupational health and safety practices implemented at their workplace.

Sadly, unforeseen circumstances and unexpected events are a part of life, and from time to time an unanticipated incident or work related sickness will occur. We need look no further than the tragic events of this past week, which remind us of how quickly a terrible event can unexpectedly arise and put lives at serious risk and tragically result in serious injuries and death. At such times, the financial implications are often unanticipated and significant, especially if only one member of the family was in employment. All employees and their dependants are entitled to be covered by appropriate measures and financial assistance to ensure their ongoing wellbeing in the aftermath of a tragic event, such as workplace injury or death.

Nobody wants to see the occurrence of injuries or illnesses to people whilst they go about their duties, with a work-related death being the worst possible thing that could happen for an employee and their family. It is therefore right that appropriate compensation be paid to those who were immediately dependent upon the deceased. Just as important though is the need to ensure that Commonwealth related workplaces—or, indeed, any workplaces, are safe places to work and have appropriate safety measures in place to protect employees working in potentially hazardous environments. Safe workplace environments and practices to guard against injury, sickness or death are the best measures that can be offered to employees and their dependants.

The coalition has a strong record of workplace health and safety policy and compensation measures to assist people who have unfortunately been injured whilst undertaking duties of the Commonwealth. The Compensation (Commonwealth Employees) Act was introduced by a Liberal government in 1971.
and subsequent coalition and Labor governments have updated and improved this legislation, including the Occupational Health and Safety (Commonwealth Employment) Act 1991. The Howard government made further reforms which increased flexibility in workplace safety arrangements and aligned the Commonwealth more closely with the states and territories and most international jurisdictions.

The Liberal-National Party coalition will continue to maintain dialogue with government to make these further improvements to compensation laws, as it is only fair that dependants are appropriately and adequately assisted in the immediate time after and into the future, following a death in a work related event. We can all only hope that these occurrences never happen; but, sadly, there will occasionally be unfortunate circumstances in the workplace resulting in a death. We all have a duty to care for those dependants who are left behind and to make sure that they are well looked after. The coalition is therefore very happy to support these measures of appropriate, increased compensation. I commend the bill to the House.

Mr PERRETT (Moreton) (1.07 pm)—I too rise in support of the Employment and Workplace Relations Amendment Bill 2008 and thank the member for Stirling for his contribution. I am not sure how many people listen to parliament outside question time, but hopefully there are not too many Victorians listening at this time, while we basically talk about death, who are connected with the horror which began on Saturday and which will continue for some forever. I apologise to those who are listening for the insensitivities of this legislation, but the reality is that it is the work of the House and it must continue. As a solicitor in a former life, I worked in estate and succession law, so death and its ramifications were something I had to deal with and talk about with families all the time. Normally that was when someone died in hospital under supervision and not via the horror that has occurred in Victoria. Even with the little that I have had to do with death, I cannot imagine what the people of Victoria are going through.

The first and most significant measure in this bill is an amendment to the Safety, Rehabilitation and Compensation Act 1998 to increase the amount of death benefits payable under the Australian government’s workers compensation scheme. The one-off lump sum death benefits will increase from $225,594 to $400,000. Similarly, weekly periodic payments for dependent children will increase from $75.10 to $110. This will bring death benefits under the Australian government scheme more closely in line with death benefits under the state workers compensations schemes and should ensure some greater peace of mind for Commonwealth employees and their families.

As a result of union activism and greater community awareness, we have seen great improvements to workplace health and safety practices in recent decades. Tragically, despite these improvements, there are still some workers who go to work one day but never come home. Having been a lawyer and a teacher, I do not think it is something that happens particularly in those white collar jobs. But, having brothers in the building and construction industry—unfortunately, it happened to one of my brothers when the two guys standing right beside him were killed—and having worked in the mining sector, I am all too aware of how it does happen to too many people. So it does occur, and I think it is entirely appropriate that our hardworking Commonwealth public servants be entitled to the same benefits as their state counterparts should such an unfortunate tragedy occur at work. These benefits will also cover those employed by corporations who have joined Comcare.
This bill also amends Centrelink’s Assurance of Support Scheme. This is about tightening up the way the Rudd government deals with people who come to our shores. This scheme allows migrants who do not meet certain financial conditions to have a visa granted if an Australian resident or organisation agrees to provide support so they do not need to rely on Centrelink payments. An assurance of support is the legally binding agreement between the Australian government and the assurer. If the migrant or their dependants receive one of the social security payments recoverable under the scheme while an assurance of support is in place, the assurer must repay the amount to the government—that is, the migrant is not a drain on the public purse.

This bill amends the qualification criteria for payments that are recoverable under the scheme. It will address an inconsistency and align the qualification provisions for sickness allowance and parenting payment with the qualifications for other income support payments. These changes will help ensure that sickness allowance and parenting payments are not made unnecessarily. It will also help avoid assurers accumulating debts with the Commonwealth. If the changes are not made, migrants may qualify for sickness allowance or parenting payment even though their assurer is willing and able to support them. However, migrants will still be able to receive sickness allowance or parenting payment if their assurer is unwilling or unable to provide them with an adequate level of support. This may apply in a small number of cases, such as those involving domestic violence where the relationship has broken down.

This bill also makes some minor changes to rent assistance. It amends the Social Security Act 1991 to rectify a loophole for the calculation of rent assistance for Austudy and Abstudy recipients who are partnered. It will ensure that rent assistance received by the partner of the Austudy and Abstudy recipient is taken into account in calculating the recipient’s own rent assistance. This change brings it into line with rent assistance for other income support recipients.

While this bill is mostly technical, the measures to increase death benefits are particularly important as they will make it fairer for families of deceased workers. As I said at the outset, it is a difficult week to talk about legislation that deals primarily with death. Much has been written about death, loss and grief, probably ever since writing began. The human condition will always draw artists and authors to explore the deadly dance we are all engaged in. So, in light of the fire horror in Victoria and the floods in Queensland, I sought some words that might be of assistance to those coming to terms with recent loss.

I turned at first to Australian poets, looking to our own backyard first. Obviously I could have turned to Dorothea Mackellar’s My Country—I know it is a favourite poem of the member for Forde—where she talks about flood and fire and famine. However, I rejected that poem. Most people know it inside out anyway. I taught it for too many years to embrace it lovingly. I thought too about a poem by Christopher Brennan called The Quest of Silence, which talks about:

Fire in the heavens, and fire along the hills,
and fire made solid in the flinty stone …

But I rejected that one as well. Unfortunately I did not have with me the collected works of Les Murray—my favourite Australian poet—so I was not able to choose one of his appropriate works. I turned to another one that is a bit of a favourite of mine, and of many Australians, which is John O’Brien’s Said Hanrahan. That poem is quite humorous in its way—

Mr Champion—‘We’ll all be rooned’!
Mr PERRETT—‘We’ll all be rooned,” said Hanrahan’—that is right. The reason why it is funny and is such a favourite poem of so many Australians, I think, is because it touches on that essential Australian characteristic of enduring. It is an Australian characteristic that started with the First Australians, the Aborigines, I would suggest, and then the settlers. It is a tough land, a very tough land, a land of flood and fire and famine, and that idea of enduring is something I wanted to touch on in the poem. But I am not going to read Said Hanrahan by John O’Brien. I will leave that to the speakers following me, perhaps.

Instead, the poem I am going to read is called The Dead Woman, or ‘La Muerta’, by Pablo Neruda, who is not Australian. I went offshore to a Chilean poet, writer and socialist politician, who won the 1971 Nobel prize in literature—quite an epitaph to have on your gravestone. I am no Alan Rickman, for those who know the movie Truly, Madly, Deeply, but I will do my best:

If you are not alive; if you, beloved, my love, if you have died,
All the leaves will fall on my breast, my darling;
It will rain upon my soul night and day and the snow will burn my heart,
I shall walk through cold, and fire, and death, and snow;
My feet will want to march toward where you are sleeping,
but I must go on, because you wanted me to be, above all things, indomitable,
and, my love, because you know that I am not just one man but all men.
I commend the bill to the House.

Mr TUCKEY (O’Connor) (1.17 pm)—Whilst most of us making a contribution to this debate on the Employment and Workplace Relations Amendment Bill 2008 will be reasonably brief, due to the nature of the legislation, there are issues that I think are of importance. I am grateful, therefore, to be able to make some comment. I support entirely the amendment’s increasing of the lump sum compensation for work related death to $400,000, the increasing of the benefits paid for each prescribed child to $110 and the conversion of the indexing of that amount to the wage price index instead of CPI.

The consumer price index has become a very difficult index to utilise in many respects. It refers to a basket of items that people buy regularly. It has certainly proved to be very difficult to adjust pensions for the aged by that system, partly because of their consumer habits—what they buy as compared to what is in the CPI basket. Much the same applies to various families. If, as has been proposed, one uses a wage escalation index, it is quite clear it will be fairer, just as—you would remember, Mr Deputy Speaker Secker—the Howard government made an alternative index for age pensions by using male total average weekly earnings, or MTAWE, as it became known. So I think that is a good idea.

This gives me the opportunity to talk a little bit about compensation. Here we talk about prescribed children. Where there is a death related to the workplace and the person was supporting children, I believe the maximum amount of assistance should be available relative to the needs of raising those children as they would have been raised had the sole breadwinner—maybe—been still living. That is a good idea.

Nevertheless, I have never, ever been able to understand the campaigns so bitterly fought where 70-year-old and 75-year-old persons with no dependants seek huge compensation payments for past work related injury, which may cause death, when they have passed the three score and 10. They have nobody to support—sometimes a wife
but certainly no children as dependants. I just wonder why, as so frequently occurs in these cases, the general community has to pay compensation in those circumstances. In other words, surely the courts or the legislation should take account of the age of a person seeking compensation for some work related injury or disease causing death. The public emotion goes high.

I find that there are so many aspects of this that we deal with in our common life. All of us are probably eventually going to be afflicted by some aspect of the life we live. I am not sure that I, for instance, should be able to claim compensation if I have been breathing too much air-conditioning in this place over 28 years. I find that ridiculous. Furthermore, having been fortunate in the past three score and 10, I am not sure that my workplace should have to fork out for me, whatever the circumstances. I do not have to worry too much, Mr Deputy Speaker—as you know, we politicians do not get workers compensation.

I just wanted to make those points. They are only slightly relevant to the legislation, but it is a point of principle with me that, as the sometimes criticised worldwide economist Friedman once said, there is no such thing as a free lunch. Whatever we do in this place and whatever we do elsewhere—whatever our decisions, whatever money we borrow et cetera—someone has to pay for it. That is probably the greatest economic statement ever made, but it is ignored by so many.

There are other measures in this bill. It makes various changes to the social security law to amend incorrect references and clarify the operation of certain provisions in the Social Security Act. The bill clarifies the method of calculating the amount of youth disability supplement that is to be added to a person’s rate of youth allowance and the definition of a partner with rent-increased benefit. I gather that this is to say that you cannot have your cake and eat it too; you cannot seek a double payment. If your partner has certain levels of government assistance by way of rent assistance and you are the subject of youth allowance, you should not also be able to receive rent allowance—in other words, the benefit should not be paid twice. It certainly has my support.

That raises another matter of interest to me and, I am sure, to you and the shadow minister for immigration and citizenship, who is at the table and maybe even the Parliamentary Secretary for Multicultural Affairs and Settlement Services, who is at the table. It raises the issue that, where youth allowance operates in the Abstudy and the Austudy area—and Abstudy, I think, is a bit more generous than Austudy—in terms of access to tertiary education, there is still a distinctly unfair difference between people residing in metropolitan areas and those residing outside them. As is usually the case, the richer the parents, the closer they live to a leafy tertiary institution, a university. However, when people live at a distance from that available resource, the cost far outweighs any assistance available. We still have the arrangement, which concerns me, that young people living in rural areas wishing to get rent assistance through the youth allowance must go away and take a job, must virtually divorce themselves from their parents and their family home, to demonstrate that they are a sort of freelwheeling person under the law so that, in the following year, they can qualify for these allowances. I find that totally illogical, and I am not sure that it is a benefit to society.

But even that assistance, if it can be obtained in that fashion, is far removed from the total cost, usually to parents, of people living in rural areas remote from a university—and that probably starts at 50 kilo-
tres—where they have to relocate their children or their entire family to allow these young people to attend a university. To me, that is unfair and warrants the consideration of government. The ICP A, the Isolated Children’s Parents Association, have campaigned for an access grant. That may be the solution, but there has to be some balancing.

I have made speeches in this House in the past and pointed out—as I recollect, quite some years ago—that we had an amazing situation, which I do not think has materially changed except for the dollar figures that I will mention. If someone living in my electorate at the time with a basic salary of $20,000 a year had wished to send one of their children to university, the cost at that time would have been $10,000 a year in rent and other support that the child or the young person would need. Of course, that was obviously not affordable on $20,000 a year. If it was a single-income family and the wife then said, ‘Look, I used to be a nurse’—or a schoolteacher or otherwise—and I will go back to work part time so I can earn the $10,000, sufficient to send Junior to university,’ the extra $10,000 of family income made that family at that time ineligible for other support, because the $30,000 was then a measure of your being rich. But you certainly were not rich in a rural environment if you had children who had to go to a tertiary institution.

The benefits available in secondary school are more generous and probably adequate, but we seem as a parliament to be unable to address in an appropriate fashion the huge disparity between the access to tertiary education available to a person from a rural area compared to one who probably lives a pushbike ride away from a university, resides in the family home, eats meals prepared and paid for by their family et cetera. It is quite a serious matter. So, while we are putting some clamps on youth allowance which seem quite proper, I think it is time we revisited that entire issue, and I would encourage people to do so.

There is another amendment to the Social Security Act. This will mean that a person who is subject to an assurance of support—in other words, they are covered by a private assurer—will not be qualified for sickness allowance or parenting payment single where their assurer is willing and able to provide them with an adequate level of support and it would be reasonable for them to accept it. I think that, again, is another double-counting measure—although, in some cases, particularly in small business, it is virtually saying that, if you privately insure, your insurer will pay, but if you do not bother the government will. That has always been an area of concern for me, depending, of course, on the ability of a person to do so.

This bill is referred to as the Employment and Workplace Relations Amendment Bill and as such I think it gives me the opportunity to comment briefly on the issue of the workplace that faces us today. I have read through the Australian newspaper and the Financial Review, as I always do, and the recurrence of articles about people losing their jobs is now quite significant. It is going to go on, and I am not sure what the Senate will do by tomorrow, but let me tell you that that is not the solution. We now have a situation where we have a huge expense quite properly accepted by government in the restructuring, if only of the public services, of this massive area of Victoria which these nuclear-type fires have swept through. That is going to soak up a lot of resources, maybe fortunately so. I do not want to be accused of being flippant, but we have a disaster led recovery of sorts.

As I said, I do not want to be flippant about that in any manner; what I am saying is that all of a sudden and out of the blue in
an economic sense the construction industry will have the opportunity to create a lot of employment, and rightly so, as governments fund the reconstruction of that area. Does that then mean it is appropriate to go elsewhere and build a heap of other houses and consequently create a degree of competition for building construction workers that starts to escalate the price to first home buyers and negate the assistance the government has offered them? I put this purely as a question. I do not really want to say I have an opinion about that, but as times change and circumstances change should we be proceeding in exactly the same way as last week when some of these circumstances had not confronted us?

Might I say that it is a lesson in budgeting that when you start to get into debt you never know where the next big heap of expenditure is coming from and you can only fund it with further debt, and that is why cautious households try and keep some surplus in their bank account. But this is an issue of employment. Prosperity says we want everybody employed and for there to be demand for their services, but the minute it got to the stage of, say, 18 months ago there were cost implications and price escalation that made it very hard for young people to buy a house. Maybe the market was starting to correct that somewhat and then all of a sudden, in what might be argued is an otherwise fair response, maybe the government is going to overheat that sector.

Obviously, in my view, the reconstruction of Victoria takes precedence. That goes one step further because it is in the papers, and I believe the Senate inquiry is getting significant representations from business and employers as to issues of the fair work legislation that probably go beyond what the government promised and that also, in a time of difficulty economically, are probably unwise. I will put myself in the position of sitting in the business section of a major business, a major employer, looking at all the current problems facing my business. I have to start looking at my workforce and my legal advisers have told me that I am going to be severely disadvantaged under this law and that I could, as I expect in the north and in the Pilbara, be the subject of demarcation disputes between unions fighting each other for members and destroying the workplace in the process.

I saw plenty of that when I lived in the north of Western Australia. We nearly saw the iron ore industry collapse, and it was only when the Court government had the courage to write some rules of substance that that practice ceased. When the world has currently got a supply of more minerals than it can afford to buy and the potential exists for a single shipload of minerals to be delayed exiting Australia because of, say, a demarcation dispute, where does the purchaser place their next order? It is well known to persons like me—I saw the industry develop while I lived in the north—that so bad was Australia’s delivery reputation that the Japanese went and started iron ore mines in Brazil. Brazil is not a really good place for the Japanese to buy iron ore because the freight rates are a multiple of those from the Pilbara in Western Australia. They did it because they did not want their blast furnaces to run out of iron ore. And that was a common practice. People used to drive south and stop at my hotel and I would say, ‘What are you blokes doing?’ ‘Ah well, they have just called another strike up there over the colour of the tablecloth in the mess hall or something’—usually quite irrelevant things but frequently based around demarcation disputes. ‘It is going to last six weeks, Wilson, we may as well go to Perth.’ And that is what they did.

In the present international environment and in the workplace, is that a good idea?
Not in my mind. It is not the time to be empowering trade unions, who often have agendas that do not make much sense. We read that the airlines are experiencing reduced business and that that will mean reduced employment, yet the air traffic controllers are trying to make up their mind as to whether we can go home tomorrow. Is this a good time to be having those sorts of disputes? Not in my opinion, because we do not want any further disruption. As I said, when you confront these issues—increasing costs through an emissions trading scheme and all of these negatives to business—do you do it in an international economic crisis? My view is no. (Time expired)

Mr CHAMPION (Wakefield) (1.37 pm)—I rise to support the Employment and Workplace Relations Amendment Bill 2008 and all its contents, but I particularly want to talk about the workers compensation provisions in the bill. Those provisions reflect this government’s priorities, and those are primarily the protection of the most vulnerable in our community and our society. There are few people more vulnerable than families after the death of a loved one at work. The primary victims of workplace death are, of course, the deceased, but it also affects workers’ families, who suffer great emotional turmoil as well as having to deal at the same time with the dramatic loss of income.

Financial compensation at the time of workplace death is important because most workers, no matter what their age, have financial obligations—mortgages, car loans, school fees and a myriad of other costs and living expenses—and most families are reliant on either a single income or a dual income to pay those costs. So the death of a worker can have a devastating economic impact on a family, on top of the emotional cost that such a death brings.

This bill increases the lump sum payments for victims’ dependants in the event of a workplace death under the Australian government’s Comcare scheme from $225,000 to $400,000, and it also increases the weekly benefits for dependent children from $75.10 to $110 a week. This brings the Commonwealth scheme into line with comparable state schemes. In particular, it brings the scheme into line with the WorkCover scheme in South Australia, which in 2008 brought its own death benefits into line with other state jurisdictions. The lump sum payable under section 45A of the WorkCover scheme in South Australia is about $420,500, so it is a touch more generous than the proposed bill but it is in the same ballpark. Having a parallel sort of figure is very important because more and more national private sector employers are seeking to leave state workers compensation schemes and enter Comcare, primarily because of the efficiencies—they do not have to comply with seven different state jurisdictions—but also because there is a difference in benefits in some instances. So this relatively minor amendment to the Safety, Rehabilitation and Compensation Act will have a massive impact on the lives of those who are compensated, and it acknowledges something of the lost earnings and financial dislocation that a death at work visits on a family.

It is important to remember, particularly given the member for O’Connor’s contributions, the reason these provisions exist in the first place, and it is an opportunity to reflect on the hidden tragedy of workplace death and injury. It has been estimated that the toll from workplace deaths exceeds the national road toll. It is very difficult to quantify the exact number of people who die nationally as a result of work related causes, because at the moment there is no single national data collection system for such statistics, but those statistics that are compiled are pretty
sobering. The Australian Safety and Compensation Council conclude that, in 2005-06, 434 people died either at work or commuting to work. That is identified deaths, and as I said the statistics are somewhat uncertain, so the real toll is likely to be higher.

It is really as a result of these fatalities that governments, under pressure from unions, victims’ families and the community, have steadily improved their health and safety laws and their fines and that companies have been obliged to adopt safer practices and better training regimes. I have seen that firsthand in the retail industry; I was a safety officer for the SDA—the shop assistants union—in South Australia, and I worked with a great many companies, many of whom did the right thing. Many of them, when you brought a risk to their attention, did their very best to rectify it, and many of them put in place risk identification schemes to prevent workplace injury or death. But it is still far too often in the news. We know that so many deaths could be avoided if there were adequate training or more stringent safety practices and that, sadly, there are many examples in South Australia of companies who were prosecuted for not doing that. I will give the House a few examples.

In 2005 a carpenter was fatally injured in South Australia when he was caught in a travelator which was being tested at a suburban shopping centre. He was engaged in work on the travelator. Unfortunately someone turned it on and he fell into the machine’s moving parts. The companies involved in that case were found to have breached the South Australian Occupational Health, Safety and Welfare Act and were fined a total of $180,000. The Executive Director of SafeWork South Australia, Michele Patterson, said following the prosecution that the event was a ‘tragic example of the consequences of poor safety planning and poor communication’. If there had been a bit more thinking, that carpenter might not have died.

In the same year a 34-year-old father of three was electrocuted and died while working on an advertising sign. SafeWork SA launched a prosecution and the industrial magistrate Stephen Lieschke found that:

Relying on the experience and competence of employees to work out safety for themselves in unusual but not unforeseen circumstances is not a sufficient safeguard.

Basically it was, again, a death that may have been prevented if there had been training, if the risks had been identified and if there had been some forethought about what could happen. In 2006 a South Australian bus company was successfully prosecuted when a driver was crushed under a coach as he changed a flat tyre. Again, the prosecution found clear failures both in the training of the victim and in the work environment itself. I note that Comcare has recently initiated proceedings in the Federal Court over the death of a construction worker in Queensland. Those deaths indicate that while the toll is very high and while there might be circumstances where people are injured or die at work, we can prevent many of them.

It is young workers who are particularly vulnerable to risks at work. In 2003 there was the tragic case of Joel Exner, a 16-year-old construction worker who was killed when he fell 12 metres through the roof of a storage shed. He was not wearing safety gear; he was not given safety gear. His was a death that was preventable. That case attracted a lot of attention in New South Wales, and justifiably so. In 1996 a 13-year-old shopping trolley collector died when an octopus strap that was used to connect the trolleys he was pushing into a shopping centre came off and hit him in the throat. He died because his larynx collapsed. Young workers, we know, are particularly vulnerable at
work. They are inexperienced and they rely on their workmates and their employers to show them about work safety. We know that if they are not looked after then, sadly, deaths occur.

Those are just some examples of recent workplace fatalities. Behind every one of them is a grieving family, grieving friends and grieving workmates. As I said before, they are preventable. Most deaths at work are preventable and are often the result of poor planning, lack of training, lack of attention to the risks involved with work and a lack of attention to near misses at work. Often there is a near miss at work and people say, ‘Aren’t I lucky,’ but they do not take action to mitigate that risk.

I spoke before about some of the statistics put out by the Australian Safety and Compensation Council and how it is very hard to quantify the number of people who die every year in work related deaths. That is because one of the biggest killers of workers, asbestos, is often not included in these figures. Asbestos makes the news and is a horrendous product if not handled properly and carefully. It causes asbestosis, mesothelioma and lung cancer. It is estimated that around 600 people every year are diagnosed with an asbestos related disease. Most of these people are innocent victims. At the opening of the Bernie Banton Centre in January, the Prime Minister said:

These were just working Australians, supporting their families, supporting themselves. Doing no harm to anybody but great harm was done to them. Working Australians whose lives and whose families’ lives were changed forever because of a few tiny fibres breathed in some 20 or 30 years ago.

It was interesting to hear the member for O’Connor talk about why people should be compensated when they are in the last years of their life when perhaps they have no dependents. That ignores the fact that the dangers of asbestos were well known to James Hardie in particular and to other companies a long time before they took any action to stop its use or safely remove it. Many of these workers do have dependants—they have wives; they have children; they have grandchildren. Often there are massive medical expenses and great economic and emotional dislocation when people contract mesothelioma or asbestosis.

I want to pay particular tribute to a constituent of mine, Mr Terry Miller of Salisbury, and the Asbestos Victims Association which Terry helped form. Terry was really the driving force behind that organisation. The Asbestos Victims Association does such good work for the victims of this killer in my community and right across South Australia to assist families and those who contract this terrible disease. The association offers them support and advocacy—indeed, they are great advocates to those of us in positions of power to make sure that the victims of this disease do get some sort of justice. It is a terrific organisation. It does not get much help from government; it relies on its membership subscriptions and on volunteers to get the job done.

In conclusion, workplace death affects more than just the victim. It takes an enormous toll on families. It can traumatisate communities. They need our help and our practical and emotional support. There is a very good guideline on the SafeWork SA website about dealing with workplace death. I notice that that is not on the Comcare website. It is something that I hope appears there at some point. Families do need our practical and emotional support. They also, of course, need our financial support. The passage of this bill will mean that the families of workers who pass away under the Comcare scheme will have the burden of financial stress reduced and hopefully it will make a
terrible event a little easier on them. I commend the bill to the House.

Mr OAKESHOTT (Lyne) (1.51 pm)—It is significant that we have just had the 20-year celebrations of the building of this parliament. As a new member I enjoyed looking at some of the photos of the original building works here. There was one photo of particular relevance to the Employment and Workplace Relations Amendment Bill 2008 which stood out to me. It showed two fellows on the building site, high up—I think they were working on putting in the flagpole. They were in their crane boxes, leaning across to each other and I think they were handing a spanner across. They had no harnesses on, I think only one had a hard hat on and one had a cigarette in his mouth. It was a stark reminder for me and, I hope, everyone in this chamber that the positive in all this is that workplace standards and occupational health and safety generally have come a long way in 20 years. It would certainly be a completely different way that tools would be passed above us if this building were being built today.

The figures that were just mentioned by the previous speaker highlight to me the importance of this bill: 434 is a figure I have not heard before and the figures from the Australian Safety and Compensation Council are certainly stark. The comparison with road tolls is relevant to communities such as mine—we are pretty well Pacific Highway towns on the North Coast of New South Wales and therefore the comparison is a very real one. Many deaths that occur in the workplace are also on the highway for communities such as mine—we are pretty well Pacific Highway towns on the North Coast of New South Wales and therefore the comparison is a very real one. Many deaths that occur in the workplace are also on the highway for communities such as mine, whether through the movement of products or people travelling to work. I was once told that in raw economic terms—removing family and emotional impacts and the financial impacts with regard to long-term compensation—the cost to government of a death on the highway is over $1 million. That is for all that has to go on for one single accident on the highway.

In purely economic terms, if we can do more to reduce and minimise workplace deaths then we are doing good economic work as a group of parliamentarians. Of course, there are also the financial and personal economic circumstances that we need to consider. This is the unsexy work of government, dealing with death in the workplace, but in so many ways it is vitally important work as well. Without being too clichéd, we are judged by how we look after the less fortunate. Death in the workplace is obviously an unfortunate and unwelcome situation. All death is shocking; however, I think we would all agree that death in the workplace is particularly shocking in that someone leaves in the morning and is expected to come home at night, but they do not. That has long-term ramifications for those left behind, whether in a family context or a community context.

This is therefore an important bill and I am pleased that once again it is a win for the good guys on the side of trying to get national consistency and trying to break down these state-by-state changes in the technical details of various pieces of legislation. National consistency should be a broad goal in as much legislation as possible and I am really pleased to see Comcare recognising that and this bill recognising it as well.

I appreciate and endorse comments on the youth allowance and the need for government to consider a revisit of access to youth allowance generally. I also make the associated point that I hope government considers visiting strenuously, on a state-by-state basis, the issues of OH&S laws across this country—the differences in those state laws, return to work, rehabilitation and compensation generally. It is incredibly frustrating to see the differences. I hope that whilst we see
some national work with regard to industrial relations laws—which I hope as a general principle are welcomed by this House—sitting side-by-side with it should be national consistency with regard to occupational health and safety standards and workplace standards, return to work and rehabilitation. It is a frustration in communities such as mine. We had some proposed changes in New South Wales which were incredibly confronting for the private sector in communities of the mid-North Coast. The changes had very strict legal definitions and very punitive laws proposed under the guise of the good work of protecting workers in the workplace. However, trying to make sure genuine injuries are genuinely compensated is a balancing act. From the private sector’s point of view, over the last couple of years the state of New South Wales was pushing too hard.

On the flip side, in the public sector, there are frustrations that genuine injuries are not necessarily always the ones that are getting genuinely compensated. A former New South Wales Minister for Police once made the comment that he did not know what to do about what he termed ‘Newcastle disease’: a very large number of people in the police force on the coast north of Newcastle were, whilst on the books of the police, out of the workforce on a day-to-day basis for one reason or another. It was a dilemma that even government had to grapple with.

In conclusion, I certainly support this legislation. It is long overdue and national standards and consistency are certainly welcome. I hope that this is a general direction, to engender national consistency in industrial relations laws and occupational health and safety standards. I commend the bill to the House.

Debate interrupted.
These people, our fellow Australians, have suffered inexpressible shock and trauma, and healing will take a long time. But even in these early days, despite their terrible loss, they have extraordinary hope for the future. Whether it is the people in Kinglake, Marysville, Wandong, Flowerdale, Churchill or any of the other communities, they are not about to give up. Overnight, some of them have become citizens of tent cities, each night going to sleep under the canvas, but they are already planning and thinking about how they can go back and start again. They want to get back to their towns and back to their farms to get on with the job of sorting through the wreckage and salvaging what they can. Already I have spoken to farmers out in their paddocks, assessing their losses but getting down to work.

Those whose homes are still standing are taking in those who have no home. In Alexandra one family had 18 people in their home. They are sharing their stories of escape and survival. They are regathering and regrouping. They know, and we know, that their losses are enormous. But one thing is for sure: they have not lost their sense of community—bound together by incredible courage and sacrifice and, most of all, an incomparable generosity of spirit. It is that same generosity of spirit and determination which at a national level is driving everybody’s response. While we do remain a nation in shock, we are also a nation mobilised to help. We are ready and willing to tackle the huge task ahead, to help people rebuild the bricks and mortar of their lives, and to accommodate their indestructible spirit of community.

Overwhelmingly, that spirit of community, the notion of belonging and of reaching out, will never be destroyed—not even by the fiercest flames. It is alive and well in each of the relief centres that I visited, where the Red Cross and the Salvation Army are working alongside government agencies, banks, insurance companies and the most extraordinary number of volunteers. The last few days have reminded us that Australians, being who we are, are not the sort of people who stand by and do nothing. And over and over, everywhere I have been this week, it is there for us all to see. People were arriving in Wallan the other day with literally carloads of clothing, baby food, toiletries and the little things that one woman knows another woman might need. People are not only rolling up their sleeves to make sure that the survivors have those practical things but also extending a hand of human kindness. People are holding others’ hands and sitting with them in these terrible times. It is true that we still have to be vigilant and aware of the continuing threat of the fires. But, while that happens, work on reconstruction and recovery has begun.

The Victorian Bushfire Reconstruction and Recovery Authority has now been established to begin this task, and I will be working closely with the Victorian government, offering the full support of this government. I have already had discussions with the head of the authority, Major General Cantwell, someone who is well equipped to take up the challenge of recovery and reconstruction—a soldier for 35 years with front-line experience in Saudi Arabia, Iraq and Kuwait. He will be working closely with the Victoria Police Chief Commissioner, Christine Nixon. His first task is to assess the immediate action required: for those whose homes are still standing, this means restoring essential services like electricity and water, and this is an urgent task; where homes and properties have been lost, this means making sure that people have somewhere to live. Then the authority will move to the permanent rebuilding, cutting through the bureaucracy and getting the job done—as the Prime Minister said, rebuilding. ‘… brick by brick,
school by school, community hall by community hall,’ restoring the infrastructure which brings communities together. So many of the sporting fields, churches and community centres have been destroyed. These are the things that need to be replaced urgently so that people can come together to meet and connect. We will be doing this, of course, across government but also, and probably much more importantly, connecting with the experience and capacity of our emergency and relief services, the community and volunteer organisations, until the job is done.

The public display of sorrow and sympathy of the last few days has made it obvious that, just as governments stand ready to do everything that we can to rebuild the lives of people and communities, so do the people of Australia. With so many deaths, so many of our people hurt and suffering, Australians everywhere want to extend the hand of human kindness. Financially, everybody’s contribution has been just overwhelming. But many other people want to do practical things. Many of them have been doing practical things: preparing meals and, of course, fighting the fires. There are so many other things that will need to be done into the future, and I do want to encourage anyone who is listening to register with the Victorian Bushfire Volunteer Hotline, and to remember that right now what the volunteer organisations are saying to us is that money is the best form of help but that in a little while they will certainly need the practical help from volunteers so that we, together, can really help people, as they harness their sorrow and grief, to put all of our energy into practical and useful purposes.

It is true that the lives of the fire survivors have changed forever. But they are resilient—very resilient—people. Many of them have told me that they will not be beaten by this tragedy—that they are ready to take on the huge challenge of rebuilding and starting over. But they are realists as well. They understand that rebuilding will take months—years, in some cases. It is going to be a very long-term investment. And they did ask me, on more than one occasion, whether the Australian government would be with them, supporting them all the way. And I was able to say to them that we will be there with them for the long haul, and that they will have our support and, I am sure, the support of the Australian people for as long as it takes.

Mr RUDD (Griffith—Prime Minister) (2.10 pm)—On indulgence:

Introduction

As the recovery efforts are continuing, we are learning more about the scale of this disaster, and in a few moments I will provide the House with an update on the recovery efforts.

In these times there are also stories of the extraordinary heroism and courage of ordinary people as the destructive firestorm swept across Victoria on Saturday and Sunday. These are stories that simply take your breath away. Stories like that of CFA captain Barry Mapley, who with his crew came across a couple in a ute surrounded by fires in the Mudgegonga fire near Beechworth on Saturday. The couple, Amelia Coombes and Paul Mercieca were trying to get away from their house that was alight, while gas bottles from their welding shed were exploding one by one. Then Ms Coombes’s hair caught fire. She thought for sure she was going to die. But Barry and his crew drove up to them, turned on their hoses, and threw Ms Coombes a blanket. The couple survived the fire as a result. People have told Mr Mapley he is a hero. But he is reported in today’s papers as saying:

I’m not a bloody hero. It’s just the Aussie way. Barry Mapley is a hero. He is a genuine Australian hero.
Another hero of these fires is Peter Thorneycroft of Kinglake. Again, he says he is no hero. He is the bloke who climbed onto the roof of the Kinglake National Park Hotel when the fire was roaring around the pub and threatening to send it up in flames. At the time 20 women and children were sheltering in the coolroom of the pub. Another 400 locals were piled into cars around the pub, and were at great risk if the building caught fire. Mr Thorneycroft spent an hour on the roof dousing the hot ash and wetting vents and drains with water while other brave locals handed him up buckets of water. There, in the papers today, is the unforgettable picture of him standing calmly on the roof—dressed in a pair of shorts and thongs, no shirt—as the sky blazed orange around him. And he did this carrying a serious arm injury. His wife Jodie says he has not had the injury operated on because he cannot afford to take a year off work to recover. The houses opposite the pub had all exploded, the witnesses say, and that if Peter had not done what he did, the pub would have gone up too. Peter says:

There’s no-one who’s heroic—you just do it.
… Everyone’s forgotten about their own lives—they just did what they did.

Peter Thorneycroft is an Australian hero. He is a genuine Australian hero. There are so many others like Barry Mapley and Peter Thorneycroft, and in the days to come no doubt we will hear more of their stories. We need to hear these stories, because so much of the rest of what we are hearing is so grim.

Announcement—National Day of Mourning and National Service

In recognition of the terrible events of the past few days I announce to the House that today the Victorian Premier and I have agreed there will be a National Day of Mourning and a National Service of Mourning for the victims of Victorian bushfires.

This follows discussions I had yesterday with the Leader of the Opposition and again today with the Leader of the Opposition confirming these arrangements. I thank him for his support for them.

The Victorian government is currently consulting with the Council of Churches on the details of this service. The Australian government will provide support to the Victorian government in the organisation of both the national day and the national service. The details are currently being finalised and they will be announced soon. It is very important that the nation grieves.

Update on the fires

The Country Fire Authority has advised this morning that for the first time since Saturday there are no current threat messages related to bushfires. There are, however, still around 30 fires burning. We must be vigilant. We now have firefighting personnel from around Australia on the ground fighting fires across Victoria: 288 from New South Wales, 95 from the Australian Capital Territory, 94 from Tasmania, 55 from South Australia and 22 from Western Australia. Tomorrow a further 50 firefighters will arrive from New Zealand.

Update on emergency housing

As I mentioned to the House yesterday, it is estimated that around 5,000 Victorians have been made homeless by the fires. Of course, many are staying with extended family or friends but for others this not an option and we need to make urgent arrangements to assist them. I can also report to the House today that I have instructed the Australian Defence Force to make available to the government of Victoria short-term accommodation for up to 2,000 people. The Australian Defence Force will also be providing meals and other facilities at each of the locations that have been made available. Up to 1,200 beds will be made available at Puckapunyal...
near Seymour in communal accommodation. Pucka in particular is in reasonable proximity to a number of the fire affected areas. Puckapunyal is approximately 30 kilometres from Wandong and less than an hour from the main staging areas.

At the Maygar Barracks, in the vicinity of Broadmeadows, north of Melbourne, approximately 150 beds will be made available. The Maygar Barracks are approximately 40 kilometres from Whittlesea and within one hour of the main staging areas. The RAAF base in East Sale will provide accommodation for up to 500 people in a mix of individual and communal accommodation, including 150 places with disabled access. The East Sale base is approximately 70 kilometres from the fire sites and, given current road conditions, around one or two hours driving time. HMAS Cerberus can also provide accommodation for up to 200 people in rooms that range from single occupancy to three beds per room. HMAS Cerberus is approximately 50 kilometres from Churchill and around one hour’s travel time. RAAF Base Williams at Point Cook will also be made available with accommodation for 150 people in barrack blocks, although, as honourable members will be aware, that is a much greater distance from the sites of the fires. Each of these facilities is being made available now as a short-term measure while the Bushfire Reconstruction and Recovery Authority works on longer-term solutions to the housing needs of the fire victims.

**Update on Centrelink**

I also wish to provide the House with an update on the assistance being provided on the ground by Centrelink further to the information provided by the Minister for Families, Housing, Community Services and Indigenous Affairs. By yesterday evening, Centrelink had made 3,123 Australian government disaster recovery payments and claims continue to be processed today. These claims represent support to over 4,500 adults and children. To date, nearly $3.7 million in payments has been distributed to families directly affected by the disaster. Seventy social workers are also being made available on the ground at the recovery centres, at relief centres, at Centrelink offices or over the phone as additional support for families during this important time.

The government has reiterated to staff at the front line that they should be lenient in requiring proof of identity for the purpose of claims. Centrelink is moving more staff into the area and now has in excess of 320 staff handling the Australian government disaster recovery payments claims to help ensure that claims are processed within 24 hours.

**Update on insurance claims**

As I mentioned to the House yesterday, for the 5,000 or so Victorians made homeless by these fires it is crucial that their insurance claims are processed swiftly so that they can start rebuilding their lives. The Assistant Treasurer is continuing to be in regular contact with the Insurance Council of Australia to receive updates on how the insurers are assisting those who have lost their homes and businesses. The Insurance Council has informed the government that they are urgently putting into place a mechanism to allow them to play a coordinating role for the industry so that there are insurance industry representatives to assist fire victims in all recovery centres. The government has also put in place arrangements to assist those who are having difficulties with their insurers or their insurance claims. The Financial Ombudsman Service, which is responsible for complaints handling for the insurance industry, has established a dedicated hotline to assist bushfire victims with any insurance problems. The Assistant Treasurer will
shortly brief the House in greater detail on these arrangements.

**Banking and mortgage payments**

In the past 24 hours there have been some disturbing stories of banks not responding appropriately to the hardship being experienced by bushfire victims. The Treasurer and his department have been in regular contact with the Australian Bankers Association, with the association representing credit unions and building societies, Abacus, and with individual financial institutions over the past few days. The ABA and Abacus have indicated their members have announced emergency assistance packages to relieve the hardship being experienced by bushfire victims. This includes temporary suspension of home loan repayments, loan restructuring, the waiver of fees, providing additional loan funds where appropriate and emergency credit limit increases on credit cards.

The banking industry fully understands that the government and the community expect banks to show the utmost compassion and flexibility when dealing with those who have been affected by these extraordinary natural disasters. I am aware there have been some concerns expressed on radio about how one bank is treating its customers. The Treasurer has today spoken with the CEO of the relevant bank to ensure that the bank is treating their customers appropriately and that they fully understand the expectations of the government and of the community. I understand that the bank in question has issued a public statement to clarify the situation. If other customers feel unfairly treated they can contact the Financial Ombudsman Service on 1300 780 808. In addition, they can also seek assistance from ASIC on 1300 300 630.

**Community response and offers of help**

Around the country there has been an outpouring of support and offers of help. As we saw on last night’s television reports, food, clothing and other essentials are being sent to the emergency centres from across Australia. There are food suppliers, retailers, warehouse employees and truck drivers who are donating their time and resources to help the thousands of victims of these fires. My office has received many emails and letters, as I am sure all members’ offices have, that reflect the spirit with which Australians are responding to this tragedy, such as a farmer offering 850 bales of hay to help other farmers in distress; many Australians who want to donate their economic stimulus bonus payments to bushfire victims; a prison officer in Goulburn who emailed me this morning saying that he and a number of his fellow officers would like to donate their accumulated recreation leave to the fire victims; a lady from Alice Springs who emailed to say she will use her annual leave to assist in any way possible; and others who have no money but want to donate clothing, bedding and other supplies. These expressions of support are not just coming from across Australia; they are coming from across the world. A lady from Cypress in Texas emailed me with these touching words:

Please tell your people that we here in Texas and in Louisiana, and every other area that has suffered through losses and devastation that was so powerful and painful, that they leave the imprint on your souls. We are not there, but if they close their eyes for just a moment, perhaps they will feel our arms around them, telling them that we too have been there, and this too can be survived, but it won’t be easy.

We are praying for you all, and wondering what we might do to help you in this tragedy.

The Red Cross and the Salvation Army are asking people to make only cash donations because they now have so many clothes and blankets. But of course the survivors are going to need a lot more in the weeks, months and years ahead. The Australian government and the government of Victoria will continue
to do all that we can to provide for their immediate needs and to help them put their lives back together while we also work to prevent such a catastrophe occurring again. As we work together on the recovery and the reconstruction efforts in the days and weeks ahead, we must also learn from the past and we must also act on the lessons from the past—from this catastrophe and from earlier catastrophes.

I also inform the House that in recent days we have received further offers of cash contributions to public appeals from abroad, one from the President of Indonesia for US$1 million. The President of Indonesia indicated that Australia has always dug deep in helping Indonesia in its times of national catastrophe and disaster and that he, as President of Indonesia, wishes simply to convey to the people of Australia that he is not just a neighbour but a friend. I also, just before coming to parliament this morning, received a phone call from the Prime Minister of Papua New Guinea, Sir Michael Somare, informing me that the government of Papua New Guinea has decided to donate A$2 million to assist victims of the bushfires in Victoria and those who have been affected by flooding in North Queensland. Sir Michael asked me to make one point to all members assembled, and that was again to say that, whenever natural calamities have hit Papua New Guinea in the past, Australia, through the Australian Defence Force and through other Australian aid agencies, has always been first into the fray and that, in this small way, he too wishes to reflect to the Australian people that they are not just a neighbour but a friend. It is good to have, at times like this, neighbours who are indeed friends.

Honourable members will be aware of the expression of concern and condolence which has already been received from Her Majesty the Queen. I have also received a communication from the Prince of Wales, which he has asked me to read to honourable members and to convey to the country at large:

My wife and I have been watching with mounting horror and anguish the devastation caused by the terrible bushfires which have been raging in Australia. Although such sentiments are, I realise, hopelessly inadequate in the circumstances, I just wanted you to know that our hearts go out to all those who have lost loved ones, homes, livelihoods and treasured personal possessions as the result of such an unmitigated tragedy. We can scarcely imagine their suffering and we would be most grateful if there was some way in which they could be made aware of how much they are in our thoughts and prayers at such a time of unbearable anguish.

Charles, Prince of Wales

This is an extraordinarily difficult time for the individuals and families concerned. It is an extraordinarily difficult time for the communities who are affected by this tragedy. It is an extraordinarily difficult time for the Australian people at large. It is good at such times to know that we are enfolded in the loving embrace of so many around the world. I thank the House.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.27 pm)—On indulgence: on behalf of the opposition, I thank the Prime Minister and the Minister for Families, Housing, Community Services and Indigenous Affairs for their report. Today we join with the Prime Minister in honouring the heroism of the men and women who have battled these terrible fires in Victoria. We also join with the Prime Minister in thanking the thousands of people from all around the world who have expressed their condolences, who have sent their love and who, of course, have made generous financial contributions. We acknowledge in particular the condolence messages from Her Majesty the Queen and the Prince of Wales. We also note the touching generosity of our neighbours in the region and thank them for it as well. Prime Minister, I thank you for the courtesy you
have shown me as we have discussed these matters, in particular the establishment of a national day of mourning and a service of mourning. You are quite right—the nation is grieving and a focus for that grief is of enormous importance.

We have raised a number of matters of concern we have in common. The Prime Minister has spoken about insurance, and I look forward to discussing with him in the near future the proposal that we made yesterday for a special disaster insurance commissioner. We also look forward to there being bipartisan parliamentary representation on the reconstruction authority. As the House recalls, we propose that the Hon. Fran Bailey be a member of that reconstruction authority. Equally, while we recognise the very important role the royal commission will play, so this parliament has an important role to play in reviewing these tragic events, particularly in the light of other recent inquiries. Again, we look forward to discussing the establishment of a joint select committee to look into this.

The member for McEwen is with her constituents, as she has been throughout these tragic times, but she has asked me to read a statement that she issued today and pass on to the House a number of other messages. This is the statement that the member for McEwen, our dear friend Fran Bailey, has put out today. It is headed: ‘We will rise to the challenge’:

The confronting extent of devastation in our communities has dealt our people challenges never faced before by us as a region, a state and a nation.

The tragic loss of life in the Black Saturday fires last weekend has left no one person untouched—families, our friends, entire communities are grieving. To those who have lost loved ones, you have my sympathy.

The devastation of homes and businesses has brought us heartbreak straight from hell.

Yet the outpouring of comfort and support for survivors of the firestorm has provided the first rays of hope for new life in each of our affected communities.

The wonderful spirit that was brought to the fore last Saturday and has continued since from our fabulous volunteer firefighters and local residents determined to beat the menace of fire has transcended into the relief and recovery efforts.

Our communities and our nation have rallied like never before in providing clothing, food, where possible temporary accommodation and, most importantly, every ounce of assistance that has been within the means of organisations like Red Cross and the Salvation Army, our local councils and community groups and people across Australia who, until a week ago, were to us total strangers. Today they are our friends.

The need for understanding and assistance will last long after the final flames have been doused and the smoke clears from our valleys.

In the coming months, and probably years, there is much to be done in rebuilding our communities.

The immediate priority remains providing help for our residents to regain some degree of normality in their lives—the basics of clothing, food and toiletries; finding more suitable accommodation beyond tents, cars or staying with family or friends; ensuring that assistance and insurance claims are promptly and compassionately assessed.

We must also be mindful of children, who have experienced horrors totally unexpected for their young years, as they return to schools, sometimes a new school.

And there will be the massive clean-up task that our communities must face, an important step towards rebuilding townships properly planned to maximise the safety of our people and with improved facilities and resources.

The utter devastation across our communities will require not only the spirit of the last week but considerable ongoing financial support from all levels of government as we rebuild entire towns.

Some announcements have already been made and I will continue to work with our communities
as we move from this period of grief and shock to putting in action our dreams for the future of our towns.

Fran has also asked me to say to the House how grateful the people of Victoria and her community are for the numerous offers of assistance and help. She is overwhelmed by the generosity. She has asked me to say, however, that just because some offers of help, such as offers of building materials and offers from tradesmen and women to come and rebuild, cannot be taken up immediately that does not mean they are not appreciated—far from it; they are deeply appreciated and will be taken up in the weeks ahead when the fires are extinguished and the areas are stabilised.

She asked me to conclude with two important points. First: please keep being generous. The dollars are very important. The Red Cross and the Salvation Army, as the Prime Minister has said, have asked for cash donations; that is extremely important. So Fran says: ‘Keep up the flow of money. It is vital to help rebuild these communities and vitally needed now.’ Finally, she says, ‘Above all, let’s all pray for rain.’

Mr Bowen (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (2.34 pm)—I rise to add my voice to those who have spoken on this motion of condolence and to give the House an update in relation to insurance matters in particular. As people return to their properties and try to put their shattered lives back together, they need to know that they are not alone. The speedy and compassionate resolution of insurance claims will be an important part of rebuilding these communities and of rebuilding lives.

As the Prime Minister has already outlined to the House, the government have been in regular contact with the Insurance Council of Australia and with some individual insurers over recent days. The government have made it clear that we expect insurers to act with compassion and understanding and in a flexible manner to process claims as quickly as possible. As of this morning there have been 4,100 insurance claims lodged. Insurers are putting claims staff and assessors on the ground as soon as possible and as access to affected areas is granted by the relevant authorities. I am informed that there are already several hundred assessors available to enter bushfire affected areas when permission is given.

The Insurance Council of Australia has also activated a catastrophe recovery task force to coordinate assistance to those who have concerns or questions about their insurance claims. The Master Builders Association has joined this task force to assist with the supply of trades and supplies for the rebuilding efforts. I have reminded insurers that the government expects insurers to have a strong presence on the ground in emergency centres and affected towns as access is made available. Last night, the Minister for Families, Housing, Community Services and Indigenous Affairs advised the Prime Minister and me that, while many relief centres have representation by insurance companies so that policyholders can lodge claims at those relief centres, there were some relief centres without that representation. Last night the Insurance Council undertook to remedy that situation. I am advised that, as of today, there should be representation by at least one insurance company at each relief centre and that the last relief centre to receive such a representative will receive one by tomorrow morning at the latest.

It is important that red tape and frustration for people making an insurance claim be minimised. To make this as easy as possible, the Insurance Council and the government have agreed that an insurance company that is represented at a relief centre will be able to
accept claims on behalf of insurers who are not represented at that relief centre. They will also be able to process emergency payments from other insurers. The Insurance Council has developed a common claim form for victims of the Victorian fires. This will again make the process as easy as possible. The chairman of the ACCC has this morning advised me that the ACCC has no concerns with this arrangement under the Trade Practices Act, and it has been implemented.

The Insurance Council will act as the clearing house for these claims and will coordinate the processing of the claims. The council has assured me that the processing of these claims will commence within 24 hours of receipt. This means that victims of this disaster, no matter who they are insured with, simply have to approach the insurance representative on the spot, even if that representative is not from their company, to get their claim processed. The Insurance Council has also advised that insurers are allowing the lodgement of home and motor insurance claims over the phone and are providing upfront, emergency funds where required for food and clothing.

People who have suffered a property loss due to the bushfires should contact their insurer directly or by phone or contact the person in the emergency relief centres. They do not need to worry if their insurance documents are lost or destroyed; the insurer will have their details electronically and will usually require only the policyholder’s name and address and one or two other personal details in order to process the claim. I would advise that policyholders should also ask their insurer whether they are offering upfront payments for emergency food and clothing when they get in contact with their insurer.

The Chief Executive of the Insurance Council of Australia, Kerrie Kelly, has been on site in Victoria yesterday and today, and we are in very regular contact. On behalf of the House, I thank the Insurance Council for its cooperation.

In the event that bushfire victims are not treated appropriately by their insurer, there are arrangements in place to resolve disputes between policyholders and insurers. The Financial Ombudsman Service provides independent and free dispute resolution for insurance complaints. The Financial Ombudsman Service can investigate a dispute and issue a written decision which is binding on the insurer under the Corporations Act. We have been in regular contact with the Chief Ombudsman of the Financial Ombudsman Service, Colin Neave AM, over the last 48 hours. The Chief Ombudsman has arranged for a dedicated hotline for victims of the Victorian fires and the Queensland floods who experience difficulties with their insurers. This number for the fire and flood hotline is 1800337444, and it is operational from now. The Chief Ombudsman has also told me that there will be a dedicated team of senior officers dealing specifically with concerns arising out of the natural disasters. I believe the Financial Ombudsman Service is well known and respected by all honourable members—particularly, for example, the honourable member for Aston, who was involved in the establishment of the Financial Ombudsman Service—and I am sure all honourable members would agree that the Financial Ombudsman Service will provide a very valuable service, as it has in this and other natural disasters.

Experience from previous disasters, like the Canberra bushfires and previous flooding, indicates that there will be some cases that need to be referred to the ombudsman. In the past, this figure has been about one per cent of claims. The Chief Ombudsman has undertaken to keep me advised of progress and to provide me with a formal report quar-
terly on issues arising out of the Victorian fires, which I would be happy to table in the House. I repeat the Prime Minister’s request of yesterday: if any honourable member has constituents who are unhappy with the way they are being treated by their insurance company, they should please contact me directly. I will then personally raise the matter with the chief executive of the insurance company concerned, the Insurance Council or the chief financial ombudsman, as appropriate.

While I am at the dispatch box, I think it might be useful to members to very briefly inform the House of the assistance available from the Australian Taxation Office to victims of both the fires and the floods. The tax office is fast-tracking refunds, allowing more time to lodge activity statements or tax returns without incurring penalties, allowing additional time to pay tax debts without any interest charged, arranging for debts to be paid by instalments, helping reconstruct tax records where documents have been destroyed and omitting penalties or interest. Assistance is not limited to those people who are directly affected but will also be made available to others, such as business owners whose main income is derived from the affected areas, and also of course to volunteers in both the floods and the fires.

I would encourage people to contact the tax office at the appropriate time to make arrangements that meet their individual circumstances and give people the assurance that the Australian Taxation Office will show lenience in the short term while people are getting back on their feet. Again, in these extraordinary circumstances, if any honourable member has concerns about the way the tax office is dealing with an individual victim of these disasters, I would encourage that member to talk to me directly and I will raise the matter personally with the Commissioner of Taxation.

This has been a crisis for families in Victoria that has demanded an exceptional response from government agencies and emergency services. It also demands an exceptional response from insurance companies and other financial service providers. The government will continue to be actively involved with insurance companies and others to ensure that exceptional response is forthcoming.

Mr BURKE (Watson—Minister for Agriculture, Fisheries and Forestry) (2.43 pm)—There will be a time when farmers turn to the cost to their business and move forward with respect to their business. Understandably, they are all dealing with the human tragedy in advance of dealing with the business cost. It is hard to focus on counting your lost stock when the nation is still counting your lost friends. Notwithstanding that, the government has been working to assess precisely what sort of damage we are talking about with respect to the farmers and forestry workers in Victoria. Stock losses, fortunately, have not been to this point as serious as we thought they might have been. Fodder loss has been extraordinary—stockpiling gone up in flames in seconds. Permanent plantings have done very badly in many areas. Dairies are now unusable in some cases. Farmers who had invested extraordinary amounts of money on better water management and on farm irrigation systems have found that, if those systems were concrete, they have cracked, and, if they were polypipe, they have melted.

Similarly, timber workers are now dealing with what was something in the order of 100,000 hectares of native forest available for production no longer being there and something in the order of 20,000 to 30,000 hectares of plantation forest no longer being available—compounding the loss of life and loss of property with a loss of future resources. Added to that has been the loss of
some mills. Before assistance came from government, that direct farmer-helping-farmer support was happening on the ground. Dairy farmers whose neighbours no longer had a useful dairy understood that, although some cows might be alive, if cows currently in production were not kept in production, it would be a long time before they would come back into production. So they allowed their neighbours who used to be just over the fence—when there was a fence—to use their facilities. Similarly, there has been extraordinary work from farmers interstate—in particular, from New South Wales, South Australia and Tasmania—working through systems that have immediately been put in place by the Victorian Farmers Federation, with transport costs supported by the Victorian government. A number of members from each side have already contacted my office with offers from their own farmers wanting to help out, with fodder in particular. The VFF number for those donations of fodder is 1300882833.

People around Australia are making donations, but I want to launch one extra appeal to every Australian when it comes to their role as a consumer. Australian consumers often get a bit fussy about whether their fruit and vegies have the tiniest blemish, even though it might make absolutely no difference to the flavour. If you are ever going to be fussy about your fruit and vegies, please do not do it over the next few months. If people can accept that it tastes just as good and are willing to be a bit more tolerant than they might be on other occasions, it will allow retailers to continue to buy the produce and it will allow farmers who are facing extraordinary difficulties to do their best with the produce that they have.

In addition to the work that the Prime Minister has already announced to the House, the government has moved forward with existing programs and seen where existing programs could be modified or acted on quickly in order to be of assistance. At a time when we are talking about loss of life and we have the image of buildings being destroyed, it is very easy to discard the significance of not bringing natural resource management into play very quickly. Following a fire, there is the opportunity for massive erosion and a massive influx of weeds. That can be a good deal more damaging to a property than the loss of a building. For that reason, Minister Garrett and I have extended the application deadlines on Caring for our Country, and all uncommitted funds from this financial year are now being redirected to natural resource management work in the state of Victoria.

The National Rural Advisory Council has also been responsible for a number of drought reviews. For states other than Victoria, an announcement will be made very soon as to the government’s response, but I think it is important to inform the House now as to the government’s response with respect to the state of Victoria. NRAC had conducted its reviews on drought assistance for a number of areas in Victoria which were coming up to expire in March. In every instance, they have been extended for a further 12 months. A number of areas were also due to expire in April and were not yet ready for full assessment. NRAC held an emergency meeting, and those areas, too, have been extended for a further 12 months. There are some areas in Gippsland which came out of drought assistance some months ago. When an area comes out of EC, it is not simply because the drought has ended; it is also because the recovery has begun. Arguments in some of those areas in Gippsland about the recovery having commenced that might have made sense some months ago now demand serious review. Minister Helper, the Victorian Minister for Agriculture, and I are currently in talks to make sure that we can also
have a sensible outcome for those areas in Gippsland.

Dr Emerson (Rankin—Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation) (2.49 pm)—The Victorian bushfires are Australia’s worst natural disaster. Australia is experiencing another natural disaster but, mercifully, with nowhere near the human consequences or toll of the Victorian bushfires. I refer, of course, to the floods in North Queensland.

I remind members of the dimensions of those floods. At one point, 62 per cent of Queensland was under water. That is an area four times the size of Great Britain. The Prime Minister sent me to North Queensland on Monday, while he attended to the bushfires in Victoria. The Treasurer had been to North Queensland over the weekend; the Prime Minister had been before that. The Prime Minister asked me to coordinate the Commonwealth relief effort and to work with the state and local governments. When we arrived, the town of Ingham was flooded. The little town of Halifax, 17 kilometres north, was completely isolated, and 3,000 homes had been affected just in that area. The road to Townsville from Ingham was cut. By Tuesday, that road had opened, and by Wednesday Halifax was accessible.

There is a recovery centre at the Royal Hotel in Ingham. It is staffed by Centrelink, the Queensland Department of Communities and the Red Cross. I can report that, as at the end of yesterday, 1,417 claims had been processed. People are queueing up, but it was marvellous to see the spirit with which they did that, the fact that they felt maybe they had been through the worst of it and how well they bandied together. Today officers from Centrelink are going out with the Red Cross doorknocking, to houses in and around Ingham, offering help. There is an emergency accommodation centre at the showground, and I can report that this centre for displaced persons had up to 50 people in it, but last night it was down to 15. That is staffed by the Red Cross and by the Salvation Army.

The outlook is encouraging. The waters are receding. The rain depression has gone south and it is hoped that it will not bounce back up. At present it is south and may be moving a little towards Mackay. The reports are that if it does rain—and it is raining a bit—it will not be anything like the flooding that has already occurred. Let us hope that holds true. Further north in the Gulf Country, places like Karumba and Normanton are still cut off and lots of farms are too. That is very frustrating because they have been isolated for weeks.

The relief operations are going quite smoothly. A lot has been learned from the experience of Cyclone Larry. I want to acknowledge the fine work of the Red Cross, the Salvation Army, St Vincent de Paul and other voluntary organisations in the area. Centrelink is doing a wonderful job, as are officials from the Queensland Department of Communities. If I could acknowledge also the fine work of the member for Kennedy, the member for Herbert and the member for Dawson. I would add to that the Mayor of Hinchinbrook, Pino Giandomenico—Pino is a real character—and Jim McGowan, Director-General of the Department of Emergency Services and his team, and state ministers, Neil Roberts and Tim Mulherin.

I would like to finish with a story that I think will gladden the hearts of everyone here. As people were queuing and being moved through the recovery centre at the Royal Hotel, we were all struck by the number of people who said, ‘We’ve been through a lot but nothing like the people in the bushfire areas of Victoria,’ and they told the Cen-
trelink staff and other staff that they would be donating some or all of the money that they were receiving by way of relief to the bushfire victims. To add to that, the schools are chipping in as well. Gilroy Santa Maria College and Our Lady of Lourdes Primary School are holding a fundraising exercise tomorrow. So too is Ingham State High School. In fact, they will be selling flowers for Valentine’s Day and the proceeds of that will go to the Victorian bushfire victims.

The resilience and the generosity of the people of North Queensland and Far North Queensland to the victims of the Victorian bushfires make us all very proud to be Australian.

The SPEAKER—In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day, and the matter stands referred to the Main Committee.

EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008
Second Reading

Debate resumed.

Dr STONE (Murray) (2.55 pm)—I rise to support the Employment and Workplace Relations Amendment Bill 2008. This bill covers a number of matters to do with supporting individuals and families who, through circumstances not of their choosing, have come to depend on government financial support. Most significantly, the amendments will increase the weekly workers compensation death benefits paid to each prescribed child from $75.10 to $100.10 per week. The use of the wage price index will allow for an annual increase in benefits. The wage price index uses total hourly rates of pay, excluding bonuses, to measure changes in the employee’s wage. It will maintain parity with wage rates.

The bill will also amend the Social Security Act 1991 in order to improve some administration and procedural matters to do with the future use of the wage price index. The method of calculating the amount of youth disability supplement will also be clarified. This supplement is added to a person’s rate of youth allowance. The amendments will also clarify the definition of a partner with a rent increased benefit. The bill will also amend the Social Security Act 1991 to extend to sickness allowance and the single parenting payment the provisions which prevent a person from receiving payment if they are also in receipt of an assurance of support. Where some people do not have an assurer willing or able to support them—for example, a newly arrived migrant—they may qualify for the sickness allowance or parenting payment.

Let me return to matters relating to work related fatalities and compensation. The 270 workers who died in 2005-06 represent 2.6 deaths per 100,000 workers. The highest number of work related deaths, I am sad to say, was amongst those working in agriculture, forestry and fishing and in the transport and storage industries. The construction industry had the next highest number of deaths at work. The first category of death in agriculture, forestry, and fishing was over four times the national average of deaths in all other industries. Vehicle accidents were the cause of 40 per cent of the working for income deaths. Of the total of 270, only 15, or six per cent, of these deaths were women, no doubt reflecting the fact that the majority of workers in agriculture, forestry, fishing, transport and construction are men.

The statistics also show that the rate of incidence of work related deaths for workers 65 years and older is nearly four times the rate for all other workers. Half of these deaths of older men were in agriculture, forestry and the fishing industry. It is a sad fact
that farm owners and operators tend to be older than the national average of all those in work and it is a cultural tradition that the older generation on a family farm continue to assist in farm work for as long as they are physically able, but the reality is that there are more deaths in this category. We also know that children are more likely to be killed in farm accidents. The data is now quite old, but it was found that between 1989 and 1992 there were 165 bystander deaths of children under 19 and 99 of these deaths occurred on farms. That was outside the farmhouse. Of these deaths of children, 54 were attributed to drownings, nearly half of them, and most of them also occurred on farms. Fifty-five per cent of all work related deaths involve vehicles and over half of these vehicle related deaths involve trucks, semitrailers and lorries. The transport and storage industry was the workplace for 46 of the bystander deaths.

Clearly the farm related deaths require more education about the dangers of operating machinery and the dangers of the potential for electrocution, falls and drowning in dams and channels that often cannot be adequately fenced off. In the Goulburn-Murray irrigation region a number of steep-sided channels are now being lined with plastic. The state owned water authority responsible for this work has only recently agreed to a study of the dangers that this channel lining represents for children, livestock and wildlife. We need to look at ways to reduce the potential for drownings that no doubt will follow.

The work related deaths in agriculture may rise this year as many farms in southeastern Australia are trying to stay viable in their 10th year of drought and after terrible fires. Typically the farms are operating below the optimal number of farm workers as wives or husbands seek supplementary off-farm income and non-family farm workers have to be let go. With less salaried farm labour, farm children are taking up more of the work needed to keep the property running, adding to the dangers and likelihood of accidents. The previous coalition government’s Drought Force policy was an excellent initiative in trying to keep farm labour on properties when the owners could no longer afford to pay wages. A worker about to lose his or her job on a farm or in a small business due to the impact of drought and in an EC declared area can go to Centrelink and volunteer to continue to work on that or a similarly affected farm in return for the Newstart allowance and a significant training bonus. There are over a hundred farm workers now retained on farms in my electorate of Murray because of the support of this Drought Force program. I am pleased to say that the Rudd Labor government has not cancelled the program the way it has cancelled so many other rural and regional initiatives, but Drought Force is rarely publicised and Centrelink staff are often inadequately briefed about the availability of this important assistance in the EC declared areas.

I have no doubt that the retention of this essential farm labour has helped to save lives on the farms, not just through a reduction in likely accidents as overworked owner operators try to do the job of two or three in very difficult circumstances. I am also convinced that the retained labour has helped many to avoid or deal with the clinical depression that comes when people work for too long and too hard with little respite and real anxiety about a future that they cannot control. I ask that, in the interest of saving lives and preventing injury, and in order to preserve the food and fibre production capacity of this country, this government extend the Drought Force program to all those currently affected by any natural disaster in Australia, including those who are currently being flooded in...
Queensland and being burnt out in Victoria. Obviously the plight of Victoria’s farmers who have lost everything in the ongoing fires needs such special consideration in relation to their on-farm labour. I also want to thank the Minister for Agriculture, Forestry and Fisheries, who has just announced that the exceptional circumstances program that was to come to a conclusion in a month or two in a lot of Victorian areas is to be extended for another 12 months. I have no doubt that the announcement of that extension today will do a great deal to help rural communities in Victoria look more positively towards their future.

Given that unemployment rates are rising and will rise further, and there is little alternative employment in rural and regional areas for a dismissed farm worker, an extension of the Drought Force program to all eligible farm labourers in areas declared a natural disaster would be an excellent employment support initiative and an economic stimulus with major benefits for both the individual and the hard-hit regional communities.

