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SITTING DAYS—2009

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FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH 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. Christopher Maurice Pyne 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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<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
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<td>Deputy Prime Minister, Minister for Education, Minister for Employment</td>
<td>Hon. Julia Gillard, MP</td>
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<td>and Workplace Relations and Minister for Social Inclusion</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Immigration and Citizenship and Leader of the Government</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for Defence and Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
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<td>Minister for Trade</td>
<td>Hon. Simon Crean MP</td>
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<td>Hon. Stephen Smith MP</td>
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<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<td>Hon. Jenny Macklin MP</td>
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<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Minister for Climate Change and Water</td>
<td>Senator Hon. Penny Wong</td>
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<tr>
<td>Minister for the Environment, Heritage and the Arts</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Attorney-General</td>
<td>Hon. Robert McClelland MP</td>
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<tr>
<td>Cabinet Secretary, Special Minister of State and Manager of Government</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Minister for Agriculture, Fisheries and Forestry</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<td>Minister for Financial Services, Superannuation and Corporate Law and</td>
<td>Hon. Chris Bowen, MP</td>
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<td>Minister for Human Services</td>
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<td>Hon. Alan Griffin MP</td>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Early Childhood Education, Childcare and Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<tr>
<td>Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change</td>
<td>Hon. Greg Combet AM, MP</td>
</tr>
<tr>
<td>Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery</td>
<td>Senator Hon. Mark Arbib</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
<td>Hon. Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Western and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
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<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr SC, MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade</td>
<td>Hon. Anthony Byrne MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion</td>
<td>Senator Hon. Ursula Stephens</td>
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<tr>
<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>Hon. Laurie Ferguson MP</td>
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<tr>
<td>Parliamentary Secretary for Employment</td>
<td>Hon. Jason Clare MP</td>
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<tr>
<td>Parliamentary Secretary for Health</td>
<td>Hon. Mark Butler MP</td>
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<tr>
<td>Parliamentary Secretary for Industry and Innovation</td>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Malcolm Turnbull MP

Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
The Hon. Julie Bishop MP

Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals
The Hon. Warren Truss MP

Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate
Senator the Hon. Nick Minchin

Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate
Senator the Hon. Eric Abetz

Shadow Treasurer
The Hon. Joe Hockey MP

Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
The Hon. Christopher Pyne MP

Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design
The Hon. Andrew Robb AO, MP

Shadow Minister for Finance, Competition Policy and Deregulation
Senator the Hon. Helen Coonan

Shadow Minister for Human Services and Deputy Leader of The Nationals
Senator the Hon. Nigel Scullion

Shadow Minister for Energy and Resources
The Hon. Ian Macfarlane MP

Shadow Minister for Families, Housing, Community Services and Indigenous Affairs
The Hon. Tony Abbott MP

Shadow Special Minister of State and Shadow Cabinet Secretary
Senator the Hon. Michael Ronaldson

Shadow Minister for Climate Change, Environment and Water
The Hon. Greg Hunt MP

Shadow Minister for Health and Ageing
The Hon. Peter Dutton MP

Shadow Minister for Defence
Senator the Hon. David Johnston

Shadow Attorney-General
Senator the Hon. George Brandis SC

Shadow Minister for Agriculture, Fisheries and Forestry
The Hon. John Cobb MP

Shadow Minister for Employment and Workplace Relations
Mr Michael Keenan MP

Shadow Minister for Immigration and Citizenship
The Hon. Dr Sharman Stone

Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts
Mr Steven Ciobo

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

Shadow Minister for Financial Services, Superannuation and Corporate Law
Shadow Assistant Treasurer
Shadow Minister for Sustainable Development and Cities
Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House
Shadow Minister for Housing and Local Government
Shadow Minister for Ageing
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence
Shadow Minister for Veterans’ Affairs
Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth
Shadow Minister for Justice and Customs
Shadow Minister for Employment Participation, Training and Sport
Shadow Parliamentary Secretary for Northern Australia
Shadow Parliamentary Secretary for Roads and Transport
Shadow Parliamentary Secretary for Regional Development
Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs
Shadow Parliamentary Secretary for Energy and Resources
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector
Shadow Parliamentary Secretary for Water Resources and Conservation
Shadow Parliamentary Secretary for Health Administration
Shadow Parliamentary Secretary for Defence
Shadow Parliamentary Secretary for Education
Shadow Parliamentary Secretary for Justice and Public Security
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate

The Hon. Chris Pearce MP
The Hon. Tony Smith MP
The Hon. Bruce Billson MP
Mr Luke Hartsuyker MP
Mr Scott Morrison
Mrs Margaret May MP
The Hon. Bob Baldwin MP
Mrs Louise Markus MP
Mrs Sophie Mirabella MP
The Hon. Sussan Ley MP
Dr Andrew Southcott MP
Senator the Hon. Ian Macdonald
Mr Don Randall MP
Mr John Forrest MP
Senator Marise Payne
Mr Barry Haase MP
Senator Mitch Fifield
Mr Mark Coulton MP
Senator Mathias Cormann
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Thursday, 13 August 2009

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

PARLIAMENTARY ZONE
Approval of Proposal
Mr ALBANESE (Grayndler—Leader of the House) (9.01 am)—I move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 11 August 2009, namely: Parliament Drive one-way road upgrade.

This motion is seeking approval of the parliament to upgrade the Parliament Drive one-way road. Parliament Drive was converted to a one-way road in late 2006. This was done to help improve the traffic efficiency of the road following security upgrades in the area. Since that time there have been a number of minor traffic incidents on the road, such as vehicles proceeding the wrong way along the one-way road. If left unaddressed, the current situation could result in a serious traffic accident.

A traffic engineering report was commissioned by the Department of Parliamentary Services. This report recommended a number of modifications to significantly reduce the likelihood of traffic accidents occurring. The proposed project will implement these recommendations. The estimated construction cost for the upgrade is $1.4 million and construction works are planned to take place late in 2009. The costs and timings of the works will be confirmed after construction contracts have been received.

Under section 5 of the Parliament Act 1974, the Presiding Officers are responsible for works within the parliamentary precinct and the Minister for Infrastructure, Transport, Regional Development and Local Government is responsible for other works in the Parliamentary Zone. Accordingly, this motion is moved on behalf of the Speaker and the President in my capacity as Leader of the House, and I commend the motion to the House.

Question agreed to.

COMMITTEES
Public Works Committee
Reference
Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (9.03 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Villawood Immigration Detention Facility, Sydney, New South Wales.

The Department of Immigration and Citizenship proposes to undertake a major redevelopment of the Villawood Immigration Detention Facility, which is located in Sydney, New South Wales, at an estimated out-turn cost of $205.37 million inclusive of GST. The Department of Finance and Deregulation is to manage the project delivery on behalf of DIAC. The Villawood Immigration Detention Facility needs to be upgraded to replace ageing infrastructure; provide appropriate facilities to meet contemporary community standards; improve the living conditions and amenity for detainees; improve operational efficiency and modernise security; and, importantly, respond to the new directions in detention announced by the Minister for Immigration and Citizenship in his speech of 29 July 2008.

Broadly speaking, the project aims to replace the existing high-security accommodation, provide new essential support facilities and engineering services and refurbish the existing low- and medium-security accommodation. Subject to parliamentary approval
and following a detailed design process, construction works are planned to commence in late 2010, with construction to be completed by mid-2014. I commend the motion to the House.

Question agreed to.

ASIAN DEVELOPMENT BANK
(ADDITIONAL SUBSCRIPTION)
BILL 2009

First Reading

Bill and explanatory memorandum presented by Mr Swan.

Bill read a first time.

Second Reading

Mr Swan (Lilley—Treasurer) (9.05 am)—I move:

That this bill be now read a second time.

This bill is an important step in delivering on Australia’s commitments at the G20 leaders’ meeting in London in April 2009.

While the global recession had its origins in the financial institutions of the United States and Europe, its impacts have been felt right around the world.

The multilateral development banks, such as the Asian Development Bank (ADB), are playing a critical role in supporting recovery in developing economies and therefore the global economy.

The ADB is also helping to ensure sustained growth and stability in the Asia-Pacific region which will benefit Australian exporters and jobs for many years to come.

To ensure the ADB has sufficient capital to support recovery and ongoing sustainable growth in our region, G20 leaders agreed to support a 200 per cent general capital increase.

The outcomes of the London Summit played an important role in restoring stability to financial markets and restoring economic confidence.

And as we approach the next leaders’ summit in Pittsburgh, it is important for G20 members to demonstrate that we are delivering on all of these very important commitments.

Supporting this bill will enable Australia to demonstrate its leadership globally, as well as supporting recovery from the global recession in our region.

The purpose of this bill is to obtain parliamentary approval for Australia to take up its allocated subscription to the fifth general capital increase at the ADB at a cost of around $US197.6 million over 10 years.

Under the general capital increase, Australia is entitled to subscribe to an additional 409,480 shares.

Only four per cent of these shares are required to be paid-in.

As a result of the low paid-in component, the annual cost of the subscription will account for a very small part of Australia’s aid program over the 10-year payment period.

Australia’s contribution towards the general capital increase was included as a capital measure in the 2009-10 budget and will not impact the underlying cash or fiscal balances.

I believe the economic and political significance of the Asia-Pacific region to Australia, and the important developmental role which the Asian Development Bank is playing, both in its immediate response to the global recession and in pursuit towards its long-term Strategy 2020, necessitate Australia’s continued support of the bank.

I commend the bill to the House.

Debate (on motion by Mr Coulton) adjourned.
Mr KEENAN (Stirling) (9.09 am)—The coalition strongly opposes the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009, because we believe that every Australian, whether they be an employer or an employee, deserves to be able to go to their workplace and operate in an environment where basic law and order is enforced. Every Australian has that right, and this bill abolishes the body that ensures that law and order is enforced in the building and construction industry.

Mr Sullivan—Rubbish!

Mr KEENAN—Already we get heckling from the back bench, who say it is ‘rubbish’. But it is true, and I will run through the reasons why the abolition of the ABCC and its replacement with a toothless tiger will result in exactly that.

We hear a lot of spin and rhetoric from this government and very little of substance, but the spin that they are putting out on this particular bill deserves a gold medal. We have heard the minister claim that the abolition of the ABCC and its replacement with a toothless tiger was actually the government standing up to the militant building and construction unions. But of course the exact opposite is true. The new body that has been established within Fair Work Australia to replace the incredibly successful Office of the Australian Building and Construction Commissioner is not an independent body. It is controlled by the minister. It is not a strong cop on the beat. It will become so bogged down in paperwork and bureaucracy that it will not have the time and resources to do its job properly. It is not a simpler model; it is a more complicated model that makes it far more difficult for it to go out and do the job that it is supposed to be doing, which is enforcing law and order in the building and construction industry.

It is important that this House acknowledge that the building and construction industry is not like any other sector of the Australian economy. It has for decades been plagued by serial thuggery, lawlessness and unlawful activity. It has been plagued by strikes, assaults, bribes, intimidation, trespass, vandalism, sabotage, threats, coercion, boycotts, blackmail, stalking, collusion, wilful damage—you name it and this industry has had it. These practices have meant high infrastructure costs, delayed projects—stalled for months by strike action—and the development of a culture which can, in many respects, be compared with that of organised crime. Ordinary Australians will not and should not be required to cop this sort of behaviour. People are smart enough to know that the rule of law is more important than the agenda of minority interest groups and militant unions. I wish that the powers of the ABCC—and they are quite extraordinary powers—were not needed. But we know from serial misbehaviour within the sector that the tough cop on the beat needs to have the powers that are required to do its job. Sadly, this bill will abolish those powers and it will abolish the body that has been so successful in enforcing law and order.

I want to remind the House why the Office of the Australian Building and Construction Commissioner was established. Of course, it took a coalition government to take the tough decisions to return the building and construction industry to law and order. In August of 2001, the Howard government
established the Cole royal commission to investigate the culture of lawlessness that had plagued that industry for decades. Commissioner Cole reported in March 2003, and the report catalogued more than 100 different types of unlawful conduct in that sector. This resulted in the creation of the Building Industry Taskforce, a body that secured law and order in the industry until the BCII Act was established, and the ABCC was created in 2005. The ABCC was created as a genuine and strong cop on the beat, and it was given the powers that it needed to actually enforce law and order and to do its job properly.

The ABCC is independent, it has been very effective, and it has done the hard yards to try to wrest control of the industry away from a culture of lawlessness and return it to something resembling other sectors in the Australian economy—sectors where people can go to work and expect that they will not be stood over or subjected to thuggery or intimidation, where they can just go to work and behave like they are in a normal workplace, as every other Australian would expect. It has been incredibly successful in returning law and order to the industry and, in doing so, it has also been incredibly important for the overall health of the Australian economy. Independent research says that industry productivity is up by some 10 per cent, there has been an annual economic welfare gain to the whole Australian economy of $5½ billion per year and inflation is lower. It is estimated that there has been a downward impact on CPI, to the tune of 1.2 per cent, and higher GDP for the whole Australian economy—up by ½ per cent—because of the significant success of the ABCC.

It has also, very importantly, resulted in a significant reduction in the number of days lost to industrial action. For the workers in that industry it has resulted in real wage increases of more than 15 per cent. So it has gone some way, within its short life, towards controlling the culture of lawlessness in the industry and changing the culture of the industry. But I do not think anybody who has been privy to some of the work done at the Westgate Bridge construction site in Victoria could say that the ABCC’s work is done or that the culture of the industry has been changed. This industry still requires an incredibly tough cop on the beat to do the job it is being asked to do in what is a very tough industry.

I want to go through some examples of lawlessness that were uncovered by the Cole royal commission. These are the sorts of things that have been happening in this industry in the last decade—it is not ancient history—and they are great examples of how the militant unions in the sector have conducted themselves. Cole came up with more than 100 examples of the lawlessness that occurs, and I would like to remind the House of some of the case studies he presented. He talked about a Japanese company called Saizeriya. They wanted to establish new facilities in Victoria. It is generally acknowledged that it is in Victoria and Western Australia that the militant construction unions are at their worst. After some discussion with the state Labor government in Victoria, Saizeriya decided to make a massive investment in food-processing infrastructure. They were going to invest, in the first instance, $40 million. This project would have created 100 jobs locally and about 500 full-time jobs on an ongoing basis, with experts predicting that the indirect flow-on effects from the establishment of the new facilities would create up to 3,000 additional jobs.

Saizeriya’s long-term plan was to open a new facility every five years. They wanted to invest more than $200 million over a 20-year period. But the second they started work on their first site, the Victorian Trades Hall Council and the militant unions started their normal campaign of work bans, boycotts,
contractor restrictions, strikes—the sorts of behaviour I outlined earlier. They did this in support of union demands that three workers who were not needed on the project but who were members of the union be employed, that arrangements be made for employees from an asphalt company to be dual ticketed, that a barbecue lunch be provided on site at Easter 2001 and that the company agree to provide a DVD to be raffled at the barbecue with the proceeds to be paid to the CFMEU fighting fund to support its opposition to the work of the Cole royal commission.

As you can see, the union’s demands were ludicrous. But, because those demands were not met, this union went about disrupting the project and ensuring that it could not go ahead in a timely manner. As a result, the first plant, which was due to open in February 2002, was not completed until June 2003. After completion of the first stage, and because this company had found it so difficult, the company decided to pull the plug on any further investment. So the $200 million and the 3,000 jobs that would have come into the Australian economy were pulled because the company found it far too hard to do business in Australia because of the unions and the poor industrial relations climate that existed. They looked at taking their business to New Zealand instead. The royal commission found that:

By any standards, the Victorian investment proposed by Saizeriya Australia Pty Ltd was significant. It had great potential benefits for the Victorian economy. Largely as a result of industrial misconduct on the part of the AMWU and CFMEU members and officials associated with the project, the first stage will, it is expected, be completed almost 12 months behind schedule. Not surprisingly, Saizeriya Australia has chosen to review the issue of whether it will proceed to build some or any of the four remaining plants which formed part of the original proposal. Saizeriya Australia’s experience starkly calls into question the effect upon foreign investment requiring building and construction work of any magnitude in Victoria when such work may be subject to unlawful and inappropriate conduct and actions by unions.

Anecdotally, if you ask well-placed people in Victoria about Saizeriya, they will tell you that the founder of Saizeriya, a very successful Japanese businessman, had been subjected to a campaign of fear and intimidation by the Japanese yakuza when he was establishing his business in Japan. I understand that one of his stores in Japan was actually burnt down as a result of that. He saw off that challenge and built his business there. But he said he has never found anything as difficult as the culture of the construction industry in Victoria and that what he was subjected to in Victoria was worse than what he was subjected to by the Japanese mafia in Japan.

As I said, it is in Victoria and Western Australia that you see these militant construction unions at their worst. The Cole royal commission outlined the case of Dependable Roofing. The situation was that a contractor had engaged Dependable Roofing, which was not on the union’s list of approved companies, to perform work. The CFMEU, led by Joe McDonald, raided the site. They hunted down the employees of this contractor, which was not a union approved contractor. This happened in the last decade; it is not ancient history. This union official is still causing trouble and he is still the lead union official for the CFMEU in Western Australia at the moment. He hunted down the employees. The raiders surrounded the scissor lift and prevented it from being moved. They then turned off the central control unit of the elevated platform and removed the keys, so
those workers were stuck 6½ metres in the air and could not get down.

After stranding the workers up in the air, the union then claimed it was a safety issue. When Dependable’s workers finally were able to get down from the lift, they were so intimidated by the raiders that they were forced to retreat into their site office. During that time one worker was assaulted by Joe McDonald, and others were surrounded, abused, threatened and told to get off the site. When in the site office, which was a de-mountable site office, a temporary arrangement, the raiders bashed and kicked the side of the office and eventually lifted that site office from its mounts and pushed it over, with the people trapped inside. This was Joe McDonald, a serving union official in Western Australia. This is a report from the Cole royal commission.

This is an example of the way that these unions behaved, and it is an example of the sort of behaviour and lawlessness that the ABCC was established to deal with. It would be good if we could report to the House that this sort of behaviour was a thing of the past within the building and construction industry, but clearly it is not. We can see that from examples at the Westgate Bridge building site in Victoria from just the last couple of months. There have been some appalling examples of behaviour from that site. It has been blockaded and delayed. It has seen intoxicated unionists from both the AMWU and the CFMEU engage in behaviour that could only be called absolutely appalling.

Mr Cheeseman—That’s not true.

Mr KEENAN—So you are saying that reports of bad behaviour at the Westgate Bridge are not true?

Mr Sullivan—Were they in the Australian?

Mr KEENAN—It is interesting, because your minister has commented on those reports. Maybe you should refer back to her speech. It is interesting that members opposite would interject that this is not true. So apparently there has not been any bad behaviour at the Westgate Bridge. This is probably a great example of the sort of denial the Labor Party members are in. If they were not in that denial, how could they support the abolition of this body that has brought law and order back to this industry?

Let me just go through the examples of behaviour that apparently have not occurred at the Westgate Bridge site. What has happened is that union officials there have surrounded the manager of the construction company, called him a dog, abused him, banged on windows, kicked the front door off its tracks, impeded people from going to work and abused staff. Even a cursory search on the internet, if members opposite would like to undertake that, will show documentary photo evidence of this happening. This needs to be considered in the context that the company is paying workers on that site, on average, $135,000 a year, which I think by any measure is a reasonable wage.

We have also seen balaclava clad, militant raiders involved in high-speed car chases. There have been allegations of bikies being paid money to attend protests. There have been attacks on the private homes of supervisors. There has been damage to vehicles. There have been bricks thrown through windows, with death threats. Ultimately, police have been called in to protect workers who just wanted to go onto that site and do their job. All of this has happened within the last 12 months. Now we find this government is going to abolish the one body that has the powers to control this sort of behaviour.

I am happy to go on with examples of bad behaviour. Again I will turn to Western Australia, which is subject to the CFMEU in particular, who have an incredibly blackened
record of behaviour within the building and construction industry. The infamous Joe McDonald, whom I referred to earlier, had his right-of-entry permit withdrawn at state and federal levels some time ago. Despite this, in 2008 the Industrial Relations Commission had to force an undertaking from the secretary of the CFMEU’s WA branch that Mr McDonald would not continue to enter sites unlawfully. This was a result of a complaint from Multiplex. Mr McDonald had entered their sites on over 30 occasions without a valid permit. In a media interview afterwards, Mr McDonald said that he would continue to illegally enter building sites, despite the undertakings that had been given to the Industrial Relations Commission. So clearly this is not a union or a union official with much respect for the law.

The Cole royal commission found that payments had been made to the CFMEU in Western Australia of over $1½ million for so-called casual tickets, which is basically money paid in return for industrial peace on sites where all workers are not members of the union. The Cole commission found that, of the $1½ million that had been paid, they could only trace less than $500,000 of that money. So $1 million of this money paid to the CFMEU has just disappeared.

Mr Sullivan—It’s an allegation.

Mr KEENAN—It is interesting that Labor Party members here seem to think that this is all made up. They might want to go back and refer to the Cole royal commission. Apparently they will not believe that members of the CFMEU would behave in this way. It is only that sort of denial that could lead you to support this ludicrous bill that abolishes the body that controls this sort of behaviour.

There are significant problems with this legislation that we are opposing here today as the opposition. Despite the rhetoric of the Minister for Employment and Workplace Relations that it maintains a tough cop on the beat—and this is another great example of the minister’s clichés; she says ‘tough cop on the beat’ but sadly it does not mean anything—this bill removes the independence of the building inspector and it ties up the watchdog in red tape. It actually has a sunset clause, for the abolition of the powers that the new body has, to do its job properly. Most ludicrously, it contains provisions that switch off the powers that the new inspectorate within Fair Work Australia has to enforce the law. That seems to me to be an extraordinary thing to contain within Commonwealth legislation. There are laws that are established so an independent body can do its job, and you can apply to have those laws switched off. Why you would need those laws switched off is unclear to me. Of course, what will happen is that this will become part of negotiations and the unions will demand that these powers be switched off for any particular site and therefore they can return to their bad old ways without fear of having a policeman on the beat that has the powers to draw them into line.

This bill also reduces penalties for unlawful behaviour within the industry by two-thirds. It narrows the definition of industrial action and it removes provisions that stand against coercion and undue pressure being put within that industry.

It is not just the opposition that is appalled at what is happening here. With the exception of the militant unions, which are going to be given carte blanche to return to their bad old ways through this bill, all of the stakeholders within the industry are publicly on the record opposing what is happening here. AMMA have supported some aspects of the bill but their overall impression is:

… the effect of the BCII Amendment Bill is to disarm the tough cop and tie up the building industry watch dog in red tape.
That is exactly what the opposition says and exactly what is going to happen if this bill passes through parliament. The Master Builders Association said that the government must reconsider the bill and not proceed with its passage and that the bill is potentially disastrous for the building and construction industry. The AI Group, perhaps one of the government’s more favoured business groups, have said that cultural change has not been achieved within the industry. They have raised concerns about the proposed switch-off provisions, about the five-year sunset clause and about watering down the penalties by two-thirds, and they are also concerned about the lack of independence of the proposed inspectorate. The Civil Contractors Federation have echoed the concerns of the AI Group, as have the Business Council of Australia. They have said that they want the bill delayed and that they are opposed to having switch-off provisions within the bill, provisions which are, quite frankly, ludicrous. The Air Conditioning and Mechanical Contractors Association oppose the bill. They say that this bill will result in:

… a significant diminution of the powers of the “...cop on the beat...”

and:

… there is likely to be a return to a level of unlawful behaviour on construction sites that prompted the actions that were taken by the government in 2002 to curtail such behaviour.

These are the bodies that actually represent people who are engaged in this industry on a day-to-day basis, and they are saying that passage of this bill will result in a return to the bad old days within the building and construction industry.

I will go on. Australian Business Industrial say that the government should reconsider its approach to the controversial aspects of the bill. The Electrical and Communications Association believe that the specific legislation for the building and construction industry should remain. The Housing Industry Association said:

To enable a long term cultural change, HIA submits the bulk of the current institutional framework embodied in the ABCC needs to continue without some of the significant “watering down” of powers contemplated in the Bill.

The Australian Chamber of Commerce and Industry supports the existing system. They say that the ABCC should:

… be retained as a stand-alone agency, with its existing capacities and responsibilities, and with its supporting legislation and associated instruments essentially unchanged.

Finally, the Chamber of Commerce and Industry Western Australia, a body that knows all too well the behaviour of the CFMEU in WA, say:

Removal or weakening of such power is expected to encourage union lawlessness.

So there we have it. All of the organisations representing people who actually operate within the industry say that the passage of this bill is going to result in a return to lawlessness within the building and construction industry, a return to the practices that I have reminded the House about that were exposed by the Cole royal commission and that led to the establishment of the ABCC. It was established with the powers that it needs to maintain law and order within the industry—and all the resulting good that that has done for the Australian economy as a whole, not just for the building and construction industry.

Nobody should be fooled by the minister’s spin on this particular issue. This bill fulfils the long and oft-stated goal of the militant construction unions to abolish the ABCC; it is replaced by a toothless tiger that does not have the powers to do the job properly. In a tough industry, the new body is going to be weak and it is not going to have the ability to do what it is supposed to do. The opposition
will oppose this legislation at every step of the way, because every Australian employer and every Australian employee deserves to be able to work in a culture that is free of lawlessness, free of thuggery and free of intimidation. They should expect that they will be able to go to work in the building and construction industry and have the same law and order that every Australian worker expects when they get up in the morning and go about their lawful business.

We will oppose this bill. It abolishes a very successful body and it fulfils the oft-stated wish of the militant construction unions. Nobody should be fooled by the minister’s spin on this. It is a bad bill. The opposition will oppose it.

Mr SULLIVAN (Longman) (9.35 am)—Clearly, I rise in support of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009—and can I say that I am less than overwhelmed by the contribution of the opposition spokesman, the member for Stirling. In fact, the member for Stirling should perhaps look at what was going on in this country about a century ago, when a chap by the name of Henry Lawson was writing a poem called Second Class Wait Here. The member for Stirling clearly supports a system where workers in the building and construction industry are second class, treated differently to all other workers in Australia. That is what the member for Stirling is on about. He recites a couple of examples from the Cole commission and he raises the spectre of Joe McDonald, a Western Australian union official, whom his party vilified in the course of the election campaign. The man swore on a construction site—gee whiz! If he is the only person in this country who has sworn on a construction site I would be very surprised.

Let’s talk about Joe McDonald, because the member for Stirling, who has now left the chamber, raised the issue of the chap. Let us talk about him and that particular construction site and the reason that he was on that site on that day. It was the Q-Con construction site in Perth. What was he there trying to do? He was there trying to ensure that the workers in his union were given the opportunity to work in safe conditions. He was videotaped verbally abusing an official from the company, a fellow who was obviously a much more worthy person than Joe McDonald, because he was dressed in a suit and tie. What happened on the building site? Let us just read from the West from 5 July 2007:

Falling concrete has prompted workers to walk off the job at a Perth building site where union hard man Joe McDonald was caught on video abusing a construction manager over safety.

Abusing a construction manager over safety on a building site that was unsafe—my goodness, what a dreadful man this Mr McDonald must be. Big chunks of:

Concrete fell 16 floors at the Q-Con construction site on St Georges Terrace … sparking safety concerns.

I beg your pardon? Joe McDonald was on the site sparking safety concerns and Joe McDonald was right. It is a fortunate thing that workers were not killed on that site. As has been noted on a number of occasions, not least by the former member for Corangamite, Mr Stewart McArthur, in a speech in this chamber about two years ago on 16 August 2007. I will read the full sentence because he was coming at it from a slightly different angle to me:

There is no room for bullying or unsafe practices on a construction site and the high-fatality statistics in the industry are chilling proof of this.

That speech was made in support of a system that we are told is the one that is going to improve construction safety. The Australian Safety and Compensation Council produces notified fatalities statistical reports. I have
two here with me today: July 2007 to June 2008 and July 2008 to December 2008. It is interesting to look at construction industry fatalities statistics in those two reports. In the year from July 2007 to June 2008, 36 construction workers lost their lives on building sites. Nobody should have to go to work knowing that there is that level of fatality in the industry. I note that far too many people do die.

In the second half of last year there were 18 fatalities on construction sites, and 16 of them were workers on construction sites. But it is also illustrative to see how construction site fatalities have trended since the introduction of the ABCC, which members opposite tell us is going to solve all the problems. In 2004-05 there were 18 fatalities on construction sites; in 2005-06 there were 25. The ABCC came into effect in October 2005 and certainly did not reduce fatalities that year. In 2006-07 there were 28, in 2007-08, as I have said, there were 36. Fatalities have risen under the regime of the ABCC, which those opposite would have us believe was there to prevent just that happening.

Members opposite are more than willing to vilify and call criminals those members of unions and their executive who seek to protect lives. A submission to a Senate select committee quite recently from the building industry superannuation fund has an interesting little couple of paragraphs within it:

In September 2002 the Fund supplied the ATO—Australian tax office—
with approximately 70 employers who had failed to pay contributions—
That is, superannuation contributions—
for the 2001/2002 year.
In a follow up conversation with the ATO—
The writer was advised—
that half had gone bankrupt … 10 had no record of existence at the ATO and the remainder would be followed up with desk audits over the next few months.

No doubt by the time that desk audit was over some of those too would have gone out of business. If you are going to go chasing the criminals in the building industry, you had better have a look at some of the building industry companies, not just the unions. The ABCC has concentrated its entire effort on building industry unionists or innocent bystanders. Look at the university academic that they were trying to haul in in Melbourne. This is not the way our country needs to be run.

I should make mention of a certain case just so that people understand the situation in which construction industry unions find themselves in their work. Several years ago I met a guy by the name of Gary McCarthy. Gary McCarthy was a member of and, I think, a site organiser with the CFMEU. A very close friend of his, a young man by the name of Mark Allen, died in September 1996. He was killed on a demolition site in Perth—this centre, the member for Stirling would have us believe, of unlawful activity by the building industries. He was killed on a site while trying to get workers down from an unsafe area on a demolition site. He was killed, he was opposed and Premier Court at the time thought the situation was wonderful.

I will now return to the provisions of the bill that is before us. This bill is informed by a number of things. One of the things it is informed by is the Wilcox review commissioned by our government, not the Cole inquiry commissioned by the former government.

Mr Briggs—Is Cole good or bad?

Mr SULLIVAN—I am more than interested to listen to what the architect of Work Choices has to say. If you want to take us on over industrial relations in the community, feel free.
Mr Briggs—Tell us how much you got from the CFMEU.

Mr SULLIVAN—I am going to answer that question because the member deserves an answer. The CFMEU did not contribute to my campaign. The CFMEU is a union from the other side of the party that I belong to. It did not contribute to my campaign. But I tell you what: I have more respect for any unionist in any union in this country than I have for any of the people who sit over there, who will oppose the legislation before the House.

Murray Wilcox reported on the activities in the industry and made eight key recommendations, and this government is proceeding down that path. The big point of contention is the retention of the coercive powers. Talking about spin, the spin that these powers need to be retained comes from the newspapers, members opposite and companies in the building industry, who, we note, because of their financial behaviour, are not blameless. I am not so sure that this widespread unlawfulness exists, but I am prepared for the level of coercive powers to be retained under the conditions that have been set out, because they are reasonable conditions—for example, the five-year grandfather clause. I would be very surprised if we cannot wipe out any actual or alleged unlawfulness within the building industry in five years.

These powers are obnoxious. If they were not obnoxious they would exist in every enforcement regime in the country, and they do not. They are obnoxious powers and they are targeting a particular group of Australian citizens—and quite unfairly, I believe. I think that over the course of the next five years the limited number of occasions on which these powers will be used will prove me right. Each use of these powers will require approval by a presidential member of the Administrative Appeals Tribunal. That means that, for the Fair Work Building Industry Inspectorate to actually use these powers, it will have to show cause to someone who has some understanding of what all of this means.

Unlike the current situation, a person summoned to appear under these powers will be able to have the assistance of the representation of a lawyer. Good grief! The former government set up a situation where people were denied representation in quite legalistic processes. You would not do it anywhere else. Why would you deny a person appearing before any court of this country the opportunity to be legally represented? People will be provided or reimbursed reasonable expenses, which I think is fine. All examinations will be undertaken by the director of the inspectorate or somebody who has been deputised by him or her to do that. Finally, all examinations will be videotaped and reviewed by the Commonwealth Ombudsman to make sure that the powers are not being abused.

It is also important to note that a person who is interviewed under these provisions will not be prevented from telling his wife or anybody else about what is going on. The idea that you can be interviewed and not discuss it is quite ludicrous. I think it is also appropriate to make the point clearly that within this legislation the penalties and offences are exactly the same as the penalties and offences within every other industry in the country. There will be no more special penalties or special offences for the building and construction industry. The Fair Work Building Industry Inspectorate has not been included in the office of the Fair Work Ombudsman as had been planned, and I actually support that exclusion. It is a departure from what Wilcox suggested, but I would be very disappointed if coercive powers were part of our mainstream industrial legislation. Whilst
they exist I am happy for them to exist to the side.

The switch-off power of the coercive powers is interesting in the context that construction projects that do commence post 1 February 2010 are able to operate in an environment where these powers are not hanging over the heads of workers like the sword of Damocles. I wonder why people would think that that is not appropriate. The member for Stirling indicated that he believes that the hotbeds of unlawfulness in the construction unions are in Victoria and Western Australia. That may or may not be the case. I certainly do not see enough evidence to suggest that there are hotbeds of unlawfulness. But that leaves a number of other states—Tasmania, New South Wales, Queensland, Northern Territory, the ACT and South Australia—as not hotbeds of unlawful behaviour. Quite frankly, the existence of these powers is always going to create a tension between employer and employee. If those powers can be switched off in the context of a project, I suspect that will be something to assist in creating a good working relationship between employer and employee and I would not be surprised to see applications coming from the companies undertaking projects as often as they come from the unions or third parties.

The interesting thing of course is that the unions would prefer there to actually be a switch-on power rather than a switch-off power. I think they are actually both. The need to have approval of the presidential member of the AAT before the powers can be used is, in effect, a switch-on power. It is a safeguard against ideologues such as those who operate in the ABCC currently, people who are true believers of a nature other than the true believers on my side of the chamber, who are out to do a job. Quite frankly, I think everybody in the country recognises that the job they were set to do and the job that they have relished is a union-busting job. They have been unsuccessful and the government has been elected making quite clear statements in relation to the building industry through the Forward with Fairness documents in April and August of 2007. The people knew what they were getting from this government. The election was about industrial relations. If you people opposite wish to take on this government over industrial relations, then there will be fewer of you after the next election.

Mr BRIGGS (Mayo) (9.55 am)—This is my first attempt at addressing the chamber from my new position. I rise to oppose the government’s attempts to water down or destroy the very successful ABCC today. This is, as we have just seen from the speech from the member for Longman, a campaign being run by union members for union bosses, not for the interests of actual workers on the ground. Let me just address a couple of points the member for Longman made in particular on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009, the first being that those of us on this side do not care and nor does the ABCC about worker safety. It is an absolutely outrageous slur on anyone in this place to suggest that anyone would not care about the death of a worker, or the death of anyone for that matter. It is a suggestion that is beyond repute but not beyond those on the other side because that is the way they operate. It is a disgusting slur, it is not unusual, it is a CFMEU tactic, it is a Labor Party tactic; and it is not right.

Let us deal with OHS in the building and construction industry. The member for Longman comes from Queensland. As I understand, there has been a Labor government in Queensland all of this century. Who looks after OHS on work sites? Labor state governments. If you want to make a criticism of governments not caring about deaths in the
construction industry, start looking closer to home, Member for Longman; start looking to those in your state government who seem to be more interested in getting kickbacks for services delivered on projects than they are in actually looking after your workers' safety. If you want to start to make accusations about who cares or who does not care about workers and their safety, look closer to home. That is the first issue: state governments have the fundamental responsibility for OHS in this country.

An aspect of the Cole Royal Commission into the Building and Construction Industry was the establishment of the Federal Safety Commissioner, which this bill, as I understand, seeks to continue. So the link between safety on work sites, deaths in the construction industry and the ABCC is a deliberate slur in place of an argument. If you want to be critical of the OHS performance in your state, look at Premier Bligh, look at Premier Beattie and have a look at your state Labor governments who have run this country for the best part of the last 10 years. If you are serious about looking at safety, have a look at the record of your state Labor governments who have run this country for the best part of the last 10 years. If you are serious about looking at safety, have a look at the record of your state Labor governments. Let us deal with that in the first instance. Let us deal with that slur that they continue over there because they have got no argument on this point. All they have got is a slur. If you want to look at safety, look at the performance of your state Labor governments. Any death on a work site is tragic. To suggest that anyone does not care about that is a complete and utter slur and should be withdrawn.