There are also significant changes needed to help overcome the number of deaths in the road transport sector. You will recall that this industry sector had the biggest number of deaths after agriculture, forestry and the fishing industry. The small-business transport owner operators are reeling under the poor application and complexities of new regulations which were supposed to give them safer driving conditions. These regulations relating to rest and drive times were also supposed to be harmonised between states. Instead, the solo drivers transitional period work and rest hours in New South Wales continue to be different to those in Victoria, at least until 28 March and possibly for longer. In New South Wales a driver is allowed to stay at the wheel for 14 hours followed by a seven-consecutive-hour break. In Victoria some drivers may only work for 12 hours before taking the same break. This difference leads to great confusion and potential for prosecution for interstate drivers, especially from the Murray and Goulburn Valleys, where Australia’s biggest regional transport hub is found. Being on the New South Wales-Victoria border, much of the work of the transport businesses in this region involves interstate haulage. You can imagine the problems for a driver trying to calculate the hours of driving and rest allowed when the trip starts in Shepparton and ends in Sydney.

VicRoads has issued information to transport operators which includes advanced fatigue management regulations advice. This advice includes a spreadsheet which states that in any period of 24 hours the maximum work time is 16 hours but 15 hours in Victoria and New South Wales with six hours of continuous rest. In a period of 14 days, 154 hours maximum is allowed for work with two seven-hour periods of continuous rest between 10 pm and 8 am. And in 28 days of work 288 maximum work hours are allowed, including four 24-hour continuous rest periods. This information on the spreadsheet is then qualified with the VicRoads statement that each case will be considered on merit based on fatigue advice, and the further statement that these advanced fatigue management regulations are less prescriptive than the regulations on standard hours and basic fatigue management for solo drivers. I think you can imagine the extra stress this complexity and confusion adds to a solo driver in a cutthroat business like trucking.

The drivers’ professional response to their work is also sorely tested when they are pulled over on a highway or at a weighbridge for a regular check and state transport officials act in a belligerent and totally inappropriate manner, assuming always that the driver is less than law abiding and compe-
tent. I have many reports of verbal abuse and threats made to drivers who have been acting completely within the somewhat confused law and whose vehicles are fully roadworthy and comply with the load limits. A number of these episodes of abuse and unprofessional behaviour from road transport officials have been formally reported, but with little change in the officials’ behaviour, no doubt leading to frustrations affecting driving safety as the truck drivers pull away and expect nothing better. Excessive time lost at weighbridges can also lead to the temptation to try and make up the time by speeding on the roads. This can, with loss of licences, jeopardise the viability of the owners, who often are in a very cutthroat business environment. It is no wonder, then, that the working conditions for transport drivers are becoming increasingly difficult and stressful and that accidents are occurring. Many of these accidents lead to deaths of both the drivers and others on the road.

Much of the transport work is carting fresh and manufactured food to the warehouses of the big two supermarkets, Coles and Woolworths. This duopoly continues to squeeze the prices paid for the transport of its products. As well, the duopoly often puts unrealistic and inflexible time limits on the travel between the food manufacturers or farms and the interstate metropolitan warehouse destinations. If the delivery timeslots are missed, the transport businesses can face severe penalties and in fact can lose their contracts altogether.

The paperwork associated with the drivers’ daily entries in the new national driver work diaries is also causing great confusion and anxiety. Clearly the format was not tested in the field, and the drivers understand that there is a $608 fine for every incorrect notation even when it is accidental. For example, drivers have been told that writing just ‘VIC’ instead of the word ‘Victoria’ in full will subject them to a $608 penalty. Filling in the time zone as ‘Holbrook’ instead of ‘New South Wales’ is understood to incur another $608 penalty, and so it goes on. This is an absurd situation, adding stress to workers who need to remain calm, closely focused and with full concentration as they drive a B-double or even bigger rig up and down our roads, which are crowded with other vehicles going about their business or carrying families. On behalf of my local transport sector, I call on the national and state governments to consult much more closely with the industry to streamline and harmonise regulations and to impose a code of conduct and training in appropriate professional behaviour for those whom they employ to monitor truck drivers as they go about their business.

I also wish to refer to one of the very unfortunate consequences of declining incomes for rural workers both on and off farms. That decline in income—I could call it poverty—is due to years of drought and the squeezing of returns for fresh and manufactured produce. In the future, of course, the decline in incomes will also be a reflection of the fires, which have destroyed many years of hard work and investment.

It costs some $15,000 to $20,000 a year in Australia to keep a student at university remote from their home base. Decisions to defer or not take up university offers are now being taken in my electorate of Murray in family after family. The parents simply cannot pay these away-from-home living costs, because the means test indicates that they may be asset rich but, unfortunately, they are very income poor. There is no adequate government support to allow these rural students to access the tertiary education which would give them a better future. I support the measures in this bill to better support disabled youths—I think that is a very important area that we need to pursue—but I call on this
government to also consider the loss of fully developed human potential when rural students cannot take up the offer of a university place that they have earned through hard work in their secondary studies.

I want to support the measures in this bill. They cover very important areas of our Australian community responsibility to the disabled, to those who have lost their lives at work and to the dependants who have been left when their loved one has been killed. We can, however, do a great deal more to make sure that lives are not lost—in particular, in the areas of industry, such as agriculture, forestry, fisheries and construction, where the majority of deaths continue to occur. I want to say, too, that we have great stresses now—quite obviously in Victoria but also in the flooded areas of Northern Australia—where there are going to be shortcuts taken as those in agriculture cannot afford to employ labour or have to take one of their partners out of the farm to work elsewhere. I think it is the appropriate time to very seriously consider how this government might better support the maintenance of the rural workforce so that the farm sector has a greater chance of recovery and fewer accidents and deaths are likely to occur because people are simply exhausted and cannot do the job they know needs to be done to keep safe. I commend this bill to the House and I hope my recommendations may be seriously considered by this government.

Ms GILLARD (Lalor—Deputy Prime Minister) (3.14 pm)—I rise to sum up the debate on the Employment and Workplace Relations Amendment Bill 2008. I thank all members who have participated in this debate. I know that debate has ranged far and wide, and I think the contribution by the member who spoke before me indicated that this has been viewed as a wide-ranging debate—and also a debate in which people have indicated their concerns about people who are injured at work and our responsibility as a nation to do what we can to reduce injury rates, to reduce the number of Australians who die at work and to ensure that people who are injured at work are treated properly.

As was mentioned by my colleague the Minister for Employment Participation when this bill was introduced, it is essential that there are strong protections and safeguards in place for working Australians. Absolutely core to the beliefs of the Rudd Labor government are that we need to maximise the opportunity for Australians to get work. When Australians are in work we want them to have a decent safety net at work, which is why we introduced the Fair Work Bill. Of course, we also want them to be safe at work. On the question of maximising the number of work opportunities for Australians, the Rudd Labor government are committed to our Nation Building and Jobs Plan to support employment in our nation in view of the impacts of the global financial crisis.

I note that earlier today the labour force statistics for January were released. The ABS labour force data indicates that the global recession caused by the global financial crisis is bearing down on the Australian economy, and that once again reinforces the urgent need for the government’s Nation Building and Jobs Plan. The data today from the ABS indicates that the unemployment rate has increased from 4.5 per cent to 4.8 per cent in the month of January. When we drill down further into the figures for the increase in the unemployment rate for January, we see that full-time employment increased over the month by 33,700 but part-time employment fell by 32,600. At the same time, the number of people looking for work in seasonally adjusted terms increased during the month by 36,800, pushing the unemployment rate higher. What these figures indicate is an increase in the unemployment
rate from 4.5 per cent to 4.8 per cent, with that pattern of change in the number of full-time jobs, part-time jobs and the high number of people seeking work. We believe that these figures underscore the importance of the passage of our Nation Building and Jobs Plan so that we can support employment for Australians during these difficult days following the global financial crisis and the global recession, which has moved through so many developed economies in the world and is now bearing down on our own economy.

Apart from maximising the number of opportunities for Australians to work, the government is committed to Australians having decent working conditions. That is what our Fair Work Bill was about. We are absolutely committed to safety at work. I note that the number of Australians who died at work is declining, but that is of little comfort to the families who have lost a loved one. Obviously the loss of even one person at work is a tragedy for the family involved. This bill, which members have spoken to and made contributions on, increases the amount of death benefits payable under the Australian government’s workers compensation scheme. One-off lump sum death benefits will increase from $225,594 to $400,000 and weekly periodic payments for dependent children will increase from $75.10 to $110. Both payments will be indexed to the wage-price index, issued by the Australian Bureau of Statistics. The increases will bring death benefits more closely into line with those provided under state workers compensation schemes. Obviously we want there to be parity and similarity in those benefits. This will make it fairer for the families of employees, particularly for those whose employers have joined Comcare from state schemes.

I think members of parliament are probably aware that, particularly under the former government, we did see a migration of a number of large companies from state based compensation schemes into Comcare. That is something that this government entered into a moratorium about, and we are continuing to consider that matter. Obviously when people have moved from state based schemes into Comcare the question of the benefit arrangements as they line up between those state based schemes and Comcare is very important. This bill increases benefits so that there is greater parity between state based schemes and the Comcare scheme that those people have moved into.

In bringing this bill to the parliament we are clearly acknowledging that there is nothing that can be done to bring back a loved one who has died at work. But what we do have an obligation to do—the least that we can do—is to try to deliver some greater financial certainty to those families who have faced the loss of a loved one at work. This week, as people have spoken to this bill they have shown a great deal of bipartisan concern for safety at work, and I thank them for that. In that spirit, I commend this bill to the House.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (3.21 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TAX AGENT SERVICES BILL 2008

Second Reading

Debate resumed from 13 November 2008, on motion by Mr Bowen:
That this bill be now read a second time.

Mr ANTHONY SMITH (Casey) (3.22 pm)—The Tax Agent Services Bill 2008 will have the opposition’s full support in this House and in the other place. The bill will introduce a national regulation regime for all tax practitioners and ensure that for the first time there is a single regime governing the registration and regulation of tax practitioners in Australia. The new regulatory system will replace the existing system in Part VIIA of the Income Tax Assessment Act 1936. There have been substantial reforms to the tax system over past decades that have brought about a requirement for a modern regime to regulate tax agents. Some of these changes include the introduction of self-assessment, which has been with us for some time, from the late 1980s, and, of course, the introduction of a goods and services tax by the former coalition government.

This bill and the reform in this area were developed by the former coalition government. In the late 1990s, proposals for a new tax agents regime had been developed through extensive consultation by the Australian Taxation Office with tax practitioners and all of those other relevant professional associations. On 6 April 1998 the then Assistant Treasurer, Senator Rod Kemp, announced that a new legislative framework for tax agent services had been approved, and the new regime was in fact scheduled to come into effect back in 1999 and 2000. Of course, at that time the former government was embarking on the largest tax reform in Australia’s history with the introduction of the new tax system and the introduction of the goods and services tax within that. With those comprehensive reforms taking place and all the bedding down that was required in the following months the tax profession requested that the new regime for tax agents be delayed to allow practitioners to contend with the implementation back at that time.

Soon after the reforms had been implemented the coalition government reconvened a working group of tax associations to consider the new regulatory regime. In 2005 the government requested that Treasury undertake some confidential consultation on a detailed discussion paper. Following that a draft bill and regulations were produced for confidential consultation with industry stakeholders. This was before the then Minister for Revenue and Assistant Treasurer, the member for Dickson, released a draft bill, regulations and explanatory materials for public consultation and comment in May 2007.

We now have before us the end part of that extensive consultation that has been approached in a bipartisan way over that period. Of course it represents, from our perspective on this side of the House, the coalition’s strong support for reform in this area. As I said earlier, the bill will introduce a new regime to regulate the provision of tax agent services. The bill will provide protection for those who use tax agent services. It will establish a national practitioners board to replace the existing state based tax agent boards. It will be a statutory authority within the ATO; however, its functions and powers are to be vested independently of the Commissioner of Taxation. This single national board will provide a consistent, nation-wide system of tax agent regulation and in doing so will ensure consistency in the registration and regulation of tax practitioners.

The bill will require that all entities that provide tax agent services or BAS services—business activity statement services—for a fee must be registered with the board. Apart from registering those who provide tax agent services the board will also set important education and qualification requirements for registration itself. It will allow a more flexible approach to regulating tax practitioners through a wider range of disciplinary sanc-
tions, including replacing criminal penalties with civil penalties for certain misconduct by agents and unregistered entities.

In addition, the bill will create a code of practice, as we have read in the explanatory memorandum and heard from the minister both in this House and outside in the public domain. It will provide a safe harbour from tax shortfall penalties for false and misleading statements for taxpayers where they engage a registered tax agent to prepare their return and take reasonable care to provide that person with all the information necessary to complete and lodge their return.

The bill before us was referred to the Senate Standing Committee on Economics back in September by my colleague Senator Coonan. The committee held a hearing just last Friday and received submissions from more than 30 interested parties. I know a number of issues were raised at the hearing, including the registration status of an entity if the tax agent dies. Under the current law the registration is revoked when a tax agent dies but the bill provides for a minimum period of 28 days from when the board issues a notice to revoke registration. I am informed that the new board will be able to issue guidelines on dealing with the succession of an entity.

Another concern was the absence of transitional provisions and regulations along with this bill. It would, of course, have been preferable if in this debate and in considering this bill the associated transitional arrangements and regulations had been available. The evidence from the Treasury at the Senate committee hearing was that a reason for this was that the government intended to conduct a further round of consultation on those transitional arrangements. The introduction of the regime will of course affect those who provide tax agent services. There has been long consultation on the intent of the bill and what it will mean. It will also of course have an effect on all taxpayers who use the services of tax agents to manage their affairs. It would have been preferable if some of the transitional arrangements and the regulations had been available for concurrent debate with this bill.

The only point I would make is that whilst we fully support this bill and we will support it in the other place; we think it is an important reform—there does unfortunately seem to be a growing trend by the government of producing legislation in a variety of fields and leaving a lot of the regulations and the guidelines until later. Of course, it is only in the regulations and the guidelines in so many instances that clarity can be found for those professional associations affected by the measures. We welcome the fact that Treasury have given evidence that they will have a further round of consultation on those arrangements, and that is important nonetheless. As I said, we will be supporting this bill. The committee tabled its report in the Senate today, 12 February. There is broad support for the bill right throughout the tax agent community in Australia. It is something that will improve tax agent services in so many respects and it has the opposition’s support.

Ms Neal (Robertson) (3.32 pm)—I rise to speak today in the debate on the second reading of the Tax Agent Services Bill 2008, on the face of it a dry and unexciting piece of legislation but one that will in fact have a great impact on the general community. There are 14½ million taxpayers in Australia, including over 11½ million individuals and over three million businesses. Over recent years the ATO has made greater efforts to allow taxpayers to prepare their own tax returns by the introduction of downloadable forms and the capacity for online preparation of tax returns. I would like to take the opportunity to congratulate it for these initiatives.
It has made the lodgement of tax returns for many taxpayers much more accessible. Despite this, 74 per cent of individuals and 95 per cent of businesses use tax agents to prepare and lodge their tax returns. This means that over 13½ million individuals and businesses are impacted by this legislation. This is because this legislation is designed to protect consumers of tax services, being taxpayers.

The extent of taxpayer reliance on tax agents continues to grow over time with the increasing complexities of the tax system. These include the tax reforms of the 1980s, which resulted in the introduction of the capital gains tax, the fringe benefits tax and the self-assessment regime since 1986-87. This was followed by the greatest increase of complexity, being the so-called tax reforms of the 1990s, which included the introduction of the goods and services tax from 1 July 2000. It has constantly been a mystery to me that a coalition of parties that pleads for simplicity in the tax system could have been responsible, in government, for introducing the greatest complexity in a tax system of all time—and that is what the GST is. Anyone who disagrees with this should run a small business for a short time—or for a long time, as I did for a decade—or even talk to anyone in small business, because generally the greatest complaint of any small business operator is about BAS and the GST.

Going back to the Tax Agent Services Bill 2008, this legislation puts in place a scheme for the registration and regulation of tax agents and BAS agents to ensure appropriate standards are maintained in delivering services to tax-paying consumers. This does not mean there is no regulatory scheme in place at the moment. The present regime is provided for under part VIIA of the Income Tax Assessment Act and part 9 of the Income Tax Regulations 1936. This regime was introduced in 1943 to deal primarily with taxpayer services in relation to income tax. The regime was extended to include the providers of BAS services upon the introduction of the GST from 1 July 2000, as I have already mentioned.

I really do find it very hard to believe that it has been so long since the GST came into force, but it has been nine years. The existing scheme provides a registration process for tax agents and their nominees. The existing scheme states that unregistered tax agents must not charge a fee for listed services that are set out in the legislation but provides exemptions for providers of a BAS service, and certain specified unregistered individuals may provide a BAS service for a fee without being registered under the old scheme. BAS services are defined and include the preparation or lodging of an approved form about a taxpayer under a BAS provision, giving advice with regard to that BAS, or liaising with the commissioner in relation to it. Members of recognised professional associations such as accountants can provide BAS services through an entity. Barristers and solicitors, if they desire to provide this sort of advice, are exempt from the previous legislation. Division 2 of that part currently provides for tax agents’ boards to be established in each state, and these state boards are responsible for the registration of tax agents in their own state. There are also administrative penalties for taxpayers who make false statements to the ATO which reduce the amount of tax payable by them or make late lodgement of their return, whether or not they are using or were using the services of a tax agent.

Despite the presence of this regime, there is a real need for reform and an upgrading of the protections provided to consumers, and they are contained here in this bill. The regulation impact statement says that the need for reform is justified by deficiencies in the existing regulatory framework, and they are: inconsistencies in the regulation of agents,
inadequacy of consumer protection, and the threat to the integrity of our tax system.

There are a number of major elements to this bill. The first is the establishment of a national Tax Practitioners Board. The Tax Practitioners Board will have responsibility for registering tax agents and BAS agents. This will ensure that agents have the appropriate skills and knowledge. The board will also have responsibility for investigating complaints against agents and ensuring that unregistered entities do not hold themselves out to be agents.

The second main element of the bill is that it provides a wider scope of registration to include BAS agents. They previously were not provided for. They will be governed in the same way as tax agents, but they will only be able to provide a limited range of services which relate to the taxation laws relevant to BAS provisions under the legislation.

The third element of the bill is that it puts in place registration requirements for tax and BAS agents. Tax agents are required to meet the ‘fit and proper person’ test, as well as minimum educational qualifications and relevant experience requirements, in order to obtain registration to provide tax agent services for a fee or other reward. BAS agents have a lower level of minimum educational qualifications and relevant experience requirements for registration than do tax agents, in recognition of the narrower scope of services provided by BAS agents.

To allow for the registration of ‘specialist’ tax agents and BAS agents, the board may impose conditions on registration. These conditions can limit the scope of the services that an agent may provide to a single area of the taxation laws or a single type of tax agent service. These limitations relate to the prescribed qualifications and relevant experience of an individual agent. In a situation where an agent is part of a partnership or company, the limitations may correspond to the prescribed qualifications and relevant experience of the individuals who work for the agency.

Registration is restricted to individuals, partnerships and companies, but there is flexibility within the regime for a registered entity to conduct its business through a trust. The registered entity is required to be a trustee of the trust and must ensure that the work produced by the trust on behalf of the trustee is of a competent standard.

The fourth element of the bill is that it introduces a code of professional conduct, which governs the ethical and professional standards of tax agents and BAS agents. The code is set out as a statement of principles, and the board may issue binding written guidelines for the interpretation and application of the code. This code is made binding through this legislation to enable the board to impose sanctions for breaches and thereby to enforce compliance with the code.

Under this bill’s regime, if a tax agent or BAS agent has breached the code, the board has a number of alternatives. The board may caution the agent, require the agent to complete a course of training, subject the agent to practising restrictions, require the agent to practise under supervision, or suspend or terminate the agent’s registration. This is a much greater number of options than under the previous arrangements.

The board also has the capacity to apply to the Federal Court of Australia for an order for the breaching tax or BAS agent to pay a pecuniary penalty for particularly serious misconduct, or seek an injunction to prevent the entity from engaging in, or obtain an order to compel an entity to undertake, certain conduct. Such a wide range of sanctions allows the board to tailor its response according to the severity of the misconduct.
A taxpayer who uses a tax agent or BAS agent will benefit from a safe harbour from certain administrative penalties in certain circumstances. Penalties will no longer apply where a false or misleading statement is made carelessly, provided the taxpayer has taken reasonable care to comply with their tax obligations by giving their tax agent or BAS agent the information necessary to make the statement; or where a document is not lodged on time in the approved form due to the tax agent’s or BAS agent’s carelessness, provided the taxpayer gave the agent the necessary information, in sufficient time, to lodge the document on time and in the approved form. In other words, a taxpayer who is doing the right thing, acting reasonably and providing all the information, doing all the necessary things and giving the right information to their tax agent is no longer liable for a penalty. It is essentially a protection from incompetence of agents in those circumstances.

The bill has generally been accepted by the taxation community, particularly because it has been such a long time coming. There has been extensive consultation, an exposure draft and an inquiry. There have been some small concerns but essentially the Taxation Institute of Australia has welcomed the bill and, in a press release on 14 November 2008, Sue Williamson from the Taxation Institute said:

This Bill is an important step forward in supporting a mature tax profession with an appropriate regulatory regime. It ensures that clients can use tax agents with greater comfort in knowing that their tax agent will be expected to meet education requirements and be required to comply with an acceptable code of conduct.

The bill was also welcomed by the CEO of the Financial Planning Association, Jo-Anne Bloch. I certainly welcome the bill myself and I commend it to the House.

Mr MARLES (Corio) (3.44 pm)—I rise to speak in support of the Tax Agent Services Bill 2008 and I do so with a great deal of pleasure. It is a bill which seeks to improve and modernise the regulatory framework which applies to the services that are provided by tax agents. The fact that this bill has come to the House today is the culmination of a considerable amount of work on the part of successive governments and the tax profession itself, and my congratulations go to them that we have the bill to this point.

Currently, the regulation which applies to tax agents can be found in the Income Tax Assessment Act 1936. It was first put in there as a measure of the Curtin government in 1943. But since 1943 the reliance that people have had on tax agents has grown significantly. That is a function of a taxation system and a global financial world which has become much more complex over that period of time. For example, during the 1980s you had the implementation of the capital gains tax, the fringe benefits tax and the requirement for self-assessment, and in the 1990s you had the advent of the goods and services tax. It has got to a point now where we have 26,000 tax agents around our country. It is estimated that 74 per cent of income tax is now done through a tax agent and that almost 95 per cent of business returns are done through a tax agent, so this indicates the extent to which tax agents are fundamental to our system of taxation. Their work really underpins the taxation system and, in that sense, the revenue of this government.

This bill and this system of regulation has been a long time coming. There was a review of standards in the taxation industry back in July 1992 which was perhaps the beginning of the process which has led to this bill. That was a review which consisted of tax professionals, the New South Wales Tax Agents Board, representatives of the Attorney-General’s Department and the Australian
Taxation Office. The culmination of that review came in 1994 when there was a report of the National Review of Standards for the Tax Profession entitled *Tax services for the public*. What was contained in that report really was the genesis, if you like, of the bill that we are debating in this House today.

From 1994 various statements were made during the Howard years, and in May 2006 the then Assistant Treasurer, the Hon. Peter Dutton, who is in the House today, announced funding for the implementation of a new regime for regulating tax professionals. In May 2007 the same minister provided an exposure draft, and in May 2008 under the new Rudd government there was a revised exposure draft which then led us to the point we are at today. Two things come from that potted history. Firstly, there has been an awful lot of consultation with the tax profession over a long period of time, which has led to the bill that we are debating today. The other point is that this is a bill which has bipartisan support and has been worked on by both governments.

It is a bill which has the absolute support of the industry, and that is perhaps typified by comments made on 14 November last year by the President of the Taxation Institute, Sue Williamson. She said:

>This Bill is an important step forward in supporting a mature tax profession with an appropriate regulatory regime.\footnote{This is a direct quote from the speech of Sue Williamson, President of the Taxation Institute.} The bill contains six key parts. The first is the establishment of a national Tax Practitioners Board. Currently, there are six different state based boards around Australia, each with its own rules and proceedings, with little communication between them and with great degrees of inconsistency in the way in which they operate. They are all currently resourced by the Australian Taxation Office, and so this bill will provide for the consolidation of all of those into one national Tax Practitioners Board and one set of consistent rules will apply. The key functions of that board will be for the registration of tax agents and business activity statement, or BAS, agents—and I will come back to those in a moment—as well as the disciplining of registered tax agents in relation to certain activities and of people who are carrying out work in this field and who are unregistered.

The second area relates to the registration requirements for tax agents or BAS agents. They are anybody who is engaged in providing taxation advice services or BAS services and who is doing so for a fee, doing so through advertising or holding themselves out as being registered to do so. Everyone in that category is now required to register as a tax agent or a BAS agent. In a sense, as I have indicated, there are two types of registration that you can obtain. One is as a tax agent; the other is, if you are undertaking more limited advice in the area of business activity statements, simply seeking registration as a BAS agent. The requirements for obtaining registration will have elements of a character test, having the required education to provide the services that are being provided as well as having the required work experience. If we are talking about obtaining registration as a BAS agent then there is a lesser requirement in terms of education limited to the particular field of advice that will be provided. For partnerships and for companies, there need to be sufficient organisational education levels and experience within the organisation in order to obtain the registration. The system of registration will also provide for specialisation—that is, you will be able to seek registration in a particular area of specialty.

The third area of the bill provides for a legislated code of conduct that will apply to all tax agents and all BAS agents, and this is a really significant step forward. Currently, only those tax agents who by virtue of their
professional association are obligated to carry out their functions in accordance with a code of conduct are, in a sense, covered by a code of conduct. As a result of this legislation every registered tax agent and every registered BAS agent will be required to carry out their duties under a code of conduct.

The code of conduct will include obligations for agents to carry out functions honestly and with integrity and to comply with tax laws in relation to their own personal affairs. If they are in receipt of money from a client in trust then there is an obligation to account for that money. There is an obligation to act in the best interests of a client and, in doing so, to manage any conflicts of interest which may arise for the tax agent. There is an obligation to maintain confidentiality around information that is provided by a client, unless there is a lawful obligation to disclose that information. There is an obligation to act with competence. Closely linked to that is an obligation to maintain one’s professional knowledge and skills. There is an obligation to ascertain, where relevant, the client’s state of affairs in putting forward a tax return and ensuring that tax laws are applied correctly to the situations being dealt with by the tax agent. There is also a requirement to maintain professional indemnity insurance. That is not an exhaustive list of the code of conduct, but it indicates the kind of behaviour which will now be legally required of tax agents and BAS agents when they are undertaking their duties.

The fourth area of the bill gives the new board the power of administrative sanctions where it believes there has been a breach of the code of conduct. In talking about administrative sanctions, we are talking about requirements, for example, to undergo training or to work under supervision. The point about these administrative sanctions is that they are aimed at being constructive and educative to try and improve the level of taxation advice which is being given within our community.

The fifth area which is dealt with by the bill is replacing the regime of criminal penalties currently under the bill with civil penalties and injunctions. That is an appropriate change in the law applying to the circumstances where these penalties would be put into play. In doing so, there is going to be an increased monetary penalty available to the board. We are talking about situations where an unregistered person is engaging in activities which would require registration as a tax agent—in other words, providing that advice when unregistered—or circumstances where you have a registered tax agent who makes a false or misleading statement. It is in these circumstances that we are talking about replacing criminal penalties with civil penalties but increasing the level of civil penalties which can apply. The board will be given the ability to apply to the Federal Court for a civil penalty order or indeed to apply to the Federal Court for an injunction in circumstances where an injunction may prevent these kinds of breaches from occurring.

Finally, there is a safe harbour provision in the bill which will essentially allow those people who, in good faith, go to a tax agent and provide all the relevant information some sense of security that, if for whatever reason a mistake is contained in their tax return, they will not be liable. That is a very important measure as well.

In conclusion, this bill has been a long time coming. It is a great pleasure for me to speak on it in this House today. It comes to this House with the unanimous support of the industry. It comes to this House with the support of all the players in this parliament. It is very important that this bill be passed and I very much commend it to the House.
Mr RIPOLL (Oxley) (3.55 pm)—Thank you, Madam Deputy Speaker, for the opportunity to speak on the Tax Agent Services Bill 2008. A lot of legislation that comes through this place has a great deal of complexity attached to it, and none more so than taxation law. I feel there is an obligation for all of us as Australians to comply with tax law and to do the best that we possibly can to make sure that we meet all of our responsibilities and obligations under tax law.

The responsibility that we have as members of parliament is to ensure that the regulatory regime and the laws that we put in place are of the best possible quality to ensure that people can and will comply with them and to ensure that people have a fair understanding of what their obligations are. That applies not only to individual taxpayers but also to tax agents and, as has been noted more recently, to people who provide BAS services. It is particularly important that this parliament regularly monitors, reviews and updates the regulation of taxation. This bill does that specifically in relation to tax agent services and it also introduces BAS agents into the law.

There is a heavier reliance today on tax agents due to a range of complex changes over a number of years, particularly with the introduction of the GST and the way that our tax system operates. We have such a highly complex, highly evolved and voluminous set of laws that it is much too complex for the ordinary Australian to do their tax on their own. This is despite that fact that there are online systems and a range of mechanisms in place that are designed to make paying tax and reconciling tax at the end of the financial year easier processes, although I do not know that anyone would use the word ‘easy’ to describe preparing their tax. Over the years tax has become more complex, so there has been more and more need for even simple individual tax returns to be dealt with by tax agents and related organisations. It is critically important that we get regulation right to manage and deal with the people who provide those services.

The Tax Agent Services Bill aims to improve the regulatory environment for the provision of services by tax agents. It has a particular number of objectives specifically to improve consistency in the registration of tax agents so that consumers have confidence that the people that provide those services are properly accredited agents and so that consumers have confidence they are meeting all their obligations. The bill also applies to other intermediaries and regulates to ensure the provision of tax agent services in an appropriate and flexible manner.

It is important, while we are making these changes and improving regulation, that we have at the front of our minds the protection of consumers from unscrupulous tax agents and other service providers. There need to be mechanisms in place that give consumers the protection they need. This bill will reduce the level of uncertainty for taxpayers and the risks that are associated with the self-assessment systems that are currently in place. I think a self-assessment system that is simple enough to use is an integral part of getting the balance right between providing a regulatory regime for self-assessment and ensuring that there is a proper system in place for people who wish to have someone else do their tax for them. I think we struck that balance in this bill by bringing forward some necessary changes. In getting the balance right, it is also important to make sure that the integrity of the tax system and the tax industry is and continues to be intact. This bill goes some way to dealing with those matters.

Of particular note is the introduction of a national Tax Practitioners Board, the members of which will be appointed by a Treas-
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Chamber portfolio minister. That will replace the existing state based tax agents boards. While those boards have done a fantastic job over many years and decades, the reality is that in today’s environment a nationally uniform and credible system that is in one place and covers the whole tax system and the whole country is of critical importance. I believe that today it is no longer acceptable to have different regimes across what is one system at a national level with different rules, processes and applications of time, proceedings, penalties and other matters related to what a state based tax agents board might do. So the introduction of an independent national Tax Practitioners Board is of great importance.

The board’s functions, of course, will include the very important one of registering and disciplining tax agents and BAS agents. It will have a range of powers to ensure that unregistered entities can be registered so that we do not have a situation where people providing these types of services hold themselves to be registered when in fact they are not. It is important to get those elements right, which is what this bill does. The board will also be able to investigate matters and impose sanctions, something very important and appropriate in building consumer confidence in this area.

If there are problems—and mistakes can obviously be made by boards—there will of course be an opportunity for review. That review would be done by the Administrative Appeals Tribunal. Through the normal processes that consumers have when decisions are made that they are not satisfied with, they can seek some redress through the AAT.

It is also the case that boards of this nature need to be accountable and transparent. While the board will be independent, I think it is important that it reports to the parliament and keeps it up to date with its dealings, with its findings, with any sanctions it imposes and with registration numbers so that we are informed of the practices taking place in the community. It will be an important factor in us being able to determine the board’s success or otherwise and problem areas that may arise from time to time. I eagerly await the first report to have a look at the new board when it is fully operational and providing services.

It has been the case in the past that the Australian tax office has provided secretarial services to the state based boards. This will continue but at a national level. So there will be some operational efficiencies—I would go so far as to say some money saved—in that area.

Entities that want to provide tax agent or BAS services—and, of course, BAS services are of a somewhat narrower and more limited capacity—for a fee or some other reward, or who want to place themselves out in the open market to provide these services, will be required to be registered with the new board. There will be two types of registration, tax agent registration and BAS agent registration, and there will be different requirements, as they exist under law, for the sorts of services they can provide and the type of entity they are when they register with the board.

There will be the normal minimum requirements for registration, as one would expect, related to character—these people would have to be of good character—educational qualifications and relevant work experience. This will also be the case for BAS agents, but to a lesser degree in proportion to the services they provide. Again, this is about consumer protection, about ensuring the integrity of the tax system and about ensuring that regulations are met with. In cases where the services are provided by partnerships, companies and organisations and they seek registration, their compliance with the
requirements will have to be demonstrated at an organisational level—that is, organisational qualifications and experience to match. For those who want to specialise in particular areas, the same types of rules would apply—that is, the person or organisation would have to demonstrate that they are of good character and meet the minimum requirements based on the specialty area in which they are seeking to be registered.

It is particularly important in the area of tax agent services that there is a professional code or some sort of professional standards and guidelines, as there are in a range of other areas. Those who register will be governed by a legislated code of professional conduct, which will define the professional and ethical standards required of the people or organisations providing the services. Currently, there are only a small number of agents who are required to comply with any such codes of conduct, so the roping-in, through registration, of all the service providers—be they individual entities, partnerships, companies or other organisations—is a move in the right direction and will provide a great deal of confidence to ordinary people and consumers in the products they provide. It is important to note that there will be specific penalties for breaches of codes or ethical standards and for certain conduct.

The idea of this bill is to bring into line a higher level of integrity and compliance. But what it specifically does—which may seem at first glance to be at odds with what people might expect but which is, I think, certainly a move in the right direction—is replace the existing criminal penalties for offences. They will be replaced by civil penalties and injunctions. These civil penalties are a much more appropriate mechanism to discourage certain types of behaviour, and the penalties will be serious enough to match the seriousness of the conduct or offence. The current types of offences are not serious enough to warrant a criminal conviction or imprisonment. Of note here is that significant monetary penalties will apply. This is about deterrence, consumer confidence and the integrity of the tax system, and we want to deter prohibited conduct by people who engage in these areas.

It will be completely appropriate for the board to be able to apply to the Federal Court of Australia for civil penalty orders, in particular, when there is certain conduct by unregistered entities or by registered agents—for example, the making of false statements, misconduct, the provision of misleading information or noncompliance with their responsibilities. Given that that misconduct often has a direct impact on a consumer whom it will affect greatly, there needs to be strong deterrence in those areas, and I fully support the measures that are contained within this bill. Importantly, following on from that, agents or service providers who decide that the civil penalties and monetary or pecuniary penalties are not a deterrent can actually be deregistered—that is, have their registration taken away from them and no longer be allowed to practise. I think it is important to note that there is an escalation through the regulatory environment to ensure that we maintain the integrity of the system.

This bill is widely supported. It has in fact been supported unanimously by interested and affected parties, industry bodies and, I would say, by everyone in this place. I have taken note that there have not been any opposition views expressed about the measures that are contained in this bill.

This bill does a number of key and very simple things. It is about strengthening the integrity of the tax system. It is about providing greater protection—something which I am a huge advocate of and which I think is a very important part of the role that we play in this place. It is also about modernising. It
is making sure that our regulatory system keeps pace with the fast-changing world in which we live. Often we keep pace, but at much too slow a rate. So it is good to see that these amendments are being brought before us in this place in a very timely manner. As a government member, it is always nice to be able to stand up and say that we are tidying up work that perhaps should have been done years ago—but I will not make too much comment on that particular point.

This package was developed through extensive consultation with professionals and associations. This is something that has been done with the industry; hence why there has been unanimous support for what is contained in this legislation. It is something that the sector itself appreciates and understands. The measures in this bill will be an advantage for all those professional tax agents, BAS service providers and others involved in this area. They will know that they have a better system in place with better compliance measures. It will weed out the crooks and the shonks and make sure that we have the right people doing the right thing by ordinary Australians.

There are a number of key elements in this reform package—and, obviously, the national Tax Practitioners Board is a key element—which go across a whole range of areas that the Rudd government has been very vocal on in terms of trying to get some uniformity across the nation and replace state based regimes with a consistent, uniform and national platform which is easily understood by everybody, regardless of which state they live in. Particularly for taxpayers that may operate in a variety of states or environments, it makes sense that they need only to comply with one regime across a consistent, understandable and uniform system.

Another element is, of course, the registration of entities and BAS service providers, which is very important in ensuring not only that consumers are protected but also that those who operate in that environment have some certainty about their work and have certainty that they are dealing with other professionals and people who are actually registered. It also goes to the heart of a legislated code of professional conduct—something which should probably be looked at in a whole range of other areas. I was recently involved in a report on franchising where we specifically looked at a code of conduct for that sector. It is strikingly obvious, I think, to a lot of people that, as systems become more complex, more opportunities arise for people to take advantage of others, to abuse their power, to abuse their position and to abuse the complexity contained within systems—no less here in taxation and the provision of tax services or BAS services, and therefore there is a need for us to put in place a set of standards and codes. I am very supportive of that. In fact, I would encourage other ministers to follow the lead of the Assistant Treasurer and other people in this regard. I note that the Assistant Treasurer is here in the House to sum up the debate on this bill. I congratulate him on the work that he has done in protecting consumers and providing greater integrity and certainty in the tax system in Australia. I believe a legislated code of professional conduct is very important and something that will be welcomed by all those who practise in the tax area.

With legislation like this, it is important to be conscious of not placing onerous regulatory burdens on small business and individuals—or, for that matter, doing anything which might affect consumers further down the line and make life harder or more expensive for them in accessing these services. So it is good to see a wider and more flexible range of measures in this bill, including disciplinary sanctions that can be imposed by the board.
The change I mentioned before, of civil penalties and injunctions replacing criminal penalties, is, I think, highly appropriate. It is not always the case that criminal penalties are the best way forward. There are many cases and examples where civil penalties are a much better mechanism. I think there are circumstances—where people make mistakes, sometimes unknowingly and sometimes knowingly in a small capacity that they thought was not important enough to provide—where safe harbour is needed to give people some room to fix those errors. So, where it is identifiable, in certain circumstances and for certain reasons, that a safe harbour is required, I think it is appropriate that it is contained in these measures—and it is. All in all, I am very supportive of this bill, as I know other members of this House are, and I think it is a very important move forward for the protection of consumers and the integrity of the tax system.

The DEPUTY SPEAKER (Mr S Sidebottom)—I thank the member for his contribution. I call the shadow Treasurer.

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (4.15 pm)—in reply—I am the Assistant Treasurer.

The DEPUTY SPEAKER (Mr S Sidebottom)—I am sorry—the Assistant Treasurer.

Mr BOWEN—That would be a great problem, Mr Deputy Speaker.

The DEPUTY SPEAKER (Mr S Sidebottom)—It would—just as I am not the ‘Assistant Deputy Chair’.

Mr BOWEN—Unless there has been an event in the last hour that I was not aware of, I am not the shadow Treasurer. Firstly, I thank all members who have contributed to this debate: the member for Casey, the member for Robertson, the member for Corio and the member for Oxley. The Tax Agent Services Bill 2008, as several honourable members have highlighted, has been a long time coming. In fact, with the passing yesterday by the House of the Tax Laws Amendment (Taxation of Financial Arrangements) Bill 2008 we see the completion through this process of two of the longest pieces of public policy development in the Treasury’s history—TOFA and the Tax Agent Services Bill. It has been one of the government’s priorities to deal with these two pieces of legislation and get them on the statute books. We have been working hard at that. We wanted to get it done by the end of last year, but it is very good to see this go through very early in the session this year.

The member for Casey argued in the House that it would have been better, preferable, if the transitional bill was in the House at the same time. I agree with him that that would have been ideal. But I took the decision that that would have delayed the processing of this bill quite considerably. We needed to get the transitional bill right. There needs to be a consultation period and, given that this has gone on for so long, we did not want to delay the passage of this bill through the parliament. But, as it happens, today the draft exposure bill for the transitional arrangements has been released for consultation on the same day that this has come in. That is now out for public comment and will be introduced in the not too distant future, once that consultation process has finished. I agree it would have been ideal, but we were faced with the decision of either delaying this even further or bringing the transitional bill in without consultation, and I was not prepared to do that.

As several honourable members have pointed out, this represents a considerable modernisation of the regime—a long overdue modernisation of the regime—that applies to tax agents in this country. It will replace the current law providing for the regis-
The requirement that entities providing BAS services—that is, business activity statement services—for a fee must register ensures a level playing field and reflects the expansion of the tax base over recent decades. Of course, BAS servicing is complex, BAS arrangements are complex and difficult, and it is appropriate that BAS operators are registered. The legislated code of professional conduct provides certainty to both agents in terms of the standard of conduct expected of them and to taxpayers in providing a benchmark against which they can evaluate the services that they receive. The introduction of a range of constructive and educative administrative sanctions allows the new board flexibility to respond appropriately to breaches of the code. Furthermore, the application of civil penalties instead of criminal penalties for certain specified misconduct by registered agents and unregistered entities provides an effective deterrent against engaging in prohibited conduct.

The requirement that entities providing BAS services for a fee register as BAS agents has led to some bookkeepers expressing concern about the costs they will incur in order to comply with the requirements in this bill. The key cost for bookkeepers who intend to provide BAS services for a fee is that they are expected to bear the costs associated with obtaining the necessary qualifications for registration. Many such bookkeepers will either already hold the necessary qualifications or be able to seek recognition of prior study and experience from the education provider. In addition, any actual cost incurred is proposed to be spread over at least two years and, in some cases, as many as five years, via the generous transitional arrangements contained in the transitional provisions in the bill that has been exposed for public comment today.

The bill largely regulates the same scope of services as currently regulated. Indeed, the scope of tax agent services as defined in the bill is roughly the same as the scope of services that are prohibited without registration under part VIHA of the Income Tax Assessment Act 1936, as both rely on the definition of taxation law—that is, services that are currently prohibited without registration will be prohibited without registration under the bill. While the scope of the services being regulated will not change dramatically, consistent with the expansion and modification of the tax base to include the GST, capital gains tax, fringe benefits tax and others, the bill strengthens the regulatory environment by accommodating the registration of service providers who specialise in a particular type of tax. In addition, the transitional provisions legislation proposes a generous transitional arrangement for specialists, whereby such entities may register within the first six months without demonstrating that they meet the education and experience requirements. I think that might deal with some of the concerns we have heard from some small elements of the sector in relation to very specialised tax advice.

As I have outlined, the bill provides for significant improvements to the existing regulatory regime. It provides appropriate but flexible regulation of the provision of tax agent services and will improve consistency in the registration of tax agents and other intermediaries in the tax field. It will also enhance the protection of consumers of tax agent services, thereby reducing uncertainty.
and risk faced by taxpayers. Finally, it will strengthen the integrity of the tax system and the tax industry. The government is committed to implementing these regulatory reforms for the provision of taxation services.

As I say, this bill has been in the pipeline for a very long time. I take this opportunity to thank the Treasury officials who have undertaken numerous rounds of consultations, both under this government and under the previous government. Earlier, there were a lot of concerns about this bill, it is fair to say, in the taxation industry. There have been a lot of representations to the Treasury, to me and to the government about concerns. Those concerns have by and large all disappeared because of the consultation process dealing with those concerns, listening and reflecting their concerns in the bill. That says two things: that the government was prepared to listen to those concerned and that it is a tribute to the consultation process undertaken by the Treasury. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (4.23 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

CORPORATIONS AMENDMENT (No. 1) BILL 2008 [2009]

Consideration resumed from 5 February.

Second Reading

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (4.23 pm)—I present the explanatory memorandum to this bill and move:

That this bill be now read a second time.

Today I introduce the bill that will amend the Corporations Act 2001 to fulfil a requirement under the Australian government’s memorandum of understanding with the New Zealand government on business law coordination. The Corporations Act currently provides a range of circumstances in which a person will automatically be disqualified from managing corporations and circumstances in which the Australian Securities and Investments Commission can apply to the court to have a person disqualified.

The bill adds to the automatic disqualification provisions and also provides the courts with an additional disqualification power. First, a person will automatically be disqualified from managing corporations where they have been so disqualified by a court in a prescribed foreign country. Second, an Australian court will have the power to disqualify a person from managing corporations on application by ASIC where the person has been disqualified under the law of a prescribed foreign country.

The provision will cover situations where, for example, a person has been disqualified automatically by operation of a law in a foreign country by a foreign regulator. In this situation the Australian court must be satisfied that the disqualification is justified before they can disqualify the person in Australia. These arrangements will ensure that all people disqualified in Australia on the basis that they have been disqualified in a prescribed foreign country have had their disqualification scrutinised by a court.

Prescribed foreign countries will be named in the Corporations Regulations. Initially, it is envisaged that only New Zealand will be named. The mechanism will however allow for other countries to be added at a
later date, if it is considered that there is sufficient similarity with Australia’s regulatory regime, as is the case with New Zealand.

New Zealand enacted its complementary provisions in 2007. The bill addresses concerns that people who are disqualified from managing corporations in New Zealand could still manage corporations in Australia simply by crossing the Tasman. As such, it will enhance protection for investors and the integrity of Australia’s markets. I commend the bill to the House.

Mr PEARCE (Aston) (4.26 pm)—The coalition will be supporting the Corporations Amendment (No. 1) Bill 2008 [2009]. The purpose of this bill is to ensure that individuals who are disqualified as company directors in New Zealand are unable to become directors of commercial operations in Australia. The bill seeks to close a loophole in current legislation that enables a director in New Zealand facing disqualification to effectively avoid such a fate by moving offshore to Australia. The purpose of this bill follows through on the principles addressed in the memorandum of understanding on business law harmonisation between Australia and New Zealand.

The former coalition government took the lead in this area back in 2006 when we foresaw the benefits of ensuring director disqualification consistency across the Tasman. There is a history to this matter that goes back some time. In 1988, the Australian and New Zealand governments agreed on a memorandum of understanding to realise the benefits of harmonisation of business law. This provided the platform for mutually beneficial dialogue between our two nations on corporate legislation. The original MOU has since been reviewed every five years and the last review was under the stewardship of the then Treasurer, the Hon. Peter Costello, the member for Higgins. He reviewed that in 2006.

The 2006 review produced new courses of actions to implement, and on this occasion individual areas of business law were delineated, including director law harmonisation. This was pursued with the intention that greater coordination would of course produce mutual benefits for both nations. New Zealand has taken the initiative and has already closed this regulatory gap by amending the Companies Act 1993, which they did in 2006.

The bill before the House is modelled on the New Zealand legislation that was introduced in 2006 in order to inculcate trans-Tasman parity. The ultimate outcome is to unite our commercial activities into a single economic market. The benefits of this legislation will be numerous and include the provision of increased certainty, reduced waste and red tape, and enhanced productivity. The effect of the Corporations Act will be to automatically disqualify someone from becoming a company director in Australia if they have been disqualified in New Zealand.

The bill will enable Australian courts to disqualify people from becoming company directors where they have also been disqualified by a competent court in a jurisdiction overseas. At this point, New Zealand is the only jurisdiction that will be prescribed, but the capacity to determine other jurisdictions as suitable will be established by this amendment. I commend the bill to the House.

Debate (on motion by Mr Albanese) adjourned.

BUSINESS

Mr ALBANESE (Grayndler—Leader of the House) (4.29 pm)—by leave—I move:

That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on
business after 9.30 pm) be suspended for this sitting.

Mr RUDD (Griffith—Prime Minister) (4.30 pm)—Following the decision of the Liberal Party and the National Party and one Independent in the Senate to defeat the government’s $42 billion Nation Building and Jobs Plan, the government has resolved to reintroduce legislation into the House this afternoon because these measures are urgent and in the national economic interest.

The world is currently wracked by a global financial crisis which has become a global economic recession which is becoming a global employment crisis, and this crisis now affects Australia fundamentally. The government has resolved to introduce a nation-building plan and a jobs plan to reduce the impact of this global economic recession on Australia. The International Monetary Fund has concluded that we need to act with fiscal stimulus. That is the view of the Reserve Bank of Australia; it is the view of the Australian Treasury; it is the view of the Business Council of Australia, the Australian Chamber of Commerce and Industry and the Australian Industry Group. It is the view of mainstream economists and economic analysts across Australia. It is also the view of the government. That is why the government has decided to act.

Because of the global economic crisis, this government will not be deterred from taking whatever action is necessary in the national economic interest to underpin this country’s and our people’s economic wellbeing. For those reasons, I formally notify the House that later today legislation will be reintroduced to advance this nation’s national economic interest at a time of global economic crisis.

Mr TURNBULL (Wentworth—Leader of the Opposition) (4.32 pm)—We are debating this tonight for one reason and one reason only: the Prime Minister has refused to negotiate. He has refused to negotiate with the men and women whose votes he sought to obtain. He has treated this parliament with so much disingenuous contempt. He stood here in this House and said this bill had to be passed within 48 hours, that if it were not passed in 48 hours the payments could not be made from Centrelink, that we did not have the time to scrutinise legislation and that we did not have the time to have an inquiry. The Senate stood up to the Prime Minister and they had an inquiry, and along to the inquiry came the head of Centrelink. What did the head of Centrelink say? ‘Oh, it could be passed this week.’ The urgency that we were told about last week had no basis in fact.

We have said from the outset, from the very outset, that we are prepared to sit down with the government and speak.

Government members interjecting—

The SPEAKER—Order! Those on my right!

Mr TURNBULL—The Prime Minister’s response to the opposition in this parliament has been to say, ‘Get out of the road, get out of the way.’ He has said there is no alternative to his proposal. Yet we all know, as the Prime Minister has said today in another context and as I have said in this and many other contexts, that none of us, not one of us, is the repository of all wisdom on this or any other issue. But we have a Prime Minister who in his hubris chose to present a package of spending that represents an enormous percentage of GDP, will impose an enormous debt on our children and will result in our children and their children paying high taxes in the years ahead to fund a cheque for $950 to almost every Australian. In other words, he is asking this parliament to approve measures which will see billions of dollars being mailed out to Australians for current expenditure today—all of which, every cent
of which, is being borrowed from the next generation.

The Prime Minister is right and we have all been right when we have said that we are not the repositories of all wisdom, and that is why we have set out an indication of the type of stimulus we would support, of the type of package we would support. And we have sought to sit down with the government.

The Prime Minister has said that every mainstream economist in Australia supports his spending package. He has implied therefore that any economist who does not support it is not a mainstream economist. Well, one of the leading economists in the world is Dr Warwick McKibbin. He is a member of the board of the Reserve Bank. Does the Prime Minister regard the Reserve Bank as part of the economic mainstream? Does he regard the board members of the Reserve Bank as part of the economic mainstream? There you have just one example, and there are many others, of economists and experts who are questioning the effectiveness of this spending package. What did Dr McKibbin say? He said the package is too big; we are spending too much money at this time. Henry Ergas, another leading economist, described it by saying that the package was ‘too much, too early’.

Mr Tanner—He’s a consultant for you, Malcolm. You pay his bills.

Mr Turnbull—The opposition are sitting there abusing and defaming anybody who does not agree with them. They are in a hole tonight.

Government members interjecting—

Mr Turnbull—The government, I should say; you are quite right. Well, if you go on the way you are you will be the opposition before you know it. That is where you should be, because the reality is that the government is in a hole tonight of its own making, because it assumed that the opposition would buckle and that the Independents, and particularly Senator Xenophon, would buckle and get out of the way of its bulldozer, but we did not and Senator Xenophon did not.

The Prime Minister has failed today. His economic policy is in tatters. His fiscal stimulus, so-called, has been rejected by the parliament of Australia. It has been voted against by the opposition—an opposition with whom he has refused to speak. President Obama, fresh from an overwhelming electoral victory, was prepared to go to the congress himself and sit down with Republicans, and he won support from some Republicans. We have had no attempt from the government to sit down and discuss this with us, and yet from the moment I became the Leader of the Opposition I have said again and again that we want to sit down and talk about these issues constructively.

It is not just the $42 billion spending package that is in tatters. The central element, the overwhelming element, of the government’s response to climate change, which the Prime Minister has called in the past ‘the greatest economic challenge of our time’ is being thrown overboard today.

Government members interjecting—

Mr Turnbull—You should have heckled! Government members know I am speaking the truth. The government’s emissions trading scheme has been through the Garnaut review, the green paper and the white paper. We are due to get the legislation at the end of February and we are told it must be passed in the budget sittings, yet today the Treasurer has asked the House of Representatives Standing Committee on Economics to inquire into whether an emissions trading scheme is an appropriate response to climate change at all and to report in the second half of the year. What is going to happen if the House economics committee concludes
that the emissions trading scheme is not an appropriate response and it has already been legislated for? What an extraordinary decision! You can see the government is getting ready to abandon the emissions trading scheme, its single most important and central response to climate change—‘the greatest economic challenge of our time’, as the Prime Minister said.

The government is in the hole it is in tonight because it dug it for itself. It has done the damage to itself. Its economic strategy is in complete and utter disarray—a fiscal stimulus plan which has been rejected by the Senate, which the opposition voted against and which the government demanded the opposition vote for but on which it then took no steps at all to consult, to discuss or to accommodate any of the views of the opposition. It treated the opposition with contempt. Let me say to the Prime Minister: you do not win people over by insulting them and treating them with contempt. That is what he has done. Then, to add to that, we have the great emissions trading scheme now being thrown overboard, cast into all of the uncertainty of an economics committee hearing.

We stand ready to sit down with the Prime Minister to discuss the composition and design of an appropriate fiscal stimulus package. We are committed to doing that. We are determined to do it. All he has to do is open the door. We can meet, and I am sure that with goodwill we can resolve measures that will then have the support of both sides of politics in this House.

Mr SWAN (Lilley—Treasurer) (4.42 pm)—What happened in the Senate this afternoon was that the government voted for jobs and the Liberal and National parties voted against jobs. That is what happened. What happened in the Senate this afternoon is that the Labor Party and some of the minor parties voted for nation building and the Liberal and National parties voted against nation building. This is a bit hard to comprehend, because as the Prime Minister indicated before we are in a global recession. We saw on the weekend the worst employment figures in the United States in 35 years, and this global recession is impacting upon this country and upon jobs in this country. You would have thought that, when a responsible package—a Nation Building and Jobs Plan put forward by this side of the House to cushion the impact of the global recession on jobs in this country—was put forward, any responsible opposition would have supported it. You would have thought they would have supported it.

Every reputable economist in the world is supporting substantial fiscal stimulus. The IMF is supporting substantial fiscal stimulus; ACCI, the Australian Chamber of Commerce and Industry, is supporting fiscal stimulus; the Australian Industry Group is supporting fiscal stimulus; the Business Council of Australia is supporting fiscal stimulus—but not the Liberal and National parties in this House. They are not supporting fiscal stimulus because their opposition to this nation-building plan is all about the ego of the Leader of the Opposition; it is all about his self-interest—his personal political interest—and it is not about the national interest.

Mr Hockey—Mr Speaker, I rise on a point of order. Mr Speaker, I ask that you direct the Treasurer to speak to the motion put before the House by the government.

The SPEAKER—Because of the incompetence of the chair earlier in the debate, I regret to say that it has been a much wider ranging debate than we would have expected. The Leader of the Opposition was given a lot of leeway.

Mr SWAN—The actions of the Liberal and National parties in the Senate and their actions in this House over the past week
have effectively sabotaged the Australian economy. They have sent a signal that they are prepared to have higher unemployment, not lower unemployment. This is extremely serious. If all of the leading industry bodies in this country are supporting the government’s Nation Building and Jobs Plan, if the IMF is supporting the government’s Nation Building and Jobs Plan and if the Reserve Bank can cite our Nation Building and Jobs Plan as part of a coordinated strategy, why can’t the Liberal and National parties in the House of Representatives and in the Senate support this plan? Why can’t they support something that is clearly in the national interest? I will tell you why: because the Leader of the Opposition simply wants to score political points—he has put his points scoring ahead of the national interest. That is what has been on display in the Senate this afternoon and in the House today.

The chief economist of the IMF had this to say in the last week:
Above all, adopt clear policies and act decisively … Delays in financial packages have cost a lot already. Further rounds of debate will stoke uncertainty and make things worse.

Well, that is what the Liberal and National parties have done in the House of Representatives and in the Senate. They have stoked uncertainty, and that in itself is damaging. That is why we say that there is no economic responsibility on that side of the House. They have become economic wreckers.

Mr HOCKEY—Oh, what an embarrassing day for the government!

The SPEAKER—Order! Reluctant as I am, I remind members on my right that if I take action against them it will not make the whip happy because he needs a certain number of people later on!

Mr HOCKEY—The government spent some weeks preparing its spending package and then it came to this House, after announcing the package, and gave the opposition 45 minutes notice. When the government on the following day introduced six bills—and at that time it was not sure whether there were five or six bills—even as the first bill was introduced the government said to the opposition, ‘This parliament, this chamber, will sit continuously until the six bills are passed because there is an urgency about this spending package.’ How embarrassing this is for the government, after having guillotined the bills through this place at five o’clock in the morning while the Prime Minister and the Deputy Prime Minister were still asleep. This package was so important to the nation that it had to go through an all night sitting. We then discovered when it went to the Senate that there was filibustering by government senators because they could not get the numbers in the Senate to support their own legislation. The government said could not be done because there was an urgency to the legislation. That Senate inquiry found numerous technical flaws in the legislation. It also identified that the legislation in fact failed to be the stimulus package that the government had promised.

In the meantime, the Prime Minister was more focused on gaining public support than he was on gaining the support of this, the people’s parliament. He gave up on the people’s parliament. He chose to believe that the House of Representatives and the Senate
would simply rubber stamp six bills. How wrong the government was. How embarrassing for the Prime Minister that he called all the premiers and chief ministers to Canberra and had a big consultation with them, and then the bills failed. How embarrassing for the Prime Minister that he called hundreds of business leaders to Canberra and the bills failed. Today the government, with egg all over its face, has found that it is a whole new world out there when you have to make hard decisions.

The Leader of the Opposition, the Deputy Leader of the Opposition and the Leader of the National Party have offered the government on numerous occasions the opportunity to sit down with the opposition in the same way that President Obama chose to sit down with members of congress and members of the US Senate on a significant stimulus package in the United States. President Obama is a real leader with an enormous mandate from the American people, and he had the courage to do that—but not our Prime Minister. Our Prime Minister will sit down with everyone else, anticipating that ‘his’ parliament will rubber stamp the bills. Lo and behold, when he does not get the rubber stamp from the parliament he simply comes back on his bulldozer and demands that the bills go through in another late night sitting. This is panic from the government. This is not reassuring for the Australian people. This does not build confidence in Australia. It is panic on panic. Even at the time question time was scheduled for today, the government did not know that it did not have the numbers in the Senate. I sat in the Senate for an hour and a half and it was perfectly clear they were not going to get the numbers because the government panicked on this spending package. The parliament has spoken for the Australian people in rejecting bad legislation.

Ms Gillard (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (4.52 pm)—In concluding this procedural debate I make a very simple point: we are at the logical end point from last Wednesday when the Leader of the Opposition rose to his feet in this parliament and said that the Liberal Party in both the House of Representatives and the Senate would vote against the government’s Nation Building and Jobs Plan.

One thing that the Liberal Party appears not to be prepared to understand is that political decisions come with responsibility. When your leader made that announcement on your behalf you were saying that you wanted this plan to fail. You have achieved what you wanted and you now must take the political responsibility for that. And the political responsibility is that a stimulus package the nation needs is being denied to it. You have a few hours to change your mind, and what you ought to do in those hours is ring some people in your electorates. You should ring a school principal—

Mr Tuckey—I rise on a point of order, Mr Speaker. The Deputy Prime Minister is referring to ‘you’ as being the person that killed off this legislation—

The Speaker—The member will resume his seat. The Deputy Prime Minister will direct her remarks through the chair.

Ms Gillard—Before voting later this evening each member of the Liberal Party should consult some people in their electorate. They should ask them whether or not they believe the Liberal Party should vote in favour of jobs in these difficult days. They should ask them whether they think the Liberal Party should vote in favour of nation building in these difficult days. They should ring a business person and ask them what they think about the contemporary economic...
situation and the need for fiscal stimulus and, having got that feedback from the outside world, later tonight they should come into this parliament and do what they ought to have done last week and vote for these bills. Do not seek to evade the political responsibility of what your leader committed you to. You are at the logical end point of that. If you want to deny the nation this stimulus package, take the political responsibility for it. But I suggest to every member of the opposition that they consult someone in their electorate and they will get a very different view.

The SPEAKER—Order! The time allotted for the debate under standing order 1 has expired. I now put the question that the motion moved by the Leader of the House to suspend standing order 31 and standing order 33 be agreed to.

The House divided. [4.59 pm]  
(The Speaker—Mr Harry Jenkins)  
Ayes............. 81
Noes............. 59
Majority........ 22

AYES
Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bidgood, J.
Bird, S. Bowen, C.
Bradbury, D.J. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Campbell, J.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Debus, B.
Dreyfus, M.A. Elliot, J.
Ellis, A.L. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Garrett, P. Georginas, S.
George, J. Gillard, J.E.
Gray, G. Grierson, S.J.
Griffin, A.P. Hale, D.F.
Hall, J.G. * Hayes, C.P.
Irwin, J. Kelly, M.J.
King, C.F. Macklin, J.L.
Mackelland, R.B. Melham, D.
Neal, B.J. O’Connor, B.P.
Owens, J. Perrett, G.D.
Price, L.R.S. Rea, K.M.
Rishworth, A.L. Rudd, K.M.
Shorten, W.R. Smith, S.F.
Sulllivan, J. Symon, M.
Thomson, C. Trevor, C.
Vanvakinou, M. Zappia, A.

NOES
Abbott, A.J. Baldwin, R.C.
Andrews, K.J. Bishop, B.K.
Baldwin, R.C. Briggs, J.E.
Billson, B.F. Chester, D.
Bishop, J.I. Cobb, J.K.
Briggs, J.E. Coulton, M.
Broadbent, R. Costello, P.H.
Chester, D. Dutton, P.C.
Cobb, J.K. Forrest, J.A.
Colston, M. Georgiou, P.
Costello, P.H. Hawke, A.
Coulton, M. Hawker, D.P.M.
Costello, P.H. Hunt, G.A.
Cowen, C. Hull, K.E. *
Craig, T. Jensen, D.
Crean, S.F. Keenan, M.
Debus, B. Ley, S.P.
Elliot, J. Macfarlane, I.E.
Ellis, K. Markus, L.E.
Emerson, C.A. Mirabella, S.
Ferguson, L.D.T. Nelson, B.J.
Garrett, P. Pearce, C.J.
George, J. Ramsey, R.
Gray, G. Robb, A.
Griffin, A.P. Ruddock, P.M.
Hall, J.G. * Secker, P.D.
Irwin, J. Slipper, P.N.
Kelly, M.J. Somlyay, A.M.
King, C.F. Stone, S.N.
Macklin, J.L. Tuckey, C.W.
Mackelland, R.B. Jackson, S.M.
McClendland, R.B. Kerr, D.J.C.
Melham, D. Livermore, K.F.
Neal, B.J. Marles, R.D.
O’Connor, B.P. McMullan, R.F.
Owens, J. Murphy, J.
Perrett, G.D. Neumann, S.K.
Price, L.R.S. Oakeshott, R.J.M.
Rea, K.M. Parke, M.
Rishworth, A.L. Plibersek, T.
Rudd, K.M. Raguse, B.B.
Shorten, W.R. Ripoll, B.F.
Smith, S.F. Roxon, N.L.
Sulllivan, J. Saffin, J.A.
Symon, M. Sidebottom, S.
Thomson, C. Snowden, W.E.
Trevor, C. Swan, W.M.
Vanvakinou, M. Thomson, K.J.
Zappia, A. Turnour, J.P.

Windsor, A.H.C.

AYES
Abbott, A.J. Andrews, K.J.
Baldwin, R.C. Billson, B.F.
Bishop, B.K. Bishop, J.I.
Briggs, J.E. Broadbent, R.
Chester, D. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Coulton, M. Dutton, P.C.
Farmer, P.F. Forrest, J.A.
Gash, J. Georgiou, P.
Haase, B.W. Hawke, A.
Hawker, D.P.M. Hockey, J.B.
Hull, K.E. * Hunt, G.A.
Jensen, D. Johnson, M.A. *
Keenan, M. Laming, A.
Ley, S.P. Lindsay, P.J.
Macfarlane, I.E. Marino, N.B.
Markus, L.E. May, M.A.
Mirabella, S. Morrison, S.J.
Nelson, B.J. Neville, P.C.
Pearce, C.J. Pyne, C.
Ramsey, R. Randall, D.J.
Robb, A. Robert, S.R.
Ruddock, P.M. Scott, B.C.
Secker, P.D. Simpkins, L.
Sliper, P.N. Smith, A.D.H.
Somlyay, A.M. Southcott, A.J.
Stone, S.N. Truss, W.E.
Tuckey, C.W. Turnbull, M.
Mr NEUMANN (Blair) (5.04 pm)—I speak in support of the Corporations Amendment (No. 1) Bill 2008 [2009]. The bill proposes to amend the Corporations Act 2001 to provide a mechanism for recognising in Australia disqualifications from managing corporations that occur in prescribed foreign jurisdictions. This is a particularly important piece of legislation to close a regulatory gap and prevent people from avoiding disqualification simply by moving jurisdiction from an overseas country to Australia. It is anticipated that our trans-Tasman brethren in New Zealand will actually be the first cab off the rank.

Initially it is suggested that mutual recognition will apply to New Zealand only, but the bill provides the tool, or the mechanism, by which other jurisdictions can later be added. It really is all about ensuring our relationship with New Zealand and other countries in terms of the consistency of corporations law being achieved. Our relationship with New Zealand is a longstanding one, as everyone in this House knows. In fact, New Zealand is actually mentioned in our Constitution. It was anticipated that New Zealand might actually become a state of Australia, and some would say that might have been a good thing. They are our natural allies, and they are our natural adversaries on the sporting field. But in terms of migration, trade, defence ties and people-to-people links we are very close and there are many Australians who travel to New Zealand for business and for holidays and who have relationships and relatives over there.

As someone who was in business for a long time before being elected, in 2007, I had many business relationships with people in New Zealand. In fact, I was part of a group of lawyers and law firms called the Southern Cross Legal Alliance. We had relationships with New Zealand firms in Auckland and Christchurch, and I visited New Zealand on many occasions with court cases overseas. Our firm had cases in New Zealand, and it was quite common to deal with New Zealand law firms on corporations, family law, personal injuries and other areas of law.