Mr Sullivan—I am not sure that is what I said.

Mr BRIGGS—It is absolutely what you said and you allege the ABCC does not care about it. In fact, Commissioner Lloyd has said:

The ABCC is committed to do all it can to improve the industry's poor occupational health and safety record and to support those specifically charged with this task … Those charged with this task are the Federal Safety Commissioner established by the former Howard government and the state OHS officials. So much for union officials doing so much for safety if the record is so poor. Let us deal with the history of this industry.

Mr Sullivan interjecting—

Mr BRIGGS—So where have the OHS officials from the state government been, Member for Longman?

Mr Sullivan—They were there.

Mr BRIGGS—Oh, they were there. It really mattered, didn’t it? Their record has been outstanding on this, hasn’t it? It is a poor link in place of an argument, which you do not have.

Mr Sullivan—I have got a great argument.

Mr BRIGGS—The argument run by the other side is that being run by the CFMEU, and they are just placating in this place. But we will deal with that.

Let us look at the history of this industry and where the ABCC comes from. It comes out of a royal commission that those on the other side now seek to slander, as they have since it was established. They did not mind when Commissioner Cole investigated a campaign by the then member for Griffith, but the royal commission held when he investigated the building industry did not have as much value, apparently.

Let us look at what that royal commission found. It found an industry which was basically snubbing its nose at the rule of law. It was conducted from August 2001 and was established to inquire and report into the nature, extent and effect of any unlawful or
otherwise inappropriate conduct in the building and construction industry. The commission sat for 171 public sitting days, accumulated 16,000 pages of transcripts and heard from 765 witnesses. In addition, 1,900 exhibits, including confidential exhibits, were tendered to commissioners, and some 29 general submissions were presented from interested parties throughout the building and construction industry.

The final report from Commissioner Cole was tabled in parliament on 26 and 27 May 2003 by the then Minister for Workplace Relations, the member for Warringah. It outlined the royal commission findings that the industry was characterised by widespread disregard for the law, and catalogued over 100 types of unlawful and inappropriate conduct. The commission also found that existing regulatory bodies had insufficient powers and resources to enforce the law.

Let us deal with some of the issues that the royal commission found. The findings provide a very compelling insight into this industry, prior to the beginning of the ABCC. The royal commission found:

(a) widespread disregard of, or breach of, the enterprise bargaining provisions of the Workplace Relations Act 1996 (C’wth);

(b) widespread requirement by head contractors for subcontractors to have union-endorsed enterprise bargaining agreements (EBAs) before being permitted to commence work on major projects in State capital central business districts and major regional centres;

(c) widespread requirement for employees of subcontractors to become members of unions in association with their employer obtaining a union-endorsed enterprise bargaining agreement;

(d) widespread requirement to employ union-nominated persons in critical positions on building projects;

(g) widespread disregard of the terms of enterprise bargaining agreements once entered into;

(h) widespread application of, and surrender to, inappropriate industrial pressure;

(i) widespread use of occupational health and safety as an industrial tool;—

This is just what we saw the member for Longman do in defending this case.

(j) widespread making of, and receipt of, inappropriate payments;—

This is very similar to what happens in Queensland at the moment, as I understand—

(k) unlawful strikes and threats of unlawful strikes;

(l) threatening and intimidatory conduct;—

(n) disregard of contractual obligations;

(o) disregard of National and State codes of practice in the building and construction industry;

(p) disregard of, or breach of, the strike pay provisions of the Workplace Relations Act 1996 (C’wth);—

They were completely thumbing their noses at the law—

(q) disregard of, or breach of, the right of entry provisions of the Workplace Relations Act 1996 (C’wth);—

This is a bit similar to what is happening at Woodside in WA at the moment, with 170-odd right of entry applications in four weeks—four weeks!

(r) disregard of Australian Industrial Relations Commission (AIRC) and court orders;

(s) disregard by senior union officials of unlawful or inappropriate acts by inferior union officials;

(t) reluctance of employers to use legal remedies available to them;

No wonder!
(w) inflexibility in workplace arrangements;
(x) endeavours by unions, particularly the Construction, Forestry, Mining and Energy Union (CFMEU), to regulate the industry; and—
last of all—
(y) disregard of the rule of law—which applies in our country.

What was the effect that we found this had on our economy and on general mum and dad punters? We saw an industry whose productivity had been lifted by 10 per cent as the ABCC was introduced, we saw a lower CPI, we saw a higher GDP and we saw an annual economic welfare gain of $5.5 billion per year. But all these results are disregarded by those on the other side purely for their political purposes. Those on the other side stand hand in hand and side by side with the CFMEU officials who are identified in this royal commission report as being the perpetrators of the economic destruction of this industry.

The ABCC has actually brought law back to this industry. It has brought back a legal framework which employees, employers and subcontractors can operate under. It has removed the bullying and the intimidation which—for too long—made this industry a laughing stock not only in our country but other countries as well.

So let us not have this ‘ABCC are all a bunch of neophyte Liberal-lovers who run around trying to destroy the union movement in Australia’. The ABCC has reintroduced the concept of the rule of law into Australian workplaces in the building industry. This is not a matter of dealing with workers’ rights or safety; it is actually a matter of dealing with inappropriate, illegal conduct on building sites.

Those on the other side will stand up and talk about how we do not support workers’ rights and how we are all out to get unions and so forth. That is completely untrue. Those on the other side seek to denigrate this royal commission and argue it was done for political purposes; but this royal commission found an industry held up by illegal conduct and which was damaging our economy through this behaviour. They seek to defend that behaviour and to reinstate the power and privileged position of certain officials in the CFMEU and other unions like the ETU in Victoria—I notice the member for Deakin is not speaking on this bill, which surprises me a great deal. They seek to take us back to the bad old days.

In its short time, the ABCC has achieved quite significant benefits to the Australian economy. It was established due to a recommendation of the royal commission. In 2003 the first steps to implement the recommendation were begun by the member for Warringah, followed by the member for Menzies, successive workplace relations ministers. Following the 2004 election, in October 2005, the commission was established, led by Commissioner John Lloyd, who has done an outstanding job. It is a credit to his work ethic. Members can shake their heads and denigrate a public servant if they wish—they are good at it—but he has done an outstanding job of reintroducing the law into this industry.

What we have seen from the KPMG-Econtech research—which those on the other side will disagree with—is industry productivity up by 10 per cent, an annual economic welfare gain of $5.5 billion, a lower CPI, a GDP higher by 1.5 per cent and a significant reduction in the days lost through industrial disputes and illegal behaviour on worksites. That is what we are talking about here: illegal behaviour on worksites. No-one has anything to fear if they actually follow the law; that is the point. If they follow the law and respect the rule of law in our country, which
I thought those on the other side stood for, they have nothing to fear.

What those on the other side want to return to is the privileged position that a certain union had. What does it mean? Increased membership means increased financing. Increased financing means increased donations. It is a revolving slush fund, and that is what they want to go back to. This is not about safety or workers’ rights—not at all. This is about union power; make no mistake. The arguments mounted by those on the other side will quote workers’ rights and OH&S concerns. They will ignore the facts that the OH&S is looked after by their state Labor mates, that there is still a Federal Safety Commissioner and that safety is the concern of all of us. Deaths on work sites should not be used as political pawns, but all too often we will hear speeches from those on the other side peppered through with fatality statistics, suggesting that what we did in government and what we seek to do today is to continue unsafe practices, which is completely untrue and a slur.

So we had a royal commission and we had the recommendations implemented. We have seen the results of the recommendations: an improvement in this industry, for the workers as well as the employers. The member for Longman made the point that in this industry building employers from time to time do not follow the law either. If that is the case, they will be prosecuted. Anybody in this industry, or any industry for that matter, who does not follow the law should be prosecuted by the relevant authorities. That is common sense. But what we saw in this industry—the reason we had a specific piece of legislation and a royal commission into this industry—was that there was a specific circumstance in this industry and a specific behaviour with a disregard for the law. So there was specific legislation built. The legislation has worked, the ABCC has worked and we have seen the improvements, so why change?

Let us look at what has happened in recent times. The Labor government was elected in November 2007 on promises including the abolition of the ABCC and the establishment of a specific inspectorate division within Fair Work Australia from 1 February 2010, until that time maintaining the full powers and operations of the ABCC and a strong cop on the beat at all times—because that sounded like they were being tough—ensuring new arrangements are simple and retaining the principle of the current framework. What we see in this bill is those promises largely implemented following the review by Justice Wilcox. The other thing this bill does is to introduce this concept of switch-on and switch-off with the coercive powers, which basically is switching off—the removal of the coercive powers. The powers in the current law are there to compel witnesses to give evidence that is needed and to provide protection to those who want to give evidence to the ABCC without fear of payback or retribution. What we found with the ABCC—let us remember what we went through earlier on—is that this industry was full of intimidatory practices where people were snubbing their noses at the rule of law. So we needed specific provisions, and that is one of the reasons this has worked.

The existing powers are capable of being used against everyone in the sector: employees, employers and subcontractors—you name it. The proposed restrictions on investigation powers are cumbersome, but they are there because this is the out, you see—this is the deal. I referred today in an article on a website to Ross Fitzgerald, not a well-known supporter of our side of politics. There was a Ross Fitzgerald article earlier this week in the Australian, where he talked about the performance of the Deputy Prime Minister, the woman most likely to succeed
when the current Prime Minister runs out of time. He refers to her performance on the Q&A program against the Leader of the Opposition last week, and he is not kind in his analysis of her performance. He says:

She is all style and very little substance. Long on rhetoric, but short on delivery. All foam, no beer.

It is quite a cutting analysis of her performance, and you see that in this bill. What you see is the talk that there has been this great brawl with the CFMEU and the bullyboy unionists—I'm standing up to them and we're keeping this tough cop on the beat—but then you actually see the detail, which shows that that is simply not true. There are the little opt-out powers which remove all the beneficial aspects of the ABCC. You will see the removal of Mr Lloyd at some point—you can guarantee that. We saw the reaction from those opposite when I mentioned his name, and there are head nods now; that pretty much confirms that that is what will occur, because this is what happens. If you have someone who those on the other side do not like, who might actually be doing his job properly, you will see a personal campaign of vilification against him. You saw that with the Cole royal commission; you will now see it with Mr Lloyd.

This is the behaviour of those on the other side, who seek to implement their real agenda. They cloak it under a language which pretends that they are tough on illegal or inappropriate behaviour, but in truth they are not. In truth what they are doing is reducing the role of the ABCC, because that is what the unions want. And who benefits from that in the end? The Labor Party. The Labor Party benefits from it in the end. It is all froth and no beer. This is the undercutting of the powers of the ABCC. The removal of these powers is the very essence of the reason that the ABCC has been successful, because remember that the major finding of the royal commission was that this is an industry guided by illegal behaviour and inappropriate conduct. This is a very Labor bill from a Deputy Prime Minister who is all froth and no beer.

We have seen the benefits of the ABCC from the Econtech research and we will see the outcome of the removal of these powers. This is being done for politics. This is not being done for the benefit of the Australian consumers. This is not being done for good policy reasons. This is being done for political reasons. It is a political deal—they have to reward their mates when they are in government. But, instead of being honest about that, what this bill seeks to do is to claim they are standing up when indeed they are not. This is the undercutting of the powers of the ABCC. The removal of these powers is the very essence of the reason that the ABCC has been successful, because remember that the major finding of the royal commission was that this is an industry guided by illegal behaviour and inappropriate conduct. This is a very Labor bill from a Deputy Prime Minister who is all froth and no beer.

Mr NEUMANN (Blair) (10.15 am)—I am happy to speak in support of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. The Rudd Labor government has no tolerance for unlawful and illegal behaviour, whether it is in the building industry or in any other industry in any sector of this country. Unlawful industrial action will not be tolerated by the Rudd Labor government. We will honour our commitment, and this legislation honours that commitment, which we made prior to the last federal election to ensure not only that we have a tough cop on the beat in the building and construction industry
but also that we bring a degree of fairness and justice and equity into that industry.

The truth of the matter is that the Howard government, in its time in office, engaged in the persecution of workers not just in the building industry but elsewhere. Work Choices is clearly the best example of the Howard government’s lack of commitment to the terms and conditions, pay and salary and the lifestyles of Australian workers. It is a bit rich for one of the architects of Work Choices, the member for Mayo, to actually give us lectures about the rights of workers. The truth is that the Cole Royal Commission into the Building and Construction Industry was itself a political act set up by the Howard government to ensure that the salary and conditions of those hardworking men and women in the building and construction industry would find themselves subject to a different rule of law than any other worker in any other industry.

I have a fundamental belief that, whether you live in Palm Beach, Perth, the Torres Strait or Tasmania, there should be one law for all. The member for Mayo should have a really good look at the Building and Construction Industry Improvement Act. I note he did not quote in his speech from any sections of that act. I am going to say this for the purpose of those who might be listening in the gallery and for the Australian public. Let us have a look at the draconian provisions in that act. Section 52 says that the ABC Commissioner has the power by written notice given to people to obtain information in a manner and form specified in the notice to produce documents. That power means that a person who has received that notice has to reveal all their telephone and email records, whether of a business or a personal nature; report not only on their own activities but on those of their fellow workers; reveal their membership of any organisation such as a union; and report on any discussions in a private union meeting or other meetings of workers. The provisions can apply not only to a person suspected of breaching a law but to workers in the building industry not in any way suspected of wrongdoing. Also, it applies to innocent bystanders and to the families of workers in the building and construction industry, including children of any age of workers in that industry, journalists and academics. The truth is that that sort of legislation is draconian and unfair on people.

Section 53, which I note the member for Mayo did not even refer to, says certain excuses are not available in relation to section 52 requirements. Section 53(1) says:

1. A person is not excused from giving information, producing a document, or answering a question, under section 52 on the ground that to do so:

   a) would contravene any other law; or

   b) might intend to incriminate the person or otherwise expose the person to a penalty or other liability …

That is remarkable. Section 52(7) overrides the secrecy provisions in other laws. In other words, it has the potential to override national security laws relating to, for example, ASIO. The sections ensure that the ABCC has coercive powers which override the protection of journalists’ sources, privacy law and even cabinet confidentiality, according to Professor George Williams.

There are no safeguards. Warrants are not there. The review under the Administrative Decisions (Judicial Review) Act is not there. Democratic rights like the right to freedom of speech and the right to silence are stripped away. In fact, it makes a mockery of its aspirations to respect the rule of law in section 3 of the Building and Construction Industry Improvement Act. So let us not get sanctimonious about this. This is an Orwellian piece of legislation produced by the Howard
government after their commissioner of choice put down a report and Howard followed it. He opportunistically used legislation and the fact that they had a majority in the Senate to do certain things. The ABCC was given extraordinary powers in an industrial context which were not even given to the police to investigate major crimes. They go far beyond the powers of the police. The ABCC regime is very different from any other regime. It acts in a discriminatory manner. For example, you can say that ASIC, the ATO or even the Child Support Agency has investigative powers, but they do not investigate those powers and take on, say, butchers or those living in Toowoomba or those who may be Catholics. The ABCC has very discriminatory powers and the law itself is a criminal investigatory model put forward in a non-criminal industrial context. That is the situation.

Those opposite should not get too pious about what their position is and how wonderful and virtuous the ABCC legislation is. I can think of nothing more Orwellian in terms of its nomenclature, apart from Work Choices, than the Building and Construction Industry Improvement Act. John Lloyd, the ABC Commissioner, has shown his true colours with what he has done. We have seen many prosecutions initiated and there is a degree of unbalance in the nature of the activities going on. I have had friends who have been attacked and subject to prosecution. Just yesterday I had lunch with a good friend of mine, the secretary of the plumbers union in Queensland, Bradley O’Carroll, who himself was pursued. There is a lack of even-handedness about the ABCC’s activities. Fortunately, Justice Spender, throughout the case against Brad O’Carroll, said it should never have been brought in the first place. That is just typical of what I would consider to be the unfounded coercion that the ABCC practises in relation to workers, many of whom are law-abiding Australians who go about their business providing for their families from the salary entitlements that they earn working in the building and construction industry. If there are acts of illegality and criminal behaviour in the building and construction industry then they should be subject to the full force of the law by the police and the courts. That is why we have the Australian Federal Police and the police forces of the states and territories of this country.

The member for Mayo talked a lot about following the Cole royal commission report, but the Deputy Prime Minister herself decided to look into this and appointed the Hon. Justice Murray Wilcox to provide a report and to consult stakeholders on the report, on matters relating to the creation of what we believe to be a fairer system—that is, putting the whole issue of the building and construction industry into the Fair Work Building Industry Inspectorate. Murray Wilcox came back to the government with recommendations after extensive consultation with stakeholders in the industry. Many people—employers and employees, ACCI, and the Business Council of Australia—were involved in responding to the Wilcox inquiry. We have acted on our election commitment, a commitment upon which we were elected by the Australian public. We have listened to what the Hon. Justice Murray Wilcox has had to say and we have followed his recommendations. I agree with what the Deputy Prime Minister has had to say about the vast majority of participants working in the building and construction industry: they are law-abiding men and women and wonderful citizens of this country.

The Wilcox recommendations go a long way towards bringing forward important safeguards to avoid the arbitrary, if not capricious, misuse of the powers given to the ABCC by the Howard government in this
piece of legislation. The provisions in this legislation before the House today prescribe, very carefully, prudently and appropriately, clear safeguards and oversight in all the circumstances. I applaud the campaign of so many workers and their unions who have focused on this particular issue and aspect of our industrial life in this country. I have many friends in Queensland—in the BLF and the CFMEU, the Electrical and Plumbing Union and other unions—and many of them are good, hardworking, decent Australians who have been subject to the threat of these terrible laws hanging over them for far too long. We hope and expect that the coalition would respect the mandate given to us by the Australian people when we pass this legislation—not just through the House but, we hope, through the Senate—in the circumstances.

The legislation before the House goes a long way to alleviating the problems with the current legislation—legislation which so persecutes Australian workers in the building and construction industry. I have learnt in many years in politics that you cannot get everything you want and I have argued my position for a long time in the various forums of our party in relation to this. I am happy to speak on this bill and to support what I believe will be a very significant improvement in the lives, in the workplace and elsewhere, of men and women in the building and construction industry, not just in my home state of Queensland but in the whole of Australia.

The elements of this particular piece of legislation are very, very important. We are abolishing the ABCC and creating a new and separate regulatory independent ombudsman called the Fair Work Ombudsman to administer the regulatory framework for the building and construction industry. The Fair Work Building Industry Inspectorate will go a long way to bringing fairness, justice and equity into the workplaces and the building and construction industry in this country. Abolishing the ABC Commissioner and the deputy commissioners is important. I would have preferred that they had not been appointed in the first place, but I am happy that we will appoint other people in all the circumstances. The changing of the definition of ‘building work’ to remove its coverage for off site work is important to limit the scope of the legislation. The establishment of an advisory board to make recommendations to the director of a new inspectorate is important because the advisory board will make recommendations about policies to guide the performance of the director’s functions and the exercise of the director’s powers. The advisory board will consist not just of the director but a Fair Work Ombudsman and a representative from the building industry employees’ unions, as well as a building industry employer representative and other representatives.

Another important reform is the creation of an office, the independent assessor, who on application from stakeholders—and that can be employers or employees, and unions as well—can make a determination that an examination notice power will not apply to a particular project. The switch-off powers are important because these coercive powers should not apply to every single project in the circumstances and the independent assessor, if satisfied, can make a determination to switch off the powers. It would be my hope that that would happen on many, many occasions. While we retain the coercive powers there are significant amendments to implement the Wilcox recommendations, including regarding external oversight. The use of each of these powers is dependent on a presidential member of the Administrative Appeals Tribunal being satisfied that a case has been made out for their use.

Importantly, if a person is summoned they could be represented by a lawyer of their
choosing and their rights not to disclose information on the grounds of legal professional privilege and public interest immunity will be recognised. That is an important safeguard in terms of civil liberties. Also their reasonable expenses could be reimbursed. All examinations are to be undertaken by senior officials, and all examinations will be videotaped and the Commonwealth Ombudsman will monitor those and review all examinations and report back to parliament on the exercise of this power. Before this examination notice can be issued, an AAT presidential member must be satisfied on reasonable grounds of a number of things. One is that you cannot get this information by any other way. We think it is important that there should be a sunset clause for the coercive powers to end at the end of five years from 1 February 2010. There will be a review prior to that sunset clause date being reached, but in all the circumstances I believe firmly that we will see an end to coercive powers in this country. The criteria which the independent assessor has regard to in terms of the public interest will be specified in regulations, which I think is important, and they will be objectively ascertainable and geographically neutral.

A very important reform which we are initiating is the ministerial direction which is being given to the ABCC. Before exercising that power, the ABCC must provide a nominated person who is a presidential member of the AAT with a report describing the person against whom the power is to be exercised and the purpose of the exercise of that power, the urgency, the likely effect on the person and whether the purpose can be achieved in any other way. In other words, you have got to show that this is absolutely necessary in all the circumstances. An objection can be taken to an appropriate court or tribunal. It is very clear oversight administratively and judicially.

What did the ABCC say about all this and the Wilcox report? The true colours of John Lloyd and co were revealed in its response to the Wilcox recommendations. If we needed some degree of objectivity and evidence based decision making coming out, we did not see that from the ABCC in its response to the Deputy Prime Minister following publication of the Wilcox report. Guess what: the ABCC says that many of the Wilcox recommendations are unnecessary or too expensive in the circumstances—for example, the video recording of every examination. The judicial and administrative reviewable oversights are unjustified, according to the ABCC. The ABCC opposes limiting the definition of ‘building work’ in the guidelines. It thinks that the exercise that it has undertaken in relation to the interrogation powers of a compulsory nature is justified in the circumstances, despite the many cases it has had thrown out. The true colours of John Lloyd and his cohorts have been clearly shown.

The legislation before the House is extremely important. It is about improving the living standards and the working conditions of men and women in the building industry. It is about bringing back a degree of fairness and justice. I can say as a Queenslander that we have not had anything like the unlawful behaviour we have seen from time to time in places like Victoria and Western Australia. My knowledge as a practising lawyer who worked in industrial law from time to time and my knowledge of the men and women who represent workers in their industries in Queensland demonstrate to me that this legislation goes a long way—not quite as far as I would hope but a long way—towards bringing back justice for building and construction industry employees in this country.

I would hope that those opposite would take the opportunity to listen to the voice of the Australian people, to help us eradicate draconian powers given to the ABCC so that
the compulsory interrogation powers can be prescribed and so that we can see a modern society in Australia where building workers and their families and children are treated decently, with humanity and with a degree of justice that we as Australians believe is important across all the workplaces of this country. I warmly commend the bill to the House.

Mr ROBERT (Fadden) (10.35 am)—I rise to speak on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. Like all Labor titles for bills, it seeks to create something which it is not. Perhaps the bill should have been called the building construction revolution, the BCR, or perhaps the construction revolution and productivity, though that acronym would not quite work. Either way, this bill will not seek to improve anything. At its worst, it will take industrial relations on construction and building sites back to the 1960s and 1970s, and at its best this bill will emasculate an organisation, the ABCC, whose work has been so vital in bringing harmony and order back to Australian construction sites. If power corrupts and absolute power corrupts absolutely, we have seen the ABCC’s function rein in the worst excesses of the Australian union movement. Its removal will see corruption return to sites.

The other question that must be asked is: if you have done nothing wrong, if you obey the law, what do you have to fear? If you drive within the speed limit on the correct side of the road, you have nothing to fear from the law enforcement agencies. If people on construction sites—workers, unions, delegates and employers—obey the law, they have nothing to fear from commissions like the ABCC. Yet the furor I hear from the other side would seem to indicate there is something to fear. That in itself shows that something is wrong.

The coalition supports the work and the operation of the Australian Building and Construction Commission and will vote against any move in this place to water down the operation of that body. Keep in mind that the ABCC, its powers and functions came out of the Cole royal commission that was established because there was a culture of lawlessness, intimidation and unsavoury practices within the building and construction sector. It is almost as though I am speaking about an outlaw motorcycle gang with respect to lawlessness, intimidation and unsavoury practices, but I am not. I am speaking about Australian work sites and about a commission that seeks to give law back to them, which this Labor government wants to undo. The ABCC was established to improve practices within the construction and building sector and has achieved remarkable results. If something is so successful then surely you would want to roll it back—that is the common sense thing to do, isn’t it—and go back to the practices of the past that caused so much pain!

Interestingly, the Labor government always said that they would not touch the ABCC until 2010. Yet, on 25 June this year, the Deputy Prime Minister tried to sneakily issue a ministerial directive to neuter the ABCC from August this year. She sneakily tried to slide it in under the radar to take away its powers. It is good to see the Deputy Prime Minister keeping her word on what the Labor government intend to do. But then, again, I look across the table at the minister for the environment, who said, ‘When we get in, we’ll just change it all, won’t we?’ My goodness, haven’t those prophetic words come true?

We should spend some time and look at what has occurred within Australian building and construction sites since the introduction of the ABCC. Let us deal with facts. Let us not look at the hyperbole of what Labor puts
out; let’s look at the cold, hard, brutal facts in the broad spectrum of daylight and at what this Labor government is looking at rolling back. Let me read from the KPMG report, commissioned by the Master Builders of Australia, dated 6 May this year. I am reading from the executive summary:

Both the 2007 and 2008 reports showed that, following the establishment of the Taskforce in 2002 and its successor the ABCC in 2005, and in conjunction with industrial relations reforms extending to 2006, the construction industry has achieved higher productivity than would otherwise have been expected.

And further, ‘This 2009 update brings the economic analysis conducted in the previous reports up to date.’ The report continues:

- ABS data shows that, by 2008, construction industry labour productivity outperformed predictions based on its relative historical performance to 2002 by 10.2 per cent.

Of course we have to roll this back—this is dreadful! It goes on:

- The Productivity Commission found that multifactor productivity in the construction industry was no higher in 2000/01 than 20 years earlier …

Well done, Hawke and Keating governments! That is a great result—productivity no higher, it did nothing—but rose by 13.6 per cent in the four years to 2005/06.

Clearly, the ABCC has failed! The report goes on:

- The Allen Consulting Group, in a report to the Australian Constructors Association, found a gain in non-residential construction industry multifactor productivity of 12.2 per cent in the five years to 2007.

The Cole royal commission found that, from 1980 to 2000, there was no change in productivity—there was nothing but lawlessness. Yet, in the five years to 2007, productivity rose by 12 per cent. In any language that is an outstanding success of the role of the ABCC and associated legislation. It is unable to dispute the facts, which is why the Labor speakers have not dealt with the facts. They have just rolled over about working families and children and how it is so unfair. The KPMG report continues:

- Using Rawlinson’s data to 2008, the cost penalty for completing the same tasks in the same regions for non-residential construction compared with residential construction has shrunk. This implies a relative productivity gain for non-residential construction conservatively estimated at 6.2 per cent.

And further:

- Other studies conducted in this area support the findings of KPMG EconTech’s analysis. These studies submit that industry reform has lifted construction productivity by approximately 10 per cent.

Whatever study you look at, wherever you go, there is a 10, 12, 13 or 14 per cent productivity improvement because of legislation the Howard government put in and, importantly, because of the role of the ABCC in countering and fighting lawlessness on building sites driven by lawless unions. The report continues:

... the Consumer Price Index is an estimated 1.2 per cent lower than what it would otherwise be under the Baseline Scenario ... due to industry reforms, consumers are better off by $5.5 billion on an annual basis, in 2007/08 terms.

Surely such commendable results—industry productivity up by 10 per cent; an annual economic welfare gain of at least $5½ billion per annum; CPI lower by 1.2 per cent; GDP increased by 1.5 per cent; a significant reduction in days lost through industrial activity to the lowest since records have been kept—say one thing: let’s keep doing what we are doing; it is working and, if it’s not broken, don’t fix it. But here we are today trying to fix that which is not broken.

With the overwhelming evidence pointing towards the success and the economic gains
to the whole nation, when the CPI reduces, when the GDP increases, every Australian benefits. So why are we here looking at these reforms? The answer is quite simple: on 24 November 2007, Labor came to power. And on Monday, 26 November 2007, on the Gold Coast, where my seat of Fadden is located, the big burly union boys were out on the construction sites saying: ‘Union ticket, or no entry; Labor has won.’ That is why we are here. Since the November 2007 election, strike activity has increased by about 700 per cent—the unions believe they are back in town. In the last four weeks, one Rio Tinto mine site has had over 170 union right of entry demands—it is a non-union site and the unions want to be back in town. If that is not harassment, what is it?

I note with interest that the Attorney-General has produced a discussion paper on the new terrorism laws and their extension to psychological terrorism. How dangerously close is the CFMEU getting to psychological terrorism by making 170 demands in four weeks for union right of entry? This is all about unions exacting their toll for the tens of millions of dollars they put into Labor’s coffers for Labor to win government. There can be no other reason why we are going there—no reason at all. Productivity is up by 10 per cent, the economic gain is $5.5 billion, the CPI is down 1.2 per cent and the GDP is up by 1½ per cent. This is all because of what the ABCC and associated legislation has achieved—and they want to roll it back! It defies imagination. It beggars belief. If you did this as a university assignment you would fail because it makes no sense. You could not mount a substantive argument as to why you would seek to roll back the ABCC after such phenomenal success. But here we are today debating a Labor bill that wants to do exactly that. So it is worth while looking at where we have come from.

In August 2001 the Cole Royal Commission into the Building and Construction Industry was established to inquire into and report on the nature, extent and effect of any unlawful or otherwise inappropriate conduct in the building and construction industry. That royal commission sat for 171 days—16,000 pages of transcript, 765 witnesses, 1,900 exhibits and 29 general submissions from interested parties. Its final report, tabled on 26 and 27 March 2003, is staggering. Here is what the Cole royal commission found about construction and building sites and the unions that run them. It said in its summary of findings that, amongst other things, there was:

(e) widespread requirement for employees of subcontractors to become members of unions—demanding it—

(f) widespread requirement to employ union-nominated persons in critical positions on building projects;

(i) widespread use of occupational health and safety as an industrial tool;

(j) widespread making of, and receipt of, inappropriate payments;

That is called corruption. It is exactly what is going on with Queensland Labor at present—the inappropriate receipt of payments. The royal commission also found that there were:

(k) unlawful strikes and threats of unlawful strikes;

(l) threatening and intimidatory conduct;

(n) disregard of contractual obligations;

(o) disregard of National and State codes of practice in the building and construction industry;

(r) disregard of Australian Industrial Relations Commission (AIRC) and court orders;

(s) disregard by senior union officials of unlawful or inappropriate acts by inferior union officials;
inflexibility in workplace arrangements;
 endeavours by unions, particularly the Construction, Forestry, Mining and Energy Union (CFMEU), to regulate the industry; and
 disregard of the rule of law.
These are the findings of the Cole royal commission. Because of that the ABCC was put in place. And because of that and other legislation, massive productivity improvements and great economic gains have been realised throughout the economy—and this is what Labor wants to roll back. It makes perfect sense, does it not—it all adds up? It is absolute and utter nonsense.

Labor is proposing in this bill to wind back the powers of the ABCC; to narrow the scope of the application of the act; to introduce a whole range of bureaucracy—as if we do not have enough; and to turn a tough cop on the beat into a neutered, toothless tiger. The ABCC will be abolished under this bill and replaced by an inspectorate within Fair Work Australia. This inspectorate will be required to enforce the provisions of the new law if it is passed. An advisory board will be established to make recommendations to the inspectorate about policies and a range of priorities. The scope of circumstances to which the bill applies has been narrowed by removing application to off-site work, and penalties have been reduced. The ability to compel witnesses to provide information to the building inspectorate remains; however, there are a whole range of requirements for such compulsion.

The reason why witnesses were compelled to provide testimony to the ABCC was the lawlessness and intimidation on work sites—if you gave testimony to the ABCC, that would be it; it would be all over. You would not get work anymore. You would be harassed and intimidated. Hence, the coercive powers of the ABCC were put in place. You were compelled to give testimony—so you had no choice. Watering that down and removing it will simply take us back to the bad old days. These requirements are nothing more than bureaucracy. They are designed to entrench and bog down the inspectorate and stop it from acting quickly to investigate any breaches.

There is a switch-on and switch-off interrogation power. I guess like a light bulb. The bill creates the ability for said powers to be switched on or switched off. The position of independent assessor, special building industry powers, may, on application from stakeholders, make a determination that coercive interrogation powers will not apply. There have been 170 requests for right of entry in the last four weeks on one Rio Tinto site. Do you reckon the CFMEU is going to request that the powers be switched off? Do you think they will be good corporate citizens and say: ‘No, you keep them on. We have nothing to fear from the law. We obey the law, so we have nothing to fear. You keep them on’? Do you reckon that is going to happen, after 170 demands for work access in four weeks? It is absolutely and utterly outrageous.

It is a neutered provision that will replace the ABCC. It is completely watered down. It is a payback to a union movement that helped the Labor government win. No other explanation can possibly make any sense. The economic good for the entire nation that has been achieved because of the ABCC and associated industrial legislation is beyond dispute. This is beyond reason. There is no other way to explain it. To water down the ABCC will simply take us back to a union controlled workplace. It will reduce productivity. It will increase inflationary pressure. It will reduce GDP. It will reduce output. It will affect the economy. Those are the outcomes from the legislation that Labor is putting in place. This legislation simply and utterly cannot be supported.
Mr KELVIN THOMSON (Wills) (10.54 am)—People who think there is no difference between the political parties ought to pay more attention to parliamentary debates. In particular they ought to pay more attention to this one on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009, because it makes absolutely clear what a stark difference there is between the parties. The member for Fadden just described the CFMEU as akin to terrorists. He gives the game away. He and the other Liberal Party members simply cannot help themselves. The Liberal Party is still the party of Work Choices.

The purpose of this bill is to implement the key recommendations of the Wilcox report on the transition to Fair Work Australia for the building and construction industry through amendments to the Building and Construction Industry Improvement Act 2005. Some of the key amendments of the bill include the abolition of the Australian Building and Construction Commission and the establishment of a new and separate regulator independent of the Fair Work Ombudsman to administer the amended regulatory framework for the building and construction industry.

The bill abolishes the offices of the ABC Commissioner and the deputy commissioners. These will be replaced with a director. The definition of ‘building work’ is amended to remove its coverage of off-site work, thereby focusing the scope of the inspectorate’s operations on work on building sites. The bill also removes the existing building industry specific laws that provide higher penalties for building industry participants for breaches of industrial law and broader circumstances under which industrial action attracts penalties in relation to the building industry.

An area of ongoing controversy has been the question of what are referred to as the coercive powers. The bill creates an office, the independent assessor, which, on application from stakeholders, may make a determination that the examination notice powers will not apply to a particular project—that is, that the coercive powers will be switched off for a particular project. In the event that a project where coercive powers have been switched off experiences industrial unlawfulness, the independent assessor may rescind or revoke the original decision, switching the powers back on based on the same criteria that were used when switching them off. The director may request that the independent assessor review the decision at any time based on changes in circumstances on a particular project.

While the coercive powers have been retained, there are significant amendments to implement the Wilcox recommendations regarding external oversight, including that each use of the powers is dependent upon a presidential member of the Administrative Appeals Tribunal being satisfied a case has been made for their use, that persons summonsed to interview may be represented by a lawyer of their choice and that their rights to refuse to disclose information on the grounds of legal professional privilege and public interest immunity will be recognised. I welcome these safeguards and the intention to sunset the coercive powers in five years time.

I think it is important that House revisit the original, spurious premise for the Building and Construction Industry Improvement Act 2005 and its regulator, the Office of the Australian Building and Construction Commissioner—that is, that we revisit the Cole royal commission, which was established in 2001. From the outset, the Howard government ensured, in setting the commission’s terms of reference, that specific matters, like
alleged union misconduct in the industry, received greater scrutiny than other matters. At the time, the establishment of the royal commission was not prompted by any particular issue or dispute in the building and construction industry. In fact, in research papers provided to the commission, the Australian construction industry ranked second or better in 16 of the 23 comparative international studies of the industry consulted by the researchers. On productivity specifically, Australia ranked second in five of the seven reports. On completion times, Australia ranked second in all studies. Finally, on cost per square metre, Australia was consistently rated as second lowest in all studies. This clearly demonstrated that the industry was internationally competitive, rather than one that required radical reform.

A report by the Employment Advocate in May 2001 made allegations of union corruption, fraud and other illegality in the building and construction industry. According to lawyers who closely observed the commission, none of the allegations contained in the Employment Advocate’s report were borne out by evidence, and few of them were even aired in commission hearings. The bias of the commission was also apparent. Ninety per cent of hearing time was devoted to anti-union topics. Six hundred and sixty-three employers or their representatives gave evidence, but only 36 workers. Around three per cent of hearing time was spent dealing with allegations about the wrongdoing of employers. While the royal commission made numerous findings against employee organisations and individuals, very few were made against employers.

The restrictive industrial action provisions that would later form an integral part of the Building and Construction Industry Improvement Act were based on contentious findings of the commission and on a small number of incidents of unprotected action within the context of the industry as a whole. It is difficult not to conclude that the establishment of the royal commission was essentially a political act that was more about Liberal Party ideology than sound economic policy. It was little more than a political exercise, using dubious findings to drive a strategy to undermine union influence in the construction and building industry and provide a smokescreen to justify the introduction of harsh anti-union measures.

In recommending the establishment of an industry specific regime, the royal commission characterised the building and construction industry as singular due to its lawlessness, yet it did not make this judgment based on any comparison with other industries. As George Williams and Nicola McGarrity indicated in their article entitled ‘The investigatory powers of the Australian building and construction commission’ for the Australian Journal of Labour Law:

It is therefore unclear on what basis the Royal Commission could describe the building and construction industry as ‘singular’.

Any differences between industries are likely to be a matter of degree. For example, there is nothing about the lawlessness identified by the royal commission, including breaches of the proper standards of occupational health and safety, application of inappropriate industrial pressure and threatening and intimidatory conduct, that is unique to the building and construction industry. The royal commission found that the existing non-industry specific bodies had inadequate powers to enforce Commonwealth industrial law. If this was true, then there was a problem that needed to be rectified for all industries and not simply in the field of building and construction. As Stewart argued in 2003:

If these amendments are worth introducing, why aren’t they worth introducing more generally?
In the selectivity of its jurisdiction, the ABCC differed from other bodies possessing investigatory powers. The ACCC, for example, has jurisdiction over all persons and organisations, regardless of the industry in which they work or operate, that contravene the Trade Practices Act. By contrast, we had created a body like the ABCC, whose jurisdiction was limited to a single industry, thereby establishing different sets of rules and rights for different workers and employers. It is worth while for the House to note that the CFMEU early this year received formal confirmation that the $66 million Cole royal commission resulted in only two prosecutions—one company prosecuted over strike pay and one union official prosecuted for giving false evidence. No union official or construction worker was prosecuted, let alone convicted, for corruption or criminality arising from the terms of reference for the royal commission.

In recommending these construction industry laws, the commission also had a complete disregard for Australia’s international obligations under ILO conventions to which Australia is a party. In fact, in November 2005 the ILO Committee on Freedom of Association found the Building and Construction Industry Improvement Act breached ILO conventions 87 and 98 on freedom of association and collective bargaining. It is important for the Australian government to fulfil its international obligations regarding our domestic industrial relations arrangements and to act as a leader by demonstrating a genuine substantive commitment to the principles of the ILO.

As I have mentioned in the parliament before, the economic case for the Howard government’s legislation was refuted by a paper co-authored by Griffith University Professor David Peetz called ‘Constructing figures: the mythology of productivity in the Australian building and construction industry’, which pointed out fundamental flaws with the Econtech reports that were used to support the role of the Australian Building and Construction Commissioner. In fact, in that report in reference to the fact that the construction industry is one of the most dangerous industries in the economy, the authors suggest:

It may be that there may be greater economic benefits in focusing on effective occupational health and safety regimes in the industry. It is almost certainly the case that there would be greater social and ethical benefits in doing so.

This is an important point because, since the introduction of the Building and Construction Industry Improvement Act, safety in the industry has deteriorated, with deaths having increased from 19 in 2004-05 to 40 in 2007-08. The lack of action to reduce workplace deaths and improve health and safety on construction sites was a damning indictment of the Building and Construction Industry Improvement Act and of the ABCC. There can be no case for allowing a deterioration in safety standards in the industry. The focus should be on lifting the standard of employer duty of care to ensure that workers’ health and safety is protected. The ABCC failed to adequately deal with employers who broke the law or cut corners on safety. As has been noted in Creighton and Stewart’s Labour Law in reference to the 1969 O’Shea case:

… excessive and insensitive use of enforcement procedures—especially procedures that do not accord adequate respect to the right of workers and unions to take industrial action to protect and promote their legitimate social and economic interests—may well be counter-productive both in terms of those who seek to use them and in terms of protecting the integrity of the system of which they are a part.

The House should contrast the attitude of the Howard government on this issue to that of the Hawke and Keating governments. In pursuing industrial relations reform, the Hawke
and Keating governments were successful in significantly increasing productivity levels in the building industry. This was achieved by promoting a cooperative, non-discriminatory approach in workplace relations.

The BCII Act and the ABCC are relics of an adversarial system. I do not think they have any place in a modern economy. Labour law should be balanced, promoting the interests of both employers and employees. We are at a time in our global economy where uniformity and flexibility are both necessary for our labour relations system. I refer to comments by Professor Andrew Stewart. In a submission to the Productivity Commission, he said: ‘The adoption of a national approach includes having laws which avoid unnecessary burdens or restrictions; are not unduly prescriptive; are accessible, transparent and accountable; are integrated and consistent with other laws including international standards.’ What we should be striving for is a seamless national workplace relations system that is flexible and productive and that will respond effectively to the challenges as we emerge from the global financial crisis.

These debates about industrial relations demonstrate the absolute bedrock of difference between the Liberal Party and the Labor Party. The Liberal Party’s belief in free markets, in market fundamentalism, is such that they believe in individual bargaining between employers and employees. The Labor Party, by contrast, believe that this is inherently unfair. We believe that the inherent bargaining strength of employers needs to be leavened and some balance achieved, essentially in three ways. Firstly, we believe that there needs to be a right for employees to organise themselves and bargain collectively through trade unions. Secondly, we believe in the existence of an independent umpire who can resolve disputes. Thirdly, we believe that there needs to be certain minimum standards to protect those workers who have the least bargaining power.

This difference between the two parties was true 100 years ago and it remains true now. We saw it previously in the debate on the Fair Work Bill and we are seeing it here. The opposition have forever been on the lookout for opportunities to do away with the rights of trade unions, with the independent umpire and with the legislated minimum standards. These are precisely the matters which drove Work Choices, which was a key factor in costing the coalition the election in 2007. Many of those opposite know perfectly well that this is what cost them the election in 2007, so they are now torn and conflicted.

The fact is that there are many of those opposite whose mood remains defiant. Deep down in their hearts they still believe in Work Choices, and one of the odd things about their view of the world is that it has led to more regulation rather than less. In the case of Work Choices we saw a massive bill of over 1,000 pages designed to restrict employees, trade unions and indeed employers with yards of red tape. You would think that their view of the world would lead to less regulation but, in fact, it led to more.

The final point I want to make about the history in relation to this issue is that, since the time of the Keating government, Labor’s modern view of the needs of the workforce and needs in workplaces has been that of enterprise bargaining. I believe that the introduction of enterprise bargaining has been a great success. It led to productivity improvements far in excess of those which occurred during the period of Work Choices, and I believe that that is the right way to go for industrial relations in this country—that we look to a cooperative model of industrial relations and we look to a model focused around bargaining at the enterprise level. I commend the bill to the House.
Mr ABBOTT (Warringah) (11.09 am)—
Let me begin my contribution to this debate by reminding members that workplace reform was one of the greatest achievements of the Howard government. Workplace relations reform in part contributed to the golden age of posterity which this country enjoyed from the middle 1990s until quite recently. In particular, workplace relations reform helped to achieve the marvellous outcomes of more than two million new jobs, a 20 per cent increase in real wages and—this is very important—a reduction in industrial disputation to the lowest level since records were first kept back in 1913.

Let me be very clear about this. Industrial disputation helps no-one. Industrial disputation has to be at the very least a last resort. Strikes cost jobs, strikes hurt workers, strikes mean that a whole lot of people are out of pocket and inconvenienced, and no-one ought to argue that strikes are anything other than a blight on our economy and on the prospects of the decent working people of this country.

Members opposite in the course of this debate have alluded to the former government’s Work Choices industrial legislation. Work Choices did not cost the former government the election; it was the temporary abolition of the no disadvantage test which, more than anything else, cost the former government the election—and Work Choices was far more than just that.

We are here today to talk about the government’s building and construction legislation in the form of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. When I became the workplace relations minister back in 2001, it was hard not to notice that the majority of strikes took place in the commercial construction sector, particularly in two states, Victoria and Western Australia.

In those two states the rule of law had become the law of the jungle.

In 2001 I established the Cole royal commission to inquire into the commercial construction industry, particularly in those two states. The finding of the Cole royal commission that this industry was marked by coercion, collusion and intimidation was substantially confirmed by the subsequent inquiry conducted by Justice Wilcox, commissioned by the current government. The result of the royal commission was the establishment of an interim task force to police and enforce the rule of law in the commercial construction sector and that eventually became the Office of the Australian Building and Construction Commissioner.

As Justice Wilcox found in his recent inquiry, there are still problems in the commercial construction sector but, thanks to the work of the royal commission, the interim task force and the ABCC, there has been an improvement bordering on a transformation. Labour productivity in the commercial construction sector is up by 20 per cent. The cost differential between commercial and housing construction has dropped from 15 per cent to an almost negligible two per cent. Industrial disputation in the commercial construction sector has dropped from the highest in the country to almost negligible levels. The difference between the industrial environments in which the EastLink project was constructed in Melbourne and in which the CityLink project was constructed just a little while earlier demonstrates the impact that the whole Cole royal commission process has had.

As a result of all this there has been a boost to national economic output estimated, given the size of the sector, at more than $5 billion a year. It is appropriate in the course of this debate to put on record my, and I hope the parliament’s, gratitude to some of the key
figures in this whole process: not only Justice Terry Cole, who was subjected to large and violent demonstrations when he was conducting his hearings, but also Nigel Hadgkiss, the former senior policeman who was the head of interim task force, and later John Lloyd, a former distinguished public servant and then Australian Industrial Relations Commission deputy president who took on the job of heading up the ABCC. These are fine Australians and their work has done great things for a very important industry and for the decent, honest people trying to earn a living within it.

The essence of the success of the Office of the Australian Building and Construction Commissioner has been a significant staff of investigators, many of whom have experience of real policing, and, most importantly, the power to compel witnesses. This is particularly important for employers. Given the climate of intimidation which long existed in this sector, it was almost impossible under the previous arrangements to get hard evidence of breaches of the law. The people who knew about the breaches of the law simply would not appear. The workers were frightened of physical intimidation and the businesses were frightened of commercial retribution. This is why these coercive powers, the powers to compel witnesses, are so important. Once these powers were in place the companies—that had previously been terrified of commercial payback should they tell the law enforcement authorities of what they knew—could not ignore the laws that said that they had to give evidence.

The real problem with the government’s legislation is that it essentially makes these coercive powers impossible to exercise. This is the great payback to the union movement. The coercive powers that meant that the dark secrets in this sector had to come out are being essentially taken away, or at least made almost impossible to exercise, as a result of the legislation before the House. The Rudd government pre election promised a tough cop on the beat. It said that there would always be the rule of law in this sector but, as has so often happened, that pre-election promise has turned out to be just more spin from a Prime Minister who has proven himself to be an absolute master in the arts of political deception. What this bill shows is that the tough cop is on the high road to becoming a toothless tiger.

I know that there are many decent members sitting opposite us in this House. Minister Martin Ferguson, who is at the table, is of course a person of integrity, principle and long experience in the union movement. Decent members of the union movement know what was going on in this sector. They have no truck with the kind of people who enforce right of entry at the point of a crowbar, as we saw happen just a few years ago in Melbourne. Yet they have been dragged into this legislation by their leader’s need to appease a union movement which has been so important to his campaigning success. The problem with this bill is that it puts decent workers, decent unionists and decent businesses at more risk than they have been. It removes the protections that have been there for them at least since the establishment of the ABCC back in 2006.

My problem with this legislation is not that the government have capitulated to the shop assistants union or that they have capitulated to the Australian Workers Union. They have not even capitulated to the forestry division of the CFMEU. But they have capitulated to the construction division of the CFMEU, the most militant, the most lawless and the most violent union in this country. In essence, this is Kevin Reynolds’s bill. That is what this bill is. It is payback for Kevin Reynolds. It is payback for the support that the militant unions have given to the government. This is thoroughly bad legislation.
It will be opposed by the coalition both here and in another place because it makes the decent workers and the honest businesses of the construction sector of this country much less safe than they deserve to be.

Mr DREYFUS (Isaacs) (11.21 am)—The Liberal Party are still the party of WorkChoices. This is the only conclusion that the Australian people can draw from the Liberal Party’s opposition to the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. The Liberal Party have demonstrated their continuing commitment to WorkChoices by their speeches in this House and indeed by their disallowance in the Senate of the government’s direction to the Office of the Australian Building and Construction Commissioner.

The Independent senators and the Greens recognised the mandate that this government received at the last election to abolish WorkChoices. That is why they supported the Fair Work Bill when it passed through this parliament on 20 March this year. The government has an equally strong mandate for this bill because the Labor Party took a firm and clear commitment to the Australian people, which was to abolish the Office of the Australian Building and Construction Commissioner and to transfer its responsibilities to a specialist fair work inspectorate from 1 February 2010, and that is what this bill does.

The bill of course contains a set of provisions which will put in place a procedurally fair and appropriate form of regulation for the Australian building and construction industry, one which fits within the framework of the Fair Work Act. It has been extraordinary to listen to the speeches that have been made in this House for—I think it is fair to say—the hysterical tone which has been adopted by those opposite in respect of this industry.

The aspect of the bill that I want to speak to particularly is the preservation, for the time being, of coercive powers. As the minister explained in her second reading speech, the reason why coercive powers have been retained in the framework of legislation that is here being put forward is that former Justice Wilcox in his report, which was a very considered report following a process of a discussion paper, wide consultation throughout the Australian community and written submissions from all interested parties, concluded that there was still a need for coercive powers in a limited form to be retained in the framework of regulation that is going to go forward for the building and construction industry.

Justice Wilcox commented that the continuation of coercive powers is not, as has been suggested by a number of people commenting, entirely outside the framework of the Australian legal system—far from it. Coercive powers are to be found in a range of different acts of this parliament. One could point to coercive powers that are given, for example, to the Australian Consumer and Competition Commission or indeed the coercive power that is exercised every day by courts in this country, which is the sending of a subpoena to witnesses. The particular coercive powers that are in question here are ones which, Mr Wilcox expressed the opinion, were needed for some further time.

What this bill recognises, by two provisions, is that the government and the Labor Party envisage that a time will come when coercive powers will be no longer needed in the Australian building and construction industry. The way in which this bill recognises that end result, if you like, is by first of all imposing a sunset provision which sunsets the coercive powers at the end of five years from 1 February 2010. The second way in which this bill recognises that coercive powers may fade away and be no longer part of
the industrial relations scene and no longer applicable to the building and construction industry is that the powers will be able to be switched off for particular projects.

It is recognised in this bill that starting on 1 February 2010, which is when the new regime will apply and when this legislation is passed through this parliament, while projects that have been commenced before 1 February 2010 will continue to be covered by coercive powers, it will be possible for particular projects to have the powers switched off. That is something that an independent assessor will look at. I would expect that over time it will become commonplace for these coercive powers to be recognised as not necessary for particular projects. I would expect that, in entire regions of Australia, quite quickly we will get to a position where it is simply a matter of course that the coercive powers will be able to be switched off and that there will be no special regime applying for those projects or in those areas because it will be accepted that they are not needed.

In both of those respects, this bill recognises that coercive powers are not going to be with us forever. It recognises the unusual nature of these coercive powers and reflects appropriately the reluctance that this parliament should always have to impose this kind of regime on any part of the Australian economy, any particular industry or any group of Australians. They are extraordinary powers. They need to be recognised as extraordinary powers and it should be recognised that they should only be introduced in circumstances where they are absolutely required. This is something that Justice Wilcox has given very long and earnest consideration to. The government, in legislating in the way that it has in this bill, is accepting that long and earnest consideration given to the subject by Mr Wilcox.

It should also be pointed out that there is an extensive set of safeguards that are to accompany the coercive powers which are to continue to be employed in the Australian building and construction industry. They include:

- use of the powers is dependent on a presidential member of the Administrative Appeals Tribunal being satisfied a case has been made for their use,—

The next point is perhaps the most important of all of these safeguards in the exercise of these coercive powers:

- persons required to attend an interview may be represented by a lawyer of their choice and their right to claim legal privilege and public interest immunity will be recognised,
- persons required to attend an interview will be reimbursed for their reasonable expenses,
- all interviews are to be videotaped and undertaken by the director or their deputy,
- the Commonwealth Ombudsman will monitor and review all interviews and provide reports to the parliament on the exercise of this power, and—

as I have mentioned—

- the powers will be subject to a five-year sunset clause.

In all of those respects there is a recognition of the extraordinary nature of these coercive powers, there is a recognition that the time in which these powers are going to continue to be employed is going to be a limited one, and there is a recognition that because of the extraordinary nature of these powers it is entirely appropriate that they be accompanied by safeguards which will deliver procedural fairness and, in a very real sense, the rule of law in this area.

Having dealt with one of the more contentious areas of the bill, I again want to deal with another step that has been taken by those opposite which reflects just how clearly they are the party of Work Choices. It
is something which was dealt with by the minister in her second reading speech: what is to occur in the interim before this legislation takes effect. In her speech introducing this legislation, the Deputy Prime Minister said that she was going to make a direction under the existing legislation to the Office of the Australian Building and Construction Commissioner. The Deputy Prime Minister did just that and made such a direction, which went to the manner in which the existing powers of the Building and Construction Commissioner were to be exercised.

The response of those opposite and the step taken by the Liberal Party in the Senate on 25 June to an entirely appropriate direction given by the minister as foreshadowed in her second reading speech was to move, regrettably successfully, for disallowance of that direction. That disallowance confirms that the Liberal Party is still the party of Work Choices.

As I said, that direction was made under the existing act. It relates to the manner of the exercise of powers until the ABCC is abolished with effect from 1 February next year. The direction is entirely consistent with the Wilcox recommendations on the coercive powers. The direction does not affect the investigative, compliance or prosecution powers of the ABCC and it does not take away any of the coercive powers that are presently vested in the ABCC. The direction does introduce a measure of procedural fairness and decency in the exercise of those coercive powers, and it is that measure of procedural fairness and decency which those opposite reject. They do not want fairness and decency in the industrial relations system of this country. They wish for a return to Work Choices; they make that clear every time they speak on this subject, they made that clear in the Senate by disallowing this ministerial direction and they continue to make it clear by their opposition to this bill.

It is worth pausing for a moment to look at what was rejected in this direction by those opposite. Again, to give it context, this is a direction to the Australian Building and Construction Commissioner about how in the interim before the commission is abolished on 1 February next year he is to go about exercising the coercive powers. The first of those was a very simple direction to permit a legal representative—no more than that—to sit and speak with someone who is being made the subject of these coercive powers, to permit a legal representative to speak on behalf of that person and—shock, horror!—to be given the time and privacy to consult and advise that person. Those opposite do not believe in legal representation, they believe that workers should be deprived of legal representation, and that is the effect of what they have done in disallowing this direction.

Because it is absolutely representative of the attitudes of those opposite I want to mention the other four elements of this very simple direction, which in no way cut across the continued use of these coercive powers but which do set appropriate conditions for the use of those powers. The next alarming direction that the Deputy Prime Minister gave to the Australian Building and Construction Commissioner was to comply with the Commonwealth’s obligation to act as a model litigant, and apparently that, too, is seen as some vast lessening of power and as interference with the regime of industrial relations that applies to the building industry.

The third requirement was to give those who are affected by the coercive powers a reasonable opportunity to raise an objection in an appropriate court or tribunal. Again, reflective of the fact that those opposite do not believe in the rule of law or any opportunity to test the lawfulness of the conduct of a Commonwealth official, that, too, has been rejected by them.
The final direction which has been rejected by those opposite was to introduce, as a means of ensuring that there is procedural fairness in the use of these coercive powers hereafter, the procedure where it would be necessary for the Australian Building and Construction Commissioner to provide to a presidential member of the AAT a report describing how he proposed to use the coercive powers against particular persons, describing what was sought to be achieved by the use of the coercive powers, the likely effect on the person of the use of the coercive powers and the time within which this was all going to be done, and the requirement specified—this was far too much fairness and appropriate procedure for those opposite—that the Australian Building and Construction Commissioner was to ‘consider any advice received’ from the nominated presidential member of the AAT before proceeding further to exercise those coercive powers.

Again we have it clearly stated, by the speeches in this House on this bill and the rejection and disallowance of the minister’s direction in the Senate, that the Liberal Party is the party of Work Choices and wishes to reinstate Work Choices in every sense and continue with the harsh regime of industrial relations that was introduced in 2005. It is a party which does not believe in checks and balances or procedural fairness. It is a party which does not believe that workers should have rights. I would call on those opposite to respect the decision made by the Australian people in November 2007 to replace the Howard government with a government committed to the repeal of Work Choices and replace it with a fairer industrial relations system, which is what we see in the Fair Work Act that has now come into force. Refusal to pass this bill will prevent the government from honouring the second major commitment made in the industrial relations area, which was to abolish the Australian Building and Construction Commission. Refusal to pass this bill condemns the opposition as what they are: the party of Work Choices.

Mr RANDALL (Canning) (11.39 am)—I am here today to speak on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. Sadly, this is a bill that completely waters down the strong regulatory regime put in place by the previous government over the thuggish building and construction unions. The building and construction industry is led by one of the most militant unions in this country. We have all seen them on TV, and the Cole royal commission, which I will go into shortly, provided some home truths about the blatant disregard for the law held by the unions, particularly the CFMEU. Here the government wants to amend the law to water down the powers and independence of the Australian Building and Construction Commission, or ABCC, the construction industry watchdog or ‘tough cop’.

Before I go any further and while the member is still in the chamber, I would just like to point out that he does need to actually get it right. The commitment from the Labor Party in opposition was that they would not get rid of the ABCC. In fact, the minister quite categorically said that she would not do this and would allow there to be the ‘cop on the beat’. You need to tell the truth in this place and not mislead, because that is just not true.
The ABCC was established by the former coalition government following the recommendations made by the independent royal commission, which found that lawlessness, intimidation and corruption were rife in the building and construction sector. The coalition government wanted to ensure that there was a strong cop on the beat to stop this unlawful behaviour, improve working conditions, protect the rule of law and dramatically increase productivity. That is the key to this: the dramatic increase in productivity.

While Labor promised—I again reiterate: they promised—to retain the ‘tough cop’ attitude, maintain the full powers of the ABCC, as I remind the member, until February next year and carry through existing principles to the specialist inspectorate division of Fair Work Australia, it is once again all spin and no substance. The minister sneakily issued a directive on 17 June limiting the powers of the ABCC from August. This was not the deal that was subsequently disallowed in the Senate.

From next year, the watchdog will be moved to the specialist inspectorate at Fair Work Australia. This legislation provides the minister with greater powers, restricts the independence of the inspectorate compared to the ABCC as it is now, reduces the penalties for unlawful behaviour and really makes coercive powers optional. The watered-down version pays only lip service to the strong principles the ABCC was founded on—not surprising from a minister who, as a lawyer at Slater and Gordon, was once employed to represent the interests of the militant unions that the ABCC has now clamped down on. Under this legislation, penalties for not obeying the law are drastically reduced and previously unlawful action is now acceptable. The bill allows for construction laws to be switched on or off for particular building sites. If people were already following the law, there would be no need to vary the laws at a whim, would there? Is this really Minister Gillard taking a tough stance against militant construction unions? It is not. In fact, it is just laughable. This is really Labor thanking its mates the unions for helping it win the last election and funding it with in excess of $30 million in that campaign, so this is payback time: ‘We’ll help you because you got us $30 million to run the last election and now, because you’ve given us the dough, we’re going to help you.’

The coalition cannot support the watering down of this watchdog. We cannot afford a return to the dark old days of workplace unrest, strikes, bullyboy tactics, coercion and organisations looking after their mates. Labor’s plans could set Australian workplace relations back decades and certainly will hurt our economy. We must make sure that unlawful activity, intimidation and threats do not return to the building and construction industry—or, if they do, that there is a strong enough body to take them on.

The Master Builders Association chief, Wilhelm Harnisch, said:
The specific building and construction industry reforms—
he was referring to the ABCC—
have assisted the building and construction industry to increase productivity, bring industrial harmony and to provide benefits to employers and employees.

Labor is hell-bent on reversing this position and taking Australia back in time, as I have said. Before the 2007 election, Minister Gillard indicated that the existing laws had ‘balanced the rights of employers and unions’ and that Labor did not want to jeopardise this productivity or cause industrial unrest. That is what she said before the election, and what is she doing now? The abolition of the ABCC and the watering down of its powers will not only encourage industrial unrest but also destroy productivity.
The coalition supports the retention of the ABCC, as you can see from all the speakers on our side today. The outcomes it has produced for the industry and the economy—and this, I might add, is supported by Econtech research—speak for themselves. These are some of the figures produced by Econtech: a 10 per cent increase in industrial productivity; massive reductions in industrial disputes by 91.9 per cent to record lows; and increases in average weekly earnings for workers in the construction sector between 2004 and 2007 of 25½ per cent, compared to 15.7 per cent for all other industries. It has improved the levels of health and safety, and I want you to remember this about the safety aspect when I come to it shortly. There was a 7.3 per cent productivity gain in commercial building relative to residential building since 2004. Not only has the ABCC been effective in maintaining a degree of harmony but it is overwhelmingly cost effective. In fact, it costs the taxpayers a relatively meagre $32 million per year but returns $5.5 billion in terms of economic gain—in other words, $167 generated for each dollar spent by this administration.

But the bottom line is that we have a more workable and effective body to watch and manage the industry, and that is why the unions hate the ABCC. Unions lost their control, their tight grip on power, and they were suddenly accountable and held responsible for all the things that these people had gotten away with for years—the unconscionable conduct. Under the previous Labor government, the average number of working days lost to strikes per year was 22.6 per thousand employees—I repeat, 22.6 working days per thousand employees. In September 2007, by way of comparison, this was down from 22.6 working days to a negligible 1.2 working days per thousand employees. What a vast improvement! But, as we know, with 70 per cent of the Labor Party’s front bench being ex-union officials and with union spending in excess of $30 million in Labor’s campaign, it is clear why the unions are getting an absolute armchair ride on this bill.

By neutering the ABCC, Labor is simply reinforcing the longstanding belief that they are more interested in looking after their mates than in maintaining law and order and protecting local jobs. There is nothing more important than creating and sustaining jobs. In fact, 2.2 million jobs were created under the coalition’s watch, with around 60 per cent of them being full-time positions, unlike the casualisation that is going on now. Labor inherited an unemployment rate of 4.3 per cent. In 1996, Labor had left us with a rate of 8.1 per cent. So that is the difference. We inherited 8.1 per cent in 1996. They hit Lotto: they had 4.3 per cent when they assumed government.

Real wages increased under the coalition by 21.5 per cent, compared to them actually decreasing by 1.8 per cent under the 13 years of the previous Labor government. In fact, you will recall former Prime Minister Bob Hawke bragging about the accord and driving down wages. Unemployment in my electorate got down to 4.1 per cent, compared to 8.4 per cent in December 2004, when I became the member for Canning. Canning, particularly the younger population of Canning, is susceptible to higher levels of unemployment, and that is where government energy should be focused, not on handing back power to the union thugs.

Paul Kelly wrote in the Australian a while ago:

... standing immovable is Labor’s support for greater trade union power, more costly restriction on employers, a greater role for the revamped commission, an effective end to individual statutory contacts, a revival of arbitration, and a sharp weakening of direct employer and non-union employee bargaining.
And this is what businesses are up against. As an aside, I would like to mention that I recently spoke at a local Gosnells Small Business and Tourism Association breakfast. A number of those business owners raised their grave concerns to me about the government’s Fair Work changes. It is a bit Orwellian, isn’t it—fair work changes? Small business is the lifeblood of the Australian economy, and, while I am pleased that Canning has a raft of small businesses, unfortunately many of these businesses’ trading conditions have never been tougher. Yet in these tough economic times the government is trying to make it even harder for them with these archaic workplace reforms.

As we said previously, the ABCC was established under the independent royal commission by Mr Justice Cole, and he found extensive evidence of disgraceful lawlessness, intimidation and thuggery in the construction sector. Before I go on, the member for Wills, as they do on that side, called the Cole royal commission biased. What a disgrace. Not only do they besmirch Mr Cole himself but here is a 22-volume report, well researched and the benchmark of industrial harmony going forward in this country, which those on the other side—and the member for Wills said it the other day—said it was a biased report. It is a disgrace that they would try and drag his reputation through the mud.

Commissioner Cole’s report was tabled in 2003. The report found that the industry was rife with lawlessness. In fact, there were more than 100 types of unlawful behaviour, which included the following: favouritism for union members, widespread industrial pressure and taking and making inappropriate and questionable payments. I remind the House that I recently raised concerns about the issue of the Australian Workers Union but was swiftly interrupted by the member for Bruce. The issue I raised in the House here, can I inform the House, has now been taken up by the Australian Electoral Commission, and they are investigating an unusual slush fund in and around the Alcoa worksites in my electorate. I will be looking forward to the AEC’s report on their investigations of these so-called site allowance moneys and where they went.

I continue: the commission found unlawful strikes, the rorting of employers, threatening and intimidating conduct, disregard for laws and regulations at all levels, actions by unions—particularly the CFMEU—to regulate the industry, and unions pressuring government departments. Does the government really want to return to this sort of behaviour? I am sure there are a lot of responsible members of integrity on the other side who really do not want to return to those days of lawlessness. Labor seems intent on taking the construction sector back to the past, where thuggery and militant construction unions prevailed over the rule of law.

Being a Western Australian, I am all too familiar with the antics of the CFMEU’s self-proclaimed heavyweights in the likes of Joe McDonald and Kevin Reynolds. The type of behaviour uncovered by the Cole royal commission was seen in eight minutes of footage from an ABCC worksite, which he had entered illegally, where he was hurling obscenities and threatening bosses and workers who would not join the union. In the earlier Forward with Fairness legislation, I spoke about union bosses claiming bogus safety issues to get themselves on a worksite and then wreaking havoc on that site. After his re-election in Western Australia, Kevin Reynolds, in his Che Guevara T-shirt and wearing bib and brace overalls, claimed that he had a mandate for militancy and it seems the Deputy Prime Minister could be giving him the green light by dismantling the ABCC.
Mr Martin Ferguson interjecting—

Mr RANDALL—He’s a cute little bloke, isn’t he! Both Joe and Kevin worked on the Canning Vale polling booth at one of my elections. And by the way, Joe McDonald wouldn’t pay a bet he had with me; he still owes me $20.

In May 2007, Joe McDonald made his position about the ABCC pretty clear:
I live for the day when (the ABCC staff) are all working at Hungry Jack’s or Fast Eddy’s or Kentucky Fried Chicken. That is what’s waiting for them. They’re all ex-policemen and they can go and do whatever ex-coppers do. I’d suggest that John Lloyd and his mates will be unemployed before I will be.

I wonder if he got a wink and a nod from the minister to be able to say that. Kevin Reynolds likened the ABCC to the Gestapo, and Dean Mighell said the creation of the ABCC was a stunt by the coalition government. They will all be jumping with joy now when this legislation goes through the House—if it does. In April of this year, the ABCC reported intimidation and cost blowouts increasing. Shouldn’t this be all the more reason for its retention? In Western Australia, the Director of the Master Builders Association made the point that if $2 billion in state government infrastructure projects were blown out by just 5 per cent because of union antics, this would waste $100 million of taxpayers’ money. I do not think our state can afford to waste this sort of money when we are all screaming for more infrastructure and essential services like policemen, teachers and nurses.

An April editorial in the Australian hit the nail on the head, when it said:
Julia Gillard says the ABCC will be replaced in January with a new unit to watch the industry. Good, but not good enough. The ABCC and the powers it possesses should stay.

I know those on the other side like watching. With regard to the coercive powers in the legislation, basically the government wants to be able to compel at convenience. Coercive interrogation powers are able to be switched off on the order of the independent assessor. So we know that one site could have powers initiated on them and then, at a whim, they could be switched off again. It is one site on and one site off. It will be very interesting to see how this ever stacks up in law. While the government gives the appearance that they are not completely caving in to the unions by retaining the so-called coercive interrogation powers, it is really nothing more than a thinly veiled attempt to hide the fact that the powers are so bogged down in red tape that they will rarely be used. It is important to remember that these powers exist for a reason. Powers available under the current laws to compel witnesses to give evidence are needed to provide protection to those people who want to give evidence to the ABCC without the fear of payback or retribution by the union for having done so—and it was very clearly pointed out by the member for Warringah in his speech why coercive powers are needed. In fact, the ABCC Commissioner, Mr Lloyd, recently said that he had no reservations about his power to use coercive powers because people preferred that in order to give testimony rather than feel the wrath of the union should they be seen to be cooperating. So of course they would love to give evidence. When it was voluntary before and there was a show of hands and they could be identified, we knew that they were penalised for doing so.

Existing powers are capable of being used against everyone in the sector—employees and employers. Even Justice Wilcox, who was asked by Minister Gillard to report on the powers of the ABCC, recognised that the investigative powers are integral to ensuring that law and order is maintained in the con-
struction sector. These powers would not be necessary if the sector had the same culture and history as normal, everyday workplaces. The truth is that construction is a special case. Labor has no real intentions of creating a tough cop overseer or being tough on the construction unions. The Deputy Prime Minister said:

A future Rudd Labor Government will not tolerate intimidation or violence by any party in the building and construction industry. The practices of the past are not part of Labor’s future for industrial relations.

Labor promised it would maintain the existing ABCC arrangements until February 2010, but we should not be surprised that this government says one thing and does another. It is racking up quite a long list of backflips on commitments. While the minister talks tough, the reality is that the unions have already won this debate as the proposed act reduces the penalties for unlawful action and gives a green light for a return to the bad old days.

Claims that the ABCC has affected occupational health and safety levels are also misguided. ABCC Commissioner John Lloyd has stated:

The ABCC is committed to do all it can to improve the industry’s poor occupational health and safety record and to support those specifically charged with this task …

As the member for Mayo said in his contribution to this House, it is the state governments who actually administer this, and where were the state Labor governments when occupational health and safety was an issue? The truth is that the independent building industry police are in real danger of losing their powers, losing their independence and being nothing more than a token body with no ability to stop a return to lawlessness and intimidation on the building sites of Australia.

Mrs GASH (Gilmore) (11.59 am)—The Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 is all about neutering an agency that was making a difference in addressing a dysfunctional industrial culture that has been synonymous with the construction industry in Australia. It is a bill representing the payoff to the building unions for their generous support in getting the Prime Minister, Kevin Rudd, across the line. The Australian Building and Construction Commission represents an effective response to the decades of banditry that the building industry was forced to endure. The Master Builders Association says this:

The building industry has enjoyed unprecedented industrial harmony and improvements in productivity following the five years that the ABCC has been in existence. These benefits are measured at $5.5 billion per annum and are particularly important in the current economic circumstances to help the government’s strategy to lift the Australian economy out of recession.

The dilution of the powers that were vested in the ABCC will place a greater reliance on the assumption that these maverick unions will continue to play fairly. That is a big call, and you need only look at the history of the building unions in Australia to gather a sense of foreboding that that is not going to happen. The Master Builders Association has reported significant improvements in efficiencies since the advent of the ABCC:

The Econtech Construction Industry Productivity 2009 report card shows that there have been significant improvements across a range of productivity measures including a 6.2 per cent productivity gain in commercial building relative to residential building since 2004. There has also been a 9.4 per cent addition to labour productivity in the construction industry due to the ABCC and other associated reforms, and a 10.2 per cent outperformance in the construction industry labour productivity compared to predictions based on historical performance to 2002.
Those statistics cannot be denied, yet this government is prepared to sacrifice the gains made on the back of political expediency. And of course there have been attempts to discredit the Econtech research. For instance, the Mitchell report and another report said that gaps in costs between domestic and commercial building costs were due to factors other than restrictive work practices; the second says there was no gap in the first place. These attempts to attack the ABCC and the hard facts that it has improved sector productivity are nothing more than union propaganda hiding behind a veil of easily discredited academic research. Econtech compares costs of the same tasks in the same states over time, and does not attempt to cherry-pick the figures to suit union or minority interest group needs.