New Zealand, a country of about 4.2 million people, is our natural friend. It is like a brother to us as a country. We have cooperated well in international relations for a long time. In fact, we have looked to standardise our relationships in terms of the statute of limitations provisions, legal procedures, partnership laws, family law, the service of legal proceedings, evidence law, the standards of products, legal obstacles to greater federal-state and New Zealand-Australia cooperation—we have identified all these areas where we can work harmoniously together. We are part of the Pacific region. At the Pacific Islands Forum, APEC and the ASEAN regional security forum, we have dealt with New Zealand as part of our defence arrangements for a long time. New Zealand has been part of ANZUS. We have cooperated with New Zealand in East Timor, Bougainville and the Solomon Islands. And it is just natural to cooperate with New Zealand in the area of corporations law.

About 62,000 Australians live in New Zealand, many of them for business reasons. At last count—I think it was 30 June last
year—there were 521,000 New Zealanders living in Australia. That is more New Zealanders, more Kiwis, living here in Australia than there are people who reside on the Gold Coast, in south-east Queensland, one of the biggest cities in our country. That goes to show just how many New Zealanders come to Australia to live and how many Australians go to New Zealand to live.

Australia makes up about 20 per cent of New Zealand’s trade. In fact, when you consider all the trade that goes on between the countries, the area of law that we are currently standardising is very important. The total trade between the country of Australia and the country of New Zealand is $16½ billion. That is an enormous sum of money that we are trading in imports and exports between the countries. Corporations deal with this all the time. So we have people from New Zealand coming to Australia and working in companies over here, and we have Australians working in companies in New Zealand. It is a bit like travelling across the Tweed River from Queensland to New South Wales or travelling across the Murray River: it is just natural for us to have relations with New Zealand.

We find from time to time that people who have been disqualified in our jurisdiction want to go and practise as managers and as directors in New Zealand and vice versa. New Zealand in 2007 closed this loophole. It is important to understand what the current law is in this regard, particularly in relation to managers and directors. In relation to the circumstances under which someone could be disqualified from a position as a director, the current Corporations Law in Australia does not provide for automatic recognition under Australian law of disqualification from being a director in another country. Only in circumstances where there are serious crimes, where a person has been convicted of an indictable offence in relation to the management of a financial company, do you find that they are disqualified. That is one of the key features of the old law. In circumstances where people are involved in offences of dishonesty punishable by imprisonment of at least three months, you might be disqualified, but disqualification is only a rare occurrence. Where people are managing corporations, the current law does not actually provide a mechanism by which a court in Australia can recognise a disqualification of a person from managing corporations that occurred in a foreign jurisdiction. So there is a real gap in our law in this area.

We entered into an agreement with New Zealand that was important in business law. It was a memorandum of understanding on business law coordination. What we are doing here, as has been said on numerous occasions, is taking yet another step along the way to cooperation with New Zealand in what has been described by many people as our greatest aspiration—that is, a single trans-Tasman economic market based on a common regulatory framework. That has been the aspiration of governments of both persuasions for a long time.

The relevant minister, Senator Sherry, the Minister for Superannuation and Corporate Law, in his second reading speech on 3 February this year said:

… the bill establishes a framework by which individuals who are disqualified from managing companies in prescribed foreign countries can also be disqualified in Australia either automatically or by court order. As such, the bill will improve protection for investors and the integrity of Australia’s markets.

It is just natural that New Zealand is the first prescribed country. Under the law change that we are talking about there is a mandatory aspect and a discretionary aspect. For example, the first proposed provision will result in a person being automatically disqualified from managing a corporation in
Australia if they are disqualified from being a director or being concerned in the management of a foreign company by a court in a prescribed country. In other words, a court over there has looked at all the facts and said, ‘Well, this person should not be involved as a director or a manager in this country.’ A court of law in New Zealand has examined the facts and the law as it applies to that particular circumstance in that particular case and has decided against the director or manager. So there is a mandatory aspect to it: we have the protection of the New Zealand courts—and that is quite common. We commonly recognise New Zealand decisions in areas such as child support and family law and in other areas, where their judgements are recognised in our courts and then enforced. It is a common thing that we do in Australia.

The second proposed provision extends the power of Australian courts to disqualify people from managing corporations, an application made by ASIC. That means that a person has been disqualified under the law of a prescribed foreign jurisdiction, but a court of law has not actually looked at the facts of the case, so they are just automatically disqualified. In those circumstances, our courts will have a discretion to consider the disqualification and make a decision accordingly as to whether they think it is justified in all the circumstances. So whether people are automatically disqualified as a result of a court of law in New Zealand deciding the matter and Australia just recognising it or whether they are automatically disqualified in New Zealand and then come to Australia, our courts will act as a protection in the circumstance, with a discretionary aspect to the law change. This is important.

So, whatever the circumstance, a court of law, presided over by a New Zealand judge or an Australian judge, will consider the issue. Of course, we expect in future our OECD partners to also be engaged in this sort of process. It is closing the gap so that someone who is disqualified in New Zealand does not come over here and start practising as a manager or as a director. We simply do not want people who have been judged by our peers in New Zealand as not being capable or worthy of serving in those corporate capacities doing their job here in Australia. We do not want that to happen. We want our companies to be managed well, we want directors to fulfil their duties under the Corporations Law. We do not want directors and managers in those circumstances simply jumping ship, crossing the Tasman, and doing here in Australia what they have done in New Zealand and what the courts and the law of New Zealand have found they have done.

As I said, this amending legislation fulfils a requirement that the Australian and New Zealand governments have undertaken as part of the memorandum of understanding on business law coordination. In 2007 New Zealand did what we are doing here today. It is an important law change. It is important because we want integrity in our corporate law, in our managers. At this particular time we want as much honesty and probity amongst our corporate managers and directors as possible.

This amending legislation of course has the support of the Australian Institute of Company Directors, who have supported the law change. They supported the automatic disqualification initiative and they look forward to the further development of the law in this area. The legislation has also been through the process which is commonly known as MINCO—that is the Ministerial Council for Corporations. That body has been consulted and, in the circumstances, this particularly worthy legislative reform deserves the support of both chambers of this parliament, as does so much other legisla-
As someone who has practised as a lawyer and who has dealt with cases in Australia and New Zealand, I am very pleased to support this bill.

Mr ROBERT (Fadden) (5.18 pm)—I rise to support the Corporations Amendment (No. 1) Bill 2008 [2009]. I thank the member for Blair for his detailed and erudite contribution on the law and how it pertains to the issue. This bill prevents persons who are disqualified as company directors in New Zealand from becoming directors in Australia. It addresses the perceived loophole in the existing law whereby people ostensibly just crossed the Tasman to avoid disqualification.

The objectives of this bill are certainly in line with the principles of the MOU on business law harmonisation between our two countries. The benefits of mutually recognising director disqualifications were raised by the member for Higgins and the coalition government in 2006. Hence the coalition supports the move. By way of background, the MOU was first signed in 1988 and allowed for harmonisation of business law. It was reviewed every five years, the last review being in 2006. New Zealand closed this regulatory gap by amending their Companies Act 1993 in 2006. The Australian bill is modelled on the New Zealand bill.

As we debate this bill in the parliament, it is interesting to note that, according to ASIC’s 2007-08 annual report, 280 litigations were finalised in Australia. ASIC jailed 23 people, 40 were banned under section 206B(1) and 66 officers were banned or disqualified as a result of ASIC action. Eighty illegal investment schemes were wound up. ASIC received 11,436 complaints. If you look back at the 2006-07 financial report of ASIC you will see that 21 criminals were jailed, compared to 17 in the previous year. There were 256 civil orders against people or companies, 105 illegal schemes shut down and 110 people removed from directing companies. Statistics from various years have shown an increase in the number of directors banned, schemes shut down and funds frozen.

I can only assume that the figures in New Zealand are exactly the same; therefore, it is a lay-down misere. The last thing we want in this country is someone from another country—and in this particular instance we are talking about New Zealand, although the way the bill is structured will allow other countries to be added—for example a director who has been banned because of criminal or commercial malpractice, financial services advisers who have been banned because of misconduct, auditors or liquidators disciplined for misconduct or people with civil orders against them, coming across the Tasman with impunity and bringing their own professional negligence and incompetence into this country. I commend ASIC for the work it is doing in keeping on top of those who would flagrantly disregard our laws, and indeed our people, for their own self-aggrandisement.

Mr RIPOLL (Oxley) (5.22 pm)—I rise to speak in support of the Corporations Amendment (No. 1) Bill 2008 [2009]. This bill is simple but quite important. It acknowledges the need to recognise in Australia the disqualifications and penalties placed on certain people in other jurisdictions and allows those penalties to be carried through under Australian law. The bill proposes to amend the Corporations Act 2001 to provide for the recognition in Australia of the disqualification of people in other countries. These are people who have been disqualified from managing corporations or the like. We will be closing a loophole, a gap, in our own regulatory system which can be taken advantage of by people who are disqualified from managing a corporation in another jurisdiction. For example, a person might be dis-
qualified by the courts in New Zealand, for either criminal activity or malpractice in New Zealand, but then they might decide to come to Australia and take up practice doing what they did in New Zealand. I think it is fair to say that, if asked whether this is a just and fair thing, an ordinary person would answer no. If a person is disqualified from managing a corporation in New Zealand and is found guilty of whatever offence they have been charged with then that person should not be able to simply get around the law by transferring to Australia.

Australia and New Zealand share a special relationship. It is a long relationship and we are very good friends across the Tasman. We share a lot of common aims and goals and we share parts of our cultures. There are certainly plenty of Kiwis here in Australia, and I think we understand each other very well. That extends beyond our close ties, our shared language and our historical perspectives and relationships to the way we manage our legal and regulatory frameworks. The closing of the regulatory gap in our legislation, through this bill, follows on from a policy goal to progressively bring New Zealand and Australia closer together in this area—and there is a government memorandum of understanding on business law coordination.

It follows on from our view that there needs to be uniformity and consistency across all jurisdictions, including state and federal jurisdictions. We need to close the loopholes. Among the simplest examples to put on the record are driver’s licences and speeding fines. If you cop a speeding fine or lose points for bad driving behaviour in, for example, Queensland, why should you be able to get away with it in New South Wales? In the end, it is the same country, one jurisdiction, and there should be some uniformity across the different states of Australia. This is being done across a whole range of licensing, regulation and other bits of legislation in this country.

I have been talking about the close ties and the close relationship between Australia and New Zealand. We are two almost borderless nations with a free flow of capital, ideas, employment and labour. The more you remove the barriers—so that people can work in the different jurisdictions and so that you can move capital, labour and business interests between them—the more you have to have uniform regulatory arrangements in the two jurisdictions. So it makes perfect sense for this parliament to amend the Corporations Act to close some of those regulatory gaps. I commend the Minister for Superannuation and Corporate Law, Senator the Hon. Nick Sherry, for bringing this legislation forward.

It was initially envisaged that this mutual recognition would go beyond New Zealand. With what is in this bill the only other prescribed jurisdiction will be New Zealand. But, as time progresses and we negotiate with our other good friends in other jurisdictions across the globe, we will be moving our regulatory regimes into line across other jurisdictions. It makes perfect sense when you look at the regulatory environments in countries where people can easily and almost seamlessly move capital, labour and business interests across borders. The regulatory rules that apply across those borders are very similar, if not the same. I am sure people can think of a dozen, if not more, examples of where this could be applied in other areas. It could apply in medicine or in the practice of law itself. Earlier today we talked about bringing into line some of the regulations for tax agents. Again, it is about uniformity and consistency across jurisdictions. This is a logical progressive step in that direction.

This bill does two main things. It makes it possible for an Australian court to automati-
cally disqualify from managing a corporation in Australia a person who is disqualified from being a director or from being concerned in the management of a foreign company by a court in a prescribed country. To put that in layman’s terms, under this bill a person who has been disqualified by a court in another country—at this stage, it is only New Zealand—will be automatically disqualified in Australia.

The bill goes further, to provide an extension of the powers of the Australian courts to disqualify people from the same provisions as I have just described—from managing corporations—if that is done on application by ASIC, the Australian Securities and Investments Commission. So the courts will be given the power here in Australia to disqualify a person proscribed in another jurisdiction from being a director or taking part in the management of a company, provided that our courts consider—and I think this is important—that that disqualification in another jurisdiction actually was appropriate and justified. It is probably a caveat worth noting that, while there is an automatic disqualification—so people have been disqualified in another jurisdiction, the court has already made that decision, and it is then automatic here in Australia—the bill also extends the power of the Australian courts and the Australian Securities and Investments Commission to deem, if they bring it to a court, whether that disqualification here in Australia is actually appropriate and justified. It is probably a caveat worth noting that, while there is an automatic disqualification—so people have been disqualified in another jurisdiction, the court has already made that decision, and it is then automatic here in Australia—the bill also extends the power of the Australian courts and the Australian Securities and Investments Commission to deem, if they bring it to a court, whether that disqualification here in Australia is actually appropriate. I would hazard a guess that there will not be too many of these because, if you are disqualified in another jurisdiction, I would think that you are pretty well gone, but there may be some extenuating circumstance where a person could apply and actually make the case that the disqualification was not appropriate and did not need to be justified here in Australia.

This will ensure that all disqualifications—people being disqualified from managing companies and being company directors—are effective under Australian law and, very importantly, have been made the subject of deliberation by a court. Whether that court is an Australian court or a foreign court is not so much the issue, and that is why in this bill we have recognised both. If there is to be, as in this particular case, trans-Tasman agreements on this then there must be the ability, obviously, for that country not only to recognise our court but for us to recognise their courts and vice versa.

I think this is a really positive step forward. This is going to send a very strong message to the corporate world that simply trying to skirt around disqualifications by moving jurisdictions—and one of the simplest, of course, would be from Australia to New Zealand—is no longer acceptable; you are just not going to get away with it. Maybe that will make a few white-collar criminals have a bit of a think about their actions. If not, it is just going to mean that they cannot practise any longer. Either way, I think that is a good thing. I certainly know and understand that this is obviously something that has been a matter of discussion between our two nations—that of New Zealand and Australia—and something that is supported by both.

I eagerly await the time when, at some point in the not-too-distant future, we quickly begin to add other jurisdictions—that we start moving through the jurisdictions perhaps primarily in our own neighbourhood, such as in the Pacific rim and the South Pacific, and that we look to our trading partners and those other countries that we have trade relationships with. I think that would be an appropriate way forward for us to deal with these. We could start looking at those that we do the most trade with—the ones where we have the strongest and longest-standing relationships—and we can sit down and negotiate on the same basis: that
nobody in any jurisdiction wants to allow crooks to get away with the crime. If somebody is disqualified in a foreign jurisdiction then I can see no reason why they should not be disqualified globally, if that principle applies. In the end that is what this is about. This is really a global application and recognition of a person’s crime and their disqualification.

I have no hesitation at all in relation to what this provides for and what it will mean. As with many things in this type of area, it is about a couple of basic principles, one being the integrity of our systems—and I mentioned the integrity of our legal system in a previous speech, albeit in a slightly different area. In Australia I think we are all very great believers in the rule of law and in the importance of abiding by the law, and all those who want to exercise the advantages of our great country should also abide by the same principles that we apply to ourselves—those belonging to the rule of law—and that that should apply to other jurisdictions as well. So I think this is a really positive and good step forward. While it is only at this stage an agreement which initially just prescribes New Zealand, I can see a day in the not-too-distant future where we grow that list. I commend this bill to the House.

Mr OAKESHOTT (Lyne) (5.34 pm)—I will be brief, but I offer my support for the Corporations Amendment (No. 1) Bill 2008 [2009]. The bill amends the Corporations Act to disqualify a person from managing corporations if disqualified by a court of a foreign jurisdiction from managing a foreign corporation. It does only apply to New Zealand at present, and it certainly is, I would assume, a test of the waters with regard to whether this is to be expanded. We hear much in this place about the frustrations between various state agencies and the Commonwealth. It is, I think, a recognition of the global corporate market that we live in that we are now starting to see more and more legislation that raises some of the challenges with regard to the sovereign nation of Australia and other jurisdictions around the world. The reality is that we live in a global environment—in particular, a global business environment—so to establish some nets to catch those that are moving comfortably between those international jurisdictions, to work against all the various jurisdictions that they are doing business in, is, I would hope, a principle that most, if not all, in this chamber would certainly welcome.

I welcome the basic fundamentals on the surface of this bill, and I also acknowledge, as with the previous legislation with regard to the trade practices changes, that this has deep bipartisan roots in its genesis. I think it should be acknowledged that both sides of this House, regardless of politics, are supportive of the general direction, and that is to be welcomed. I do note, however, the previous speaker’s comments on the possibility for exemptions. It is important that those exemptions exist. It is in proposed section 206EAA with regard to this not being too prescriptive, but there are still discretionary powers from Australian courts to acknowledge differences between different company laws, and then potentially different breaches that may happen in different jurisdictions.

I did want to raise, as a point of interest, differences in the directors duties in Australia, in New Zealand and in various jurisdictions around the world. I think it is in section 112 of the New Zealand Companies Act. Whilst in Australia the focus for directors duties is very much on protecting the best interests of the company, it is a different law in New Zealand, in that it is protecting not only the best interests of the company but also other stakeholders—however those other stakeholders might be defined by New Zealand law at the time. It is very similar in the UK, where the focus is on not only pro-
tecting the interests of the company but also the interests of the employees of that company. For those who have got an interest in that, I think it is section 309 of the UK company law. So there are differences, and the point is that there are differences in the detail when it comes down to what we would consider the givens of things such as directors duties. That is why I think the exemptions that are held within this amendment bill are so important and really are, for me, the deal maker or the deal breaker in supporting this legislation.

I hope that everyone in this chamber does support the fundamental principle of rule of law in Australia. If you do believe in that, you do need to believe in the integrity of the rule of law. This is, I hope, a step forward in what is now a global business environment in recognising breaches that can occur across nations and therefore across jurisdictions. I welcome the bill and I hope it works.

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (5.39 pm)—in reply—I would like to thank honourable members who contributed to the debate on the Corporations Amendment (No. 1) Bill 2008 [2009]. In summary, the bill will establish a framework in the Corporations Act 2001 by which individuals who are disqualified from managing companies in prescribed foreign countries can also be disqualified in Australia either automatically or by court order. New Zealand is the first prescribed country that these provisions will operate in relation to. The framework has been designed to allow other countries to be added at a later date.

This bill fulfils the requirement under the Australian and New Zealand governments’ Memorandum of Understanding on Business Law Coordination. It moves us a step closer to achieving the policy goal of establishing a single trans-Tasman economic market based on common regulatory frameworks. Under the provisions of the bill, a person will be automatically disqualified from managing corporations in Australia where they have been disqualified by a court in a prescribed foreign country. In addition, an Australian court will have the power to disqualify a person from managing corporations on application by the Australian Securities and Investments Commission on the ground that the person has been disqualified by the operation of law or by the regulator in a prescribed foreign country. This will ensure that all people disqualified in Australia on the basis that they have been disqualified in a prescribed foreign country have had their disqualification scrutinised by a court.

New Zealand’s complementary provisions became operative in 2007 and in the interest of cross-border consistency these amendments have been modelled on those of New Zealand. The bill will enhance the protection of investors and the integrity of Australia’s markets. It does this by ensuring that people who are disqualified from managing corporations in New Zealand cannot avoid disqualification simply by crossing the Tasman. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr BOWEN (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (5.41 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

AUDITOR-GENERAL AMENDMENT BILL 2008 [2009]

Consideration resumed from 5 February.
Mr BYRNE (Holt—Parliamentary Secretary to the Prime Minister) (5.42 pm)—I present the explanatory memorandum to this bill and move:  

That this bill be now read a second time.


The bill amends the Auditor-General Act to implement certain recommendations of the 2001 inquiry into the Auditor-General Act by the Joint Committee of Public Accounts and Audit. The JCPAA inquiry was intended to assess the act and determine if it was achieving its stated intentions. Overall, the committee found that the act provided an effective framework for the Australian National Audit Office to carry out its functions.

While these are the first substantive legislative amendments to the Auditor-General Act since the JCPAA issued its report in 2001, some of its recommendations have been implemented administratively by the Auditor-General. Amending the act will provide legislative certainty for these administrative actions. A number of the amendments also build on, or are additional to, the JCPAA’s recommendations as other areas of the Auditor-General Act which could be strengthened or require amendment have been identified in the time since the report.

The proposed amendments are minor. For example, they clarify and extend the distribution of performance audit reports, make provision for the inclusion of comments on proposed reports in final reports, and clarify the circumstances in which audit information made available to entities and other parties in the course of a performance audit may be disclosed. The bill will also update the penalty provisions in the Auditor-General Act to bring them in line with current criminal law policy.

When the Auditor-General conducts a performance audit of a Commonwealth agency, a copy of the final report is provided to interested persons prior to the tabling of the report in the parliament. This gives the recipients an opportunity to consider the report in advance of tabling so that they are able to respond to any questions that may arise. Although it is the Auditor-General’s practice to give the chief executive of an audited entity a copy of the final report prior to tabling, this is not an explicit requirement of the legislation. To address this deficiency in the act, the bill would provide that the Auditor-General must give a copy of the report to the chief executive of an agency or, if the audited entity is a Commonwealth authority or company, to an officer of the authority or to a director or senior manager of the company, as soon as practicable after the report is completed. The bill also provides that the Auditor-General may provide a copy of a report, or extracts from a report, to any person, including a minister, or any body who, in the Auditor-General’s opinion, has a special interest in the report.

With the increased outsourcing of government services in recent years, there are potentially many groups, such as contractors engaged to deliver government services, which may be involved in a performance audit. There is no provision in the act at present to require the Auditor-General to give draft reports to these people for comment. To address this, the bill would allow the Auditor-General to give a copy of a proposed report, or an extract from a proposed report, to any person who, in the Auditor-General’s opinion, has a special interest in the report. The recipient of the draft report would then have 28 days to provide written comments, which the Auditor-General is obliged to take into account in finalising the report. This process will help ensure that information in the report is correct. It also provides for natu-
ral justice by giving persons who may be criticised in a report an opportunity to comment on the findings set out in the proposed report. To preserve the integrity of the audit process, the recipients of such information would, of course, be subject to the confidentiality provisions in the act that apply generally to persons who are in possession of audit information.

In the interest of fairness and completeness, the bill also requires that the Auditor-General must include, in full, all written comments received on a proposed report under subsection 19(4) in the final audit report. This amendment provides a legislative basis for the Auditor-General’s current practice.

The bill also corrects a number of errors in the act that were identified by the JCPAA in its 2001 report, particularly in those provisions relating to the omission of information from reports on public interest grounds. These are explained in detail in the explanatory memorandum that accompanies the bill.

The amendments will have no financial impact. The changes to the Auditor-General Act proposed by this bill, while relatively minor, are an important step towards encouraging open communication and improving the fairness, effectiveness and integrity of the audit process.

**Mr PYNE (Sturt) (5.47 pm)—**It is a pleasure to speak on the Auditor-General Amendment Bill 2008 [2009], particularly as I represent, in the House of Representatives, the shadow special minister of state, who resides in the Senate. The bill gives practical effect to recommendations by the 2001 Joint Committee of Public Accounts and Audit in its review of the Auditor-General Act. These recommendations were largely accepted by the coalition, and the extremely minor caveats of the government of the day are reflected in the current text of the bill. The proposed amendments are technical and in the view of the opposition are non-controversial. They will serve to clarify performance audit reports and broaden their distribution to interested parties.

The amendments will provide for the inclusion of comments on proposed reports in final reports and clarify the circumstances in which audit information made available to entities and other parties in the course of a performance audit may be disclosed. The bill will also update the penalty provisions in the Auditor-General Act to bring them in line with current criminal law policy. Subsection 15(2) of the Auditor-General’s Act currently requires the Auditor-General to table a copy of a performance audit report in each house of the parliament and give a copy to the responsible minister. While it is the Auditor-General’s practice to provide the chief executive of the audited agency with a copy of the report, this is not explicitly authorised by the act. The amendment to subsection 15(2) would provide explicit authority for the Auditor-General to give a copy of the report to the chief executive of the agency that is the subject of the report.

This amendment will ensure that the chief executive receives a copy of the report at the same time as the responsible minister, which is appropriate as the chief executive has direct responsibility for the operations of the audited agency. This will provide the opportunity for the chief executive to consider the content of the report and for briefing to be prepared for the responsible minister prior to tabling. The new subsection 36(2B) would make it an offence for persons who receive information under new section 23A to use or disclose that information except where those persons are also themselves performing an Auditor-General function—for example, staff of the Australian National Audit Office. The maximum penalty for this offence would be two years imprisonment.
This is consistent with other penalties for similar offences set out in section 36 of the Auditor-General Act. The extension of the confidentiality provision in this manner preserves the integrity of the audit process, particularly as information obtained by the Auditor-General in exercise of the Auditor-General’s broad information-gathering powers may be confidential and sensitive. This is particularly important where any information and findings are only of a preliminary nature and have not been presented to the parliament.

The opposition regards this bill as noncontroversial. The financial implications of the legislation are nil, and therefore the opposition can happily lend its support this bill, unlike the other bills that have been debated today.

Mr HAYES (Werriwa) (5.50 pm)—I take the tongue-in-cheek remark from the previous speaker about the other bills presented today, but I am sure my learned colleague did not make that remark terribly seriously. He will have an opportunity to reassess that very shortly, I suspect.

Today I rise to speak on the Auditor-General Amendment Bill 2008 [2009], which will make minor amendments to the Auditor-General Act 1997 to implement and build on recommendations made in the report Inquiry into the Auditor-General Act by the Joint Committee of Public Accounts and Audit back in 2001.

While the amendments in this bill are minor, I think they are, nevertheless, an important step towards encouraging open communication and providing fairness, efficiency and integrity to the audit process. They will also provide legislative certainty for the Auditor-General’s practices in this regard. I understand that these amendments, as has been indicated, are noncontroversial, but there are a few matters in terms of this bill that I would like to highlight and which I think are worthwhile for the House to hear.

This is a response by this government to the report of the inquiry by the Joint Committee of Public Accounts and Audit, as I mentioned, back in 2001. The former government also made a response to that, largely agreeing to the recommendations, but this is the first time that those recommendations have actually been dealt with in the spirit of the Joint Committee of Public Accounts and Audit. The proposed amendments also include a number which are additional to the Joint Committee of Public Accounts and Audit report’s recommendations as, since that time, other areas of the act have been seen to need strengthening—those areas which have now been identified.

As we know, the Auditor-General, Mr Ian McPhee, is an officer independent of the parliament. Under the Auditor-General Act 1997 he is responsible for providing auditing services to the parliament and public sector entities. Mr McPhee, by the way, was appointed as Auditor-General back in March 2005. He is very much a career public servant it would seem. His previous position was as Deputy Secretary/General Manager, Financial Management Group, Department of Finance and Administration, where his responsibilities included managing and providing policy advice to the finance minister on: the budget and financial management framework; budget and financial reporting, and analysis for whole-of-government purposes; public sector superannuation; and the office of evaluation of audit. I put that in to indicate that we have, in Mr McPhee—the person responsible for administration under this act, as the Auditor-General—someone who has absolutely substantial credibility on all sides of this parliament. He is responsible not only for overseeing efficiency but also for ensuring that we strengthen the efficiency processes throughout the public sector and
government-related sectors of the Commonwealth. Indeed, from 2003, Mr McPhee was Deputy Auditor-General at the Australian National Audit Office, where he was responsible to the Auditor-General for the delivery of the performance and assurance audit programs of that office.

Although it is the Auditor-General’s practice to give the chief executive of an audited entity a copy of the final report that is going to be tabled, this is not explicitly required under the act. This bill addresses that deficiency. It is done on the basis that this is not simply the Auditor-General being the final arbiter and referee, but that he is going to ensure that all the legal requirements of his position are observed and that, where possible, greater efficiency is extracted by the participation of those other entities which are being audited.

The bill will provide that the Auditor-General must give a copy of the report to the chief executive of an agency or, if the audited entity is a Commonwealth authority or company, to an officer of the authority or to a director or senior manager of the company, as soon as practicable after the report is completed. The bill also provides that the Auditor-General may provide a copy of a report, or extracts from a report, to any person—including the minister—or anybody who, in the Auditor-General’s opinion, has a special interest in the report.

One phenomenon of the recent decade or so has been the level of outsourcing within government services. As a consequence, the groups which may have an interest in the final draft reports are not simply confined to those responsible under the relevant public sector acts. With this increase in outsourcing and government services, there may be many groups—like contractors who are engaged to deliver government services, and consultancies—which may have been involved in performance audits. Yet there is currently no provision under the act for the Auditor-General to be required to give them copies of a report for comment. As I said earlier, this is not simply an exercise in being caught out by a referee but rather in looking to extract greater efficiencies throughout the public sector or those areas where audits are undertaken.

This bill will address this and will provide for the Auditor-General to give a copy of a proposed report, or an extract from a proposed report, to any person who, in the Auditor-General’s opinion, has a special interest in the report. Therefore, as these assessments are being made, as the preliminary findings are being canvassed, opinion and response from senior management of the various entities which are being audited can be delivered back to the Auditor-General for inclusion in the final report. Their responses will be evaluated but nevertheless included in the final draft report.

The bill will further extend the existing disclosure and confidentiality provisions, including to allow a person to disclose information if it is provided to the recipient to assist a person in conducting a performance audit and if the information was obtained or generated by a person in the course of performing the Auditor-General’s function. It will also prohibit the recipient from using or disclosing that information and, further, provide that an offence is not committed if the Auditor-General has consented to the use or disclosure of that information by the recipient. Further, the bill will clarify that the Auditor-General has no discretion not to omit information from a report where the Attorney-General has issued a certificate to the effect that the disclosure of certain in-
formation would be contrary to the public interest.

Finally, the bill will update the offence and penalty provisions in accordance with current criminal law policy. The changes to the Auditor-General Act proposed by this bill, while relatively minor, as I said earlier, are an important step towards encouraging open communication and providing fairness, effectiveness and integrity throughout the audit process, and they will provide the legislative certainty that is required for the Auditor-General’s practice. I commend the bill to the House.

Mr OAKESHOTT (Lyne) (6.00 pm)—I rise to support the Auditor-General Amendment Bill 2008 [2009]. I will be brief. It is really to get on the record that, from my point of view, to protect and enhance the integrity of the system that we live and work in, you need to have a good, functioning and, dare I say, independent Auditor-General, working in the best interests of public administration. I am therefore an unashamed Auditor-General junkie. I love a good Auditor-General. I do think the role is critical in the delivery of good, open, democratic systems. Therefore, I would certainly hope this is an enhancement of the role and the powers of an Auditor-General in Australia today rather than a butchering or a legislative process that is somehow dampening the important role that the Auditor-General plays.

A good Auditor-General should have the full resourcing of this place. It should have full legal protection. I note that there are some comments in reference to that in, for example, the parliamentary Bills Digest. I would hope that this place recognises the importance of full legal and parliamentary protection for a good, functioning Auditor-General. The point I have previously made—and I would hope this place recognises it—is that, as uncomfortable as it can be at times, particularly for executive governments, the independence of the Auditor-General and his or her role is of utmost importance. I would hope that is the genesis of this bill and, if so, it is warmly welcomed.

The other reason for quickly jumping on this bill is a suggestion that I would like to put forward, in particular, for the Joint Committee on Public Accounts and Audit and its working relationship with the Auditor-General. Coming from the public accounts committee in New South Wales, I think they just started to go into new but welcome territory in representation. Not only was it an exercise of Auditor’s-General reports in New South Wales being dealt with and dealt with by the various agencies at the time in regard to recommendations and responses; what I thought was a clever and welcome step forward was that 12 months later the recommendations relating to the agencies that were audited were revisited and an explanation was sought from those agencies if the recommendations had not been adopted 12 months after the delivery of a report into the public arena. So that was very much an exercise for the auditor to deal with.

The beauty of the public accounts committee and the working relationship with the Auditor in New South Wales was that it allowed that backup, that blunt instrument, to be there. If, in dealing with the Audit Office, various departments or agencies were being belligerent about why various recommendations had not been adopted, the black book of the public accounts committee could be pulled out and various agencies could be hauled in to explain themselves in a full, open forum in front of the committee. It is a worthwhile suggestion for the national parliament to pick up. We can pull so many reports off the shelf where recommendations emerge, but reports come and go and, dare I say, delegations come and go. At times there is a sense in this place that recommendations
come and then go nowhere. If we can improve the process of revisiting reports after 12 months, or even longer, I think it would be a welcome addition and hopefully one for consideration by this place.

Mr BYRNE (Holt—Parliamentary Secretary to the Prime Minister) (6.05 pm)—in reply—I would like to thank the members that have made a contribution to this debate, particularly the members for Sturt, Werriwa and Lyne. I say to the member for Lyne that I have heard the Auditor-General being called many things, but you being an Auditor-General junkie is certainly one for the books. I am sure that will warm the cockles of the heart of the Auditor-General. I am sure he will read that contribution with some measure of approval. On a personal note, I have listened to a number of your contributions and I welcome your presence in this place. I have been very impressed with what I have heard. You are in fact adding value to this place. Thanks very much for your contributions.

Dr Stone—You like to suck up to the Independents.

Mr BYRNE—I am not sucking up to the Independents; I am basically saying what I think. The changes to the act proposed by the Auditor-General Amendment Bill 2008 [2009], whilst relatively minor, are an important step towards encouraging open communication and improving the fairness, the effectiveness and the integrity of the audit process. The bill will provide legislative authority for a number of administrative practices within the Australian National Audit Office which were introduced following the Joint Committee of Public Accounts and Audit report. It also includes amendments which are additional to the JCPAA report recommendations which improve the act and achieve alignment with the other legislation.

I just wanted to reiterate a couple of points. These are—and it is very important to say it—the first substantial amendments to the Auditor-General Act since the JCPAA issued its report in 2001. Some of the recommendations have been implemented administratively by the Auditor-General. Amending the act will provide legislative certainty for these administrative actions. A number of the amendments also build on or are additional to the JCPAA’s recommendations, as other areas of the Auditor-General’s Act which could be strengthened and require amendments have been identified in the time since the report.

As I have said, the proposed amendments appear to be minor. For example, they clarify and extend the distribution of the performance audit reports, they make provision for the inclusion of comments on proposed reports and final reports, and they clarify the circumstances in which audit information made available to entities and to other parties in the course of a performance audit may be disclosed.

The bill will also update the penalty provisions in the Auditor-General Act to bring them in line with the current criminal law policy. The member for Lyne was talking about greater openness, greater accountability and greater capacity for people to be able to respond to a report. An Auditor-General’s report is a pretty important thing, and there can be some pretty damning recommendations that arise out of the report. You can have a report that, let us face it, could in effect be damning of an entire agency, a person, a chief executive officer et cetera, and one of the refreshing things in this piece of legislation is that it has a provision where people have a right to have look at what the Auditor-General is putting forward and the right of reply—which, in my view, offers the balance, fairness, openness, accountability and transparency which are required.
In summing up, I think these amendments are characterised as minor changes but they are in keeping with greater accountability and a greater capacity for people to respond to what could be adversarial reports by the Auditor-General. In that vein and in that spirit, and with the consent of the members present, I commend this bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr BYRNE (Holt—Parliamentary Secretary to the Prime Minister) (6.10 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MIGRATION LEGISLATION AMENDMENT BILL (No. 2) 2008 [2009]

Consideration resumed from 5 February.

Second Reading

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (6.11 pm)—by leave—I present the explanatory memorandum and a correction to the explanatory memorandum to this bill and I move:

That this bill be now read a second time.

The Migration Legislation Amendment Bill (No. 2) 2008 amends the Migration Act 1958 to clarify and enhance provisions relating to merits and judicial review of migration decisions.

The bill has three sets of amendments.

Firstly, the bill clarifies that, when the Migration Review Tribunal or the Refugee Review Tribunal seek information from review applicants or third parties, this may be done either orally or by written invitation.

Secondly, the bill reinstates effective and uniform time limits for applying for judicial review of migration decisions in the Federal Magistrates Court, Federal Court and High Court. The courts will have a broad discretion to extend that time where they consider an extension necessary in the interests of the administration of justice.

Thirdly, the bill limits appeals against judgments by the Federal Magistrates Court and the Federal Court that make an order or refuse to make an order to extend time to apply for judicial review of migration decisions.

These amendments will ensure a more efficient migration review system, while maintaining the rights of applicants to procedural fairness.

The first set of amendments seek to address a series of recent decisions of the full Federal Court where the court held that the tribunals may only seek additional information from review applicants or third parties if they do so by written invitation—that is, they cannot seek information orally.

In particular, the case of SZKTI v the Minister for Immigration and Citizenship [2008] FCAFC 83 found that the parliament did not authorise the tribunals to get additional information from a person pursuant to its general power to obtain information, without complying with the specified procedures set out in sections 424, 424A, 424B and 424C of the Migration Act for obtaining such information. This effectively means that the tribunals are not able to seek information orally from an applicant.

Requiring the tribunals to seek information only by written invitation is problematic when the only available means to communicate with a person is orally, for example, where only a telephone number is provided, which was the case in SZKTI.

Conducting investigations only in writing can also cause considerable delay without
necessarily improving procedural fairness to the applicant.

It is important to note that these amendments will not impact on procedural fairness afforded to an applicant. Where information is collected that is adverse to the applicant and which the tribunal considers would be the reason or part of the reason for affirming the decision under review, clear particulars of that information will be put to the applicant. The applicant would then have an opportunity to comment on such adverse information within a prescribed period before a decision on review is made.

The second set of amendments will reinstate effective time limits for applying to the courts for judicial review of migration decisions.

Without effective time limits there is an incentive for unsuccessful visa applicants to take advantage of the delays that litigation may cause, for example, by waiting until their removal from Australia is imminent before lodging an application for review.

The current time limits in the Migration Act are largely ineffective as a result of the April 2007 High Court decision of Bodruddaza v Minister for Immigration and Multicultural Affairs [2007] HCA 14 and the July 2007 full Federal Court decision of the Minister for Immigration and Citizenship v SZKKC [2007] FCAFC 105.

In Bodruddaza the High Court held that the time limits imposed on the court were constitutionally invalid because there was no discretion to extend time.

In SZKKC the full Federal Court held that the time period for seeking judicial review of a tribunal decision will begin to run only if the applicant is personally served with the written statement of reasons of the tribunal by a person authorised by the registrar of the tribunal.

It would be expensive and impractical for the tribunals to implement the practice of personally serving a written statement of the reasons for the decision. As such, the time limits for seeking judicial review of a migration decision to the Federal Court and Federal Magistrates Court are now largely ineffective.

This bill reinstates effective time limits in three main ways.

Firstly, it extends the time for lodging an application for judicial review of a migration decision from the current 28 days to 35 days.

The bill also seeks to address the problems identified in SZKKC and Bodruddaza. The time period for seeking judicial review of a migration decision will start to run from the time the migration decision is taken to have been made rather than from the time of actual notification, which the act currently requires. This addresses the practical difficulties associated with personally serving a written statement of reasons. To provide certainty, the bill defines ‘date of decision’.

The bill provides the courts with broad discretion to extend time where they consider it necessary in the interests of the administration of justice. This seeks to address the constitutional issues identified by the High Court in Bodruddaza and enables the courts to protect applicants from possible injustice caused by the time limits.

Applicants will be required to state in their applications for an extension of time why they consider it necessary in the interests of the administration of justice for the order to extend time to be made. This will assist the courts to deal with requests for extensions of time more quickly and assist in more efficient use of court resources.

The third set of amendments in the bill will limit all appeals against judgements by the Federal Magistrates Court and the Federal Court that make an order or refuse to
make an order to extend time to apply for judicial review of migration decisions.

This measure will strengthen and enhance the new time limits for applying for judicial review of a migration decision as inserted by the bill by encouraging applicants to seek timely resolution of their cases.

It may also in effect help to prevent applicants from engaging in strategic litigation to deliberately delay their removal from Australia.

The limitation on appeals does not affect any rights the applicant may have to seek review in the High Court’s original jurisdiction because such a limitation would be unconstitutional. The amendments do, however, limit appeals of decisions to make an order or refuse to make an order to extend time to apply for judicial review of migration decisions to the High Court in its appellate jurisdiction.

In conclusion, these amendments bring about key reforms that will lead to a more streamlined migration review process but one that still delivers fair and reasonable outcomes to clients of the Department of Immigration and Citizenship.

The bill deserves the support of all members of the House.

I commend the bill to the House.

Dr STONE (Murray) (6.19 pm)—I support the Migration Legislation Amendment Bill (No. 2) 2008 [2009] because, as the Parliamentary Secretary for Multicultural Affairs and Settlement Services has just said, it aims to streamline the process of making appeals as a result of particular migration decisions and at the same time delivers a just outcome for those who are seeking those reviews. The objective of the Migration Legislation Amendment Bill (No.2) 2008 [2009] is to amend the Migration Act 1958 to clarify and enhance communication provisions in the act that relate to merit and judicial reviews of migration decisions and in particular to ensure that in the future there is no attempt made to use process as a means to delay departure from Australia when the decision has been taken that a person’s application for, for example, asylum seeker status has been rejected.

In particular, this bill allows the Migration Review Tribunal and the Refugee Review Tribunal to invite either orally or in writing review applicants or third parties to give them information. Currently the tribunals and the full Federal Court can only request or require information from a person in writing. Enabling the tribunals to obtain information from review applicants and third parties orally, including by telephone, will obviously help ensure that reviews of migration decisions can be conducted efficiently and much more quickly. It also brings the communication options into the 21st century. It will lessen the problem for those who only have, for example, a mobile phone number as a means of contact and therefore with the capacity of the tribunals to communicate by telephone there can be an expectation that the applicants and third parties will have a much more effective and efficient system of understanding where they are up to and what is going on.

The bill also establishes uniform time limits for applying for a judicial review of a migration decision in the Federal Magistrates Court, Federal Court and High Court. These amendments relate to time limits and address the problem where there is currently an incentive for unsuccessful visa applicants to take advantage of the delays litigation can cause by waiting until their removal from Australia is imminent before lodging an application for review. These amendments also provide the courts with broad discretion to vary the time period for applying for a review of a migration decision where the
courts consider such a time frame is necessary in the interests of the administration of justice. Therefore, the setting of time limits cannot be seen in any way to restrict the rights of the applicant.

The third broad area addressed by this bill is where the appeals against judgement by the Federal Magistrates Court and the Federal Court will be limited when they make an order or refuse to make an order in relation to extending time to apply for a judicial review of migration decisions. The limitation of appeals against extension of time decisions will help ensure the effectiveness of the new time limits for applying for judicial review of a migration decision, as inserted in the bill.

The current wording of the act is, in places, ambiguous and in the past has allowed appeals of migration decisions based on lack of clarity about notification, dates of decisions and communication processes. As the parliamentary secretary identified, there have been numbers of cases in the Federal Court and High Court which made the original intentions of the act less clear, but where the aim was also to have an efficient, just and timely process. The amendments seek to clarify the intention of the act and to streamline the appeal process.

To give some further details, the bill will amend section 359(2) of the act to provide that communications can be made ‘either orally (including by telephone) or in writing’ Section 359(1) of the act provides the Migration Review Tribunal with the power to ‘get any information that it considers relevant’. Importantly, it provides that once the Migration Review Tribunal has that information it ‘must have regard to that information in making the decision on the review’. The amendments of section 359(2) outline that the Migration Review Tribunal has the power to seek information orally by whichever method it chooses, ‘including’—but not limited to—’by telephone’. The MRT will still be able to invite a person by written invitation to provide information, and these powers are a subset of the MRT’s broad powers under subsection 359(1). The power to seek information orally or in writing applies at any stage in the review.

As I said, the amendment will also ensure that the MRT is able to obtain relevant information where the only way of contacting a person is by oral means—for example, where a telephone number is the only contact provided. In all circumstances where information is collected, including by telephone, that is adverse to the applicant and that the MRT considers would be the reason or part of the reason for affirming the decision under review, clear particulars of that information will be put to the applicant in writing. The applicant would then have an opportunity to comment on such adverse information within a prescribed period before a decision on the review is made. The removal of the word ‘additional’ from the heading in section 359 makes it clear that the MRT’s power to seek information orally, including by telephone, or by written invitation applies to all information and seeks to deal with the uncertainties surrounding what information is covered by section 359.

Vesting the High Court with the broad discretion to extend time where it is necessary in the interests of the administration of justice aims to protect applicants from possible injustice while also ensuring extensions are granted only where there is a compelling reason to do so—of course, these are extensions on appeals. A new section, 486A(3), provides a definition of ‘date of the migration decision’, which will serve the purpose of setting the time limits for applying to the High Court for review of the migration decision. This is a very important part of this bill, in that, in the past, there has been an accep-
The bill reinstates effective and uniform time limits for applying for judicial review of a migration decision in the Federal Magistrates Court. This is important because it
provides the discretion to extend that time when necessary. It is about a balance between making things more efficient and effective and making sure there is some discretion in the interests of justice. It also limits appeals against judgements by the Federal Magistrates Court and the Federal Court in order that systems are not abused.

Schedule 1 of the bill addresses some issues that came about through the case SZKKC v the Minister for Immigration and Citizenship, where it was found that certain processes were not applicable. It will give the Migration Review Tribunal and Refugee Review Tribunal the capacity to obtain information from review applicants orally, which I think is the right way to go about these matters. I have sat in on some sessions of the MRT and the RRT, so I have firsthand experience of the complexities and difficulties faced by migrants and officers of the department and understand the importance of this legislation. I know that everybody in the House is supportive of this legislation, and it is good to see that support for this sensible way forward in addressing some of the limitations on the ability of the MRT and the RRT to go about their proper and effective roles.

Schedule 2 of the bill reinstates effective and uniform time limits for applying for judicial review of a migration decision in the Federal Magistrates Court. We have heard from other speakers how some people will use what is available to them—but it is an abuse. They use the lack of a time limit and use the mechanisms that exist to extend their stay in Australia beyond what is reasonable. In this they are not really seeking to address the substantive issue being dealt with in the courts. They appeal to try to extend their stay, to establish networks in Australia, to try to thwart our laws and regulations and their intent. The time limits reinstated by the bill mean people have to have genuine reasons and not just unlimited time in which to extend their stay in Australia and change their circumstances over that time, which may then compel a different decision later.

The amendments in schedule 2 provide for a new time limit of 35 days in which to lodge an application for review of a migration decision, from the date of that decision. The current time limit that applies to judicial review is 28 days from when the client is actually notified. This has been a problem in the past—which is something that has been covered by other speakers—but the amendments in this bill will address that issue. It will mean that the 35-day period will start to run from the time the decision is taken to have been made rather than from the time of actual notification. I think any fair individual would understand that sometimes serving papers can be very difficult. Some people deliberately seek not to be served. The changes coming into place will mean that the time limit applies from the date of the decision rather than from the time of serving, as is currently the case.

Schedule 3 of the bill will operate in concert with the amendments in schedule 2 and limits appeals against judgements by the Federal Magistrates Court and the Federal Court that make an order or refuse to make an order to extend time to apply for judicial review of migration decisions. Again, it is about limiting the opportunities for abuse and discouraging unsuccessful applicants from continuing a fruitless process not of trying to address the substantive matters, because they know they will not be successful, but simply using the system to seek to stay in the country for longer periods of time. There is a strong incentive for clients to litigate in order to extend their period of stay. As I said earlier, it increases the possibility of them extending their networks and their relationships to make it more difficult for the MRT or the RRT to make adverse decisions,
when these people would otherwise be unsuccessful applicants.

There is some very good data on this, which, interestingly, clearly points towards abuse in those areas. Appeal rates in immigration portfolios, as you would expect, are very high. They are exceptionally high. In 2006-07, it was 78 per cent. So, of the 2,205 applications, there were 1,713 with adverse RRT decisions. The evidence is that people want to appeal. They are very rarely happy with the decisions made by those bodies and want to appeal, and they continue to appeal and use every legal mechanism they have available to them. Interestingly, though, they have a very low success rate. In fact, the minister has a very high success rate. The minister wins appeals in over 90 per cent of cases. That is a clear indication that there was really no chance in the first place that they were going to get an overturned decision. But I do not believe that that was ever their intent. They probably very clearly understood that they were not going to get one but wanted to go down that path anyway merely for the luxury of the extension of time. That is not the way our system is meant to operate; it is not the way it is designed to be. We need a streamlined, efficient and economical system that, as I said earlier in my remarks, provides justice and does the right thing for migrants to this country but is also balanced with what is just, fair and right for Australia and its citizens and what we need as a country. So I am very supportive of these changes.

In summary, there are a number of very important provisions in this bill. It clarifies and enhances matters in relation to merits and judicial review of migration decisions, which I think is important and needs to happen. It also clarifies the Migration Review Tribunal and the Refugee Review Tribunal in terms of seeking oral submissions from third parties or by written invitation—giving effect to the original policy intention before the Federal Court’s decision in SZKT v Minister for Immigration and Citizenship. It reinstates the effective and uniform time limits for applying for judicial review of migration decisions and clarifies that the 35-day time limit commences not from the time of notification but from the time the decision is made. It also places effective time limits on unsuccessful applicants so as not to take advantage of delay for delay’s sake. Very importantly, it gives broad discretion to extend time where that is considered to be necessary in the interests of administrative justice. There are also a range of good quality amendments to ensure the immigration processes in this country are fair, effective, efficient and, I believe, in the interests of all Australians. I commend the bill to the House.

Mr ZAPPIA (Makin) (6.40 pm)—I too rise in support of the Migration Legislation Amendment Bill (No. 2) 2008 [2009]. I listened to the Parliamentary Secretary for Multicultural Affairs and Settlement Services speak earlier today, and I believe that he very clearly outlined the purpose and intent of this bill—and that was added to by the member for Oxley just a moment ago. So I am not going to cover the purpose of the bill per se, but I do want to make some points with respect to it. The first comment I will make is that I believe that this bill brings a degree of efficiency and clarity to the implementation of our migration laws in this country, and that is a good thing.

I want to base my comments on two factors. Firstly, since being elected to this place, migration cases have resulted in being one of the most significant areas of constituency work that we do in my office. Therefore, I have been able to look at a whole range of different issues that arise from the migration laws of this country. Secondly, as a member of the Joint Standing Committee on Migration, I have been able to visit a number of
detention centres in and around Australia. As part of visiting those detention centres not only have I been able to listen firsthand to comments made to the committee by people who were in detention but also, and just as importantly, I have been able hear and listen to many, many people who, on behalf of refugees and people in detention centres in this country, have made submissions to the committee—submissions which, I might add, are based on their own experience of having been involved with literally hundreds and hundreds of cases dealing with immigration matters.

The point I would like to make in relation to that is that, in almost all cases—whether it is a person who has come into my office or whether it is someone who was in detention—these people would have liked to have had their matter dealt with much more expeditiously. Looking at the announcement made by the Minister for Immigration and Citizenship last July, where he said that processes relating to the refugees in this country are going to be dealt with a lot quicker, I have to say that this legislation is consistent with that inasmuch as the whole objective and intent is to bring clarity to the process and deal with the matters as efficiently as possible.

In listening to the people who were in those detention centres and to their advocates, two or three things became very, very evident to me. Firstly, many of those people who were seeking an application for residency in this country simply did not understand the processes or their rights and quite often were put in situations where they would never have been had they been able to access good and proper information in the first place. Secondly, there were also people who were in the situation that they were in because they had in fact sought information but unfortunately had sought information from people who were not in a position to provide them with accurate information—again resulting in people being held for lengthy periods in detention centres. Thirdly, there are people, in perhaps the legal fraternity, who feel it is in their interests to go from one appeal to the next. Some people who have found themselves in those situations have expended several thousands of dollars hoping, and being led to believe, that there would be a positive outcome for them at the end of the process, when in all reality it was never likely that their circumstance would have met the approval of the policies and laws of this country that would in turn enable them to remain here. All of those matters ought to be clarified as much as is possible.

The other comment I want to make is about people who find themselves in a situation where they believe they have rights or have been judged wrongly on their application and who rely on advice from migration agents. I have had constituents come into my office who have not only paid hefty sums of money but also been led to believe that they would be granted permanent residency in this country when, quite clearly, it was very likely that they never would be. Again, it is all based on bad advice. In some cases, perhaps it is genuine bad advice; in other cases perhaps the advice is bad because a person who is providing that advice has something to gain from prolonging the case and its outcome. Whether it is a decision that means they will stay here or a decision that means they will not be allowed to stay here or whether they have not even entered the country yet but are simply waiting in limbo, everyone wants to know what their future is. It makes a lot of difference. If they know they will not be granted residency in this country, they can get on with their lives and do whatever else they wish to do. However, quite often they wait, and sometimes that time runs into years and it is simply a waste of
their lives, because their whole lives are put on hold. They cannot find work. They cannot make other plans. Sometimes perhaps they cannot have families. Whatever the case is, to put someone’s life on hold unnecessarily is not in anyone’s interests.

The last point I will make is with respect to the courts. I was pleased that the member for Oxley quoted statistics about appeals in the courts of this country. All of these processes cost money. In fact, the whole administration of the Migration Act by the government and by the department costs a lot of money. If we can reduce those costs simply by bringing clarity and efficiency into the system, then we ought to do so. There are two separate issues here. We need to have absolutely fair and just policies—and I do not think anybody would disagree with that—but then we need to have an efficient system for administering those policies. They are separate and distinct, and the objective of this bill is to bring some efficiency to the administration of those policies. Other members may disagree with the policies themselves—that is their prerogative—but that is not what this bill is all about. In my view, if it does bring about those efficiencies, everybody is a winner. That is why I support the legislation.

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (6.47 pm)—I thank the members for Oxley and Makin and the member for Murray, the shadow minister for immigration, for their contributions on the Migration Legislation Amendment Bill (No. 2) 2008 [2009]. They have all indicated support for this legislation. As noted earlier, the legislation clarifies and enhances provisions relating to merits and judicial review of migration decisions. Clearly, in most areas of law, it is in the interests of the client to expedite matters, to have quick hearings and to get finality. However, as a number of speakers have indicated in this debate, this is one area where that is often not the agenda. In actual fact, it is to the advantage of unsuccessful clients to prolong processes and, in many cases, they have the knowledge beforehand that they will not win. The longer one remains in the system, the more one builds up a collateral case around, for example, the formative years of children’s lives being spent in this country or the ties that people have with Australia. Those facts are useful in attempting at a later stage to launch parallel claims for permanent residency in the country. The refugee, human rights and humanitarian claims go their course. As I noted, it is often the case that, by making sure those hearings, those processes, go for many years—even if one had no thought whatsoever that one had a valid claim—one can over time establish an alternative claim on Australia.

I indicate my appreciation to the member for Oxley for providing those figures on the success of appeals. They point very obviously to the fact that a very significant proportion of these cases are waged for the reasons I have just outlined. The success rate of the Minister for Immigration and Citizenship is also very telling. I commend the legislation. There will be the ability henceforth to expedite these hearings without reducing the legal rights of those affected. There are a number of provisions in the bill that ensure injustice will not occur. I commend these points to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (6.51 pm)—by leave—I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

CUSTOMS AMENDMENT (ENHANCED BORDER CONTROLS AND OTHER MEASURES) BILL 2008
Second Reading
Debate resumed from 3 December 2008, on motion by Mr Debus:
That this bill be now read a second time.

Ms LEY (Farrer) (6.51 pm)—I rise to speak on the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. The Australian Customs and Border Protection Service plays a vital role in preventing the illegal movement of people and harmful goods across Australia’s borders. Customs protects the Australian community through the interception of illegal drugs and firearms, which are a high priority. Sophisticated techniques are used by Customs to target high-risk aircraft, vessels, cargo, postal items and travellers. This includes intelligence analysis, computer based analysis, detector dogs and various other technologies which are improving all the time.

On 4 December 2008, Prime Minister Rudd announced the renaming of the Australian Customs Service to the Australian Customs and Border Protection Service. Whilst the purpose of the new name is to recognise the important border protection responsibilities that Customs has, including its revamped role in protecting our maritime borders, it is a shame that the Rudd Labor government cannot couple this with the funding that Customs so badly needs. Additional capabilities have been given to the Customs and Border Protection Service under the new arrangement, including analysing and coordinating the gathering of intelligence, coordinating surveillance and on-water response and engaging internationally to deter maritime people smugglers.

But how can Customs possibly absorb these new functions when their funding has been drastically cut by the Rudd government? The Rudd Labor government’s $51.5 million in budget cuts to the Australian Customs and Border Protection Service, in real terms, has significantly hampered the ability of Customs to respond to the multitude of security threats that land on Australia’s borders. Customs does not only protect Australian borders from illegal boat arrivals. In conjunction with several other tasks, Customs is responsible for overseeing mass volumes of imports and exports, along with detecting illicit drugs and prohibited imports to ensure that they do not get through the gate.

Customs officers are the front line in protecting our borders from these threats, and the Rudd Labor government took this for granted when they recklessly slashed funds to our premier border protection agency. Our border protection arrangements have deteriorated significantly since the election of the Rudd Labor government. It is obvious that border protection is not a priority, and Mr Rudd and Labor could well be setting Australia up for a border security disaster. Rather than do something meaningful, Mr Rudd, the eternal bureaucrat, chooses to rename and reshuffle agencies in an attempt to be seen to be doing something about the increasing numbers of people smugglers who are testing the waters under this new Labor government.

This bill amends the Customs Act 1901 to enhance Australia’s border security protection measures. In particular, the bill aims to strengthen the law enforcement and regulatory powers of the Australian Customs and Border Protection Service, both by introducing new powers in relation to offshore maritime and sea port environments and by en-
suring that existing powers are consistent with other Commonwealth legislation, such as the Crimes Act 1914. The bill contains several amendments which, while not necessarily fitting cohesively together, can be grouped into four main categories. I will briefly touch on a couple of the key amendments in each of the four categories.

The first relates to industry suggestions and improvements. I commend the activity that Customs has undertaken in listening to industry via a discussion process, adopting their suggestions, advocating for these improvements and now legislating them. I will touch on schedule 3 of the bill, which deals with the exception to the offence of failing to make a cargo report. Currently, cargo reports for ships have to be made at least 48 hours before the ship arrives in port. Cargo reports for aircraft must be made at least two hours before the estimated time of arrival of the aircraft. Shorter periods apply for short journeys. An offence is committed and is chased most appropriately if the cargo report is late. In some circumstances, the estimated time of arrival of a ship or aircraft is earlier than it actually does arrive. Following discussions with industry, it was agreed that Customs would not prosecute or serve infringement notices in relation to reports that are made at least 48 hours for ships and two hours for aircraft before the actual time of arrival of the ship or aircraft. The amendment gives legislative effect to that agreement. While a couple of other suggestions have been adopted from industry ideas, I do not think there is any need to go into further detail.

The second category of amendments involves strengthening the powers of Customs to provide alignment with community expectations and to recognise the environments in which Customs operate. There was a key amendment here around missing goods. Currently, the Customs Act requires people who deal with goods for which duty is charged and which are subject to the control of Customs to keep them safely in account for if and when they are requested. If these obligations are not satisfied then Customs can demand the payment of an amount equal to the duty payable on those goods. In other words, the goods have to be stored, managed and moved appropriately. The current provisions do not cover non-dutiable goods that are subject to the control of Customs. While no duty applies to these goods, the goods still need to be accounted for, as they might be prohibited goods such as weapons. The amendments in schedule 4 create a new offence of failing to keep goods that are subject to the control of Customs safely or failing to account for such goods to the satisfaction of a collector of customs if required to do so. I think this puts an appropriate onus on industry to manage, as I said, the storage and transportation of goods for which duty is payable or non-
dutiable goods that are subject to the control of Customs.

The other item under this category which is worth noting is schedule 9, dealing with prohibited items on board a ship or aircraft. Currently, if when searching ships Customs officers come across goods that, if they were imported into Australia, would be prohibited and should and can be seized by Customs, the goods are not part of the cargo and often no crew will claim the goods, in these cases, because of the common-law requirements for invitation, the goods are taken not to be imported.

This amendment proposes two alternatives to deal with such a situation, depending on whether they are claimed or not. First, Customs officers will be able to seize, without warrant, goods that are located on board a ship or aircraft and which are not listed in part of the cargo report, not claimed as baggage or are otherwise accounted for. Second, all items on board a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew, and which would be considered a prohibited import if they were imported into Australia, must now be locked on board the ship or aircraft, or taken into custody by Customs, until the ship or aircraft departs Australia. This avoids the issue of Customs officers leaving the goods, returning with a warrant, and finding that they have disappeared into thin air.

The fourth category of amendments is to clarify Customs existing powers. One of the amendments that is, I think, worth noting is the power to moor. Section 194 of the Customs Act states that a Customs vessel may be moored ‘upon any part of the coast, or the shores, banks or beaches of any port, bay, harbour, lake or river’. This schedule proposes to allow Customs vessels to be moored to any man-made structure at, or in, any of the natural features already covered by this section. So, as a matter of general practice, the officer in charge of a Customs vessel will look, of course, to consult with, or obtain the assistance of, the owner of the man-made structure. We need to recognise that many Australian ports that deal with the export of our resources are now privately owned, particularly in the north. So, for example, Customs would consult on the location of other vessels or potential hazards within a port, or those associated with structures, or whether the proposed mooring is able to support the load of the relevant Customs vessel and is appropriate and safe et cetera. Whilst Customs do work closely in conjunction with the managers of the port, I do agree that they need to have the power to moor when and where they are required, depending on the operation in which they are involved, and I am satisfied that their consultation process is sensible, takes into account the economic life of the port and does not place an undue burden on those who manage it. I know that they will continue to approach their activities in that spirit.

I would like to conclude by reminding the House of the coalition’s strong record on border security. In government, we created a single body in 2005—the Border Protection Command—to coordinate the planning, surveillance, intelligence and deployments of Coastwatch and the Australian Defence Force. It added teeth to border protection with approximately 450 personnel, improved resources and newer, tougher rules of engagement. The Border Protection Command is Australia’s lead organisation for security response in Australia’s maritime domain and, in its reinvented role under the changes that I alluded to by the government at the end of last year, it will still maintain that role.

When in government, the coalition built strong relationships with neighbouring countries on the need for action to stop people-smuggling. Since June 2006, Australian au-
authorities have helped Indonesia to intercept and detain 350 people who were illegally attempting to travel to Australia. The coalition government effectively deterred illegal immigration by legislating to allow offshore processing, maintaining mandatory detention and excising from our migration zone those territories off our coast that were magnets for people-smuggling. This uncompromising approach to border protection does work. In recent years, the traffic of illegal people-smuggling vessels has all but stopped. People-smuggling is a major threat to Australia’s security, as there are serious security and criminal concerns when people arriving in Australia are not properly identified or are not prepared to properly identify themselves. There are major quarantine and health risks. Processing illegal immigrants creates considerable logistical problems. It also contravenes Australia’s sovereignty, giving us less control over our borders.

The Rudd Labor government’s changed immigration laws relating to people-smuggling have put pressure on the already overstretched Customs resources, as well as on the resources of the Australian Federal Police. Since August 2008, as my colleague the shadow minister for immigration, the member for Murray, has reminded the House on many occasions, there have been eight boats and 199 illegal boat arrivals, not including those boats that were heading towards Australia but were intercepted by the Indonesians. If those boats were included, that would total 14 illegal boats destined for Australia.

The coalition also has a strong stance on illegal foreign fishing, and Customs is responsible for the prevention of incursions by illegal foreign fishers in the Australian exclusive economic zone. As mentioned in Customs’ annual report 2007-08, the coalition government in the 2007 budget gave Customs additional funding of $197 million over four years to counter the increased number of illegal foreign fishing vessels entering Australia’s northern waters. The coalition’s response to the threat was based on two streams of activity: the heightened surveillance enforcement in Australia’s maritime zones, supported by an increased capacity to detain and process additional illegal fishers onshore and destroy their vessels, and efforts in Indonesia to support economic development and alternative livelihoods for fishing communities combined with in-country programs to highlight the consequences of illegal activity in Australia’s waters. From mid-2006 there was a marked reduction in sightings of foreign fishing vessels in Australian waters. The turnaround was due to the successful initiatives of the coalition government, including the deployment of Customs’ contracted vessel, Triton, which can tow multiple apprehended fishing boats and accommodate up to 30 detained persons and up to 30 officials, including armed Customs maritime enforcement officers, fisheries officers and specialised equipment operators.

In conclusion, our position on this bill is that we do support the changes recommended in order to strengthen the Australian Customs and Border Protection Service. These changes do not give Customs additional powers but they do clarify the powers they already have. They streamline their operations and, ultimately, are designed to ensure the proper functioning of the Australian Customs and Border Protection Service, particularly in their role in border control. Many of the proposed amendments do no more than align the Customs Act with the provisions in other Commonwealth legislation, particularly the Crimes Act and the United Nations Convention on the Law of the Sea, to which Australia is a party. Some of these powers, while they do not exist specifically in the Customs Act at present, are actually
available to Customs officers. While we support the bill, the coalition believes that the Australian Customs and Border Protection Service does need to be adequately funded along with other key agencies, particularly the Australian Federal Police, and it is a shame that Mr Rudd and Labor do not seem to view Australia’s national security as a priority.

Mr MARLES (Corio) (7.06 pm)—I rise to speak in support of the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. In doing so, can I remark on the interesting contribution which has just been made by the member for Farrer. It is a contribution which, in essence, sought to explain how, in her view, the Rudd government has diminished border protection since it has been in power. She then detailed, in support of this legislation, a whole lot of provisions which actually increase the powers of Customs officers and improve the environment in which our Customs activities are undertaken. The dexterity displayed in that logical backflip is absolutely spectacular.

This bill seeks to modernise, update and improve the powers of Customs officers and to provide for much better legislative backing for the work of Customs in what is a dynamic and changing environment. The Customs Act 1901 was the sixth act of parliament put through this House. It was the sixth act of parliament in our nation and it came into force on 4 October 1901. That speaks to the fact that Customs has been an activity of government throughout the entirety of our history. Certainly the Customs task in 1901 was very different from what we face in 2009. Sea transport in 1901 was almost entirely by coal-powered ships. Diesel was not to come into play until 1910, and the first custom-built container ship was not launched until 1951. Indeed, containerised shipping really did not take off until the 1980s. We now live in a world where, in terms of non-bulk goods carried by ships, 90 per cent of goods are carried in container ships.

If you look at air transport, the position is even more stark. Of course, on 4 October 1901 there had not yet been a powered flight. That was not to occur until the Wright brothers’ flight in 1903. The first commercial flight occurred in the United States in 1909, the first air freight flight did not occur until 1925, and the first international commercial jet service did not occur until 1958. Nowadays, of course, airline services and, indeed, jet air cargo are a way of life. If you look at the volume of trade generally in the second half of the 20th century, the increase in the trade of manufactured goods increased 45-fold. So we live in a very different world to that of 1901.

I took the House through that potted time line to demonstrate the fact that, whilst this is an activity of government, and has been so from the outset of our nation, this is legislation which needs to be constantly updated because of the rapidly changing world in which we live when it comes to trade and cargo coming in and going out of our country. This bill seeks to do exactly that: to modernise and update the legislative backing of Customs activities in this country and increase the power of Customs officials.

There are 17 sets of measures contained in this bill, and they are contained in 17 schedules to the bill. I do not intend to take the House through each of those, but I do want to go through a sample of them to give a flavour of the kinds of improvements that are being made in the legislation around Customs activities. There are a series of improvements when it comes to increasing the powers of Customs officials to board ships and increasing the powers of Customs officials when it comes to the making of arrests. This is done to make these powers more con-
sistent with other Commonwealth legislation, but it also makes it more consistent with the United Nations Convention on the Law of the Sea. For example, schedule 5 of the bill improves the boarding powers of Customs officials. It removes the need to have a request to board a vessel by a Customs official. Indeed, it puts in place an obligation on the master of the vessel being boarded to facilitate the boarding by that Customs official. That is much more consistent with existing Commonwealth legislation, and it does bring it into line with the provisions contained in the United Nations Convention on the Law of the Sea.

Schedule 5 also provides for enhanced powers by Customs officials to board ships which are in safety zones that surround Australian resources and sea installations. It improves the ability of Customs officials to board ships without a nationality. Indeed, it allows the boarding of ships without a nationality to occur anywhere on the high seas, with the exception of in another country’s waters. It expands the definition of the commander of a ship to include a warrant officer or a non-commissioned officer. Often we now see a situation where an inflatable craft which is part of the mother ship, if you like, going towards a vessel and the commander of the mother ship may not be on that inflatable craft, but a warrant officer or a non-commissioned officer is on that craft. This bill gives that officer the powers needed when boarding the vessel that it is approaching.

In schedule 7 there is an alteration to the current powers which are in place to use reasonable force when boarding a ship to include the use of a device which may impede or stop the ship. Schedule 10 increases the powers of arrest for Customs officers so that those powers are consistent with those contained in the Crimes Act and, in particular, allow Customs officers to arrest where there is the intentional moving, altering or interfering with goods that are subject to Customs control. Schedule 14 provides a requirement on a port or a port facility operator to facilitate a Customs official boarding a ship when that ship is in port.

There are a number of provisions which deal with the reporting time frames for vessels entering our country. Schedule 1 applies to commercial vessels entering Australian waters. Schedule 6 deals with differing reporting times for pleasure craft entering Australian waters. There are new powers to request an aircraft to land. There are increased powers for Customs to request aeroplanes to land where there is a suspicion that those planes are carrying goods relating to a terrorist act or where they are carrying goods which are likely to prejudice Australia’s defence or security or, indeed, international peace or security.

There are provisions which deal with, if you like, unaccounted goods. Schedule 9 increases the ability of Customs officials to seize, without warrant, goods which are on a ship or aircraft which are not listed and are not claimed as personal baggage of somebody on that ship or aircraft or are not in some other way accounted for. It also deals with what would be prohibited goods being imported into this country where those goods form part of the personal effects of a flight crew coming into this country. In those circumstances, it allows for those goods to be locked on board the plane while the plane is on the ground or for those goods to be taken into custody until the plane leaves and until the flight crew leaves. So that is a sample of the provisions contained in this bill, which, as you can see, increase the powers of Customs officers, improve the legislative framework in which Customs activities are undertaken and very much keep the Customs Act up to date.
As I said at the outset, customs functions have been an activity undertaken by government from the very beginning of our nation—indeed an activity undertaken by our federal government. In that sense it is something with which we have a long history and with which we are very familiar. But world trade, the movement of goods between countries, is dramatically different now to what it was a hundred years ago. It is an area of public policy where the landscape changes very rapidly, so periodic amendments of this bill to keep it up to speed with the changing and dynamic world in which Customs officers operate are very important, and that is what this bill seeks to do. I commend this bill to the House.

Mr ROBERT (Fadden) (7.16 pm)—The measures contained in the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008 are designed to ensure that the Australian Customs and Border Protection Service can continue to effectively perform its operational law enforcement and regulatory roles and functions in what is an increasingly complex and dynamic environment. Customs plays a vital role in preventing the illegal movement of people and harmful goods across Australia’s borders. The border extends to Australia’s exclusive economic zone, where Customs plays a key role in addressing threats to the maritime environment through its contribution to our border protection command. The measures contained in this bill, which have been developed in consultation with other Commonwealth agencies and industry, are designed to ensure that Customs can continue to effectively perform its law enforcement and regulatory functions.

I spent 12 months living and working on Thursday Island with the military and went on a lot of joint operations with Customs in the Torres Strait up in the exclusive economic zone. So I know firsthand what Customs does in protecting our vital fishing waters from overfishing and indeed from people-smuggling, gun-smuggling and drug-smuggling operations as well. Having spent 12 years in the military, I also spent a lot of time in the north working with our military to keep our northern shores safe. Having spent time on our Armidale patrol boats with the defence committee, I have seen firsthand the vital role Defence plays in keeping our borders safe. The environment in the north where Defence operates is becoming increasingly complex. Illegal fishing boats and boats conducting other activities are now arming themselves more and more—using sharpened stakes and pitchforks to prevent boarding. The degree of complexity in the environment of the north of Australia that Customs and Defence operate in is increasing.

The bill aims to clarify the current powers to patrol areas and to moor Customs vessels; provide that the present power to board ships without nationality can be exercised in any area outside of the territorial sea of another country; clarify that the present power to board vessels in the safety zones surrounding Australia’s offshore facilities relates to offences committed within those zones; clarify that the present power to use reasonable force as a means to enable the boarding of a pursued ship encompasses the use of devices designed to stop or impede a ship; require infringement notices issued by Customs to state the legal effect of the notice; and modernise the language. To strengthen Customs’ ability to operate in the offshore maritime and sea port environments, the bill will align the requirements of Customs’ boarding powers with other Commonwealth legislation and the United Nations Convention on the Law of the Sea; place a requirement upon the master of any vessel that is to be boarded at sea to facilitate the boarding—a requirement that if one of our naval or Cus-
toms vessels seeks to board a ship then the master will come about and will allow the boarding to occur; introduce a new requirement for port and port facility operators to facilitate the boarding of a vessel that is located in a port and not to impede that boarding; modernise Customs’ arrest and warrant powers; create a new offence for intentionally obstructing or interfering with the operation of Commonwealth equipment located at Customs places; and remove the requirement for copies of warrants.

The bill will strengthen Customs’ ability to request an aircraft to land to include circumstances where it is suspected that the aircraft is carrying goods that are related to a terrorist act or are likely to prejudice Australia’s defence or security. The bill will also protect Australia from goods which, if imported, would be prohibited goods. This will be achieved in two ways. Customs officers will be authorised to seize, without warrant, goods that are located onboard a ship or aircraft and are not listed in part of the cargo report, or not claimed as baggage belonging to the crew or passengers or otherwise accounted for. Likewise, all items onboard a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew and those on board, and would be considered a prohibited import if imported into Australia, will now be required to be either locked onboard the ship or aircraft or taken into custody by Customs until the ship or aircraft departs Australia.

Some may argue that some parts of this legislation seem draconian or indeed give powers to Customs that may invade the privacy of legal shipping or aircraft, but I remind the nation that Customs, and indeed our Defence Force in support of Customs, operate in very difficult, ill-defined and ambiguous circumstances. They are required to exercise judgment at every turn in what they do and how they operate. To provide powers for them to act in areas where they suspect and have information that may indicate that an act is related to terrorism or indeed may prejudice our Defence Force or security not only makes good sense but also ensures good protection of the nation. I commend the bill to the House.

Mr CRAIG THOMSON (Dobell) (7.21 pm)—I rise to support the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. This bill will ensure the amendment of the Customs Act 1901, which I will refer to as the Customs Act. It is absolutely vital that, as a continent surrounded by sea, Australia is equipped with the best ways and means of protecting itself against the illegal movement of cargo, people and prohibited items. The key agency for this protection is the Australian Customs Service, which, in December 2008, the Prime Minister announced the renaming of, as well as an enhancement of the agency’s capabilities. Its new name, the Australian Customs and Border Protection Service, recognises our important border protection responsibilities, including the country’s new role in ensuring a coordinated response to the threat to our borders of maritime people-smuggling.

We are all aware of Australia’s vast coastline, especially those of us whose electorates make up part of that coastline. Smugglers or any other persons with criminal intentions who use the sea as a means of conducting their illegal activities will try anything and use any area of Australia’s coast to attempt their criminal actions. We must always be aware that exposure to the ocean can also mean exposure to these potential illegal activities at any time of the day or night. That is why we must ensure that the key agency engaged in overseeing our coastline is properly empowered to enforce the law.

At the start of this decade, in fact exactly nine years ago, Customs officers and federal
agents intercepted an estimated half a tonne of cocaine in a raid on a yacht in the early hours of the morning at Patonga on the New South Wales Central Coast, adjacent to my electorate. It was to that date Australia’s largest ever haul of the drug from a yacht off the New South Wales coast. This was more than twice the size of the previous largest haul. Seven people were arrested and the two vessels seized as part of this 18-month intelligence driven operation. The operation was significant not only for the size of the haul but also for its success in disrupting an organised criminal syndicate. It shows that criminals will use any means and any destination, whether it be a quiet seaside hamlet such as Patonga or a bustling city port, to try to conduct their illegal activities.

The enhanced Australian Customs and Border Protection Service is set to meet the complex border security challenges of the future by providing unified control and direction and a single point of accountability. The planning framework aims to bring together all agencies involved in water management in an attempt to ensure consistent and complementary functions. Additional capabilities given to Customs and Border Protection under the new arrangements include analysing and coordinating the gathering of intelligence, coordinating surveillance and on-water response, and engaging internationally to deter maritime people smugglers. The transition of capability will involve the transfer of some responsibilities, functions and resources from the Department of Immigration and Citizenship.

Let us have a brief look at what Customs is and what it does. The Australian Customs and Border Protection Service manages the security and integrity of Australia’s borders. It works closely with other government and international agencies, in particular the Australian Federal Police, the Australian Quarantine and Inspection Service, the Department of Immigration and Citizenship and the Department of Defence, to deter and detain unlawful movements of goods and people across the border. The agency is a national organisation, employing more than 5,500 people in Australia and overseas, with its central office here in Canberra. It has a fleet of ocean-going patrol vessels and contracts with two aerial surveillance providers for civil maritime surveillance and response. Protecting the Australian community through the interception of illegal drugs and firearms is a high priority, and sophisticated techniques are used to target high-risk aircraft, vessels, cargo, postal items and travellers. This includes intelligence analysis, computer based analysis, detector dogs and various other technologies.

The Australian Customs and Border Protection Service is headed by a chief executive officer, with the support of three deputy CEOs. The service operates nationally through three programs: Passenger and Trade Facilitation, Border Enforcement and Corporate Operations. Customs plays an important role in protecting Australia’s borders from the entry of illegal and harmful goods and unauthorised people. Naturally, it must carry out this role while not impeding the legitimate movement of people and goods across the borders. Customs contributes to the whole-of-government approach to secure Australia from potential terrorist threats. Cargo intervention, passenger screening and first-port boarding rates are at an all-time high. International and interagency cooperation continues to play a vital role in protecting our borders.

Customs remains focused on intercepting illicit drugs and other items potentially harmful to the community. One of its main priorities this year will be to continue to crack down on illegal performance-enhancing and image-enhancing drugs. Throughout 2008, Customs successfully prosecuted 68 cases
and achieved a total of 229 convictions against smugglers of performance-enhancing and image-enhancing drugs. Since January, Australian courts have awarded nearly $200,000 in fines and penalties against smugglers of such substances and awarded more than $180,000 in legal and other costs. Customs has stopped attempts to traffic the drugs disguised in a variety of ways, including as sachets of aromatherapy and massage oils and in commercially sealed tins of nuts.

Customs also contributes to the whole-of-government effort to protect Australia’s waters through its part in the Border Protection Command. The command is a Customs and Defence partnership to ensure that any threat to Australia’s maritime assets and coastline can be quickly detected and defeated. Illegal foreign fishing in Australian waters also poses a threat to our borders. Customs is at the front line of Australia’s efforts to combat illegal foreign fishing in the northern and southern oceans. Customs is leading the way in the breeding and training of dogs to detect drugs and other prohibited items, including explosives, firearms and dangerous chemicals. Customs is committed to continuous improvement in its people, systems and technology to ensure that it is well placed to meet the emerging challenges, including a constantly changing security and regulatory environment.

The authority of Customs stems principally from the Australian Constitution, which provides for the levying of customs duties and for laws concerning trade and commerce. The organisation was established in its present form by the Customs Administration Act 1985. Customs is an agency under the Attorney-General’s portfolio and is responsible to the Minister for Home Affairs.

The bill I am speaking to will do a number of things. Besides giving Customs officers and the service as a whole more powers to help them better conduct their work in protecting the Australian coastline, it will also streamline the system, making it more efficient in areas such as reporting requirements. For instance, this bill will amend the reporting requirements in schedule 1 of the Customs Act to exclude Saturdays from the time frame for reporting the arrivals of ships, stores and prohibited goods. It will, under schedule 2, insert an additional matter that must be stated in an infringement notice. This will require that infringement notices issued by Customs state the legal effect of the notice. In practice, Customs already includes this information in infringement notices. The amendment reflects a recommendation of the Senate Standing Committee on Legal and Constitutional Affairs.

Schedule 3 will provide for an exception to the offence of failing to make a cargo report. In more detail, this provides an exception to the cargo-reporting offence if the report is made within the period required before the actual time of arrival of the ship or aircraft. This amendment was requested by an industry representative. Under schedule 4, the bill will insert new provisions, including offences dealing with missing goods and goods delivered into home consumption without authority. There will be a new offence of failing to keep safe goods which are subject to the control of Customs or failing to account for such goods to the satisfaction of a collector of Customs if required to do so. While there are provisions allowing for the recovery of duty in relation to missing goods, these amendments will allow Customs to deal with non-dutiable goods that are under Customs control and that are not kept safely or cannot be accounted for.

This bill will harmonise the boarding powers with the United Nations Convention of the Law of the Sea, under schedule 5. This aligns the requirements of Customs boarding powers with other Commonwealth legisla-
tion and the United Nations Convention on the Law of the Sea by removing the requirement for a request to board to be made prior to a Customs officer exercising the relevant boarding powers contained within the Customs Act and placing a requirement on the master of the targeted vessel to facilitate, by all reasonable means, the boarding. It also makes technical amendments to clarify the requirement for powers to be exercised consistently with the convention. It enhances the power to board a ship in the safety zones around Australia’s resources and sea installations. Schedule 5 also provides that the current power to board ships without nationality can be exercised in any area outside of the territorial sea of another country and it extends the definition of commander so that it also includes a warrant officer, or a non-commissioned officer, of the Australian Defence Force to recognise that these officers may be in charge of the vessel—for example, an inflatable launched from a much larger Commonwealth ship from which the boarding occurs.

Schedule 6 allows for the amendment of the impending arrival reporting requirements in relation to pleasure craft, by way of inserting new time frames for reporting the impending arrival of such craft. Schedule 7 clarifies the types of devices that can be used to enable the boarding of a ship that has been the subject of a hot pursuit. This includes clarifying that the current power to use reasonable force as a means to enable the boarding of a chased ship encompasses the use of devices designed to stop or impede a ship. Under schedule 8, there will be inserted a new circumstance under which the commander of a Commonwealth aircraft can request the pilot of another aircraft to land. This strengthens the ability of Customs to request an aircraft to land to include circumstances where it is suspected that the aircraft is carrying goods that are related to a terrorist act or are likely to prejudice Australia’s defence or security or international peace and security.

Schedule 9 of the bill extends the regime for the storage or taking into custody of prohibited weapons to all prohibited imports and extends the power to seize goods without a warrant to goods on board a ship that are unaccounted for. This allows Customs officers to seize, without warrant, goods that are located on board a ship or aircraft and are not listed in part of the cargo report, not claimed as baggage belonging to the crew or passengers or otherwise accounted for. Also, all items on board a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew, and would be considered a prohibited import if imported into Australia, will now be required to be either locked on board the ship or aircraft or taken into custody by Customs until the ship or aircraft departs Australia.

Under schedule 10, the bill inserts a regime supporting the current power of arrest, consistent with the Crimes Act 1914. Specifically, this modernises Customs arrest powers to ensure consistency with the Crimes Act and allows Customs officers to arrest persons suspected of intentionally moving, altering or interfering with goods that are subject to Customs control. Schedule 11 makes a technical amendment to the matters that must be included in a search or seizure warrant. It removes the requirement for copies of warrants to be marked with the seal of the relevant court to reflect current court practices.

Under schedule 12, a new offence is inserted for intentionally obstructing or interfering with the operation of Commonwealth equipment located at Customs places. There will be an extension of the power to moor a Customs vessel to man-made structures under schedule 13. This clarifies the current
power to moor Customs vessels by providing certainty that these powers extend to mooring on man-made structures. Schedule 14 allows for the extension of the obligation to assist Customs officers to board a ship to the owner or operator of a port or port facility. This introduces a new requirement for port and port facility operators to facilitate, by any reasonable means, the boarding of a vessel that is located in port. Schedule 15 updates the wording in section 58 of the Customs Act, covering the entering of places other than ports or airports, by modernising the language. Schedule 16 covers the right of access for patrols. The circumstances will be extended under which Customs officers may enter and remain in certain areas. It clarifies the current powers to patrol areas by providing certainty that these powers extend to patrolling man-made structures and such areas. The power to patrol areas will also be extended to provide a right of access through properties that are located adjacent to those where Customs is required to perform its duties and functions.

Finally, under schedule 17, the bill extends the matters that can be authorised in a search warrant or a seizure warrant and the powers that can be exercised by Customs officers and persons assisting when executing a warrant. It requires a person at premises that are subject of a warrant issued under either section 199, section 203 or section 203DA to provide their name and address when requested to do so—an offence of failing to comply with this requirement. It allows a search warrant to also authorise the frisk or ordinary search of a person at or near the warrant premises if the executing officer or person assisting has reasonable grounds to suspect that the person has anything that would present a danger to a person or that could be used to assist a person to escape from custody in his or her possession.

In summary, the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008 contains amendments to the Customs Act 1901 that have been developed in consultation with other Commonwealth agencies and industry. The measures are designed to ensure that Customs can continue to effectively perform its operational law enforcement and regulatory roles and functions in an increasingly complex and dynamic environment. This is an important piece of legislation which helps to ensure that Australia’s borders are as safe as they can be. It modernises the law to ensure that it is streamlined and operates as effectively as possible. It is a bill that I commend to the House.

Mr TUCKEY (O’Connor) (7.37 pm)—The Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008 is quite comprehensive legislation. The member for Dobell quite adequately described it section by section. All of it has considerable merit, as it both simplifies the law where that is appropriate and to the convenience of industry and, at the same time, increases and empowers the Australian Customs and Border Protection Service in areas where that is necessary. My interest in this legislation is, of course, heightened by the fact that, as a minister responsible for fisheries some years ago, I had to authorise and maintain, despite some pressure from various corners, the hot pursuit of an illegal fishing boat—a pirate, if you like—called the South Tomi down in our southern oceans.

The South Tomi was fishing illegally down there, and was observed by our then patrol vessel, which, unfortunately, at that stage was unarmed. Whilst an arrest was performed, when the vessels took off to impound the fishing vessel in the port of Fremantle, it attempted to escape with its load of patagonian toothfish when it passed out of Australian territorial waters down there. I
had the responsibility at that time to order our patrol vessel to continue. I became an expert in a short period of time on the requirements of hot pursuit, to which I think there are some minor changes in this legislation. In fact, we followed that vessel to the tip of South Africa. In the meantime, I had to convince the Department of Defence that they had to travel there and join with a highly cooperative South African defence force, who at every stage were very anxious to assist; they too had territorial waters down towards Antarctica and some islands where their fish stocks were being similarly plundered. Anyway, it all happened, and the Defence Force took that trip. With the assistance of the South African navy, we were able to arrest the vessel and bring it back to Fremantle as proposed. It is a very interesting coincidence that, at a later time, I attended in Geraldton to watch that very vessel sunk as a dive wreck, Geraldton being part of my electorate. I guess it was quite a fitting end to that very exciting venture.

Another incident was publicised later when Senator Macdonald was the minister for fisheries and, of course, resulted shortly after in the government deciding that their patrol vessels should carry ordnance, which, if it is used—of course, it should be; there is nothing more disgusting than the illegal exploitation of fish stocks around the world—is something of an incentive to the captain of a ship not to run away. On land, we can count heads of animals, and there is some chance of managing conservation; in the ocean, as discovered some years ago with the North Sea cod, it is different. They just went back one year with their supertrawlers and left none. That, of course, is a very important issue.

This legislation gives Customs the right to board a vessel without having to make what has been the customary request: ‘Can I come on board?’ Of course the fellow does not want you to come on board if he has illegal intentions! The fact that this legislation addresses that matter in a sensible way is to be applauded. It is interesting, of course, that—and I trust that it still applies—in dealing with illegal fishing folk in our northern waters particularly, we have had a rather foolish arrangement where these valuable assets, be they Customs or Navy vessels, having arrested a cockleshell of some Indonesian fishing community, were virtually obliged to tow it in to Darwin or Broome for the appropriate accommodation of the crew and destruction of the vessel. Of course, if you were a smart little fishing group, you sent down a decoy who got arrested and, while they were towing that into the port, you then rushed in and caught as many fish as you could. Not only did we therefore waste the valuable asset—the millions of dollars of vessel—in doing that mundane task; we also opened up the area to exploitation.

It was after my move to another portfolio as minister that my suggestion that we should have a vessel particularly designed to take over after an arrest and take the crew on board was taken up. My view was that they should destroy the vessel on the spot and not worry about towing it into town. They could create evidence with the appropriate video equipment properly tuned into GPS, with the time and everything. In fact, I think the vessel that now does this job—if it is still in existence—was described as a floating hotel. I did not think that was absolutely necessary. I had a much simpler vessel in mind. Whilst I never got into the international implications, my view was that when you had enough of these people on board you took them to the nearest Indonesian island and told them to get off. In fact, it is hugely expensive for the Australian taxpayer to accommodate these people who have illegally entered and illegally fished in our territory, putting at grave risk our fish stocks, which throughout Aus-
tralia are very fragile. We have not got the currents, such as the Gulf Stream and that, which produce very large quantities of fish, so they have to be protected very carefully.

Where Customs finds itself in those roles, its efforts will be simplified and the crew will have better opportunities to do their jobs. They are good measures. I have a little concern, nevertheless, that in all of this, through the changed policies of the government, we have what I term illegal immigrants. Some say they are refugees. Each year, we as a nation take 30,000 refugees that legally apply, having moved to a nation where they are safe and having been assessed by the United Nations and notification having been made to interested countries. We have an arrangement where 30,000 people from the rest of the world are brought to Australia as refugees. I have never approved of the fact that somebody getting on a vessel and illegally travelling into Australian waters should get priority over those people. That is what we, as a government, made some very stern measures about. As Minister for Regional Services, Territories and Local Government, I had significant involvement in the early stages of constructing the facilities for applicant refugees—I guess that is the best description—on Christmas Island.

I am disturbed to read how quickly such people now, under new government policy, are being admitted to the Australian mainland on release orders which virtually say, ‘If we can find you in due course, if we don’t think you’re a refugee, you’ll have to go back.’ The message that we tried to give to people—which virtually stopped this traffic—was that there was a very high chance they would go back. They would be accommodated outside the Australian mainland, where they would have access to extensive legal services and could live and build a family of two or three kids just by exploiting the legal processes. I am not sure how much technical equipment is on our Customs vessels, but it seems to me that we will shortly have vessels bringing in these refugees, who have chosen not to go through proper process and have paid very large sums of money and possibly put themselves at risk through the types of vessels in which they travel.

These vessels will be travelling with some sort of identification that works through a satellite so they are easy to find, because in the present environment there is no point whatsoever trying to hide from the Customs immigration authorities or the Navy; you want to be found as quickly as you can so they will take you over to Christmas Island and then send you back to Australia. That is the current situation; you have a transponder on board saying: ‘Please find me! Help! I don’t want to be on this boat too long, because I now know that, under new government policy, my chances of jumping the queue are excellent.’ I do not know how long that will proceed or how many Customs vessels or other such vessels we will need up there to deal with what would become a virtual flood. Why would you bother? Why, when the village or whoever can rake up the necessary bribes to get you to Indonesia and then onto a boat, would you go to another country and stay there in the conditions that apply in a lot of these refugee camps? You only have to hope you do not have to wait too long to get caught. That is not necessarily a measure here. It is all about arresting that boat, but the arrest has become a farce; it is no longer for the purpose of protecting our borders or maintaining with the United Nations our arrangements for how we process refugees.

We process them fairly. I believe only Canada exceeds our quota of legal refugees per capita. We have taken them from many parts of the world. On occasions it has been very controversial, as these people have found it difficult to assimilate within Austra-
lia, but we do it. I am not a critic of that. I am a critic of making it easier for a person who has not gone through proper process to queue-jump in these circumstances.

There are other measures in this bill which seem eminently sensible; as I said, many of them have been dealt with by the member for Dobell. I do not think it necessary for me to waste the time of the House repeating them in detail other than to say they are welcome. Of course border protection—from the importation of illegal goods and the containment of instruments such as guns, knives or whatever they might need to resist, for instance, pirates around Somalia and that the crew might legally hold whilst on board that boat but which have to be locked up when those vessels arrive in Australia—is treated appropriately. I see that there is some relaxation in the reporting requirements. It appears that that is not a real problem, because that reporting is not seen as needing an early response; Customs has other methods of knowing what might be happening.

We support the bill. I am glad for the opportunity to raise the matters that I have and to return to a bit of history in which I take a particular interest. I can tell you that getting through all the bureaucratic hurdles to chase that first vessel required a few threats and iron-bar type tactics for a while, but we got it, and that made it much easier for the next one. Above all, very sensibly, the government then decided to arm the vessels that go down into the Southern Ocean. To go down there with some of our Navy vessels is unwise; they were quite properly designed to protect Australia from threats from the north and are not particularly well designed to go down into the Southern Ocean. The vessel that goes down there is much better designed for the purpose and has a suitable weapon and a Customs officer who must travel as the person trained to use that weapon. It very smartly stops a vessel running away, preventing the huge expense of following them and having to keep them in view. I think it once was ‘in sight’ but the view now, that ‘only as far as radar contact’ is needed to make an arrest, is an excellent proposal. I note that these provisions even allow for boarding in a port. I think that, too, is a step in the right direction.

Mr CHEESEMAN (Corangamite) (7.52 pm)—I rise to speak on the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. This bill demonstrates this government’s absolute commitment to border security and maintaining a tight customs control regime. The bill shows our government is not afraid of taking tough and decisive measures to control what comes into this country. It shows we are a government concerned about this issue. Unlike the previous government, we are not a government that talks about border security only when it suits our political agenda.

Australia, by and large, has been very successful in protecting our lands from the real threats coming in. We have been effective in controlling the spread of many diseases. We have been effective in controlling mass importation of illegal weapons. That is just to mention a couple of examples. But we also saw, when the system failed us, how catastrophic the consequences can be. The impact on the horseracing operators and owners when horse flu arrived in Australia showed exactly the impact. A whole industry was devastated for months. Jobs were lost. Animals were destroyed. Businesses went bust. The social life of many communities was hurt. So the consequences can be very severe, and this is therefore an extremely important matter for this parliament.

This bill is also very important to the Geelong region and to western Victoria. We have our population to protect. We have farming and various agricultural industries to protect.
We have the health of our crops to protect. We have the integrity of our products to protect. We have our marine industries to protect from poachers. We have our youth to protect from drug importation. In Geelong and western Victoria, the region I come from, we also have the port of Geelong and not far down the road the port of Portland. It is critical that we have in place regimes that protect the reputations of these facilities. All sorts of goods and products come in and out of these ports. The regulatory regime that is in place must be there to protect not just our land and products but also, of course, the reputation of these ports. The economic activity generated by these ports in my region is very significant.

Let us just look at a little bit of the detail of this bill. In this detail you can see our determination to keep things tight. You can see our absolute determination to keep improving the system that we have. This bill inserts new provisions, including offences, dealing with missing goods and goods delivered for home consumption without authority. It inserts new circumstances in which the commander of a Commonwealth aircraft can request the pilot of another aircraft to land. It extends the power to seize goods without a warrant to include goods on board a ship that are unaccounted for. It extends the regime for the storage or taking into custody of prohibited weapons to all prohibited imports. It inserts a regime supporting the current power of arrest, consistent with the Crimes Act 1914. It extends the obligation to assist Customs officers to board a ship to the owner or operator of a port or port facility. It clarifies the types of devices that can be used to enable the boarding of a ship that has been the subject of a hot pursuit, as adequately described by the previous speaker. It extends the circumstances in which Customs officers may enter and remain upon certain areas. It extends the matters that can be authorised in a search warrant or a seizure warrant and the powers that can be exercised by Customs officers and persons assisting with executing such a warrant.

The word ‘tweaking’ is sometimes applied to bills and amendments to bills in this place. This is a little more than that. These are strong new measures to make our customs even more robust. These are strong measures that recognise the world is changing and continues to change and our customs methods and customs regime has to be up to the task. There are some strong new deterrent measures and some very important powers of seizure and compliance within this bill.

I want to briefly say a couple of things about the port of Geelong, which is a critical bit of infrastructure. It is vital for industry development in our region. It is important for my electorate of Corangamite to relate this legislation to this facility. Authorities within my region are currently looking at plans for a major infrastructure upgrade to the port of Geelong. I think this is a very important project. It is one of our region’s top infrastructure priorities. This project includes extending the two different rail line gauges right up to the port, adding capacity and efficiency to the port. And there are other changes that could potentially greatly increase the capacity of this port. It is possible that one day in the not-too-distant future the port of Geelong will be even more important to our region and our economy, particularly given that the port of Melbourne is very close to capacity. With such strong and robust customs regimes in place nationally, the possibility of allowing provincial ports to become major terminals I think is enhanced. In short, I think this legislation is very good for our region. It will serve to keep intact the port’s reputation and to keep intact the reputation of all our ports. And our ports are important. They are a crucial link in the integrity of our trade chain.
To come back again to the detail of the legislation before us, there are some bits and pieces to this legislation that are about tweaking the system, unlike some of the earlier provisions that I mentioned. These changes are not quite as important as some of the previous ones mentioned, but they are again signs of a desire to keep improving our customs regulations in every area. These changes include providing for an exception to the offence of failing to make a cargo report, harmonising the boarding powers with the United Nations Convention on the Law of the Sea, amending the impending arrival reporting requirements in relation to pleasure craft, making a technical amendment to the matters that must be included in a search or seizure warrant, inserting a new offence for obstructing or interfering with Customs equipment and extending the power to moor a Customs vessel to a man-made structure.

In summary, what we have is a vigilant government looking hard at every aspect of our customs regime. We are a federal government committed to strong and decisive measures that will be effective in maintaining the integrity of our customs system. Ours is a government that wants to do the right thing by industry and the people employed within the industry. This is not a government that is concerned with shameful changes to one area of border security that are designed to exploit racial hatred for cheap electoral advantage. This is a government genuinely concerned about proper legislation and regulatory change in the critical areas of customs and border security. I thank the House and I commend this bill to the House.

Ms MARINO (Forrest) (8.01 pm)—I rise to support the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008, introduced into the House last year. It is crucial to have a strong border control policy. Customs plays a vital role in preventing the illegal movement of people and harmful goods across Australia’s border. Customs protects the Australian community through the interception of illegal drugs and firearms, which of course are high priorities. The border extends to Australia’s exclusive economic zone, where Customs has a key role in addressing threats to the maritime environment through its contribution to the border protection command.

The measures contained in this bill are designed to ensure that Customs can continue to effectively perform its law enforcement and regulatory roles and functions in an increasingly complex and dynamic environment. The bill contains 17 schedules that cater for a range of minor changes that amend the Customs Act, developed, as stated, in consultation with Commonwealth agencies and industry. Many of the amendments deal with patrol and boarding powers, search and seizure powers and powers of arrest. Other amendments align the powers in the Customs Act with those in other Commonwealth legislation, particularly the Crimes Act, and with Australia’s obligations under the United Nations Convention on the Law of the Sea, such as placing a requirement on the master of a vessel that is to be boarded at sea to facilitate the boarding; and creating a new offence for internationally obstructing or interfering with the operation of Commonwealth equipment located at Customs facilities.

It is important that the Australian government has a very strong position on border control. And I know that in my electorate there is very strong community expectation that the government remains strong on this policy. It is also critical to send a very strong message to unscrupulous peoplesmugglers and other potential illegal boat arrivals. Such a policy is also necessary to stop the loss of life—numbers of men, women and children who never arrive at their destination—and to stop desperate people being taken advantage
of by ruthless opportunists who cast them off Indonesian shores in unseaworthy vessels.

Peoplesmugglers charge upfront for a one-way deal. They have no interest in whether their customers reach their destination. People smuggling continues to be a major global criminal activity, exploiting people with cash and contacts or those desperate to start a new life. This activity is estimated to be worth $8 billion annually. The coalition had to deal with the previous surge when thousands of people came in a steady stream of unseaworthy boats—54 boats with over 4,000 people on board arrived in 2000, and hundreds lost their lives as some of the boats sank.

Such people smuggling was brought to a halt with the introduction of temporary protection visas, the excising of Australia’s 4,000 or more northern islands as migration zones and the Pacific solution of offshore processing of people’s claims for asylum. People smuggling declined to a minor number between 2002 and 2007, with no boats at all prior to the Rudd government’s softening of unlawful arrivals policy in mid-August 2008. What we have seen since is an escalation in arrivals. The government no longer takes into account how the person arrived in Australia or how long they have spent in other countries since leaving their homeland. They are virtually eligible for immediate access to permanent residency with all the accompanying rights and privileges. Within days of this change in legislation, people smugglers were back in business. It is no coincidence that there was a new wave of people smuggling after the introduction of a softer policy. The report in November that the Royal Australian Navy, Army and Air Force would be given extended leave over summer was a further encouragement.

It appears that there is now a belief that Australia is a softer target for people smuggling. From mid-August to December 2008 there have been 10 reported interceptions. Six boats have made it to Australia, including one that sailed directly from Sri Lanka, evading all detection and ending with a couple swimming ashore in Western Australia to ask directions. One of these boats was disabled and sunk as an Australian naval vessel approached.

In mid-January we heard the tragic news that the bodies of four asylum seekers had been washed ashore in West Timor, which is sadly too often the fate of people who trust their lives to people smugglers. This further emphasises that Australia’s border security is important on more than one front: firstly, to ensure that Australia maintains control of who enters the country; and, secondly, to ensure that our border security dissuades people smugglers. We should not forget the catastrophic loss of 353 lives onboard the SIEVX in 2002.

Collaborative work needs to continue with the Indonesian government. Earlier this month Indonesian authorities, supported by the Australian Federal Police, detained a group of 41 Afghan asylum seekers heading for Australia from south-east Sulawesi. Since August 2008, Indonesia has intercepted 16 boatloads of asylum seekers. Six Indonesians believed to be part of the smuggling ring were detained. Resourcing border security operations and the partnership with the Indonesian authorities are clear priorities.

The amendments outlined in schedule 5 of this bill align the boarding powers of the Customs Service with other powers in Commonwealth legislation and the United Nations Convention on the Law of the Sea, as I said earlier. They replace a ‘request to board a ship’ with ‘a general power to board a ship’, thus giving an officer the right to board a ship. There are in fact a large number of minor amendments to section 184A contained in the bill. Many of the amendments
simplify the language used in existing provisions. Some are more substantive, and align the Customs Act with requirements under the United Nations convention.

Schedule 9 caters for the seizing of unaccounted goods and storing or taking custody of prohibited items, and amends various provisions in the act to deal with prohibited items and not just prohibited weapons. A Customs officer will be authorised to seize, without warrant, goods that are located onboard a ship or aircraft and are not listed in part of the cargo report, or not claimed as baggage belonging to the crew or passengers or otherwise accounted for. This may include items such as certain types of pornography or weapons located by Customs officers during a ship search but not claimed by the crew. All items on board a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew and would be considered a prohibited import if brought into Australia will now be required to either be locked on board the ship or aircraft or taken into custody by Customs until the ship or aircraft leaves Australia.

And of course strong border control policies and legislative regulations are necessary to protect every Australian from diseases in breach of our quarantine regulations. The potential damage and inherent quarantine breaches and threats to our biosecurity would have a catastrophic effect on our agricultural sector. This could decimate our own domestic food bowl and of course threaten our strong agricultural exports. Keep in mind that it has only been the strong export performance of agriculture that has kept Australia out of recession. Given the importance of Customs and border protection, the government’s $51.5 million budget cut to the Australian Customs and Border Protection Service in real terms has to impact on Customs’ ability to respond to the multitude of security and biosecurity threats to Australia’s borders.

Overseeing the mass volumes of imports and exports, along with detecting illicit drugs and prohibited imports, are critical roles of Customs. I read an article in the Daily Telegraph dated 30 January by Mark Schliebs. It said:

Australia’s organised crime landscape is being transformed by multinational cartels cashing in on huge profits in the nation’s burgeoning cocaine market.

... … … … … …

But the influx of players vying for domination in Australia’s major cities, together with an unrelenting flow of the drug through smuggling routes, has seen the price of cocaine plummet.

A total of 124kg of cocaine were seized by Australian authorities in the 2005-06 financial year. In the following year, 610kg was seized by customs and an equally impressive 634kg was uncovered by state and federal police. Customs alone seized 649kg of the drug in 2008.

This is just in some part the role of Customs.

I conclude by saying that I support this bill, its objectives and all amendments contained in it to ensure, enhance and support the proper functioning of the Australian Customs and Border Protection Service.

Mr RIPOLL (Oxley) (8.12 pm)—I am pleased to have the opportunity to speak on the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. At the outset I congratulate the Minister for Home Affairs, the Hon. Bob Debus, for the work he has put into ensuring that Australia’s legislative measures in terms of Customs and border protection controls are adequate for the task that is required. I do not think there would be anybody in this place that would argue against the importance of border control and also not applaud the efforts of our Customs officials and other people who work in those areas. It is such an important job and critical to the future of Australia in terms of people movements and in terms of people
importing illegal goods, drugs and guns. One thing that particularly concerns me is the smuggling of people, which is an abhorrent trade that thrives around the world. It is important that we in this place continue to improve the legislation to ensure that we have the right tools for our Customs officials and other officials in terms of border control to make sure they can do their jobs properly.

I want to mention the member for Solomon, who is also speaking on this bill. The member for Solomon knows firsthand, being a member whose electorate is in the Northern Territory, the importance of border control and of integrity of borders and just how difficult that task is. One needs to have only a cursory understanding of the vastness of the Australian continent, with its 20,000 kilometres of coastline mostly uninhabited apart from the eastern seaboard and parts of Western Australia. We see tragedy when people try to illegally come to this country and perish either en route or even after they have landed because they land in remote areas where there is nothing to sustain them and they die. It is a sad outcome of the people-smuggling trade. So it is important that we ensure every measure possible to prevent those things happening.

This bill goes to a whole raft of amendments and changes to enhance the integrity of our borders, and I think the fact that it is widely supported—it is supported on both sides and it is certainly supported by industry and people who represent people who work in that industry and in Customs—is a good sign that this bill takes us down the right path. We ought to be satisfied about that position.

The bill deals with a number of matters, particularly in schedule 1, ‘Arrival report and reports of stores and prohibited goods’. What that particular schedule does is to exclude Saturdays from the time frame for reporting the arrival of ships and reporting stores. This amendment was part of consultations with industry—with the sector—who said that this would make proceedings and processes more effective and efficient. So those changes are made in this amendment.

Schedule 2 looks specifically at the requirement for infringement notices issued by Customs to state the legal effect of that notice. It is a tidying up, as it were, to make sure that it is clearly understood exactly what is required when those notices are given. Again, it is important to make sure that those practices have proper information and notification. This was a recommendation of the Senate Standing Committee on Legal and Constitutional Affairs, so again the government are following through on key recommendations, ensuring that what we do in this place is reflective of consultations we have had with the broader community and also with the wishes of this parliament.

Schedule 3 looks particularly at cargo reports and provides an exception to the cargo reporting offence if the report is made within the period required before the actual arrival time of a ship or aircraft. Again, this came about through consultations with the sector and industry representatives and it makes for a more streamlined reporting process and mechanisms, and provides for efficiency in the work of Customs officials.

There is an issue that has probably been talked about over dinner and at barbecues by a lot of people: the case of missing goods and goods delivered without authority. Just what does happen to all those goods that come in and sit on wharfs, docks and in containers, and from time to time may or may not disappear? The amendment in schedule 4 deals specifically with what tends to happen with goods and inserts a new offence of failing to keep proper records with respect to certain goods that either are unauthorised or
have been delivered without authority. It tries to deal with proper recovery and the ascertain that there is proper record keeping, and that is the right thing to do. There ought to be proper record keeping, and we ought to ensure that what lands on our shores, if it is landed without authority, does not just disappear into the hands of other people to do with as they will.

Schedule 5 deals particularly with the boarding powers and the United Nations Convention on the Law of the Sea. This is really about the aligning of requirements that we have in terms of boarding powers with other Commonwealth legislation and the United Nations Convention on the Law of the Sea. It removes the requirement to request to board, so it realigns our laws to make sure that there is a practical mechanism for access. As you can understand, Mr Deputy Speaker, in trying to allow for recovery and dealing with complex matters out at sea, there need to be substantial powers for what our officers can carry out, and this particular schedule provides those. It makes a number of technical amendments and clarifies the requirements of powers to remain consistent with UNCLOS. It also enhances the power to board a ship in safety zones around Australia, and it provides a current power to board ships without nationality, which can be exercised in any area outside the territorial sea of another country. It extends the definition of ‘commander’ to include a warrant officer or non-commissioned officer of the Australian Defence Force. So it is a tidying up and a sensible approach to making sure that the powers that we give to our own officials are satisfactory in ensuring that they can carry out their duties to the full in a safe manner.

There is also the issue of impending arrival reports for pleasure craft and inserting a new time frame. There is nothing controversial about that, but obviously it needs to be properly dealt with, and it is within these amendments. There is an area which may raise some controversy with some but is supported on all sides, and that is clarifying the power that officials have in using reasonable force. There is no doubt that there are circumstances in which reasonable force is required, and our officials should be properly protected and empowered to use reasonable and necessary force, including the use of devices which are designed to stop or impede a ship. So that is also accounted for.

There are a whole range of amendments in each of the schedules, including the power to request aircraft to land. This ensures that officials have the authority and power to request, in a proper manner, that aircraft land in certain circumstances—aircraft that are suspected of carrying goods, drug trafficking, people trafficking or whatever else they might be doing. This legislation also deals with powers of arrest and warrants; Commonwealth property in Customs places; the power to moor Customs vessels in certain places, facilitating the boarding of vessels entering places other than ports or airports; and the right of access for patrols. So it clarifies a whole range of powers on access, ability to board and the capacity of our Customs officials to have proper search and seizure warrant facilities. This will provide proper and effective powers to those whom we give the responsibility for our border control, our Customs control and, in the end, the safety of Australian citizens as well as our borders. This is a good bill and it is supported on both sides of the House. I commend the bill to the House.

Mr HALE (Solomon) (8.21 pm)—I rise to support the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008 and I acknowledge the contribution from my colleague the member for Oxley, who is very passionate about border control. We were having a discussion in his office regarding this issue prior to coming down to
the chamber and we both agreed that the Minister for Home Affairs, the Hon. Bob Debus, has done a fantastic job in putting this bill together. I welcome the support that it is receiving from both sides of the House, because border protection is not a political issue, it is an issue for all Australians.

Whilst I am speaking about the amendments to the bill it would be remiss of me not to thank all the hardworking Customs officers in my electorate. There are many Customs personnel in Darwin and Palmerston who are primarily engaged in illegal foreign fishing surveillance and enforcement activity. I have good friends working at Customs, and when I do catch up with those guys it does not take me long to realise what a fantastic job they do when they tell me some of the stories of what they apprehend and what sorts of things are found moving around our coastline.

Like us parliamentarians, these officers are often away from their families for weeks at a time, so we can relate to that side of the job. Like us, many Customs officers often miss out on milestones and family events. They go about their business without any fanfare. They do not often get the accolades that they deserve for carrying out the extremely important job of managing our fisheries and looking for illegal activities. Their jobs are becoming increasingly dangerous. I hear stories about the improvisations to illegal fishing boats, including the welding of spikes on the sides just to make it a little bit more difficult for Customs officials to get on board. Illegal fishers are very innovative. They have GPS, they know a lot of the illegal fishers and they know how to just sit outside the zone and then go in quickly. They will leave the parent boat outside the zone and then go in quickly to fish and try to get out before they are detected.

The Parliamentary Secretary to the Prime Minister, the member for Holt, discussed this issue with me as well. He is quite passionate about border protection, and that shows its importance. It is good to see someone with that passion for border protection in the Prime Minister’s office. I had the pleasure this year of going with the Minister for Agriculture, Fisheries and Forestry over to the Kimberley area with Nick Paspaley. We spent a day there looking across Nick Paspaley’s pearl operation. It was with awe that I sat back at about 6 o’clock at night while we were fishing in the Kimberley. You can just picture it: your mind wanders a little bit and you start to think to yourself, ‘I wonder if anyone has ever walked on those cliffs,’ and you see how awesome the Australian landscape and coastline is. I do not know if it is the most beautiful part of the world, but it would certainly make the semi-final. It is just wonderful. Sitting there, I thought about how much we needed to protect our coastline. I know that most members here will be jealous of this, but to drop a line over the edge and pull up some red snapper is just fantastic. We sat there with Nick and we spoke about the Kimberley and just how awesome it is—and it needs to be protected not only for us but for future generations.

Darren Kimmorley and Paul Seden are two Indigenous guys who work in the Customs industry. They are very close friends whom I grew up with. Darren is fantastic, and he works down here in Canberra. Paul Seden was a very good sportsman in his day. I saw him the other day. He had his day a fair while back I think; he looked like he had been in a good paddock! But Paul is very committed, and Indigenous people have a real innate sense of protecting the country. As we try to give Indigenous people opportunities in remote communities, Customs and border protection is something that they can be very good at. They know if the coast has

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been broken; they know if people are moving around. They have a sixth sense to it. Aboriginal communities working in consultation with Customs and the ADF, and especially with the NORFORCE guys, really do have a sense of knowing what is going on. That is really important.

Being on the Joint Standing Committee on Foreign Affairs, Defence and Trade, we often get briefings on Operation Resolute, the joint operation between Customs and Northern Command. They are looking for people smugglers, drugs, illegal fishing and all that sort of stuff. Since the emergency response last year they are also looking for pornographic material as well as illicit drugs, alcohol and kava going into Aboriginal communities. There was recently a big bust of some 150 kilograms of kava up in Darwin. I would like to mention the member for Forrest’s contribution to this debate. She touched on the problems of illicit drugs and what they are doing within our community, especially cocaine and ecstasy. There is a danger within our community of these drugs coming in. Anything that we can do as a parliament to enhance our laws and continue to enhance the operations of Customs, we should.

Protecting our borders is an ever evolving and growing industry. It changes a lot. I am sure that this will not be the last time that we talk about Customs and border protection, because it is so important that we get it right. We must continually revisit it. This is not the sort of legislation that is set in concrete because the people who are breaking the rules are continually looking to change the way they go about it. That is what we are up against. I saw a documentary recently about Mexico and what cocaine and the cartels have done there. Over 3,000 people have been murdered there in the last 12 months or so. Anyone who reports it, anyone who tries to stop it, is basically taken out of the picture. We need to make sure that we are vigilant. As a former elite sports coach I detest drugs. And as a parliament we must continue to work hard to make sure we make it even tougher and harder for people to bring illicit drugs into this country.

In 2006-07, approximately 230 vessels were apprehended in Australian waters and in 2007-08 over 130 vessels were apprehended. Given that the Northern Territory coastline spans some 10,000 kilometres, the ongoing challenges faced by the federal agencies in maintaining effective surveillance operations is significant. A reminder of how important the role is that Customs play in the north is highlighted in a story I read recently about three foreign ice boats being successfully treated for serious bivalve pests found in their hulls—another one that can come in. The black striped mussel was found in one boat and the Asian green mussel was found on another boat. The three boats were treated with chemicals outside Darwin Harbour in an operation lasting seven days. Customs are out there doing their job and this legislation will go a long way to improving their capacity to protect our borders.

There is a raft of things that can go wrong and certainly the job that Customs do with Northern Command in Operation Resolute is an important job. I had the pleasure this year of going out on an Armidale class boat—a fantastic bit of kit that the Navy has based up in Darwin. The Navy guys go out for between two to three weeks, so it is a long time out there. It is a big commitment and they are looking for and apprehending people all the time. I have noticed in some of the graphs that they are not getting in as far as they used to. That means that the laws are working well and this legislation is going to continue to enhance the power that the Customs people have in apprehending illegal fishers and anyone that is moving illicit drugs. As a Northern Territorian, and with the Northern Territory probably very often
the first point of call for this type of behaviour, it is heartening to see that this legislation put together by the Minister for Home Affairs will continue to evolve and protect our coastline in Australia from unwanted visitors and people who are not doing the right thing. I commend the bill to the House.

Mr DEBUS (Macquarie—Minister for Home Affairs) (8.31 pm)—in reply—I am pleased that the opposition supports the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008. The measures that are contained in the bill have been developed in consultation with relevant Commonwealth agencies and industry. They are in fact designed to ensure that Customs can continue to effectively perform its law enforcement and regulatory role and function. Ironically, although this bill actually enhances the powers of Customs and its officers, the opposition has suggested that the government is soft on border protection and soft on peoplesmuggling. I believe I should respond to those particular arguments, for they are indeed entirely untrue. Peoplesmuggling is a global problem. Peoplesmuggling is not determined by domestic policy; it is determined much more directly by international circumstances: for instance, by ongoing conflicts in countries like Iraq, Afghanistan and Sri Lanka, which see thousands of displaced people seeking refuge in safe countries like Australia. It remains the case that people smugglers exploit people at their most vulnerable and there is increasing evidence that they are recruiting customers at the present time in source countries. That is to say they are recruiting them in places like Iraq, Afghanistan and Sri Lanka, and getting much more sophisticated in their recruiting and organising operations.

The Commonwealth government of Australia works closely with its regional neighbours to prevent peoplesmuggling as far as possible at its source and it maintains extensive patrols at its border. Our maritime surveillance operates every day of the year, and that will never change under this government. The recent interceptions of vessels that have been attempting to smuggle people to Australia show that the surveillance arrangements of the Australian government remain strong and effective. Since September last year eight vessels have been intercepted—a total of 185 arrivals. The fact is that people smugglers have been taking advantage of seasonal conditions to arrange those voyages, but the numbers are quite comparable to numbers in previous years. The number of people smuggled in the last years of the Howard government are very similar to the number of people smuggled in the first year of the Rudd government.

I think it is important that we keep this question of peoplesmuggling in some kind of perspective. It is obvious that geography is not on the side of Australia, and it is obvious that we will never be able to eliminate entirely the phenomena of peoplesmuggling. The number of departure points in our region is simply immense and we have to deal with an enormous coastline. Think about the scale of the Indonesian archipelago and the Australian coastline on the one hand and compare them with the coastlines of Italy and North Africa on the other. One is immensely greater than the other. Nevertheless, there have been fewer than 200 arrivals in Australia in the last year while the figure for Italy is 30,000. That is the kind of difference we are talking about, and it does suggest the necessity, as I say, to keep these matters in reasonable perspective. The only reason not to do that is if you want to play the politics of fear as was so prominent during the administration of these matters in the time of the Howard government.

There is constant pressure from people smugglers in our region. Peoplesmugglers have never gone out of business, and so you
cannot reasonably say that they are back in business now. They have always been there. They will always take advantage of those people who are fleeing conflict. Conflict is endemic in some parts of our region and in the Middle East. Thousands of displaced people continue to seek refuge in safe countries like Australia for one reason or another.

I point out that Border Protection Command has 12 aircraft flying more than 2,400 missions of surveillance every year. I also point out that we have announced plans to strengthen border security arrangements with the creation of the Australian Customs and Border Protection Service. It is a serious misrepresentation to suggest that the government is in this respect merely changing the name of an organisation. It is changing the name of our Customs department to that of Australian Customs and Border Protection Service because it is changing the function and reorganising the functions throughout the government to ensure that we are actually more efficient in detecting and deterring peoplesmuggling activity. The new organisation, as it continues to develop, will have the capability to better analyse intelligence, to better coordinate surveillance and to better engage with other countries to address and deter people smuggling to our shores.

I also remind the House that the government has maintained a system of excision and mandatory detention on Christmas Island for all unauthorised boat arrivals and it is, I think, clear enough that, under the sensible and compassionate administration of our colleague the Minister for Immigration and Citizenship, the systems in place at Christmas Island have been working well and sensibly. They have been working, however, without resort to the pointless cruelties that so often characterised the administration of illegal immigration under the Howard government.

To return to the bill at hand, it will amend the Customs Act 1901 to clarify the current powers to patrol areas and to moor Customs vessels. It will provide that the current power to board ships without nationality can be exercised in any area outside of the territorial sea of another country. It will clarify that the current power to board vessels in the safety zones surrounding Australia’s offshore facilities relates to offences committed within those zones. It will clarify that the present power to use reasonable force as a means to enable the boarding of a pursued ship encompasses the use of devices designed to stop or impede a ship. It will require notices issued by Customs to state the legal effect of the notice. It will modernise the language relating to the requirement for a ship or aircraft to only be brought to a proclaimed port or airport. These are all amendments which will ensure that officers of our Customs and Border Protection Service are clear about the powers that they are able to exercise as they deal with ships or vessels that are attempting or are reasonably thought to be attempting to engage in some illegal activity within our contiguous zone.

To strengthen Customs’ ability to effectively operate in offshore maritime and seaport environments, the bill will align the requirements of Customs boarding powers with other Commonwealth legislation and the United Nations Convention on the Law of the Sea. It will place a requirement on the master of a vessel that is to be boarded at sea to facilitate the boarding. It will introduce a new requirement for port and port facility operators to facilitate the boarding of a vessel that is located in port. It will modernise Customs arrest and warrant powers to ensure consistency with the Crimes Act 1914. It will create a new offence for intentionally obstructing or interfering with the operation of Commonwealth equipment located at Customs places and it will remove the require-
ment for copies of warrants to be marked with the seal of the relevant court. Again, these are all measures that seek to clarify the operation of legislation and to ensure that Customs officers are able to go about their business with the confidence that they are exercising their powers in a legitimate and valid fashion.

To recognise practical constraints in providing reports to Customs, the bill also provides more flexibility for reporting arrivals of vessels, pleasure craft and cargo. It is, I think, in line with community expectations that the bill will strengthen the ability of Customs to request an aircraft to land to include circumstances where it is suspected that the aircraft is carrying goods that are related to a terrorist act or are likely to prejudice Australia’s defence or security. We do not want ambiguity about the power to order an aircraft to land. It will protect the Australian community from goods which, if imported, would be prohibited goods. That in turn will be achieved in two ways.

First, Customs officers are going to be able to seize without warrant goods that are located on board a ship or aircraft and which are not listed in part of the cargo report, not claimed as baggage belonging to the crew or passengers and are otherwise not accounted for. That can include items such as certain types of pornography or weapons located by Customs officers during a ship search but not claimed by the crew. I understand that it has been sometimes the circumstance in the past that these items would be located but nobody would claim them, for obvious reasons, and Customs would then have difficulty in seizing them.

Second, all items on board a ship or aircraft that have arrived in Australia that are either stores or personal effects of the crew and that would be considered a prohibited import if they were imported into Australia are now going to be required to be either locked on board the ship or aircraft or taken into custody by Customs until the ship or aircraft departs Australia. Again, that is an assertion of an arrangement which will make it clear that Customs has the power to secure items of that unpleasant sort. Finally, this bill will create a new offence of failing to keep safe goods which are subject to the control of Customs or failing to account for such goods if they are required to do so. So what this bill does is allow the new Australian Customs and Border Protection Service to perform its role more effectively and more efficiently, protecting the community and at the same time supporting legitimate trade and travel.

It is interesting to see that the role of Customs has been transformed over a generation or so. Customs was a major revenue collecting agency of the Commonwealth when it was first created. These days its role is much more strongly focused. In fact, it is overwhelmingly focused not on the collection of revenue but on the security of borders. Indeed, all of the measures that are included in this bill to improve the efficiency of the department are focused on that issue—making the borders of our country more secure, making the operation of Customs more efficient.

I pay tribute to two groups of people. I pay tribute to those members of this House who have given support to the bill and to the officers of our Customs service, who continue to so effectively ensure that this is a safe place with borders that are, if not impenetrable to illegal activity, far more secure than is common in most countries around the world. Mr Deputy Speaker, I commend the bill to you in those terms.

Question agreed to.

Bill read a second time.
Third Reading

Mr DEBUS (Macquarie—Minister for Home Affairs) (8.48 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Mr McMULLAN (Fraser—Parliamentary Secretary for International Development Assistance) (8.48 pm)—by leave—I move:

That the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008 be returned to the House from the Main Committee and that the resumption of the debate be made an order of the day for a later hour this day.

Question agreed to.

LAW AND JUSTICE LEGISLATION AMENDMENT (IDENTITY CRIMES AND OTHER MEASURES) BILL 2008

Second Reading

Debate resumed from 3 December 2008, on motion by Mr Debus:

That this bill be now read a second time.

Ms LEY (Farrer) (8.49 pm)—I rise to speak tonight on the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008. Identity fraud is Australia’s fastest growing crime, with hundreds of thousands of victims and an estimated cost of more than $1 billion each year. It is evident that the rapid increase in technology and computer use is partly behind this emerging threat.

Identity crimes are increasing due to advances in technology in the banking sector and the rapid increase of financial transactions via the internet and use of credit cards. An ABS report released late last year found that in 2007 alone more than 800,000 people, or five per cent of the population aged 15 and older, fell victim to at least one instance of fraud. Identity fraud accounted for almost half a million victims, with 77 per cent of these reporting fraudulent transactions on their credit or bank cards. The remaining 23 per cent suffered identity theft involving unauthorised use of their personal details.

This bill implements changes to the identity crime offences recommended by the Model Criminal Law Officers Committee’s final report on identity crime. It seeks to insert three new identity crime offences into a new part 9.5 of the Criminal Code Act 1995, because, with the exception of South Australia and Queensland, it is not currently an offence in Australia to assume or steal another person’s identity, except in restricted circumstances. Of course, the existing offences in the Criminal Code, such as theft, forgery, fraud and credit card skimming, exist but they do not adequately cover the varied and evolving types of identity crime—for instance, malicious software and phishing. The proposed offences are framed in broad and technology-neutral language to ensure that, as new forms of identity crime emerge, these offences will continue to be valid.

The offences include: firstly, dealing in identification information with the intention of committing, or facilitating the commission of, a Commonwealth indictable offence, punishable by up to five years imprisonment—that is, dealing in identification information; secondly, possession of identification information with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to three years imprisonment—that is, possessing the identification information; and thirdly, possession of equipment to create identification documentation with the intention of committing, or facilitating the commission of, conduct that constitutes the
dealing offence, punishable by up to three years imprisonment.

The bill includes amendments to the Australian Federal Police Act 1979 to streamline the processes for alcohol and other drug testing under the act and to expand the range of conduct for which the commissioner may grant awards. The bill also makes several minor amendments, establishing a more consistent approach to the restrictions placed upon the disclosure of sensitive AUSTRAC information, and strengthens safeguards to protect against the disclosure of sensitive AUSTRAC information. It also corrects a couple of drafting errors and repeals the provision no longer required.

I would like to mention the coalition’s strong record on identity security. In April 2005, the coalition government announced the national identity security strategy to combat the misuse of stolen or assumed identities in the provision of government services. To support development of the strategy, the coalition allocated funding of $5.9 million over two years in the 2005-06 budget, including funding for a pilot document verification service, DVS.

The Council of Australian Governments, COAG, considered identity security at its special meeting on counterterrorism on 27 September, 2005. COAG agreed to the development and implementation of a national identity security strategy, underpinned by an intergovernmental agreement.

COAG also agreed to the development and implementation of a national document verification service to combat the misuse of false and stolen identities and to the investigation of the means by which reliable, consistent and nationally interoperable biometric security measures could be adopted by all jurisdictions.

The coalition announced in the 2006-07 budget that the identity of Australians would be further protected with the rollout of the national document verification service. The national DVS was rolled out with funding of $28.3 million, including building on the prototype service trialled during 2006. So the coalition does have a strong record in tackling the issues surrounding identity security. It is something that we are proud of, and I am pleased that the government is continuing with measures that would have been instigated well over a year ago. It certainly needs to be vigilant as this emerging threat continues to grow.

Under the coalition government, the Model Criminal Law Officers Committee released a discussion paper on identity crime and, subsequently, its final report in March 2008. The bill implements the recommendations made by the committee. The report highlights national security impacts and the different forms in which identity crime occurs. As the report explains, it is important to note that it is not only individuals who commit identity crime related offences; it has been recognised that organised crime groups are becoming increasingly involved in identity crime—for example, to facilitate the smuggling or trafficking of people. The 9-11 hijackers used fictitious social security numbers, false identities and fraudulent identification documents. A report issued by the French Senate in 2005 indicated that terrorist networks have systematically used false identity documents to obtain employment overseas, to finance their terrorist activities and to avoid detection.

There are several ways in which identity crime occurs. The first is general online techniques. Identity related criminal activity is constantly evolving as new ways to gain access to or manipulate identity data online are found. A common online method of obtaining personal details is that of phishing. Phishing occurs when an identity fraudster sounds out fake emails claiming to be from a
trusted organisation such as a bank. Ordinarily, emails claiming to be from a bank are sent to the victim, directing the receiver to a fake website designed to look like the bank’s real website. The victim enters his or her details, these are captured and subsequently used to withdraw funds from the victim’s account.

There are other online techniques that fraudsters use to obtain one’s personal identification information. Two of these are: using a key-logging device on computers and stealing personal information that is stored in computer databases, and infiltration of government organisations or financial institutions that store large amounts of personal information.

A second way in which identity crime occurs is via online social interaction, in particular social networking, which has grown in popularity in recent years. Unfortunately, some users of these networking sites, such as Facebook or MySpace, display publicly personal information that puts them at risk of identity theft or fraud. Displaying personal information such as one’s email address, name and birthday are enough to put a person at risk of identity theft, as it enables the fraudster to steal the victim’s identity and open accounts in their name. An example of a scam using Facebook involves Nigerian scammers who trick users by taking over other user’s accounts and then posing as their friends. They then send a plea for help to their ‘friend’, saying they are stranded in Lagos, Nigeria and that they need to borrow $500 for a ticket home.

A third way is consumer scams or frauds which claim to offer lottery, jobs or other attractive-sounding opportunities. Consumer scams are essentially crimes of dishonesty such as counterfeiting, forgery, online deception and theft that target individuals wishing to purchase goods and services. These consumer scams are often used by organised criminal outfits to gather personal information, which is then on-sold to other criminal groups.

In March 2005, the coalition government, as part of a whole-of-government approach to combat consumer fraud and scams, established the Australasian Consumer Fraud Taskforce. It involved all governmental regulatory agencies and departments in Australia and New Zealand that have responsibility for consumer protection.

One of Australia’s best known media identities, with a voice that is instantly recognisable to millions, John Laws, was recently targeted by identity thieves who forged his signature and raided his bank account. Mr Laws is the latest victim of a gang that is running a series of identity scams across New South Wales, much like the famous Catch Me If You Can con man, Frank Abagnale Jr. The group is responsible for stealing millions of dollars from banks by stealing and manipulating personal details, such as bank statements that are mailed to private homes. Mr Laws was not aware that he had been caught up in identity fraud until he received a call informing him of an outstanding debt. It was not until his personal assistant discovered that two cheques he had mailed had been intercepted and cashed into an unknown bank account that alarm bells began ringing. One of the alleged culprits who targeted Mr Laws is understood to be working as part of a Bonnie and Clyde set-up with a female companion. After they had stolen cheques, worth $15,000, they were able to re-route the money, using elaborate methods, including forging his signature, to a bank account belonging to Peter Raymond Murphy, a fictitious identity, set up with fake ID cards. Examples such as this show that identity theft can indeed happen to anyone, no matter how well known. It is a reminder that the government needs to be extremely
vigilant and to keep up to date with new evolving methods that these criminal organisations are using.

In conclusion, as mentioned previously, the coalition support the changes recommended by the Model Criminal Law Officers Committee. We support ongoing efforts to combat identity crimes and we believe in real action on identity crime.

Mr NEUMANN (Blair) (9.00 pm)—I am very pleased to have such a great audience. I speak in support of the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008. This bill includes a variety of criminal law reforms, which are necessary and are indicative of the commitment to justice of the Rudd Labor government. It makes a number of amendments which deal with identity crime. Our passport, birth certificate, tax file number and Centrelink number—all of these sorts of things—are crucial to telling the world who we are. It is crucial that we have this sort of information. When you go to see your accountant, the police or your lawyer or when you want to prove who you are, this sort of information is crucial.

To take someone’s identity, to deal with someone’s identity, to engage in credit card fraud or to pose as someone else is such a heinous crime. It is an offence against what makes us who we are and what we are about. We as a people want to know that, when we make a transaction, when we sign a legal document or when we use our credit card, we can do that freely, honestly and legally. We want to make sure that no-one misuses our money, our identity or our property. It is very important that, when people engage in these types of activities, they are punished to the full extent of the law, so we need new offences. What we are doing here is responding to a request; we are responding to a report on identity crime from the Model Criminal Law Officers Committee of the Standing Committee of Attorneys-General. So we are simply responding to a recommendation of a report that deals with deficiencies in our law. Dealing with these amendments is important early in our government history.

The offences range across three main areas, and there are three areas of reform: first is the dealing offence, second is the equipment offence and third is the possession offence. What we are talking about is similar to the Drugs Misuse Act of Queensland, where there are dealing offences, possession offences and offences relating to equipment. So it is similar to what we are used to in terms of the law of Queensland and other states with respect to drugs. The idea of dealing really includes making, supplying or using information. When you are using someone’s credit card or identity to defraud them of their money, their property or their possessions, it is an awful thing.

Offences include the following: dealing with identification information with the intention that a person pass themselves off as another person for the purpose of committing or facilitating the commission of a Commonwealth indictable offence. We have ensured that such a person will face five years imprisonment. Five years is a long time and it is an appropriate punishment in the circumstances. The second aspect is the possession of identification information with the intention of engaging in conduct that would constitute a dealing offence—again, punishable by three years imprisonment. The third offence is the possession of equipment offence, which is the possession of equipment to create identification documentation with the intention of engaging in conduct that would constitute the dealing offence—again, punishable by three years imprisonment.

What I think is so important in this law reform is this: where a person’s identity has
been taken away from them through criminal activity by another person, they can approach a magistrate for a certificate. If, on the basis of probability, the magistrate is satisfied that the person’s identity was used and dealt with in this way, the magistrate has the discretion to issue a certificate. That certificate can be used to assist the victim of an identity crime in negotiating with, say, a bank or a credit institution to re-establish their credit ratings. That is a very important reform because dealing with a bank or a credit union is extremely important. I would seek leave to continue my remarks at a future time if the House prefers.

Honourable members interjecting—

Mr NEUMANN—I will now continue because I have got instructions from the Leader of the House and, like the Chief Government Whip, I always listen to the Leader of the House.

Honourable members interjecting—

The SPEAKER—The member for Blair should continue speaking to the bill.