Richard Bunting, a partner at Blake Dawson, suggested that the ABCC legislation was not a result of any new or recent industrial misbehaviour. He said successive federal and state governments, both coalition and ALP, have found it necessary to deal with the very poor industrial relations in the building and construction industry, including an industrial culture which from time to time has involved considerable lawlessness. He went on:

It is well known that there was considerable industrial misbehaviour involving officials and some of the members of the Builders Labourers Federation in the 1970s and early 1980s.

The BLF was deregistered as a consequence in 1974 and only registered again in 1976 after giving specific undertakings to abide by decisions of the Australian Conciliation and Arbitration Commission and to participate fully in the prevention and settlement of disputes through conciliation and arbitration. In 1981, the Victorian and Commonwealth governments announced a royal commission into the Builders Labourers Federation. The royal commissioner was Mr John Winneke QC. His subsequent 1982 report into activities of the Australian Building Employees and Builders Labourers Federation recommended prosecution of various persons.

In March 1983, following the election of the federal Labor government, further BLF deregistration proceedings were adjourned. The federal government subsequently withdrew as an applicant in the deregistration proceedings after the BLF gave certain undertakings about its industrial behaviour. However, in 1986 the Labor government deregistered the BLF for five years and similar action was taken by the New South Wales and Victorian governments around the same time. The further development of industry unions in the late 1980s and early 1990s ultimately resulted in the principal industrial coverage for building industry employees being assumed by the CFMEU and to a lesser extent by the AWU.

In the early 1990s a New South Wales government royal commission into the state’s building and construction industry, the Gyles royal commission, recommended the establishment of a task force in New South Wales to examine and investigate illegal activities in the industry. The task force commenced operation in 1991 and continued until mid-1996. The Gyles royal commission’s 1992 final report summarised the commissioner’s views as follows:

The public and confidential submissions received, with very few exceptions, identify and complain about various aspects of union militancy. The complaints were from so many disparate sources and are so consistent that they amount to a powerful body of evidence in themselves to establish the proposition that the conduct of the members and officials of the former BWIU (NSW Branch) severely affect productivity and efficiency of the industry in this State, both because of the persistent disruption of projects and businesses and because of the restrictive work practices instituted and defended whilst work is actually proceeding. The evidence reveals nothing less than industrial anarchy in which any
pretence of the rule of law or the application of principle has been abandoned.

Mr Gyles recommended the deregistration of the BWIU. Ultimately, the application to pursue deregistration of the union was withdrawn and the union gave various undertakings, including to operate within the law and to comply with the NSW code of practice.

There were some similar developments and attempts at imposing more orderly industrial relations for the building and construction industry in other states. For example, in Western Australia a building industry task force operated between 1993 and 2001. At Commonwealth level, Mr Terence Cole QC was appointed by the federal government in August 2001 as a royal commissioner to inquire into certain matters relating to the building and construction industry throughout Australia. The Cole royal commission cost the Australian taxpayer over $60 million. Yet here we have a move to start the reversal process taking us back to the bad old days. I did see newspaper reports recently reporting that the Rudd government was talking tough, but really, is that just show? I think it is. Their intent was clearly expressed in the course of the 2007 campaign where they vowed to ‘roll back’ tough new laws that were prickling the unions. The public cannot be misled by the show of fabricated dissent between the unions and the Rudd government. After all, Mr Rudd promised the unions. It beggars belief that he would dishonour such a significant promise made to his paymasters. What I anticipate is the continued dilution of this agency, whatever form it takes, to the point of eventual redundancy. I am just not buying the line that this government is going to seriously oppose the will of the unions, and neither should any free-thinking individual.

The Australian on 6 July quoted the Prime Minister as saying:

This government will not tolerate violence, threats of violence, or intimidation in any part of the industry.

Yet this is just what is beginning to happen in my electorate of Gilmore. When you take into account previous tough talk on grocery prices, petrol prices and reining in the banks, you have got to take this latest resolution with a very large grain of salt. I am betting a secret deal has already been stitched up and all we are witnessing is a very well-rehearsed public show of false indignation. After 2010, all bets will be off and the watchdog will be as effective as Labor’s much-vaunted petrol commissioner.

Despite the wide acknowledgement that there is still a lot to be done, this bill is, candidly, premature if the health of the industry is the prime objective. Justice Murray Wilcox, in his report Transition to Fair Work Australia for the building and construction industry, said that the ABCC should remain in place for at least another five years. He was quoted as saying that there was still work to be done to restore industrial sanity in the sector. Yet the government dismisses the recommendation of its own appointee and starts the process of dilution.

It is inevitable that under the hand of this government the ABCC copy will certainly remain, if only as a symbol of toughness. What appears to be happening is a concoction of semantics in the bill that creates the impression of toughness but in fact will be hampered by red tape sufficient to frustrate the process, again adding to the costs of anyone with a genuine concern. It is a clayton’s bill that sets out to appease the public without actually doing anything.

Mr Deputy Speaker, just listen to this: penalties for not obeying the law are diluted; previous unlawful action is now acceptable; and provisions are made for switching off the laws, when it suits, for specific building
sites. On 18 September last year, in an interview at the National Press Club, the minister, Julia Gillard, was asked a question by Nick Butterly from the West Australian. He asked:

You’ve said that the ABCC will remain in place until 2010. But can you just guarantee that the powers of the ABCC will not be watered down before then, either by a carbon budget, cuts in staffing or by other methods? And also, what do you make of this push within Caucus to defame the ABCC before 2010?

What did the minister—and I notice the minister sitting opposite me at the table—say in reply?

I can guarantee we’ll deliver on our election commitment, which is that the ABCC will stay until 31 January 2010, with all of its powers and all of its budget. I can confirm we’ll deliver on our election commitment that on 1 February 2010 it will be replaced by a specialist inspectorate within Fair Work Australia.

The implications are clear: in six months time it is all over, replaced with a toothless tiger. I am of the view that, until such time as it is clear that the culture of lawlessness that dominated the industry for decades is firmly behind us, the ABCC must remain in place and intact.

The worth of the ABCC has been well demonstrated in the performance figures of the construction sector since its inception. Emerging as we are from the effects of the global financial crisis, why do we need to compromise opportunities for recovery which, the government has signalled, will take several years? The government has not demonstrated a clear case that would justify this bill, other than a promise made to the unions. As I said earlier, the dilution of the commission is premature and unwarranted on the evidence.

That is why powers available under the current laws to compel witnesses to give evidence are needed to provide protection to those people who want to give evidence to the ABCC without fear of payback and retribution. Existing powers are capable of being used against everyone in the sector, both employees and employers. Existing investigation powers are not unique; they are akin to other powers widely available to other Commonwealth agencies and under other Commonwealth laws.

The proposed restrictions on investigation powers are cumbersome and will prevent them from being used effectively due to the vast amounts of red tape that must be cut through before they can be used. Even Justice Wilcox, who was asked by Julia Gillard to report on the powers of the ABCC, recognised that the investigative powers are integral to ensuring that law and order is maintained in the construction sector. Special investigation powers unique to the building and construction sector would not be necessary if the sector had the same culture and history of normal, everyday workplaces.

On a local level, the advent of the Fair Work legislation has seen a move back to the bad old days. Right of entry powers are being used, and not with good intent, and those businesses affected are fearful, again, of retribution by those representing the unions. Until this culture changes, and it may take a generation, the need for such legislation remains, and that is why I am opposing this bill.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (12.12 pm)—in reply—I rise to sum up this debate on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009. This bill is about three things: it is about delivering on the Rudd Labor government’s election commitments—our promise to the Australian people; it is about ensuring that there is always a strong cop on the beat in the building.
and construction industry; and, of course, it is about delivering workplace relations laws in the national interest that get the balance right. I am well aware that there is opposition to these laws. They are opposed by trade unions, and they are opposed by many employers. The government has approached this task to get the balance right in the national interest.

During the course of this debate, we have heard a number of offensive and erroneous remarks from the opposition about the impact of this bill, and I will go through those misrepresentations one at a time. But I say more generally to the Liberal Party: at some point, they need to ask themselves why the Australian people do not trust them on workplace relations—because the Australian people do not. The Australian people repudiated them on workplace relations—because the Australian people do not. The Australian people repudiated them on workplace relations at the 2007 election. The Australian people do not believe that the Liberal Party can be trusted with workplace relations. And they do not believe that because the Liberal Party did not tell them the truth about WorkChoices in the run-up to the 2004 election. The Liberal Party did not tell them the truth about WorkChoices when it was hurting working Australians, and the Liberal Party is not telling them the truth now about their intentions to reintroduce WorkChoices. So there needs to be a fundamental rethink by the Liberal Party; they are not trusted and they are not respected on workplace relations. And when you listen to the contributions to this debate, it reinforces the fact that the Liberal Party should not be trusted or respected on workplace relations because their arguments in this debate have been all about misrepresentation, all about offensive remarks about members of the government; there has been, as usual, no substance to their debate. So I would say to Liberal Party: at some point they should come clean with the Australian people and say, ‘We are the party of WorkChoices and if ever re-elected we will reintroduce it,’ and then, at that point, we can have a decent and honest debate.

In the meantime the Rudd Labor government will do what we were elected to do, what we promised the Australian people. I know members of the Liberal Party think promises to the Australian people are not worth much. That is why, when in government, each and every time it came to breaching a promise, they did so. The party of non-core promises is the Liberal Party. But we in the Rudd Labor government believe that promises to the Australian people are important. At the 2007 election we gave the Australian people the following promises. We said that we would always keep a strong cop on the beat for the building and construction industry—and this bill delivers on that promise. We said that we would replace the Office of the Australian Building and Construction Commissioner with a Fair Work Australia inspectorate from February 2010—and this bill delivers on that promise. We said that we would consult widely with stakeholders about the required changes for the regulation of the industry—and we have delivered on that promise. We promised that we would enact strong, fair and balanced laws for the industry—and these are those laws.

Apart from the fact that people do not trust the Liberal Party on workplace relations, it needs to be recognised that the laws before this parliament are the product of an extensive consultation process convened by a respected former judge who was asked by the government to provide advice on this area of law. This bill delivers changes consistent with the advice of the Hon. Murray Wilcox. I thank him for those efforts and I thank him for that advice.

In introducing these laws I made it clear in my second reading speech and I make it clear today that the Rudd government has no
tolerance for the pockets of the industry where people think they are above the law, where employers flout their obligations to staff, where people think that threats and violence somehow have a place in our society. They do not. Anybody who breaches the law should feel the full force of the law. That is the position of the Rudd Labor government and this bill delivers on that commitment.

This bill contains tough provisions. It will create a building inspectorate that will be charged with enforcing the building industry’s compliance with the law. Many silly words have been used by Liberal Party members to describe this body, but its charge will be to ensure lawful conduct in the building industry. It will have powers at its disposal to do so, including safeguards recommended by the Hon. Murray Wilcox—coercive powers where necessary. This bill delivers these powers and delivers that kind of compliance. This bill enacts, as recommended by the Hon. Murray Wilcox, the equalisation of penalties for building industry workers and workers generally under the Fair Work Act.

Members opposite, during their contributions, have criticised that. Interestingly, at the same time as they are saying the ABCC is doing a good job, they have criticised that recommendation of the Hon. Murray Wilcox and that provision in this legislation. What members opposite clearly do not know—or they are unconcerned about the degree of inconsistency—is that on many occasions when the ABCC litigates for penalties, it litigates for the penalties that are in the Fair Work Act and that were in its predecessor the Workplace Relations Act 1996. Indeed, in more than half of the court cases in which the ABCC has successfully obtained penalties, they were penalties prescribed by this act. So if you say the ABCC is doing a good job then you must say it has done a good job when it has successfully litigated those cases under the kinds of penalty provisions in this act. Members opposite cannot have it both ways and say that that is somehow inappropriate—given that it was recommended by an independent judge and is part of the way the ABCC has gone about its work in successful prosecutions.

Beyond that criticism, there have also been criticisms of the new safeguards that are being put in place on these coercive powers—the compulsory examination powers—under this bill. We have heard claims from the opposition that they are too onerous, that they are red tape, that they will stop a quick response. All of these claims fall away when you hold them up to the light of day and actually have a think about the facts, as opposed to the spin and rhetoric that comes from the Liberal Party. I would draw the House’s attention to the fact that, according to the ABCC’s last annual report, less than nine per cent of its investigations included the use of compulsory examination powers—these powers tend to be used when investigations are well underway. So any nonsense and spin from the Liberal Party that somehow these safeguards prevent ABCC inspectors from doing their work and will create hurdles in all investigations clearly falls away. These coercive powers have been used in nine per cent of investigations when the investigations are in a deep state—and often the ABCC has said publicly that these powers are used as a last resort, not as a first-instance response.

Let us hear about the safeguards. It is just not clear to me what the Liberal Party thinks is unreasonable about these safeguards. Does the Liberal Party—and I stress the use of the word ‘liberal’, given its meaning in political philosophy—really say it is inappropriate for someone to be represented by a lawyer of their choice? Is that the Liberal Party’s philosophy today? The Liberal Party would say
that it is the party of individual rights. If you look at its political pedigree over the ages, one of the things the Liberal Party would say about itself and its history is that it has been the party of individual rights. What is exceptional, what is objectionable, about the right to be represented by a lawyer of your choice and the associated right to client legal privilege? What could be objectionable about that?

The next safeguard is the payment of reasonable costs incurred. If you are asked on a compulsory basis to go and do something, is it so unreasonable, so absurd, so ridiculous, so objectionable, that the reasonable costs that you incur in getting there are met—when you have been compelled to do so?

The oversight of the Commonwealth Ombudsman—is that objectionable? Is it objectionable that, when we have action under a coercive power, there is an independent statutory person who can look at that? Is scrutiny a bad thing in the Liberal Party today? Do they not like things being scrutinised? Is that objectionable?

Then there is the fact that one needs to go to a presidential member of the AAT—once again a coercive power. This is a statutory body. The AAT does a lot of things. I would have thought that oversight by independent office holders of government decisions and the decisions of statutory bodies would be viewed as reasonable in the modern age. What is objectionable about that from the Liberal Party point of view? It is very hard to see.

Then the Liberal Party talk about the five-year sunset provision. But of course they fail to say that the sunset provision was recommended by His Honour Murray Wilcox, as were all of the things that I have just listed and talked about, and that I have specifically said—and this was recommended by His Honour Murray Wilcox—that a review will occur prior to the sunset on all matters relating to compliance in the building and construction industry, and such a review will be inclusive of the views of all stakeholders. It is hard to see what is wrong with that, with enacting what His Honour said should be enacted and with having a review which will listen to all views, as I laid out in my second reading speech and as I have said on a number of occasions publicly since.

Then the opposition have criticised the government’s decision to have an independent assessor with the power to switch off the compulsory examination powers on peaceful projects. In this regard, I think perhaps members of the Liberal Party ought to get out more and they ought to talk to employers and people within the industry.

Mr Keenan—You should get out and talk to some people in the industry and see what they say to you.

Ms Gillard—I have done it myself on many, many occasions. When I have those discussions with people in the industry, they point to projects where workplace relations have been peaceful, have been a model, where projects have been delivered on time, on budget and, on some occasions, before time. In my own state of Victoria, for example, the EastLink project, an enormous piece of civil construction, was delivered ahead of time with exemplary workplace relations—hardworking decent Australians going to work every day, working hard to make a living, not causing any industrial disruption or trouble and then going home.

Mr Keenan interjecting—

The Deputy Speaker (Mr AJ Schultz)—Order! You may disagree with what the minister is saying, but the minister has the call.

Ms Gillard—Another great Liberal value, the right to free speech, is not honoured in the modern age as much as it used
to be, just like the right to a lawyer! The Liberal Party is staggering around in opposition, having lost its way.

For projects like that, an application could be made to switch off the coercive powers. That would be assessed by an independent assessor. Should there be a subsequent problem with industrial unrest, then it can be switched back on. But this is a recognition that there are parts of this industry that are peaceful, that are characterised by good employers and hardworking people, and we believe that in the legislative framework we should recognise that. Of course, this is also an industry where there are parts of it with significant industrial troubles and disruption. I have publicly talked about those. For those parts, there should be absolutely vigorous, hard-edged compliance and no tolerance at all for unlawfulness. This bill delivers that as well.

I conclude by saying that the Wilcox review found, and I absolutely believe, that there are problems in parts of the building and construction sector that cannot be ignored. As a government, we have no tolerance for conduct which breaks the law, whether it is unlawful industrial action or underpayment of employees. Each and every breach of the law is wrong and each and every breach of the law should be acted upon. This bill ensures that we have got the balance right for all participants in the Australian building and construction industry. It ensures, and it is the government’s intention, that the use of coercive powers is focused where they are needed the most. This is a bill that gets the balance right and honours each and every one of the government’s pre-election commitments. I commend it to the House.

Question put:
That this bill be now read a second time.

The House divided.  [12.32 pm]
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Question agreed to.

Bill read a second time.

Third Reading

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (12.37 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Ordered that the order of the day be considered immediately.

The DEPUTY SPEAKER (Ms JA Saffin)—The question is that the motion moved by the honourable Prime Minister be agreed to. I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

CONDOLENCES

Private Benjamin Ranaudo
Report from Main Committee

Order of the day returned from Main Committee for further consideration; certified copy of the motion presented.

Ordered that the order of the day be considered immediately.

The DEPUTY SPEAKER (Ms JA Saffin)—The question is that the motion moved by the honourable Prime Minister be agreed to. I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

ROAD TRANSPORT REFORM (DANGEROUS GOODS) REPEAL BILL 2009
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

Mr BUTLER (Port Adelaide—Parliamentary Secretary for Health) (12.40 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Thursday, 13 August 2009  HOUSE OF REPRESENTATIVES  7813

COMMITTEES
Electoral Matters Committee
Report from Main Committee
Order of the day returned from the Main Committee with an unresolved question.
Ordered that the order of the day be made an order of the day for a later hour.

HIGHER EDUCATION SUPPORT AMENDMENT (2009 BUDGET MEASURES) BILL 2009
Second Reading
Debate resumed from 12 August, on motion by Ms Gillard:
That this bill be now read a second time.

Ms NEAL (Robertson) (12.42 pm)—I rise today to speak in support of the Higher Education Support Amendment (2009 Budget Measures) Bill 2009. The bill amends the Higher Education Support Act 2003 and gives effect to the changes announced by the Rudd Labor government in the 2009-10 budget. I am pleased indeed to be able to talk about this government’s enhanced support and funding for Australia’s universities.

I addressed members earlier this year about the Central Coast campus of the University of Newcastle, which reached its milestone 20th anniversary this year. I have had a long and friendly association with the Ourimbah based campus and its Pro-Vice-Chancellor, Professor Stephen Crump. I know that this university has established a record of excellence in education and many local students can access that excellence. The Ourimbah campus has forged partnerships with the wider community, government agencies and local businesses that bring great benefit to the Central Coast. It is a multi-sector campus, being co-located with the New South Wales Hunter Institute of TAFE and the Central Coast Community College. Together these three institutions do a wonderful job in targeting areas of skill shortage in the economy of the Central Coast.

I am well aware that all Australian universities need the fullest support of the Commonwealth government to continue providing the highest quality teaching, learning and research to students from the widest range of social backgrounds. The pressures are most particularly of concern to regional campuses, such as this one on the Central Coast. So I am heartened indeed to be speaking today on this bill, which gives certainty and sustainability to higher education funding. There are measures contained in this bill that are of particular benefit to regional universities. The reforms in the bill are an important part of the Rudd Labor government’s agenda to reform higher education in Australia.

The measures proposed here will help ensure the financial sustainability of our universities. They will recognise and give greater reward to the essential research initiatives at our universities. They will also provide quality by rewarding excellence and encourage the participation of students from all socioeconomic groups in higher education. The bill is a positive and innovative response to many of the recommendations of the Bradley review of Australian higher education. It provides certainty for students in universities, provides funds for growth and improved quality, and seeks to arrest more than a decade of declining public investment in higher education. The bill is the first step towards increasing the proportion of Australians aged 25 to 34 years who possess higher education qualifications to 40 per cent by the year 2025.

To allow universities time to adjust to the new arrangements current funding levels will be maintained for the years 2010 and 2011. From 2012 funding for universities will be simplified by rolling a number of existing programs into the Commonwealth Grant
Scheme. Under the new arrangements universities will be funded on the basis of student demand, and to facilitate this the bill removes from the act the maximum grant amount from the Commonwealth Grant Scheme for 2012. This will mean that there will be no overall limit on the number of students that table A education providers—that is, the major public universities—will be able to enrol from 2012. In addition the current cap on overenrolment for Commonwealth supported university places will be raised from five to 10 per cent for the years 2010 and 2011.

All programs under the revised act will gain significant funding from increased indexation provisions to be introduced in 2012. This will include grants for teaching, learning and research as well as for the OS-HELP maximum loan amount and the FEE-HELP borrowing limit. The bill will increase the maximum annual student contribution amount for nursing and teaching students. This measure will increase the funding available to universities. It will mean a slight increase in contributions for those students of around $1,000 per year, but this increase will be more than offset by savings eligible students will reap from the extension of HECS-HELP benefit, valued at up to $7,500, to cover teaching and nursing courses. On top of this, from 1 January 2010 students who receive an OS-HELP loan will no longer incur a 20 per cent loan fee. This will assist students who wish to undertake part of their studies at an overseas university.

One reform measure that I am particularly encouraged by is the move to increase participation in higher education by students from disadvantaged backgrounds. The Rudd Labor government has committed to a goal where by 2020 some 20 per cent of undergraduate enrolments will be from students from a low socioeconomic, or SES, background. Some $108 million over four years will be invested to link universities with low SES schools and vocational education and training providers so they can offer scholarships, mentoring projects, curriculum and teaching support, and practical programs run by SES schools. Some $325 million will be invested over four years in financial incentives to universities to help them enrol more low SES students. This funding will allow universities to provide intensive and ongoing support mechanisms to assist low SES students who do enrol to complete their courses. These measures will increase access to and continued participation in higher education by these disadvantaged students. They will be of particular assistance to Indigenous students across Australia.

One of the major thrusts of the bill before us today is a commitment to ensuring quality of teaching and research outcomes in the higher education sector across the nation. Under the Commonwealth Grant Scheme increased indexation arrangements and new performance funding will be introduced. This will give higher education providers real incentives to ensure that students receive the best possible learning opportunities. Additional funding of $94.6 million will be provided in 2011 to table A higher education providers, based on increased indexation of teaching and learning grants. Funding will be determined by rigorous performance targets set within each university. Work will begin with each university in 2010 to establish these performance targets and indicators, and from 2012 performance funding will be paid if targets are met.

The assessment of performance will be managed by a new and independent body—the Tertiary Education Quality and Standards Agency. A new structural adjustment fund worth $400 million over four years will also be available to universities to help them develop and implement long-term strategic missions. This fund will support broader
strategic and capital projects and will be of particular importance to regional universities such as the Central Coast campus of the University of Newcastle. Strengthening the research base of our universities is a priority of these new arrangements. I am very pleased that the bill will provide $512 million over four years for a new Sustainable Research Excellence in Universities initiative. This program will help plug the current gap in funding for the indirect costs of research in our universities. Together with the Research Infrastructure Block Grants scheme this new initiative will increase support for the indirect costs of research to 50c per dollar of direct competitive grant funding by 2014.

Another measure, the Joint Research Engagement initiative, will refocus the existing Institutional Grants Scheme, allowing closer collaboration between universities and industry. Another practical and welcome measure is the plan to increase funding to Australian Postgraduate Awards. The government has committed to doubling the number of such awards by 2012. On top of this, the Australian Postgraduate Award stipend will be increased by more than 10 per cent in value to $22,500 in 2010. That is very welcome income support for many postgraduate students. These more generous arrangements will enhance Australia’s research capacity.

The Higher Education Support Amendment (2009 Budget Measures) Bill 2009 transfers and consolidates funding streams from a number of existing programs into the Commonwealth Grants Scheme. This will simplify the funding arrangements and allow an increase in Commonwealth contribution amounts for those clusters of funding. The new funding arrangements in this bill come on top of additional investments of $2.1 billion from the Education Investment Fund for education and research infrastructure and $1.1 billion for the Super Science initiative. I am very proud to be part of a government which is giving this sort of support to education and our universities. I commend the bill to the House.

Ms MARINO (Forrest) (12.53 pm)—The Higher Education Support Amendment (2009 Budget Measures) Bill 2009 is the legislative instrument that delivers some of the measures included in the government’s response to the Bradley review. The review, as we know, received hundreds of submissions and was released in December 2008. Instead of acting on the recommendations, however, the minister announced a further review into the Bradley review. It is interesting to note that during this period the government also announced its second cash handout—much of the funds that may otherwise have been directed into higher education. There are no funds in this process for improving teachers’ facilities or support for teachers and only limited funds for teaching and learning outcomes.

One issue of relevance to my electorate, which I note in schedule 1 of this bill, is the abolishment of Commonwealth scholarships—the very scholarships that have helped thousands of students, many from my electorate, achieve their tertiary goals. Fewer students will now qualify for the government’s replacement scholarships—a direct and deliberate attack on regional, rural and remote students and their families. Under the revised rules students will have to qualify for youth allowance payments before they can qualify for other scholarships or assistance. The government is deliberately and knowingly limiting the support criteria for students from regional areas, ignoring their equity of opportunity to access tertiary study and, more seriously, deliberately and knowingly ignoring the fact that, for every student who has to relocate to study, he or she and their families have major additional costs.
compared to students who can live at home while they study.

The government’s own figures show that far fewer students will qualify for assistance, because they will not qualify for youth allowance or Abstudy or be able to meet the 30-hour a week work criteria over 18 months in a two-year period to qualify for the independent rate of youth allowance. As well, the scholarship amount itself will be reduced. So the government is not only excluding regional students; it is also short-changing eligible youth allowance or Abstudy recipients. I understand these new scholarships will be included in a future bill.

I have received countless emails and phone calls from people in my electorate. One of those emails is from Roberta Meiklejohn, who writes:

... Nola—I hope you speak up loud and strongly about this terrible situation and get it out to the public domain via radio and television. The proposed changes to the Youth Allowance and the Commonwealth Scholarships are acts of criminality and discrimination. These changes will reduce rural students to peasant status.

The Commonwealth scholarships are vitally important for rural students having to live away from home. Without this extra money they would not be able to afford the high cost of living.

I have two sons who are now studying at UWA and receive Youth Allowance and the Commonwealth Accommodation Scholarship. We live in the country and are not able to financially support our children away from home.

My sons would not have the opportunity to study Law and Engineering without the financial support from the Government.

The Youth Allowance is not enough to cover the high cost of rent, food, clothing, books, computers, Internet connection fees, electricity, telephone and travel costs.

If they were able to live at home then many of these costs are covered by the family home including not having to purchase computers for the boys to use away.

They have no choice but to move to the city for their study. And we are not financially viable enough to pay for their cost of education and living while away from home.

I am a teacher and my husband works in his own small business. The extra financial support from the CAS is necessary to keep my sons fed and a roof over their heads.

This still means however that each holiday they find whatever jobs they can to supplement their income to help with the cost of books, which for both of them is extremely expensive.

It seems to me that the Rudd Government only wants education for certain populations which does not include rural students.

His education revolution excludes these students because of the high cost of living way from home. So while I have academically able children they would be forced to live lives unfulfilled because of the cost of study away from home. Rural students will be reduced to peasants.

Is this what the Rudd Government sees in their so-called “education revolution”? If so then the peasants will be forced to bring back the guillotine.

Yes I am very angry about these changes to the Youth Allowance and the Commonwealth Scholarships because I have a daughter in Year 12 who is also hoping to go to UWA.

Under the proposed changes she is beginning to think that this will be impossible for her. Is this fair Mr Rudd??

She cannot work 18 months for 30 hours each and every week to qualify for Youth Allowance because there are not the jobs for all these students in the country. She cannot take two years off from her studies because she will lose her position at the university.

The education revolution should be changed so that when every rural student chooses to go on with further education then they immediately qualify for Youth Allowance and the Commonwealth Scholarships.

Rural students should have the same opportunities as students who live in the cities.

Students who live in the city and are at home do not have to take time off from their studies.
My son who is studying engineering found it extremely difficult to recommence higher maths and science studies after a 12 month break.

The students who he was studying with who had not taken the gap year did not find the same difficulties as the Year 12 course was still fresh in their minds.

Changes should happen for the better Mr Rudd. Not to make things even more difficult or in this case impossible. For God’s sake, someone please make the Government see some sense.

That is why I am speaking on these issues. These are Roberta’s own words—and she is not a lone voice in regional Australia. All members representing regional areas have been receiving these same emails, but it is only coalition members who are speaking up on behalf of these students and families. There is absolutely no doubt the proposed changes will directly and negatively affect the higher education opportunities of students from my electorate of Forrest, which is a rural and regional area of Western Australia.

In some instances, these changes will actually deny students their university and career opportunities. Where is the detailed analysis on the number of current gap year students in my electorate who will be disadvantaged because of the proposed changes? I have not seen it. How many students in my electorate who would have previously qualified for youth allowance will now not meet the eligibility criteria? Where is the analysis on where and how many jobs will be available to students who will need to work for 30 hours a week for 18 months in small regional towns and rural communities—of course, assuming they can get the transport to find the jobs? Where is the acknowledgement of the students’ needs to travel to find such work if it is available? There is no equity of opportunity to higher education for regional students in the proposed changes, or the acknowledgement that every student from my electorate who has to relocate to study faces substantially higher costs to access their education than a student who lives at home and does not have to travel.

Students from my electorate live at least two to four hours drive from metropolitan universities and have no choice but to relocate to Perth. There are a multitude of additional costs, as you heard from Roberta’s statement, associated with relocation—transport, food and communication with home, and they are just a few. Students in the south-west of Western Australia are unable to study their chosen or required courses. To be able to afford to attend university at all, many students need to be able to meet the independence criteria. That is how it is. This is frequently the only way a regional student can access university study. Statistics show that a disproportionate number of regional students defer compared to metropolitan students. The Victorian government’s Education and Training Committee recently inquired into geographical differences in the rate in which Victorian students participate in higher education. The executive summary noted:

From 2010 only those young people who have worked for a minimum of 30 hours per week for 18 months will be eligible for Youth Allowance under the criteria for independence. The Committee firmly believes that this change will have a disastrous effect on young people in rural and regional areas.

This is the Victorian government report—a Labor Victorian government. It further noted:

The Committee was concerned to find that many young Victorians who wished to commence a university course defer their studies for financial reasons. There was widespread concern that a significant proportion of students who defer do not subsequently return to study.

I have no doubt that these findings would be replicated in my regional and rural electorate, and around Australia. The current work-
force participation criteria allows regional students to take one year off study—the gap year—to allow them to earn the designated amount needed to qualify for youth allowance the following year. There are three main issues that will arise from the tightening of the independent criteria. The current 2009 gap year students who began working at the conclusion of year 12 under the current youth allowance criteria will not qualify for youth allowance in 2010. To change the criteria part way through their qualifying period seriously and unfairly disadvantages students who were unable to plan for these changes. How many current gap year students will be affected and how many in my electorate? How many will now not be able to attend university at all because of the changes?

At any time, it is very difficult for students to find work in regional towns and small communities, and my electorate has 12 towns or localities with fewer than 1,000 residents. Where in these communities will young people find 30 hours of employment for 18 months of a two-year period, particularly those with no skills and immediately out of high school? Agriculture and tourism are major industries in the south-west that provide employment in seasonal or peak periods, but certainly not 30 hours of work a week consistently for 18 months.

According to the ABS Labour Force Survey data, teenage full-time unemployment has risen from 7.5 per cent in November 2007 to 10.6 per cent in June this year. With rising unemployment, it is just unreasonable to expect and assume that all young people will be able to find virtually full-time employment, especially in small towns and communities in the south-west. It just displays a lack of understanding by this government of what goes on in regional communities across Australia. Even in normal circumstances, finding 30 hours work every week for 18 months will prove to be a major barrier for regional students. Also, there are many employers who are unwilling to provide a job for an employee they know will only be there for 18 months. How many students will lose their motivation to study at university or TAFE following a two-year gap?

Students who wish to complete a Bachelor of Medicine at the University of Western Australia are already faced with a six-year degree. To be forced to take an additional two years away from study to satisfy the proposed criteria would push back completion of the degree to at least 25 years of age. We know that in my electorate we currently have a shortage of GPs, and this will not help that. The changes certainly will not encourage young people to pursue this course of study or facilitate a potential return to the region to take care of that GP shortage.

Commonwealth scholarships were available to all students and were granted to the most disadvantaged students. Under the proposed criteria, the Commonwealth scholarships have been axed and the relocation and start-up scholarships introduced. However, both scholarships are only available to youth allowance recipients. If a student does not qualify for youth allowance, they are not eligible for the relocation and start-up scholarships. Therefore, there is no other form of financial assistance available to regional students except for competitive university scholarships. The relocation scholarships are valued at $10,000 less over the period than the previous Commonwealth accommodation scholarship. A Perth based university—and I will not quote its name—states that it has noted the proposed change in the youth allowance and the way that it will force students who are constrained financially to undertake a greater time period earning prior to entering the tertiary system. As such they expressed concerns over the new requirements. In their experience, a significant
number of students who defer for a year do not take up their place in the following year.

This is particularly the case for students who undertake an ‘informal’ rather than a ‘formal’ year off. ‘Formal’ gap year students tend to undertake specific activities, including community aid type projects, where they know the placement is only temporary and they tend to still see themselves as university students. In contrast, ‘informal’ gap students tend to engage in casual work. They often become accustomed to the luxury of money and new possessions and have greater difficulty in relinquishing these, describing themselves as being part of the workforce. Both sets of students, of course, get out of the practice and habits of study, which is also detrimental to their return but is part of life. The changes foreshadowed will in effect force those in financial need to work both more intensively and for a longer period, and this is only going to exacerbate trends in deferment, to the detriment of participation in tertiary education.

‘Regional and remote students’, said the university, ‘who are usually faced with the additional financial burden of living away from home with all of the additional expenses this requires, are particularly vulnerable in this regard’. What a great word for rural and regional students, I would add: vulnerable. The university went on to say that these students could thus be considered to be the most at risk. The university is particularly vulnerable in this regard and thus could be considered to be the most at risk. This university is particularly proud of the number of low SES students that it is currently catering for and would note that a large number are from regional and remote communities. As such, it is particularly concerned about any change that has the potential to reduce participation from these cohorts, particularly in light of the federal initiatives aimed in the opposite direction.

Information provided to me indicates that it costs from $15,000 to $20,000, and even more in certain circumstances, for a student to relocate and study at university in Perth. Families who have more than one child attending university have even higher costs, which are not taken into account in the proposed changes to youth allowance. One of the most distressing comments that I have received in this process comes from parents who are now saying to me that as a result of these changes they will be forced to choose which one of their children will be able to attend university. Every student should have equity of opportunity to gain a higher education. The proposed changes create an additional barrier for regional students, their parents and some of their siblings, who are already working several jobs and going without in other areas of their lives to support the children’s education. The changes to youth allowance are a disincentive for families thinking of moving to my south-west electorate and an incentive for families to move from regional areas to the city to support their children’s educational opportunities. Unfortunately for regional and rural Australians, the Rudd government’s education revolution is typical of their continuous Shane Warne style of delivery—nothing but spin.

Ms BURKE (Chisholm) (1.10 pm)—I rise to support the Higher Education Support Amendment (2009 Budget Measures) Bill 2009. Education is a central priority of the Rudd government’s reform agenda. This government is passionate about providing quality education outcomes for all Australians, right across the education spectrum. We are heavily investing in all aspects of education in Australia to ensure a productive, bright future for our nation. The Labor Party has a long history of championing higher education and in opposition we made substantial commitments to reforming the sector.
This bill signifies a pivotal first step in revolutionising higher education in Australia, allowing us to work towards a world-class university system. It sets us on a path that will transform both the quality and accessibility of Australia’s universities and provides the basis for increased public funding of higher education through the implementation of significant structural change and important policy initiatives.