Mr NEUMANN—I will deal with the second schedule now; I will continue on. This is an important reform.

Honourable members interjecting—

Mr NEUMANN—No, it is an important reform, because it relates to the administration of justice. It is important because deceiving witnesses and acting in a way that will make the administration of justice difficult to administer undermines the integrity of our court system, the prosecution of criminal offences and the people’s faith in the criminal process. It is very important. We have increased the penalties. The penalty for conspiracy to pervert the course of justice has been increased to 10 years imprisonment. I now seek leave to continue my remarks at a future time.

Leave granted; debate adjourned.
Members including the mover have spoken, at the conclusion of the second reading debate, without delay, the immediate question before the House to be put, then any question or questions necessary to complete the remaining stages of the bill to be put without amendment or debate;

(5) immediately after proceedings on the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 [No. 2], the Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009 [No. 2], the Household Stimulus Package Bill (No. 2) 2009, the Tax Bonus for Working Australians Bill (No. 2) 2009, the Tax Bonus for Working Australians (Consequential Amendments) Bill (No. 2) 2009, and the Commonwealth Inscribed Stock Amendment Bill 2009 [No. 2], to be called on consecutively with no business intervening, and after each bill is called on the immediate question then before the House to be put, then any question or questions necessary to complete the remaining stages of each bill to be put without amendment or debate; and

(6) any variation to this arrangement to be made only by a motion moved by a Minister.

Question agreed to.

APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 1) 2008-2009 [No. 2]

Message from the Governor-General transmitting particulars of proposed expenditure and recommending appropriation announced.

First Reading

Bill and explanatory memorandum presented by Mr Rudd.

Bill read a first time.

Second Reading

Mr Rudd (Griffith—Prime Minister)

(9.09 pm)—I move:

That this bill be now read a second time.

Up until now, Australia has been partly insulated from the full impact of the global economic recession, but things are about to get more difficult—much more difficult. The unemployment figures released today show that unemployment is now on the rise. It is a sign of what is to come. This global economic recession is the equivalent of an economic cyclone, spreading from country to country, continent to continent, leaving wreckage in its wake, devastating economies, devastating jobs, and crushing the dreams and the livelihoods of families across the world. The cyclone started in the United States, moved to Europe and then hit our major trading partners: China, Japan, Korea and India. Now it is heading in our direction.

When you know an economic cyclone is coming, there are two things that you can do. You can follow the Liberal Party plan and do nothing; you can do nothing, just sit tight and hope that it simply passes you by—because, remember, the Liberals have already said that the global financial crisis has been overhyped. The alternative is decisive action, and this government stands for decisive action—to do everything possible, to do everything in our power to prepare for it while there is still time. That is what this government’s Nation Building and Jobs Plan is all about: supporting our jobs and small businesses before the brunt of the global economic recession hits Australia’s shores. It is not a silver bullet—there is no magic medicine available to cure all the ills of the global economic recession—but every responsible government around the world must play its part to reduce the impact of this global recession and to help our people.

Almost every government in the developed world is going into deficit to stimulate their economy in the face of the global economic recession. As the Australian Chamber of Commerce and Industry has noted this afternoon:

No other nation’s parliament has refused a major stimulus package in the current environment of unprecedented global economic downturn.
No other country’s parliament—except this parliament, led by this opposition. What the opposition has done by this act of economic sabotage in the Senate is to threaten the jobs, the livelihoods and the businesses of nearly 100,000 Australians. All around the world, governments are taking unprecedented action to support their economies in the face of virtually unprecedented challenges. Yesterday in the United States they agreed on a planned fiscal stimulus of in excess of $1 trillion. Yesterday the United States committed $2 trillion to a further rescue of its banking system. The United States is responding to a crisis which has claimed more than half a million jobs each month since September. So are all governments around the world; so are all parliaments around the world—except the Australian parliament, with an opposition led by the Liberal Party and its vote against a plan to support nearly 100,000 Australian jobs.

*Honourable members interjecting—*

**Mr Rudd**—Here at home, we have seen sobering unemployment data released today. The unemployment rate increased substantially, from 4.5 to 4.8 per cent in January, the largest monthly increase since October 2001. The number of unemployed persons increased by 36,800, to 540,200 persons. The Deputy Leader of the Opposition and Treasury spokesperson for the Liberal Party described this jobs result as strong:

Today’s data clearly demonstrate the strength of the Australian labour market despite a worsening international economy. This supports the Coalition position that the Government’s $42 billion spending spree is simply too big … The Liberal Party is demonstrably out of touch. It is demonstrably out of touch with the challenges facing the Australian economy now and the challenges facing those 36,800 Australians who, in the most recent jobs data, have lost their jobs. The Australian Chamber of Commerce and Industry today described today’s jobs data in very different terms to those employed by the Liberal Party. The Australian Chamber of Commerce and Industry said today:

Today’s employment data is the latest evidence of the need for urgency.

The decision by the Senate this afternoon to not pass the Australian government’s Nation Building and Jobs Plan is a blow to business confidence and investment certainty.

That is from the Australian Chamber of Commerce and Industry.

How does the quantum of the stimulus package proposed by the Australian government compare with those which are being recommended elsewhere? The Leader of the Opposition today described the government’s plan as too large, a package of spending that represents an enormous percentage of GDP.
The size of the stimulus package is entirely appropriate to the challenges we face. This package delivers 1.1 per cent of GDP in 2008-09 and 1.4 per cent of GDP in 2009-10, for a total of 3.4 per cent of GDP over the forward estimates, two per cent being delivered in calendar year 2009.

The size of this plan is also modest in relation to what other governments are doing abroad. For the benefit of the House, President Obama’s stimulus package is six per cent of GDP, Italy’s package is 5.2 per cent of GDP, Canada’s package is 3.7 per cent of GDP, Korea’s package is 8.4 per cent of GDP, Germany’s packages come to 3.4 per cent of GDP, Japan’s packages total 2.3 per cent of GDP; and, again, that which is contained within the Australian package translates into two per cent of GDP in calendar year 2009.

The Leader of the Opposition has also argued, as has the Liberal Party more broadly, that this $42 billion stimulus plan advanced by the government will result in too much borrowing. Average net debt across the OECD is estimated to be 45 per cent of GDP in 2010. In 2009, net public debt in the following countries is expected to be as follows: 50 per cent of GDP in the United States, 48 per cent of GDP in the United Kingdom, 24 per cent of GDP in Canada, 44 per cent of GDP for the Euro area and, I repeat, 45 per cent on average across the entire OECD. As a consequence of the government’s proposed package and dealing with the borrowing requirement which comes from the collapse in revenues occasioned by the global economic recession, the Australian package and the borrowing associated with it for this collapse in revenues will result in five per cent of GDP as net debt. The OECD average, therefore, is nearly 10 times that of the Australian proposed average. Let us put that into context.

Secondly, let us go to the argument about debt in general and examine the Liberal Party’s hypocrisy on the question of debt. Prior to 1996—and some honourable members will recall this—the Liberals said that they would reduce foreign debt. I quote the former Prime Minister, Mr Howard, who said, ‘I can promise you we will follow policies which will bring down the foreign debt.’ Let us examine the factual record. In 1996, foreign debt stood at $193 billion, or 37.9 per cent of GDP.

Mr Pyne—What about Commonwealth debt?

Mr Rudd—When the Liberals lost office in December 2007, foreign debt stood at $603 billion, or 55.5 per cent of GDP. Under the Liberal government’s economic management—and bearing in mind the promise they solemnly made to the Australian people—foreign debt exploded by more than 200 per cent. The Liberal Party’s hypocrisy on the question of debt is a matter of documentary record.

Opposition members interjecting—

The Speaker—Order! I simply say to the member for Sturt, amongst others: what about manners? To give the same protection for the whole debate, it would be helpful if the tenor of the debate were established now.

Mr Rudd—The Liberals say that a $42 billion stimulus package is too big. I have just contrasted the size of that package as a percentage of GDP with that of all of the stimulus packages of those major economies that I have just referred to. How does the quantum of this package therefore sit with what is being said by responsible economic organisations in Australia? The Liberal Party say it is too much, but the International Monetary Fund, the Reserve Bank of Australia, the Treasury of Australia, the Australian Chamber of Commerce and Industry, the Australian Industry Group and the Council
of Small Business Organisations of Australia all disagree. They all disagree with the Liberal Party’s position. The International Monetary Fund, the Reserve Bank of Australia, the Commonwealth Treasury, ACCI, the AiG and the council of small business are not units of the Labor Party. They are independent organisations which speak with an independent voice, and they say as one that an economic stimulus package of this size is right. So let us be clear: those organisations, led by the International Monetary Fund, the Reserve Bank, the Treasury and the peak industry bodies, say that this quantum of stimulus is right and the Liberal Party alone says it is wrong. The International Monetary Fund has said:

What we need is more than 1 percent—

we certainly need at least 2 percent …

The Reserve Bank of Australia confirmed a 100-basis-point cut in interest rates on the very day and following the government’s announcement of its fiscal stimulus package, because the Reserve Bank noted the importance of aggressive, simultaneous action of fiscal and monetary policy. The Secretary to the Treasury said in Senate testimony:

These are highly unusual circumstances, and we have advised … that there was a need for fiscal policy action and that it was quite urgent.

He went on to say that with a smaller package:

… there would be some point at which GDP growth in 2009-10 in particular might well have been negative.

Let us turn to the remarks of the Australian Chamber of Commerce and Industry. Mr Evans said:

Such is the scope of our current economic difficulties that this package, combined with monetary easing, is absolutely essential.

He said it was ‘absolutely essential’. He continued:

The size of the package at two per cent of GDP in 2009 is appropriate and in line with our own estimate—

referring to ACCI’s estimate—

of what is required. We recognise and accept that a temporary deficit is required to fund the program.

The Australian Chamber of Commerce and Industry continued:

… we consider it is in the national interest for those measures to be passed, and passed quickly, to avoid uncertainty and to promote confidence.

The Australian Industry Group said:

The nation building and jobs plan announced by the Federal Government today is simple and substantial, and will provide a big stimulus to help keep the economy moving.

Further:

The package targets consumer spending, which is absolutely critical—

I repeat: ‘absolutely critical’—

to our near-term economic prospects, and boosts capital expenditure—looming as one of the real casualties of the downturn.

The Council of Small Business Organisations of Australia said the following:

The worst thing we can do is not to do anything. I think half-hearted action is not required as well. We want someone to get out there and do something big, and this is big.

So says the voice of small business. Then we come to that well-known other front of the Australian Labor Party, the Liberal government of Western Australia, who through its Treasurer Buswell said:

That type of stimulus—whether it impacts on consumption, expenditure or investment—is something that the state government of Western Australia welcomes.

There you have the IMF, the Treasury, ACCI, AiG, the WA Liberal government—not exactly left-wing radicals. What they see is the unfolding impact of a global economic recession, and they see the need to act.
The Liberals today and in recent days have claimed they have not been consulted. I would say to the Leader of the Opposition as follows. The Leader of the Opposition less than 24 hours after the release of the government’s Nation Building and Jobs Plan, before he had seen the legislation, before the Senate committee had even begun, said on 4 February:

The opposition will vote against this package in the House and in the Senate.

How is it logically sustainable to argue that you should be consulted when on day one you say to the parliament and the nation that in the Senate you will vote against this plan? This is absolute disingenuousness. Furthermore, the Liberals have fundamentally attacked the quantum of the package, against the advice that I have just referred to about the necessity of such a quantum. Furthermore, the Liberal Party have attacked every element of the package as well. On the question, for example, of the tax bonuses proposed: the Leader of the Opposition ruled out supporting these on day one, saying, ‘We do not support a further round of cash handouts,’ even though such measures in support of consumption have been directly supported by the IMF. On the schools question, the Liberals have opposed the $14.7 billion school measures. The Leader of the Opposition rejected the government’s proposal on day one. He said:

… what we’ve said—

referring to the Liberal Party—
is that the $14 billion is a very large amount of money to be focused largely on, as you know, primary school assembly halls and libraries.

Furthermore, the Leader of the Liberal Party and the Liberal Party more broadly challenged whether schools and education were in fact a top infrastructure priority. Let them eat their words as each of the members who have voted against this measure in the House of Representatives speak in the days ahead to each of their P&Cs, each of their P&Fs and each of their primary school principals and secondary school principals and say to them that their schools do not need this investment, that their primary schools do not need any further investment in either modern libraries or school assembly halls, that their secondary schools have no need for a modern science block or a language centre or that their P&Cs and P&Fs do not need an extra injection of funds to help with much-needed maintenance and repairs.

Then, on the question of small business, the Leader of the Opposition rejected the government’s proposal, saying it would not help small business. He said:

What he—

that is, the Prime Minister—

has proposed is a 30 per cent depreciation upfront, depreciation for purchases of new equipment by small business. Now, if you are a small business which has seen your cash flow decline, or if you don’t need any new equipment, that’s of no benefit to you at all.

The small businesses of Australia, through their peak bodies, have welcomed this measure. Again, we find the Liberal Party out of touch with schools, out of touch with school communities and out of touch with small business.

On insulation, the Leader of the Opposition rejected the government’s proposal on day one by saying:

We would support an insulation subsidy of a lower amount, and I would suggest for the government’s consideration one that is, for example, $500 for all houses, increasing to $1,000 subject to a means test.

Again, on each of the individual measures, quite apart from the quantum, quite apart from the overall rationale for the stimulus package, the Liberal Party ask why they have not been consulted. They ruled out any sup-
port for this package from day one. They have undermined the need for the quantum of the stimulus from day one. And they have attacked every measure contained within it from day one. These facts speak for themselves in terms of the position that has been adopted by the Liberal Party.

Let us go, therefore, to all these Liberal claims in their aggregation. The Liberal Party say that unemployment is not a problem. We say it is. The Liberal Party say we should wait and see. We say we must act now and act decisively. The Liberal Party say the government’s plan is too big, when the IMF, the Reserve Bank, Treasury and all peak business organisations say the size is right for our current economic challenges. The Liberal Party say that we will borrow too much. With this plan our net public debt will be about one-tenth of the OECD average. They say they have been willing to negotiate, yet how can you negotiate when their leader says from day one that they will vote against the package? This, therefore, represents in aggregate the bona fides of those opposite on the question of this overall nation-building plan.

So we are left to ponder what the operational strategy of the Liberal Party actually is in this entire debate. The Liberal Party’s is not an economic strategy; it is a political strategy. It is a political strategy in three steps. Step 1 from the Liberal Party is to do nothing or to do as little as possible. Step 2 is to hope like hell that the global economic recession hits the Australian economy amidships, and therefore that it overwhelms the Australian economy in the course of the year ahead. Step 3 is to turn around later and simply say this: ‘I told you so.’ That is what this political strategy is all about. That is what the member for Wentworth, the Leader of the Opposition, knows full well. That is what those who have advised within their party room know full well. This is a strategy driven by the politics of that as well the internal politics of the Liberal Party itself.

We know something of the debate that occurred within the Liberal Party when these matters were deliberated on. We know something of the intervention from the former Treasurer, the member for Higgins, whose passionate engagement on matters of national economic policy warrants his participation in this debate tonight—

*Government members interjecting—*

**Mr Rudd**—Apparently not. What we have instead is not an economic strategy from those opposite but a political strategy pure and simple—a political strategy which is out of touch with the needs of the Australian economy, a political strategy which is only in touch with the political needs of the Liberal Party and its leader. That is what is at stake here.

It is for these reasons, therefore, that the government will continue to negotiate with the minor parties in relation to the government’s nation-building plan for the future. This government will get on with the business of acting in the national economic interest. This government has advanced a plan in the national economic interest. This government has advanced a nation-building plan aimed at reducing the impact of a global economic recession on Australia. This government will get on with the business of acting decisively in Australia’s national interest.

**The Speaker**—Order! In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day.

**APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 2) 2008-2009**

[No. 2]

Message from the Governor-General transmitting particulars of proposed expendi-
First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.36 pm)—I move:

That this bill be now read a second time.

We are reintroducing this bill due to Senate obstruction, and I refer to the minister’s previous second reading speech on this bill.

This bill provides for the appropriation of funds to various measures announced as part of the government’s Nation Building and Jobs Plan. Full details of the measures in this bill are contained in the explanatory memorandum.

The SPEAKER—Order! In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day.

HOUSEHOLD STIMULUS PACKAGE BILL (No. 2) 2009

First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.37 pm)—I move:

That this bill be now read a second time.

We are reintroducing this bill due to Senate obstruction and I refer to the minister’s previous second reading speech on this bill.

This bill provides for amendments to various acts to deliver the household stimulus package contained in the government’s Nation Building and Jobs Plan.

The household stimulus package includes key bonuses:

- single-income family bonus of $900 to eligible recipients
- back-to-school bonus of $950 to eligible recipients
- training and learning bonus of $950 to eligible recipients
- farmer’s hardship bonus of $950 to eligible recipients

These one-off bonuses are necessary to provide an immediate stimulus to the economy given the severity of the global downturn. It is a critical part of the government’s National Building and Jobs Plan, which is why the government is reintroducing this legislation into the House.

Full details of the measures in this bill are contained in the explanatory memorandum.

The SPEAKER—In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day.

TAX BONUS FOR WORKING AUSTRALIANS BILL (No. 2) 2009

First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.39 pm)—I move:

That this bill be now read a second time.
The government is reintroducing this bill due to Senate obstruction and I refer to the minister’s previous second reading speech on this bill.

This bill provides for amendments to various acts in relation to the tax bonus payment provided for in the Tax Bonus for Working Australians Bill (No. 2) 2009.

The tax bonus for working Australians will be paid to resident individual taxpayers who had taxable income of up to $100,000 and who paid income tax for the 2007-08 financial year, after taking into account any tax offsets and imputation credits.

A payment of $900 will be paid to those who had a taxable income of up to and including $80,000 for the 2007-08 income year.

A payment of $600 will be paid to those who had a taxable income exceeding $80,000 to $90,000.

A payment of $250 will be paid to those who had a taxable income exceeding $90,000 up to and including $100,000.

Full details of the measures in this bill are contained in the explanatory memorandum.

The SPEAKER—In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day.

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009
[No. 2]

First Reading
Bill and explanatory memorandum presented by Mr Albanese.

Second Reading
Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.43 pm)—I move:

That this bill be now read a second time.

We are reintroducing this bill due to obstruction by the Senate and those opposite in the Liberal and National parties. I refer to the minister’s previous second reading speech on this bill.

This bill will ensure that the government can raise the funds required to meet this temporary deficit resulting from the global recession, which has wiped out $115 billion
of tax receipts across the forward estimates and moved the budget into temporary deficit.

Full details of the measures in this bill are contained in the explanatory memorandum.

The SPEAKER—In accordance with the resolution agreed to earlier, the debate is adjourned and the resumption of the debate is made an order of the day for a later hour this day.

**APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 1) 2008-2009 [No. 2]**

Cognate bills:

**APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 2) 2008-2009 [No. 2]**

**HOUSEHOLD STIMULUS PACKAGE BILL (No. 2) 2009**

**TAX BONUS FOR WORKING AUSTRALIANS BILL (No. 2) 2009**

**TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS) BILL (No. 2) 2009**

**COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009 [No. 2]**

Second Reading

Debate resumed.

Mr TURNBULL (Wentworth—Leader of the Opposition) (9.44 pm)—Last week when we debated the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 [No. 2] and cognate bills in their first appearance, before they were defeated in the Senate, I recalled the occasion, very familiar to every member of this House, of meeting parties of school students who come to visit Parliament House. I said how, when I met them, I always told them that this parliament—every member and every senator—was focused on making Australia a better place for them to grow up in. I said that, given the nature of these proposals, I was concerned about whether we could keep saying that, because what the government was proposing to do was to put an enormous burden—$200 billion of debt—on the shoulders of that generation and, indeed, their own children.

In years to come, the schoolchildren that visit this parliament—not many years in the future—will be getting their first jobs, will be saving money to buy a house or will be starting a business, and they will need encouragement from government. They will expect to have low taxes and an efficient tax system. They will expect to have services—they will expect to have health services, hospitals, roads and all of those services that are available to us today. They will meet governments, politicians and ministers who will say to them in the future: ‘You can’t have the services you need today. The roads cannot be repaired when you want them. Your taxes are higher than your parents were paying.’ And when they say to our generation, ‘Why is it that the services our parents enjoyed are not there and why is it that we are paying higher taxes than our parents?’ we will have to look them in the eye and say: ‘It’s because we ran up an enormous debt on your credit card, boys and girls. Before you were able to vote and before you had any say, we ran up $200 billion of debt.’ That is what we will have to say. They will say: ‘Oh, we mailed everybody a cheque for $950.’

The reality is that the decisions we take today are going to make the futures of our children harder, their taxes higher and their services less generous. We are loading debt onto the shoulders of our children. That is what is happening today, and we for our part will not give it any support at all. We are opposed to this. We will say when those children are adults and they are paying higher taxes: ‘At least we voted against it
and did our best to stop it. At least we were concerned to manage the finances of this country responsibly.’

The Prime Minister has said in a mournful way that no other parliament in the world has rejected a stimulus package, and he has said that with great regret. He has said the parliament is led by the opposition—which is news to us, but we will reflect on that. But I think we could put it another way. I think the truth is that no other Prime Minister in the world has been such an incompetent advocate and salesman that he has been unable to persuade his own parliament to support a package. The Prime Minister is like a salesman who cannot sell and blames his customers for not buying his product. He is a poor advocate, and he has fumbled this ball and dropped it. He dropped it very badly with regard to the Senate tonight.

Let us be quite clear: every cent in this package will have to be repaid. It is not the distribution of a surplus; it is all debt. It is borrowed from the future. It is borrowed from our children and their children. For our part, we believe that governments and parliaments should be especially careful not to support any spending beyond that which is needed to achieve the desired purpose of stimulating the economy. We all know that the effectiveness of a stimulus package like this is a function of two things: it is a function of its size and it is a function of its composition. The best test of that is jobs. How many jobs will it create? In December the government spent nearly $10 billion and they said it would create—not support but create—75,000 jobs. There is no evidence that it created one—no evidence at all. Dr Henry was there with the leading lights of the Treasury; they could not give the Senate committee any evidence that the last cash splash created any jobs. The government, however, were delighted that, after they spent nearly $10 billion, retail spending rose by $700 million in that month. That was what they got: $700 million of retail sales increase, so they claim, for an expenditure of $10 billion—$10 billion on our children’s credit card for an extra $700 million through the cash registers. For the $42 billion we are given no assurances at all—just the weasel words that it will ‘support’ 90,000 jobs, whatever ‘support’ means from the mouth of the Prime Minister.

The threshold question, as I said at the outset, is whether $42 billion is too much. We say that it is; we think that it is too much. It is four per cent of GDP. Added to the other fiscal stimulus, it amounts to nearly 6½ per cent of GDP. That is more than in most other countries. The Prime Minister clearly wants to benchmark our fiscal performance and set as his target the fiscal performance of Italy. With great respect to the Republic of Italy, in this country we remember a happy day not so long ago when we had no debt at all. We remember when we had a government that was committed to taking debt off the shoulders of future generations, that sought to restore fiscal integrity and that sought to restore solid surpluses to government. Now we have a Prime Minister who is so recklessly taking this country into debt that the best he can say is, ‘Well, we don’t have as big a debt as a percentage of GDP as the Italians and the Germans.’ I refer the Prime Minister to page 71 of the 31 January edition of the Economist, which he probably says is a neoliberal publication. The Economist states that the weighted average stimulus of the G7 countries plus Brazil, Russia, India and China was 3.6 per cent of GDP spread over several years. The truth is that the expenditure the government is proposing is more, as a percentage of GDP, than that of many other countries whose economic situation is much worse—that is the fact.

Of course, this has a familiar ring to it. Why would the government of a country
whose economy remains strong, where em-
ployment, while falling, remains nonetheless
relatively high compared to other countries,
spend more on fiscal stimulus than nations
that are much worse situated? The answer is
the same as the answer to the question of
why the government of a country whose
banking system is sound would establish an
unlimited deposit guarantee, more extensive
and more disruptive than those established in
countries whose banking systems are genu-
inely fragile. The answer is that we have here
a government which has been in a blind
panic since the crisis began and is more in-
terested in the grand sweeping gesture than
making sound and measured policy deci-
sions. We should never forget that the unlim-
ited bank deposit guarantee that has done so
much damage to our economy was under-
taken without the Prime Minister even dis-
cussing it with the Reserve Bank Governor.

The key to any economic policy at this
time is restoring confidence. At the risk of
quoting an economist who is, according to
the government, not in the mainstream—he
is stuck in that little backwater of the board
of the Reserve Bank—Dr Warwick McKib-
bin says:

Therefore, the first requirement of the Nation
Building and Jobs Plan bills should be to help
restore confidence. Ideally this would imply that
all sides of politics would reach a consensus on
the way forward and would quickly pass legisla-
tion through the parliament. It is unfortunate that
this consensus was not reached early through a
bipartisan approach.

That is what we offered the government from
the very outset. Normally when governments
take spending programs that need the support
of other parties in the Senate, they are usu-
ally pressured to spend more and the gov-
ernments normally, prudently, seek to spend
less because they are taking care of the pub-
lic’s money. But here the government is pres-
ented with an opposition that says that it
should spend less, that argues that we should
spend two per cent of GDP not four per cent
and that argues that we should have a more
responsible package. In the light of the posi-
tion that we have taken, the government says
that we will have no discussions whatsoever.
Indeed, what the government has done is
assume that it would be able to bully the mi-
nor parties in the Senate and could simply
say, as it did—and they are the Prime Minis-
ter’s words, not mine—‘The opposition
should get out of the road.’ The problem is
that the Prime Minister’s bulldozer has stalled.

As far as confidence is concerned, the
problem that the government faces with a
package as large as this is that the more ex-
travagant the spending, the more uncertainty
it creates. When people see the government
proposing to send almost everybody a
cheque for $950, they are entitled to ask:
‘What’s going on? Things must be extremely
bad; times must be tough. I probably should
save that $950—I’m certainly not going to
spend it. The government is in a panic;
maybe I should be.’

The government describes anybody, no
matter how distinguished, who disagrees
with their approach as being either an ex-
tremist, not in the mainstream or both. I have
mentioned Dr McKibbin but there are many
others that the government has vilified.
There are many Nobel laureates in the
United States, for example, who would ques-
tion the utility of this kind of fiscal stimulus
in their own country. They are dismissed by
this government as extremists; they are not
dismissed by President Obama as extremists.
He may not agree with them but he does not
insult and vilify those who do not agree with
him. That says a lot about the characters of
the men who run America and Australia. Be-
cause what we have here is a Prime Minister
who holds anybody who does not agree with
him in contempt. He has no respect for views
other than his own. Let me restate what 200 economists, including three Nobel laureates, recently said in an open letter to President Obama:

To improve the economy, policy makers should focus on reforms that remove impediments to work, saving, investment and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth.

The opposition is not opposed to a fiscal stimulus if it is prudent in both size and composition. We have suggested it be limited to a sum of $15 billion to $20 billion, or a little less than two per cent of GDP. That is in line with the recommendation of the IMF and, notably, the recommendation of Dr McKibbin. It is self-evident that some forms of stimulus are more effective than others: cash handouts are the least effective, especially because in times like these they are more likely to be saved or used to reduce debt than to be spent. And, of course, when the money is spent in these circumstances that the Prime Minister is so proud of it is very often spent on imported consumer goods anyway.

We have proposed that a stimulus package include tax cuts. There is extensive, almost overwhelming, evidence that tax cuts have a more positive impact on economic activity than cash handouts. That is the mainstream economic view. Indeed, the Treasurer himself in his second reading speech in this place on 14 February last year eloquently extolled the job-creating effects of these very tax cuts that we are proposing be brought forward. The government has described bringing forward these tax cuts as benefiting the rich, but they are the government’s own legislated tax cuts—copied, it has to be said, from our election policy of 2007—and they are targeted at lower and middle income earners. Indeed, if the government is so concerned about benefiting the rich, why is it proposing to give to everyone, regardless of their income, $1,600 for roof insulation and $1,600 for solar hot water when both of these investments actually pay for themselves and do so in a relatively short time? There is a clear distinction between those two energy efficiency measures, for example, and solar photovoltaics.

We support spending on social infrastructure in schools, but we regard it as highly unlikely that state governments will be able effectively to spend $14 billion over 2½ years on a program which is largely, but not entirely, made up of primary school assembly halls and libraries. We propose, instead, that a sum of $3 billion be allocated to a reinstated Investing in Our Schools program over three years. We support accelerated depreciation for green building refits—the government does not—and we support a program to encourage the rollout of solar hot water and insulation, but better targeted and means tested.

In terms of jobs, the government’s package does absolutely nothing to reduce the cost of employment. Nothing! Many people have argued for a reduction in payroll tax. Obviously it is a state tax, funded of course by the Commonwealth. We have proposed—and we put this up as a proposal to the government, as something we could negotiate if there were an ounce of goodwill on the government’s side—that a more effective approach would be to reimburse a portion of the superannuation guarantee contribution for small businesses because many small businesses are below the payroll tax threshold. Dr Henry told the Senate that businesses with 20 employees or less contributed approximately $10.5 billion a year to the superannuation guarantee contribution. So, by way of example, were the Commonwealth to reimburse one-third of that amount for one year and one-sixth for a second year, it would lower the cost to small businesses of
employing Australians by $5 billion over two years.

I compare that and its impact on small business with the government’s proposal in its package which gives a 30 per cent accelerated depreciation for purchases of equipment by small businesses at a total cost of $2.7 billion over the four years. It should be obvious to the government, had it any experience with small business, or business at all, that in times like this there will be small businesses particularly which will not have the need or even the cash flow to purchase new equipment. It makes much more sense to give small businesses additional cash flow and to lower the cost to them of employing Australians. What is the test of everything we are doing or seeking to do here? It is jobs, jobs, jobs; lower the cost of employment.

The total of all the measures I have canvassed would come well within the envelope of $20 billion. We believe a package of that type would be more effective in terms of jobs and would impose less of a debt burden on our children. I should say that within that $20 billion envelope, if one goes to the higher end of the range we proposed, there is room for investment in social housing, roads, boom gates and community infrastructure—the type of infrastructure agenda the government describes. There is a real opportunity here for us to agree on an effective stimulus package that will not put an unreasonable level of debt on the shoulders of our children.

The government has said, ‘Oh, the opposition’s plan is only $25 billion less than ours.’ I think the Treasurer said that—only $25 billion. We think $25 billion is a lot of money—and, by the way, it is a lot of money to pay off when you are a young person seeking to buy a home or start a business and you are wondering how on earth that debt was put onto your shoulders. The reality of this package is that it simply does not deliver enough bang for the buck. ABN AMRO, the leading investment bank, analysed this and described the pathetic bang it delivered as more of a dull thud.

Looking at the numbers, if you look at 2008-09 as the first year, the spending policy decisions of the government in pursuit of their fiscal stimulus strategy represent 1.7 per cent of GDP in return for which they believe, or the Treasury believes, they will get an increase in GDP of 0.5 per cent. That is a multiplier of 0.3 per cent. That is a pathetic return, and there lies the problem. It is not just that the stimulus is too big; its composition is such that it provides a pathetic return. We can get a much better return from a smaller package which is better constituted. In other words, the taxpayer is not getting any bang for his buck. He and she are getting a dull, melancholy thud.

A smaller package will also leave further capacity to respond to the crisis as and when necessary. The Prime Minister is in a panic. He is firing off all his ammunition at once and, given that he has this magic pudding sort of view of the Australian government’s finances, I suppose he imagines he can just go back and legislate for some more debt—keep spending; spend, spend, spend! The principle of throwing everything and the kitchen sink at a problem is not sound economics. We should spend no more than we believe is absolutely necessary to achieve the outcome we desire.

When we were in government, we took debt off the shoulders of our children. We have been succeeded by a government that is piling it on like there is no tomorrow. We have a responsibility here tonight, which we will take up if the government is ready, to sit down and work together on finding a common ground where we can agree on a stimulus that will provide effective value for
money; that will provide jobs; that will provide the stimulus, the energy and the activity that we are seeking. We do not challenge the need for a stimulus. What we seek is a resolution from both sides of parliament to put no more debt on the shoulders of our children than we absolutely have to. Instead, we are faced with a government that is panicked, reckless and irresponsible—that is throwing debt onto the national credit card, our children’s credit card, like there is no tomorrow. But tomorrow comes, and the tragedy is that it is our children who will have to pay off that debt.

Mr SWAN (Lilley—Treasurer) (10.10 pm)—We have just heard from the ‘wait and see’ brigade—the people who do not want to do anything in the face of a global recession. And no amount of slippery barrister talk from the Leader of the Opposition can camouflage all of his distortions and all of his opportunism. Three things stood out today in terms of distortion and opportunism. First of all, the Leader of the Opposition claims that he wants to cooperate. But what did we hear from him tonight? He said that they will have no part of it, in full. That is not cooperation. They want no part of it, they voted against it, and the consequence is the first Leader of the Opposition to walk into this House in this parliament’s history and argue for higher unemployment—the very first.

Secondly, the Leader of the Opposition said that he is opposed to borrowing. I watched him on Meet the Press last Sunday with Malcolm Farr. It was a joy to behold. Farr asked him this question:

MALCOLM FARR: You must know how much debt your scheme would involve. How much?
MALCOLM TURNBULL: Malcolm, it would involve at least—somewhere between $22 billion and $27 billion less debt …
MALCOLM FARR: So we’re talking $180 billion versus $200 billion.

MALCOLM FARR: People stop counting after $100 billion when they’re talking billions, you know? Why is one level—
of debt—unsustainable but $180 billion just peachy?

Mr Turnbull interjecting—

Mr SWAN—You cannot believe I’m doing it, Leader of the Opposition, because you got up here and did not tell the truth about the amount of debt you are supporting in this economy. That is why I am bringing it up. You stood up and said that we had a plan for $200 billion worth of debt and you had a plan for none. How dishonest can you get? You know very well that if you were in government you would have to borrow for the revenue losses. You know that. One hundred and fifteen billion dollars has to be borrowed because of what has been imposed on this economy by the global recession. You are simply not telling the truth. You are going down through that use of slippery barrister talk and being deliberately dishonest.

Thirdly, Leader of the Opposition, you went on to argue that, compared to international stimulus packages, ours is too big. That is simply untrue. Ours is two per cent in the calendar year ’09, and you know that. But of course, once again, you come in here distorting the figures. You came in here and said to us: ‘What are we going to do about our children? Think of the kiddies.’ That was the Leader of the Opposition’s lead pitch. Well, why don’t you think of the kiddies in the schools and of the gyms that you will not give them? Why don’t you think about that?

Mr Ciobo interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—The member for Moncrieff mightn’t find I am generous soon.

Mr SWAN—And, of course, you could think a bit more about the kiddies and those
people who are about to become unemployed if this stimulus package does not go through.

Mr Ciobo interjecting—

The DEPUTY SPEAKER—Yes, but I mightn’t be for much longer.

Mr SWAN—You could think about the kiddies who will ask something like, ‘Daddy, why does Mr Turnbull think his job is more important than mine?’ You could think about those kiddies, Leader of the Opposition. And, of course, you could tell the truth about what the international organisations are saying in favour of a substantial stimulus package. And you could tell the truth about what they say about lump sum payments and how important they are to stimulating demand, particularly when they are lump sums targeted at lower income earners, which is precisely what we are doing. Or of course you could take on board what organisations like the Business Council of Australia are saying. There has never in my whole political life been a time that I can recall where we have had the Business Council of Australia, ACCI, the Australian Industry Group, small business organisations, most market economists, the IMF and the World Bank—and the only person who can get it right is Malcolm! What arrogance! It is Malcolm and Warwick—they have both got it right and everybody else is wrong!

The government has a view that we can get through this global recession better than most other developed countries in the world. We can do that if we are strong, we can do that if we are united and we can do that if we put in place a very substantial fiscal stimulus such as the fiscal stimulus recommended by the IMF. But, of course, it does not suit your political agenda because, as we know, you have got the member for Higgins breathing down your neck. He is actually the architect of poor old Malcolm’s strategy. The member for Higgins, as this vital debate in the history of the country is going on, is currently in the dining room. He is currently in the dining room with the member for Menzies. He is currently in the dining room with the member for Warringah. That is what they think about the strategy from those on that side of the House.

The vote in the Senate today has profound implications for our country. As the IMF has observed, and most particularly, as their chief economist observed, the most important things in this environment are certainty and predictability, because they go to the heart of confidence. Nothing could be more destabilising to confidence in this economy than what the Liberal and National parties have been doing in the Senate and in this House over the last couple of weeks. That is why we say that those opposite are economically irresponsible. They are economic vandals and wreckers and they have demonstrated that in the House today. They know what is going on internationally. The United States has just had its worst employment figure in 35 years. Overnight, the trade figures from China were truly shocking. Those are the two economies that go to the core of the prosperity of this country, particularly in the last 20 years. That, in a globalised economy, gets transmitted directly into our economy. That is why there is such an urgency involved in putting in place this fiscal stimulus.

The country expects this government to act. The business community expects this government to act. Working families expect this government to act. They do not expect these sorts of destructive, politically opportunistic tactics from an opposition at a time when the country needs unity. That is why what you have done is so profoundly destabilising and destructive of our political and economic system. I honestly did not think in my wildest dreams that the opposition would walk into this House and do what they did a
few weeks ago and do what they did in the Senate this afternoon, because it simply runs against all of the advice. But it is just plain common sense. What they have done is thrown common sense out the window and gone for political opportunism and political points scoring. That is what they have done.

It would not matter as much if it were just a political argument in this House, but people will be hurt as a result of your actions. The reason governments have to act early is to prevent a damaging and sudden loss of output. That is the economics of it, but what that actually talks about is the destruction to human beings who are affected. So do not come into this House and talk about the kiddies. Think of the kiddies in the families where people may lose their jobs because this parliament failed to act because you did not have the character to support correct policy. That will be on your head. It will not be on the head of this government. We will do everything we possibly can to keep the economic engine of this country running, despite every attempt that you have made to stall it.

Probably the most damaging thing that has come out of the opposition in recent times was the statement from the Deputy Leader of the Opposition, the shadow Treasurer, that all we should do is sit and wait. For what? Higher unemployment? It is just extraordinary. It really just tells you how far the great Liberal Party of this country has descended. It has descended to rank opportunism. But on this occasion it actually has costs for the country. We on this side of the House will not be deterred by those tactics. The country demands certainty, it needs strong and decisive action, and we will pursue the passage of the stimulus with all the vigour and the might that the times demand, because the country needs it and it is the right thing to do.

When the history of this is written, Leader of the Opposition, you will go down as a sad opportunist. The Leader of the Opposition will go down as a destructive political opportunist who stood for nothing and understood even less.

Mr Dutton—You’ve still got 10 more minutes to go!

The DEPUTY SPEAKER—Order! The member for Dickson is denying the Deputy Leader of the Opposition the call.

Government members interjecting—

The DEPUTY SPEAKER—Order! Members on my right are not helping this important debate either.

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (10.21 pm)—The government’s response to the economic conditions facing this country is unravelling at a rate of knots. The government’s response to the economic challenges as a result of the downturn in economic conditions around the world is in tatters, and it is entirely of its own making. The position the government finds itself in tonight is entirely of its own making. Its economic and financial incompetence has been exposed. Its inability to manage this House has been exposed. This government only has itself to blame. It is looking to blame everybody else—blame the coalition, blame the minor parties, blame the Independent senators. But in fact it need look no further than itself, because this government has failed the fundamental economic tests and it has failed to uphold the basic principles of democracy upon which this country was founded.

Everybody agrees that there should be an economic fiscal stimulus. The Leader of the Opposition said that in his first speech in relation to these bills—now the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 [No. 2] and cognate bills—last week. Everyone agrees that there should be
boosts to growth, that there should be a package designed to increase productivity, to protect and create jobs and to stimulate the economy. So why is there no stimulus package now in Australia? Because of the incompetence of this government. This government refused to sit down and talk to anybody else, because this government, alone of all governments around the world, thinks that it is the only one with the answers. The arrogance and the hubris of this government are breathtaking. It believes that only this government has the answers and that the Prime Minister, alone of all world leaders, is the only one with the wisdom—the same Prime Minister who is now suggesting that he knows more than Nobel laureates in economics. The Prime Minister alone is the one with the answers and, if anybody dare suggest that there might be an alternative, there might be a better way, they are ridiculed and denigrated.

The government do not care about the personal reputations of renowned economists that they trash, they do not care who they steamroll in their attempt to force this parliament into rubber-stamping everything they put forward. If anybody dares question a line in this package then they are considered to be not worthy of being listened to.

It might be news to the Prime Minister, but 100 per cent of Australians did not vote for him in the last election. It might be news to the Prime Minister, but there are 64 seats in this House that are held by National and Liberal Party members. There are 64 seats across Australia which have an elected representative who deserves to be heard. Yet when the coalition, composed of its 64 members in the House of Representatives, seeks to put forward an alternative view, the government’s response to the coalition is, ‘Get out of the way.’ That is what they say to the people in the electorates represented by coalition members. To the people of Australia, they say, ‘Get out of the way.’ To any economist, any businessman—anyone who has an alternative way—the government say, ‘Get out of the way.’

That is not what happens in a democracy. In a democracy, people are meant to have freedom of speech and debate. This Prime Minister has shown total contempt for the Australian parliament, total contempt for the Senate, by his refusal to even sit down and discuss with the Leader of the Opposition a number of proposals that we had. The Leader of the Opposition outlined them in his speech to the House last week. But, of course, the Prime Minister has ignored any suggestion that is not his.

I remember at the last election the Prime Minister promised evidence based policy. The Prime Minister said to the Australian people, ‘I will govern on the basis of our policies being evidence based.’ And the Prime Minister suggested that he was a man embracing of ideas. Mr Ideas, Mr 2020 Summit, embraced the ideas and the alternative views from across this country, but now we understand that the only ideas that this Prime Minister is interested in are his own and that anybody else with any other idea is denigrated and told to get out of the way.

This government has proven itself to be adept at political stunts. This government has proven itself to be very good at stage-managed publicity but, when it came to the tough decisions, it was prepared to rely on the inheritance that it received from the former coalition government. It was prepared to accept those low unemployment figures, the growth figures, the low interest rates, the low inflation and the strong economy, but when it had to make tough decisions it failed, because this government has form. When it comes to making strong economic decisions this government has failed. It has a track record of bad decisions that have negatively affected the economy.
Take inflation. Remember the absolutely wrong call on inflation when the government came to office. So desperate was it to blacken the name of the former government that it spoke about inflation in a way that no other comparable economy would have dreamed of doing at that time. The Prime Minister talked about an inflation monster, wreaking havoc across the economy. The Minister for Finance and Deregulation talked about taking a meataxe to the budget to cut government spending. Remember that? The inflation monster had to be attacked with a meataxe to control inflation.

But then of course, when the government had to make a tough decision on a bank guarantee, what did they do? They went further than any other comparable country and, in a moment of blind panic, ignored the Reserve Bank—they did not even pick up the phone to the one person in this country who is charged with the responsibility for financial stability—and introduced an unlimited bank guarantee, the negative consequences of which are still being felt. And when the savings of 200,000 Australians were frozen in funds that were outside this unlimited bank guarantee, what was the response of the heartless, insensitive Treasurer? He said, ‘Well, they can go to Centrelink.’ That was the government’s response to those whose funds had been frozen as a result of the government’s bungled policy.

But that was not the only mistake the government made. Remember the shambles over the ban on short selling? It had four different positions in four days, and it affected the stock market. No other country made such a mess of introducing a ban on short selling. But this government has form. Then of course when we came to the $10 billion spending package of last December, the government said—these are not our words—that the $10 billion cash splash would create 75,000 new jobs. If it did not have the evidence, if it did not have the analysis to back that up, why did it say, so cruelly, to the Australian people that a $10 billion cash splash would create 75,000 new jobs? Of course, we have seen from the labour force figures today that that was not the case. When will the government admit that it was not truthful with the Australian public when it said its cash splash would create 75,000 new jobs?

The Prime Minister has made comments today about our suggestion that Australia’s unemployment figure, while challenging, is something that we should not even speak about. The Prime Minister says unemployment at 4.8 per cent is so dramatic, so dreadful, that he has to take action far in excess of the United States, where unemployment is about 7.6 per cent. He conveniently ignores that the Secretary of the Treasury said in 2007 that unemployment at 4.6 per cent was full employment. The Secretary of the Treasury said that—so, if unemployment is under five per cent, why does the government ignore the economic strengths of this country, continue to talk it down and continue to strike fear into the hearts of every businessperson, investor and consumer in Australia, when in actual fact, by properly managing with prudent, sensible initiatives, we can work to create jobs in this country?

Labour market figures show that the same number of Australians were in jobs in January as were in jobs in December but more Australians are looking for work. That is understandable; of course more people are looking for work. When you have got economic challenges such as those we are facing, people who may have retired and seen their savings cut as a result of the economic downturn say, ‘I will come out of retirement and go back into the workforce.’ Of course there are more people looking for work.

Australia’s unemployment figures, as challenging as they are at 4.8 per cent, do not
compare with those of the United States at 7.6 per cent. What is the Prime Minister trying to tell Australians? Is he trying to suggest that he is the President of the United States, that he has to deal with the economic conditions confronting the United States? No, he should be focusing on the strengths of the Australian economy and providing initiatives, plans and strategies for the Australian economy that are right for economic conditions in Australia—and that is precisely what the IMF have recommended. The IMF have not said one size fits all. The IMF have said that the Australian economy is different. They have recognised the strength of the Australian economy. They have highlighted time and time again that this country had zero government debt and that this country had delivered subsequent surpluses, and yet the government is trying to drive us into the same position as other countries. It has set the OECD benchmark of debt at 45 per cent of GDP as something that we should aspire to. This side of politics believes that the lower the debt the better, not the higher the debt.

The government has made a series of wrong calls and yet expects us to accept without question its $42 billion spending package. The government expected—presumed, in its arrogance—that this parliament would just rubber-stamp and would forget the scrutiny and forget the accountability. If it were not for the coalition there would not have been the Senate inquiry. This government wanted to ram through the parliament of Australia $42 billion worth of debt in 48 hours. The Senate inquiry, interestingly and as one would expect, has raised more questions than it has answered, and the government has refused to address any of the serious issues raised by renowned economists including a member of the Reserve Bank board. The size of this package is of concern not only to the coalition but also to experts who gave evidence before the inquiry such as members of the Reserve Bank like Dr Warwick McKibbin, Sinclair Davidson, Tony Makin and others. This government denigrates anyone who suggests that perhaps there is a better way.

The $42 billion, of course, is not the extent of the government’s spending packages. The government is trying to get the Australian people to believe it is only $42 billion. But since October there have been a series of packages of spending that amount to some $74 billion: the $10 billion cash splash; the COAG package of $15 billion; the Nation Building and Jobs Plan that it has introduced, now at $42 billion; and the Rudd bank—let us not forget the Rudd bank—with $2 billion of taxpayer funds that the government wants to use to prop up the balance sheets of the big four banks. At this time, the government wants to use $2 billion, as a minimum, and up to $30 billion, to prop up the commercial property sector prices. The local community infrastructure as well as the infrastructure package is $74 billion. That, Prime Minister, comes to 6.4 per cent of GDP—higher than Britain and higher than Canada. It is a disgrace that this government would seek to put us into debt to the tune of 6.4 per cent of GDP at a time when Australia’s economy is weathering the storm far better than anybody else’s.

The composition of the package has also come under challenge. The $12 billion cash splash will not work, because the $10 billion cash splash did not work. The government is ignoring the lessons of the past. The government is ignoring its own evidence. The government is ignoring Treasury advice. What I think was most instructive from the Senate inquiry was that Treasury were not asked to cost any other package but the Prime Minister’s package. They were not asked to cost a package that included tax cuts. Every other comparable economy has
got tax cuts as part of its spending package but this government has refused to consider tax cuts, particularly tax cuts that would stimulate business, stimulate growth and help small business employ more Australians.

Eminent economists around the world have challenged the composition of such packages. I am sure the Prime Minister would love to denigrate yet another Nobel laureate, but Gary Becker, writing with Professor Kevin Murphy, said recently that the multiplier effect of increased government spending is ‘most likely well below one’. I point out that Treasury admitted that they would not even provide the multiplier for the composite parts of this package. So we are not able to ascertain the multiplier for the composite parts of this package because Treasury have not done that. They went on to say:

... the multiplier effect of increased government spending is most likely well below one but such spending is unlikely to be temporary, that much of the spending will be on programs that would not pass a reasonable cost benefit analysis and that the debt caused by the increased spending has to be paid for eventually by higher taxes on households and businesses.

The coalition will not impose unsustainable debt on future generations. The huge debt that this government is burdening Australians with has to be repaid at some stage and this government has provided no plan, no strategy, as to how it will do that. Treasury could not say when they see the budget returning to surplus. Why won’t this government sit down and talk to the coalition about alternative plans? Why does this government believe that it alone in the world has the answers? We will not be bullied into passing legislation that puts a burden on future generations of Australians. This government is a disgrace.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (10.37 pm)—Today Australians received some sobering news about the real economy. There was some sobering news on the jobs front. That news was that our unemployment rate had increased during the month of January from 4.5 per cent to 4.8 per cent. I am acutely aware that there would be many nations around the world that would look at that unemployment rate with a sense of envy—take, for example, the US, which is struggling with an unemployment rate of 7.6 per cent. But what we know is that the US reached its unemployment rate over a 12-month period coming off comparable figures to the figures Australia has now.

Our unemployment rate has risen slightly. Now, you can do things when confronted with that. You can do what the opposition is urging—you can wait and see, you can deny the problem and you can make a series of inconsistent statements, as we have seen tonight—or you can take action to make a difference. This government is committed to taking action to make a difference. I saw a press release today from the Deputy Leader of the Opposition responding to today’s unemployment figures. I thought that maybe there was a glimmer of light—maybe for the first time the opposition had got the nature of the problem—because she said:

The most important policy objective in 2009 must therefore be to create Australian jobs.

I do not agree with the Deputy Leader of the Opposition much, but I agree with that statement. But, unfortunately, despite the shadow Treasurer making that statement, the actions of the Liberal Party in this place are to act against jobs. What the Liberal Party have done in voting against the government’s Nation Building and Jobs Plan is to vote to make unemployment worse. It is as simple as that—absolutely as simple as that. Now, the
Treasury predicts that the government’s Nation Building and Jobs Plan will add half a per cent to GDP this financial year and three-quarters of a per cent to GDP next financial year. The figures given with the Nation Building and Jobs Plan make it clear that, even with this stimulus package, the force of the global financial crisis and global recession is such that it will drive up unemployment in our economy, with the estimate from Treasury that unemployment will rise 5½ per cent in June this year and seven per cent in June 2010.

Confronted with those figures, the opposition seek to deny a simple logic. Treasury tells us that this stimulus package will add to growth and gives us what the unemployment rate will be even when the economy has grown like that. The opposition say, ‘Do less.’ Some days they say, ‘Do nothing.’ Well, if you accept any of those propositions—do nothing, wait and see, or do less—then you are inevitably accepting a proposition that growth will be lower. If you accept that proposition, you are accepting a proposition that unemployment will be higher. It is simple; it is an equation; it is obvious. In every strategy that the Liberal Party have advocated in this parliament, they have advocated for higher unemployment, and that is what they are doing with their votes today: they are voting against jobs for Australians.

Let us understand another simple proposition in this debate. We just heard the Deputy Leader of the Opposition try to suggest that democracy is somehow at risk here. It was a very odd contribution. Let us go back to the facts: last Wednesday in this parliament the Leader of the Opposition stood at that dispatch box and said to the parliament, ‘The Liberal Party will vote against this package in the House of Representatives and the Senate.’ How can he be heard to say today that they were interested in negotiations? They had determined their view: their view was clear. They were going to vote against this package in the House of Representatives and the Senate—no discussions, no negotiations. If you had wanted to do something consistent with that, you would have said in this House that you were going to vote for the package or that you were going to oppose the package but that you were doing so with a view to having discussions with the government in the Senate.

That was open to the opposition to do. They could have voted for the package in this House, and in the Senate they could have moved amendments. That was open to the opposition to do. But they did not go down any of those negotiating paths. No, they set their face towards a path that has brought them to the position that they are in today. They said, ‘We will vote against it.’ Well, they have voted against it, and in voting against it they have denied the Australian people a package which supports jobs. That is their position. So let us not have any of this cant: ‘Sit down with the Leader of the Opposition,’ and, ‘Why haven’t you negotiated?’ The opposition shut up shop. They did not want to be negotiated with. They wanted to vote against this package and they have.

Then the opposition today have been saying that somehow the government does not work with people. Well, I think they might want to pick up the phone and ask Senator Brown, ‘Did the government work with you in the last week?’ He would say, ‘Yes.’ They might want to pick up the phone and ask Senator Fielding, ‘Has the government
worked with you in the last week?’ He would say, ‘Yes.’ If the Liberal Party had wanted to be in that position, they could have been. They chose an alternative. They chose to do what they have done in this parliament and vote against jobs—knowingly and in a determined way. No-one has bullied them into it. They had a party meeting. They sat in that party meeting. Some of them apparently dissented, but the vast majority said, ‘Let’s vote against jobs in the House of Representatives and the Senate.’ That is what they have done.

There is no escape from this political responsibility. There is no hiding place from this political responsibility. Each and every member of the Liberal Party must return to their electorate and say, ‘I voted against jobs in this parliament.’ And when they go back to their electorate they must also say, ‘In voting against jobs in this parliament, I voted against improvements in each and every school in my electorate.’ The Leader of the Opposition has somehow cast aspersion on whether or not this is a valuable investment. The Leader of the Opposition likes to come to the dispatch box and quote economists as if he knows something about it, as if the skill set of a merchant banker and knowing something about the real economy are the same thing. I do not see how he has come to that conclusion, but let us put that to one side. We unashamedly say, as do economists around the world, that the 21st century is about human capital. It is about knowledge. It is about capacity. It is about skill. Where does that start? It starts in our kindergartens and our schools by giving our kids a world-class education, and we cannot do that when they are in the kinds of facilities that I sat in as a child—or something worse. We unashamedly say, ‘If we need to stimulate our economy, a great thing to come out of that stimulus is to make sure every school in this country is modernised.’ It is an effective investment for the nation’s future and an effective investment for creating jobs, because the one thing you know about schools is that they are everywhere, in every corner of the nation. Every community has a school, particularly a primary school. Even in the smallest of places there are primary schools, so if you are going to spread economic activity around the nation, there is no better way to do it than to invest in primary schools. Those who actually care about primary schools are making this point very clearly.

As I conclude, I would like to take the parliament to the statements today of the Australian Primary Principals Association. Some of the members here, when they get back home, might want to ring up some of their principals on the weekend to see what they think about what those members have done in this parliament. The Australian Primary Principals Association today said, ‘For decades, primary schools have been waiting for an investment of this size.’ Australia’s primary schools will suffer if the Senate does not vote for this package. Voting for this package ‘will help to ensure that all primary students are educated in quality facilities’.

They further said:

Primary school principals are already working with their communities to identify what was needed in their schools …

With a building industry already slowing down, now is the right time to start all the work that has waited so long …

The education package provides much needed support for our building industry but more importantly it is a long term investment for Australia’s young children.

The primary school principals of this nation are right.

I conclude by alerting the parliament to an event that is happening next week on 19 February in Melbourne. The Leader of the Opposition will be addressing a community jobs forum in the electorate of Deakin, and all I
can assume, from the performance of the Liberal Party today, is that he will go to that forum and he will say: ‘I believe in nothing. I stand for nothing. I ask you to support me because I want to do nothing and, in particular, I do not want to do anything in view of the global financial crisis to support the jobs of any of you in this room.’ That is the only honest message the Leader of the Opposition could go with.

But there is one possibility for the Liberal Party: that they actually say to themselves that they are on a foolish course, that they change their votes, that they vote for this package—hopefully here tonight in the House but also in the Senate—or perhaps that some of them vote for it. There must be some members of the Liberal Party who want to see Australians in work and want to see better schools. We are waiting to hear from them.

Mr TRUSS (Wide Bay—Leader of the Nationals) (10.49 pm)—This is the day that the Rudd government’s unbridled arrogance hit the wall. Its entire economic strategy collapsed in a giant, stinking heap. The $42 billion spending spree legislation perished on its rock of arrogance. The government has finally woken up to the fact that the Rudd emissions trading scheme will have a devastating impact on investment and job creation in this country, and it is to go back for economic analysis. Unemployment went up. Business confidence continues to plummet. Retirees’ savings are lost or frozen. Employers are closing their businesses. Labor government is back in Canberra and, in all the style of Whitlam and the state Labor premiers, the debt is racking up and our nation is suffering the effects of the incompetence of this government.

The Labor government, with all of its arrogance, came into this parliament last week and demanded that $42 billion worth of spending—the biggest spending spree in our nation’s history—should be passed in about 40 hours. In tonight’s debate it criticised the fact that the opposition rejected its package in one day. We only had one day to consider the package, debate it in detail and then vote on it. Are you suggesting we should not have made up our mind what we were going to do before the debate was finished? If you wanted us to take more time over it, why did you not give us a proper debate? Why did the government not allow a proper consideration of the issues that were involved? But, when it came to the Senate, the Senate said no. When the government did not have the majority to belligerently force this package through the Senate in the same arrogant way in which it treated the elected representatives in this parliament, the Senate said no, they wanted some time to look at the package. And every day they looked at the package the more it unravelled, the more it became clear that this was an ugly package that delivered not just cheques in the mail but also big bills that would have to be paid forever.

Not willing to accept the judgement of the elected Senate, the government is belligerently bringing these appropriation bills back into this parliament again—‘Do it again; do it again until you deliver what the government wants.’ The Senate was completely within its rights to question this legislation, and it did so, as one would expect of it. And this package of bills failed in the Senate because it lacks the merit and the quality to deserve the support of senators, as it fails to deserve the support of the people of Australia.

This package is supposed to be about stimulating the Australian economy, not just about spending our savings. It is supposed to be about building a stronger nation. Indeed, I am amused, I despair, that the government could give a package of legislation like this the title ‘Nation Building and Jobs Plan’. It
neither builds the nation nor creates jobs. Pink batts in every house may make us feel a little cooler, even if we have to import the batts from overseas, but it certainly is not a comprehensive plan to rebuild the nation. You do not get a boom by putting in boom gates! And more batts just give you a battier package! This package does not give you a comprehensive vision for our country or the imagination to build a stronger economy in the years ahead.

Nor does this package create jobs. The government do not even claim that it will create jobs. All they credit this package with doing is ‘sustaining’ 90,000 jobs—up to 90,000 jobs may be sustained by this package. Even if that is true, that works out at $450,000 per job sustained. Does that sound like good economics to you? Does that sound like a carefully crafted package, designed with a vision for our country that is about jobs, jobs, jobs? This package is not about jobs, jobs, jobs; it is about one job—the Prime Minister’s! He is only after the daily headline.

Mr Bidgood interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for Dawson will respect the standing orders.

Mr TRUSS—And you do not need to take my word for that. Take the word of a man the Prime Minister admired very greatly only a year or two ago: Mark Latham. Mark Latham said of this government and of this package:

They have jumped all over the financial crisis, not with a clear economic strategy in mind, but with an urgent sense of the political opportunity it presents.

It is all about politics. It is not about nation-building, it is not about job creation; it is about political opportunity.

The whole package in a very real sense has been fraudulent, because Labor said every piece of the package was carefully calculated and put together as an element of a carefully managed plan. That is absolute rubbish. We all know that this plan was dreamt up on a plane ride to Port Moresby. It was plotted on the drink coasters in the VIP! There was never any clear economic strategy. It was not a comprehensive attempt to deal with the issues and try to plot a better course for our future. What Labor are doing is spending our children’s money to fund five minutes of sunshine—five minutes of sunshine to be followed by decades of dark storms, as we seek to pay the bills.

This package has not been carefully thought through. It is full of anomalies, as the Senate rightly pointed out. Last Friday my office received a call from a businesswoman who had just called the hotline and found out that she was not eligible for any of Labor’s stimulus payments—not any of them. She was a struggling businesswoman, battling to keep her business open. She had sent in her tax return last year and, because her business had run at a loss, she paid no tax. She is therefore not eligible for any assistance from this package whatsoever. If the business had run at a $100,000 profit, she would have got some help. Her employees, who were paid, would get a package, but she gets nothing. Is this the way you want to stimulate business—denying them assistance at a time when they need it? The same applies to most farmers and other small business men. If their business ran at a loss last year, they get nothing whatever from this package.

Labor has clearly not directed this package in ways where it can deliver the best possible benefits for Australia. It is just Labor pork-barrelling on a grand scale. There is no clear plan, no vision for the future; just a splash of cash—some enjoyment for a few moments, a spending spree, but in the end this is money that will have to be paid back.
And we all know from history that little or none of this debt will ever be repaid by the Labor government. Labor only ever spend; they never repay. Labor have no plan whatsoever to repay the money they are spending today. What if the recession goes on a little longer? Are they going to come up with another $40 billion package? Where is that going to come from—and the one after that and the one after that, if this whole recession gets worse and worse? The $900 cheques in this package, wherever they are going, are effectively being accompanied by a $2,000 bill. That is every man, woman and child’s share of what will have to be repaid as a result of this $42 billion spending spree.

But perhaps the most alarming element of this package of legislation before the parliament tonight is the approval that will be given for Labor to run up to $200 billion worth of debt on our bankcard. It is not Kevin Rudd’s private bankcard; it is a bankcard that we, the people of Australia, our children and our grandchildren will have to pay back. It is almost $10,000 for every man, woman and child—and we are being asked to push that legislation and approval through in just an hour or two.

I thought it was especially alarming tonight that the Prime Minister considers this $200 billion approval to be so urgent that it has to go through the parliament within a few hours. He said, ‘We have to have this $200 billion approval immediately.’ Why does he want $200 billion tonight? Level with the Australian people. What is the true state of the government’s spending? What is the true state of their plans for our nation? It was particularly alarming tonight that the Prime Minister seemed to be trying to argue a case that this was a trifling amount of money, something we did not really need to worry about—other people have bigger debts than us, so we should try and match them. He is like the schoolboy in the playground: ‘I want a bigger debt!’ The bigger debt he is creating, though, is a debt that the children and the grandchildren of Australia will have to pay off for decades and decades.

The reality is that the government has got the fundamentals of this package wrong. The Prime Minister acknowledges, and has said himself on a number of occasions, that world debt is at the heart of the global financial crisis, and that Australia has avoided the worst of the crisis because we have less debt. We have less debt because we had a government that cared about balancing the budget and that was actually putting money aside for the future. Now we are going to try and join the rest of the world and surpass them by having more debt than other people, and somehow or other the Prime Minister is asking us to be proud of that fact. He should be ashamed to come into this House, only 15 months after he has been elected, and say, ‘I have already spent all the savings. I have emptied the cookie jar. I have already spent everything that has been saved up through the hard work of the Australian people, and now I want $200 billion more. I want to go out and spend more so that you have to save forever and for ever again.’

The Prime Minister was very keen tonight to quote to us industry organisations and others who he claims were supporting the package. I could, of course, quite readily go through a series of quotes from others who are opposed to this package and are very concerned about the debt that is being imposed on children. I hope that when the government members ring their local school principal and tell them that they are going to have a library or a new playground built in their schoolyards they also tell them that every child at the school is getting a $10,000 bill as well. I hope they are honest enough to say that. I notice that ACCI was quoted tonight as well. I just happened to find ACCI’s 2007 policy statement—their employment
policy for the last federal election. This is what ACCI said: ‘Strong rates of economic growth involve containing public sector spending, and avoid deficit financing to stimulate growth.’ This is the organisation the Prime Minister was quoting as his authority to go out and run up debt on the bankcard. The reality is that this is a poorly constructed package that will give us a moment of pleasure but years and years of pain.

The coalition only has the best interests of our country in mind, both in the short and the long term. We do not want to indebt future generations of Australians with the cost of a package which the Prime Minister, the Treasurer and the Secretary of the Treasury will not guarantee to work. In fact, everyone says that there are serious doubts about the fundamentals underlying this package. Many simply say that it will not work. It is not good enough to give this government an authority to go out and immediately spend $42 billion and to run up a debt of $200 billion. The democratic process in the Senate has brought this to a halt. The government should take some deep breaths, listen to people, talk to people, and deliver a package that will really build Australia and will really create jobs instead of just squandering our birthright.

Mr WINDSOR (New England) (11.03 pm)—The Leader of the National Party made an important point there a moment ago, and I think it underpins some of the debate on this particular issue. The globe has not been in these circumstances before. A lot of the debate that we have been having has been based on what we have considered as normal economic conditions in terms of the last 20 to 30 to 40 years. The Leader of the National Party made the point that nobody really knows what will happen. No-one knew a year ago that Lehman Brothers would do what they did. No-one knew that there would be a virtual total collapse of the American economy. No-one thought that the growth rate in China would halve. People such as captains of business, economists and people in this building—I myself indeed—assumed that the growth that was being experienced would be experienced into the future. That has not happened, and I think if we were to keep looking at this package in terms of what we would normally do in relation to building the economy, I would not support this package either. But I will be supporting this package. In the last few days we have seen the parliament come together in this building and actually agree on something. We have also seen probably the worst activity of the parliamentary process in these days as well, particularly in relation to establishing or destabilising the confidence of people in our economy.

What the people wanted out of this was a process where both sides of the parliament agreed that there was a problem—and they do. There is a global problem. The world is saying that and we are saying it. No-one disputes that. The Prime Minister does not. The Leader of the Opposition does not. But we have this argument over this package. There is basic agreement that the economy needs an injection of sugar. If the honourable member for Kennedy were here, he would probably take that literally! But the economy needs an injection. Both sides of the parliament agree. I do not know what size that injection should be, and I do not think anybody in the building does, but I think we are in a situation where we are forced to take advice from people who might have a clue—and some of our Treasury people, in my view, are worth listening to. That is the only thing we can do.

I would spend this money differently. I agree with the school funding—I think that is good. The Leader of the Opposition does not disagree with the target of the strategy—we need an injection in the short term so that we
can smooth out some bumps in the economy. Whether that injection is too big or too small, we do not know, but if it is too small it will be a complete waste of time to do it, in some senses. The injection of funds into schools—the 9,500 primary schools or whatever it is—will deliver something in terms of infrastructure. But again we really do not know what that is going to do in terms of unemployment et cetera. I imagine that it would be a positive.

The injection of funds into the councils—and I applaud the government on a previous arrangement in relation to that—is an injection into the communities. They will spend that money quickly on infrastructure. Admittedly it is not the Great Northern Railway line, it is not things that will take 10 years to build, but it will be infrastructure—social infrastructure and important infrastructure—in those communities. I do not see the opposition disagreeing with that strategy. There is a slight variation on the Pink Batts agenda, as to whether we encourage energy efficiency through the Pink Batts arrangement the government has got or through a slightly different version of the same thing that the opposition would do.

Where the real difference seems to come in is in terms of the cash handouts, which I am led to believe are about 25 per cent of the total package. So, in a sense, we have agreement about most of it. There is a little bit of difference in scale and some issue with the cash handouts. I do not think the government has really done enough to explain why that has to happen. My understanding is that this is about trying to inject money into the economy quickly. There is this debate about tax cuts and whether they would work and whether an injection frightens people so that they save the money instead of spend it. If they listened to this debate, they would be frightened. I am frightened! The parliament has not engendered confidence in the people through the debate.