The task of reforming the higher education system in Australia is difficult and complex as a result of the 11 years of neglect by the Howard government. I would like to quote a speech by Professor Edward Byrne, who has just been made the new Vice-Chancellor at Monash University. He recently addressed a function, and his speech is rather relevant today, so I am going to quote liberally from it. He said:

Jonathan Swift has a lot to answer for. In Gulliver’s Travels—and I do recommend it if you have not read Gulliver’s Travels. It is a book you should try and get into. Jonathan Swift:

… describes to his readers ‘a visit to the Grand Academy of Lagado,’ where Gulliver encounters an academic “with sooty Hands and Face, his Hair and Beard long, ragged and singed in several Places,” who at the time of the visit, “had been Eight Years upon a project for extracting Sun-Beams out of Cucumbers,” and, “did not doubt in Eight Years more he should be able to supply the Governors Gardens with Sun-shine at a reasonable Rate.”

Swift’s satire, which reflected both on his contempt for the Royal Academy of Dublin and his disbelief that humans were rational creatures, is an image of academic life that we are all familiar with: the disengaged professor in an ivory tower. It has remained a popular stereotype up to today, even if we would hope that academics’ standards of personal hygiene have improved somewhat.

Tragically, I think that was the view under the Howard government of what universities were: ivory towers full of people beavering away on useless projects, not centres of learning. So we had 11 years of this view that somehow universities were not places of quality education, were not places where everyone should strive to go but were irrelevancies. Unfortunately, we now have to try to make up for those 11 years of neglect.

During the Howard years, Australia slipped radically behind the rest of the world when it came to public investment in higher education. Rather than adopt the global approach of investing more money in tertiary education, the Howard government saw fit to oversee a decline in public investment as a proportion of GDP. As a result, Australian universities have endured more than a decade of underfunding. This shameful record of public neglect is compounded by additional issues that plagued the Howard government’s approach to higher education: the increased micromanagement of the sector, the erosion of opportunity and the reliance of universities on student fees for revenue.

As I said, Professor Edward Byrne has just taken up the vice-chancellor’s position at Monash University. At this time, I would like to put on the record my appreciation of Professor Richard Larkins, who retired from Monash University just a short time ago. Richard arrived at the university at a very difficult stage in the university’s history. It was going through quite some challenges and was facing the neglect of the Howard government—the downturn in revenue. In the very short time that Professor Larkins was in charge as vice-chancellor, he turned the university around and put it back on the education map. I would like to put on the record my appreciation for the great thing he did for that terrific university.

There are enormous challenges that have been left for the Rudd government, but we are committed to reforming this sector. We stand ready to deliver on the significant
promises we have made for higher education. We understand the need for a substantial increase to public funding and a program for long-term reform. We will continue to work with the higher education sector to rebuild our universities and the way we go about delivering tertiary education in Australia.

Again, I think this idea has been captured neatly in Professor Byrne’s speech:

The internationalisation and ‘mass-ification’ of higher education have put universities firmly on the agenda of policy makers and business, who recognise the place that world-class higher education institutions have in providing the skilled workers, critical thinkers and cutting-edge researchers that collectively underpin successful knowledge-intensive societies.

Thus for universities to continue to be effective in their mission to advance the human condition in today’s world, they need to be attuned to the needs of the communities that they serve. This means recognizing the vital contribution universities can play as agents for societal progress—by providing graduates that are leaders in business and the community, by generating new ideas and solutions to the pressing problems of the 21st century. In Australia, it should be noted, universities also make a direct contribution to the economy as our third-largest export industry, and in the case of Victoria, the largest.

This bill responds in part to the Bradley review, which assessed that reach, quality and performance of our higher education system will be key factors in our future economic and social growth. It is a bill that reflects the key principles of the government in relation to higher education—namely, the belief in the importance of quality university education to the community and the individual; broadening access to higher education, especially to groups traditionally underrepresented; and basing access on merit and not the ability to pay.

This bill encompasses measures announced in the 2009-10 budget, amounting to a $5.7 billion allocation to higher education, innovation and research over four years. It gives effect to budget measures that implement reforms and increased funding to student places, revised indexation arrangements, industrial performance targets, indirect costs of research and a new quality and regulatory agenda.

An important component of this bill is that it seeks to increase access to university for all Australians, particularly people from lower socioeconomic backgrounds. Not only does this adopt a key aspect of the Bradley review; it also adheres to a fundamental principle of the ALP in providing a helping hand to those who are less fortunate. We have committed to a dramatic improvement in the participation rate of Australians in higher education right across the spectrum.

This bill introduces new initiatives which will support our higher education attainment ambition that, by 2025, 40 per cent of all 25- to 34-year-olds will hold a qualification at bachelor level or above. Additionally, the government is committed to ensuring that, by 2020, 20 per cent of university enrolments at undergraduate level will consist of people from low socioeconomic backgrounds. Providing support to increase the participation of students from such backgrounds will have a significant benefit for families from low socioeconomic groups. It will result in flow-on effects of higher education aspiration and attainment, both for students and their families, including improved future employment, economic and social outcomes. This bill specifically targets the issue through a number of measures to ensure the government achieves our higher education attainment ambition.

Through this bill, we have adopted the Bradley review’s recommendation to introduce an uncapped student demand driven system for the funding of universities. Previously, the government has funded universi-
ties through agreements on a set or capped number of places. Overenrolments have resulted in penalties, with universities resorting to uncapped overseas and domestic full-fee-paying students to meet demand and provide revenue. This has resulted in academically capable students being squeezed out of university places for purely financial reasons.

During the term of the last government I placed on the record the story of Claire, one individual from my electorate. She was the youngest of nine in her family and a first-generation university student. She got, in the Victorian system, a TER of 91.5. She had won the Monash law prize. To get into Monash law, she needed 91.7—she was 0.2 off. She could not get in and did not get a place in the law system. Had her family been able to buy her a place into the system she could have got in on a result of seven points lower. I always thought that was the archetypical example of how bad the previous system was.

The new system we are proposing will remove caps on student places and will provide an additional 50,000 student places by 2013. To ensure the quality of higher education in Australia is maintained while participation is expanded, the government will create the Tertiary Education Quality and Standards Agency which will be tasked with protecting the overall quality of the sector. This bill also introduces a new performance funding grant which will provide universities with a genuine incentive to ensure that they are providing the best possible learning opportunities for students. It will require institutions to meet certain requirements in helping underrepresented students achieve their study aspirations. Having some funding at risk will be incentive for universities to implement strategies to lift their performance.

The introduction of uncapped student demand driven funding is the first step to a higher education system with students as the central focus. Additional funding of $436.9 million will be targeted at supporting increased participation from students from low socioeconomic backgrounds. This funding will essentially reward universities that attract more financially disadvantaged students and provide them with necessary support once they are enrolled. Three hundred and twenty-five million dollars will be provided to universities as a financial incentive to expand their enrolment of low SES students and to fund the intensive support needed to improve their completion and retention rates.

Studies have found that promoting higher education to students in the early years of secondary schooling results in greater aspiration for tertiary study. In recognition of this, $108 million will be allocated over four years to link universities to schools with low socioeconomic backgrounds in an effort to increase the aspirations of students to higher education.

These reforms will bring immense benefits to many of my constituents in Chisholm. Chisholm is home to Monash University, the Melbourne campus of Deakin University and the Box Hill Institute of TAFE, so higher education is a big factor within my electorate. Monash University is, as I have said, one of Australia’s leading higher education institutions and also has one of the largest enrolments of students on the one campus, at Clayton—it is a village unto itself.

There is some irony in the fact that Monash University is located in the area of Chisholm, where many people do it tough compared to many other parts of my electorate. I dare say many who come from the Clayton area do not actually attend the university—lots of people who live in Clayton go to the university but those who have been born and bred in the suburbs have not had a great opportunity to get there. These reforms
will open up opportunities for such people to access the immense educational opportunities that institutions such as Monash University provide.

Many people from suburbs in my electorate—such as Clayton, Ashwood and Chadstone—which are generally home to households from lower socioeconomic backgrounds will be able to access quality university education as a result of these reforms. Having grown up in Ashwood and been one of a first generation of university educated individuals and one of five siblings who all had the pleasure of going to Monash University, I know the great benefits that this can bring. My parents did not have the opportunity when they were at school to get a university education but it was probably one of the greatest joys of our lives to watch our mother graduate with her university degree many years later. I think that is one of the things we forget: it is not just about people in their younger years; it is opening up across the board. For people who go into university as mature-age students, as my mother did, to get a degree is a terrific thing. Ensuring that people, no matter where they come from, have access to education is something that we should all be striving for. Many capable individuals from such suburbs have in the past missed out on the opportunity to study at university for purely financial reasons. This is a real tragedy and a damning reflection of the policies and attitude adopted by the former government. Through the reforms outlined in this bill we are seeking to address this very issue and ensure that, as we move forward, access to higher education is focused on merit and not on the ability to pay.

As I have said, I also have the Melbourne campus of Deakin University in my electorate, in the seat of Burwood. It is a very large campus. Deakin University is also striving to ensure that it is accessible to all. I am sure the next speaker will also be talking about the merits of Deakin University. Deakin has made itself very accessible through its online component, ensuring that, again, people who we would not traditionally visualise as students but who are in the workforce and want to upgrade or progress have access to higher education. We need to think about higher education as for all and not just for 18-year-olds. I think that sometimes in this debate we limit ourselves on who and what universities can provide benefits to.

These reforms highlight the Rudd government’s commitment to higher education and build on several local funding commitments already made to TAFEs and universities in Chisholm. The government understands that a high-quality higher education sector requires first-class research and teaching infrastructure. That is why we have invested $5 billion for higher education and research infrastructure through the Education Investment Fund. Monash University was successful in round 1 of the program, receiving $86.9 million to construct the New Horizons centre—a vital component of the university’s vision to develop the Clayton Innovation Precinct as the most significant technology innovation hub in the southern hemisphere. Not only is the university a higher education institution; it is also the largest employer in my electorate. It does not just see its boundaries. It looks at what it can do for employment in the sector for an area that has suffered job losses through the closure of car component plants. So we need to invest in these great institutions not only for education but for the employment opportunities they bring. A new biology laboratory will also be constructed at the university, following a further $8 million in funding announced in the 2009-10 budget. Both Monash and Deakin universities shared in $8 million in recognition of their excellence and improvement as part of the 2009 Learning and Teaching Performance Fund. This is re-
reflective of the quality of learning and teaching at Chisholm’s two universities and shows both institutions are improving the quality of their teaching, which directly benefits students.

The Education Investment Fund also delivered for the Chadstone campus of the Gippsland Institute of TAFE, which received $16.2 million under round 2 of this program. The Gippsland Institute of TAFE—which sounds bizarre when it is in the middle of metropolitan Melbourne—is a lovely little TAFE which is there with the old SEC linesmen school. It is a vital part of the infrastructure of our state—indeed of many states—that people still know how to put up poles to string electric wires between. My father did part of his apprenticeship training way back when at that TAFE and he reckons that it has not changed since he went there. So they are very appreciative of the funding, which might bring it into the 21st century eventually. This is a great initiative of this government. This funding will enable the TAFE to build new facilities that will provide up-to-date training resources and infrastructure and will help train workers to build the $42 billion National Broadband Network. Chisholm is also home to the Box Hill Institute of TAFE, which has received unprecedented federal support for a number of innovative projects. This includes $2.7 million for the construction of a green skills hub which will support the provision of training courses in the sustainability sector. Additionally, $2.3 million has been provided for the TAFE to undertake a wireless internet rollout and equip its new Aveda Institute.

These projects reflect the Rudd government’s commitment to funding world-class higher education infrastructure which will enable students and researchers to operate in a world-class higher education system. The TAFE sector was completely ignored by the Howard government. They were totally denied of any support and any recognition. It is a vital part of the higher education sector in our society. It is a vital part of education and jobs. Box Hill TAFE is a world-renowned institution and it wants to stay a TAFE. It does not want to become a university; it wants to stay as an institution that excels in skills training. I really want to commend them for the great work they do.

The bill before the House today outlines reforms that build on Labor’s established commitment to higher education. It is a significant step forward in our reform agenda for higher education. Importantly, it reverses the shocking neglect and underfunding of Australia’s universities displayed by the Howard government. This is a bill that strives to improve the quality of higher education providers, whilst making university study accessible to a greater number of Australians. These reforms set us on the right track to achieving our higher education attainment ambition of increasing the proportion of 25- to 34-year-old Australians with bachelor-level qualifications to 40 percent by 2025. It also includes provisions that will help us achieve our goal of ensuring that by 2020 20 per cent of people enrolled in higher education will be from low socioeconomic backgrounds. The introduction of this legislation will transform the way higher education is offered in this country. It will ensure a greater number of Australians can achieve excellence in their tertiary studies. I commend the bill to the House.

Mr TUCKEY (O’Connor) (1.28 pm)—This is of course primarily legislation relating to appropriations. There is some fairly interesting information available in the explanatory memorandum that is worthy of comment, because it points out to us that, in relation to the Higher Education Support Act 2003, the Higher Education Support Amendment (2009 Budget Measures) Bill 2009:

CHAMBER
increases the overall appropriation under section 30-5 by $416,349,000 for the period 1 January 2010 to 31 December 2011;

• increases the overall appropriation under section 41-45 by $398,567,000 for the period 1 January 2010 to 31 December 2012 and appropriates funding for 2013 to a limit of $2,067,383,000; and

• decreases the overall appropriation under section 46-40 by $355,772,000...

So, in terms of the initial appropriations, there is a net outlay of about $460 million—although it reads a lot better than that at first glance.

That brings me to the first issue I wish to raise on this higher education issue, and that is the consistent information provided in this House by the Minister for Education, the Deputy Prime Minister. This is what I often refer to as a process of measuring excellence by expenditure, and yet the record is not good. One might remember that the government promised, as a major policy issue, to provide a computer to every secondary student, I think—it might have been primary as well. That was costed and put in the budget, but everybody forgot the additional costs involved in installation, maintaining the software and other aspects that we know are associated with any form of computer hardware. In fact, the states said that those costs were twice the amount proposed in the purchase of the computers. The minister seems to have shrugged that off. Some states have done deals, which of course will represent an additional cost to the budget. The latest information I heard with respect to New South Wales was that they refused to participate. That is not surprising, considering the disastrous set of circumstances of economic management that apply at the state level in New South Wales. So the reality is that a major budget measure failed the test of administration.

Since then, we have had the BER—the Building the Education Revolution. These are all fancy terms, but everywhere we turn we see the funding allocated there being wasted. It is interesting, because an issue got up in the media. I do not think that the particular local member, the member for Paterson, had an involvement in this matter. In the absence of the Minister for Education—she was in Israel—the Leader of the House, Mr Albanese, was acting on her behalf, and he chose to make a smart-alec comment in this place and virtually belittle a school principal, who had complained publicly in some area that they had a quote to provide infrastructure. It was, in fact, two classrooms with two associated storerooms, and they were to be delivered by way of a transportable building. She claimed that that was going to cost $150,000. The minister got up in this place during question time, and this is recorded in the Hansard, and said that was ridiculous. Firstly, the quote was only $120,000, and then he listed all the things that were missing. A price was eventually arrived at, which he attributed to the New South Wales Department of Education and Training—the agent appointed by the Rudd government to deliver the BER in New South Wales, and that was $350,000.

I thought that this was worthy of some investigation, so I rang up the builder—who got a mention in the minister’s answer—and said, ‘Tell me about this.’ It is a well-recognised firm. It has one part of its business here in Canberra; that is where I started. I eventually got on to the national managing director, and he said, ‘Hang on a minute; we’ll get the quote out.’ The quote was not for $120,000. That was added to the quote, as an option that could be considered—one of which happened to be delivery of the building and its location on site. That was for $18,000. The minister said that there was no carpet. Carpet is not always provided in the
structure of a building. Things like that are done by external trades. The minister also mentioned that there was no connection of electricity and sewerage. Of course, there was no sewerage, because the classrooms had no toilets or basins. And he called the building a ‘tent’, because it happened to be transportable. Just about every classroom building being delivered around Australia under the Building the Education Revolution is a transportable. In fact, on this company’s website is a photograph of exactly the same type of building, which was provided to another school. It is actually a large one, but in terms of visual effect it is the same.

We come to the fact that a building was delivered, with carpet and with some air conditioning—which the minister said was not quoted—at about $150,000, which is just what the school principal had said. Then I had a look, as somebody with a long experience in building construction in my previous life, at other items that were identified that somehow took this $150,000 up to $350,000. One was furniture. I went to the IKEA website and costed some desks and chairs—that were, I think, of better quality than one would find in a typical school—and I added them into the price. I looked at the cost of electricity connection, which I think would have been an extra anyway, and I took account of the fact that the power was already in the school, so there would be only some short extension of wires. I looked at the fact that there was no stormwater drainage and allowed for a couple of little soak wells. After considerable other efforts—for instance, the costing for furniture at IKEA for two classrooms of 30 students was about $10,000—I added it all in and I got to $178,000. So who was going to cop the other $150,000? Who was getting it? I can tell you what: the students in that particular school were not going to get it.

That is just a simple example. In my inquiries I found that things were happening, such as the New South Wales government giving extended contracts without tender. People who probably had a contract for five or six school structures for the year just got the extra 50 that were paid for by the BER—no quotes, no tenders and no capacity to deliver. So what has happened? The steel framework for the building is being manufactured in Victoria, put on a truck and carted up to Queensland, where they put the top on it, and then it is carted back to somewhere in New South Wales, while a New South Wales manufacturer is being pilloried by a member of this parliament from New South Wales whose wife just happens to be the Deputy Premier—and that is okay. New South Wales manufacturing is getting nothing out of these buildings because the government will not let anybody else in on the tender, and those that have the work do not have the capacity to deliver. Where do you get anything out of that for the economy or, more particularly, for the interests of the taxpayer?

I will not go on and explain how school principal after school principal and P&C after P&C have complained. Because the bloke in Victoria had the courage to stand up against his own department, he eventually retained the perfectly viable gymnasium he had, which was pictured in the paper with a lovely polished jarrah floor, and got a couple of classrooms that he needed. Tell me about it! That is the measure. But in this place we are told: ‘We’ve got control measures for that. Yeah, I know we allocated $70,000 or $80,000 to a school that is up for demolition, but the money won’t get there. We’ll put it into the school next door.’ Who says the school next door needs it?

It is a mess and it is typical of the administration of these budgets by the Deputy Prime Minister. Not one of these expenditure measures is being well administered, and it
cannot be said that every dollar is delivering an outcome. The government say they have $14 billion or whatever it is for this project. Surely the kids of Australia who are going to pay off the debt should at least be getting value for each dollar that is put into facilities around their schools! We had that disgraceful ad in the last election in which the Prime Minister was driving past a public school in a car. Now we need an ad where kids file into fancy new school buildings and they are each given an account to take home to remind themselves of what they are going to pay when they go to work to pay off the debt—when they will be getting 50c in the dollar.

But that is not the end of it. The minister told us yesterday there has been a decline in the number of rural students going to university, and she seems to think that is a reason to reduce those numbers further. That was the excuse she gave to the parliament in question time yesterday. The students cannot afford to leave home to go to university, and the ICPA, the Isolated Children’s Parents Association, has been knocking on doors in this place for years pointing out that, where kids live an unacceptable or untravellable distance from any form of primary, secondary or tertiary education, there needs to be some financial assistance. The fact that some farmer has a header in his shed that is worth a quarter of a million dollars does not make him rich when there is nothing growing in the paddock, but the government add up all his assets and say: ‘You’re rich. Your child does not qualify.’ Of course, the richer a person of the same financial means living in the city gets, the closer they move to a university. Where is the equity? It is not a question of means testing or of who is rich and who is poor. The fact of life is that, if you raise a family outside a 50-kilometre radius of a tertiary institution—a university or, for that matter, a TAFE—you have to have an extra $10,000 a year to accommodate that child.

I do agree it is a bit of a mess. People started to look at the youth allowance, which had a rent subsidy component, as a means of getting some financial assistance, so they could attend university. The first thing they had to do, which I do not think contributed to their education, was take a gap year, virtually divorce their family and go out and earn some money independently. Under the arrangements as they were, it was a sum of money—$18,000 became $19,000. They had to earn that amount of money within an 18-month period to prove their independence and qualify. They also had to spend it. If they had more than $2,000 of it left, they did not qualify. It was a process, and many kids took that opportunity. Maybe some had wealthy parents, but 70 per cent or 80 per cent certainly did not. A group of them have been working to that plan for the last 12 months, and now this minister stands up and says: ‘Tough. I’m changing the rules on you.’

The minister tells us that she has done some generous things and actually improved the thresholds as they relate to the means test. Then she throws in the curly one: to qualify, you must work 30 hours a week every week to prove your independence. You have just left year 12 and you are looking for a job. You are in a country town where things have been tough with drought and a lot of other things. Those jobs are just not there. So how do you qualify? She says: ‘Come round and I’ll show you the table whereby you can qualify.’ But if you cannot get a job at 30 hours a week for 18 months you do not qualify.

When this first came up I published on my website a form that could be downloaded as a petition. People could not just hit the button and protest; they had to download it, put it on a piece of paper as the rules of this
House require, go around and ask people to sign it and then post it to my office in Albany, which is not a metropolitan centre. In the first week we got 6,800 signatures, which have been tabled in this place. I have with me another 1,200. Back in my office yet to be presented to this House there are sufficient to take that number to 13,000. These are not people who took the easy option and just pressed a button on the computer and sent someone an email; they had to have a genuine desire to do this. If that is not a message to the minister that there is something wrong with her proposal then I do not know what is.

The minister cannot sneer in this place at those people and say: ‘You’re not telling yourselves the truth. I’ve had the forums, I’ve had the people there and I’ve had them explain. Teach me things about this system that they don’t know.’ Maybe the minister believes the Youth Allowance system is inappropriate, which I would not dispute. Fortunately a number of universities are now letting these kids extend for another year, but that is two years out of the education system, which means they are getting closer to wanting to get married, have children and take a responsible place in society. Before she kills off the kids who have just been retrospectively dealt with, why can’t the minister say: ‘We’ll grandfather this thing. This is all going to happen in another year or so. Here are the new rules’? Rather than this prostituted arrangement based on Youth Allowance, there should be a proper policy for tertiary education students who live beyond a reasonable distance from a centre of learning.

That is what is needed, and you can call it what you like. It should be compensation for the fact that those young people are disadvantaged by distance. It is not because they are rich, poor or anything else. It is a straight-out equality of access issue. It can be measured, it can be done and there are all sorts of mixes you could have. It could be a dollar for every dollar they earn so that they make a contribution, as they can these days with night-time jobs and so on. But that should have been on the table as a transition measure and kids should not have been left in the circumstances they have been. I thank the House. *(Time expired)*

Mr CHEESEMAN (Corangamite) (1.48 pm)—I rise to speak on the Higher Education Support Amendment (2009 Budget Measures) Bill 2009. I am pleased to speak on these budget measures and yet another education bill. It seems to me that at the halfway mark of the first term of the Rudd government the area that this government will be remembered for is education. Isn’t it a great thing that this government has delivered so much for young people in education? I have lost count of the number of education bills that I have spoken on since the last election. Many of these bills have included sweeping reforms, including upgrades to every single primary school and many secondary schools in Australia, trade schools measures, student income support reforms, VET reforms and student union funding reforms. That is a fantastic list of achievements we have been able to deliver, and now we are turning our attention to the higher education sector.

The Rudd government is rebuilding Australia’s education system and, I believe, putting in place an education system for the future. This is another bill of sweeping change. I will list just a few of the changes introduced in this bill. This bill will introduce a demand driven system of Commonwealth supported prices from 2012, with transitional arrangements in 2010 and 2011. It will introduce increased indexation for higher education. It will introduce a new performance funding grant element under the Commonwealth Grant Scheme. It will increase the maximum annual student contribution
amount for education and for nursing. It will remove the loan fee on OS-HELP loans. It will add new items to other grant provisions of the structural adjustment fund.

The bill will introduce measures to increase the participation of students from low socioeconomic backgrounds, which I think is a very important aspect of this bill. Funding for the Commonwealth Scholarships Program will reflect replacement of certain scholarships by new scholarships. From 2010 it will redirect the grants for the Workplace Reform Program into the CGS based grant. This bill also ends the Learning and Teaching Performance Fund and the Workplace Productivity Program. It will provide appropriate funding for the continuing Commonwealth Scholarships Program and other research programs. These are about a dozen very important provisions that will be made into law by the passage of this legislation. They are indeed some very sweeping reforms.

Firstly, I would like to make some overarching remarks about where we are heading with these reforms and then I will concentrate on a couple of those aspects. In this bill, the muddled tangle of ideology and small-mindedness of the previous coalition government will be untangled and swept away. In its place, we are putting new foundations that will consolidate our higher education sector and accelerate the race to make Australia’s higher education system world-class. I think that is extremely important because, without doubt, our universities today operate in an international higher education marketplace. Our foundations have to be strong and the key elements have to be constantly improved.

The new foundations of the Rudd government, first of all, are about encouraging participation in higher education. The new foundations that the Rudd government are putting in place are about world-class, first-class, ground-breaking research, not average research. The new foundations are about encouraging really good scholarship. The new foundations of higher education are about a system of cooperative working arrangements between the government and universities rather than the punitive approach of the previous government. The new foundations are about fostering cooperation on industrial relations between university management and their staff. The new higher education foundations are about creating a high-performing and rewarding system.

As I said, this is a wide-ranging bill and it is not possible to go through all of the detail on all of the aspects, so I will just focus on a couple of aspects that I find particularly important. Firstly, the amendments to the act, which support an increase in the participation of students from low socioeconomic backgrounds is a very important part of the Labor Party’s agenda. We are the Labor Party and the custodians of a fair go. Access to higher education is central to opportunity and prosperity for individuals, their families and their communities. This is particularly so in a modern world where a much larger proportion of jobs require a higher degree or specialist technical expertise. The second reason for supporting maximising participation in higher education is not so much about individual opportunity; it is about opportunities for our nation. So much great talent is wasted because of the lack of opportunity.

Still today a great deal of talent is wasted in Australia because people do not have the support to reach their full potential and having a go at university is critical to that. The analogy I would like to use, as a lover and long-time follower of Aussie rules, is that of the old VFL, which was before the AFL. If you go back to the days of the early eighties—when I was a young boy—there were virtually no Indigenous boys playing in the
VFL, and then the AFL was started. It was not because there was no Indigenous talent out there but because they were not getting the support, help and recognition that they deserved to be able to play AFL at the highest level. It was not because there was no Indigenous talent; it was because of the lack of support. So much Indigenous football talent was being completely wasted because the system did not recognise and encourage it.

Today, the system has changed and the difference it has made is remarkable. Indigenous boys have made the system so much better. They are many of our great talents of the game. They are excitement machines in that particular code. The talent was always there but now the system is in place to identify it, support it, encourage it and give them a go. I think that is a very important story for us to tell. Australia had missed out and was the poorer for it. This part of the bill, which recognises and assists people from lower socioeconomic areas into higher education, is in my view a no-brainer and it ought be encouraged.

I would also like to say a few things about the controversial part of this bill that has been raised and this is also linked to the issue of lower socioeconomic areas. That is, of course, the issue of performance funding and publishing performance results in ‘league tables’, as they have been dubbed in the media. Performance funding focuses universities firmly on meeting our shared objectives for Australia’s higher education system. It is important that universities know that there are incentives available if they do perform well and meet certain performance measures. Having some funding at risk will be a real incentive for universities to come up with effective strategies to continue to lift their performance.

Under the Rudd government’s reform, a university’s share of the performance funding pool will be based on the size of its student population. Universities will receive performance funding if they meet targets rather than funding allocated on the basis of comparative performance. This is a system, I believe, that takes much better account of the issues of socioeconomic disadvantage and those communities. This is critical if we are to achieve our goal of ensuring that, by 2020, 20 per cent of the people enrolled in higher education are from groups that are underrepresented in the system as we currently know it. Universities will have the opportunity to negotiate targets that are challenging but appropriate for their circumstances against indicators of learning and teaching performance and the performance in relation to the outcomes of the low-SES students.

It is a very sensible system. It is a much better system than the old model used by the coalition, which just rewarded the rich institutions. The government is committed to making sure that the robust and suitable performance measures are put in place. Under this bill, individual targets will be negotiated in 2010 and there will be conditional funding paid in 2011 to providers who meet those agreed targets. Of course, a critical issue is who will decide whether or not institutions meet those targets. To make sure this is objective and done by people with the best available knowledge—

The SPEAKER—Order! It being 2 pm, the debate is interrupted in accordance with standing order 97. The debate may be resumed at a later hour and the member will have leave to continue speaking when the debate is resumed.

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister) (2.00 pm)—I inform the House that the Minister for Trade will be absent from question time today as he is attending the ASEAN Economic Ministers-Closer Economic Rela-
tions Consultations in Thailand. The Minister for Resources, Energy and Tourism will answer questions on his behalf.

VIETNAM SERVICEMEN
Pilot Officer Robert Carver
Flying Officer Michael Herbert

Mr RUDD (Griffith—Prime Minister) (2.01 pm)—Mr Speaker, on indulgence: I will make a statement regarding the location of the remains of the last two members of the Australian Defence Force missing from the Vietnam conflict, Flying Officer Michael Herbert and Pilot Officer Robert Carver.

On 3 November 1970, Flying Officer Herbert and Pilot Officer Carver disappeared following a bombing mission in Vietnam. They were returning to base when their No. 2 Squadron (RAAF) Canberra bomber was lost without trace approximately 65 miles southwest of Da Nang. Thirty-nine years later, thanks to the dedicated and selfless work of many Australians, their remains have now been recovered. Finally, they will come home and be laid to rest with honour and with dignity.

This will bring an end to a very long period of uncertainty for the family, friends and loved ones of these two men, who lost their lives in the service of their country. I would like to thank all those people who have worked to locate their remains. In particular, I would like to thank the Royal Australian Air Force, the Australian Army History Unit, the Defence Science and Technology Organisation and Jim Burke and Operation Aussies Home, whose commitment to bringing home our missing in Vietnam has been unwavering.

I would also like to put on record the Australian government’s gratitude to the Vietnamese government and many local Vietnamese people, whose assistance and support during the search and recovery of our missing airmen has been exceptional. Flying Officer Herbert and Pilot Officer Carver’s return follows the recovery in recent times of the remains of four other soldiers who were lost in Vietnam: Private David Fisher, Lance Corporal Richard Parker, Private Peter Gillson and Lance Corporal John Gillespie.

Flying Officer Herbert and Pilot Officer Carver lost their lives in the service of their country. Many years have passed since that day in November 1970 when they went missing. But the passage of time does not diminish our great respect for their bravery and their dedication, and their sacrifice will not be forgotten.

It is now 37 years since Australia’s 10-year involvement in the Vietnam War ended, and it is 22 years since the streets of Sydney were filled with the national reunion and welcome home parade for our Vietnam veterans. With the return of these two men, we will be bringing home the last two missing Australian personnel from Vietnam. At this significant time we honour the service of all 60,000 Australians who served in the Vietnam War and remember the sacrifice of the 500 troops who lost their lives in that conflict.

On behalf of the government and the House, I would like to offer my sincere condolences to the families of Flying Officer Herbert and Pilot Officer Carver. With their homecoming later this month, there will no doubt be much sadness, yet sadness mingled with some measure of comfort for those who have waited so long for their return to Australia’s shores.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.04 pm)—Mr Speaker, on indulgence: On behalf of the opposition, we join the Prime Minister in offering our condolences to the families of those two airmen whose remains have now, at long last, been returned to Australia.
We call it ‘missing in action’, but this term—this euphemism—never captures the distress and agony suffered over many years—often decades—by families of Australian servicemen lost in war. Of the 60,000 Australians who died in the First World War, more than one-third were recorded as missing. Almost half the Australians who died at Gallipoli have no known grave. As the Australian War Memorial records:

Many bereaved families were haunted for a generation by the memories of sons, brothers, fathers and husbands who had disappeared without trace.

A fortnight ago, mercifully, the anguish for families of the last two missing veterans of the Vietnam War ended when a search team found the remains of Flying Officer Michael Herbert and Pilot Officer Robert Carver.

On 3 November 1970, the Canberra bomber of these two young Australian airmen went missing over the Vietnamese province of Quang Nam near the Laos border. Pilot Officer Carver was 24. He was from Toowoomba and he had served for only eight weeks in Vietnam. Flying Officer Herbert, also 24, was from Glenelg. He had qualified as a pilot at the age of 16 and had only two months to go to finish his tour.

For the parents of those two men lost, those years of not knowing the fate of their sons were deeply traumatic. Mr Sydney Carver had his son’s name placed on the Toowoomba war memorial and looked at that inscription hoping that one day he would know of his son’s fate. Mrs Joan Herbert continued to dream that her son, Michael, had survived. Over the subsequent decade she wrote more than 600 letters to Vietnamese and other political leaders inquiring about his fate. They could not rest until the truth was known, and finally the mystery and the torment is over.

We join the Prime Minister in praising all those who have worked so tirelessly to locate and identify the last two missing diggers from Vietnam; notably the RAAF investigation team, the Defence Science and Technology Organisation and the Army History Unit. We should also acknowledge, as the Prime Minister did, the support provided by the government of Vietnam and by former members of our opponents—of our enemy, the North Vietnamese Army—former Vietcong soldiers and, of course local villagers. It is remarkable and poignant that after so many years we can bring these airmen home.

MAIN COMMITTEE
Vietnam Servicemen
Reference

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (2.07 pm)—by leave—I move:

That further statements by indulgence on the location of the remains of the last two members of the Australian Defence Force missing from the Vietnam conflict, Flying Officer Michael Herbert and Pilot Officer Robert Carver, be referred to the Main Committee.

Question agreed to.

QUESTIONS WITHOUT NOTICE
Emissions Trading Scheme

Mr TURNBULL (2.07 pm)—My question is to the Prime Minister. I refer the Prime Minister to the recent comments of the climate change minister, Senator Wong:

We’ve always said there will be details we want to continue to work through …

Will the Prime Minister explain to the House the timetable for the completion of the design of the government’s flawed emissions trading scheme? Why won’t the government make the common-sense decision to defer the final design until after the Copenhagen conference in December?
Mr Rudd—I thank the honourable member for his question. I have listened very
careful not only to his comments in the
House today on this matter but to his com-
ments over some time on this matter as well.
It may be that the honourable member has
forgotten the fact that in this place—or, in
fact, in his public commentary on climate
change—only one year ago he said the fol-
lowing:

... “our first-hand experience in implementing ... an emissions trading system” would be of consid-
erable assistance in our international discussions and negotiations aimed at achieving an effective
global ... agreement.

That is what the Leader of the Opposition
had to say last year—in other words, that it
would be an important stepping stone to-
wards an international agreement. That was
the statement last year. The statement as of
today is that in fact the Australian action on
this should postdate an international agree-
ment at Copenhagen. When we are dealing
with something as serious as climate change,
I believe consistency is important. The hon-
ourable member also goes to another point,
which is the basis for their engagement with
possible changes to the legislation over time.
Can I simply say to the honourable member
that a precondition for that is for those oppo-
site to have a policy, and can I say that here
we are, 20 months into the history of this
government, 12 years after those opposite
were confronted with the same reality, and as
of—

Mr Hockey—Twelve years?

Mr Rudd—‘Twelve years?’ the member
for North Sydney interjects incredulously.
For 12 years those opposite were in power
and did not act on an emissions trading
scheme. Therefore, as we approach the de-
bate—and we have encountered it today in
the Senate—those opposite have in fact not
had a basis to put forward amendments be-
cause they cannot agree on policy.

I would say to the honourable member
that it is a very disappointing day indeed for
Australia when the Liberal Party and the Na-
tional Party cannot even become united
enough to have a single united voice on cli-
mate change, let alone a voice which could
act in support of this nation’s long-term in-
terests on climate change by voting for the
legislation in the Senate. Today they have
chosen to do the reverse and, as a conse-
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chosen to do the reverse and, as a conse-
quence, put Australia’s future on climate
change in grave jeopardy.

DISTINGUISHED VISITORS

The Speaker (2.11 pm)—I inform the
House that we have present in the gallery
this afternoon members of the Joint Steering
Committee of the Policy Analysis and Re-
search Project from the National Assembly
of Nigeria. On behalf of the House I extend a
very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Papua New Guinea: Aircraft Accident

Mr Cheeseman (2.11 pm)—My ques-
tion is to the Prime Minister. Will the Prime
Minister update the House on the actions
taken by the government following the plane
crash near Kokoda?