There are two agendas running here. I think there were two mistakes made quite early. One was made by the government, asking the parliament to debate and decide on something as big as this in a hurry and dividing the parliament in the wee hours of the morning. I understand the strategy, but I think it was a bad ploy in terms of gaining the confidence of the people. And it gave the opposition an area to move in terms of another reason to oppose it.

The other mistake, in my view, was made by the Leader of the Opposition, when he dealt himself out of the game. It was very important, in my view, that the opposition stayed within the game, because we have established that they agree with virtually three-quarters of the package—there is some wiggle room in terms of the application of it. But, if they had stayed in the debate and moved worthwhile amendments and tried to improve or modify the legislation, they might well have been able to establish a better policy than the one that is there.

But, there again, they would have to establish their credentials for why they think that particular package will work and the government’s will not, and they have not done that, in my view. Both sides of this parliament agree there should be a package. There is a problem; there is a wave coming towards us—a cyclone, as I think the Prime Minister said. There is something coming towards us, and we are worried about it. It has something to do with economic growth, something to do with our trading position and something to do with employment. I do not think anybody, Ken Henry or any of us in this room, knows the magnitude of it. But I will be supporting this package and, as I said—

Government members interjecting—
Mr WINDSOR—Don’t get too excited! I will be supporting this package. But what needs to happen now, and it has to happen on both sides of the parliament, is to redebate this, and if there is some room to move, if the Leader of the Opposition does have a good idea—and he probably does—I think the Prime Minister should look seriously at that argument. The opposition leader made a mistake when he dealt himself out of the game at the start by saying, ‘I oppose it.’ That was a massive mistake, but he is saying now that he will liaise with the government and talk about this agenda. Maybe there is some room, but if you bring it back to $20 billion what does that do? Does $30 billion achieve nearly the same number? I do not know, but Treasury officials would probably understand some of those issues, and I hope that is why they have gone for the higher number. That is something that has not been really addressed by the parliament.

But there seems to be another agenda built into this, and that is this latent hope that the policy fails. I do not hope it fails; I hope Ken Henry and the Prime Minister and others have got it right, because if they have not got it right they may be out of a job but a lot of other people will fail within our economy. I appreciate the debt situation, and that is what I would be focused on if we were talking about a normal global economic situation; but this is not normal. So we should not talk about Gough Whitlam and Labor debt and those sorts of things in this type of environment. This is different. We have got to try and design a strategy that actually smooths those bumps out. Forty-two billion dollars will not cure the ills but it might put us in a position where we can come out the other end quicker than if we did nothing or did not do enough. I think that is really what we have got to discuss in terms of this agenda and I urge the Prime Minister: talk to the Leader of the Opposition and try to work something through in relation to this, because the people will have much greater confidence if the parliament endorses something. If that is not achievable, voters will make their own arrangements and we will see what happens.

I would like to say another thing in relation to the Senate. I went to the Senate today and listened to the final debate. I have great sympathy for Senator Xenophon because he is in an extraordinary position. I was in a hung state parliament for four years. I can understand some of the pressures that he is under and I can understand that real frustration in terms of the issue that he has in relation to the Murray-Darling Basin. But what I would say to Senator Xenophon is: this is not the time to throw the whole reason for doing this on the premise that we have got to inject some funds into the economy within a nine-month period, if there are ways that money can be brought forward for the Murray-Darling that will be injected in that particular time frame, let’s do it.

I live in the Murray-Darling. I cannot see how you can possibly inject that amount of money into that area of the Murray-Darling in the timescale that Senator Xenophon is asking for. It is an impossible thing to do. I do not deny that it is worth doing over a period of time but, with this package, it is not in my view the correct time to play this particular card. I have been as frustrated as anybody with the way in which governments generally have treated the Murray-Darling, but the previous government spent $8 million on natural resource and water policy, most of which went into the Murray-Darling, and what has it achieved? Just because you throw money at something does not necessarily mean that there has been an improvement. I think Senator Xenophon really has to
take a look at that. The Howard government promised another $10 billion; this government is doing a similar thing. Really we have not seen much improvement in any shape or form from anybody. So an injection of massive amounts, billions of dollars, in a very short term does not necessarily have the desired effect and, particularly, will not have the desired effect on the reason for the strategy.

In conclusion, I would like to reiterate that if these were normal circumstances I would not be supportive of this, because I do believe that in normal times this would be too much money on the table. But this is not normal and we really do need to do something abnormal. I hope like hell that the government gets it right because, as I said earlier, if it does not, we suffer. I do not hope that it gets it wrong for political reasons, because then we all suffer. We will come and go and, as the Leader of the Opposition has said, we will not be here in 10 or 20 years time to take the blame for what we do.

I think we have to work on the assumption that some of the advice we are getting—and there are politics being played on both sides—about the economic scenario says that if we do nothing, we get hurt. That says to me, let’s do something. There are a number of areas out there; the schools obviously need money spent on them and this can be spent quickly. Money can be spent on local government quickly right across the nation. It is not tied into one big project, another Sydney Harbour Bridge, where all the money goes to that, so in that sense, I think the targeting is correct. But if we continually argue about the size of this particular package and forget what we are trying to achieve here, we will all suffer in the way in which our people look at the parliament. What I would urge the parliament to do, particularly the leaders—and I was wondering today whether we would have a different outcome if we had female leaders; come on women—

Government members interjecting—

Mr WINDSOR—They are playing to the crowd! I really believe that we have to back off here a little bit and forget who has the political margin to play with, who is in front, who has the biggest loan and who has not. Maybe it is time for the Prime Minister, the Leader of the Opposition, Nick Xenophon and others to put their hardware on the table, maybe subject themselves to circumcision and revisit this debate. There were mistakes made at the start. The government tried to rush it because it has the numbers, and there have been mistakes made by the opposition. So if it does take another week, why can’t the parliament come together and design a strategy that does work? Then everybody would go away feeling as though they had been part of it. That is what we have done this week about fires and floods. This is in my view as bad as any war and, if we do not attempt to address this as a parliament and forget about some of the nonsense that has been going on behind the scenes, we will be judged very poorly by our communities. Thank you.

Mr OAKESHOTT (Lyne) (11.19 pm)—Firstly, I would like to thank both sides of the House for acknowledging and allowing an independent voice in this debate tonight. It is hopefully valued, and it is certainly appreciated by me. Secondly, as a member of this chamber for four months, I have to say what an extraordinary life it is to be a federal member of parliament. Nearly $80 million on the table, fires and floods, as mentioned previously, 11.30 pm debates and 5 am votes—a point of reflection, I hope, for all of us. But, for me, if someone is trying to impress me, heck, I am certainly impressed!

I will start by telling two stories from home. The first is from a local public school
called Hastings Public School, whose newsletter went out today. It had a message from two prime ministers. It is a school—and I know many members have schools of a similar nature—that does not have school captains; it has a civics program and a school parliament. The message from those prime ministers was one of great excitement about the package that is before the parliament tonight, because they have been fighting hard to try and get a multipurpose centre at the school. Two 11-year-old prime ministers thought the angle in the first newsletter for the year should be to take the lead as prime ministers to promote the stimulus package within the school and to try and argue the case that they are claiming to win. The P&C should be happy that those two 11-year-olds will hopefully this year get their school the multipurpose centre that they have all been fighting for.

The second story from home is that I ran into an old friend on Saturday morning who had just been to the insulation shop. He and his wife had been wanting to get their home insulated for some time. The message that has come through from this place had rekindled the desire. They were tyre-kicking in the insulation shop and reported back to me quite excitedly that the phones were running off the hook and that the poor guy running the business was in a massive fluster. He said to my friend, ‘I’m just going to have to employ more people.’ I would hope that everyone in this chamber, regardless of positions over the last two weeks, would support that message from that business.

As an Independent member of this chamber, I supported the first package that went through at 5 am last week and will be also supporting the second package that I assume and hope will go through tonight. I do it on balance. As was mentioned previously, there is right and wrong in all of it, but on balance for my local communities and, I believe, for my country, this is the right step forward.

There is an education element of this package, and in the short time that I have thought I would use some simple education messages to get my message across to everyone and hopefully get some reflection from those who are opposing the package. It involves the simple acts of talking, reading, thinking and listening. I have been talking to my local communities, not only those in the stories that I have already told but also at schools such as Taree West, Crescent Head Public and Laurieton Public. All of them are very supportive of this package and want to see it passed, and passed soon.

The small business concessions are drawing a lot of attention. We are getting a lot of phone calls coming into our electorate office from people wanting to explore the concessions that are potentially available. I would certainly advocate this package for the small business community. The low- and middle-income earners of the mid-north coast are obviously excited about the immediate aspects of the cash handout. And a group that has not been mentioned is the trades community, who are probably doing it harder earlier than everyone else with the financial issues that are coming towards us. They are sweating on this package going through for the opportunities within the education, home building, home insulation and social housing aspects of the package. They certainly deserve a voice in this chamber tonight.

As well, I have not heard mentioned the council package, a $550 million part of the package, which is causing a great deal of interest in my community. Whether it is the Wauchope Bonny Hills surf club or the Taree airport—those were the key applications that were put in by my councils—there is a great deal of interest at both a council level and a
community level with regard to getting those projects up and running.

As well, it is often misunderstood in communities such as mine, due to representation from the past, but the key industry in my area is the retail industry. I am sure they are very excited about this package, and I can guarantee that they were very pleased with the pre-Christmas spend. It got them through a very difficult two months and has, hopefully, set them up for getting through the winter periods, which are the difficult times in a tourism community. That is when we are going to see the full brunt of what is coming.

That is the talking aspect. On the reading aspect, I have been reading absolutely everything I can, any source available, to get my head around the package that is before us tonight, whether it is print media—and there has been plenty—the blogs, the peak organisations, the international organisations or, yes, even the magazine that was mentioned by the Leader of the Opposition, the Economist. I have read the full Economist of January and, if you read it you would have to say this package suits what is happening around the world and that it was a bit cheeky tonight to cherry-pick one graph and try and build an argument around that one graph.

There is also the thinking part of it. On the reading aspect, I have been reading absolutely everything I can, any source available, to get my head around the package that is before us tonight, whether it is print media—and there has been plenty—the blogs, the peak organisations, the international organisations or, yes, even the magazine that was mentioned by the Leader of the Opposition, the Economist. I have read the full Economist of January and, if you read it you would have to say this package suits what is happening around the world and that it was a bit cheeky tonight to cherry-pick one graph and try and build an argument around that one graph.

There is also the thinking part of it. I have thought a lot about the coalition position—

Mr Hockey—No, you haven’t.

Mr Oakeshott—and, to be fair, there have been some fair aspects. You do not even want to take a compliment. The scrutiny aspect, I think, is a very fair point—from my point of view, less as an issue of Labor arrogance or Liberal dented egos and more as an issue of the executive versus the parliament. I think the decision that was taken last Tuesday week was the wrong decision—it was mentioned by the member for New England—and, in hindsight, I would hope that we could agree that that should have been played differently. The huge irony for me is that—to the credit of the coalition, with the all-night sitting and being a bit belligerent about the issue of scrutiny, and of the Senate committee going into the detail with the Treasury heads—from that scrutiny the package has actually proved itself. So, over this two-week period—

Mr Hockey—What?

Mr Oakeshott—Well, we’ll get to it. I think that, through the scrutiny of this parliament rather than just the executive being belligerent and getting their package through, we have now seen, hopefully, confidence in what should be approved tonight.

On the issue of the alternative package, I listen and I wait strategically for amendments, but I do not accept a position of just voting no. I think: if there is an alternative package that is being promoted in the media then stump up and give us, the crossbenchers, and others in this chamber the opportunity to try and support it, negotiate on it and get the best outcome for the community. But, at the moment, nothing has been brought forward to this chamber to talk about, to negotiate on and therefore to promote.

The third point is the point about debt, and I think that is a fair point for all members of this chamber to consider, because it is a strong consideration for anyone who is thinking about the future. But the key moment for me, and I would hope for many people, over the last fortnight—it has been mentioned over dispatches in the debate tonight—was the evidence from Ken Henry, the Treasury secretary, last Thursday night. I thought he did an outstanding job in calmly and gently but passionately and rationally building the case to justify this package. He took questions from the coalition, from the Greens and from Independent senators and, I
thought, batted away the questions brilliantly and promoted the case that this is necessary.

Remember that the reason I mention Ken Henry is that he owns the surplus as much as everyone else and he has as much to lose with regard to going into debt as anyone else. He has been the guard dog of the Treasury for the coalition and now is the guard dog of the Treasury for the Labor government. His advice on Thursday night, I thought, was strong, and I do not understand why his advice is now being ignored by those opposed to the package. There is a layman’s saying: ‘Why even have a guard dog if you want to bark yourself?’ That is something for reflection by anyone who is opposed to this. The apolitical advice from the head of the Treasury, one of the most eminent public servants in this nation, is strong and does build the case.

To conclude, I believe that the arguments not to pass this bill are weak but the arguments to pass this bill are strong. I therefore ask members of this chamber—not as Labor, not as Liberal, not as Nationals, not as Independents but as private members of the people’s chamber reviewing a package from the executive, which was confidently explained last Thursday night by one of Australia’s most eminent public servants, the Treasury head Ken Henry—and colleagues in the other place to pass this legislation. Without question, it is needed. And now is the time.

Question put:
That this bill be now read a second time.

The House divided. [11.34 pm]

(The Speaker—Mr Harry Jenkins)

Ayes.............. 80
Noes.............. 56
Majority........... 24

AYES
Adams, D.G.H.
Bevis, A.R.
Bird, S.
Bradbury, D.J.
Burke, A.S.
Byrne, A.M.
Champion, N.
Clare, J.D.
Combet, G.
D’Ath, Y.M.
Dreyfus, M.A.
Ellis, A.L.
Emerson, C.A.
Ferguson, M.J.
Garrett, P.
George, J.
Gray, G.
Griffin, A.P.
Hall, J.G. *
Irwin, J.
Kelly, M.J.
Livermore, K.F.
Marles, R.D.
McMullan, R.F.
Murphy, J.
Neumann, S.K.
Oakeshott, R.J.M.
Parke, M.
Plibersek, T.
Raguse, B.B.
Ripoll, B.F.
Roxon, N.L.
Saffin, J.A.
Sidebottom, S.
Snowdon, W.E.
Swan, W.M.
Tanner, L.
Thomson, K.J.
Turnour, J.P.
Windsor, A.H.C.

NOES
Andrews, K.J.
Billson, B.F.
Bishop, J.I.
Broadbent, R.
Cobb, J.K.
Coulton, M.
Forrest, J.A.
Georgiou, P.
Hartsuyker, L.

AYES
Albanese, A.N.
Bidgood, J.
Bowen, C.
Burke, A.E.
Butler, M.C.
Campbell, J.
Cheeseman, D.L.
Collins, J.M.
Crean, S.F.
Debus, B.
Elliot, J.
Ellis, K.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Georganas, S.
Gillard, J.E.
Grierson, S.J.
Hale, D.F.
Hayes, C.P. *
Jackson, S.M.
Kerr, D.J.C.
Macklin, J.L.
McClelland, R.B.
Melham, D.
Neal, B.J.
O’Connor, B.P.
Owens, J.
Perrett, G.D.
Price, L.R.S.
Rea, K.M.
Rishworth, A.L.
Rudd, K.M.
Shorten, W.R.
Smith, S.F.
Sullivan, J.
Symon, M.
Thomson, C.
Trevor, C.
Vamvakining, M.
Zappia, A.

NOES
Andrews, K.J.
Baldwin, R.C.
Bishop, B.K.
Briggs, J.E.
Ciobo, S.M.
Costello, P.H.
Dutton, P.C.
Gash, J.
Haase, B.W.
Hawke, A.
Hawker, D.P.M. Hockey, J.B.
Hull, K.E. * Hockey, G.A.
Irons, S.J. Jensen, D.
Johnson, M.A. * Keenan, M.
Laming, A. Ley, S.P.
Lindsay, P.J. Macfarlane, I.E.
Marino, N.B. Markus, L.E.
May, M.A. Morrison, S.J.
Nelson, B.J. Neville, P.C.
Pearce, C.J. Pyne, C.
Ramsey, R. Robb, A.
Robert, S.R. Ruddock, P.M.
Scott, B.C. Secker, P.D.
Simpkins, L. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Truss, W.E. Tuckey, C.W.
Turnbull, M. Vale, D.S.
Washer, M.J. Wood, J.
* denotes teller

Question agreed to.
Bill read a second time.

Third Reading

The SPEAKER—in accordance with the resolution agreed to earlier today, I put the question that the remaining stages of the bill be agreed to.

Question agreed to.
Bill read a third time.

APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 2) 2008-2009
[No. 2]

Second Reading

Debate resumed.
Question put:
That this bill be now read a second time.
The House divided. [11.41 pm]
(Pro Speaker—Mr Harry Jenkins)

Ayes........... 80
Noes............ 56
Majority........ 24

AYES
Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bidgood, J.
Bird, S. Bowen, C.
Bradbury, D.J. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Campbell, J.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Debus, B.
Dreyfus, M.A. Elliot, J.
Ellis, A.L. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Garrett, P. Georginas, S.
George, J. Gillard, J.E.
Gray, G. Grierson, S.J.
Griffin, A.P. Hale, D.F.
Hall, J.G. * Hayes, C.P. *
Irwin, J. Jackson, S.M.
Kelly, M.J. Kerr, D.J.C.
Livermore, K.F. Macklin, J.L.
Marles, R.D. McClelland, R.B.
McMullan, R.F. Melham, D.
Murphy, J. Neal, B.J.
Neumann, S.K. O’Connor, B.P.
Oakeshott, R.J.M. Owens, J.
Parke, M. Perrett, G.D.
Plibersek, T. Price, L.R.S.
Raguse, B.B. Rea, K.M.
Ripoll, B.F. Rishworth, A.L.
Roxon, N.L. Rudd, K.M.
Saffin, J.A. Shorten, W.R.
Sidebottom, S. Smith, S.F.
Snowdon, W.E. Sullivan, J.
Swan, W.M. Symon, M.
Tanner, L. Thomson, C.
Thomson, K.J. Trevor, C.
Tourneur, J.P. Vanvakinou, M.
Windsor, A.H.C. Zappia, A.

NOES
Andrews, K.I. Baldwin, R.C.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Briggs, J.E.
Broadbent, R. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Coulton, M. Dutton, P.C.
Forrest, J.A. Gash, J.
Georgiou, P. Haase, B.W.
Hartsuyker, L. Hawke, A.

CHAMBER
Thursday, 12 February 2009

HOUSE OF REPRESENTATIVES

| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Lindsay, P.J. | Macfarlane, I.E. |
| Marino, N.B. | Markus, L.E. |
| May, M.A. | Morrison, S.J. |
| Nelson, B.J. | Neville, P.C. |
| Pearce, C.J. | Pyne, C. |
| Ramsey, R. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Scott, B.C. | Seeker, P.D. |
| Simpkins, L. | Slipper, P.N. |
| Smith, A.D.H. | Somlyay, A.M. |
| Southcott, A.J. | Stone, S.N. |
| Truss, W.E. | Tuckey, C.W. |
| Turnbull, M. | Vale, D.S. |
| Washer, M.J. | Wood, J. |

PAIRS

| Gibbons, S.W. | Bailey, F.E. |
| McKew, M. | Chester, D. |

* denotes teller

Question agreed to.

Bill read a second time.

Third Reading

The SPEAKER—In accordance with the resolution agreed to earlier today, the question now is that the remaining stages of the bill be agreed to.

Question agreed to.

Bill read a third time.

HOUSEHOLD STIMULUS PACKAGE BILL (No. 2) 2009

Second Reading

Debate resumed.

Question put:

That this bill be now read a second time.

The House divided. [11.43 pm]

(The Speaker—Mr Harry Jenkins)

| Ayes | 80 |
| Noes | 56 |
| Majority | 24 |

AYES

| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D’Ath, Y.M. | Debus, B. |
| Dreyfus, M.A. | Elliot, J. |
| Ellis, A.L. | Ellis, K. |
| Emerson, C.A. | Ferguson, L.D.T. |
| Ferguson, M.J. | Fitzgibbon, J.A. |
| Garrett, P. | Georganas, S. |
| George, J. | Gillard, J.E. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. | Hayes, C.P. |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| Livermore, K.F. | Macklin, J.L. |
| Marles, R.D. | McClelland, R.B. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neal, B.J. |
| Neumann, S.K. | O’Connor, B.P. |
| Oakeshott, R.J.M. | Owens, J. |
| Parke, M. | Perrett, G.D. |
| Pibersek, T. | Price, L.R.S. |
| Raguse, B.B. | Rea, K.M. |
| Ripoll, B.F. | Rishworth, A.L. |
| Roxon, N.L. | Rudd, K.M. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Tanner, L. | Thomson, C. |
| Thomson, K.J. | Trevor, C. |
| Turnour, J.P. | Vamvakinou, M. |
| Windsor, A.H.C. | Zappia, A. |

NOES

| Andrews, K.I. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Ciobo, S.M. |
| Cobb, J.K. | Costello, P.H. |
| Coulton, M. | Dutton, P.C. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
Hawker, D.P.M. Hockey, J.B. 
Hull, K.E. * Hunt, G.A. 
Irons, S.J. Jensen, D. 
Johnson, M.A. * Keenan, M. 
Laming, A. Ley, S.P. 
Lindsay, P.J. Macfarlane, I.E. 
Marino, N.B. Markus, L.E. 
May, M.A. Morrison, S.J. 
Nelson, B.J. Neville, P.C. 
Pearce, C.J. Pyne, C. 
Ramsey, R. Robb, A. 
Robert, S.R. Ruddock, P.M. 
Scott, B.C. Secker, P.D. 
Simpkins, L. Slipper, P.N. 
Smith, A.D.H. Somlyay, A.M. 
Southcott, A.J. Stone, S.N. 
Truss, W.E. Turnbull, M. 
Washer, M.J. Wood, J. 

PAIRS
Gibbons, S.W. Bailey, F.E. 
McKew, M. Chester, D. 
* denotes teller 
Question agreed to. 
Bill read a second time. 
Message from the Governor-General recommending appropriation announced. 

Third Reading

The SPEAKER—In accordance with the resolution agreed to earlier today, the question now is that the remaining stages of the bill be agreed to. 

Question agreed to. 
Bill read a third time. 

TAX BONUS FOR WORKING AUSTRALIANS BILL (No. 2) 2009

Second Reading

Debate resumed. 
Question put: 
That this bill be now read a second time. 
The House divided. [11.46 pm] 
(The Speaker—Mr Harry Jenkins)
Thursday, 12 February 2009  HOUSE OF REPRESENTATIVES

Cobb, J.K. Costello, P.H.
Coulton, M. Dutton, P.C.
Forrest, J.A. Gash, J.
Georgiou, P. Haase, B.W.
Hartsuyker, L. Hawke, A.
Hawker, D.P.M. Hockey, J.B.
Hilli, J.A. Gash, J.
Irons, S.J. Jensen, D.
Johnson, M.A. * Keenan, M.
Laming, A. Ley, S.P.
Lindsay, P.J. Macfarlane, I.E.
Marino, N.B. Markus, L.E.
May, M.A. Morrison, S.J.
Nelson, B.J. Neville, P.C.
Pearce, C.J. Pyne, C.
Ramsey, R. Robb, A.
Robert, S.R. Ruddock, P.M.
Scott, B.C. Seeker, P.D.
Simpkins, L. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Truss, W.E. Tuckey, C.W.
Turnbull, M. Vale, D.S.
Washer, M.J. Wood, J.

PAIRS

Gibbons, S.W. Bailey, F.E.
McKew, M. Chester, D.
* denotes teller

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

**Third Reading**

The SPEAKER—In accordance with the resolution agreed to earlier today, the question now is that the remaining stages of the bill be agreed to.

Question agreed to.

Bill read a third time.

**TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS) BILL (No. 2) 2009**

Second Reading

Debate resumed.

Question put:

That this bill now be read a second time.

The House divided.  [11.49 pm]

(The Speaker—Mr Harry Jenkins)

Ayes .............  80
Noes .............  56

Majority ........  14

AYES

Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bidgood, J.
Bird, S. Bowen, C.
Bradbury, D.J. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Campbell, J.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Debus, B.
Dreyfus, M.A. Elliot, J.
Ellis, A.L. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Garrett, P. Geoghanas, S.
George, J. Gillard, J.E.
Gray, G. Grierson, S.J.
Griffin, A.P. Hale, D.F.
Hall, J.G. * Hayes, C.P. *
Irwin, J. Jackson, S.M.
Kelly, M.J. Kerr, D.J.C.
Livermore, K.F. Macklin, J.L.
Marles, R.D. McClelland, R.B.
McMullan, R.F. Melham, D.
Murphy, J. Neal, B.J.
Neumann, S.K. O’Connor, B.P.
Oakeshott, R.J.M. Owens, J.
Parke, M. Perrett, G.D.
Plibersek, T. Price, L.R.S.
Raguse, B.B. Rea, K.M.
Ripoll, B.F. Rishworth, A.L.
Roxon, N.L. Rudd, K.M.
Saffin, J.A. Shorten, W.R.
Sidewater, S. Smith, S.F.
Snowdon, W.E. Sullivan, J.
Swan, W.M. Symon, M.
Tanner, L. Thomson, C.
Thomson, K.J. Trevor, C.
Turnour, J.P. Vamvakinou, M.
Windsor, A.H.C. Zappia, A.
Commonwealth Inscribed Stock Amendment Bill 2009

[No. 2]

Second Reading

Debate resumed.

Question put:

That the bill be now read a second time.

The House divided. [11.51 pm]

(The Speaker—Mr Harry Jenkins)

**Ayes**

Adams, D.G.H. 
Albanese, A.N.

Bevis, A.R. 
Biddgood, J.

Bird, S. 
Bowen, C.

Bradbury, D.J. 
Burke, A.E.

Byrne, A.S. 
Butler, M.C.

Champion, N. 
Campbell, J.

Clare, J.D. 
Cheeseman, D.L.

Combet, G. 
Collins, J.M.

D’Ath, Y.M. 
Crean, S.F.

Dreyfus, M.A. 
Debus, B.

Ellis, A.L. 
Elliot, J.

Emerson, C.A. 
Ferguson, L.D.T.

Ferguson, M.J. 
Fitzgibbon, J.A.

Garrett, P. 
Georganas, S.

George, J. 
Gillard, J.E.

Gray, G. 
Grierson, S.J.

Griffin, A.P. 
Hale, D.F.

Hall, J.G. * 
Hayes, C.P. *

Irwin, J. 
Jackson, S.M.

Kelly, M.J. 
Kerr, D.J.C.

Livermore, K.F. 
Macklin, J.L.

Marles, R.D. 
McClelland, R.B.

McMullan, R.F. 
Melnham, D.

Murphy, J. 
Neal, B.J.

Neumann, S.K. 
O’Connor, B.P.

Oakeshott, R.J.M. 
Owens, J.

Parke, M. 
Perrett, G.D.

Plibersek, T. 
Price, L.R.S.

Raguse, B.B. 
Rea, K.M.

Ripoll, B.F. 
Rishworth, A.L.

Roxon, N.L. 
Rudd, K.M.

Saffin, J.A. 
Shorten, W.R.

Sidebottom, S. 
Smith, S.F.

**Noes**

May, A.B. 
Morrison, S.J.

Nelson, B.J. 
Neville, P.C.

Pearce, C.J. 
Pyne, C.

Ramsey, R. 
Robb, A.

Robert, S.R. 
Ruddock, P.M.

Scott, B.C. 
Secker, P.D.

Simpkins, L. 
Slipper, P.N.

Smith, A.D.H. 
Somlyay, A.M.

Southcott, A.J. 
Stone, S.N.

Truss, W.E. 
Tuckey, C.W.

Turnbull, M. 
Vale, D.S.

Washer, M.J. 
Wood, J.

* denotes teller

Question agreed to.

Bill read a second time.

Third Reading

The Speaker—In accordance with the resolution agreed to earlier today, the question now is that the remaining stages of the bill be agreed to.

Question agreed to.

Bill read a third time.
Thursday, 12 February 2009  HOUSE OF REPRESENTATIVES  1297

Snowdon, W.E.
Swan, W.M.
Tanner, L.
Thomson, K.J.
Turnour, J.P.
Windsor, A.H.C.

Sullivan, J.
Symon, M.
Thomson, C.
Trevor, C.
Vamvakinou, M.
Zappia, A.

Andrews, K.J.
Billson, B.F.
Bishop, J.I.
Broadbent, R.
Cobb, J.K.
Coulton, M.
Forrest, J.A.
Georgiou, P.
Hartson, L.
Hawker, D.P.M.
Hull, K.E. *
Irons, S.J.
Johnson, M.A. *
Laming, A.
Lindsay, P.J.
Marino, N.B.
May, M.A.
Nelson, B.J.
Pearce, C.J.
Ramsey, R.
Robert, S.R.
Scott, B.C.
Simpkins, L.
Smith, A.D.H.
Southcott, A.J.
Truss, W.E.
Turnbull, M.
Washer, M.J.

Question agreed to.
Bill read a third time.

Sitting suspended from 11.53 pm to 1.00 pm (Friday)

Friday, 13 February 2009

APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 1) 2008-2009
[No. 2]

APPROPRIATION (NATION BUILDING AND JOBS) BILL (No. 2) 2008-2009
[No. 2]

HOUSEHOLD STIMULUS PACKAGE BILL (No. 2) 2009

TAX BONUS FOR WORKING AUSTRALIANS BILL (No. 2) 2009

TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS) BILL (No. 2) 2009

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009
[No. 2]

Returned from the Senate

Message received from the Senate returning the bills without amendment or request.

Mr RUDD (Griffith—Prime Minister) (1.01 pm)—On indulgence: today the government, together with other members of the parliament concerned about the national interest, joined together to ensure Australia will not sit back and wait and see what happens with the global economic recession. Today the government and other members of the parliament concerned about the national interest joined together to fight the global economic recession.

Mr Abbott—Mr Speaker, I rise on a point of order. This is not the kind of speech which should be made on indulgence.

Government members interjecting—
The SPEAKER—Order! Those on my right are not assisting.

Mr Albanese—Mr Speaker, on the point of order moved by the former Leader of the House, it was felt in consultation that took place with the opposition that it was appropriate that there be a report back to the House of Representatives about the nation building and jobs package. It is appropriate that this House be treated with respect, hence you actually agreed with this process and agreed that it would be appropriate that the Prime Minister and the Leader of the Opposition be given equal time to report to this House.

Honourable members interjecting—

The SPEAKER—Order! The member for Banks and the member for Flinders will get their early flights, if they wish. On the point of order, my attitude in giving indulgence was on the basis that it suited the convenience of the House.

Honourable members interjecting—

The SPEAKER—Regrettably for those who interject upon me, which is pretty far outside the standing orders, I have to be the judge of that. On the basis that it has been agreed that I will be able to give indulgence to the Leader of the Opposition of some similar magnitude and therefore of some similar discussion, that will have to be the risk that the chair takes in trying to keep order. But it is on that basis that I am proceeding.

Mr Rudd—Today the government and other members of parliament put their differences aside to act strongly and decisively in the national interest to support jobs, not stand idly by while the global economic recession wreaks havoc; to support families, not leave them exposed to the full force of the global economic recession; to support small business, not turn a blind eye to their pain; to drive the biggest school modernisation plan in Australia’s history, not pretend that those schools do not need help; and to build social housing for our poorest neighbours, not leave them to fend for themselves. In all these things, the government have acted to support jobs while others have argued we should do nothing to support jobs.

The most irresponsible thing to do today, with the worst global economic recession since the 1930s staring us in the face, would be to do nothing and to play politics—to play politics at a time when our nation needs us to rise above politics; to play politics at a time when we are required to put our nation first and our own political interests last. But, with the responsible actions of the minor parties and the Independents both in the House and in the Senate, we have avoided that in this parliament today. I thank them for their cooperation.

Why is the government committed to the passage of this nation-building plan? Australia cannot resist the international economic forces, and we cannot defy the effects of the downturn in our own region. But, through decisive government action, we can reduce the impact of the global recession on Australian families, jobs and small businesses. Treasury estimates that initiatives in the Nation Building and Jobs Plan will provide a boost to economic growth of around half a percentage point of GDP in 2008-09 and around three-quarters to one per cent of GDP in 2009-10. Treasury also estimates that today’s Nation Building and Jobs Plan will
support up to 90,000 jobs in each of 2008-09 and 2009-10.

Without parliament’s support for this plan, growth would be slower and unemployment would be higher. Therefore, the government’s nation-building plan aims to do two things: first, to support economic stimulus in the short term to do everything possible to support growth and jobs now; and, second, to do so wherever possible by investing in school infrastructure, modernising our schools and providing energy-efficient housing and the other infrastructure Australia needs for the 21st century. That is the government strategy.

The government’s nation-building plan delivers for the nation and it delivers for local communities. The $14.7 billion Building the Education Revolution plan provides our kids with 21st century schools if they are stuck in cramped, decaying classrooms designed for a generation of Australian children that left school many years ago. I would ask honourable members here assembled to listen to what local schools are saying about the plan, which the government has voted for and which the Liberal and National parties have voted against. The Principal of Merri Creek Primary School says:

We need $1.5 million, plus maintenance … We currently get $9000 for maintenance for the whole school for the whole year.

The Principal of Mary MacKillop Catholic Primary School writes:

That gets a big tick from me as it’s an area where our school always has trouble finding the funding to recarpet and repaint.

Similar messages are emerging from the 7½ thousand primary schools right across Australia, in parts of our country represented by members on this side of the House and parts of the country represented by members on that side of the House. The difference, however, is this: we on this side of the House, together with the Independents, have voted in support of the biggest school modernisation plan in Australia’s history, while the Liberals and the Nationals have voted against it.

In passing this bill, the parliament is also helping to tackle the crisis in affordable housing. Here is what some people have said about this part of the program. I refer here to comments from Mr Gary Mallard, a public housing tenant in Bega:

The Federal Government’s $6 billion into social and public housing is wonderful news. It means that more people will be able to enjoy the security of tenure that meant so much to my family, especially as our children were growing up.

Councillor Frank O’Connor, the mayor of Port Phillip, writes:

It’s the best news since indoor plumbing was invented. With affordable housing at an all-time low in the City of Port Phillip and a recession hurtling towards us, the Federal Government’s commitment is just what’s needed.

Then there is the Defence housing element and what will be delivered through the government’s plan on this. I will be particularly interested to see how the member for Herbert explains this to the good people of Townsville. This is from the wife of a member of the Australian Defence Force based in Darwin:

The thought of new Defence houses in Darwin is fabulous. The current houses are old and tired. And new houses would make Darwin a much more attractive posting. It would definitely make Darwin more appealing to people. At the moment the rental market is impossible. Impossibly expensive and impossible to get into; there’s nothing available. To have new houses where people, families, don’t have to worry about where they are going to live when they get posted would be absolutely amazing.

That was from a wife of a member of the Australian Defence Force.

*Mr Sidebottom interjecting—*
The SPEAKER—The member for Brad- don will get a thorn if he is not very careful. I advise the House that I have a booking on a seven o’clock plane, so I have got plenty of time.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. I refer you to pages 484 and 485 of the House of Representatives Practice, dealing with indulgence. Set out on those pages is the long list of things for which indulgence is granted and the fact that the right to grant that indulgence is exclusively yours to give—not the House’s right, but yours. It also prescribes the areas where precedents have been set for the granting of indulgence—for instance:

… the … Leader of the Opposition to congratulate athletes representing Australia—
or:
… to ask a question of the Speaker or raise a matter for the Speaker’s consideration—
or:
… the Prime Minister to answer a question—
or:
… A Minister to correct or add to an earlier answer—
These are all very procedural matters and I put it to you, Mr Speaker, that this is not a speech on indulgence. This is a speech of a highly political character which should be dealt with in an ordinary matter of business. It is quite improper for the Prime Minister to give us this diatribe by way of indulgence.

The SPEAKER—I have noted the point of order and I have given the indulgence. I indicated earlier that I understand I have taken a great risk, but I say to the House that I do not see this in any way as a precedent—not in any way. I embarked upon this procedure with an understanding that some people in the chamber knew what was happening. I think that members ought to acknowledge that sometimes people are out of loops.

Honourable members interjecting—

The SPEAKER—Order! Some of the members who are laughing loudest should realise that probably they were out of this loop as well. I admit that I was. The indulgence has been granted. As I have said, I understand that, with the granting of indulgence to the Prime Minister, subsequently I will grant indulgence to the Leader of the Opposition and it will be for subject matter of a similar standard. The Leader of the Opposition should not take that comment too directly.

Mr RUD—Then there is the issue of the installation of ceiling insulation. Peter Ruz of Fletcher Insulation has said:

Our own company … had to lay off a shift in one of our plants just before Christmas. We’ll be putting that shift back on, and, you know, there are lots of jobs in manufacturing as well.

Mr Ray Thompson from Bradford Insulation said that their new Brisbane plant would move to 24/7 production. He said:

We will start employing people immediately …
I would like to repeat for the benefit of honourable members the observations last night of the member for Lyne concerning his own area. I will quote what the honourable member said:

… I ran into an old friend on Saturday morning who had just been to the insulation shop. He and his wife had been wanting to get their home insulated for some time. The message that has come through from this place had rekindled the desire. They were tyre-kicking in the insulation shop and reported back to me quite excitedly that the phones were running off the hook and that the poor guy running the business was in a massive fluster. He said to my friend, ‘I’m just going to have to employ more people.’ I would hope that everyone in this chamber, regardless of positions over the last two weeks, would support that message from that business.
I thank the member for Lyne for his contribution to the debate last night.

The government’s nation-building plan also deals with the challenges faced by small business, and here I cite Mr Glenn Elim of Animal World Pet Motel in Cornubia in Queensland. Because of the initiatives the government has announced, most particularly the investment tax break, he is looking to make further investments in business that will see even stronger growth as the economy recovers. Mr Elim says that the investments that were planned for the future are being brought forward because of the government’s package.

On the question of not just small business but community infrastructure as well, I would draw honourable members’ attention to the desperate need for the refreshing and upgrading of infrastructure of local communities around Australia. With the passing of this bill the government is now bringing forward and boosting capital expenditure in regional areas to improve safety for motorists and passengers around the country. I have here a comment from the Mayor of North Sydney Council, Councillor McCaffery, who has stated, ‘Not only will it provide safer communities but it should help to maintain local jobs.’ The Mayor of Fraser Coast Regional Council has also made additional remarks.

The question of the tax bonuses has attracted considerable comment in the debate in this chamber, and also contributions from individual members of the public who are doing it tough in the current economic circumstances and are looking for a helping hand from government to assist them through the impact of this crisis.

These are the elements of the government’s nation-building plan. These are the elements which have attracted widespread support from across the Australian community—members of the community in individual towns and centres represented by those opposite, by government members and by Independent members as well.

Let us consider also why this bill has been passed. It has been passed with the support of every single member of this House and the Senate except for members of the Liberal Party and the National Party. Every government member of parliament has supported this nation-building plan. Every minor party senator has supported this nation-building plan. Every Independent member of this House has supported this nation-building plan. Every Independent senator has supported this nation-building plan. Everybody in this parliament has got behind this nation-building plan except for members of the Liberal Party and the National Party.

I would like to thank each of those members who have supported this bill in the House and in the Senate. I would like to thank government members for their support and their statements explaining the reasons for that support. I would especially like to thank the Independent members who spoke in the House last night with clarity, with honesty and with eloquence. I would like to thank the member for Lyne, the member for New England and the member for Kennedy—all three members knowing what it is like to stand up for their local communities and to stand up for the Australian national interest. Nobody listening to the contributions last night from the Independent senators could doubt that they made their decisions because they concluded that it was in the interests of the people they represent in this place and, from the Independent members as well, the communities of the mid-North Coast of New South Wales, the communities of New England and those of North Queensland. I express my appreciation to Senator Brown in the Senate, who took a mature and cooperative approach to this leg-
islation—unlike the Liberals, who did not. The Independent members did not think that this legislation was perfect but they were prepared to work together to pass it. I would also like to thank Senator Fielding. We understand his genuine concern for the unemployed and for his home state of Victoria. I would also like to thank Senator Xenophon. We understand his passionate concern for the Murray-Darling. The government shares his concern. The Murray-Darling is the lifeblood of so many inland communities in the south of this great continent. We will continue to work with him in the future on this great national challenge. The government understands the urgency of the economic challenges that Australia faces. The Liberal Party does not, because, as supporters of extreme capitalism, not only do they refuse to accept any responsibility—

Mr Hockey—Mr Speaker, I rise on a point of order. When we came to an agreement with the government, it was on the basis that the Prime Minister would make a short statement to parliament, there would be a response from the Leader of the Opposition, and then the House would adjourn. We now find that the government has held back the House of Representatives to simply give the Prime Minister a platform to play politics from. Mr Speaker, this is very testing for the parliament—

Honourable members interjecting—

The SPEAKER—Order! Having said that, I think it would suit the convenience of the House if we went through this quietly. The Prime Minister has the call. I would suggest that if the Prime Minister could wind his remarks up, it would also suit the convenience of the House.

Mr RUDD—Mr Speaker, the government—

Honourable members interjecting—

The SPEAKER—Order! But he cannot wind them up if there are continual interjections.

Mr RUDD—The government understands the urgency of the economic challenge that we face. The International Monetary Fund understands the challenge that we face. The Reserve Bank, the Australian Chamber of Commerce and Industry, the Council of Small Business Organisations of Australia and the Business Council of Australia understand the challenge we face. The challenges we face are understood by the Independent members of this place and the minor parties. The only parties who do not understand the economic challenges we face are the Liberal and National parties.

Let us be absolutely clear about what is at stake here. We have embarked upon a course of action and a strategy to see Australia through this national economic crisis, and we are determined to do so.

Mr Dutton—This is outrageous, Mr Speaker.

Mr RUDD—What the Liberal Party has done is to seek to vote down the biggest investment that this country has seen in our schools.

Mr Dutton—He is defying your ruling.

The SPEAKER—Order! The member for Dickson is not assisting.

Mr RUDD—I noticed most recently the Manager of Opposition Business on his feet
contesting this fact. When the Manager of Opposition Business said today, in relation to school investment, ‘Well, let me tell you: we wouldn’t be spending $14 billion dollars—

**The SPEAKER**—Order! The Prime Minister will resume his seat. The Manager of Opposition Business on a point of order.

**Mr Hockey**—Mr Speaker, is this truly appropriate for an indulgence from the Prime Minister, after the House of Representatives has been held back for hours after the Senate has completed its business? Is this truly the appropriate way to treat the parliament?

**The SPEAKER**—Order! The Manager of Opposition Business will resume his seat. There is no point of order. The indulgence is for the chair to give.

**Mr Rudd**—Thank you, Mr Speaker. I refer explicitly to the member for North Sydney, who has just intervened, because today he said: ‘Well, let me tell you, we wouldn’t be spending $14 billion on school halls’. He goes on to say: ‘That is just ridiculous’. This government has a different view of the priority attached to education.

**Mr Dutton interjecting**—

**The SPEAKER**—Order! The member for Dickson might think he is assisting, but he is not.

**Mr Rudd**—The other important contribution to this debate and the matters that have just been returned from the Senate is as follows. When questioned this morning about the opposition’s posture on the current stimulus proposal which is before the parliament, the Manager of Opposition Business was asked, ‘Is there any prospect of a change to the opposition’s position on the stimulus package?’, and what was the answer from the Manager of Opposition Business? ‘Well, no, there isn’t.’ In other words, the predisposition to negotiate, as they stated last night, was clearly underlined again in the statement of unequivocal rejection by the Liberal Party this morning.

**The SPEAKER**—Order! The member for Dickson on a point of order. He will have to search for a point of order, though.

**Mr Dutton**—I am appealing to your spirit of indulgence, Mr Speaker. About six minutes ago you gave the Prime Minister a direction to wind it up. He is defying—

**The SPEAKER**—Order! The member for Dickson will resume his seat.

**Mr Dutton interjecting**—

**The SPEAKER**—The member for Dickson will resume his seat!

**Mr Rudd**—Thank you, Mr Speaker. This government will continue to act in the national interest. This government will continue to govern in the national interest—for a generation of kids in our schools, who in years to come will have access to 21st century libraries, multipurpose halls and other facilities; for struggling families and older people, who will have access to affordable social housing; for families, who will be able to cut their electricity bills with ceiling insulation; for regional communities around Australia, who will benefit from new community facilities; for small businesses, who will have—

**Mr Pyne interjecting**—

**Mr Haase interjecting**—

**Mr Abbott interjecting**—

**Mrs Hull interjecting**—

**The SPEAKER**—Order! The Prime Minister will resume his seat. The members for Sturt, Kalgoorlie, Warringah—and the member for Riverina, who is just leaving, or is somewhere—are warned!

**Mr Rudd**—This government will continue to act for regional communities around Australia, who will benefit from new community facilities; for small businesses, who
will have the incentive to invest and to build their businesses; and for people who are doing it tough all around Australia—singles, families, people on low incomes—who will benefit from this package; and for the 90,000 jobs that this package will support.

This Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 [No. 2] and related bills are in the interest of all those Australians. This Nation Building and Jobs Plan is in the nation’s interest. And today, the dividing line between us in this parliament is clear and has been drawn—between those who will stand up for the nation and its long-term interests and those who have stood up only for themselves.

Mr Turnbull—On indulgence, Mr Speaker. There are two key issues that we must confront today. They are: jobs and debt. How many jobs will this package create? How much debt will it incur? We know how much debt it will incur: $200 billion, thrown onto the shoulders of our children for them to pay off. If we were to run $20-billion-a-year surpluses, it would take a decade to pay off that debt. That is the scale of this unprecedented debt that the Prime Minister is throwing—

Mr Dutton—What about the Treasurer?

The Speaker—The Treasurer will resume his seat. The member for Dickson is really getting to the limit. I warn him!

Opposition member—What about the member for Shortland?

Opposition member—She’s standing in front of the camera.

Opposition members interjecting—

The Speaker—That is not very smart. The member for Shortland will take her place. If the House has not got the indication that the House should perhaps think about the procedure that we have carried out today, I am sorry. But I do not find it clever at all for retaliatory actions to be taken on the basis that you do not think other things should have happened. I do not think that that is the way that we should behave in the House. I think that this has been a difficult day, but I can assure you that this occupant of the chair has learned a very big lesson from this. I call the Leader of the Opposition.

Mr Turnbull—Thank you, Mr Speaker. This package is about jobs and it is about debt. We know how much debt it will throw onto the shoulders of our children: $200 billion. With surpluses of $20 billion a year, which would be an outstanding surplus, it would take a decade to repay. We know the demographic challenges our country faces. We know we are an ageing population. We know there will be greater claims on government in the years ahead. And that is why when we were in government we paid off all of Labor’s debt. We took debt off the shoulders of our children and their children. We relieved them of the burden of debts and obligations we had incurred, and now we are succeeded by a government that are throwing unprecedented debt onto their shoulders.

And for what are they throwing that debt onto our children’s shoulders? Jobs, they say. They have promised, from this package and their $10 billion cash splash in December, 165,000 jobs—75,000 jobs from December and 90,000 jobs from the $42 billion package. There is no evidence that one job was created by the cash splash in December. The greatest minds in the Commonwealth Treasury came to the Senate committee and could not produce any evidence that one job was created, let alone 75,000. And now we have the promise of 90,000 jobs from $42 billion. As the Leader of the Nationals said last night, that is $460,000 a job. Is that great value for money? Is that the sort of value that we should be mortgaging our children’s fu-
ture to achieve? Is that effective government spending?

The Prime Minister has thrown all of the conventional rules of economics and financial management out the window. The economic conservative has become unhinged from any principles of common sense or economic prudence. He stood here today and boasted proudly that, by spending four per cent of GDP, $42 billion, we will get an increase of GDP of half a per cent this year and between three-quarters of a per cent and one per cent next year, according to the Treasury. So, for four per cent of GDP, $42 billion, the taxpayers of Australia will get ¼ to ½ per cent of GDP. What a pathetic return. What a pathetic, incompetent return. ABN AMRO were right in saying that, far from delivering a bang for the taxpayers’ buck, the government have delivered nothing better than a dull thud.

I do not know what is more troubling: the extraordinary falsehoods that the Prime Minister has delivered us today and every day on this topic or the fact that he may just believe them to be true. Is he disingenuous or is he deluded? It is hard to say. He has claimed that the opposition has said that nothing should be done. Yet everybody in Australia, except for the Prime Minister, knows that the government proposed a spending package of $42 billion and we said it would be more prudent and more effective to have a differently constituted package of between $15 billion and $20 billion. He insults the intelligence of every Australian by saying that we are in favour of doing nothing. We are in favour of action, but we are in favour of effective action.

The reality is that as of today the Labor debt train has left the station for destination unknown, except for this: our children and their children will pay for all of it. The Prime Minister is plunging our nation into enormous and unprecedented debt. Billions of dollars of that debt will be incurred from measures that will have no enduring economic effect. It is widely accepted that the $10 billion cash splash in December had no impact on jobs. There is no evidence that it had any impact on jobs. The Prime Minister, who was no doubt trying to achieve some sort of collective retail therapy, has been delighted that, after spending $10 billion of our children’s money, retail sales increased in December by $700 million.

The spending package that the Prime Minister has secured passage of today is far bigger as a percentage of our GDP than those spending packages in comparable countries—notwithstanding that those comparable countries, such as the United States, European countries and Japan, have economic conditions far worse than our own. In other words, we with the strongest economy have a government that is so panicked it is spending more money than governments with weak and struggling economies.

Australians need to know that this panicked government has made another panicked move, just like it panicked when it undertook an unlimited bank deposit guarantee, the damage of which—

Mr Swan interjecting—

Mr Turnbull—I hear the Treasurer laughing. He obviously thinks it is funny that a quarter of a million Australians have had their savings frozen thanks to his incompetence. No doubt he thought it was funny too when he made the jolly quip when people complained they could not access their savings that they should line up at Centrelink. That is the government of compassion!

The Prime Minister’s answer is simply to spend, spend, spend—plunging us deeper and deeper into debt. But the spending is not well targeted. It will not create jobs. We proposed measures which are better designed to
create jobs which will deliver real benefits. Consider the Prime Minister’s remarks today about insulation. He told a story about a shop that sells insulation and said that the phones were ringing off the hook and that people were just lining up to get access to the free money from the government to put insulation in their homes after July. He is so proud of that. He is really delighted. But I wonder what he says to the engineering shop next door whose phone is not ringing off the hook. I wonder what he says to the plumbing store next door whose phone is not ringing, or the company that does interior design. What we have proposed are measures that will benefit every single business and small business in Australia and that will lower the cost of employing Australians for every single small business.

One of the problems with the government’s approach is that it is picking one industry here, another industry there and hoping that by providing a super amount, a super stimulation, they will do well. They may do well. They may well be very busy, but what about the rest of the economy? That is a fundamental failure to understand that government policies should aim to promote productivity and efficiency across the whole economy. We should aim as far as we can to benefit every business, every taxpayer and every industry, because that is what we Liberals believe is the role of government—that is, to enable Australians to do their best. That is the big difference. We believe government is there to enable Australians to do their best and to make their investments and their decisions and to create the prosperity that this nation depends on.

The Prime Minister believes his job is to decide that there will be one industry that will get his blessing, that will get a huge amount of money and whose phones will ring off the wall. Today that industry is going to be insulation. What will be the lucky industry next week? Who knows? We are committed to measures that will promote employment across the economy. But above all, we are committed to jobs. We are committed to measures that will promote employment.

Government members interjecting—

Mr Turnbull—Those on the government benches are laughing; I hope Australians can hear them laugh. They are laughing about jobs. They spent $10 billion of our children’s future, they mortgaged our children’s future, to the tune of $10 billion in December and did not create a single job. Where are the 75,000 jobs? Where is the one job? Where are seven jobs? There is no evidence that any of these jobs have been created.

We knew that the position we have taken is not popular. We have known from the outset that taking a stand for our children’s future, taking a stand against wasteful government spending, excessive debt and running up $200 billion of debt on our children’s credit card would not be popular—but we know that it is right. We know that it must be done, because Australians today and tomorrow, and perhaps more tomorrow than today, will need to know that there were parties in this parliament that were focused on the future of this nation and determined that when our children are seeking to buy their first home or build their businesses they will not be crushed by high taxes to pay off the debt that this reckless government has incurred today.

Mr Albanese (Grayndler—Leader of the House) (1.42 pm)—I wish to indicate to the House that the process today could have been done differently. It could have been done by a motion. It was determined in a meeting between me, the Leader of the Opposition and the Manager of Opposition
Business that it would suit the House if this process ensued because it would be timely.

Mr Pyne—You misled them.

Mr ALBANESE—Well, you were in the meeting as well; I did not verbal you.

Government members interjecting—

Mr ALBANESE—What a rabble!

The SPEAKER—Order!

Mr ALBANESE—They are a rabble on economic policy and they have been a rabble in this House, and I move:

That the House do now adjourn.

The SPEAKER—Order! The Manager of Opposition Business will resume his seat; there is a question before the chair. I will not go into the detail of who said what to whom because, as I have clearly indicated, for different reasons I was not in any loop, but I understand that the House may have learnt a lesson from this.

An opposition member—Don’t trust Albo!

Mr Adams—Don’t trust Liberals!

The SPEAKER—I say to the member for Lyons that I did indicate from the outset that what I knew about the chair was that it would be me against the rest. Perhaps there is an element of that here. The question before the chair is that the House do now adjourn.

Question agreed to.

House adjourned at 1.44 pm
The DEPUTY SPEAKER (Ms AE Burke) took the chair at 9.30 am.

CONSTITUENCY STATEMENTS

Kalgoorlie Electorate: Alcohol Abuse

Mr HAASE (Kalgoorlie) (9.30 am)—In Western Australia, indeed across Australia, alcohol is playing a greater role in social disruption. In my Kimberley towns, as a result of alcohol consumption we are seeing violent assaults, domestic violence, child abuse, child neglect and four out of 10 births affected by foetal alcohol syndrome. Western Australian governments of the last few years have suddenly realised this is going on—it has been happening since the seventies—and they are now putting curbs in place. The wisdom, decided in Fitzroy Crossing, for instance, of limiting the sale of take-away alcohol to that containing nothing in excess of 2.7 per cent alcohol is impacting on the whole town. The result is that the problem drinkers have now moved on to other towns across the Kimberley. The plan now is to impose the same idea on Halls Creek. People of course simply move on if they have a drinking problem and have difficulty in accessing alcohol. They move to other towns and they take the problem there. The police in the prohibited town are of course very happy because they do not have the incidents. Putting ad hoc bans in place in towns because it seems like a good idea at the time, an idea held by some of the people, is not satisfactory. If these preventive measures are put in place in some of my towns, why not put the same restrictions in place in suburban Perth and see how the populace likes it?

In addition to that, we are seeing the ad hoc closure of licensed premises if events such as funerals take place because of the violence as a result of the combination of skin groups coming together and the consumption of alcohol. In place of these ad hoc restrictions I propose, across the state, the introduction of a licence to drink. For many years we have realised the danger of motor vehicles. We have had licences to drive and have insisted that people so licensed are instructed in the process of driving a dangerous motor vehicle. I propose that the same idea be adopted in relation to the purchase and consumption of alcohol and that all persons legally entitled to do so carry identification and a card which says they continue to be entitled to do so. Any offences that they commit and are found guilty of would result in the taking away of their licence to purchase and consume alcohol. In the long term this would be the only way to put an effective law in place that did not find the innocent disrupted and the guilty moved on to another town. Something must be done. The ad hoc arrangements which have now been put in place in the Kimberley by the Western Australian government will not work in the long term. We need to be very sure that, instead of shunting the problem elsewhere, we address the problem for all time across the state, especially in the areas where it is causing a problem. (Time expired)

Werriwa Electorate: National Disability Strategy

Mr HAYES (Werriwa) (9.33 am)—I was pleased to host a local disability consultative forum on 8 December last year to allow my local community to participate in the National Disability Strategy—a strategy of this government, committed to during the 2007 federal election, which aims to address the barriers faced by Australians with disabilities and to promote social inclusion. I would like to take the opportunity to acknowledge that the venue and the
refreshments for the day were donated by Mr Greg Sweeney, from the Sweeney Scenic Hills Function Centre, and that Annamaria Wood, General Manager for the Macarthur District Temporary Family Care, provided seven staff members to act in a secretarial capacity for each of the individual group discussions.

The partnership between the local community and my office made for a very constructive day. More than 70 active community members attended the forum, which included people with disabilities, parents, carers and service providers. A series of syndicate discussions were held, each facilitated by an elected chair and assisted by a secretary, to ensure that each community member had a proper opportunity to have their views noted. A number of community members who are actively engaged in the disability sector were not able to attend on the day. However, we ensured that they had the opportunity to complete written questionnaires, all of which were included in our final submission.

The outcome of the forum was very informative, and at times the process was very emotional and very tense. The main points arising from the forum included access, accommodation, education, employment, finance, health, transport, volunteers and a whole-of-life approach for people with disabilities. Besides these obvious outcomes, on the day I received numerous comments from people who attended about how pleased they were that the federal government had taken this initiative, and they hoped that their comments as they applied to the south-west of Sydney and the disability sector generally would be taken into consideration.

Further, it was strongly felt that this type of forum should be held on an annual basis in order to monitor and review the implementation of the National Disability Strategy. The forum highlighted to me once again the strength of the community, not only of those who attended but also those who assisted in the organisation of the day. The forum acted as a positive exercise to reinforce and to strengthen the disability networks that apply throughout the south-west of Sydney. Quite frankly it showed once again the spirit of those who live and work with disabilities, and they showed themselves in such a way that we should do what we can to support them now and into the future.

Casey Electorate: Mr Cliff Dohle

Mr ANTHONY SMITH (Casey) (9.36 am)—On Monday I attended the funeral of Cliff Dohle, who passed away on 2 February. Cliff was a Lilydale resident. He was a great Australian. He was someone who served this nation with distinction. He was a helicopter pilot in Vietnam; he was a helicopter pilot in the Battle of Long Tan. In 2006, after the 40th Anniversary of Long Tan Day, I spoke in the Main Committee about Cliff’s magnificent contribution. All members are familiar with the Battle of Long Tan. It is the battle that Vietnam Veterans Day is named after. On that day when 6RAR were confronted with an overwhelming force of the Vietcong in a rubber plantation just a short way from Nui Dat, Australian helicopter pilots Cliff Dohle and others resupplied 6RAR at the critical time of the battle. Had they not done so we would be remembering Long Tan in very different terms today.

Cliff is one of the great heroes of that time. He was part of a generation that served Australia so very well. He passed away just over a week ago, and his wife, Joan, and his children, Helen, Peter and Lisa, remembered his great contribution at a very touching funeral service in Seville. The Australian nation and this parliament owe much to the Cliff Dohles who served this country with such distinction. We owe much to that generation who fought in Vietnam to
the best of their ability. It is a chapter in Australian history that we must continue to work on. The Vietnam veterans were poorly treated. There is no doubt about that and both sides of this House recognise that.

Cliff Dohle is one of a passing generation now. His contribution as a member of the Air Force is very much part of our history—history we should remember and commemorate.

(Time expired)

**Port Adelaide Electorate: Community Food SA Inc.**

Mr BUTLER (Port Adelaide) (9.39 am)—I would like to share today the success story of a not-for-profit-community centre, Community Food SA Inc. Community Food SA is a fantastic hub that provides low-cost food and groceries to low-income families and individuals in Adelaide, with a focus on the north-western and north-eastern suburbs. Established in 1989, Community Food SA has generously served the public for almost two decades and has around 80 committed volunteers offering affordable groceries for new arrivals, the unemployed, people with disabilities and pensioners. I am very proud of South Australia’s volunteer participation rate, sitting at around 600,000 active volunteers or about 50 per cent of the South Australian adult population. I think this says something about the spirit of our southern state. Community Food SA volunteers have also been acknowledged with several awards for service to the community, including the Australia Day Award and Citizen of the Year by the Port Adelaide Enfield Council.

The food centre also offers opportunities for work experience to those in the community who would otherwise be excluded from practical experience in a busy work environment, making the participants more likely to find paid work as a result. The true litmus test is the high patronage levels at the centre’s Cromwell Road premises. Approximately 1,500 people visit the food outlet at Kilburn each week, which services around 500 to 600 families. Practical everyday items are available like fresh fruit, vegetables, meat, dairy products and fresh bread at lower resale amounts than at the average supermarket, allowing families to purchase what they need, not just what they can afford. This also provides shoppers with the option to buy healthier choices like fresh fruit and produce that they may otherwise not be able to afford.

The centre has many other benefits, including the incorporation of Arnolds Cafe, a low-cost cafe with a family-friendly atmosphere providing opportunities for members of the community to meet other locals, make new friends and establish important social support networks. For many low-income families, the shopping experience can bring on feelings of anxiety and despair—the stress of examining budgets on a daily basis and relying on the generosity of others to make ends meet. The community food centre helps ease some of the burdens on households by incorporating other practical initiatives like courses and demonstrations on cooking nutritious meals on a budget and managing family finances. Often the quickest and cheapest meals are not the most nutritious or, in the long term, in the health interests of the consumer. This cooking program helps to improve eating options for families. The successful Community Food SA Inc. model is a great asset to the local community in and around the electorate of Port Adelaide and one that I would recommend other jurisdictions around the country emulate to benefit those who are most in need of assistance and support.
National Service

Mr BALDWIN (Paterson) (9.42 am)—On 7 February I attended the dedication of a national servicemen’s plaque at Stroud conducted by Jim Olsen, President of the Dungog National Servicemen Association’s sub-branch. I was proud to participate in honouring those sons of Stroud who had served our nation well as national servicemen from 1951 to 1972. I congratulate John Bowen and Jim Bratfield for the work that they have done in organising the funding and research for the memorial. National service was certainly not popular. The wearing of a uniform and regulation haircuts was always a battle—most conscripts hated being lumped together and made to look alike—but we see them now as proud old blokes on parade wearing their national service gong on a blue jacket over grey trousers, wearing the tie and the black beret and belonging together. How ironic that the majority now believe that national service should be reintroduced for their sons and grandsons to instil discipline.

When you look back at the history of conscription, one thing does stand out—that is, every young Australian who donned the uniform, be it conscription or regular, served with absolute distinction. The roll of honour is long and very distinguished. Between 1951 and 1972, of the 287,000 young men called up for service in the Navy, Army and Air Force, sadly 212 died on active service—two in Borneo and 210 in Vietnam—and 1,279 were wounded. The majority of these Nashos posted to fighting battalions did not stay behind in Australia when their unit was posted to Vietnam. They trained with them and they died with them. The courage and skill of the Vietnam diggers came to the fore on 18 August 1966 in Long Tan. Of the 124 diggers of D company, 6RAR, 64 were Nashos and 60 Regulars. Death did not discriminate. Of the 18 military personnel killed in the Battle of Long Tan, 11 were Nashos and seven were Regulars. Later that year the diggers triumphed in the battles at Fire Support Bases Coral and Balmoral. They fought together and they died together as one in these enormous battles.

For those who did not have the opportunity to participate in active service, let me say that without their service we as an Australian force fighting overseas would not have survived. No matter where they served, they made many sacrifices: families, girlfriends, jobs, income. This was recognised some years back with the introduction of the national service medal, and they should be very, very proud to wear it.

It is good and well for diggers to meet at times like those, to look back at their achievements and the history and be able to say, ‘Together then, together again.’ I look forward to addressing our national servicemen this anniversary day, Saturday, 14 February at Foster, and paying my respects to these sons of Australia.

Makin Electorate: Mr Don Lindner

Mr ZAPPIA (Makin) (9.45 am)—I take this opportunity to pay tribute to Don Lindner, a legendary Australian Rules footballer and a South Australian icon. Sadly, Don Lindner passed away suddenly on New Year’s Eve while celebrating with his wife Jan and some friends. He was 73 years of age. Don Lindner began his league football career in 1954, aged 19, with the North Adelaide Football Club. He retired from league football in 1970 and at that stage had played around 289 league games, including having represented South Australia 16 times. Amongst his many football achievements, he was a joint winner of the 1967 Magarey Medal. He was selected for the all-Australian side of 1961, he captained North Adelaide from 1963 to 1969 and he also coached the team from 1963 to 1966. In 2002, Don was an inaugural inductee into the South Australian Football Hall of Fame.
Don Lindner was particularly renowned for his sensational high marking. In speaking at his funeral, South Australia’s greatest footballer, Barrie Robran, remarked that, in his opinion, Don Lindner was the best high marker to play the sport. I know that anyone who has seen Don Lindner play would not disagree with that statement.

Football today has changed markedly from the way it was played in the 1950s and 1960s, so it is very difficult to draw comparisons between footballers of that era and footballers of today. I have no doubt, however, that if there had been a national football competition similar to the AFL when Don Lindner was playing, his would be a household name not only in South Australia but throughout Australia. Don Lindner was a dominant character both on the field and off the field. To quote Graham Cornes in the Adelaide Advertiser on 3 January 2009:

Never was there a character larger than life itself, more confident in his ability and more striking in his persona … You knew when Don was in the room.

People looked up to Don Lindner, both literally and metaphorically. To many he was affectionately referred to ‘Sir Donald’ or simply ‘the Don’. Off the field, Don Lindner was a successful livestock agent, managing the family business known as the House of Lindner. Through that business, he also became a South Australian identity in the livestock and farming communities. He continued to manage the business until the end. It became clear from listening to the many speakers at his funeral service that Don Lindner enjoyed life to the full and, equally, brought so much enjoyment to others. He entertained football fans and inspired young footballers, including the great Barrie Robran, who I understand went to North Adelaide from Whyalla in 1966 as a young, promising footballer to play with his then football hero.

On Friday, 9 January, Don Lindner was given a fitting send-off with around 1,500 people, including many distinguished South Australians, attending his funeral service at Immanuel College. To his wife Jan, his family members and his colleagues and supporters at the North Adelaide Football Club, I extend my sympathies and express my personal sadness at the passing of Don Lindner.

Forrest Electorate: Ms Claire Davies

Ms MARINO (Forrest) (9.48 am)—I wish to acknowledge the life of a beautiful little girl in my electorate of Forrest and pay tribute to her strength and generosity. Claire Davies was a brave 13-year-old girl from Capel who suffered from a complex cyanotic heart disease. Claire died in her sleep early on Saturday morning, 7 February, at home, surrounded by her close family. Her funeral is today, Thursday, 12 February, at the community hall in Capel. She will be farewelled by her close family: her father, Steve; her mother, Vicki; her older sisters, Cecelia and Bronwyn; and her 12-year-old brother, Mostyn.

Claire defied the odds since being diagnosed with an extremely rare heart disease when she was just six weeks old. Claire packed a lot of activities into her short life. She played piano and was head girl at her school, Capel Primary School, in 2007. In 2008, she championed a number of events. She survived her fifth open heart surgery in January, a 12-hour surgical marathon that claimed her right leg and left her in a coma for two weeks, and she was chosen to be the Channel 7 Regional Telethon child in the telethon held in October 2008. She graciously took on the role and represented sick children throughout Western Australia. I am told she also encouraged all regional areas to get behind her. She was excited to be part of the tele-
thon fundraising event, and saw her wish come true when more than $7 million was raised for telethon.

Claire was the junior bridesmaid at her sister Bronwyn’s wedding that took place on the very same weekend as the 2008 Channel 7 telethon. Claire would have turned 14 next month, on 9 March. The South West and telethon communities are in mourning at the very sad passing of Claire, and a public funeral is being catered for to honour her very short but special life. In keeping with Claire’s generosity of spirit, the family asked that instead of sending flowers, people could make donations to the cardiology unit at Princess Margaret Hospital, HeartKids WA, Make-a-Wish Foundation and Ronald McDonald House. My thoughts and condolences go out to Steve, Vicki, Cecelia, Bronwyn and Mostyn for their loss, the loss of a much loved, courageous and precious daughter and sister.

Ballarat Electorate: Sebastopol College

Ms KING (Ballarat) (9.50 am)—I want to put on record my support for and recognition of one of the schools in my electorate, Sebastopol College. There was a fairly awful incident that occurred at Sebastopol College last Friday, one which made the national news—the stabbing of one of the students. I do not wish to dwell on the incident that occurred there at all, but I do want to put on record that in the time that I have been involved in the school—some nine or so years now—I can say that the events that happened on Friday bear no resemblance to the school that I have seen develop and grow under the very fantastic principalship of Garry Taylor. It is really an absolutely terrific school.

The school has close to 1,000 students, and every time I have been into the school or interacted with students outside the school they have shown themselves to be a respectful, energetic, interested and terrific group of young people. The principal, Garry Taylor, is probably one of the best secondary school principals I have seen across the country. I am extremely biased, but Garry has really done a fantastic job in leading his team of teachers in growing and developing this school. The school has been absolutely active in pursuing government funding of late. They have had some fantastic announcements and there is another one soon to come. They have been a recipient of the computers in schools fund—195 new computers will be going into Sebastopol College—and I would say that probably once every three weeks, Allan Dennis, from the school, has rung my office to make sure that they were going to get the funding for this program. They have been absolutely determined to increase the number of computers at their school.

I am also particularly pleased that they are one of the recipients of the Local Schools Working Together program. That program has sought to encourage schools to work together with their local communities to develop shared education facilities, and $2.476 million has been allocated to Sebastopol College as the host school—alongside Redan and Sebastopol primary schools—to develop a community hub in this very, very important area of my electorate. I really want to reiterate that this is a fantastic school. The students have worked incredibly hard to make sure that people in the district know what a terrific school it is. It is host to a thousand school students. It was once a much smaller school and, every time I go to their assemblies each year, there is more and more that is on show, whether it is their drama and performance, their hospitality, their engineering trades areas, some of their academic and sporting qualifications or the Army cadets program that they have in the school. All of it shows that the students are a great credit to the school. I really do want to put on record my support for the
It was a terrible incident that occurred last Friday, but I know that it does not in any way reflect the strength and good conduct of Sebastopol College generally.

**Egypt: Poverty**

**Mr Farmer** (Macarthur) (9.53 am)—I want to speak briefly about a study tour that I took during the Christmas break. I took this study tour because I was inspired here, at a prayer breakfast, by a woman who came along and spoke about poverty in Egypt. As many people in this House know, I have travelled the length and breadth of this country on foot and I have seen some of the poverty in some of the outback areas of Australia but, I have to tell you, I have seen nothing like the things I saw in the tips there in Egypt. I would just, in this brief moment, like to say a few things about that, let alone the poverty in Peru and Nepal.

I travelled to the rubbish tips with a lady that goes by the name of Mama Maggie. We wandered into a house with 10 children and the mother living there. The place is two metres by two metres, a tin shanty. I walked in, and in this room there was a bed, some cardboard boxes against the wall which had all their worldly possessions, and an LP gas bottle which they use for cooking. Many of the kids in Cairo suffer from burns as a result of bumping the cooker during the night, because they have no water and no electricity. I stepped outside and saw a plastic bowl covered in rats, and that bowl had the water in it that they use for drinking, washing themselves and mixing into some sort of porridge that they share and eat for the week. I scrubbed the kids’ feet along with Mama Maggie. We scrubbed their feet and their hands. I cleaned and dressed some of their sores. She then read them a passage from the Bible and we provided each of the kids, after washing their faces as well, with a pair of plastic shoes and a little parcel of food the size of two hands that was going to feed this family for the next two weeks.

The reason why I speak about this and why I continue to speak about my adventures during the Christmas break is that I want to inspire other members in this place, when they have the opportunity to travel overseas, to not just meet with the dignitaries in those countries but also travel to some of the poverty stricken places and do some firsthand work with some of the NGOs, whether it be the medical organisations, the Red Cross, Rotary et cetera or some of the religious organisations. See the poverty firsthand and get involved. Do some building, do some reading in the schools or help out in the hospitals. See these things firsthand. I think people can come to this place and lobby us as much as they like, but when you have smelt the smells of these places and worked with the people in these places and seen it firsthand, it really does affect the way that you think about things. I cannot help but think that I make a much better politician for having had that experience, and I encourage all of my colleagues to do exactly the same and, when they get these opportunities to travel overseas, to do that. Don’t just take notes but also get heavily involved and have some hands-on experience.

**Volunteer Grants Program**

**Ms Vamvakinou** (Calwell) (9.57 am)—Under the Australian government’s Volunteer Grants Program, my electorate of Calwell received a total of $91,262 in funding which was allocated across 24 local community groups. The range of successful groups gives a valuable snapshot of the extent of community activity and interest in my electorate of Calwell. Overall, Calwell is not a wealthy electorate if measured in dollars or property values, but it is extremely rich in social capital—the invaluable qualities of compassion, caring for community, interest in helping others and working together for the greater good.
Amongst the grant recipients, we have groups dedicated to the preservation of the local history, culture and natural heritage of the area such as the Broadmeadows Historical Society and the Friends of Woodlands Historic Park. We also have groups providing sporting activities for a range of age groups such as the Donnybrook Cricket Club, the Gladstone Park Tennis Club, the Hume City Swimming Club, the Archery in Schools Program, the Sunbury Little Athletics Centre and the Hume University of the Third Age, which offers a terrific weight-training program for older people. We have multicultural groups promoting mutual support and harmony through diversity such as the Community in Harmony group, the Meadow Heights Turkish Women’s Association, the St Addai Community Society, the St Oprahaa Association and the Shranish Association as well as groups offering spiritual support and wellbeing, including the North Victorian Buddhist Association and the Sunbury Baptist Church.

Of course, we also have a wide range of general service organisations that offer so much to the community at large through fundraising, emergency services, practical assistance and skills development for their members. These include the Campbellfield Lions, the Clarkfield Fire Brigade, the Full Gas Peddlers, Networking Women, the North Metro Region Girl Guides, the Sunbury Girl Guides, the Craigieburn and District First Response Team, the Craigieburn Scout Group and the Craigieburn Rover Crew.

There are many more vibrant and hardworking community organisations in Calwell, and unfortunately not all of them were able to receive grants under the Volunteer Grants Program. I wish, however, to acknowledge their importance nonetheless. I wish to congratulate those groups who were successful in this round, and while the grants are relatively small amounts of money they will hopefully make a real difference, enabling groups to purchase vital basic equipment, relieve the burden of fuel costs and improve the services community groups can offer to their members and to the communities they serve. The additional value of the grants is the recognition they offer to those who invest so much of their time, energy, skills and dedication to keeping these organisations running. I also congratulate the Minister for Families, Housing, Community Services and Indigenous Affairs for initiating this terrific program which supports the not-for-profit sector at its most grassroots and arguably most important level.

The DEPUTY SPEAKER (Ms AE Burke)—Order! In accordance with standing order 193 the time for constituency statements has concluded.

CONDOLENCES

Victorian Bushfire Victims

Debate resumed from 11 February, on motion by Ms Gillard:

That the House:

(1) extends its deepest sympathies to families and loved ones of those Australians killed in the weekend’s tragic bushfires in Victoria;
(2) records its deep regret at the human injury, the loss of property and the destruction of communities caused by the weekend’s fires;
(3) praises the work of emergency services, volunteers and community members in assisting friends and neighbours in this time of need; and
(4) acknowledges the profound impact on those communities affected and the role of governments and the Australian community in assisting their recovery and rebuilding.
Mr ADAMS (Lyons) (10.00 am)—I rise to speak on the condolence motion moved by the Deputy Prime Minister. I am so sorry for all the families who have lost loved ones in these fires. I know the thoughts of all my constituents in Lyons are with the victims. They would want me to pass on their condolences and their sympathy to their fellow Australians in Victoria.

To the survivors I say: do not feel guilty. I saw television footage this morning of a counsellor talking of people coming down from the fire affected areas feeling guilty because they had survived. They should not think that way. There is always a reason for survival, and really their job now is to rebuild and renew in the memory of those who have perished. I know they will always have challenging moments. Most of them have lost houses and will have difficult memories, but we know that time heals. Soon, after the last fire in Victoria is put out, the big job of rebuilding Victoria will begin.

Bushfires are a fact of life in Australia. They have always been with us, but I certainly do not think anybody was ready for the speed and ferocity that drove those fires that caught so many people unprepared. It is unimaginable what those people went through. I do not think we will ever really know the feelings of the survivors who somehow managed, phoenix like, to rise from those ashes and the devastation of their world. It is not something that one would ever forget; the effects will certainly haunt those survivors for many years. We need to remember that and ensure that there is assistance for them into the future. This terrible event will leave the survivors, the emergency service workers and every affected person emotionally, if not physically—certainly many suffered physically, as we know—affected. The recovery process must start, and they will need our help in that.

Because of the scale of this disaster, there need to be changes to the way we look at and live in fire prone areas. I am sure that we will be forced to reassess how best to face this sort of challenge in the future. I see some of those questions starting to emerge in the media this morning. It was interesting last night listening to the member for Lingiari speak of his experience of arriving in Darwin just after the cyclone, where all the new houses were built with cyclone shelters. Whether we look at fire shelters and community shelters is something for us to consider in the future. I sat on the Canberra bushfire inquiry and, apart from the possible use of shelters, one thing that stood out was looking at the way, and where, houses should be built.

I remember seeing the fires along the east coast of Tasmania in 2006. As I drove through a day later I saw many signs, such as ‘do not defend’, warning fire crews of an impossible driveway to get a tanker in and out of and of the subsequent danger. Warnings not to defend some of those areas were given by the higher authorities. These are decisions that many people do not think about until we have these sorts of events.

The issue of preburning fuel or reduction burning—I think ‘prescriptive burning’ is another term that is used—is also an issue on which we need to have public debate. Firefighters have said that, if there have been reduction burns and you set up a mosaic type pattern across your forest areas and you keep a record of that, it is even better for fire management. When a very fast-moving fire hits where there has been a reduction of fuel two years before, that fire will slow down, and that gives firefighters an opportunity to build their lines and back-burn to meet the fire as it comes towards them. These are things that need to be a part of the science
of building into the future, and we need to consider them more than we have done, possibly, in the past.

These Victorian fires are a harsh and grim reminder of the 1967 bushfires in Tasmania, which claimed about 61 lives. Coincidentally, they started on the same day, 7 February, and I understand the situation was similar, with many fires racing and joining together. The wind, temperature and dryness were right for limiting the chances of survival. Temperatures may have reached up to 3,000 degrees, as has been shown by the melting of metal on some cars. That is an incredible temperature, one which we just cannot imagine coming from a bushfire.

In the 1967 bushfires, a former Hobart couple were burnt out and lost their home in Fern Tree, which is one of the suburbs at the foot of the mountain at the back of Hobart. Exactly 42 years later they were in Kinglake and they were lucky to survive—but, with terrible fortune, they lost their home. They decided to leave 10 or 15 minutes before their house was completely destroyed and they managed to shelter at the fire station until the worst had past. This couple are, I think, now in their 80s, and 42 years ago they went through a similar experience.

I have had a report from the timber communities in Tasmania of the terribly sad news from the Tasmanian Forest Festival Committee that Errol and Harley Morgan’s lives have been lost in the fires in Victoria. Errol and Harley were regular travellers from Victoria to Tasmania to support the festival’s chainsaw carving events down in the forest areas of southern Tasmania. There must be thousands of such stories across Australia this week, and people will mourn for their friends and relatives for a long time to come.

We had terrible fires on the east coast of Tasmania in 2006—in Scamander, in the areas of St Helens and St Mary’s and in the Fingal Valley where many houses were destroyed but, fortunately, there was no loss of life thanks to the effort of so many volunteer firefighters, including my then staff member, Ian Gabites and one of my best mates, Fred Hannam. However, in the clean-up, a young forestry worker was killed. He died when a large tree that had been burnt out at the bottom fell onto his ute. He was one of about three or four in a family from the Fingal Valley. So the aftermath can be as deadly as some of the fires. One needs to be vigilant when doing these clean-ups because there are probably many trees still standing which are not standing by very much.

Last week’s disaster must be the worst in the history of Australia and it is difficult to come to terms with it. To open the Australian newspaper this morning and see the photographs of those young people was a very sad thing for me.

I participated in the parliament’s inquiry into the Canberra bushfires. I believe there are some connections between those fires and the Victorian fires and, like the previous reports and royal commissions that have been undertaken over the years in Australia, I think there is a lot of information there that could also be useful.

I have been very proud to be a member of the parliament this week. I think the parliament has acquitted itself in a magnificent way. It is a credit to every member and a credit to the Prime Minister, the Leader of the Opposition, the Leader of the House and the Manager of Opposition Business in the House for negotiating things that allowed members to deal with their electorates and which allowed every member to express their concerns. I think we as the parliament have done ourselves very proud this week, and I am very honoured to be a part of it.
I think Phil Cheney has read the situation correctly. With these current unstable weather conditions and the build-up of fuel over many years in heavily wooded areas, there is bound to be a point when disaster will hit. The ferocity of the fires appears to be due to very high temperatures and strong winds. The other, very sad part of all this is the fact that some of these fires were deliberately lit. No wonder so many people died and so much property has been destroyed. Of course, it is always easy in hindsight to put together reasons for disaster, but we now need to ensure that it never happens again on the scale that we have just seen. But the immediate danger has not yet passed. Madam Deputy Speaker Burke, we know that in your state there are still fires burning to a great extent. I saw some reports this morning of concern that two fires might join together and create even more havoc.

I should mention the emergency services. The Tasmania Fire Service and their equipment are in Victoria. The defence forces and other communities are fighting those fires, and they need to be commended for all the work that they have done. I certainly hope that there is counselling and good support for these people who have experienced some difficult work.

It is after the fires have gone, the funds have been distributed, the houses have been rebuilt and some semblance of order returns, that the whole trauma of the experience may hit again and again. We have seen this, of course, in Defence Force personnel and we saw it in Tasmania, and I saw it in my electorate, after the Port Arthur massacre. We still see it on the east coast of Tasmania after the fires there. The horror of those memories can sometimes creep back. Then, more than at any other time, we need the funds and the assistance for those trauma victims. There was a very good project post the 2006 fires in Tasmania. A book was put together called *Regenerate*, for the regeneration of the communities and the forests, involving many people, including the University of Tasmania through the Launceston campus. There was a lot of very good work done on the social need of rebuilding communities as well as the physical rebuilding. I commend that work. A professor involved in the project went to a conference in Scotland, with which I was able to assist slightly, and was able to investigate on an international level some of the issues that communities need to face after such dramatic events.

I think there is a new role for volunteers to play. Maybe some of the survivors might be able to develop survival plans; those who have managed to survive these fires may have some very good information that they can pass on—some very critical lessons may be learnt. No two fires are ever the same, but there are many things to learn from each fire and from its survivors.

The support we have seen from many Australians and from many people all over the world has been amazing. The Tasmanian state member for Lyons, Heather Butler, who grew up around Marysville and went on her honeymoon there and loved its beauty and tranquility, was so distressed by what she saw the other day that she got together with all the other politicians in Tasmania and organised a clothes collection. Within minutes the news went out and supplies started to come in. My staff tell me that yesterday two rooms at my offices were totally packed with contributions and more was still coming in. Most of this clothing was brand new, sorted and packed according to age and gender. The people of Lyons know what fire is like. They know what community is all about and how to work in times of adversity. They give and they give, and I am told that it is the same right around the state of Tasmania.
In times like this, politics and rivalries are forgotten and people show their care and concern for those who have lost so much. I had forest contractors ringing me the day before yesterday to offer their rigs and bulldozers and so on to help start the clean-up in Victoria and make areas safe. They were willing to volunteer their work and their gear, and I think the state government was looking at whether they could ferry them across Bass Strait to assist. I am sure many other Australians are doing exactly the same.

I also want to pay tribute to ABC Radio. I believe they are the key to keeping information flowing in the fire areas. When television, mobile phones and power failures halt information flow just about altogether, most people have a hand-held battery radio. I have listened to some of the early fire reports as they were being received; information from the SES and fire authorities was coming through. About two weeks ago I was in the southern part of Tasmania and we had a horrific storm. The place where I was staying lost its power and I had no power source but a battery-operated radio and the local ABC. The main highway between Hobart and Launceston was cut because of a major fire, and about 25 power poles came down, bringing down all the wiring. My wife was driving south and I was trying to get information, which was difficult, but of course that was supplied by the ABC. I also remember the great role that Tim Cox and his crew played at St Marys during the fires in Tasmania in 2006. So I send a special thank you to the ABC for the work they have done in these fires as well.

Australia was built on adversity and Australians, whether from Indigenous or European stock, can survive most awful situations—whether it is a natural disaster, a personal one or a financial one. Once again I see us rising to help the country get back on its feet, and I am sure that all the goodwill that we are feeling in this parliament and that we are feeling coming from right around Australia will help those people in Victoria, will help us cope, and will help Victoria to rebuild and help the people to put their lives somewhat back together.

Mr ROBERT (Fadden) (10.22 am)—I thank the Deputy Prime Minister for this motion of condolence. It is very hard to know what to make of a tragedy of the scale of what we have witnessed with Victoria’s bushfires. Several hundred people taken in the blink of an eye: how do we rationalise it? How do we come to terms with it? How do we make sense of it? Sometimes there is simply no explanation—no cause, no effect, at times no-one to blame. Sometimes in this great south land of rugged mountain ranges, of droughts and flooding rains, indeed a land of fire, sometimes things go horribly wrong. With thousands homeless, hundreds perished, the images are reminiscent of a battlefield. Having been in the civil war in Bougainville and having seen the effects of a battlefield on the town of Arawa—a town of 30,000 almost wiped off the map—these are first scenes I have seen in Australia that come close to the horror of what a civil war can deliver.

Families have perished together. We have seen dreadful and haunting photographs of small children, mums, dads and grandparents; images of charred swings floating in the breeze, looking down on a charred, barren and black landscape. Amidst the horror and tragedy, there are stories of great courage, as there always are: of CFA volunteers, of neighbours people hardly knew, of safety, of survival, of families coming together to defend one house—watching their own homes perish but knowing that, staying together united, they could survive. My heart goes out to those who are surviving, to those who are fighting the fires, and to the men and women of 4 CER as they work to provide logistics and other engineering support to assist with fighting this most dreadful fire.
Let me continue to encourage all Australians to give as they have so generously done. Donations can be made at any of our major financial institutions, at the Red Cross, the Salvation Army, who are an incredible organisation, and at Bunnings. So many tens of millions of dollars have already been provided by generous Australians and businesses, which is even more noteworthy considering the difficult economic conditions the nation finds itself in. I am so encouraged to hear the member for Lyons speak of what politicians are doing in Tasmania and, whilst I am sure the inconvenience of his office filled with clothes will quickly pass, the gesture of what his office has done will last a lifetime.

Let me also encourage all Australians to be prepared. Kyle Watson, who lives in my electorate, is a co-founder of the Foundation of Public Safety Professionals. A public safety professional has put together documentation on how to put together a family safety plan. I spoke to Kyle yesterday. I certainly apologised to him for not making sure his work was more publicly known. Kyle’s mother has lost her home twice due to bushfires. As a public safety professional, he has put together a family safety plan, a four or five page document, that helps families plan for cyclones, flooding, fire, hazardous spills, earthquakes, tsunamis and storms. I will certainly endeavour to get this to every member of parliament so they can use it as they wish.

In the midst of the tragedy my personal faith in God somehow does not provide a full explanation. But it does let me know that he comes to us as a fellow sufferer through his son Jesus. It is what the apostle Paul refers to as entering into the fellowship of suffering. One day in heaven we may understand all things but right now, in these dark days, it is a great consolation to know that in the midst of it, whilst we cannot understand all things and what has happened is beyond understanding and the death of families and small children in an horrific fire is something so difficult to comprehend, I know that our God is with us and shares our pain.

Let me conclude by looking at Ecclesiastes chapter 3, which I will paraphrase. There is a time for everything and a season for every activity under the sun. There is a time to be born; there is a time to plant; there is a time to weep; there will be a time to laugh; there is a time to mourn; there will be a time to dance; there has been a time to scatter stones; there will be a time to gather them; there is a time to embrace; there is a time to search; there is a time to keep; there is a time to love; there is a time for peace. Right now there is a time to heal and there will be—and I know this parliament commits itself to—a time to build.

Mr ZAPPIA (Makin) (10.28 am)—I too associate myself with this condolence motion. Let me say from the outset, I have listened to so many of the speakers in respect to this motion and there is not much that can be said that has not already been said, but I certainly associate myself with the remarks of each and every one of the members of the House who have spoken on the matter.

In years to come stories will be told, books will be written and perhaps even films will be made about the horrors and the heroism of the bushfires that are still burning in Victoria. Saturday 7 February 2009 will become entrenched in the Australian story. By all accounts and from listening to members of this place who spoke with personal knowledge, the bushfires which raged mercilessly through Victoria, taking with them so many lives, were simply unimaginable—but they were real. No one could have been prepared for such a tragedy because never before have the weather conditions associated with those fires been the same.
Coming from a state that is prone to devastating bushfires, South Australia, I can empathise with the people of Victoria. However, given the magnitude of the Victorian fires, I can only begin to imagine what it must have been like. On Saturday as I watched the television footage of what was unfolding, my heart sank. Saturday was also an extremely hot day in Adelaide. I would step outside just to see and feel the hot northerly wind blowing through Adelaide to try and get an understanding of what it must have been like in Victoria at that time with the bushfires raging.

My thoughts immediately went back to the Bali bombings and New York on September 11, 2001—an inferno, no escape and so many innocent lives lost. I try to imagine what it must have been like for the victims, for the survivors and for the families and friends of both. The thoughts are unthinkable. These are or were fellow Australians and more than 180 of them are now deceased. These are 180 fellow Australians who had families, who had dreams, who had lives to live and who were contributing to the social prosperity of their local communities and to that of our nation—who lost their lives in such a horrific way. Bushfires are not new to Australia. Our country has a long history of them, but never before have they been of the kind that occurred on this occasion. Sadly, the complete picture is yet to be revealed and the death toll is expected to rise.

Other members have expressed their gratitude to the rescue workers, one and all, and to all the organisations and to each and every individual who in their own ways participated in the rescue operations and to the subsequent support services. I add my gratitude to all of those people. I also now especially acknowledge the forensic police officers, the defence personnel and the firefighters who have the traumatic job of recovering bodies, identifying them, reconstructing the death scene and notifying family members. It must be a gut-wrenching task.

We can rebuild the homes, the farms and the buildings that were lost on Saturday, but we cannot rebuild the lives that were lost. Nor can we ever fully restore the lives of the family members and friends of those who died. At times like this, that phrase ‘if only’ will be asked over and over again by those who survived the ordeal and by the families and friends of those who did not. But nothing will change what has come to pass. Our thoughts must now turn to those who need our help and to whom help can be provided. I have every faith that all Australians will respond to that call, as so many have already done.

As a South Australian I support and was heartened by the immediate South Australian government response of a $1 million donation to the Victorian Bushfire Appeal Fund and to the deployment to Victoria last Sunday of 70 South Australian Country Fire Service volunteers and staff. On Sunday evening at Adelaide airport I briefly spoke with South Australian Country Fire Service chief Euan Fergusson; the logistics officer, Arthur Tindall, who I have known for many years; and the South Australian Minister for Emergency Services, Michael Wright, who were there overseeing the departure of the South Australians. It was good to see them there. It restores your faith in human behaviour. We always spar with Victoria on a whole range of other matters, but you know when the chips are down that is when your true character emerges and that is when you really see what people are made of. I can assure all Victorians that at times like this the people of South Australia are with them 100 per cent.

As with any human tragedy—and I was pleased to hear the member for Fadden quote a biblical passage in respect of this very point—there is a time for grieving and there is a time for rebuilding. Right now communities in Victoria are grieving and the people of Australia
grieve with them, as we also grieve for the people of North Queensland who have been through their own nightmare in the form of floods. I know I speak on behalf of all of my South Australian colleagues in this place and I believe I speak on behalf of all South Australians in expressing to the people who survived this ordeal, to the relatives and friends of those who did not and to the communities who lost their mates our profound sorrow for what you have been through in your suffering and in what you will live through in the days, months and years ahead. Our thoughts and prayers are with you all.

Dr NELSON (Bradfield) (10.34 am)—The Greek dramatist Aeschylus wrote:

… pain that cannot forget
Falls drop by drop upon the heart,
But in our sleep, against our will,
Comes wisdom through the awful grace of God.

It was the late Robert Kennedy who evoked the memory of Aeschylus after the tragedy of the assassination of Martin Luther King. But here we are in 2009, in our own country, with all Australians wanting to put their arms, collectively and individually, around Victorians who have lost their loved ones, their identity, their meaning and their homes in what is the worst natural disaster that has beset this nation since the arrival of our European ancestors. It is a deep, permeating pain that will go through not only the lives of those who have been directly affected but also through the volunteers, the CFA, the emergency workers, all of those police officers, the forensics, the army people and every single person who, directly and indirectly, is involved in trying to come to terms with this in a very practical and, indeed, emotional way.

We who are quite distant from it have had many images presented to us over the last few days via photographs, film and descriptions: a man and a woman described lying next to one another with their dog, found deceased; a man standing on a roof in a pair of shorts, hosing the roof to protect children in the dwelling; the image—which we understand was taken in burn-offs in the previous week—of the CFA firefighter holding the paw of a koala bear and giving it a drink. Whilst that image is not directly, I understand, part of this tragedy itself, it is nonetheless saying something about the sort of people that we want to be. There was also the image of the panel van, its driver having driven, obviously in desperation, from the home to the dam’s edge. We understand that the driver and any other occupants are yet to be found. There are so many images that those of us who have never experienced anything like this cannot even begin to understand.

I have had the privilege to be in this parliament for almost 13 years, and I must say that I regard the speech given by the member for McMillan as the finest that I have heard. It was not necessarily the most erudite or anything like that, but it was the most moving, graphic, and sincere depiction of what has been endured, and is being endured, by these people. I also have an extraordinarily high regard for the contributions made by all other members of the parliament, and I think that it says a lot about the men and women who represent the length and breadth of this country, irrespective of their political party, that our parliament has tried to rise—and has risen—to the occasion during these heinous events. I would also like to pay tribute to Fran Bailey, the member for McEwen—as others on both sides have done—for what she has been doing, and is doing, for her own community through all of this.
One of those people who appear to have been lost in the fire at Marysville is Dr Ken Rowe. I knew him very well and held him in extremely high regard. His wife has arranged for a memorial service to be conducted for him in Melbourne on Tuesday morning. I understand that his motor vehicle was found adjacent to their home in Marysville, and he is presumed by his wife and those who love him to have died in the fire.

Ken Rowe was the head of standards and development at the Australian Council for Educational Research, a man of emotional and intellectual depth that I have rarely encountered. When I was Minister for Education, Science and Training, I described him as ‘Mr Common Sense’. Amongst other things, he chaired the national inquiry into literacy. He will be greatly missed by people in the educational community. The reforms in schooling and teacher training in particular which were initiated by the previous government and, to its great credit, have been taken up by the new government are in no small way informed by the work of Dr Ken Rowe.

The other observation that others have made, which I would reinforce, is that it seems that those who have so little to give are the ones who have given the most. In terms of shaping us as a people, whether as individuals or as a nation, as tragic as all of this is, it is not so much what happens to us as individuals or to our country that determines our value and our worth; it is how we deal with it. What we have seen over the last week is the very best in human beings, the very best in the ideals that we have as Australians of the sort of people that we want to be.

I would also make the observation, which I think was made by the member for McMillan and also some others, that we are going through an enormous period of change in our world. It is a world frequently characterised by fundamentalist intolerance, by what appears to be unprecedented global economic uncertainty and by technological change. The very graphic reminder that we have had in all of this is that, irrespective of our sophistication and technological advances, there is little at times that we can do against the fury of nature, but in all of this what we need most is one another, the resource of our personal relationships and the belief in one another and that we can support one another and face our adversities.

In my own electorate of Bradfield, we, like many other Australians, live in and very close to bushland. In Hornsby, the Lane Cove National Park and the Ku-ring-gai Chase National Park are bushland, and fires are a part of the community in which we live. But, unlike these communities that were affected, we are not living at the end of isolated roads. We live close to sophistication. We have had fires, particularly in 1994, which have certainly threatened homes and lives, but nothing like this. Whilst the debate continues about whether you stay or whether you go—and the royal commission and other inquiries will establish whether or not that has been the right advice—I suspect from a distance from this that it is the right advice for ordinary fires, but by all accounts this was no ordinary fire. And I am mindful of the fact that the fires continue.

On behalf of the people in my community, from Willoughby, Chatswood, Pymble, Gordon, Roseville, St Ives, Hornsby, Asquith, Waitara, Wahroonga, Warrawee and all of the communities that I am privileged to represent: there is an enormous repository of grief and goodwill for the people of Victoria. There is, I know, an enormous generosity in my community. On behalf of the people whom I represent, I send condolences—and, indeed, we will send money and other resources, as we have already begun to do—to the people of Victoria.
We are who we are, and we are defined and shaped in no small way by our adversities. Whether as individuals, as I said, or indeed as a nation, it is how we will deal with this. I would also like to thank all of my colleagues across both sides of the House for the way in which the parliament has been conducted this week.

Mr BRADBURY (Lindsay) (10.44 am)—We can sometimes become distracted by the things that seem important, the things that we convince ourselves are important: a larger house, a bigger plasma TV, a faster car, the latest boat, another investment property, a more prestigious school for the kids. These are all tangible, material and quantifiable but never sufficient. Equally, nations and governments can be distracted by these same things, but then there are moments in one’s life, as there are moments in a nation’s history, where the haze of such distraction gives way to a moment of realisation. It is that moment when you look at your wife, your children, your parents or your brothers and sisters and you know that you would do everything in your power to protect them. That moment of realisation came for most people across this nation as we looked on at the devastation wrought by the bushfires that have claimed the lives and property of so many Victorians.

Kinglake, St Andrews, Humevale, Strathewen, Flowerdale, Marysville, Steels Creek, Calignee—last week these were names to be found on maps of places that many of us have never visited. Today these are the names of communities that the nation has embraced in mourning. Images of the scarred, almost wintry landscapes, of the anguish on people’s faces, will be forever etched in our memories. As the survivors walk through the burnt out shells of their family homes, or drive along roads lined with charcoal-black tree stumps and smouldering wrecks of cars, they must now contemplate the task of rebuilding their lives. For each of these people, there is a sense of loss so deep and profound that I cannot begin to imagine how they are feeling.

More chilling is the montage of faces of the victims of this calamity: a beautiful young girl with a vivacious smile—someone’s daughter; a middle-aged man with the creases on his face that come from a life of hard work—someone’s husband and father; an elderly woman with a gentle smile—someone’s mother and grandmother. These faces remind us of the arbitrary nature of the death and destruction meted out by these fires. We look at these faces and we reflect upon how lucky we are and how much we have to be thankful for. It is trite but true to say that we do not appreciate what we have until it is lost, or at least under threat.

At the moment the number of deaths from the Victorian bushfires stands at 181, with an unfortunate expectation that this number will be revised upwards. There are at least 20 people who have been admitted to hospital with serious burns and 570 people who have sustained injuries. Of course, we should not forget that some of these fires continue to rage. I live in a region susceptible to the ravages of bushfire, on the western outskirts of Sydney at the foot of the Blue Mountains World Heritage area. My community knows only too well how vulnerable we all are to such a disaster. On behalf of my local community, I say to the people and families who have been affected by these fires, losing their property or their loved ones, that you are in our thoughts and our prayers.

For the majority of the nation there is a sense of helplessness as we can only watch the devastation unfold from a distance. For us here in parliament, we have an obligation to articulate and convey the heartfelt sympathy and solidarity that our respective communities have for the people of Victoria and to help to rally the support of our communities in helping to
rebuild those villages and towns shattered by the bushfires. Not all of us can be there fighting
the fires or providing the community services and trauma counselling at the front line, but I
know there are many individuals from my community donating money, blood, toys and
clothes to try and give our fellow countrymen and countrywomen in Victoria a helping hand. I
urge all Australians to make a contribution to our national effort to confront this crisis and
rebuild the lives and communities of those affected by these fires.

I think it speaks to the character of the Australian people that in times of need we are able
to put aside our differences and the distractions of our day-to-day concerns and roll up our
sleeves and pitch in. Even in the midst of a global economic downturn where people face the
prospect of a global recession and ever-growing economic and job insecurity, there are mil-
ions of Australians digging deep into their pockets to give what they can. I understand that
the Victorian Red Cross fund, established to help victims of the fires, has already received
more than $50 million in contributions and that the overall national fundraising effort has al-
ready eclipsed the amount raised in response to the 2004 tsunami. These figures are set to in-
crease after tonight’s telethon and Friday night’s charity AFL match.

While the spirit of Australian mateship is on display in the actions of Australians all around
this country dipping into their pockets, we are still only beginning to hear of the many acts of
heroism that have been carried out by Australians at the scenes of this tragedy. There are of
course many hundreds of brave men and women battling the fires head-on. Our volunteer fire-
fighters are the real heroes of this tragedy. They were the first to don their overalls and pick
up a hose, some losing their own homes while they saved the homes of others. They are an
army battered and blackened and exhausted but which fights on. These heroes are everyday
members of their communities who feel they have a duty to protect the homes and the lives of
their friends and families, and they have been out in the heat and the wind, subjecting them-
selves and their families to the threat of the very loss that they are fighting so hard to prevent.

I would like to place on the record my deep admiration for those men and women of the
CFA and all the other emergency personnel, and I wish them well in their ongoing fight
against these fires. I would also like to acknowledge the efforts of members of the New South
Wales State Emergency Service and the New South Wales Rural Fire Service, who have also
been sending crews down to Victoria to help their Victorian colleagues. This is a busy time for
the RFS, which is also fighting fire fronts in the north and south of New South Wales, and I
would particularly like to recognise the efforts of those RFS brigades from my local district
who travelled to the Peats Ridge fire on the Central Coast on Saturday morning and did not
leave until Sunday night. Like members of the CFA, these are everyday, local people who, as
volunteers, answer the call to fight a fire at any time of the day or night and then front up for
work the next morning. They kiss their families goodbye knowing full well that they may not
come back. These volunteers are truly inspirational people. They have my gratitude and I
know that they have the gratitude of my local community for the important and selfless work
that they undertake.

We hope that the herculean efforts of our firefighters will soon prevail over the remaining
fires. When the haze of these fires clears and the full extent of the destruction of this disaster
becomes clear, we must not allow ourselves to lose sight of the things that matter most: our
families, our friends and our communities. These fires have exacted a huge damage toll, but
even their awesome power cannot extinguish or suppress the indefatigable hope that lies at the

MAIN COMMITTEE
very core of our national spirit. Let us remember the contributions of those lost and those who have given so much to mitigate these losses. Let us honour their lives and their contributions by mustering the very best values and instincts of our people to rebuild our communities and unite the nation in the knowledge that we will not be defeated. We are a resilient people and we will weather the storms, the floods and the fires that come our way, as we will always chip in to help one of our own in need.

Ms COLLINS (Franklin) (10.54 am)—This is one motion I cannot really say I am glad to speak on because it is about an appalling event that all of us wish had not happened, but it has and it still is happening. So I am adding my voice on behalf of my constituents to all those members who have already spoken so eloquently, many of them struggling with their emotions. I congratulate my colleagues on both sides of the House for the way in which the parliament has been conducted this past week. I take particular note of the member for McMillan, whose words truly moved everybody in the chamber on that day. What a privilege it was to be there listening to his speech.

As we continue to put on record our own condolences, we know the toll keeps rising. At present we have 181 deaths and hundreds injured. We know that these fires have destroyed more than 900 homes so far. We know many small towns and hamlets have been completely destroyed. What a terrible tragedy. It is truly just horrendous. Most of us will never know what it must feel like—we will never know the terror. How horrific the events of that fateful day, how people must have felt and how terrible the shock, the pain and the confusion of the days that follow.

Our thoughts are with the people who have lost their loved ones and the people who are yet to find out about their nearest and dearest and are still waiting—the anguish must be unbearable. Our thoughts are also with those who have lost their homes and those who are wondering why they were lucky and spared. All the different emotions, all these different experiences, but people need to know in Victoria that Australians around the country are clearly showing that they are not alone. We care. We will do whatever it takes to assist and we will provide the support and practical assistance that they need as they rebuild their lives, their homes and their communities.

Australia, while large in land, is just a small community and as so many people have been directly affected by this event, there are so many more across this nation who have some connection to this terrible tragedy—a family member, a friend, a friend of a friend—it makes it very personal for so many Victorians and Australians. As this tragedy unfolds, as the dreadful loss of lives continues to rise, we brace ourselves each day as we turn to the news and we see that more and more names have been added to those who have died. It gets worse, it gets more personal and we all begin to wonder why and how. We may never learn all the answers to the questions but we will try to find them. I commend the Victorian government for holding a royal commission into these fires. We owe it to those who have been touched and those who have died. May their losses never be in vain; may these events never be repeated.

Over the past few days my electorate office in Hobart like, I am sure, many others around the country has been inundated with people dropping off donations for the victims. They are asking what to donate; where they can make their donation of cash. In my electorate we are also hearing from those who need to talk to somebody about this horrendous event because for many it is bringing back memories of bushfire events passed. In Tasmania, ironi-
cally, on exactly that same day, 7 February, but in 1967, 42 years ago, many in my electorate were affected by their own terrible tragedy. The day is known in Tasmania as Black Tuesday and at that time it was the biggest loss of life from any disaster in any one day in this country.

They were the most deadly bushfires that Tasmania had ever faced. They left 62 people dead, 900 injured and 7,000 homeless. There were 125 separate fire fronts that burnt through southern Tasmania. They burnt some 264,000 hectares of land in southern Tasmania, all in just five hours. The worst of these fires was the Hobart fire, which encroached upon the city and affected the people in my electorate. Fifty-two people, most from my electorate, died on that day. The property loss was extensive, with 1,293 homes and over 1,700 other buildings destroyed. The fires destroyed 80 bridges, 4,800 sections of powerlines, 1,500 motor vehicles and over 100 other structures. The destruction was absolute. It was estimated that 62,000 livestock were destroyed, and the damage that day in Tasmania amounted to $45 million. That was in 1967 Australian dollar figures. My own family was touched by these bushfires that day. The town of Snug, south of Hobart, was badly damaged, and my father’s house was completely burnt down. Unfortunately, my father died just a few years later, when I was very young, and those treasured photos are even harder to come by because of that day. But fortunately it was only one day and there was welcome rain that extinguished the flames. Of course, this natural disaster in Victoria is so much worse as it is on a much greater scale, with the worst possible factor—that is, the number of lives that have been lost. We know from our experience in Tasmania that the effects of such devastation last not just days and weeks but years and decades as people deal with the impact, the memories of those they have lost and the memories and the ongoing injuries, both physical and mental, of those who survive. We know that many people around Australia, particularly young children, will be traumatised by the vision and the photos of this terrible event—there are so many lives, so many people, so much to grieve for. It is truly important that we continue to provide support for those affected in these days and the weeks, the months and the years ahead. These scars will last a lifetime.

But as this nation deals with this awful of event we have also seen great generosity and that great Australian spirit shine through. Many parallels can be drawn from Australia’s natural disasters, for one consistent theme is the generosity of Australians. The amount of money being donated is just phenomenal, and we have heard today that it is over $50 million. Each and every person is thinking, ‘What can I do? How can I help?’ The response from people across this nation is palpable. From small communities to some of Australia’s largest cities and corporations, both young and old want to help. I have heard of young children emptying their piggy banks and taking them and donating them to those who need it most. I have heard of others donating large sums of money that they really cannot afford but are thinking, ‘I’m much better off than those who have nothing.’ This amazing generosity warms my heart.

As I have mentioned, at a local level there have been heart-warming gestures from people who want to assist where they can. At five o’clock yesterday afternoon my electorate office was inundated with clothing, toiletries, toys for children and many kind words. You literally cannot move. You can see from the photos that the boxes are up this high. I thank each and every one of my constituents who thought about someone else’s situation and who selflessly gave to ease a stranger’s burden. One constituent, a retired builder from Lauderdale, wanted to offer his services to help rebuild the homes that have been lost in the fire. Another example
of generosity is that of a resident who has offered up his home for accommodation for those who have lost their own homes.

I would also like to single out a special volunteer organisation that has helped many Australians over the past four decades with both financial and moral support through times of natural disaster. The Snug District Disaster Appeal Committee was formed after the ‘67 bushfires in Tasmania, and 42 years on they are still helping Australians who have been confronted by extraordinary circumstances. In 1967, the residents of Snug felt the wave of support and generosity from those across the country, and this support helped them through their dark times. So in 1968, the small community wanted to repay this generosity after experiencing their own adversity. They vowed to help any future victims of natural disasters in Australia—and that is just what they are doing today in Snug.

Phyl Norton is President of the Snug District Disaster Appeal Committee, and she speaks with some experience when it comes to surviving devastating bushfire. Her message to those in Victoria is simple. She said, ‘You grow by coping and you learn the value of the people.’ It seems that this natural disaster has touched many of us in a way that is unprecedented. Those who have lost so much over the past few days should be reassured that they have the support of a nation well and truly behind them.

Two days ago, a Tasmanian multiagency task force made the trip across Bass Strait to help fight the fires that still burned out of control. I was on the plane early Monday morning with many of these people. They all wanted to help. I was told there was no shortage of people willing to volunteer to go to Victoria. Whether they be career firefighters or volunteer firefighters, they all want to help. A total of 93 experienced forest fire fighters, in particular, from Tasmania have joined many others from across the nation. They have now been dispatched north-east of Melbourne to work on two major fires. Tasmania’s fire management agencies have also transported light tankers and support vehicles. They were delivered across Bass Strait on the *Spirit of Tasmania*.

I want to place on record my appreciation of the efforts of all the fire men and women and all the defence and emergency services personnel who have done great deeds over the past few days and who are still working to protect lives and property as we speak. For we know the danger is not over. We thank them. And I thank the many volunteers and community organisations who are on the ground delivering assistance to those who need it. Many of them have been touched themselves, and yet they are out there helping others.

Finally, on behalf of the communities and the good people of Franklin, I extend my heartfelt condolences to all those affected. My empathy goes to those who are grieving and my best wishes go to those still fighting the fires. May they stay safe. My hopes, prayers and thoughts are with Victorians as they deal with the enormity of this disaster.

Mr **SIDEBOTTOM** (Braddon) (11.07 am)—I acknowledge the most moving speech of my colleague from Tasmania, the member for Franklin. You have touched our hearts. I know that this catastrophe has brought back memories to you, and I think that by sharing those with us and the nation we better appreciate what this means. It is not just about the now; it is certainly about the future as well. I congratulate you and thank you for sharing that with us.

It is a strange coincidence that I was once a member of the Franklin community. On 7 February 1967, on Black Tuesday in Tasmania, I was in high school and I was a member of my...
local Scout group. I was let out of school and I went to help fight the fires on Risdon Hill, near Warrane. I was young, and I did not fully appreciate the extent of what was happening—until later, of course. The fear and the terror that is associated with a raging bushfire came to me personally as, unfortunately, I wandered away from a group that I was helping to fight the fire, and I was left behind. As I made my way out, I remember the fear and the horror, and fortunately they came back and got me. I remember going to the top of Tranmere Hill, and I looked over the beautiful valley of Rokeby, which is deep in the electorate of Franklin. I saw a car driving along Rokeby Road, and I saw the fire pass it—it was that fast. As I say, I was young and I did not understand the extent and the technicalities involved in that fire, but the desolation was enormous, the loss of life was enormous, and the scars and the memories still live on. You have reminded us of that. So, in the light of my boyhood experience, I can only just begin to understand, to try and appreciate what has happened in Victoria.

I want to speak on behalf of the people of my electorate on the north-west coast of Tassie, the west coast and King Island. Like all members in this House, as the member for Franklin reminded us, we have been inundated with phone calls and materials to try and do something in our own small way, to try to support in not just a physical sense but also an emotional sense the people of Victoria who have been so seriously affected by this. What on earth can you do but say, ‘We’re with you’?

We have been overwhelmed, like most members in this House, and in fact we cannot get into our office now. There are not enough containers on the wharf at the moment to get the gear out of Tassie. So we are trying to find big containers—not boxes, but shipping containers. We are very grateful to all those people involved in the logistical movement of goods across the strait for their support. We had about 600 bags of donated goods in our office and we are begging people now to please consider donating toiletries, money and blood. So it is ironic, and in a sense pretty apt, that we share the one blood, and they are going to need it into the future.

I want to place on the record our sincere condolences from the communities that I am proud to represent, and from my family and my staff as well. Again, we can only just begin to appreciate what it means to these families. I remember hearing the words from John Forrest, the member for Mallee, whom I share a committee with. With his engineering expertise he was demonstrating to us, amongst the sadness, his description of what happens in a normal bushfire and then his assessment of what was happening in this one. It was absolutely frightening but he did make an extraordinary statement, which was reiterated by the member for MacMillan in his very moving speech, saying that the Australian dream for so many can only happen and can only take place in an environment that has to have fire and that is the continent we live in and we have to share this continent. We as a civilisation and as a people have to come to terms with that. I can make no judgment at this time—nor can any of us, and nor should we—about how and why this happened as it did, but we have to do something if we are going to live amongst it and we have to learn to cope with it.

This seems to have been a most extraordinary situation that has led to this destruction and decimation. So we feel for all those people in Victoria who have been affected by this—indeed, it is very much the whole state. Australia is a small place, as one of our colleagues pointed out, we all know someone who has been involved. The member for Franklin pointed out that firefighting crews from Tasmania, particularly from her area and mine, are well
skilled in trying to fight fires, as they are throughout most of Australia, and have all de-
scended with their expertise and goodwill into Victoria. We wish them well.

We thank all those employers, who are members of the community, for their goodwill and
generosity towards those people who have volunteered their services. We expect those who
can help in any way possible—whether they be institutions, agencies or whatever—to do the
right thing by these people affected because, after all, the economy and our agencies exist for
people, and we need to remember that.

In the email that was forwarded to all members in this House by a Mr Steve Lewis, an en-
gine driver from New South Wales, he said that he did not know how to express what he felt
as an Australian and as an individual about the tragedy in Victoria, and he made the comment
that he was proud of this parliament and how we have conducted ourselves. I have to say—
and we tend to forget this—that this parliament is full of people who represent communities.
Listening to our colleagues in this House talk about their communities, I felt so proud of them
because they know their communities. That is why they are there. They did what they do best:
they really represented them. I honour them and I thank them. But I did think, when I read the
email from Mr Lewis, that he eloquently explained what he meant and felt, and he could have
done it in this place, because he too belongs to a community, and when our community needs
us we all rise to that occasion.

If this has done anything apart from sharing the terrible loss, it has brought us together. We
do have a spirit in this country which is very giving and which is very willing, and I am very
proud to be part of that. So, on behalf of the people of Braddon, in the north-west of Tassie:
my heartfelt condolences to all those who have been affected and touched by these terrible,
terrible fires. We give a commitment along with this parliament that we will not forget about it
in two weeks or three weeks time. We have got to do our bit. We know what it is like in Tas-
sie. We are there for the long haul not just the short haul. To all those affected by this: I wish
you well into the future.

Ms McKEW (Bennelong—Parliamentary Secretary for Early Childhood Education and
Childcare) (11.16 am)—It is not my intention to take up much of the Committee’s time, but I
do want to join my parliamentary colleagues in recording my sorrow and my solidarity with
those many thousands of families in Victoria whose lives have been so bitterly transformed by
the most destructive natural disaster in our history.

Like many others, we watch each news bulletin, each newspaper edition, and the tragedy
depens. This morning on the front page of the Daily Telegraph there was that stark number:
300. Each day we consider the stories, the detail. I think the sorrow is in the detail: the excru-
ciating way that so many faced their last minutes, how mothers attempted to protect their
children, to save animals, to do anything to survive, and the selflessness of those who moved
heaven and earth to save the lives and property of others. For so many—too many—it has
been an experience that brings us back to primal basics. How many would have offered up a
final prayer: ‘Just let me live. Let my family survive.’

I sense that there is a shocked stillness across the country this week. You can certainly feel
it here in the nation’s parliament, and elsewhere, as we all try to absorb what has happened.
That is an almost impossible task. As we look at those photos of families, of young children,
of grandparents in happier times, we think of lives cut short by a brutal act of nature. Three
schools have burnt to the ground, teachers have been lost, and there is the news today that one of the country’s most respected educational researchers, Dr Ken Rowe, is missing.

Children are resilient, but many will never forget the playmate they have lost. For some who have survived but lost a partner, friends or neighbours, along with property and much-loved animals, there will be a life, but it will be a deeply altered life. This is hard to say, but I think for some it will be contemptible to hear the oft repeated phrase, ‘It’s time for the healing to begin.’ This is a banal sentiment, and it misunderstands the nature of unbearable loss. No parent or grandparent ever truly recovers from the death of a young child. As the poet Wordsworth said, albeit in a different context, there are ‘thoughts that do often lie too deep for tears’.

I know, as well, that we all feel so much for the professionals, the police, the victim identification teams and the others who now have the hard task of minutely combing through the destruction to look for bodies. What shocking sights they must confront. They are trained for this, of course, but how many of them must be asking: how could this happen? How could so many die such gruesome deaths? This numbs us. The scale of it seems too much.

But alongside this, as so many of my colleagues in this House have remarked this week, we are a practical people. We are responsive and we have a lot of grit. I have felt immensely proud to be a member of this parliament this week as we have all said in unison that we will do whatever it takes to rebuild those communities in Victoria.

I would also like to record the generosity of many thousands of people in my own community of Bennelong, in the north-west of Sydney, who are giving money, sending clothes and donating blood. I would like to thank the many businesses who have made large donations and to record in particular the comments from the manager of the North Epping branch of the Bendigo Community Bank, Sharyn Hubert. The bank plays a marvellous role in my community, promoting social capital and community partnerships, so it was not surprising to hear Sharyn say this week that the bank had been flat out. She told my office that one lady came into the bank the other day in tears. She was an artist and had spent a lot of time in some of the affected areas of Victoria, and she said: ‘I can’t afford much, but this is all I have to give.’ Another local resident came in yesterday and donated $5,000—just one individual.

I would also like to put on record my thanks to the Child Care Centres Association of Victoria for their offer of help in wanting to restore a level of normalcy to the lives of children as quickly as possible. The CAA have been working to identify vacancies in suburbs and county areas to help with families who may have relocated. Equally, at an institutional level, I am very pleased to see the fast and flexible response of the National Childcare Accreditation Council. They are moving on a range of initiatives—phoning validators and moderators to see if they are safe and checking various services.

Finally, as someone who has spent most of my professional life working for the national broadcaster, it has been so heartening to hear so many of my colleagues commend the unique role of the ABC, and ABC Radio in particular. Just think about this: here we are in the 21st century, talking about digital platforms and the vast reach of the internet, but at a time of crisis all you need to stay connected to the outside world is a battery charged $10 transistor tuned to your local ABC. It is old technology, but what a lifeline it is. What a treasure. I am sure Managing Director Mark Scott has taken note. I support the motion.
Ms KATE ELLIS (Adelaide—Minister for Youth and Minister for Sport) (11.23 am)—I rise to also support this motion and extend my own deep condolences to all of those that have been affected by these terrible fires. I rise to acknowledge all of those we have lost, all of those who are now suffering and all of those who have so tragically lost their lives. To be perfectly honest, despite all of the television footage, the newspaper articles and the photographs, I still cannot truly imagine it. I cannot imagine the panic. I cannot imagine the confusion. Do we go? Do we stay? I cannot imagine the fear of waiting and being completely helpless. In some cases I still get goose bumps thinking that so many of my fellow Australians have gone through this in recent days.

I rise today to say to them: I am sorry. I am so sorry that good Australian families—mums, dads and kids—had to go through these terrible times. I say this on behalf of the people of Adelaide, who I am privileged enough to represent in this place and who, like all of us, have been touched. Like so many, they have dug deep and donated. They have gone out of their way to offer whatever it is that they can do to help, to be of some assistance during this time, and I thank the good people of Adelaide for those efforts as well.

Many speakers before me have expressed the horror far more eloquently than I will even attempt to do of what has happened in recent days and I commend all of those speakers to the House. Like those who have spoken before me, I think it is something that can really unite this parliament and it has been a good thing to see everybody standing together. As members of this parliament we are saying to all of those suffering that we will support them however we can and that we will be there with them to undertake the very tough task of rebuilding these communities.

We have also heard many stories of Australian heroes over the last few days, whether it be the amazing volunteers in the CFA who put themselves in harm’s way and often sacrificed much in their own lives in order to go out there and do what they could to protect others, whether it be the role that the police have played or whether it be all of those who, even now, have the darkest of tasks of going in to those communities in the victim recovery units. There are all of those in the Red Cross who are working so very hard and who sprang into action without having to be asked twice. There are the heroic community members, who we have read stories about, who have stepped up to help each other, to help their neighbours and to do what they can. There are the strong family members who are now having to be there to support others through this incredibly tough emotional time and there are the kind strangers, those people who have stepped up to help people whom they have never met but who are members of their communities and who they want to help.

This has reiterated for me that in times of hardship Australians stand up. That is something tremendous about our character. There are thousands of stories that have already emerged about different groups of Australians standing up and doing what they can. It is not my intention to outline all of these to the House but I did want to talk about one particular area. It is often said that sport holds a special place in our national identity and we talk about being a sports mad country. Some people focus on it and, I know, deride sport saying it is all just a game, just a bit of fun, that people look at perhaps on weekends. What I want to outline and show some examples of is that sportspeople have been standing up and sending a very clear message that they want to be an important part of this community and to do what they can in times of hardship and tragedy. We have seen several examples of that in recent days.
In my home town of Adelaide, just a couple of days ago, we saw Cricket Australia raise a staggering $6 million in one cricket match to go towards supporting the Red Cross Bushfire Appeal. There was the moving image of the Australian and New Zealand players heads bowed in a minute of absolute silence. It is not often you get silence on the hill at Adelaide Oval, but the whole community stood in solidarity and it moved us all. Then there was the $6 million raised from the players donating their match fees, from the money from everyone who attended the game and paid for the car park which was donated towards this appeal, and from the people who went around with buckets at the time. Over $6 million raised is truly staggering and a fine contribution.

We have seen the Football Federation of Australia donate $100,000 to the appeal and it will provide replacement football equipment to the schools and to the junior football clubs when needed. Last night we saw the Socceroos take on Japan in their World Cup qualifying match wearing their black armbands but also showing their international solidarity with buckets going through the Japanese crowd raising money for the bushfire appeal to help to rebuild. In addition, the Football Federation has put in place arrangements to raise money and show respect at the A League semifinals this weekend. The AFL has also stepped up. They have moved the first blockbuster of the season between Essendon and the Western Bulldogs on Friday night to the Telstra Dome. It is expected that ticket sales will also raise over $1 million with other measures to follow.

There are many other examples. In rugby league, the NRL and the ARL are providing an initial $100,000 upfront as well as providing $70,000 in partnerships with Lifeline and the Melbourne Royal Children’s Hospital burns unit. The Australian Olympic Committee has pledged $100,000, with countless sports and teams across the country willing to step up.

I should also say that, with the cricket team, it was not just that they managed to raise $6 million in a night; Ricky Ponting and the boys also were adamant that they wanted to travel up to the bushfire affected area and go out there to show their support and do what they could to support the local communities. I think that in times of tragedy, in times when there is no one thing that can be done to make things right or to set things back on the right path, sometimes having our national heroes, those people that we look up to in different fields, come up and put themselves out of their way to show that they are there to support local communities is incredibly important.

From golf, Craig Parry and Nick O’Hearn will each donate $200,000, which will come from the annual charity event in the US. I know that women’s golf is also expressing support, with money for every birdie and money from a number of different events going forward. They are lucky I am not playing, because that would not be particularly helpful!

The V8 Supercars have donated $100,000, and there are many, many other examples. Netball Australia has committed to fundraising. The Australian Rugby Union will be coordinating efforts at future Super 14 games. Basketball Australia has donated $10,000 and will be paying respects at upcoming games. Hockey Australia took up a collection at the Kookaburras match. Bowls Australia will be using their marquee bowling event to support the appeal. Equestrian Australia are collecting donations and coordinating practical assistance for the horse owners who need support at this difficult time. Rowing Australia are collecting donations. Gymnastics Australia, Tennis Australia and Motorcycling Australia are all developing ways in which they too can assist.
This support is not limited to just the national sporting organisations. Individual teams and individual players are stepping up right around Australia to say, ‘We want to do what we can to help in this terrible time’—the Perth Wildcats, the Richmond Football Club, the Melbourne Storm, the Brisbane Broncos, the Newcastle Knights, the Wests Tigers, the Gold Coast Titans and the Canberra Raiders have all stepped forward and made remarkable efforts. I am sure that there are many, many more that I have left off this list.

This generosity of sport continues at the grassroots level. Particularly for the children who have gone through these recent times, we want to return some element of normality to their lives just as soon as we can. That is going to take a long time and it is going to take big efforts, but it may be helped by something like a local sporting club donating some equipment so that they can go out and play, so that they can just have a little bit of being children and doing what comes naturally.

We know that no one sector or organisation can make this all go away, as much as I am sure we all wish it would. But we also know that in times of sorrow and in times of national tragedy there are heroes right across Australia who stand up. There are countless heroes across Australia today, as there will be tomorrow and in the days that follow. In standing to place on the record my deep sympathies and condolences for all of those affected by those fires, I also say thank you to Australian sport for standing up when we need you.

Ms BIRD (Cunningham) (11.33 am)—I rise to support the condolence motion moved by the Deputy Prime Minister in this House and to extend, on behalf of my community, our deepest sympathies to the families and loved ones of the Australians killed in the weekend’s tragic bushfires. I also want to record our deep regret at the human injury, the loss of property and the destruction of communities caused by those fires. I particularly want to praise the work of emergency services—the volunteers and community members who are out there assisting friends, colleagues, neighbours and, as the minister indicated, even strangers in this time of need. I also want to acknowledge the profound impact on those communities affected and the role the government can take with the Australian community in assisting that recovery and rebuilding.

I agonised for a while about whether I would participate in this condolence motion debate. The reason I did was because I just could not imagine what I could put on the record to add to the words of the Prime Minister and the Deputy Prime Minister, the Leader of the Opposition and the Deputy Leader of the Opposition, and, most significantly, those members representing Victorian seats whose communities were directly affected by what happened. It was very difficult for me to consider what I would say. I come from a community that is, on occasion, touched by fire, as every community in Australia is. I come from a community that has dealt with its own disasters since the early days of its inception, and, at this moment, I want to acknowledge that the local people in my area have put together a tremendous effort to stand beside their friends, colleagues and countrymen in Victoria.

I think they do that because we come from a place where we have experienced disaster, particularly in the mining industry. In the very early days, we lost 81 men in the Bulli Colliery gas explosion in 1887. We lost 96 men and boys, some as young as 14 and 15, in the Mount Kembla Colliery explosion in 1902. We lost 14 miners at the Appin mine explosion in 1979. The reason I hesitate to speak on motions like this is that I was 17 at the time of the 1979 explosion and living on the Appin mine site—my father was the electrical engineer in charge—
when it occurred. The night of the disaster, we were at a school dance and driving home the
son of one of the miners killed. I am profoundly aware of how, as a community, you rarely
raise your eyes beyond those immediate to you and your concerns for them in the early days
of something like that. There is a level of bemusement about what is going on beyond the
immediate challenges that you face. But I also know how profoundly important are the mes-
sages of support, the physical efforts of your countrymen around Australia in saying that they
want to not only offer comfort, but also physical support in the difficult days you face after
something like that. The size of this fire disaster is incomprehensible and many in here have
expressed their absolute commitment to working through not only these difficult initial days
but also the longer term.

So I decided I would speak and that I would speak on behalf of my community, just to re-
port to the people of Victoria the efforts that are going on in Wollongong to provide that sup-
port to them. In the days since the original motion, the list has been constantly added to, so I
will work through it as quickly as I can. I want to acknowledge that I know we are not unique
in this; I know the communities of every member of this parliament are out there doing ex-
actly the same thing. That is what makes us a tremendous nation.

I want to acknowledge i98, one of the local radio stations. Marty and Erica have a bushfire
appeal going. They write on their website:
The people of Wollongong have responded INCREDIBLY—as always—we are just blown away.
On Monday Feb 16 at 8 am Marty and myself—
this is Erica speaking—
Matthew Murrell … and John Noble … will leave Wollongong for Victoria, and the central warehouse
of the Salvos Stores in Melbourne. We will then be broadcasting live from either Bendigo or Traralgon
on Tuesday morning, before making our way back to Wollongong.
They are urging listeners to gather up:
… unwanted or unused clothing, toys, kitchenware, toiletries, linen, furniture, electrical & white goods
and other household items—
and they have some businesses that are offering their assistance. Murrells Freight in Port
Kembla, MJ Rowles locations around the Illawarra, Wollongong Mini Storage and South
Coast Hire are all chipping in to help with that particular concern. All of my local media—the
WIN TV reporters, the Illawarra Mercury, ABC radio and both of the commercial radio sta-
tions—are advertising to people on how to donate, and I think that is particularly important.

Our other radio station, 96.5 Wave FM, have a bushfire appeal on as well. Their website
says:
Greg, Dave and Jade from WAVE FM’s Bigger Breakfast have pledged to stay on air non-stop for 50
HOURS to help raise as much money as possible.
They are asking people to call in during this 50-hour marathon bushfire appeal and make do-
nations. They are also urging people to lodge donations through the Red Cross website. They
list some local businesses that are also assisting, and I want to let people know who is partici-
panying. The Caltex service stations at Unanderra and Albion Park will donate 1c from every
litre of petrol sold during the 50-hour appeal. You can have your car washed at Bonnet to
Boot and they will donate all the proceeds to the appeal. Laura Dean Financial Solutions will
donate $25 to the appeal for every couple who attends their mortgage seminar. Tony from

MAIN COMMITTEE
Gold City Jewellers in Westfield Figtree is donating 10 per cent of the proceeds from every purchase made during the 50-hour appeal. Michael from All Care Computers will donate $10 per job booked during the marathon. Em Gees Hair Design in Oak Flats are donating $1 from every service. Voluptuous Ladies on George Street, Warilla will give 20 per cent of all their sales and 10 per cent for every handbag they sell to the appeal. Network Video in Dapto will be donating all their takings to the appeal. That is a tremendous effort from a wide variety of local businesses.

A lot of churches and community groups are getting on board and doing what they can. The Catholic Bishop of Wollongong, Peter Ingham, is working with Catholic bishops from Melbourne, Ballarat, Bendigo and Sale to see what the dioceses in Wollongong can do to assist down there. I am sure they will appreciate that, because he is a lovely gentleman and a wonderful local person. Of course, he is sending his prayers to those affected by the bushfires and encouraging tax deductible donations through the Catholic Archbishops Charitable Fund Bushfire Appeal or the St Vincent de Paul Society. The Wollongong City Council are encouraging staff to donate and they will match those donations. They are also allowing staff time off to go and give blood—another very sensible, practical initiative to help out. Other councils in my region are doing similar things.

There was a New South Wales Electrical Trades Union biennial conference held in Wollongong this week. They passed the bucket around to delegates and raised $25,000. ETU Secretary, Bernie Riordan, indicated that eight of their members had lost everything in the fires while another two had been hospitalised with serious burns. The membership at that conference were very keen to provide support.

The Figtree Anglican Church is holding a memorial service in remembrance of the victims. The senior minister, Reverend Ian Barnett, said that the service will provide an opportunity for people, regardless of their religious denomination, to reflect and pray. The church is in the process of establishing partnerships with some of the towns and local churches to provide assistance.

David De Santi and Russell Hannah from the Illawarra Folk Club are organising a bush dance and concert for the appeal at which performers are donating their services. The cost of entry, $10 for adults and $5 for children, will go to the appeal. The University of Wollongong staff and students are having a bushfire relief cricket match. They make no guarantees about the quality of the cricket, but they are sure that they will get lots of support from those at the campus coming along and making donations. Congratulations to Toby Kell, Nick Rouen and Clinton Mead for organising that.

BlueScope Steel, one of our big local employers, have announced today that they are donating $1 million in steel products and building solutions to help rebuild communities, which is a tremendous initiative on their behalf. My commendations go to them. BlueScope Steel’s Managing Director and CEO, Paul O’Malley, said that the company was also encouraging its 20,000 employees worldwide to donate to the Red Cross Victorian Bushfire Appeal.

I have been advised that 19 South Coast clubs have to date pledged $60,000 on behalf of members, complementing a Clubs NSW appeal. The Australian Workers Union Port Kembla branch secretary, Andy Gillespie, reports that they have donated $10,000 to the appeal. They are encouraging other unions, companies and employment groups to do likewise. He said, ‘We can’t bring people back, but hopefully we can help rebuild people’s lives.’
Today in the *Illawarra Mercury* there is a photo representing all those different groups. I also acknowledge the many students passing buckets around at schools today and over the week as well as our very important volunteer organisations like the Salvos and St Vinnies and so forth, who are doing what they can. I hope that we can continue in our efforts to convey our words of support to the people of Victoria and, more importantly, to reflect to them the views of our community, and our love, our concern, our support and our determination to do what we can to assist them in these very difficult times. I commend the condolence motion to the Committee.

Ms S Affin (Page) (11.45 am)—I wish to join my parliamentary colleagues in expressing my sympathy and sorrow and to extend solidarity and support for the people, families and communities suffering as a result of the horrific Victorian bushfires. I do so in my own name and for all the people in Page, the area that I represent, who have been touched deeply by this terrible tragedy. When I listened the other day to the member for McMillan as he spoke on the tragedy that is happening in Victoria, I felt that he spoke so elegantly. I felt that he spoke for all of us.

This week, parliament is a different place, as is our whole nation. We are subdued. Things that have seemed urgent and important have been relegated to a different order of priority. Dare I say it, we have been nicer to each other, realising the fragility of life. People are grieving, and grief is a very individual thing. People must be allowed to grieve in their time and in their way. We can simply support those who are still facing the bushfire crisis—the crisis is still there. We can support those who are into the recovery and reconstruction phase—reconstructing their communities and their lives. In the face of mass atrocity, it is never quite possible to go back to what was, but it is possible to recreate that sense of community that people are feeling they have lost at the moment. These wildfires have touched all communities across Australia. A local member of my community has tragically lost three family members, and I express my deepest sympathy to him.