Mr Rudd—I thank the honourable
member for Corangamite for his question.
Yesterday I informed the House that there
had been no survivors from Airlines PNG
flight CG4684, which crashed in heavy
weather and rugged terrain near Kokoda on
Tuesday. The nation’s shock at this grim
news continues to reverberate today. A plane
crash is always a tragedy. A plane crash
which affects so many people, including so
many of our young people embarking on what has become a national pilgrimage, is an even deeper tragedy.

The task for the government and for our partners in Papua New Guinea has shifted from the intensive search efforts that took place yesterday, and today the focus is on the process of bringing loved ones back home. I spoke around noon today to Australia’s High Commissioner in Papua New Guinea, Chris Moraitis, who briefed me on the efforts going on right now, and I bring them to the attention of the House. There are now seven Australian officials at the crash site, some 1½ kilometres from the village of Isurava on the Kokoda Track. The deputy high commissioner, John Feakes, our consul-general, David Poulter, and the ADF doctor, Lieutenant Commander Simon Winder, arrived at the site yesterday. These officials hiked into the site; they had no alternative. They got there late yesterday after a trek of three to four hours and camped there overnight. They were joined this morning by three AFP officers and one Defence officer. These Australians are assisting the recovery operation that is now underway, an operation that is made more difficult by the rugged terrain and changeable weather conditions of the Owen Stanley Range. Four more AFP officers will arrive at this site this afternoon. The high commissioner has told me they will be winched in from a Black Hawk helicopter, weather permitting. To assist in moving other personnel to the site, a helipad is being cleared by a team from the PNG police, assisted by local villagers.

A large number of officials are now involved in the Australian effort in PNG dealing with this tragedy. Some 48 staff of the Australian High Commission are currently working on the crisis. The AFP has deployed 18 additional staff from Australia, and the ADF has deployed around 50 personnel. The Australian Transport Safety Bureau has deployed four staff. Centrelink has deployed two counsellors. Emergency Management Australia has deployed an officer as well.

The following Australian government assets have been deployed in support of this effort and are available to assist the recovery efforts that go on from day to day: the Australian Maritime Safety Authority Dornier 328 search and rescue plane which helped to locate the crash site yesterday; the ADF Caribou aircraft which carried a PNG Defence Force search and rescue contingent and high commission staff to Kokoda village yesterday afternoon; an RAAF C130, equipped with retrieval equipment, is in Port Moresby; and an RAAF C17 aircraft arrived in Papua New Guinea yesterday with ADF, AFP, air transport investigators and two Black Hawk helicopters on board. The Sea King helicopter aboard HMAS Success has now departed Port Moresby since the Black Hawk helicopters have arrived.

In all that is going on we are working closely with our partners in Papua New Guinea. I spoke again yesterday afternoon with the Prime Minister, Sir Michael Somare, and we agreed to continue the close cooperation between the Australian and PNG governments during the recovery phase. He passed on his condolences to the families of the Australians who have been lost in this tragedy. We also pass on our condolences to the families and friends of those citizens from PNG and Japan who lost their lives on that flight.

The deep emotion felt in this chamber yesterday—on both sides of the House, government and opposition—was palpable. That emotion is now felt right across the country as we are all touched by what has indeed been a national tragedy. Uppermost in our thoughts, still, are the families and friends of the nine Australians who have lost their lives. For them the days that lie ahead will be
very hard indeed, and I am sure all Australians, particularly those who come from the communities from which they come, will be extending every possible and practical means of comfort and support to them at this most difficult time.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.16 pm)—On indulgence: if I may, I associate, again, the opposition with the Prime Minister’s remarks about the tragedy in Papua New Guinea.

Emissions Trading Scheme

Mr TURNBULL (2.16 pm)—This question is addressed to the Prime Minister. I ask the Prime Minister: given that the government’s refusal to negotiate or adjust its flawed emissions trading scheme has led to its defeat in the parliament today, will the Prime Minister now instruct its climate change minister to stop holding the nation’s renewable energy sector to ransom and accept the coalition’s position—to immediately separate the renewable energy legislation from the emissions trading legislation so the renewable energy legislation can be passed into law immediately?

Mr RUDD—I thank the honourable member for his question, and I go back, in part, to an answer I delivered to his first question, which is that if those opposite were serious in a negotiation with the government on the Carbon Pollution Reduction Scheme then they would have had a policy from which to negotiate. And here we are, at this point of the process, where the government’s legislation and its plan have been before the nation for such a long period of time, and those opposite have not had a united policy position and, therefore, are in no position to negotiate with the government on any matter of substance.

DISTINGUISHED VISITORS

The Speaker (2.18 pm)—I inform the House that we have present in the gallery this afternoon a former member—a former colleague; to carbon date him, a member of the class of 1969; a former minister, Barry Cohen. On behalf of the House, I extend to him a very warm welcome. I indicate to him that I actually received three messages from my left that he was in the gallery.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Papua New Guinea: Aircraft Accident

Mr GIBBONS (2.18 pm)—My question is directed to the Minister for Foreign Affairs. Will the minister advise the House on the assistance being provided by Australia and the ongoing support being provided to the families of passengers aboard Airlines Papua New Guinea flight CG4684?

Mr STEPHEN SMITH—I thank the member for his question. Can I start by associating myself with the remarks of the Prime Minister and the Leader of the Opposition. Our thoughts and prayers and our hearts go out to the families, who, of course, in the last 24 hours, have suffered a terrible shock and a terrible loss. But in very many respects now the most difficult period is ahead.

As the Prime Minister indicated, we have now moved from a search and rescue operation to a recovery, identification and return of loved ones to Australia operation or process. And this presents very difficult moments for the families concerned and difficult moments for Australia’s officials. Australian consular officials in Canberra have been in constant contact with the families. All of the families were contacted again this morning, and that close and regular contact will continue.

In the meantime, of course, there is now a meticulous, complicated and complex process which will occur so far as recovery and identification is concerned before one can think of the return of loved ones to Australia.
In addition to the legal requirements of Papua New Guinea, there are, of course, international protocols which need to be met. There are also Australian requirements and Japanese requirements. This process always takes much more time than the families would want—much more time than the families would want—and we understand that and should appreciate that from this moment. But this complicated and complex process is required, to meet international standards, so as to ensure that in the end there is no doubt about these circumstances when loved ones are returned to Australia. So our officials will continue to be in very close contact with the families. This morning, explaining the detail of this process to the families commenced.

Some of the families have indicated that they may wish to travel to Papua New Guinea at some appropriate moment, and we will, of course, provide all of the necessary facilitation for that and provide every assistance on the ground in Papua New Guinea if they choose to do so. But we will continue to be, through our officers in Canberra and in Papua New Guinea, in close and regular contact with the families, as we do everything that we can to make this very difficult time for them as smooth as humanly possible, as they now are forced to wait some time before their loved ones are returned to them.

**Emissions Trading Scheme**

Mr TRUSS (2.21 pm)—My question is addressed to the Prime Minister. Is the Prime Minister concerned that under his flawed emissions trading scheme the price of Australian food will increase by about five per cent even before agriculture is included, while food imported from countries like China and Brazil will face no cost increases?

Mr RUDD—I thank the honourable member for his question. In terms of the projected impact on food and other prices of the Carbon Pollution Reduction Scheme, these matters were canvassed extensively in the government’s white paper. We have said throughout this, as those opposite have said from time to time in the occasional outburst of candour, that when you introduce a carbon pollution reduction scheme or any other form of emissions trading scheme it will have an effect on the price of carbon and that will flow through into general prices in the economy. That was elementary to the position taken by the former Prime Minister, Mr Howard, when he spoke in this place on an emissions trading scheme prior to the last election. That is the first point.

The second point goes to how you therefore deal with the impacts which then flow to pensioners, carers, seniors and other low-income households, and to middle-income households as well. I would draw the honourable members’ attention to the provisions which have been put forward by the government. Firstly, in the case of pensioners, seniors, carers and veterans, they will receive additional support above indexation to fully meet the expected overall cost of living flowing from the scheme. Furthermore, other low-income households will receive additional support above indexation to fully meet the expected overall increase in the cost of living flowing from the scheme. Furthermore, as for middle-income households, they will receive additional support above indexation to help meet the expected overall increase in the cost of living flowing from the scheme. Also, for middle-income earners receiving family tax benefit part A, the government will provide assistance to meet at least half of these costs.

We were clear about these matters at the time when the government put forward its policy. If you are having an emissions trading scheme, you are bringing about as a result of that a higher price of carbon and that therefore flows through to the general economy. The responsible course of action then,
both for households and for industry, is to create the adjustment mechanisms for them to soften the blow. I would ask those opposite to reflect on this further, given that they do not have a policy on emissions trading. When the Frontier Economics document was released only a couple of days ago, those opposite were asked whether this constituted their policy. They said no, it did not. But I would ask those opposite to tell us where their household compensation scheme is. I may have missed it in terms of the contents of that document. Or are those opposite in fact arguing that if their model which they put forward, but which they do not own, is implemented, it would have no consequences in terms of the price of carbon? I would have thought that if you looked at the proposition being put forward by those opposite, it flows through to the price of carbon and therefore to the price of food and to the price across the general economy as well. So here is the critical question: where is the alternative compensation scheme for households being put forward by those opposite? I cannot find it.

Climate Change

Mrs D’ATH (2.25 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on recent developments in Australia’s efforts to tackle climate change?

Mr RUDD—Today, Australia had an opportunity to embrace the future on climate change and instead we find ourselves, courtesy of the Liberal and National parties, dangerously anchored in the past. The Australian parliament had an opportunity to embrace the future on climate change today and instead the Senate, instructed by the Liberal and National parties, chose to anchor us again in the past. Instead of the next generation of Australians being able to look back on this day in August 2009 as a turning point for the future, they will look back on this day instead as the time when the Liberal and National parties put their own internal disunity ahead of what is necessary for the nation and the next generation of Australians.

As we listen to those opposite in recent times, we still hear debates reverberating about whether in fact the science underpinning climate change is valid. I find it remarkable in 2009 that those opposite, replete though they are with climate change sceptics, could still be engaging in such a debate. It is now more than 30 years since the first ever world climate conference called on governments to guard against potential climate change hazards. It has been 20 years since the Intergovernmental Panel on Climate Change was formed to produce its first report. It was 17 years ago, in 1992, that the international community acknowledged the importance of tackling climate change when it met at the Rio Earth Summit and created the UN Framework Convention on Climate Change. In the period in which those opposite were in government, it was in the year 2000 that the previous government released a public consultation paper encouraging early greenhouse abatement action. That was in the year 2000—nine years ago. In 2003—

Opposition members interjecting—

Mr RUDD—Those opposite interject that they did it. Where is the emissions trading scheme that they claim to have done? In 2003, the previous government released a review of the operation of the Renewable Energy (Electricity) Act 2000. Nothing was done. In 2007, former Prime Minister Howard’s group on emissions trading released the Shergold report, which recommended an emissions trading scheme for the future and, as we went into the last election, what did those opposite promise to introduce if they were to win? They promised an emissions trading scheme. They then said, through the
then Minister for the Environment and Water Resources but now Leader of the Opposition:
… to encourage the development of low-emission technologies and a more efficient use of energy. The best approach is through emissions trading; letting the market set the price so that the least cost abatement can be achieved.
He went on to say:
… if you throw out a target and you cannot tell business what it’s going to cost, what it’s going to mean, they’ll throw up their arms in dismay. So we have set up a scheme, an emissions trading scheme.
That is the scheme against which they voted in the Senate earlier today.
The other argument advanced by those opposite is that we need to wait for Copenhagen and see what the rest of the world has done. Could I remind those opposite what they had to say on these matters when they were in government? Again, these are the words of the now Leader of the Opposition.
He said only last year:
… the Howard government’s policy last year—referring to 2007—was that we would establish an emissions trading system not later than 2012. It was not conditional on international action …
That was the statement made by the now Leader of the Opposition only last year. He said further:
… John Howard decided and the Cabinet decided last year that we would move on an emissions trading scheme come what may.
Again, this is the emissions trading scheme which they have voted against in the Senate today. In terms of whether this action should be conditional upon international action, the Howard government’s own report, the Shergold report, said the following. I quote what their own report said, and they know it too well. The Shergold report said:
… waiting until a truly global consensus response emerges before imposing an emissions cap will place costs on Australia by increasing business uncertainty and delaying or losing investment. Already there is evidence that investment in key emissions intensive industries and energy infrastructure is being deferred.
So, after 12 years, the Liberal Party undertook a promise finally at the last election, armed with the Shergold report, that they would act. What we have seen ever since the election is one rolling litany of excuses for inaction, for one reason alone: they cannot unite themselves to bless themselves, let alone to vote together on any position on climate change.
I contrast that shoddy performance on climate change with the posture that we adopted since the last election and the commitments we took to the Australian people. We said to the Australian people prior to the last election that we as our first act in government would ratify the Kyoto protocol. We, the government of Australia, as our first act ratified the Kyoto protocol. It took them years and years and years to procrastinate and to avoid such a basic course of action, and we took it as our first action in government. We also set a target to cut Australia’s greenhouse emissions by 60 per cent on 2000 levels by 2050; to ensure that 20 per cent of Australia’s electricity supply, the equivalent of all household electricity used, would be generated by renewable energy by 2020; that we would establish a national clean coal initiative; that we would establish an Australian solar institute, a geothermal initiative and introduce greenhouse rebates for solar power and solar hot water; and to provide low-interest loans for families to undertake water and energy efficiency improvements at home. We also undertook to introduce a national emissions trading scheme.
Mr Pyne interjecting—
The SPEAKER—Order! The Manager of Opposition Business will resume his seat.
Mr RUDD—In the period since the last election, 18 or 20 months since then, we have been giving effect to each and every one of these commitments. In the last 18 months or so since the election we have acted methodically and comprehensively across this agenda. The Carbon Pollution Reduction Scheme green paper was released way back in June 2008. The Garnaut climate change review was released in September 2008. The Carbon Pollution Reduction Scheme white paper was released in December 2008. The draft Carbon Pollution Reduction Scheme legislation was released in March 2009. The renewable energy target legislation was introduced into the parliament, with 20 per cent of electricity from renewable sources by 2020. We have held numerous industry consultations. There have been numerous Senate inquiries—

Mr Pyne—Mr Speaker, I raise a point of order. I respectfully request that you draw the Prime Minister’s attention to the Deputy Prime Minister’s exhortation that questions not last longer than four minutes. He started his sixth minute—

The SPEAKER—the Manager of Opposition Business will resume his seat. The Prime Minister is responding to the question.

Mr RUDD—Thank you very much, Mr Speaker. The truth is that this is a very difficult story for those opposite to listen to, because it is 12 years of excuses for inaction and it is now 18 months of further excuses for inaction. What is going on here is very simple. It is not about policy; it is about the internal politics of the coalition. Everyone knows that. Everyone watching this debate knows that that is the truth.

As of May 2009, the government had managed to build a wide coalition in support of the Carbon Pollution Reduction Scheme. On the side of business we had positive statements of support from both the Business Council of Australia and the Australian Industry Group. We also had broad community support from the Climate Institute, the Australian Conservation Foundation, the World Wildlife Fund and others. These are the product of hard work by hardworking ministers on a very difficult and contentious piece of legislation—difficult and contentious in any jurisdiction seeking to legislate in this manner across the world. But one force has held us back from achieving progress on climate change, and that is the old guard of the Liberal Party, now in control of the Liberal Party.

Today after so many reports, reviews, consultations and even their election commitment and the aspiration of the overwhelming majority of the Australian people, the Liberal Party have once again chosen to turn their back on the future. Again let us put into absolutely clear and stark context the remarks made on this subject within the last year by the now Leader of the Opposition. He said that the emissions trading scheme is the central mechanism to decarbonise our economy. He said that the biggest element in the fight against climate change has to be an emissions trading scheme. He said that our firsthand experience in implementing an emissions trading scheme would be of considerable assistance for our international negotiations to achieve an effective global agreement. From all these statements of high courage, what has suddenly changed? What has changed between these statements of high principle from the now Leader of the Opposition last year to the absolute collapse in the authority of his leadership this year? It is to do with the fact that there is no authoritative leadership at all within the Liberal Party today, and the nation is suffering as a consequence. Today the Liberal Party of Australia is beholden to the climate change sceptics. Today they are absolutely demonstrating themselves as being prisoners of the
past, prisoners of their own internal party
disunity. The Liberal Party, prisoners of the
past on climate change, prisoners of their
own party disunity on climate change, are
therefore placing the nation’s future at risk.
Rather than marking this day as one when
the nation actually grasped its future, those
opposite have chosen instead to consign Aus-
tralia to the past.

I would appeal to all those who lie within
the ranks opposite, as women and men of
conscience, to actually overcome the rancid
nature of their disunity and to act for the first
time in the national interest on climate
change.

Emissions Trading Scheme

Mr COULTON (2.36 pm)—My question
is quite brief. It is to the Prime Minister. Will
the Prime Minister advise the House how
much more per hour it will cost small busi-
nesses in my electorate to run their air-
conditioners under his government’s flawed
emissions trading scheme?

Mr RUDD—Underpinning the position of
the question just asked by the honourable
member is this: the assumption that the posi-
tion put out by Frontier Economics does not
involve any adjustment to the carbon price.
That is in fact the fallacy which is being ad-
vanced by those opposite. Will the Leader of
the Opposition tell us whether in fact this
policy which is not a policy will impact on
the carbon price? The government has been
upfront about the fact that the introduction of
a carbon pollution reduction scheme will
have an effect on prices in the economy, and
that is why the government has detailed at
some considerable length what it would pro-
vide by way of assistance for households in
transition—and I answered that in response
to an earlier question. When it comes to a
range of industry sectors, including those
which are emissions-intensive trade-exposed
and the coal industry, they are also outlined
in the government’s policy. When it comes to
the climate change adjustment fund, the hon-
ourable member would also be familiar with
the fact that that fund has also been estab-
lished, particularly to assist with adjustment
costs for regions and for small businesses
and the business community in adjusting to
changes to the carbon price.

I say to those opposite, as they now em-
bark on their latest campaign of fear on
this—because we know that there are two
disciplines which those opposite are good at:
fear and smear—that this will advance—

The SPEAKER—The Prime Minister
will resume his seat. Has the Prime Minister
concluded? The member for Kingston.

Emissions Trading Scheme

Ms RISHWORTH (2.39 pm)—My ques-
tion is to the Treasurer.

Mr Sidebottom interjecting—

The SPEAKER—The member for King-
ston will resume her seat. The member for
Braddon. I am not sure the early flight gets
him back home. The member for Kingston
has the call.

Ms RISHWORTH—Why is it so impor-
tant that business gets the certainty it needs
from the implementation of the Carbon Pol-
lution Reduction Scheme and what has the
reaction been to other proposals?

Mr SWAN—I thank the member for
Kingston for her question. It is the case that
from day one of the Rudd government we
announced our intention to introduce a cap-
and-trade scheme. It is the case that we have
had a green paper, that we have had a white
paper and that we have had extensive model-
ing. It is the case that there is legislation that
has been before the parliament for some
time. And through all of that discussion with
the Australian people, and most particularly
with the business community, there has been
one theme. What the country needs, what the
business community requires, is certainty. They require certainty because they require certainty for investment. Investment, of course, goes to the very core of job creation in a low-pollution economy. What the government is doing is putting in place a scheme which will set this country up for the future. And what we get from those opposite is just a completely negative approach. What we have seen in here today is how divided and how delusional they are—completely divided, completely delusional and completely incapable of constructing an alternative policy which goes to the very core of future prosperity in this country and where our children and our grandchildren will get jobs.

You would think, when there is such a big issue of such national importance, that those opposite could rise above their division and come to the table and do something constructive. But they have not done that. They have got the hide to come into this House and pretend that they have a policy when they do not. Just today in the House two of the questions have been from the National Party, who are absolutely opposed to any scheme at all.

We have seen both sides of the argument already. Business want to move forward with confidence while those opposite want to leave them in the past. They want to chain business to the past by their refusal to discuss and put forward a positive alternative. That is the problem we have, because there can be no certainty when those opposite do not have any alternative amendments—and they do not. And, of course, there can be no certainty when there are no targets. It was made very clear when their shadow minister, Mr Danny Price, who does not sit in this House but who appeared with the Leader of the Opposition, said that there would be moving targets and that there could be fewer permits if things changed in the electricity industry. Of course, what that means is that, if things were to change in the electricity industry, the rest of the business community, the rest of the economy, would pay the price. This scheme that the government has put forward is in the national interest. Those opposite are voting against certainty, confidence and jobs—and for that they should be condemned.

DISTINGUISHED VISITORS

The SPEAKER (2.43 pm)—I inform the House that we have present in the gallery this afternoon members of Committee B for Defence, Security and Foreign Affairs from Timor Leste. On behalf of the House I extend a very warm welcome to the members.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Mr IAN MACFARLANE (2.43 pm)—My question is to the Minister for Resources and Energy. I refer the minister to the clause in the emissions trading scheme bill which will require Australian coal producers who sell coal directly to Japan to pay for the emissions for the burning of that coal in Japan. Why has the minister allowed thousands of jobs in the coal industry in Queensland and New South Wales to be put at risk by this flawed piece of legislation?

The SPEAKER—I call the Minister for Resources and Energy.

Opposition members interjecting—

The SPEAKER—Order! The minister will resume his seat. I am not sure whether the member for Groom’s colleagues on my left who are interjecting wish to hear a response to the question or not.

Honourable member—Probably not.

The SPEAKER—If they are ‘probably nots’, they might voluntarily leave the chamber. The minister has the call. He will respond to the question.
Mr MARTIN FERGUSON—I thank the honourable member for the question. The government has been involved in detailed discussions over the last 20 months about ensuring that, as a result of the introduction of the CPRS and the renewable energy target, we ensure the competitiveness of our trade-exposed industries. Our coal industry is well placed for expansion and to seize major export opportunities not only in Japan and China but also in a range of other markets. In terms of the coal industry, there has been an engagement and there will continue to be engagement with respect to the final framework of both the CPRS and the renewable energy legislation. In the context of those discussions, we are about guaranteeing the continued competitiveness of Australian industry.

Opposition members interjecting—

Mr MARTIN FERGUSON—At least industry understands that, with respect to the government, there is something concrete to discuss and focus on. I compare that to the opposition, who had 12 years to get a low-emissions economy in place and failed to produce any practical proposal for consideration by industry.

Mr Ian Macfarlane—Mr Speaker, I seek leave to table the legislation that highlights that the direct sale of—

The SPEAKER—Order! The member for Groom will resume his seat. Leave is not granted. I call the member for Brisbane.

Emissions Trading Scheme

Mr BEVIS (2.47 pm)—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change. What is the impact of the Senate’s failure to support action on climate change earlier today?

Mr COMBET—I thank the member for Brisbane for his question. The government has an unequivocal mandate to take action on climate change. It is critical for our environment, it is critical for our society, it is critical for our economy and it is critical for future generations. Underpinning the government’s commitment is respect for the overwhelming scientific evidence. The government, along with the other 191 countries that have ratified the United Nations Framework Convention on Climate Change, respects the science. Yesterday I updated the House on the available scientific evidence. Importantly, in that evidence it is overwhelming that human induced emissions are responsible for the observed warming. Without action, temperatures could rise by up to five or six degrees by the end of the century, which would obviously have extremely serious consequences. For that reason it is vital to pass the Carbon Pollution Reduction Scheme legislation so that we can begin to reduce emissions.

But today in the Senate the opposition failed the Australian people, failed Australian business and failed the environment. They failed to stand up in the national interest and they failed to support the most significant economic and environmental reform ever undertaken in this country. They failed to support action to reduce greenhouse gas emissions in our economy. As a result, investment opportunities in renewable and clean energy will be lost. It is absolutely clear why those opposite do not support action on climate change. It is because they cannot agree on a policy. There is a foundational issue at the heart of the coalition’s disunity, and that is the climate science. Many amongst the opposition do not respect the science. The coalition contributions to the Senate debate have been extremely instructive on this issue. Senators from the opposition, including the Leader of the Opposition in the Senate, Senator Minchin, and Senators Bernardi, Bushby, Joyce and others have proudly touted their refusal to respect the
climate science. Senator Minchin had this to say:

... this whole extraordinary scheme ... is based on the as yet unproven assertion that anthropogenic emissions of CO2 are the main driver of global warming.

He has denied the climate science. What an extraordinary contribution! While the Leader of the Opposition, the Leader of the Liberal Party in this chamber, is on the record accepting the climate science, the leader of the Liberals in the Senate refuses to respect it. And it is not only Senator Minchin who has made some extraordinary contributions in the last couple of days. None other than the shadow Treasurer, the member for North Sydney, yesterday on breakfast television said this:

... climate change is real ... whether it’s made by human beings or not, that’s open to dispute ... Yet another one!

Government members interjecting—

Mr COMBET—The member for North Sydney may be looking at the numbers, but I fancy he has been hanging out with Uncle Wilson! That is what has been going on. The opposition are the voice of the past; they cannot come to grips with the future. This government will take this country into the future. This is a reform that is vital for our environment, vital for our economy and vital for our communities. The determination of this government to make this reform should not be underestimated—and make it we will!

Emissions Trading Scheme

Mr TURNBULL (2.52 pm)—My question is to the Prime Minister. I refer the Prime Minister to the answer of his Minister for Resources and Energy just a moment ago, where he confirmed, as has Senator Wong, that the government is in the midst of negotiating major changes to the design of its emissions trading scheme. How can the Prime Minister justify demanding the parliament immediately approve an emissions trading scheme which is plainly and admittedly incomplete and under construction?

Mr RUDD—It is a sad thing to watch a leader’s credibility disappearing through the carpet. A leader’s credibility disappearing through the carpet on something as important to the nation as climate change, and with profound consequences for the Senate, is a tragedy for us all, because it goes to whether or not we are going to have certainty for business and certainty for the economy for the future.

What I say to the Leader of the Opposition, as he lifts the volume in order to camouflage the absence of substance in his contribution to this debate, because his leadership authority has collapsed on climate change and across the board, is as follows: if those opposite were serious about having a policy position to advance in the Senate debate on the Carbon Pollution Reduction Scheme, why did they not move an amendment? Where is the policy? If those opposite are serious about change to the legislation, where is the policy; where are the amendments? Neither of them exist, because this is one huge political fig leaf to cover up one core political fact—it is to paper over the terminal divisions within the Liberal Party. That is what it is all about. The fact that they cannot summon up a common position to take decisive action on climate change—20 months into this government’s life and through multiple reports in the public domain about our course of action for the future—demonstrates one thing and one thing alone: a collapsed leadership.

What we have seen today, as I said in my earlier remarks, is the return of the Liberal Party old guard on climate change. We see a victory for Wilson Tuckey and all the voices of the past on climate change and we see the Liberal Party abandoning what this nation
needs for the future on climate change. We will get on with the business of reforming for the future, as the Liberals languish in the debates of the past.

**Emissions Trading Scheme**

Ms GEORGE (2.55 pm)—My question is to the Minister for Agriculture, Fisheries and Forestry. Will the minister update the House on the extent to which the science and international accounting rules currently allow agriculture to participate in emissions trading? What policy responses have been proposed?

Mr BURKE—I thank the member for Throsby for the question and acknowledge her interest in the issue. There was a rally today, I know, from a group called the Climate Sceptics, a group calling itself the world’s first political party to be upfront about its doubts on anthropogenic global warming. I presume the member for O’Connor attended. He seems to have gone strangely quiet.

The concept that a price on carbon is something brand new in one sense is wrong. There has always been a price on carbon. The problem has been that people have been willing to forward that bill to the next generation. What we had today was an attempt from the government to change the way we deal with that in the future, while we have an opposition, with people like the member for O’Connor, willing to remain in the neglect of the past. The member for Higgins, on radio, has referred to the report that has been thrown about but not adopted by the opposition and said:

Technically speaking, if you build in particular assumptions you can get any outcome you want. In the same way that he used to question modelling that he was provided with, he said:

I would take the same caution in relation to Frontier Economics.

One of the assumptions that is in that report is that you can easily include agricultural offsets at the moment. There are real challenges in the science of doing that at the moment, and Australia is in quite a different position to the United States on this, for a number of reasons. First of all, the fact that the United States have not ratified Kyoto means that they are not bothered by the concept that their agricultural offsets will not be internationally tradeable. We want to have a system where offsets are internationally tradeable.

Mr Truss—The US are trading them.

Mr BURKE—I presume the Leader of the Nationals is referring to the Chicago Climate Exchange. Come in, spinner. We will get to that at the end.

The nature of our landscape is that it has very different types of soils to what we find in the United States. Concepts that have been put out during this debate as being incredibly simple, as wonderful solutions that you can just immediately apply—such as biochar across the continent, such as looking at the size of our landscape and saying, ‘That’s an immediate sequestration opportunity’—are far more complex in a nation which has the amount of desert that we have. It is far more complex with the limitations on the science matching carbon sequestration in many of those soils. That is why the government are investing the way we are in the Climate Change Research Program, in making sure that we can improve the quality of that science.

That is also why we are working to improve the international accounting mechanisms, which currently mean that, if we were to include our agricultural offsets in international trading, we would be including natural causes with man-made causes, which would mean we would be paying penalties following the Victorian bushfires for the loss of
carbon from the soil. That is what it means under the current rules, and yet that is what the other side are saying you can do so simply already.

While we do not agree on everything, that is why David Crombie, the head of the NFF, in his op-ed in the *Land* today, said, ‘It’s hard to trade what can’t be measured.’ There are massive limitations at the moment. The government are pursuing them and putting money on the table to improve research. It is now happening around the nation, in the electorates of many of the people around here, where we are now working at improving the number of options for farmers and improving the measurement processes that are there.

But there are those who want to say it is simple and those who want to say, ‘Just look at the model of the Chicago Climate Exchange; that shows how easily you can do it.’ That is what the Leader of the Nationals just interjected. That is what the Leader of the Opposition himself said on 26 May. He said:

… the Coalition proposes the establishment of a Government-authorised voluntary carbon market from 1 January, 2010 based on the Chicago Climate Exchange.

We hear fear campaigns around some of the modelling thrown around in this debate. When they want to raise fear levels, the modelling of the price per tonne of carbon goes all the way up. It goes well beyond $10, $20 or $25. I have heard figures of $45 and $50 per tonne thrown around. On the Chicago Climate Exchange today, the value of soil carbon—which is what they say will provide this great line of income for farmers—is trading at 40c a tonne. There is a reason why their proposals sound too good to be true, and it is simply that they are.

**Emissions Trading Scheme**

Mr ROBB (3.00 pm)—My question is to the Minister Assisting the Minister for Climate Change. Given that the Minister for Resources and Energy has now conceded that the legislation is flawed in expecting Australian coal producers to pay for emissions not only in Australia but also in Japan, will the minister now disclose to the parliament the government’s own planned changes to its emissions trading scheme?

Mr COMBET—I thank the shadow minister for the question, and I think I can immediately refute his interpretation of the earlier answer by my colleague the Minister for Resources and Energy. The government has had a very clear position in relation to the coal industry from the outset in the development of the Carbon Pollution Reduction Scheme. There is a wide variation across the industry in methane emissions, fugitive emissions, on a mine-by-mine basis for geological reasons. To take the sort of proposition that is suggested in the Frontier Economics report that somehow you can have some best practice baseline—

Mr Robb—Mr Speaker, I raise a point of order on relevance. The minister is answering yesterday’s question. It is a totally different question.

The SPEAKER—The member for Goldstein will resume his seat. The minister is responding to the question.

Mr COMBET—To take, as is suggested in the Frontier Economics report—which, of course, is not coalition policy, we understand, but which has been vigorously advocated by the shadow minister and the Leader of the Opposition—the approach that there is some best practice baseline in the coal industry by which assistance can be allocated to
coalmines in relation to their fugitive emissions is thoroughly erroneous. The government for that reason has taken the approach of targeting the assistance specifically at those mines which will incur under the Carbon Pollution Reduction Scheme the most substantive carbon liability.

Mr Turnbull—Mr Speaker, I raise a point of order on relevance. The minister is valiantly making an answer that bears no relation to the question he was asked.

The SPEAKER—The Leader of the Opposition will resume his seat. The minister prefaced the start of the answer to the comments about the referred answer by the Minister for Resources and Energy.

Mr COMBET—For this reason the government have been targeting the assistance that we have on the table, which is of a quantum of $750 million, to those mines that have the most significant fugitive emissions liability. If the coalition had some view, had a policy position, that was capable of adoption in their own party room, the opportunity has been available to them to articulate it and put it forward for months and months and months. And not one single amendment, not one single policy position, has come from those opposite.

Mr Hunt—Mr Speaker, I raise a point of order. The question was about Australians paying for Japanese emissions.

The SPEAKER—Order! The member for Flinders will resume his seat. The minister will resume his seat. It is not for me to make commentary about the questions and answers, but I think that the member for Flinders may like to review the question, because that was not the question.

Opposition members interjecting—

The SPEAKER—No. I think if the honourable member for Goldstein would reflect—

Opposition members interjecting—

The SPEAKER—If he refers to the question to the minister for energy and then asks about whether there are plans for government changes, that broadens the question beyond the specificity in the final point.

Mr Pyne—It might just assist the House and the chair if I read the preamble to the question which was not a preamble of rhetoric but actually a specific reference: It reads: ‘The energy minister has now conceded that the legislation is flawed in expecting Australian coal producers to pay for emissions not only in Australia but also in Japan.’ The point is that we are seeking an answer about the emissions to be paid for in Japan, not an answer about $750 million of assistance to the coal industry.

The SPEAKER—I do not think that really assisted. When there are expressions used such as ‘flawed’ perhaps we should have a discussion about whether the argu-
ment that is in these questions could be ruled out because it is the argument that then opens the possibility of answers—for example, when you talk about the energy minister’s admission of flawed legislation.

Mr COMBET—The simple fact remains that if there is a concern on the opposition’s part about the treatment of the coal industry under the Carbon Pollution Reduction Scheme, a policy position could have been discussed and adopted in the coalition party room. It could have been put forward in the form of an amendment. The amendment could have been discussed in the context of the Senate considerations or at an earlier stage. But the fact is that they are disunited. They cannot agree on a single policy issue and today they have stood up in the Senate and voted against a Carbon Pollution Reduction Scheme, which is the only mechanism by which we are going to reduce greenhouse gas emissions in this country, and they will be held to account for it.

Climate Change

Ms REA (3.08 pm)—My question is to the Minister for the Environment, Heritage and the Arts. Minister, how is the government taking an evidence based approach to tackling environmental issues, including the challenge of climate change?

Mr GARRETT—I thank the member for Bonner for her question. I know she has a strong interest in this issue. The fact is that evidence based policy is important to the Rudd government, including when it comes to a comprehensive environmental and climate change agenda. I think it is worth while pointing out that there is a new approach afoot in the democracies of developing and developed countries which says that we will have a greater emphasis on rigorous public policymaking informed by available and credible evidence. It is a similar approach to that we have seen from the Obama administration in their environment and climate change agenda—guided by evidence, guided by the science.

The government are committed to driving reforms based on evidence in tackling genuine priorities in our environment—for example, through targets identified under the Caring for our Country program. Under Caring for our Country we published a business plan last year and called for projects that would address clear evidence based targets. This year my colleague Minister Burke and I have approved over $400 million worth of projects to address these targets. We are driving reforms as well through the National Strategy on Energy Efficiency, which I detailed yesterday to the Built Environment Meets Parliament conference, laying out this government’s energy efficiency agenda.

Mr Hunt—That was a great speech.

Mr GARRETT—I am very pleased to hear the shadow minister commending me for that speech. Thank you, Shadow Minister; I am glad you were listening. It includes better energy efficiency standards for new homes and commercial buildings, sweeping reforms to minimum standards ratings and assessments for energy efficiency and buildings in the future, mandatory disclosure of energy use for commercial office buildings and national legislation for appliance energy efficiency standards and labels. This is an evidence based agenda. For example, energy efficiency appliances alone are projected to reduce our greenhouse gas emissions by some 19.5 million tonnes per year in 2020, the equivalent of taking almost five million cars off the road permanently.

Energy efficiency is a key plank in the government’s approach to tackling climate change based on the evidence and centred around a price on carbon under the Carbon Pollution Reduction Scheme. It is important to note that this is evidence based because it
is guided by the science—report after report peer reviewed by other scientists, and a consensus of the world’s leading climate scientists, who have all urged the world to take action on climate change.