My electorate of Page in the Northern Rivers has responded wonderfully with donations of cash, blood and goods. Our local firefighters have also gone down to Victoria. As a community, all of us have a need to give in the face of these tragedies and a need to act in the face of helplessness. We are giving generously right across Australia. I say thank you to all those who are helping, to all the wonderful volunteers and to all the wonderful Aussies. It makes me feel proud to be an Aussie at a time like this, just seeing how we respond. Our local volunteers just get in—they do not say anything; they roll up their sleeves and get on with the job. I pledge my solidarity and support for the long haul to the people whose lives have been directly and indirectly impacted.

Ms Owens (Parramatta) (11.48 am)—I join with my colleagues in sharing the grief of the many Australians who have lost family, neighbours and loved ones in this tragedy, which has unfolded over the last week in Victoria. I, like all of us, watched with shock and horror as the events unfolded and as the number of deaths rose. I remember waking on Sunday morning to hear of 15 dead. It seemed that, between the news broadcasts, the numbers rose very quickly. While we look now at an official death toll of 181, we know that those numbers will rise in coming weeks and perhaps even months.

Australia is, as we all know, an extraordinary country. While perhaps our newer Australians do not fully recognise our connection to the land in the way that our Indigenous Australians
do, the land is very much in us. I, like many of us, love our land. I love its ruggedness. I love our sun ravaged landscape. I love the eucalypt forest—the smell of it and the look of it. I love those jagged trees. They are an incredibly beautiful aspect of the landscape and they are now part of the Australian psyche. But it seems that, every 40 years or so, mother nature reminds us just how small we are on the face of this land—which of course is tens of thousands of years old—and reminds us that, no matter how we aim to tame this land, we never really will. This land—the size of it, the age of it and the power of it—will at times overwhelm us, as it has done in the preceding week. That does not make it any less painful; perhaps it makes it more so. As we seek to live in and enjoy the wonders of this land, we should remember it can be taken from us at any time.

As we count the rising costs, there are many who are already pointing the finger. I deliberately do not want to do that today. In fact, I deliberately wanted to say that it is not the time for that. It is not the time for looking at who got it right and who got it wrong. It is well and truly a time for us to pull together and work in the interests of those who have so much to recover. There is so much repairing to be done in those fractured communities.

I, like all my colleagues, encourage all Australians not to forget quickly how much work we have to do. At the moment we are all pulling together. Extraordinary donations are being made. There is a queue to give blood at the Red Cross. Australia is very good at pulling together at times like this. The need for blood will go on for several months because burns victims require substantial amounts of blood. So the need for us to support victims and keep this tragedy in our minds will go on for several months. In four weeks time, eight weeks time and 12 weeks time we must reflect on how well Australia has responded in the short term, and I encourage us all to continue that response in the long term. I commend the motion to the House.

Ms CAMPBELL (Bass) (11.52 am)—Much has been said in this House about the tragedy which unfolded in Victoria earlier this month, and I rise to add my voice to the condolence motion. The sheer scale and horror of the tragedy are beyond comprehension for most of us and beyond words for all of us. To those who have lost loved ones—be they family, friends, neighbours or workmates—I offer my deepest condolences. The people of this great nation and, in particular, the people of Bass are with you.

To those who escaped the horror but lost their homes, farms, property and stock, we will help you rebuild. To those who are injured and, in some instances, fighting for their lives, you are in our collective prayers. I do not pretend to understand what it is like to be left with nothing but the clothes in which you are standing. All we can do is offer our support—practical and emotional—and that is what we are doing.

When the Deputy Prime Minister addressed the House as the scale of the destruction was becoming known and understood, she said:

Just as the strength of our communities ensured many survived these very devastating events, it will be that strength and that resilience of the Australian community that will help our fellow citizens rebuild.

I have witnessed firsthand how true that is. Though separated by Bass Strait, Tasmania is one with Victoria. The community of Northern Tasmania has opened its collective heart, home and wallet to those Victorians left devastated by these blazes—which, it should be remembered, continue to burn. Lin Thorp and Heather Butler, from the Tasmanian government, swung into action, and parliamentarians from both sides of the political sphere opened their offices and

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offered their staff to assist in any way possible. What followed overwhelmed and humbled me. My office, just one of many political offices in Launceston, was in the end overflowing with donations. My staff tell me of receiving phone call after phone call from people pledging what they could and apologising that they could not give more. Car after car pulled up out the front and unloaded. Children gave toys for those children who were left with nothing. One little girl somewhat reluctantly let go of a large pink gorilla. I only wish I could be there to see the expression on the face of the child who receives it.

There is something truly wonderful about being an Australian. We are a diverse people and there is really no such thing as a typical Australian. Having said that, the generosity and the response to the bushfire crisis truly is typically Australian. We are a people who, when the chips are down, pull together. Our capacity to embrace our neighbours, workmates, friends, family and complete strangers is what makes this the great nation that it is.

The people of Northern Tasmania gave more than simply clothes and household items. Radio station LA FM launched an appeal for cash donations. Six hours after it began, almost $100,000 had been raised. Such is the generosity of northern Tasmanians. That figure is now close to $135,000. It is testimony to the sheer passion of Mel Hope, Greg Allan and Lee Dixon. My office was contacted by local builder Ross Clark. Rather than just donating, which his wife had already done, Mr Clark wanted to help rebuild. He had the capacity to pull together plumbers, electricians and fellow builders and head north to help with the initial relief effort. That level of commitment to our fellow Australians is absolutely outstanding.

So great was the response to the plea for clothes and household items that, as I said, my office was full to overflowing. My staff rang local removals and shipping companies, asking for boxes to be donated so that the assembled army of volunteers could sort through the piles of donations and box and label them. Not one of them said no—Ridgeway, Watkins, Grace and Atkins all came through with storage boxes. Not one of those who were contacted hesitated. Each and every one asked what more they could do. This is such typically Australian behaviour. To each of those companies I say thank you.

The ladies at Noni B pulled together brand-new clothes and offered storage space. I thank them also. Neil Pitt’s Menswear brought around brand-new clothes. Next door to my office is Cleo Bagland, from which we received boxes and jumpers—such generosity. A woman named Karen and her two sons were visiting from Victoria. They called into my office and worked tirelessly all day sorting and packing donations. So too did Michele Savill and Judy Spear, two lovely ladies from the West Tamar Council, volunteer their time to pack and sort. Gordon Pope worked all day and was back early this morning to continue the effort. Leigh Stevenson, Lance Coral and Greg Cooper worked and worked and worked. To each of them I say thank you.

This is the kind of response that this unparalleled disaster has brought out in communities across Northern Tasmania and throughout the country. There is a cliche for which I make no apologies: I am proud to be an Australian. I am proud to stand in this place representing Australians who have dug deep over the last few days. Yes, there have been tears shed—many of them my own. My staff have leaned on each other for support when there was nothing else to do except stand in bewilderment, shake their heads and ask over and over again: ‘How?’

To the men and women of Victoria, we stand with you. From Bass in Tasmania, to the far reaches of this great country, we are with you. I echo the Prime Minister’s sentiments: we will
stay with you as long as it takes. To the Tasmanian firefighters who did not hesitate to make the flight north, thank you and godspeed. Forestry Tasmania and the Forest Industries Association of Tasmania have offered support and the expertise of contractors. I say thank you to them also. The Premier of Tasmania, David Bartlett, announced yesterday that the Tasmanian government would be providing up to $1 million to the Victorian Bushfire Recovery Fund. The state government will contribute $250,000 in the first instance and then match dollar for dollar, up to $1 million, the cash contributions made to the Lions, Apex and Rotary clubs. My Tasmanian parliamentary colleagues and I have collected and will make a contribution. It is the very least we can do. I thank Senator Carol Brown and Dick Adams, whose offices have coordinated the appeal.

Let us not forget what has prompted this overwhelming response. The Prime Minister described it as ‘mass murder’. There is no other description for what has occurred here. As a nation, I think we accept that we live in a magnificent country but one which, nonetheless, is prone to all the extremes nature has to offer. What we cannot and should not accept is that someone would deliberately inflict this kind of suffering on communities. We ask our firefighters to protect us and they do, often risking their own lives. There are no words strong enough to condemn those who have done this. To the men and women who will for the weeks and months ahead sift through the remains of people’s lives and what have now become crime scenes, I offer my thanks. Your task is unenviable yet necessary.

There have been tales of heroism emerging from the horror which continues to unfold across Victoria, and there will surely be more examples of the strength of the human spirit. As a nation, we must embrace and celebrate them. They provide support and encouragement when it is most needed. We may waver and question how much more as a nation we can take. In those dark moments we must rally, we must lean on our friends and our family, and we must be sure in the knowledge that we will go on. As a nation, we will emerge stronger and more unified from this. We will learn and apply that knowledge when once again we are confronted with nature’s fury.

I join those from both sides of the House in condemning the actions of those who are responsible for this tragedy and in praising the ongoing efforts of those who continue to battle the blazes. I commend the motion to the House.

The DEPUTY SPEAKER (Hon. BC Scott)—I understand it is the wish of honourable members to signify at this stage their respect and sympathy by rising in their places.

Honourable members having stood in their places—

The DEPUTY SPEAKER—I thank the Committee.

Ms GRIERSON (Newcastle) (12.01 pm)—I move:

That further proceedings be conducted in the House.

Question agreed to.

QUEENSLAND FLOODS

Consideration resumed from 9 February.

Mr ROBERT (Fadden) (12.02 pm)—On indulgence: it is hard to know what to make of the range of tragedies that have struck our nation in recent weeks. While we have witnessed the horror of Victoria’s bushfires in the south, with several hundred people and thousands of
homes taken in the blink of an eye, in the north 62 per cent of Queensland is under water and the parts that are not under water are in drought.

I live in the seat of Fadden. It is the fastest growing electorate in the nation, as one would expect with it covering the Gold Coast. I live in the middle of the two great tempests of fire and flood that scourgé our land. In my military days, I lived in the north and experienced the monsoon and all its volumes of water. We truly are a land of rugged mountain ranges, drought and flooding rains. Residents of the north prepare for the monsoon. It is part of their way of life. In military days gone by, I trained at Tully. Having parachuted into a swamp because of the metres and metres of rain—the deluge—that the place gets, I understand well how the north understands and prepares for this. But, every now and then, the heavens open up and there is a tempest and squalls greater than anyone would expect. The rivers rise, the creeks burst and the towns are flooded. And while the north prepares for the monsoon and the rains—part of the great charm of the area is that it is wet and that it has a significant wet period; that is part of what makes it a great tourism area—when the heavens explode in such a mighty way and the rivers run deep and wide and 60 per cent of Queensland floods, what becomes part of a way of life can quickly turn into horror.

My thoughts go to those communities in North Queensland and parts of north Australia, including the electorate of Kennedy, who are struggling in dreadfully wet conditions and who have been cut off for weeks and weeks on end. Only now are some roads beginning to open. Families have had no fresh food for many weeks, and there has been difficulty in providing them with services and amenities due the overwhelming volume of water. While the dam wall of the Burdekin is an impressive sight at flood, that impression fades when such a degree of water spills over and impacts our communities.

Like in the horrific bushfires of Victoria, there are some great heroes amongst the tragedy of this story. Those who have gone from house to house seeking to provide support need truck drivers, who are moving forward despite the deluge to provide food, clothing and essentials. There are emergency service personnel who are doing enormous hours to ensure that people are fine and well taken care of. It is fitting that we acknowledge the volume of water, the hardship and the fact that 62 per cent of the great state of Queensland is literally under water.

I will finish by looking at what Ecclesiastes says in the Bible, in chapter 3. When King Solomon was reflecting on his life and all that he went through, he said: ‘There is a time for everything and a season for every activity under the sun. There is a time to be born, there is a time to plant, there is a time to weep and’—if I can paraphrase—‘there will be a time to laugh. There is a time to mourn. There will be again a time to dance. It is now a time of scattering stones; there will be a time to gather them. It is a time to embrace. There will be a time to mend. There is a time to love. There is a time for peace. There is a time to heal.’ I think I can speak for all parliamentarians, as we look at what is happening with the floods in the north of Queensland, when I say: there will be a time to build and rebuild.
nity feels for the victims of the bushfires. I was talking to a man on the way down here on Sunday evening, and he said: ‘Give me cyclones and flooding rains any day compared to the bushfires and the scenes that we saw on television.’ The community in Cairns and the tropical Far North have opened their hearts and are donating money, and I congratulate those members of the local community who are doing that. I encourage others who have not yet done so to also open their hearts and make contributions to the bushfire appeals and also to the flood appeals.

My main focus here today, though, is to talk about the floods in Far North Queensland, in the gulf, because that is the area that I represent. Honourable members might not realise, but there have been two cyclones across the north this year. We had Cyclone Charlotte on 12 January, which came across the gulf between Kowanyama and Normanton with winds of between 120 and 130 kilometres an hour, and we had Cyclone Ellie, which crossed the coast around Mission Beach on 2 February. Neither of those brought great destructive winds to local communities, but they brought flooding rains—flooding rains that have endured since early January. Effectively, as the member for Kennedy eloquently outlined in the House the other day, communities in his electorate have been cut off for long, long periods of time—most of this year. Not only communities in the gulf but, since the second cyclone, also the communities that I represent in Cairns have been cut off for extended periods of time—more than a week. Luckily, just the other day we had the roads open and trucks are again able to roll through.

So there has been extensive flooding all across the north, and the statistics show that 62 per cent of the state has been declared a disaster zone. We have 36 council areas that have now been declared disasters. The damage bill will run into the hundreds of millions of dollars. And the risk of flooding is not over. As people in the north know and understand, February is our wettest month of the year, and we are yet to get halfway through it, so we face in the future the potential for greater flooding and more downpours.

In my own community, last Saturday night we had almost 200 millimetres of rainfall in less than an hour. I was driving home that evening from the Taipans basketball game, and it was quite amazing to have the windscreen wipers on full bore and to be flat out seeing the road in front of me. We drove very slowly, but driving in a dark night in heavy torrential rain while being able to see floodwaters poses great risks to people in my part of the world. These are some of the things that people up there put up with. They know that they need to respond to the weather appropriately.

Tragically, we have lost lives in this flood. We have lost at least four lives. I think that is from people being washed off floodways. There is still a man who is yet to be found who was washed away around Tully last weekend, a young child was taken up around the Daintree and others, sadly, have been washed down stormwater drains. So we need to be prepared to make sure that we can respond to the weather conditions that we face during these difficult times. The loss of life is nothing compared to the loss of life in Victoria but, for those families and those individuals who have been impacted, the loss of life is still tragic.

As I said, the Far North is being inundated with water. I was looking at the synoptic chart before coming in here. We now have a low sitting up around Bowen, and the monsoon trough is still positioned across Northern Australia. There is a real risk and threat that the floods will be back later this week, with the potential for the region again to be cut off.
Some of the things that obviously impact on people are houses being flooded and lives lost when people are washed away in floodwaters and the like. But one of the things that are often not seen is the impact on small businesses, whether they are farming businesses or small retailers. What happens when we have floods in the Far North is that the Bruce Highway gets cut. At Ingham it was cut for more than a week. In Cairns, the shelves on the supermarkets became empty. Coles and Woollies looked to bring goods in on barges and to fly goods in, but the shelves still became empty with the population base that we have up there. It is a major regional city. There were also farmers who could not get produce out. Pawpaws, mangoes, longans and other tropical fruits—they could not get them down south. Those farmers have a potential loss of income if that road stays closed for an extended period of time.

Luckily, the road has now opened up. We have had a convoy of trucks rolling in. But we need to continue to work to upgrade the Bruce Highway. It is something that I campaigned strongly for in the lead-up to my election, and I am pleased to say that we are getting on with building a new bridge over the Mulgrave River. The works at Tully have finished early, but we need to do more around Ingham and Burdekin. The government has a $2.2 billion commitment to upgrade the Bruce Highway and a $1.1 billion commitment to upgrade the Bruce Highway between Sarina and Cairns. We need to make sure that those works continue to flow. We need to invest in and upgrade areas like the Gairloch floodway. We need to make sure we continue to work on the areas around Ingham and Innisfail in the future because the economic impacts of road closure are huge and so are the social impacts. People need to come to Townsville at times for medical purposes. What happens when the road is cut is that people cannot get through for medical purposes either. So there is not only an economic impact; there are social and community impacts from having a road closed. But I am pleased to be part of a government that is committed to infrastructure investment and is working hard to upgrade the Bruce Highway.

The other thing we are in desperate need of in the Far North in Cairns is a new council disaster coordination centre. The centre as it is currently established on Anderson Street is in an area that can be flooded and that can be impacted by a tsunami, if one were to strike. We do need a new disaster centre in Cairns, in the Far North. The council has put in a submission to the new community fund established by the government last year and, as part of our stimulus package, we are hoping to add another $500 million to that. It would be a welcome commitment if delivered in my region. The centre would be an education or multipurpose centre, but in times of cyclones or other natural disasters it would act as the disaster coordination centre and the centre of relief coordination in Cairns, in the Far North.

I just want to speak very briefly about some of the other things that the government has done already to respond to the flood victims. We have made available Defence Force aircraft such as Black Hawks. The Treasurer was up there on the weekend assessing the situation and determining the support that we could provide. We have airlifted in aviation fuel and the military has provided fuel drops.

I spoke to the Prime Minister earlier in the week about the opportunity to use military aircraft to assist some of the farmers. I am pleased to report that he cut through the red tape. I had a commitment from him that if Emergency Management Queensland made a request to the federal government, he would look to make military aircraft available to do that. The
roads are open, which is good news, but the use of these aircraft is something that we could possibly look to in the future.

Payments have been made available to individuals and families who have been affected by the floods. I understand that those payments are flowing but if there are individuals out there who are struggling or who are having problems with Centrelink, I encourage them to contact my office or the offices of the member for Herbert or the member for Kennedy. Part of our role is to ensure that support that should be getting through on the ground is getting through. If there is a hold-up in the cases of particular individuals with government departments or with Centrelink, who do a fantastic job generally, then by all means you should contact your local federal member. We have a bipartisan approach to responding to natural disasters. We have seen that in relation to the bushfires. We see it again in relation to the flood. I encourage anyone out there who is having trouble to contact their local federal member. We will work with them to help them out.

I want to put on the record again my deep admiration for the volunteers who work so hard, whether in the floods or in the bushfire ravaged areas. We need to thank them for the work they do. That includes the elected representatives, local councillors and others who work tirelessly to support their local communities. I also want to thank the government workers who may be getting paid but during these important times spend many hours of overtime that they can never recoup supporting these communities. I thank everyone from Emergency Management Queensland to the Department of Community Services to the Centrelink workers. I want to put on record again my strong belief that we will recover from these floods, as we have done in the past in North Queensland. It does take time.

I also want to express my deepest sympathies and sorrows for those in Victoria. From our experience, the recovery effort does take time. You can never forget disasters that you go through but, in the end, you can learn to live with them. Let us hope and pray for that outcome for those victims of the bushfires and the floods. These have been terrible tragedies for those individuals.

Mr BRUCE SCOTT (Maranoa) (12.17 pm)—On indulgence: prior to making a statement in relation to the floods in Queensland, I wish to express my condolences and those of my constituents and my family to all of the victims of the horrific fires that have occurred in Victoria. It is hard even to comprehend the tragedy and how this will affect communities for years to come. I have to say that I have admired the bipartisan support of this parliament and the way the Australian people have united to help their fellow Australians. I have admired the way this parliament has worked. It demonstrates that, when times are tough and we get these horrific events in Australia, we can work together for the betterment of our Australian communities.

I also want to thank the volunteers, the charitable organisations like the Red Cross, the churches, the military personnel, the doctors and nurses, the police and the emergency services. They must be witnessing things that are absolutely horrific. I admire the professional way that they go about their work and the expertise that they have. To all of those people, on behalf of the constituents of Maranoa, I extend our condolences and our deepest admiration for the work that they are doing.

I commend the bipartisan approach that we have taken as a parliament to say, ‘Whatever we have to do to help these communities and these families recover, we will do.’
Dorothea MacKellar’s *My Country* poem has been spoken of with respect to the firestorms in Victoria, the droughts in many parts of Australia still ravaging communities and the floods in Queensland. The floods affect the western part of my electorate of Maranoa, and that is what I want to talk about today. These floods have cut off communities for three to four weeks already and will for many weeks to come, because as we speak there is even more rain falling into the headwaters of the Diamantina, the Georgina and the Thomson rivers in the Lake Eyre Basin. The member for Mayo just said to me, ‘Can you send some water down to the Lower Lakes of the Murray?’ Unfortunately these rivers feed into the Lake Eyre Basin, and I am sure we are going to see Lake Eyre itself filled as a result of these floods. The Diamantina and the Georgina rivers have cut off the two communities of Birdsville and Bedourie for the last three weeks, and the water is still cutting off those communities from the outside world. I was talking to someone in the shire of the Diamantina only yesterday. She is new out there, having taken up a position in the Diamantina Shire. She said, ‘Well, we’ve been cut off for three weeks now and I don’t know whether I’ll ever get out of this place!’

We know that the floods in this part of Queensland are enormously beneficial. One great benefit from these floods—apart from the tragedy of the loss of life, the loss of livestock and the loss of fences—across the gulf will be the water that will replenish our rivers and, importantly, the Great Artesian Basin. A lot of the water that is fed into our Great Artesian Basin enters in the rivers and streams of Northern Australia, across the gulf. A moment ago I mentioned the loss. We talk about the loss of life and the loss of property, but there has been an enormous loss of cattle in the gulf and down through the Georgina and Diamantina rivers areas. I was talking to pastoralists there, and they said there was certainly going to be some loss of cattle. I have photographs in my office of cattle wading through water. Whether they can get out of the water is debatable. When floods occur out there, they nearly always have a chance to move them out into the sand dunes and into some of the high country. Some of this rain fell just so rapidly and with such intensity they have been unable to get out and move them in time. They have been able to get out in helicopters and see what is going on. They confront these sorts of floods from time to time.

To give you some idea of the enormity of the water that is coming down the Georgina and the Diamantina into Eyre Creek, I will say this. I was talking to David Brook from Birdsville. He had just flown up from Adelaide. An interesting contrast was that they were flying up in their light plane from Adelaide and they had to stop flying because of dust storms. They could not see and they were flying visual, so they had to land and they went on the next day. Some of this water that is going into the Diamantina and the Georgina will end up in the Goyder Lagoon, which is in South Australia. That is filling now. He said that Goyder Lagoon to Birdsville is about 150 kilometres on the old Birdsville Track and that 100 kilometres of that track is under water. If you look west from there, there is another 100-odd kilometres of water. There is a similar situation to the east and to the north, right up to Bedourie. There is almost a sea of water out there. It is filling clay pans and lakes that have been dry for years, but it is going to have a long-term beneficial effect for the community.

I want to touch on another issue, and that is services to those communities. These communities had an air service that had been subsidised by the Queensland government, and I commend the Queensland government and the Queensland minister on that. The service was provided by MacAir. They had been having financial difficulty for some time, and in the middle
of all this they went into voluntary administration. That left these communities without any connection to the outside world, and the only connection was by air.

The Queensland government put in place a replacement for that service in the form of Skytrans but there was some suggestion that, until they were actually registered with CASA and their pilots had had licences approved, those communities may be totally without any service. It did cause some concern for me last week. I want to thank the office of the Minister for Infrastructure, Transport, Regional Development and Local Government. They moved absolutely heaven and earth to make sure that the bureaucracy of CASA did not stand in the way of what had to be done. The staff were absolutely outstanding and I want to thank them for that. Within two days those licences were approved for some 26 services in Queensland, including across the gulf and out of Cairns and Townsville. These are services that are providing mail, food and medical supplies into the communities and also moving passengers. These services are the only way that those communities can get any of those services in. So I just want to thank the minister for that.

I would like to conclude by saying that as these floodwaters recede, as they inevitably will, during the course of the year it is going to leave across Northern Australia an enormous body of grass that will eventually dry off. As it dries off, it too will present an enormous fire risk in the future. So from the flooding rains to drought and the potential for fire to follow, this is part of what nature gives us from time to time. I know that my time is nearly up and that the member for Moreton would like to say a few words. I will allow him a couple of moments if that is what he would like.

Mr BRUCE SCOTT—In conclusion then, let me just say that the outback of my electorate, the Diamantina shire, certainly wants to thank the minister for transport for his support in getting those air services back in place so quickly. I know that this will present enormous opportunities for outback tourism as the floodwaters recede this winter. It is out there that the pelican builds its nest, and we will have huge numbers of pelicans and other bird life out there. If people want to do something to help these economies as the winter comes on this year then I can recommend a visit to the outback to see the wonders of nature—the positive side, the beautiful parts of nature. Once again on behalf of my constituents I convey our deepest heartfelt condolences, our thoughts and our prayers to all those victims of the fires. I know the financial support flowing from so many Australians and this parliament as well will help them.

Mr PERRETT (Moreton) (12.27 pm)—On indulgence: I rise to support the remarks of the Treasurer regarding the devastating floods in Queensland’s north and north-west. I commend the contributions of the member for Maranoa and the member for Leichhardt. Whilst in Victoria fire has unleashed our nation’s most horrific tragedy, in North Queensland it is nature’s fury of another kind that we are seeing. I was particularly taken with a photograph from the Australian on Thursday, February 5, showing the Queensland Deputy Premier Paul Lucas surveying the damage in Ingham with a ‘road subject to flooding’ sign just about underwater and the street sign just about underwater as well.

The floods first came about almost a fortnight ago in the wake of ex-tropical Cyclone Ellie. More than 60 per cent of the state of Queensland, or one million square kilometres, has been
flooded—with more than 3,000 houses affected in the town of Ingham alone, where water peaked at 12 metres. Thankfully the floodwaters have begun to recede over the last few days. However more heavy rains are forecast. In fact just before coming up to the Main Committee I spoke to my sister-in-law Diane Black in Innisfail and she said that it is about to come down again there. If this does eventuate, North and Far North Queensland may be facing rising floodwaters all over again. The Queensland government has estimated flood damage to be in the order of hundreds of millions of dollars. Of course mere dollar values will never give us a real sense of the disaster, and obviously with lives having been lost these are very difficult times indeed.

The ongoing flood situation has left many temporarily displaced from their homes, the Bruce Highway closed and many cut off from food and supplies. The flood has also brought with it the risk of disease and mosquito-borne viruses. The true damage will not be known until the floodwaters recede in places like Ingham and residents can begin to take stock.

North Queensland is no stranger to disaster. My wife is a North Queensland girl and most of my in-laws live up there. North Queenslanders have a particular resolve and courage to overcome what Mother Nature throws at them. We will never forget the impact of Cyclone Larry almost three years ago. Back on the morning of 20 March 2006, my in-laws in Innisfail, Dianne and Jeffrey Black, woke to find homes and businesses destroyed, crops flattened and livelihoods left in ruins by the category 4 cyclone. But that was not the end of the story. The community picked themselves up, dusted off and embarked on the biggest relief, recovery and reconstruction effort ever mounted in Queensland’s history. The Queensland government spent at least $300 million rebuilding the community, and local councils and the federal government and the public all pitched in to help.

North Queenslanders have endured before and they will do it again. It is in that same spirit of mateship and community that they will come together, clean up, repair and get back on their feet again when the water eventually flows away. I particularly want to acknowledge the hard work of emergency services personnel and those saints, the SES volunteers. These are special, courageous workers who have braved the floodwaters to rescue people caught in floodwaters and to help evacuate stranded communities.

I also want to commend the Queensland government’s response. Led by Premier Anna Bligh, Deputy Premier Paul Lucas, Emergency Services Minister Neil Roberts and Treasurer Andrew Fraser the Queensland government has been working with the Red Cross to evacuate residents and get essential foodstuffs and medical supplies into flood affected areas.

The Rudd government have also stepped up to support those affected by the floods. Through our Natural Disaster Relief and Recovery Arrangements, the Queensland government receives funding to provide grants for food, clothing, accommodation, emergency housing repairs and for expenditure on public infrastructure restoration. We are also making disaster recovery payments available to residents in Ingham who have been seriously injured or who have had their homes flooded. These are one-off, lump-sum payments of $1,000 for adults and $400 for each child to help support their recovery in the short term. These payments are available through Centrelink to eligible recipients and are intended to help people purchase the necessities they need to survive in the days following these horrible floods. We must remember that many have lost everything. The Australian Defence Force have also
They have helped deliver more than 4,500 ration packs directly to Ingham residents.

I know, as we reflect on the disasters before us, many Australians are shaking their heads, asking not only, ‘How could this happen?’ but also, ‘How can we help?’ One way we can help is to dig deep and make a donation to help flood victims. Anyone can do this through the Queensland Premier’s Disaster Relief Appeal Fund at any of the big banks, including the Commonwealth, Westpac, NAB, ANZ, Suncorp-Metway and the Bank of Queensland or by calling 1800173349. I understand that all donations are tax-deductible and distribution of the funds will be undertaken by the Red Cross.

When the floodwaters finally retreat, North Queensland residents will face a long and painful clean-up. Our thoughts and prayers are with them all. I know that families, friends and neighbours will help each other out. The government will help out where it can and North Queensland’s flood ravaged communities will get back on their feet.

Debate (on motion by Ms Grierson) adjourned.

**ADJOURNMENT**

Ms GRIERSON (Newcastle) (12.33 pm)—I move:

That the Main Committee do now adjourn.

**Paterson Electorate: Health Services**

Mr BALDWIN (Paterson) (12.33 pm)—In 2007 the Prime Minister told Australians that he would take responsibility for fixing our hospital system and that the buck would stop with him. If this is the case, can the Prime Minister please tell me why healthcare facilities in Paterson are still not up to par? Health services in my electorate of Paterson are becoming a shambles. Take for example the Cape Hawke—now named Forster—Private Hospital saga, which began many years ago with a public campaign for 20 beds to be leased by the New South Wales government. The next closest hospital is Manning Base Hospital, located 35 kilometres away in Taree. With very little public transport between the two areas, there is little choice for residents in the region. The issue culminated in September 2007 when Reba Meagher, the then health minister, finally made an announcement committing 20 public beds to be made available at the public hospital by December 2007. This promise never eventuated—there was just red tape and delays.

I have worked with Terry Clout, the former CEO of the Hunter-New England Area Health Service, and his replacement Nigel Lyons, but the bureaucracy has reigned supreme. All Paterson constituents and I continue to hear about are more delays and more issues. All the time the Forster-Tuncurry community has been purposely disadvantaged. I am now informed after all this time that the ‘contracts’ were signed in January but—now for new delays—the contracts are waiting on the desk of the New South Wales Department of Health for Minister John Della Bosca to sign off on.

Since September 2007, almost monthly promises have been made. When will the minister see fit to stop punishing the people of Forster-Tuncurry? When will beds be provided for palliative care, low-level care, respite and accommodation for the aged waiting to be placed in aged-care facilities? It is about time the New South Wales Labor government pulled up their socks and delivered on the promises that will assist Forster and Tuncurry residents rather than
continuing to put their needs on the backburner. Perhaps the Prime Minister should step in and take control of the situation, just as he said he would.

The wait that sick and needy Forster-Tuncurry residents have had to incur is unacceptable. These beds are needed now. The New South Wales Labor government has dragged the chain for long enough. For years, Forster and Tuncurry patients’ quality of life has been hampered due to the New South Wales Labor government’s inability to act efficiently and to commit sufficient funding for rural hospitals. The government needs to stop playing the blame game and coming up with lame and offensive excuses. They need to act and they need to act now.

In stark contrast, the coalition’s commitment to improving health care was paramount. The former Howard government strengthened Medicare with the addition of the Medicare safety net to help with out-of-hospital expenses such as specialist visits. We increased bulk-billing to the highest rate ever. We strongly encouraged people to take responsibility for their own health insurance by introducing the 30 per cent private health insurance rebate and Lifetime Health Cover, which allows health funds to charge different rates for people who join at different ages. We massively boosted immunisation coverage to both protect and reduce future costs. However, in just 15 short months, the Rudd Labor government and the New South Wales Labor government have let the people of Paterson down and, furthermore, people across the entire nation are without hope.

Treasury estimates that the Rudd Labor government’s decision to increase the Medicare surcharge threshold will force more than 500,000 people to drop their private health insurance and join public hospital queues. This will cause havoc in public hospitals. For public hospitals like those in the Paterson electorate such as Gloucester, Bulahdelah, Dungog, Tomaree and Maitland, which are already struggling with limited resources, the Rudd Labor government will not stand up and take charge as they promised.

While the Rudd Labor government have promised $950 cash flashes for countless Australians in their proposed $42 Nation Building and Jobs Plan, did they forget about our hospitals when they neglected to allocate funding for the healthcare system, which is currently buckling under pressure due to increased financial strains imposed by the federal government? And, Prime Minister, can you please explain why there are no GP super clinics up and running across Australia, as was promised by you to be the case by the end of 2008? We are all waiting; and not so patiently, I might add. I remind you of your words, Prime Minister, when you announced in the lead-up to the election, ‘I have a long-term plan to fix our nation’s hospitals. I will be responsible for implementing my plan and I state this with absolute clarity: the buck will stop with me.’ Again, Prime Minister, the people are not only sick and tired but sick and dying, as they wait for you to deliver on your promises.

The DEPUTY SPEAKER (Ms AE Burke)—I remind the member for Paterson that the use of the term ‘you’ is not appropriate through the chair because I do not think I am the Prime Minister. It would be interesting, but I am not. So use of the word ‘you’ is not recommended.

Mr Baldwin—If you read the transcript, Deputy Speaker, you will see it was referring to the Prime Minister.
Mr SIDEBOTTOM (Braddon) (12.35 pm)—Unlike the member for Paterson, I congratulate this government on its long-term and short-term attempts to tackle some of the health issues in this country, and none more so than in Braddon. I would remind the member for Paterson that it was his government that intervened directly in a hospital in my electorate. If you were so concerned, how come it was not in your electorate? The reason is, mate, that it was not marginal enough; but it is now. So you ought to go and do your job, instead of moaning about everyone else! I would like to discuss a very positive thing that is happening in my electorate of Braddon. I would like to congratulate the government on the commencement of rolling out the Regional and Local Community Infrastructure Program, which the member from Paterson and his constituents will benefit from.

First and foremost, there will be more than $800,000, and I would like to share the details with you, Madam Deputy Speaker. There will be $235,000 going to the Burnie Council, on top of earlier funding by the Commonwealth, for the Cooee Indoor and Outdoor Bowls Centre. I know they are very grateful to this government for investing in this vital community infrastructure. Only yesterday I announced $277,000 for the Circular Head Council and $339,000 for the Wynyard Waratah Council for ready-to-go local infrastructure projects. The Circular Head Council will receive this funding to deliver important local projects, including the extension and upgrade of the East Duck River Foreshore Trail, the West Esplanade Trail and the West Esplanade Foreshore Park. I hope that when anyone in this chamber visits the north-west coast of Tasmania they get an opportunity to go to Circular Head to experience this beautiful part of the country and to see how these projects will add to very important community infrastructure and amenities. As well as the funding announced for Circular Head, $277,000 will go to the Wynyard Waratah Council for extensions to the Somerset Foreshore Walkway and the East Wynyard Walkway, again adding to the tremendous social and community amenities and at the same time offering employment and skills development opportunities to our local communities at this time of increasing difficulty in our economy.

I would also like to congratulate the Minister for Ageing, Justine Elliot, who visited the electorate and, after much positive lobbying, inaugurated a regional project that we hope will be a model we can share with other regional centres throughout Australia in order to develop better ways of integrating services and staffing in our community based aged-care centres. The minister was kind enough to offer funding to support this. We are now working through a scoping study to draw up a tender for someone to come and investigate ways that not-for-profit community aged-care facilities can work together better to tackle this issue. It is a particularly difficult one for community based aged-care centres because, unfortunately, the outgoings do not match the revenue. This issue will become more and more difficult and it is something we all have to face. This project will be one way of trying to share with other regions throughout Australia in tackling that problem. I thank the minister for that most innovative and supportive program.

Finally, I would like to share the details of an absolutely super-duper program in my electorate called Kommunity Kids. Up in the Shorewell area of Burnie, times are relatively diffi-
cult for the community. Constable Ian Edwards, from the Western District Early Intervention and Youth Action Unit, has put together a program attracting kids in Shorewell to share activities and to work with and through the police and other agencies to enjoy themselves. I was lucky enough to be able to contribute some Australian cricket gear that was given to us for them and their activities. They do a fantastic job. They have barbecues. Kids trust the police and the police trust them, and it is interesting how it has affected behaviour in the area. I congratulate Ian Edwards and the Kommunity Kids program.

**Fadden Electorate: Student Leaders**

Mr ROBERT (Fadden) (12.43 pm)—I rise to acknowledge the new student leaders within the schools of Fadden. Australia’s young leaders play an important role in setting a good example by acting responsibly and making positive choices. What is encouraging is that these leaders have been selected by their schools and in many instances by their own peers for their potential to make a positive and lasting contribution to their school community. We all know Australia needs great leaders, and much more will be demanded of these leaders in their schools today and in their communities tomorrow.

I am pleased to acknowledge the following leaders. From St Stephen’s College: Hayley House captain, Olivia Eadie; Hayley House captain and chapel captain, Brittany Johansson; Hayley House captain, Christopher Lowe; prefect and Hughes House captain, Alison Law; Hughes House captain, Thomas Fletcher; Hughes House captain, Sharni Willmann; sports captain, Laura Hansen; prefect and sports captain, Risa Saito; international liaison officer, Jerry Jen; and prefect and sports captain, Sho Saito.

From AB Paterson College: college captain, Rachel Gobel; college vice-captain, Blake Hatchman; Dennis House captains, Tina Lacey and Daniel Dostal; Lawson House captains, Kala Anderton and Sam Elliott; Mackellar House captains, Georgia Stening and Dwayne Cox; and Wright House captains, Amy Gash and Alexander Canning.

From Coomera State School: school captains, Megan Wykamp and Khaled Yossef; vice-captains, Laura Cooper and Bryce Watson; Acacia House captains, Jamie Russell and Yaren Bakir; Banskia House captains, Jordyn White and Robbie Stevenson; Grevillea House captains, Liana Simonite and Blake Jennings; and peer mediator leaders, Jahlia Aird and Georgia Stratton.

From Upper Coomera State College: senior captains, Minnie Hannaford and Clayton Couch; senior vice-captains, Kaity Cork and Kirsty Norris; middle school captains, Marleahna Walker and Dominic Bradley; and middle school vice-captains, Belinda Jefferies and Jacob Jenkinson.

From Assisi Catholic College: school captain, Benita Salvatore and Luke Simpson; Agnes House captains, Georgia Harper and Jess Kennedy; Clare House captains, Karis Lambert and Ethan Quinn; Francis House captains, Carissa Van Rooy and Grace Beechey; Rufino House captains, Hollie Whitehouse and Blake Sullivan; early years liaison, Pia Smith; junior years liaison, Lauren Turner; and middle years liaison, Tara Wood.

From Coombabah State High School: school captains, Synthia Kurti and Glen Marks; vice-captains, Stephanie D’Agostino and Damien Smith; student council president, Angus Tripp; student council secretary, Rebekah Henderson; and student council treasurer, Hayden Schmidt.
From Coomera Anglican College: college captains, Lauren Griffin and Nathan Coombridge; Gibbs House captains, Jessica Brennock and Lucas Newton; Morris House captains, Bonnie McCoy and Andrew Jones; Lane House captains, Jennifer Stockwell and Ashley Munro; Smith House captains, Mikaila Rakauskas and Jordan Beskin-Fill.

From Pacific Pines State High School: school captains, Ashleigh Dent, Dannielle Simpson and Ammon Pearce; cultural captains, Jessie Bray and Kelsey Kirkpatrick; sports captains, LJ Oberholzer and Callum Bidmead.

From Labrador State School: captain and peer leader, Rebecca Gorman; captain and peer leader, Miguel Jarman; vice-captain and peer leader, Kenya Burgess and Jordan Luettke; peer leaders, Keisha Perenara, Mattie Stover, Juanita Hallett, Sarvarna Woodley, Jasmin Vainerere, Madison Bergman, Tamika Freeman, Coco-Janaya Lewis, Lucy Hazell, Samantha Foley, Oribe Maipi-Tukere, Cody Less Curtis, Candace Searle, Jessica Hazell, Emma Hills, Shona Bess, Patrick Lamb, Bayley McKavanagh, Danielle Insole, Tigh Barrie and Gloria Bracic.

From Trinity Lutheran College Senior School: captain, Alexane Escot; vice-captains, Jasmine Mikschi and Kevin Braysher; captain, Tom Dalton; year 5 representatives, Nathan Leydon and Kaneisha Wiebusch, Kyra MacKenzie, Callum Pert, Sophie Kleinschmidt and Bryson Parker; middle school student leaders, Stephan House—George Dooley, Samantha Harland, Olivia Dickson, Cassidy Mackie, Riccoh Deobarama, Abbey Hellinga, Luke Arace, Caitlin Chan; middle school student leaders, Mackenzie House—Georgia Warner, Caitlin Ghent, Bryce Robbie-Moss, Ashleigh Nay, Sam Lumsden, Kaitlyn Hipgrave, Matthew Dent and Emma Gallagher; middle school student leaders, Strohmeyer House—Emily Smith, Rachel Joseph, Dae-Yoon Kim, Annamika Calcino, Joel Turner, Tae-Jun Lee and Rhi-annon Buitenhuis; middle school student captains, Joon Choi, Declan Harsent, Jonathan Leung, Daisy Buell-Owen, Daisy Stubberfield; middle school captains, Kristian Eggleton and Rosy Cartmill; middle school vice-captains, Thomas Murphy and Emily Norman; senior school prefects, Emily Denshan and Lara Jarosch.

Corio Electorate: Wathaurong People

Mr MARLES (Corio) (12.48 pm)—On the eve of the anniversary of the apology to the stolen generation I want to take this opportunity to say something about the Indigenous people, the Wathaurong people, of the Geelong electorate, in which I live. In the early days of settlement the Wathaurong became one of the most notable tribes to the European settlers through the extraordinary story of William Buckley, an Englishman, who, at the age of 19, was sentenced to transportation to Australia for stealing cloth. He was part of the, ultimately, aborted attempt to establish a colony in 1802-03 around Port Phillip Bay.

Within months of his arrival he and his fellow prisoners attempted an escape from the camp. After a few days in the wilderness, they discovered that survival was not going to be as easy as they thought. William Buckley’s fellow escapees attempted to go back to the camp and were never heard of again. Both they and William Buckley were given up for dead by the camp which of course is the beginning of the phrase ‘you’ve got Buckley’s chance’. In fact William Buckley did not die. He was at death’s door when he was taken in by the local Aboriginal tribe, the Wathaurong people. He was cared for; they shared their food with him and over the next 30 years he lived with them, he became a husband, a father and, ultimately, an elder of that community. He emerged from the bush in 1835 in fact to try to prevent a conflict between those from John Batman’s camp and the Wathaurong people. He was dressed in kan-
garoo skins, carrying Aboriginal weapons and he had forgotten how to speak English but ultimately regained that ability. He was given a pardon, became an interpreter for the colony at the time, and ended up marrying again and moving down to Tasmania where he died at the age of 75.

In the history of Australia both Indigenous and non-Indigenous surely William Buckley’s life must be one of the most extraordinary lives ever lived on this continent. It is an extraordinary story; they ought to make a movie about it. I tell it now because what ought to be celebrated from it is that it is truly one of the great first acts of reconciliation on the part of the Wathaurong people to take in this man. It gave so much promise of a future that could have been very different to what ultimately transpired.

The Wathaurong people now live in Geelong and are very active through the Wathaurong Aboriginal Cooperative with its CEO, Trevor Edwards. It is an organisation which is at the forefront of self-determination. Since its formation 30 years ago, it has always been driven by the belief that services for Aboriginal people must be provided by Aboriginal people. It is a highly successful community facility now staffed by 35 people providing health care, child care, drug and alcohol services, juvenile services and many others. Its medical and dental clinic is a great example of a service responding to community needs. It has two doctors at the moment and they are hoping to take on a third. Wathaurong also invests in local jobs. One of its most successful and remarkable start-ups has been Wathaurong Glass, which is a mix of industry and artistry. It started as a Work for the Dole project and now employs five full-time staff. They create everything from household items to pool fencing to highly visual design pieces for the corporate sector. Nelson Mandela was presented with a piece of their work during his visit here in the year 2000, and many of the giant football club trophies are now made by Wathaurong Glass. Wathaurong’s CEO Trevor Edwards says that the cooperative’s success demonstrates how crucial it is for Indigenous people to have their own services. Housing provision is a big part of their work. Unfortunately, the need for Indigenous housing in Geelong greatly outstrips the supply.

These days Geelong is also home to a wider group of Indigenous people than just the Wathaurong. Indeed the Geelong region within Victoria has the largest Indigenous population outside of Melbourne, encompassing 4,500 people. Many of those have a very sad story typical of the survivors of the stolen generation, because for much of the 20th century Geelong had six orphanages, the highest number of orphanages outside of any capital city, which means that there are a large number of people living in Geelong who grew up in orphanages. Of course it was to these orphanages that many of the stolen generation went and in these orphanages that many of the stolen generation grew up. So these days a lot of the stolen generation now live in Geelong and form part of the Wathaurong’s broader family. So on the anniversary of the apology to the stolen generation it is a great honour for me not only to pay my respects to the traditional owners of the land in which my electorate is based but also to celebrate the wonderful contribution that they make to Geelong life.

Cowan Electorate: Wanneroo

Mr SIMPKINS (Cowan) (12.53 pm)—I have very recently been given an opportunity to talk in this place about an issue of great concern to the people who are part of the suburb of Wanneroo within my electorate of Cowan. As members would probably not know, Cowan is bounded on the west side by the Mitchell Freeway but basically through the centre of Cowan
running north to south there is an arterial road called Wanneroo Road. Around the centre of
the electorate this road is intersected with Ocean Reef Road. On the north-west corner of this
intersection there is a little oasis of very pleasant houses known as the Regent Waters Estate,
which is part of the suburb of Wanneroo.

Unfortunately, a number of streets within this estate are affected by a great amount of
hooning, reckless driving and transiting traffic that comes from further north to avoid a set of
traffic lights. The problem for a lot of local people is that the amenity of their lifestyle is
greatly affected by this hooning and through traffic. The people have nothing to do with the
area; they are merely there to avoid having to sit at another set of traffic lights on Wanneroo
Road. The intersection on Wanneroo Road gives people the opportunity to turn west onto
Ocean Reef Road and then go down the Mitchell Freeway into the central business district of
Perth. A lot of people take that route. As I said before, people detouring through the Regent
Waters Estate impacts negatively on the people who live on James Spiers Drive, Tyne Crescent
and Backshall Place.

I have been involved in this issue with the local people over a couple of years now since
before I was elected. I was interested in trying to help resolve the issue. It is the responsibil-
ity of the City of Wanneroo to resolve this issue. I wrote to the former state minister for infra-
structure and to the Director-General of Main Roads in Western Australia suggesting certain
changes to the streets and the blocking of certain streets to alleviate the problem. The re-
sponse I got at that time was that it was up to the City of Wanneroo. About a year ago or a
little longer it was recommended to the elected members of the City of Wanneroo that a trial
take place of certain roadblocks and changes to the design of the streets. The city’s counci-
lors, led by the two local councillors, decided that they would not proceed with that and that
they would rather wait for an extra turning lane to be put on the southbound lane of Wanneroo
Road to turn into Ocean Reef Road. They thought that would resolve the problem.

Sadly, that has not been the case. There has been no resolution. The problems for the good
people living on James Spiers Drive, Tyne Crescent and Backshall Place continue. It is a great
source of disappointment to me that this matter has dragged on since before my involve-
ment. I look forward to the elected members of the City of Wanneroo doing what is right,
stepping up and making sure that the future amenity of the people who live in these affected
streets is looked after. It is right for elected members to do that. They have the opportunity
to make changes to these streets. I look forward to that being done as quickly as possible. They
have missed opportunities in the past. It is their responsibility. It is about time they got on and
did their jobs so that the people in that area have the best quality of life. It is a beautiful little
area that is being let down by the lack of action by the City of Wanneroo.

Australia Day

Mr ZAPPIA (Makin) (12.58 pm)—Each year on Australia Day communities right around
Australia organise local events and celebrate Australia’s national day. Traditionally, citizen-
ship ceremonies are held and local people are recognised for their contribution to their com-
community. These events have become synonymous with and part of Australia Day celebrations,
and rightly so because citizenship and recognising the voluntary work of many people are
both part of the Australian culture.

On Australia Day this year, I attended two functions: one was organised by the City of Tea
Tree Gully and the other was organised by the City of Salisbury. At both functions people be-
came Australian citizens and people within the local community were recognised. In fact, about 120 people became Australian citizens at the two ceremonies I attended. As usual, it was wonderful to see the excitement in their faces when they were handed their citizenship certificates.

I want to acknowledge the people that were recognised at those two events here in the House today. The City of Tea Tree Gully Citizen of the Year Award went to Brian Emery. He has been a volunteer involved with the Kiwanis, the Catholic Parish of Para Hills and Modbury and also the Tea Tree Gully Golf Club. He commenced his involvement with these organisations way back in 1972 and has worked between 12 and 25 hours per week during this time. The citation goes on and on, but time will not permit me to go through it in detail. However, he is certainly someone who is very much worthy of the recognition he was given.

The Community Group of the Year Award went to the Naturally Green Gardeners. They provide a low-level gardening service to Home and Community Care eligible clients who are at risk of premature entry into a residential care facility. It provides a one-off gardening service to those clients with small gardens. Of particular interest is the fact that volunteer group members give up their time on Monday and Tuesday mornings to assist clients, who are mainly frail, aged people and younger people with disabilities. This is a matter that the House is discussing right now.

The Sportsperson of the Year Award went to Brendon Twiggs. Brendon commenced playing lacrosse for the North Adelaide Lacrosse Club in 2003 in the under-17 team. He was chosen to play in the state under-17 side and also the Australian under-17 team. He then went on to play senior lacrosse with the North Adelaide Lacrosse Club in 2004. He was selected for the under-21 Australian side in 2007, where he was appointed captain for the Asia-Pacific Games. In October 2008 he represented South Australia in the Australian championships in Perth. He was awarded a 12-month scholarship for lacrosse at the Globe Institute of Technology in New York in 2007-08. He has been selected for the Australian lacrosse squad to compete at the World Cup in Manchester in 2010.

The City of Salisbury Community Group of the Year Award went to Boost Media Skills. This is a program that offers young people the opportunity to learn new skills, to develop the skills they already have and to make a contribution which will encourage them to think about their future career choices. An alternative education program, coordinated through TWELVE25 Salisbury Youth Enterprise Centre by Kate Walker, Youth Services and Project Officer for the City of Salisbury, and Boost Media Skills was attended by Harley Soltan, Stephanie Warren and Richard Sims.

The City of Salisbury Young Citizen of the Year Award went to Josh Baldwin. He is a passionate and dedicated young man who advocates on behalf of other young people. Josh has played an active role on the Salisbury Youth Advisory Council since 2006. Through his involvement with the Youth Advisory Council, Josh has been involved in the planning, organisation and facilitation of initiatives such as Youth Week, youth forums, the development of the youth centre, the development of a youth strategy and youth careers functions, the development of the Youth Advisory Council website, skate park events and so on. He is clearly a young person who is very active in his community.

Lastly, the City of Salisbury Citizen of the Year award went to Susan Emerson. Susan, who works for the Helping Hand organisation, is a committed, dedicated and enthusiastic woman.
who works to provide older people with a better quality of life and to effectively engage them with other generations. She has been instrumental in assisting young school children to connect with older members of the community, and she is renowned for bringing people, businesses and organisations together.

These are just some of the people who contribute to those communities. Obviously, each council cannot recognise them all but these people are certainly worthy of recognition, and I congratulate them for the awards they have received.

Question agreed to.

Main Committee adjourned at 1.04 pm
QUESTIONS IN WRITING

Migration Inquiries
(Question No. 430)

Dr Stone asked the Minister representing the Minister for Immigration and Citizenship, in writing, on 28 November 2008:

(1) What are the current trends for migration inquiries, including the visa categories, numbers of applications and countries from where these inquiries originate.

(2) How long do migration applications take to process by: (a) post; and (b) visa category.

Mr McClelland—The Minister for Immigration and Citizenship has provided the following answer to the honourable member’s question:

(1) The trend in migration related inquiries has been varied with an overall increase. Call volumes have remained relatively static onshore but increases of up to 22 per cent have been experienced offshore. Attachment A1 refers. Migration related calls appear to have decreased marginally as a percentage of overall call volumes. Pre-lodgement email inquiries regarding skilled migration reduced by 19 percent in 2007-08. Some of the reduction may be due to better access to information through industry outreach activities including regular information sessions, seminars, workshops. Participant attendance at these is averaging 22 per session and more than 30 sessions are occurring per month. Access to information through the department’s web site may also be a factor.

Web site inquiries have increased by approximately 25 per cent in the past twelve months with the daily average page views in November 2008 reaching 668 556. The top ten global access points are Australia (31.9%), United Kingdom (6.3%), United States (5.5%), India (4.5%), Sri Lanka (2.5%), China (2.3%), Philippines (1.7%), Canada (1.3%), New Zealand (1.2%) and both Germany and Singapore (1.1% each). The newly launched visa wizard which provides visa application information to clients via the website is averaging 5200 views daily during the week and 4017 daily over weekends.

Application rates for skilled migration since 1 July 2008 have averaged 11 750 per month. There was a spike in application rates ahead of the reforms which came into effect in September 2007. Skilled migration applications rates then fell to approximately 10 010 per month before steadily increasing to the current level.

Application rates for family migration since 1 July 2008 have averaged 8050 per month which is approximately 7.3 percent less than the average in 2007/08.

(2) Detailed information on processing performance against service standards broken down by post and visa category is at Attachment A2. The number of applications lodged by post and visa category since 1 July 2008 is also shown.

Attachment A1—Client Enquiry Data

DIAC operates two onshore contact centres in Melbourne and Sydney and two offshore contact centres located in London and Ottawa. The London Contact Centre (LCC) handles calls from the UK and Ireland. The Ottawa Contact Centre (OCC) handles calls from Canada, the USA, the Caribbean and parts of South America. In addition, data for the DIAC office in Shanghai post has been included to give an indication of volume for the China region.

The onshore and offshore contact centres report slightly differently on the categories of visa classes they handle due to their particular client service focus in that region.

The data below represents client selection when they enter the IVR and is not always indicative of the actual enquiry. The nationality of the caller is captured in Ottawa only.
The department only offers an email channel to clients enquiring about General Skilled Migration.

**Onshore Call Data**

Visitor Visa enquiries make up more than a quarter of all enquiries to the onshore DIAC Contact Centres, closely followed by Residence, Students and Business. There has been little variation from 06/07 to 07/08 with less than a 1% increase in call volume and very little difference in the distribution of calls to the different visa categories.

<table>
<thead>
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<th>2006-07</th>
<th>2007-08</th>
<th>Difference</th>
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</thead>
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<tr>
<td>Visitors</td>
<td>27.3%</td>
<td>26.2%</td>
<td>-1.1%</td>
</tr>
<tr>
<td>Students</td>
<td>20.5%</td>
<td>22.8%</td>
<td>+2.3%</td>
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<tr>
<td>Residence</td>
<td>21.4%</td>
<td>23.2%</td>
<td>+1.8%</td>
</tr>
<tr>
<td>Skilled</td>
<td>10.3%</td>
<td>8.3%</td>
<td>-2%</td>
</tr>
<tr>
<td>Business</td>
<td>20.5%</td>
<td>22.8%</td>
<td>+2.3%</td>
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<tr>
<td>Parental (POPC)</td>
<td>0.8%</td>
<td>1.3%</td>
<td>+0.5%</td>
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</table>

**Onshore Email Data (pre-lodgement enquiries)**

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<th>2007-08</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skilled</td>
<td>41161</td>
<td>33284</td>
<td>-19%</td>
</tr>
</tbody>
</table>

**Offshore Call Data**

**London Contact Centre**

Visitor Visa enquiries make up a large proportion of calls to the London Contact Centre at nearly half of visa enquiries for 07/08. There was a substantial increase in overall call volume of nearly 22%, with Visitor calls distribution increasing by 8%.

<table>
<thead>
<tr>
<th>Visa Category</th>
<th>2006-07</th>
<th>2007-08</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitors/ETA</td>
<td>48.8%</td>
<td>56.7%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Students</td>
<td>4.1%</td>
<td>4.2%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Residence</td>
<td>17.6%</td>
<td>13.5%</td>
<td>-4.2%</td>
</tr>
<tr>
<td>Skilled</td>
<td>16.3%</td>
<td>13.6%</td>
<td>-2.6%</td>
</tr>
<tr>
<td>Business</td>
<td>13.2%</td>
<td>12.0%</td>
<td>-1.2%</td>
</tr>
</tbody>
</table>

**Ottawa Contact Centre**

Visitor Visa enquiries make up a large proportion of calls to Ottawa at over 62% in 07/08. There was a substantial increase in overall call volume of 21% with the proportion of Visitor calls increasing by 3.6% and a decrease in Student by 3.2%.

<table>
<thead>
<tr>
<th>Visa Category</th>
<th>2006-07</th>
<th>2007-08</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitor/ETA</td>
<td>58.8%</td>
<td>62.3%</td>
<td>3.6%</td>
</tr>
<tr>
<td>Student</td>
<td>18.3%</td>
<td>15.2%</td>
<td>-3.2%</td>
</tr>
<tr>
<td>Residence</td>
<td>6.9%</td>
<td>5.9%</td>
<td>-1.0%</td>
</tr>
<tr>
<td>RRV &amp; Migration</td>
<td>16.0%</td>
<td>16.6%</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

**Call of Origin**

- USA: 60%
- Canada: 28%
- Caribbean: 0.2%
- Other: 11.8%
Note: The above figures are approximate as they vary from month to month. The “Other” location is primarily from Central and South America.

**DIAC Shanghai**

Below is data sourced from Shanghai, a larger overseas post where telephony data is available.

Visitor Visa enquiries make up the vast majority number of calls to Shanghai, with Family Visa enquiries a distant second at 15%. There was a slight decrease in the call volume which saw very little variation in the distribution of calls over the different visa categories.

<table>
<thead>
<tr>
<th>Visa Category</th>
<th>2006-07</th>
<th>2007-08</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitors</td>
<td>61.7%</td>
<td>63.5%</td>
<td>+1.8%</td>
</tr>
<tr>
<td>Students</td>
<td>8.7%</td>
<td>9.9%</td>
<td>+1.2%</td>
</tr>
<tr>
<td>Residence</td>
<td>3.8%</td>
<td>3.8%</td>
<td>Unchanged</td>
</tr>
<tr>
<td>Skilled</td>
<td>1.4%</td>
<td>1.2%</td>
<td>-.2%</td>
</tr>
<tr>
<td>Business</td>
<td>9.3%</td>
<td>7.5%</td>
<td>-1.8%</td>
</tr>
<tr>
<td>Family</td>
<td>15%</td>
<td>14%</td>
<td>-1%</td>
</tr>
</tbody>
</table>

Note: Due to limitations in overseas telephony, data is not available for all posts. This is due to become available over the next 12 months with the upgrade to DFAT telephony.

Table A2.1 Lodgements and Percentage of Migration Applications Finalised Within Service Standards at Overseas Posts 2008/2009 to the 30 November 2008 (Persons)

<table>
<thead>
<tr>
<th>Component Category</th>
<th>Percentage Finalised Within Service Standards</th>
<th>Lodged</th>
</tr>
</thead>
<tbody>
<tr>
<td>111 - Economic Migration Business Skills</td>
<td>57.81%</td>
<td>2,801</td>
</tr>
<tr>
<td>112 - Family Migration Child</td>
<td>81.95%</td>
<td>1,417</td>
</tr>
<tr>
<td>112 - Family Migration Prospective Spouse</td>
<td>90.62%</td>
<td>3,443</td>
</tr>
<tr>
<td>112 - Family Migration Spouse/Interdependent</td>
<td>88.98%</td>
<td>12,519</td>
</tr>
</tbody>
</table>

Table A2.2 Percentage of Migration Applications Finalised Within Service Standards at Overseas Posts 2008/2009 to the 30 November 2008 (Persons)

<table>
<thead>
<tr>
<th>Post</th>
<th>% Finalised Within Service Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amman</td>
<td>67.82</td>
</tr>
<tr>
<td>Ankara</td>
<td>88.38</td>
</tr>
<tr>
<td>Auckland</td>
<td>91.23</td>
</tr>
<tr>
<td>Bangkok</td>
<td>95.84</td>
</tr>
<tr>
<td>Beirut</td>
<td>90.46</td>
</tr>
<tr>
<td>Belgrade</td>
<td>93.73</td>
</tr>
<tr>
<td>Berlin</td>
<td>84.05</td>
</tr>
<tr>
<td>Brasilia</td>
<td>92.86</td>
</tr>
<tr>
<td>Cairo</td>
<td>92.86</td>
</tr>
<tr>
<td>Colombo</td>
<td>96.65</td>
</tr>
<tr>
<td>Dhaka</td>
<td>88.50</td>
</tr>
<tr>
<td>Dili</td>
<td>83.33</td>
</tr>
<tr>
<td>Dubai</td>
<td>69.44</td>
</tr>
<tr>
<td>Hanoi</td>
<td>79.62</td>
</tr>
<tr>
<td>Ho Chi Minh City</td>
<td>92.41</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>58.38</td>
</tr>
<tr>
<td>Islamabad</td>
<td>53.27</td>
</tr>
<tr>
<td>Jakarta</td>
<td>96.78</td>
</tr>
</tbody>
</table>
## Post % Finalised Within Service Standards

<table>
<thead>
<tr>
<th>Post</th>
<th>% Finalised Within Service Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kuala Lumpur</td>
<td>71.89</td>
</tr>
<tr>
<td>London</td>
<td>93.91</td>
</tr>
<tr>
<td>Manila</td>
<td>93.27</td>
</tr>
<tr>
<td>Moscow</td>
<td>93.05</td>
</tr>
<tr>
<td>Nairobi</td>
<td>80.10</td>
</tr>
<tr>
<td>New Delhi</td>
<td>97.81</td>
</tr>
<tr>
<td>Ottawa</td>
<td>91.30</td>
</tr>
<tr>
<td>Phnom Penh</td>
<td>93.99</td>
</tr>
<tr>
<td>Port Moresby</td>
<td>77.53</td>
</tr>
<tr>
<td>Pretoria</td>
<td>79.73</td>
</tr>
<tr>
<td>Santiago de Chile</td>
<td>92.21</td>
</tr>
<tr>
<td>Seoul</td>
<td>79.44</td>
</tr>
<tr>
<td>Shanghai</td>
<td>91.89</td>
</tr>
<tr>
<td>Singapore</td>
<td>91.55</td>
</tr>
<tr>
<td>Suva</td>
<td>90.03</td>
</tr>
<tr>
<td>Taipei</td>
<td>85.27</td>
</tr>
<tr>
<td>Tehran</td>
<td>52.59</td>
</tr>
<tr>
<td>Tokyo</td>
<td>90.61</td>
</tr>
<tr>
<td>Washington</td>
<td>84.08</td>
</tr>
</tbody>
</table>

Table A2.3 Lodgements of Migration Applications at Overseas Posts 2008/2009 to the 30 November 2008 (Persons)

<table>
<thead>
<tr>
<th>Global_Post</th>
<th>Lodged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amman</td>
<td>283</td>
</tr>
<tr>
<td>Ankara</td>
<td>132</td>
</tr>
<tr>
<td>Apia</td>
<td>1</td>
</tr>
<tr>
<td>Athens</td>
<td>80</td>
</tr>
<tr>
<td>Auckland</td>
<td>101</td>
</tr>
<tr>
<td>Bali</td>
<td>1</td>
</tr>
<tr>
<td>Bangkok</td>
<td>692</td>
</tr>
<tr>
<td>Beirut</td>
<td>471</td>
</tr>
<tr>
<td>Belgrade</td>
<td>262</td>
</tr>
<tr>
<td>Berlin</td>
<td>622</td>
</tr>
<tr>
<td>Brasilia</td>
<td>85</td>
</tr>
<tr>
<td>Buenos Aires</td>
<td>1</td>
</tr>
<tr>
<td>Cairo</td>
<td>201</td>
</tr>
<tr>
<td>Colombo</td>
<td>269</td>
</tr>
<tr>
<td>Dhaka</td>
<td>245</td>
</tr>
<tr>
<td>Dili</td>
<td>9</td>
</tr>
<tr>
<td>Dubai</td>
<td>198</td>
</tr>
<tr>
<td>Guangzhou</td>
<td>34</td>
</tr>
<tr>
<td>Hanoi</td>
<td>176</td>
</tr>
<tr>
<td>Ho Chi Minh City</td>
<td>847</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>2925</td>
</tr>
<tr>
<td>Honiara</td>
<td>4</td>
</tr>
<tr>
<td>Islamabad</td>
<td>862</td>
</tr>
<tr>
<td>Jakarta</td>
<td>394</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
Compared with table A2.2, table A2.3 includes posts where applications are lodged but not finalised

<table>
<thead>
<tr>
<th>Global Post</th>
<th>Lodged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kuala Lumpur</td>
<td>173</td>
</tr>
<tr>
<td>London</td>
<td>2257</td>
</tr>
<tr>
<td>Madrid</td>
<td>53</td>
</tr>
<tr>
<td>Manila</td>
<td>1314</td>
</tr>
<tr>
<td>Moscow</td>
<td>230</td>
</tr>
<tr>
<td>Nairobi</td>
<td>473</td>
</tr>
<tr>
<td>New Delhi</td>
<td>1550</td>
</tr>
<tr>
<td>Noumea</td>
<td>2</td>
</tr>
<tr>
<td>Ottawa</td>
<td>269</td>
</tr>
<tr>
<td>Paris</td>
<td>1</td>
</tr>
<tr>
<td>Phnom Penh</td>
<td>230</td>
</tr>
<tr>
<td>Port Moresby</td>
<td>131</td>
</tr>
<tr>
<td>Pretoria</td>
<td>521</td>
</tr>
<tr>
<td>Santiago de Chile</td>
<td>210</td>
</tr>
<tr>
<td>Seoul</td>
<td>100</td>
</tr>
<tr>
<td>Shanghai</td>
<td>2069</td>
</tr>
<tr>
<td>Singapore</td>
<td>165</td>
</tr>
<tr>
<td>Suva</td>
<td>347</td>
</tr>
<tr>
<td>Taipei</td>
<td>146</td>
</tr>
<tr>
<td>Tehran</td>
<td>131</td>
</tr>
<tr>
<td>Tel Aviv</td>
<td>88</td>
</tr>
<tr>
<td>Tokyo</td>
<td>222</td>
</tr>
<tr>
<td>Vienna</td>
<td>105</td>
</tr>
<tr>
<td>Washington</td>
<td>525</td>
</tr>
</tbody>
</table>