There is another approach which is in evidence in the opposition and it has come to the fore today in the parliament as the opposition has voted down the government’s CPRS. That approach is to discount and reinterpret evidence through an extreme ideological prism. The logical endpoint of that approach is to deny climate change, to delay taking any responsibilities for the challenges that we face. It is the approach of the climate change sceptics. This approach has seen the rejuvenation of some careers of prominent backbenchers and I am thinking of the member for O’Connor whose public pronouncements on this matter have been so evident. He is happy for us to know that his party is voting down climate change legislation in this House. These are the sceptics, the member for O’Connor and others, who are now dominating the Leader of the Opposition—a Leader of the Opposition who has gone from being the environment minister in the former government who wanted the world to know that he would have ratified Kyoto to the leader of a party who, on the very day of the vote on a Carbon Pollution Reduction Scheme, cannot deliver a coherent position.

These are the numerous coalition sceptics, too many to name, too many to mention, who we saw yesterday, the day before the CPRS vote would be voted on in the Senate, coming to a presentation on how to stick your heads back in the sand. This is an extraordinary approach when a matter of such importance is before the Australian parliament. Despite years of research and reports we have a coalition that can only present a report that is not their policy and who today have failed the people of Australia.

Earlier today I was down at the National Library of Australia with the member for Curtin. We were admiring some relics of the past. Meanwhile, in the Senate, in this parliament, the relics of today were voting against the climate change legislation that we need in this country to satisfactorily address this most important of issues. We are voting for the national interest; they voted for their self-interest. In the face of the huge challenge that is represented by dangerous climate change, the Australian people deserve so much better.

Climate Change

Mr ROBB (3.14 pm)—My question is again to the Minister Assisting the Minister for Climate Change. I refer the minister to the Minister for Resources and Energy’s previous answer:

… there will continue to be engagement with respect to the final framework of both the CPRS and the renewable energy legislation.

Minister, when can the parliament expect to see the final framework?

Mr COMBET—The government, of course, is extremely concerned to ensure that the coal industry has appropriate treatment in relation to the CPRS. We have been consulting, as my colleague the Minister for Resources and Energy said, with the coal industry for some period of time. We are satisfied that the assistance that I referred to in my earlier answer appropriately addresses the assistance that is necessary for the coalmines with the highest methane intensity. Dialogue will continue with the coal industry, as it always does in relation to key policy matters.

National Security

Mr BIDGOOD (3.15 pm)—My question is to the Attorney-General. Will the Attorney-General outline the government’s proposed reforms to counterterrorism legislation and resources being made available in the context of current national security challenges?
Mr McCLELLAND—Yesterday the government released a discussion paper which sets out proposed reforms to Australia’s national security and counterterrorism laws. The government’s intentions, as has been stated, are to give our national security agencies the tools they need to protect the safety and security of Australians, while at the same time ensuring that these laws do not undermine the fundamental rights and freedoms that all citizens enjoy.

While these laws were necessarily introduced in an expeditious way in response to immediate crises, it is clear that, regrettably, there is an ongoing need for our national security regime. While we properly equip and tool our national security agencies for the task that they need to do, it is also important to ensure that our laws have the support of the general community as being appropriate, reasonable and balanced. Therefore, I can assure the House that the measures that we have introduced are not motivated by politics. Indeed, I can assure members that a great bulk of the work that has been picked up is in fact work of two committees of the previous parliament, where those opposite had the majority.

I will take the opportunity in answering the second part of the honourable member’s question, concerning our challenges, to address some of the assertions that have been made by the opposition in relation to resourcing of our national security agencies. This year’s budget increased resources to our border protection and national security agencies by $1.3 billion over six years, including $685 million specifically for law enforcement and counterterrorism measures. Within my portfolio alone, some $3.4 billion this financial year has been committed to funding our national security and border protection agencies. This represents an increase of $186 million this year—as I say, for my portfolio alone.

It is no secret, however, that the government has insisted that all agencies other than our defence forces achieve efficiencies, without cutting back on front-line capabilities. In that context, I note that the shadow Attorney-General has referred to some efficiencies that have been achieved, for instance, within the budget of the Australian Federal Police. In the context of the Australian Federal Police’s budget itself being in the order of just over $1.3 billion, he has referred to efficiencies of $3.2 million and $1.4 million. However, he has failed to mention that these relate to corporate allocations for staff leave liabilities and corporate expenditure in the areas of human resources and finance, not front-line capabilities.

The shadow Attorney-General has also pointed to efficiencies totalling some $8.2 million in the economic and special operations portfolio. I am informed that these relate to terminating a program of $4.3 million with respect to intellectual property. I am informed that changes in the calculation of costs associated with the AFP’s staff leave liabilities total $1.5 million in savings, and there are anticipated savings of $2.4 million due to the expected conclusion of the oil for food inquiry. I am not going to divert the attention of the House as to how that inquiry came about. By listing and responding to what has been identified by the shadow Attorney-General, it is quite clear that there has been no cutting of funding but indeed a substantial increase in funding to enable our agencies to undertake their front-line capabilities.

I also assure members that the Prime Minister himself frequently asks those agencies whether they have the resources that they need to respond to the events that our nation needs them to confront and to properly undertake their duties. Those agencies have always been provided with the resources they need. They have performed and con-
tinue to perform an outstanding job. I cer-
tainly look forward to the opposition’s con-
structive engagement with these important
issues of national security.

Hospitals

Mr DUTTON (3.21 pm)—My question is
to the Prime Minister. I refer the Prime Min-
ter to his promise to the Australian people
that he would fix public hospitals by mid-
2009 or take them over. Prime Minister, isn’t
the government’s decision to consult for a
further six months, having first announced a
plan two years ago and having consulted for
16 months and received a report with 123
recommendations, only about creating more
photo opportunities and political advantage
for the government?

Mr RUDD—I thank the honourable
member for his question. The government is
committed to fundamental health and hospi-
tal reform. We were elected with a mandate
to establish the Health and Hospital Reform
Commission. That, led ably by Dr Christine
Bennett, reported in the middle of the year.
The honourable member is right to reflect on
the fact it has contained within it wide-
ranging recommendations, 123 in all, which
go across the totality of the health and hospi-
tal system. I referred to these, in part, in re-
response to a question from the honourable
member for Lyne yesterday in relation to the
future of the Port Macquarie Base Hospital.
These go to what we do for the future of pre-
ventative care, primary care, acute hospital
beds, subacute care, aged care, dental care
and mental health as well.

The reasons that we have had to do this
are twofold. Firstly, challenges are faced
right across all OECD economies at the mo-
moment coming from population change, the
 ageing of the population and increasing costs
of medical treatments. These are matters on
which the previous government, I am sure,
were comprehensively advised in their pe-
riod in office, which brings me to the second
reason: what we saw in 12 years was a big,
fat zero in terms of health and hospital re-
form on the part of those opposite—
absolutely zip. Instead, it was the old, old
game of playing the blame game with the
states. Furthermore, on top of that, not only
did they embark upon no program of reform;
they instead ripped out $1 billion from the
public hospital system of Australia. They
ignored the systemic challenges to health
systems right across the world. Secondly,
they did not even engage in one fundamental
reform to the health system themselves de-
spite 12 years in office, with public revenue
awash off the back of the mining boom.
Thirdly, instead, they ripped $1 billion out of
the states. That is the system we have inher-
ited.

The honourable member’s question also
goes to the extent to which we now consult
the community to road-test the commission’s
recommendations with key representatives of
the health and hospital system across the
country. We believe this is the right approach
because the recommendations are far-
reaching and, in many respects, quite radical.
We would much rather hear from those
working at the coalface. That is why the
health minister and I have most recently been
at Royal North Shore Hospital in Sydney,
which I think those opposite would agree has
been the subject of some controversy in re-
cent times; the Flinders Medical Centre,
which is a major public hospital in Adelaide;
most recently at Townsville General Hospi-
tal; and, again, at Cairns Base Hospital,
which has also been struggling with the huge
increase in population of Far North Queen-
sland, the particular complexities which arise
from a very large Indigenous community on
the cape and the impact on accident and
emergency. So we make no apologies for the
fact that we will be road-testing these rec-
ommendations around the country. We have
also said that we would then present propos-
als to the Commonwealth and states for their
consideration. The health minister addressed
the process relating to that in her answer to a
question on health and hospitals only a day
or two ago.

I would say this to the honourable mem-
er: whether it is health and hospitals reform,
whether it is climate change reform, whether
it is building the education revolution or
whether it is navigating Australia through the
global economic recession, this is a govern-
ment which is on about the task of preparing
Australia for the future. Those opposite, for
12 years, languished in the past. Today, what
we have seen on such a fundamental issue as
climate change is the Liberal and National
parties hauling up the white flag and saying,
‘It is all too hard,’ and pretending this is a
serious debate about policy on their side of
the House when the reality and the truth is
that it is all about the internal politics of the
Liberal Party. What we have had today is the
most appalling collapse in the authority of
the Liberal leadership I have seen in this
place since I have been a member. The na-
tion wants leadership for the future, not ex-
cuses for inertia.

Families

Mr ADAMS (3.26 pm)—My question is
to the Minister for Families, Housing, Com-
community Services and Indigenous Affairs.
How is the government supporting Aus-
talian families, and are there any alternatives
to this responsible approach?

Ms MACKLIN—I thank the member for
Lyons for his question and for the work that
he does for the families in his electorate. The
Rudd government are of course committed to
doing everything we can to help families and
particularly to make sure that we direct that
help to those who are in the most need. We
have recently announced major new initia-
tives to support families. For the first time,
this country will have a national paid paren-
tal leave scheme, a new family support pro-
gram and a national child protection frame-
work. We have also, in the last two budgets,
done some very difficult things to make sure
that we are targeting our family payment
system to those most in need to make sure
that it is sustainable for the future. We on this
side of the House know that we have to be,
especially in these difficult economic times,
responsible for making sure that that assis-
tance is targeted.

It does seem that this is not a view shared
by those opposite. We know that they have
been running around the country scaring the
public about debt and deficit, but what they
have not told us is that, if they were in gov-
ernment, the level of the deficit would be
even higher.

I am very pleased to see the member for
Warringah back in the House. It is very nice
to have him back. He has been out and about
touting his book around the country.

Mr Abbott interjecting—

Ms MACKLIN—This one is from the li-
brary. It is definitely from the library.

Mr Abbott interjecting—

The SPEAKER—Order! The member for
Warringah should contain his enthusiasm.

Ms MACKLIN—This is the library copy.
It will not be defaced.

Honourable members interjecting—

The SPEAKER—Order! Those on my
left will hold their enthusiasm.

Honourable members interjecting—

The SPEAKER—Order! The House will
return to a modicum of order.

Ms MACKLIN—it is very nice to see
you back, Tony. I know you have been off in
the Brisbane Polo Club, no less, selling the
book.
Mr Tuckey—Mr Speaker, I rise on a point of order. The point of order refers to standing order 104. I did not hear anything in the question—that Dorothy Dixer—that referred to books or failed attempts to run a bit of humour. I ask that they come back to the question.

Ms Macklin—I reassure the member for O'Connor that it is from the library. It is great to have the member for Warringah back. We know that this book not only reveals a little bit about their family policy, it does seem to be the member for Warringah’s latest effort—I am sure there will be more—at his tilt for the leadership.

This book has in it just another clue about how profligate this opposition would be if they ever got into government. He reveals in this book that he, the member for Warringah and the opposition shadow minister for families, wants to abolish the means test for family policy, it does seem to be the member for Warringah’s latest effort—I am sure there will be more—at his tilt for the leadership.

This would mean an extra cost to the budget bottom line—I will just let the Treasurer and the Minister for Finance know—of $1.8 billion a year. So over the forward estimates that means around an extra $7 billion to the budget bottom line. The question really is—

Mr Pyne—Mr Speaker, I rise on a point of order. Under standing order 98C a minister can only be questioned on matters for which she or he is responsible or is officially connected with. I am sure the minister will be glad to hear she is not responsible for the member of Warringah’s opinions, but she is not entitled to comment on them either.

Ms Macklin—the real question is: is this Liberal Party policy? Does the current Leader of the Opposition support this policy? Does he support the government’s approach, which is to make sure that family tax benefit is targeted to make sure it is sustainable for the future, or is he having to fall into line with his rival?

Mr Abbott interjecting—

Ms Macklin—The real question is: is this Liberal Party policy? Does the current Leader of the Opposition support this policy? Does he support the government’s approach, which is to make sure that family tax benefit is targeted to make sure it is sustainable for the future, or is he having to fall into line with his rival?

Schools

Mr Farmer (3.33 pm)—My question is to the Minister for Education, and I refer the minister to her answer yesterday in relation to the National partnership agreement for low SES school communities in which she blamed everyone from Verity Firth to the opposition and even the Australian Bureau of Statistics for the fact that schools in Macquarie Fields and Claymore are missing out on support. Given that she is the minister responsible for the $1.5 billion in expenditure, why will she not take responsibility for her own failure to stop the needy communities from missing out?

Ms Gillard—I thank the member for his question. I reassure him that I, and this side of the House, take responsibility for lifting the educational standards of every child and I, and this side of the House, take responsibility for combating educational disadvantage. And why do we need to do that?
Because under more than a decade of the Howard government no-one ever sat at a desk and thought about what they could do about educational disadvantage. The proof of that is that, on the day we were elected and sworn in as a front bench and as Prime Minister and Deputy Prime Minister, if any of us had called on that day for a list of the thousand most disadvantaged schools in this country it could not have been produced. The Howard government did not care enough to even ask the question.

In view of that—

Mr Pyne—Mr Speaker, I rise on a point of order. Under standing order 104, the minister was asked about taking responsibility, not the blame game.

The SPEAKER—On the point of order, again there was a long preamble. The Deputy Prime Minister has the call.

Ms GILLARD—Faced with this track record of neglect, we stepped up to the plate to take responsibility for making a difference. And how are we making that difference? A new national partnership for disadvantaged schools is part of it. As the member who asked the question would have known if he had listened to my answer yesterday which he sought to misrepresent in this place, the list published about New South Wales is a list for consultation using ABS data—that is true—because what was available was ABS data. What we are doing with our transparency reforms, which are opposed by the Liberals in New South Wales—maybe you should speak to the Leader of the Opposition in New South Wales about that—is to build the information we actually need to make sure that educational resources and efforts can be brought to bear, particularly in those schools that need them the most, where students are not getting an education that will serve them well for the rest of their lives and where the kids come from school bearing the disadvantages of a poor background. We are building that.

But we were not going to stand by and see another generation of Australian children failed during their education in the way the Howard government failed. We were not going to stand by and say, ‘Those kids, who only get one chance at school, can wait for us to build the transparency measures.’ We were going to act immediately, and that is why we are acting on the ABS data available to us. Apart from the partnership for disadvantaged schools, we are already moving so that there will be better teachers in disadvantaged schools, better rewarded for being there—that reform is coming to New South Wales; literacy and numeracy money expended where it is needed the most to make a difference to children getting the building blocks of education; a national curriculum of quality right around the country; and early childhood reforms that make sure kids, particularly kids from disadvantaged backgrounds, come to school ready to learn. This is allied with our reforms in vocational education and training and in universities to make a difference for all but most particularly for the most disadvantaged.

In the face of that, all we hear from the Liberal Party is whinging and moaning, and the only thing their shadow minister has ever done is put one speech from outside this parliament on his website this year—one speech as shadow minister for education published this year. If you want to be in the education debate, what you have to do is think about ideas that will make a difference, publish them and stand by them. That is what we are doing; that is called ‘taking responsibility’. What you are doing is laziness and arrogance, and it shows. No-one is interested in a repeat of the failed Howard years. We are there making a difference with our education revolution, and caring about educational disadvantage in this country is revolutionary.
Workplace Relations

Ms OWENS (3.39 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. Will the Deputy Prime Minister update the House on reactions to the commencement of the new Fair Work Act on 1 July?

Ms GILLARD—I thank the member for Parramatta for her question, and I know that she cares about fairness and decency at work. On 1 July the government’s Fair Work Act came into operation. This is, of course, the act that will make sure Work Choices is buried in a coffin, and the government wants to nail the lid of that coffin shut forever. The Fair Work Act ensures—I quote here one of its objects—that we have a ‘guaranteed safety net’ that:

… can no longer be undermined by the making of statutory individual employment agreements of any kind.

I am asked about reactions to this. Of course, there have been a variety of reactions, but immediately following the promulgation and coming into effect of the Fair Work Act I would have to say the battlelines on fairness and decency at work were well and truly drawn. That is because this book I am holding was published by the member for Warringah—obviously not in the chamber now. But he is a man of uncommon frankness.

Government members interjecting—

Ms GILLARD—I would have to say to my colleague that I actually paid for this copy, because the copy was out of the library—Jenny was using the copy in the library. So I have contributed to the sales of this book. But what we see in this book and what we have seen from the member for Warringah is some honesty, finally, on the position of the Liberal Party about Work Choices.

We know the present leader of the Liberal Party is cowering. He does not want to face the Work Choices debate, so he says Work Choices is dead. We know that the first alternative leader of the Liberal Party, the member for O’Connor, is making a run for the spot, because there is no-one else so uniquely qualified to lead a party of dinosaurs. He is unbeatable in that comparative advantage. If you want to lead dinosaurs then the member for O’Connor is definitely your man. The second alternative for the position of Leader of the Opposition, the member for Goldstein, is pretty much prepared to fight the Work Choices battle, and he is on the record as saying:

Above all, WorkChoices is critical to a strong economy.

So, if he stepped up to the plate, the cowering would be over and the Work Choices battle would be on. But you would have to say that the man with the most honesty and gumption when it comes to this debate is the third alternative Leader of the Opposition, the member for Warringah. When he was giving his round of publicity interviews trying to sell this book, he was asked by Kerry O’Brien on The 7.30 Report:

So you do want to revisit WorkChoices?

The member for Warringah said:

Well, if we are going to have productive workplaces, we can never ring down the curtain on workplace reform.

He then went on to say:

But things, I suspect, will be a little different by the time the next polling day comes around … I think people will be readier for reform from us … than they were at the last election.

Then he has added to the 7.30 Report comments today in this House, where he said that he claimed as an important part of productivity ‘the ability to offer people a statutory non-union individual contract’—his words, not mine.
Mr Pyne—Mr Speaker, on a point of order: while the standing orders are silent on the matter, I would ask you to rule on whether it is appropriate for a secondary book launch to occur in question time.

The SPEAKER—I am pretty sure that the Manager of Opposition Business understands that that was not a point of order and is in fact an abuse of points of order.

Ms GILLARD—I well and truly understand the sensitivity of the member for Sturt about anything that promotes the member for Warringah, who is obviously after his job as Manager of Opposition Business. I have a position in that debate: the member for Warringah would be a lot better at the job. There is no doubt about that. But moving past the member for Sturt’s sensitivity, obviously with these quotes from Tony Abbott we are well and truly seeing a return of the Work Choices debate. What I would ask the member for Warringah is: can he really say to the Australian people that Australian workplace agreements that strip away pay and conditions for working people are more appropriate during a global recession? Can he really say that during a global recession what Australians want is Australian workplace agreements that would enable their entitlement to redundancy to be stripped away, which would enable them to be dismissed for no reason at all? I thank the member for Warringah for his honesty, I thank him for the title of his book—Battlelines—because he is absolutely right. When it comes to the debate for fairness and decency at work the battlelines are drawn: this side of the House standing for decency and that side of the House standing, as always, for Work Choices, no matter who leads them and no matter how many of them the Liberal Party goes through.

Youth Allowance

Mrs GASH (3.46 pm)—My question is to the Minister for Education—a real, serious question! Can the minister assist my constituents of Gilmore by explaining where the jobs in rural and regional Australia exist that will provide 30 hours per week for 18 months so that young people in my electorate qualify for youth allowance and realise their dreams of higher education?

Ms GILLARD—I thank the member for Gilmore for her question. I do not know whether she should have insulted the member for Macarthur’s question, but there we have it. Can I say to the member for Gilmore that the force of our youth allowance reforms is that students will be under less pressure to find work in a gap year—less pressure because more of them will qualify through the parental income test. I absolutely acknowledge that the current system, set up by the Howard government, which saw regional and rural participation rates in higher education go down, is constructed so that young people who want to qualify for youth allowance basically receive the message that the only way they can do that is to take a gap year and work. That situation has come about because the parental income test is so low, people do not qualify on family income, so they take the gap year, find a job and qualify that way. As the member for Gilmore rightly pointed out, the problem with a system that is geared like that is, obviously, that there are parts of our economy where it is much harder for young people to find work, and many regional towns are like that.

Ms Julie Bishop interjecting—
Ms Marino interjecting—

The SPEAKER—Order! I think the Deputy Leader of the Opposition and the member for Forrest have had a good go. They will sit there in silence.
Ms GILLARD—The other great vice of that system, as statistics show, is that if young people take a gap year many of them actually do not then go on to do the university course. So what are we trying to do? We are trying through these reforms, through the changes to the parental income test, to enable people in the member for Gilmore’s constituency who have family incomes in the low to middle range to qualify upfront for youth allowance. That means you could do year 12 this year and go to uni next year, having qualified—no gap year, no need to worry about getting work. More people will be qualifying that way because of the changes in parental income support.

The member for Gilmore would be entitled to ask me: how many people will benefit from these changes? I can tell her: around 100,000 students will benefit from these changes—68,000 more will qualify, will get money for the first time, and 35,000 will get more money. Then her constituents who would have to move away from home will, as youth allowance recipients, automatically get the benefit of the student start-up scholarship and, if they need to move away from home, get the relocation scholarship. For them, what is that worth in the first year? The relocation scholarship and the student start-up scholarship is worth $6,254, which will enable them to make that transition into the first year of university, plus they will get the youth allowance. That means more people qualifying, getting more money without having to do what the member for Gilmore is worried about and that is look for work in regional towns where it may not be available. Given our concerns, she should be out spruiking these reforms as better reforms for her constituency, because they are.

Climate Change

Mr DANBY (3.50 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. How is the government showing leadership in its unprecedented investment in public transport as we move to a low-carbon economy? How has this investment been received and why is a whole-of-government response, including the CPRS, important in providing leadership in climate change?

Mr ALBANESE—I thank the member for Melbourne Ports for his question. He certainly understands that the great challenge of climate change requires a whole-of-government response. That is why this government is determined to deliver on just that. That is why we have delivered the largest ever investment in public transport. That is why we have put to the Senate today the legislation supporting the CPRS. But those opposite have today showed their zero unity by the fact that they could not move any amendments whatsoever and that they have no policy when it comes to climate change. They just do not understand the challenge that is before us. That is because, regardless of the Leader of the Opposition’s position on a personal level on climate change, he has had to walk away from that because the dynamic that is leading the opposition is the dynamic of their internal divisions. This is a political coalition that simply cannot move forward. We have seen more discipline in a riot than we see from those opposite when it comes to climate change and these issues.

The fact is that the member for O’Connor has had an enormous victory today. The dinosaurs in the opposition are leading the debate on climate change. Today we have seen the future of the Liberal Party and the answer is Wilson Tuckey. That is what we have seen with the actions of the opposition in the Senate—the dinosaurs completely taking over. Behind the Leader of the Opposition we see the triceratops—the three potential leaders. We have Andrew Robb over there, Robbosaurus rex, the climate sceptic, prepared to
oppose, or at least be honest about his position.

Mr Pyne—Mr Speaker, I rise on a point of order.

Government members interjecting—

Mr Pyne—I am sure I am not on the list! Mr Speaker, you would be well aware that he should refer to members by their titles.

The SPEAKER—Order! The minister will refer to members by their parliamentary titles.

Mr ALBANESE—The shadow minister, the great sceptic, said, ‘We should be putting more into proving up the science.’ That was his position. Then we have the member for North Sydney, who campaigns in his electorate in favour of action on climate change but does the opposite here. Then we have over there the great sceptic, ‘People Skills’, the member for Warringah, ‘Monkosaurus’, who has said:

The point I made about an emissions trading scheme is that I don’t like it one little bit.

And that was when he was advocating they should vote for it when it comes back. That was the case for voting for it when it comes back. If you had said at the beginning of this term that UncleSaurus at the back there—as he has been described by the shadow Treasurer—would be leading the debate on climate change, people simply would not have believed you. But the fact is that their disunity is having an impact on Australia. That is the great tragedy. It is holding us back from the future. The Turnbull camp are at war with the Costello camp, the Hockey camp are battling it out with the Abbott camp, the Robb camp cannot work out if it is still in the Turnbull camp and, of course, the Bishop camp has been reduced to a single tent without a pole in a very, very far corner.

Mr Rudd—Mr Speaker, I ask that further questions be placed on the Notice Paper.

PERSONAL EXPLANATIONS

Mr HOCKEY (North Sydney) (3.55 pm)—Mr Speaker, I seek leave to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?

Mr HOCKEY—It will stun you, Mr Speaker, but I do.

The SPEAKER—Please proceed.

Mr HOCKEY—The Minister Assisting the Minister for Climate Change, Mr Combet, misreported what I had said on the Today show yesterday morning at 7.50 am, where I said:

Look, climate change is real, Karl. You know, whether it’s made by human beings or not, that’s open to dispute, but you’ve got to give the planet the benefit of the doubt. Therefore, the world needs to do things. We went to the last election promising an emissions trading scheme. And we’ve sided with the Government on targets. The question is what’s the best route to get there? That’s where we’re in dispute.

Mr SLIPPER (Fisher) (3.55 pm)—Mr Speaker, I seek leave to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?

Mr SLIPPER—I do.

The SPEAKER—Please proceed.

Mr SLIPPER—Yesterday, in responding to the member for Sturt’s convincingly argued MPI on the topic ‘The failure of the government to deliver a real education revolution’, the Deputy Prime Minister, on page 78 of Hansard, said:

But let us just focus for a minute, as the shadow minister did, on the question of the Building the Education Revolution program. I would have to say that I do not think he has got the support of his backbench …

She then went on to quote me as indicating that in my electorate there had been certain
funding measures. She actually read from a newsletter, and I quote again:

... ‘Recent funding announcements’. Here is a list of recent funding announcements, from Peter Slipper for Fisher.

Then, as the Deputy Prime Minister quite accurately pointed out, I quoted some of the assistance which had been given to various schools in the electorate of Fisher. I did, however, do so in a way that did not advocate the fact that the government has built up hundreds of millions of dollars of debt and—

The SPEAKER—Order! The member is now starting to debate the point. He will go to where he has personally been misrepresented.

Mr SLIPPER—I was personally misrepresented again, on page 79 of Hansard, when the Deputy Prime Minister said:

But can I say to the member for Fisher that he is not alone in being someone who endorses the Building the Education Revolution.

It was a very long bow to state that I was endorsing their policy when I made announcements which had occurred in my electorate—

The SPEAKER—Order! The member will resume his seat.

Mr TUCKEY (O’Connor) (3.57 pm)—Mr Speaker, I seek leave to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?

Mr TUCKEY—Grossly, sir.

The SPEAKER—Please proceed.

Mr TUCKEY—Reference was made today to my having a lack of proactive interest in the climate change issue—and you, Sir, could refer it. By inference, I have that. I draw the House’s attention to the speeches I have made in this place over a decade on issues such as tidal power, hydrogen fuel cells and other matters. If that is to be doubted, I suggest to those who suggest I am a dinosaur that they go to my current website to see my thoughts on these issues.

Ms Gillard—I wish to table the document referred to yesterday, and particularly draw the House’s attention to the page which reads:

Here is a list of recent funding announcements from Peter Slipper for Fisher.

The member for Fisher would have you believe he does not support announcements he says are from him on a page where he has a photograph. I table the document.

The SPEAKER—The Deputy Prime Minister has tabled the document.

Mr Pyne—She needs to seek leave to table the document.

Mr Albanese—No, she doesn’t, you idiot!

The SPEAKER—Order! The Leader of the House will withdraw.

Mr Albanese—I was trying to help. I withdraw if it helps. I am always helpful, Mr Speaker.

Mr Pyne interjecting—

The SPEAKER—The member for Sturt might assist by not interjecting at this very late stage.

Mr Albanese—The Manager of Opposition Business is delusional.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.59 pm)—Documents are presented as listed in the schedule circulated to honourable members. I move:

That the House take note of the following documents:


Sydney Airport Demand Management Act—Direction—2009—Minister’s direction to the slot manager—No. 01

Details of the documents will be recorded in the Votes and Proceedings and Hansard.

Mr PYNE (Sturt) (4.00 pm)—I am far from delusional but far-sighted. I move:

That the debate be adjourned.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Health System

The SPEAKER—I have received a letter from the honourable member for Dickson proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The failure of the Government to fix the health system.

I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the standing orders having risen in their places—

Mr DUTTON (Dickson) (4.00 pm)—Today in question time we saw another opportunity for the Prime Minister to recommit to his election promise and he failed to do it. It has been six weeks now since the deadline has come and gone, the deadline that the Prime Minister set himself back in the election campaign, to fix public hospitals by mid-2009 or he would seek to take financial control of those hospitals. Every Australian heard this Prime Minister say at the last election that he would end the blame game, that on health the buck would stop with him and that he had a solution to fix public hospitals or, if he could not have the hospitals fixed under the control of the state Labor governments, he would seek to take them over.

Over the last 18 months since this government has been elected nothing has happened under this government to improve our health system. In fact, at every turn, decisions that Kevin Rudd has taken have made worse the outcomes across hospitals and the health system around the country. This is a government which has, by way of decisions on private health insurance, those relating to IVF and those relating to GP super clinics, only added pressure to, not taken pressure away from, public hospitals—and for that it should be condemned. This is a government which promised so much but has delivered so little.

It is certainly the case that this government led people to believe that it had a plan. It was the Prime Minister who as far back as about two years ago promised, by way of a speech to a health summit in New South Wales, that he had a plan at that time, two years ago, to fix hospitals. That is how far back this Prime Minister had the Australian people believing that, if elected into government, he was going to carry out this plan as promised. It certainly has been an appalling record when you look at some of the examples that I want to outline as part of this debate today.

The time frame was not set by the opposition; it was set by the government. The Prime Minister made that promise knowing how difficult the task would be, how difficult trying to undo the health system trash that had taken place by state Labor governments over the last 10 years would be, but nonetheless he made that commitment. Since that time, by driving people out of private health insurance, by making sure that he was pouring more Commonwealth taxpayers’ money into the black hole that is the state Labor governments, he has condemned us to failure in the next 10 years that we have seen over the last 10 years.

But this was a promise that we knew from day one was going to be broken. We knew...
this promise to fix public hospitals was at risk when that wording was removed from the Prime Minister’s website only a few months ago. It was replaced with ‘improve’, which gave way to ‘assess’. So the signals were there, but Australians chose to believe that the Prime Minister would be true to his word—as of course they should. They gave this Prime Minister the benefit of the doubt. They did not believe that Kevin Rudd was just another Labor premier; they believed that he was going to end the blame game, that he was going to change the system and deliver health outcomes which would be of benefit to this nation’s hospitals and to all of the doctors and nurses—who are so passionate about the health system and who crave changes, just like Australian patients. They were hoping that Kevin Rudd was not just going to break into more state premier speak. But, of course, the opposite has been shown to be the case.

Let us assess just what this government has done. The government and ministers can spin all the stories they like about the supposed wonderful things that they have done in health, but the truth is that, rather than fix hospitals, the Prime Minister has made them worse. And the truth in health is there for all to see in the streets of towns not very far from where we are today. Let me take the Australian people to the streets of Cootamundra, where hundreds of people are protesting this afternoon about the state of health under Kevin Rudd and his state Labor mates. They are protesting about the bleak future of their local hospital. Two weeks ago the Greater Southern Area Health Service in New South Wales told doctors at Cootamundra that their funding would be slashed this financial year—slashed by more than $600,000 from the budget of last year. Cootamundra has a skilled medical staff. It is a town that has two obstetricians, two general surgeons and other qualified staff. But the disastrous decision by Labor could rob this community of that expertise.

Under Rudd Labor, those doctors have been told that they will have to slash the number of medical procedures that they carry out this financial year by more than half. If this decision holds, three of these doctors have indicated they will have to leave the town so that they can practise somewhere where they can keep their skills current. The people of Cootamundra believe that this is simply the thin edge of the wedge and that, with surgery cuts, admissions will fall and, if admissions fall, the hospital may well close. That is how this Rudd government has gone about fixing public hospitals over the last 18 months.

It is ironic that earlier this year the health minister was actually in Cootamundra to open a primary health centre. It was, she said, a blueprint for cooperation between community, private investors and input from government. You can almost hear the sound of the sincerity. One wonders how the people of Cootamundra consider the input from this government this afternoon. Cootamundra is not alone. Apparently a secret government report is calling for emergency surgery at Mount Druitt Hospital in Western Sydney also to be scrapped. The situation at Blacktown Hospital in Sydney’s west is so bad that even a state Labor MP is saying that lives will be lost.

I also wonder whether the young teenager from Dubbo thinks that Mr Rudd has fixed health. She badly injured her thumb recently—it was virtually torn off. She was rushed to Dubbo Base Hospital where doctors decided she had to be flown to Sydney where specialist surgeons could save the thumb. Unfortunately for this girl, it did not happen. It did not happen because it took New South Wales Health 10 hours to get her from Dubbo to Sydney. She could have
driven there in half the time. One needs to remember that this is the same hospital that earlier this year could not pay its basic bills: it could not pay for bandages, it could not pay for batteries for vital equipment and it certainly could not pay for food for patients. And that is how Kevin Rudd has fixed health over the last 18 months.

Then there is Townsville, and I turn to my colleague the member for Herbert. The Prime Minister has been in Far North Queensland in the last week. Hopefully, he heard the message about the failures of his Labor colleagues in Queensland, and I hope that he heard it loud and clear. Queensland Health does not believe that Australia’s largest regional hospital in Townsville has the need or the expertise to operate vital life-saving equipment.

Mr Turnour interjecting—

Mr DUTTON—Whilst this government carries on with silly, petty political interjections, people in Townsville—people around the country—are dying in public hospitals. So why don’t you refrain from interjecting and start to concern yourself with people who are dying in public hospitals. The member for Leichhardt is an absolute joke in his local community because people know that the Cairns Base Hospital, which they expected to be fixed, has actually got worse since he was elected. He is a disgrace and he represents the failure of Labor members across the country to fix hospitals.

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member will withdraw.

Mr Dutton—What should I withdraw, Madam Deputy Speaker?

The DEPUTY SPEAKER—You will withdraw the unparliamentary remarks in respect of the member for Leichhardt, please, so we can continue.
18 months ago promised to fix the hospitals or take them over. This Prime Minister, on the back of the recent inquiry which sat for 16 months with 10 of the top medical practitioners and contributors in health around this country and which provided to the government 123 recommendations—he had made the same commitment 18 months or two years before that that he had a plan to fix hospitals—says that not only is he walking away from that key election promise but also now needs another six months to consult around the country, to visit 25 hospitals so that he can get photo opportunities and so that people can believe he is doing something, implementing a plan, when nothing has been adopted. All of those recommendations are sitting there and this government has not adopted one. So we are well and truly looking at another 12 to 18 months before this government can introduce the radical reform that it promised at the time of the last election.

A couple of weeks ago the Minister for Health and Ageing suggested that the government would not be able to implement the changes that it thought it could or that it thought were needed in health because of the way that it had spent the money in the cash splashes. This really goes to the core of the difficulty that this government has got. I suspect that the government would seek to take over hospitals if it had its way. What I suspect, though, is that because it has spent the money over the last 18 months, because it has plunged this nation into enormous debt, because this country is going to be saddled with millions and millions of dollars of interest repayments over the next 10, 20 or 30 years, it has lost its capacity to implement properly the change in health that it promised. I think the Australian public now understand what we have been talking about over the course of the last 18 months. It is why we spoke about caution when this government went into a spending spree. We spoke about caution because we knew there were serious asks of the Australian people and of the taxpayers of this country coming up—and health was one such area.

We need to get health right in this country, but we cannot do it if we continue down the same failed Labor path of the last 10 years. We cannot just have Commonwealth taxpayers’ money being tipped into Nathan Rees’s government or into Anna Bligh’s government, because we know that, regardless of the money that has been tipped in the last 12 months which the health minister will speak about in a moment, outcomes in our public hospitals have not improved. If the health minister comes to the dispatch box today and suggests to the Australian people that somehow the government have improved hospitals over the course of the last 18 months then people should hold the government in the contempt that they deserve to be held. The government will not improve public hospitals or, indeed, the health system until they make the substantial change that they have promised for two years. The Australian people know—commonsense tells them—that we cannot continue to operate with the management practices that we have got in public hospitals and in health sectors around the country. We need to introduce that reform so that the money that we are spending, the extra investment that we will make in future years, will enable better health outcomes for Australian patients.

We do not want to see young families with sick children waiting for eight or 10 hours in emergency departments around the country. We do not want to see older Australians dying on waiting lists. In some cases people are on waiting lists for up to 10 years because there are bad practices that continue to suck up all of the money that is being poured into health by the Commonwealth and state governments. By its every action over the last 18
months, this government has made outcomes in health worse than they were when this government took office in 2007. This government has driven people out of the private system and onto waiting lists in the public system. This government has made bad outcomes even worse in relation to our emergency departments around the country. That is what this government should be remembered for, and certainly the Australian on people are right to draw the conclusion that the Prime Minister is not serious about health. He is now talking about putting this off until the next election. He wants to turn this into a political advantage. We know that more than 4½ thousand people die every year because of inefficiencies in our health system, and this Prime Minister, for political advantage, wants to put off any decisions. He should be condemned— *(Time expired)*

Ms ROXON (Gellibrand—Minister for Health and Ageing) (4.15 pm)—I am always pleased when the member for Dickson gets an MPI and gives us an opportunity to talk about health. I think everybody across the country and probably everybody in the parliament agrees that our health system is at a tipping point and that there are problems that need to be fixed. Of course, I take issue with responsibility for the problems and with the causal links that the member for Dickson has made with some of the problems, but we agree that there are a range of problems in the system.

But after getting over my initial enthusiasm and excitement that the member for Dickson has an MPI on a topic which is very important for the community, I am frustrated that the member has spent 15 minutes listing every single problem and not a single solution—and he mostly does not even stay to hear the debate. Last time he went out to conduct an interview on alcopops. He wanted to hide the fact that he had to execute a very humiliating backflip. I suppose it is no surprise that today, the very day the alcopops matter is finally passed by the Senate, the member did not raise that in his 15-minute speech about health.

Let us get serious about this. We do not pretend it is easy; we do not pretend that the health system can be fixed immediately. We have invested in a range of measures, and we can spend all our time going through the range of investments we have made. But I challenge the member for Dickson to go out to Queanbeyan, in the electorate of the member for Eden-Monaro, where the GP superclinic is now contracted and underway, to ask people whether they want the GP superclinic and whether they think it is a bad idea. I challenge him to speak to the member for Herbert. He has used with glee the example of the Townsville Hospital, which is getting $250 million courtesy of the Rudd Labor government—

Mr Dutton—Not one of them is open; not one has opened.

Ms ROXON—If you would listen, you would know that I am now talking about the Townsville Hospital—and, last time I checked, it was open. There is $250 million going there. I would like the member for Dickson to ask the member for Herbert to come and say whether he would like us to pull that money out. To add to the frustration of having a 15-minute list of problems with not a single solution being put on the table by the Liberal Party, it takes a bit of cheek for the member for Dickson to have this mostly confected outrage about consulting with the community when we have committed to a GP superclinic in his electorate. We consulted in his electorate, but the member could not be bothered to come along to the consultation. The construction work has begun, but he could not be bothered to come to the opening. Obviously he is too embarrassed to turn up in his electorate. He holds
the seat with a slender margin and he may not even run in that electorate in the future, so I think it is a bit rich for him to come in here and criticise us.

Let us get this absolutely straight. When the previous government were in power, we criticised them for blaming every problem in the health system on the state governments. Now that they are in opposition, every problem in the public hospitals is instantly our fault. Let us not be so simplistic about this. There are a range of problems in the health system. We can invest money, we can change programs and we can improve accountability—and I will in due course give you a list of some of the things that have improved. The member has the gall to stand here and say that every decision we have made has made public hospitals worse. Let us look at a few of the decisions. How does it make public hospitals worse to invest 50 per cent more money in the delivery of services through our public hospital systems? How does it make public hospitals worse to deliver 41,000 extra elective surgery procedures which would not have been provided if the Commonwealth did not give that money? How does it make public hospitals worse to continue to invest in elective surgery equipment and new theatres? How does it make matters worse at Calvary Hospital when there is a new elective surgery theatre and more people are now having their elective surgery done?

The member for Dickson is living in some sort of fairyland. He thinks we can wave a wand and everything will be fixed on day one. The truth is that the public understand how complex this debate is. Even when we go to hospitals that are having challenges—hospitals that are having difficulty handling swine flu cases, or hospitals like Royal North Shore Hospital, which has historically had problems—the clinicians, the nurses, the psychiatrists and the GPs who service the local area come to us time and time again and say: ‘We want to be part of this process. These are the things that we think are good in the Health Reform Commission recommendations and these are the things we think should be different. Thank you, Prime Minister, for coming and talking to us about this.’ I think it is just nonsense to pretend that these difficult problems do not merit consultation with the community, consultation with the clinicians, consultation with the nurses and consultation with the specialists who are delivering these services. I do not think people will take the member for Dickson seriously when he just stands up and lists the problems. In a particular instance, he has fundamentally misled the parliament. He said there is a protest in Cootamundra about the Rudd Labor government for a decision made by an area health service run by the New South Wales government.

**Mr Dutton**—Blame game!

**Ms ROXON**—The member for Dickson cannot pretend, with his trite interjections about ‘blame game’, that he is not standing up and absolutely misleading the House, confecting and confusing two different issues. We want to work to fix those problems. If the member bothered to visit the primary care centre that was opened in Cootamundra—

**Mr Dutton**—Madam Deputy Speaker, I rise on a point of order. I took offence to the words of the minister, and I ask that you ask her to withdraw them.

The **DEPUTY SPEAKER (Ms AE Burke)**—For the assistance of the House, even though they are not actually unparliamentary, I am going to ask the minister to
withdraw them, because we have such little
time.

Ms ROXON—I withdraw and say that he
tells a fundamental mistruth. The protest in
Cootamundra has absolutely nothing to do
with the Rudd government. It does not do
him any credit—someone who has got some
brains but does not like to use them—to
stand up in here and constantly criticise but
not actually come forward with any ideas.

I am proud of the work that our govern-
ment is doing. It does not surprise me that
the members that we see in the House are
those who have benefited already in their
electorates from the sorts of investments that
we are making. Sure, we would like them to
be delivered more quickly. Sure, we would
like every patient to be able to have access
immediately. But, if we look at the trajectory
of what is happening with our population,
health expenditure and the extra two million
presentations in our emergency departments
compared to a decade ago, of course it is
going to take time to fix some of these
things. But I do not hear the member for
Page saying that she does not want the can-
cer services in Lismore or the breast care
nurse—

Ms Saffin—Or the GP superclinic.

Ms ROXON—or the GP superclinic, be-
cause these things will improve the situation
in her electorate.

The member for Parkes is here, a member
who has had significant problems in his local
hospital in Dubbo—and we are not apo-
gists for the states; we want those problems
to be fixed—and he is lobbying me for a GP
superclinic. So do not come in here as the
shadow health spokesperson and say that
nothing we are doing is delivering. I am
sorry that you happened to be here for that,
Member for Parkes—we take seriously the
request that has been made; it is a very good
proposal from Gunnedah—but, if your
shadow health spokesperson says that every-
thing we are doing is terrible, at the same
time as all the members on the backbench
are saying, ‘Can we please have one of these
in our electorate; they’re so terrible that we
really want one,’ no-one is going to believe
him.

I think that is the fundamental problem for
the member for Dickson: nobody believes
his position on anything anymore. The alco-
pops debate has really been the peak of that.
He was vehemently arguing against it week
after week after week—‘We’re never going
to support it; we won’t do it’—then had to
execute that humiliating backdown and make
an announcement that they would support it.
He cannot bring himself to come in here now
and say that it is a good idea.

He absolutely defends the strength of the
seat of Dickson and how much he loves the
area, and then the second that it gets to be a
hard fight for him locally he starts to indicate
that he is looking around to run in another
seat. This is the person who, according to
media reports, was reduced to tears when he
thought that the Labor candidate had beaten
him in the election. But there is no doubt that
he has never shed a tear for Medicare. He
has never shed a tear for anybody who can-
not get access to public hospital services
when they want them. He has never put his
mind at all to what an alternative policy
might look like. We see this with the CPRS.
We see this with education. This is an oppo-
sition that is so obsessed with its internal
leadership problems that it cannot put for-
ward any sort of policy proposal. I think that
is absolutely pathetic.

What I would like to do in the remaining
time available is to talk about some of the
communities that are benefiting from our
investments—

Mr Dutton—What about your election
promise?
Ms ROXON—which were also election promises. I see that the member for Makin is here. A GP superclinic has been announced and signed on to in his electorate, something that he is very pleased is going to be delivered.

Mr Dutton—How many patients has it seen? Not even one patient—not one.

The DEPUTY SPEAKER—The minister has the call.

Ms ROXON—The member opposite is having so much fun showing his complete lack of understanding that investments in health take some time and that patients need to be seen. Patients are being seen at a number of sites, as he knows, including Darwin. I do not think he has bothered to go and visit the Palmerston—

Mr Dutton interjecting—

Ms ROXON—Is that a superclinic?

Ms ROXON—It is indeed a superclinic.

Mr Dutton interjecting—

Ms ROXON—I am not going to even answer these most ridiculous interjections.

The DEPUTY SPEAKER—The member for Dickson will desist from interjecting.

Ms ROXON—He is just wrong but he cannot help himself.

What I really want to put to the member today—and maybe some of the other members in the debate might address some of these issues—is that we have to make choices now about how our health system will be sustainable and how we will fund some of the important reforms that the community rightly wants and expects. What we have seen the member opposite do—as he did with alcopops—is oppose any measure that has a health impact if it also has a budgetary impact. He opposed the private health insurance measure, a fair measure to make sure that those on the highest incomes get the least support and those on the lowest incomes get the most support. But they knocked that off, and that is $2 billion that will not be available in the health budget to spend on other worthy reforms. Then there are the safety net reforms, where we are saying we are not going to continue to line the pockets of specialists who are making outrageous sums of money—$2 million, $3 million, $4 million a year—from Medicare and the safety net. Now it looks like the Liberal Party might not keep the shadow Treasurer’s promise to pass all budget measures except the private health insurance measures. They have gone wobbly on that. That is another $450 million.

Just those two items are worth $2½ billion. I would like the Liberal Party to tell me what they are going to cut if they are going to oppose these sensible savings measures. I want the Liberal Party to stand up and say what they want to cut. Do you want us not to proceed with our regional cancer centres across the country? Do you want us not to proceed with the funding of Avastin for bowel cancer? Do you want us not to consider the next life-saving drug that comes out to be put on the PBS for young children? Do you want us not to invest in the vaccine for swine flu. If you keep opposing savings that are sensible and targeted and require people who have more resources to contribute more, then we will not have the money to pay for these important extra investments.

I think everyone on this side of the House wants our investments to be targeted and wants to see the health system delivering more for people, and it cannot be done if we do not make sure we have the money to do it. We do not have the Liberal Party with any policies. We do not have them with any answers about the difficult choices they could make. We do have the member for Dickson on the record as saying that the one thing he wants to make sure we do not do is repeat in
the next decade the mistakes his government made in the last decade. We are absolutely sure we are not going to do that, but to not do that we need to make sure we are investing more, we are requiring more accountability and we are targeting our spending to those who need it most. We do not make any apologies for investing in communities like Western Sydney, for investing in Westmead. I see the member for Parramatta is here. Westmead has another $4.1 million going into its medical assessment unit. We can see something similar for every member of the House. What have you ever done?

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being 4.30 pm, I propose the question:

That the House do now adjourn.

Vietnam War

Mr BALDWIN (Paterson) (4.30 pm)—Vietnam Veterans Remembrance Day is 18 August, and services will be held around Australia throughout next week. With this in mind, I rise today to talk about a subject of national importance and one that is embedded deep within the Australian psyche. I am, of course, referring to the six Australian service personnel who were missing in action following the cessation of Australia’s involvement in Vietnam in 1973. Those men were Private Peter Gillson, Lance Corporal Richard Parker, Lance Corporal John Gillespie, Private David Fisher, Flying Officer Michael Herbert and Pilot Officer Robert Carver. I will be talking about this issue at greater length during a Vietnam Veterans Remembrance Day speech in my electorate of Paterson next week. Today, I will focus on the discovery and identification of Flying Officer Herbert and Pilot Officer Carver.

The Vietnam War conjures up a variety of images in the minds of those who have read about it, lived through it or fought in it, yet exactly what defines the Vietnam War for most Australians is often drawn from a mosaic of images seen in films that attempt to depict or glorify America’s role in the conflict. The Australian experience in the Vietnam War differs from that portrayed in American period films—indeed, the experiences of those soldiers in Vietnam, both Australian and American, differed immensely depending on where they fought and when the fighting occurred.

The Vietnam War remains remarkably fresh in the minds of many Australians, and this memory is not just limited to army history buffs or those who served in Vietnam. Perhaps this is because, as former Chief of Army Lieutenant General Peter Leahy said:

The Army today has much to learn from the Vietnam years. It resembles much more closely the type of operations we have been conducting since 1998 than do the operations of the Divisions and Corps of the two World Wars. … Counter revolutionary warfare, counter insurgency warfare, low intensity conflict: the names may change but the method of fighting them does not.

Although the lessons learnt from the Vietnam War will certainly be played over in the minds of military strategists today, the sad and everlasting impression of the war has recently re-entered the hearts of all Australians with the discovery of the last two missing airmen from the war.

On 30 July this year, after extensive research, forensic investigation and many expeditions into rugged terrain, Flying Officer Michael Herbert and Pilot Officer Robert Carver were identified. Flying Officer Herbert was 24 years old when his Canberra bomber was lost. From Glenelg, in South Australia, he joined No. 2 Squadron in February 1970 and was the pilot of the ‘Magpie 91’. Flying Officer Herbert was a veteran of
198 operational sorties over Vietnam. Pilot Officer Carver was also 24 years old. He was the navigator on the ‘Magpie 91’ and had conducted 33 sorties in Vietnam. Pilot Officer Carver, from Toowoomba, in Queensland, joined No. 2 Squadron in September 1970.

Since the discovery of their aircraft in April, research teams have been working hard to identify the two airmen and close a long-open chapter in Australia’s military history. I would like to pass on my sincere appreciation to the RAAF investigation team, the Defence Science and Technology Organisation and the Army History Unit for their tireless work in discovering the aircraft’s location and identifying the lost men. I would also like to acknowledge the support afforded to them by former members of the North Vietnamese Army, former Viet Cong soldiers and local Vietnamese villagers.

The finding of these two airmen gives us the opportunity to reflect on how we treated our troops after the cessation of Australia’s involvement in Vietnam in 1973. Although Flying Officer Herbert and Pilot Officer Carver were killed in action almost 40 years ago, their rediscovery marks an appropriate time for all of us to remind ourselves of the importance of supporting our diggers before, during and after their tours of duty.

I began today by asking what defines the Vietnam War for Australians. For most, I believe it is defined by those not familiar with the Australian war experience in Vietnam. I believe that the discovery of Flying Officer Herbert’s and Pilot Officer Carver’s remains will go some way in redefining the Australian experience in the Vietnam War. The discovery of our last two diggers, who have been lost in the Vietnamese jungle for almost 40 years, is testament to the Australian spirit and the untouchable quality of mateship. Yet, as important as this discovery is for the nation’s conscience, the news of the discovery and identification of Flying Officer Herbert and Pilot Officer Carver will touch no heart more than those of the families of these missing airmen. It brings closure to a long and painful chapter in their lives.

**Telstra**

*Mr SIDEBOTTOM* (Braddon) (4.35 pm)—Today I would like to mention a matter which has caused concern to many in my community, particularly low-income older citizens. I refer specifically to the move by Telstra to charge people to pay their bill in person—or charge people for the privilege of giving Telstra money. Just think about that: a charge for paying for a service for which you are already paying quite handsomely now. I said this has caused great concern. That may be putting it a little lightly, as some of my constituents have expressed great anger and astonishment at such a move, hence the visits to my office, phone calls, letters and emails—and I would not be surprised, of course, if my colleagues in this House were receiving them as well.

In a move to appease some of the venom which followed the announcement, Telstra will not charge pensioners and others on benefit cards. But even some of those who will receive this concession are still telling us that they think it is unfair to force this on their friends and family who may not fall into that category. My region has one of the lowest average incomes in the country—

*Mr Price interjecting—*

*Mr SIDEBOTTOM*—and, as my colleague the Chief Government Whip mentions, this is a tax on poverty. While some may be exempt because of concessions, many will be just over the threshold but still have to cope with this cost if they do not have the option to pay electronically and/or over the internet. The $2.20 charge may not seem much, but it is more the principle that
you will be charged for paying your bill in the way that you may have done for decades—in short, an objection to Telstra trying to herd customers online by charging $2.20 for over-the-counter payments.

Now Telstra tell us that they are seeking to encourage people to move to newer, more efficient ways to pay one’s bills, but this is under the guise of offsetting what Telstra say are ‘payment options which incur higher administration costs’. I put it to Telstra: why not give people a discount for going down this track, as I understand some other utilities in other states do? Some may defend the move by telling us that the major telco competitors like Optus, Vodafone and 3 also charge the same or similar amount for paying a ‘paper bill’. But that does not make it right.

For my home state of Tasmania, Telstra is by far the predominant provider of communications services, so even if this were offered by a competitor many would have little option to change. Quite surprisingly to me the move has been defended, in part, by consumer group Choice, which says it is a way of migrating people to the new ways of payment. They do note that it must come with scope for people to change. Alas for some in my electorate they are happy with their lot in life and do not want to move to these new ways from something that works fine for them and has for many years.

Telstra say the changes are aimed at recouping massive losses in administration costs. But perhaps for a few of us we think that this might be something Telstra could just manage, when they are forecast to announce today a profit of some $4 billion. On top of this, they have in recent years paid their top executives what many would consider obscene salaries and bonuses such as $9 million to recently departed Sol Trujillo for his final year in the job. In addition, Telstra are not sparing those who already choose to use an electronic form of payment either—lifting the rate for those who use a credit card to pay their bills. Surcharges for those using credit cards will rise to one or two per cent of the total bill.

Choice spokesman Christopher Zinn—whom I must say I admire very much for his attack on bank fees—speaks about the move as being part of a broader technological and environmental change among major companies. But why not provide encouragement to change, rather than penalising people for paying something essential like their phone bill. A telephone is today an essential part of life for most people, particularly poorer people. The people who will be most hurt by this charge are those who indeed can least afford it.

Perth: Airport Noise

Mrs MOYLAN (Pearce) (4.39 pm)—Anyone familiar with the eastern hills communities in the electorate of Pearce will be well aware of the overwhelming sense of serenity these areas provide. For many people, the choice to live in the hills has been very deliberate, driven by the peace and tranquillity offered. But this lifestyle choice has been shattered for many by a bureaucratic decision made with little care or consideration for those who are affected. In fact, the process, or the lack of it, demonstrates an arrogance that has reached an art form.

Many people would hasten to say that aircraft noise—which the decision was about—is simply a fact of life, and they are right. But for members of the affected communities, aircraft noise has become an intrusive, ever-present and deeply disturbing aspect of their daily lives. Because of the sheer quantity of planes flying overhead, this is not a simple ‘not in my backyard’ argument. One constituent wrote and said:

When you are talking about aircraft on a flight path 600 to 800 metres from your residence at
1:30 am, 2:30 am and 3:30 am, I would defy anyone to tell you that this is acceptable. I would suggest to you that some form of compromise must be possible; it cannot be fair just to expect us to endure both the outgoing aircraft and incoming aircraft as well.

At meetings of the Perth Airport Noise Management Consultative Committee during the previous year, the committee was advised of a review of flight paths but were not advised that changes had been implemented. Many of us became aware of the significant changes when affected residents began contacting our offices early this year. From these earlier meetings of PANMCC it was reasonable for members to conclude that any changes were unlikely to have a significant impact on any one group of people or any one area. The noise assessment process is conducted internally by Airservices Australia and it is done without clear and understandable public information.

The changes have occurred without an adequate public consultation process. An approach by me to the federal minister, the Hon. Anthony Albanese MP, for an urgent briefing into the actions of Airservices Australia took over a month to be responded to, despite repeated calls to his office. Eventually, my request was passed on to Airservices Australia and a meeting was arranged in Perth. Information was sought by me and my colleagues the member for Swan and the member for Canning with regard to the concentration of air traffic over parts of our electorates. A request for the CASA safety report, which gave rise to the necessity for the change, has subsequently been denied to us by Airservices Australia.

It is quite clear to all members of the noise management committee that a major overhaul of the consultation process is urgently needed. Changes to flight paths have a dramatic effect on land use and on the quality of life for residents, and it is extremely arrogant of the minister and of Airservices Australia management to ignore repeated calls for an adequate public consultation process to be implemented. I would urge the minister to take control of his department and order a further review, where the requirements of safety are considered in tandem with a more even distribution of aircraft noise over the whole of the metropolitan area. Consultations should be open for discussion about curfews, noise abatement measures and compensation available to affected residents, as has happened in other major capital cities in Australia.

I will continue to vigorously advocate for my communities’ demands to be heard and for a decent public consultation process that is open and accountable. I have made a submission to the master plan to expand Perth Airport, objecting to further expansion until a satisfactory public consultation process is agreed to along with the establishment of a clear pathway for government subsidised insulation and compensation claims for affected homeowners. Open and public consultation is the cornerstone of our democratic system of government, and I think what has happened has been very, very shabby treatment indeed of the constituents of Pearce and other areas in the Perth metropolitan area. I ask again for the minister to take note of the concerns of residents in the Perth metropolitan area and to ensure that there is a proper public consultation process in the spirit of arriving at a more even distribution of aircraft noise over the metropolitan area of Perth.

Member for Oxley

Mr RIPOLL (Oxley) (4.44 pm)—I want to take this opportunity to correct the record in terms of a number articles, mostly in the Australian newspaper. Its campaign of smear and slander in the past month has been based on nothing more than unrelated matters crea-
tively weaved together by collaborators Milne, Parnell, Bita, Fraser and others into some sort of high-order conspiracy. Their claims, innuendo and allegations that there must exist a connection between a range of events—in particular the purchase of two blocks of residential land in Bowen by my wife and her two business partners, the state government and/or any Chinese mining company or interests—are completely absurd, false and silly. Claims that something must be wrong because they have limited development experience fail to take into account the partnership group having paid a specialist consultant to carry out development application and subsequent work in lieu of locality and experience. The claim that somehow the timing of the purchase must be the result of some inside knowledge is equally absurd and false. Anyone who has purchased land at any time as an investment will understand the lengthy process of consideration and the risk taken by those involved. The spurious claim that the partnership pushed through a DA with the local council is completely false. No such thing took place and the process, time and expense were as for any other application.

The private dealings of my family, all carried out properly under Australian law and declared in the Register of Members’ Interests, do not in any way equate to some misconduct or high-order conspiracy, as creatively purported by the *Australian* newspaper and these so-called journalists. The claim that one or both of my wife’s business partners operate a financial planning firm is false and incorrect—not that there would be anything wrong if they did or if anyone else did. It is just another part of the entertainment conspiracy created in their own minds. My wife and others formed a company called Group Four Solutions Pty Ltd, but unfortunately it was dissolved almost immediately after its creation because of the changed circumstances of one of its partners and did not trade at all. The repeated claim that a developer in my electorate has named a street after me is completely false. All the streets in that area were named exclusively by the Ipswich City Council and contain the names of every elected member in the region—hardly special treatment.

The unrelated-to-anything story written by Andrew Fraser discussing the corrupt days of Sir Joh Bjelke-Petersen which begins with the detail of the land purchased by my wife and her partners is a deceptive and unprofessional attempt to lead readers into believing that somehow the two situations are similar in nature, and it is reprehensible. Nothing could be further from reality and I completely reject any inference, link or other notion bearing any resemblance to the corrupt regime of the Bjelke years. This is akin to writing about murderers and rapists and then including someone’s name in the story in an attempt to link the two by association. I find this technique, repeatedly used many times by Glenn Milne, Sean Parnell, Natasha Bita and Andrew Fraser, as completely reprehensible and the lowest form of gutter journalism. It reflects everything that is wrong with the media and the low regard the community has for it. The even lower act of then getting their mates in radio not only to repeat these falsehoods but also to invite Glenn Milne on 4BC Drive to talk about himself and promote their creative conspiracy by attacking my family is particularly out of proportion to any standards of decency or fact.

On all of the other claims of a similar nature, which I do not have time to deal with tonight, I categorically reject any of the spurious allegations, inferences, innuendo and smear as completely baseless and false. It is just fanciful journalism, more designed around entertainment and providing cover for a fractured Liberal Party than anything
based in reality. Perhaps the many hard-living years in Canberra have softened the collective brain cells of these esteemed mudslingers and creative conspirators.

Let me now turn to some interesting facts that may balance the ledger on the other side of politics, as it seems that all the attention from our friends in the media have been one-sided—and the Liberals have taken the opportunity to put in the boot with glee. Cronyism is rife within the Queensland Liberal National Party. Since being re-elected with an LNP majority in March 2008, Campbell Newman has appointed five Liberal Party hacks to Brisbane City Council board positions. These are Gary Spence, Greg Bowden, Carol Cashman, Gary Hardgrave and Rick Jefferies. The appointments of Greg Bowden, Carol Cashman, Gary Spence and Rick Jefferies were not announced publicly.

Gary Spence, former Liberal Party state president and current LNP vice-president, was re-appointed to the board of Brisbane CityWorks and additionally appointed to the City Design Advisory Board after Campbell Newman’s recent re-election. Since 2006, Mr Spence has made personal donations of $100,000 to Campbell Newman’s campaign fund, Forward Brisbane Leadership. Greg Bowden is a former advisor to the Lord Mayor and is currently the financial controller of Forward Brisbane Leadership. Mr Bowden has now been appointed to two boards, the City Business Advisory Board and Brisbane Transport Advisory Board. Again, these appointments were not announced publicly, and Mr Bowden now receives $18,500 per annum per board appointment, totalling $37,000 per year. Rounding out the board roles for mates is former member for Moreton Gary Hardgrave and former councillors Carol Cashman and Rick Jefferies. If only Malcolm Turnbull could flick a few jobs to his mates down here in Canberra his leadership would be far more secure, I leave this information for the media to digest.

**Calare Electorate: Health Services**

**Mr John Cobb** (Calare) (4.49 pm)—Kevin Rudd made health a federal issue at the last election. While health services are going from bad to worse under his watch, the Prime Minister is reviewing the latest review. In Cudal about three weeks ago the accident and emergency services were totally taken away. Two five-day-a-week full-time nurse positions have gone and pathology services have been cut back. Cudal needs accident and emergency services particularly when you consider the rescue helicopter covering that area only operates during the day and has no winch, but I shall come to that later. Aged-care beds are also desperately needed in Cudal. There are no aged-care beds, with loved ones making big journeys to other centres to see family members cared for, which is difficult because there is no public transport in most regional areas. Cudal is the same town that was promised a new hospital eight years ago that was never delivered. People were also promised the new hospital would include 24-hour emergency care, GP services and a 10-bed facility for elderly residents. They were not delivered.

In Bathurst, which is also in the Greater Western Area Health Service, the local Western Advocate newspaper this week reported the case of a young mother who was told, because there was no obstetrician available, her caesarean would need to be rescheduled. Apparently the hospital’s permanent anaesthetist and obstetric staff were not available at the time. The paper also highlights the fact that Wattle Flat has no ambulance service. Let us remember this area is also serviced by the same Orange based rescue helicopter which only operates during the day. The Orange helicopter services a far greater area than the Wollongong ones does. It has to go...
further west than Cobar and it actually has more calls on its time than the one in Wollongong, which is only 12 minutes from Sydney. Wollongong also has a large 24-hour service with a winch.

In Nyngan, where a new multipurpose health service has recently been opened, there is provision for only one doctor to attend the hospital. If that doctor is on leave, there is no medical service. In Cobar, a town of 6,000 people, women cannot give birth to their children locally. It is a town of 6,000 people, 460 kilometres from one major hospital and over 300 kilometres from the other. The maternity section of the hospital has been closed for some time. The continuation of the community being able to say, ‘I was born and bred in Cobar,’ is no more. Mothers now have no choice but to travel 300 kilometres to Dubbo to have their child, if they make it, which some do not. Many do not—luckily the Nevertire publican is married to a very good RN who has had to feature in that service. Bourke is lucky. They have a part-time maternity unit, which is fine if your baby decides to come along when the unit is open. If not, it is a 370-kilometre trek to Dubbo.

Just this week, a public meeting in White Cliffs has told Greater Western Area Health Service they will not stand by and let their services be diminished, which is the intention of GWAHS. This is a community who want to embrace programs for women’s health, mental health, child and adolescent health, obesity and diabetes prevention. It is not just a lack of available professionals affecting rural health; it is the bottom line and the obsession of the New South Wales government with a slash-and-burn mentality to health economics.

The Orange based helicopter rescue covers a vast area of central and western New South Wales. From what I have just said, you will realise how necessary it is—with the state government taking away services from all these regional towns—to have a 24-hour service conducted by the Orange rescue service instead of the eight to six service which it currently has during daylight. Any logically thinking government interested in saving lives would make Orange the biggest and best in the state with a winch and 24-hour service, but not Labor New South Wales. Labor, federally, is sitting on its hands as the Prime Minister will not make good on his commitment in August and November of 2007 prior to the election when he committed that the buck would stop with him on health.

Emissions Trading Scheme

Mr TURNOUR (Leichhardt) (4.54 pm)—Today the coalition voted against the national interest. They voted against the global interest. They voted against the government’s Carbon Pollution Reduction Scheme. They voted against a government plan and legislation to ensure that Australia, in the future, will reduce its carbon pollution. They voted against a plan that would enable Australia to go to the Copenhagen negotiations later this year and provide leadership in the global community.

They did that not because they were considering the national interest but because they are so caught up in their own political interests. The reality is that the government took to the last election a commitment to introduce an emissions trading scheme. The government took to the last election a commitment to increase the mandatory renewable energy target. We have an election mandate for these policies. The opposition is standing in the way of the wishes of the Australian people. The Australian people want the Australian government to take action on climate change. They want the opposition to
get out of the way and they want us to be able to implement our policies.

But, sadly, the opposition are in disarray. On Monday this week, we saw the opposition bring down yet another report, the Frontier report, but it is not opposition policy; it is something they want to discuss as well as building on their so-called principle—about six weeks earlier—in terms of what they might do about climate change. The government, as I said, took to the election a commitment to introduce an emissions trading scheme and they took to the election a commitment to introduce a mandatory renewable energy target. We took those and we got elected. Since then and prior to the election we had the Garnaut report. We have had a green paper, we have had a white paper, we have had draft legislation, and now we have got legislation that has been passed in the House and has now been voted down in the Senate.

The opposition has had 18 months in opposition to consider this issue and has not been able to come up with a policy. It had 10 years prior to that to take action. The so-called Leader of the Opposition—and I say ‘so-called’ leader of the opposition because there is not much leadership on this issue coming from the opposition—has been shown up to be a hypocrite on this issue because, in the lead-up to the last election, he leaked very clearly that he thought the government at the time—the Howard government—should have signed the Kyoto protocol and that he supported an emissions trading scheme. But today in parliament he had the National Party running question time and he had the sceptics in the other chamber voting down our legislation.

It is an indication of the lack of leadership that he has and the lack of control he has got over his party that he is on the record as supporting an emissions trading scheme and on the record as saying he wants to see action on climate change, but, over there in the other place, we have got the sceptics out and about effectively voting down our legislation.

The Leader of the Opposition in the Senate is effectively a clear sceptic. Senator Minchin today in the debate said that CO2 is not by any stretch of the imagination a pollutant and that this whole extraordinary scheme is based on the, as yet, unproven assertion that anthropogenic emissions of CO2 are main driver of global warming. We have got the Leader of the Opposition in the Senate basically a sceptic and we have got the Leader of the Opposition out of control and unable to control his troops in relation to this issue. Sadly, members like me that come down from Cairns, who represent a vibrant and very important tourism industry in this country, are looking for leadership from this government and are strong in our support for an emissions trading scheme for the government’s Carbon Pollution Reduction Scheme because we recognise that the real jobs in the tourism industry are under threat if we do not take action on climate change.

On the day that the Leader of the Opposition was releasing the Frontier report—not a policy but a report—we have got another report highlighting the real risk to the Great Barrier Reef and tourism jobs from climate change if we do not take action. The Oxford Economics report commissioned by the Great Barrier Reef Foundation estimated the reef’s value at $17.9 billion in the Cairns region with permanent coral bleaching expected to devastate visitor numbers. We have got reports like this that show that the real risks, if we do not take action, are to jobs in the tourism industry and risks to our environment. The opposition is to get out of the way, support our legislation and allow us to go to Copenhagen with a strong policy posi-
tion and able to provide strong leadership in the global community.

Question agreed to.

House adjourned at 5 pm

NOTICES

The following notice was given:

Mr Albanese to move:

To move—that, unless otherwise ordered, standing orders 192 and 193 be amended to read as follows:

192 MAIN COMMITTEE’S ORDER OF BUSINESS

The normal order of business for the Main Committee is set out in figure 4.

Figure 4. MAIN COMMITTEE ORDER OF BUSINESS

<table>
<thead>
<tr>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
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<tbody>
<tr>
<td>9.30 am</td>
<td>3 min constituency statements</td>
<td>9.30 am</td>
<td>3 min constituency statements</td>
</tr>
<tr>
<td>approx 10.00 am</td>
<td>Government business and/or committee and delegation reports</td>
<td>Approx 10.00 am</td>
<td>Government business and/or committee and delegation reports</td>
</tr>
<tr>
<td>approx 12.30 pm</td>
<td>Adjournment Debate</td>
<td>Approx 1.00 pm</td>
<td>1.00 pm</td>
</tr>
<tr>
<td>Approx 4.00 pm</td>
<td>3 min constituency statements</td>
<td>Approx 4.00 pm</td>
<td>If required</td>
</tr>
<tr>
<td>Approx 4.30 pm</td>
<td>Government business and/or committee and delegation reports</td>
<td>approx 6.40 pm</td>
<td>6.55 pm</td>
</tr>
<tr>
<td>approx 6.40 pm</td>
<td>30 sec statements</td>
<td>Committee &amp; delegation reports and private Members’ business</td>
<td>approx 7.30 pm</td>
</tr>
<tr>
<td>6.55 pm</td>
<td>Committee &amp; delegation reports and private Members’ business</td>
<td>approx 7.30 pm</td>
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<tr>
<td>8.30 pm</td>
<td>Grievance debate</td>
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<tr>
<td>9.30 pm</td>
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The meeting times of the Main Committee are fixed by the Deputy Speaker and are subject to change. Adjournment debates can occur on days other than Thursdays by agreement between the Whips.

193 MEMBERS’ THREE MINUTE CONSTITUENCY STATEMENTS

The first item of business on any day that the Main Committee meets shall be constituency statements by Members. The Deputy Speaker may call a Member to make a constituency statement for no longer than three minutes. The period for Members’ constituency statements may continue for 30 minutes, irrespective of suspensions for divisions in the House.
CONSTITUENCY STATEMENTS
Chemotherapy Medication Funding

Mr RANDALL (Canning) (9.30 am)—Today I wish to reiterate the grave concerns of my electorate and the wider community about the Rudd government’s attitude towards chemotherapy. As we know, Labor is cutting $105 million from chemotherapy medication. Cancer patients, current and future, will pay a hefty price for the government’s slash-and-burn approach which shows little understanding and empathy to those facing their darkest hours. The government says it will no longer foot the bill for leftover chemotherapy drugs that have not been used by the patient during treatment—what it calls ‘wastage’. How compassionate, from a government completely spun-out on health spin. I must agree with my colleague Senator Mathias Cormann that the ‘wastage’ label is an ‘inaccurate and baseless slur against health-care professionals across Australia’.

What Mr Rudd and Ms Roxon fail to realise is that treatment of this kind is highly individualised. These drugs are tailored to each patient’s makeup, fluctuating weight, height, illness and dosages. From time to time a portion of a vial may be left unused, and the Therapeutic Goods Administration rules stipulate that unused portions must be discarded. That makes sense because these drugs are highly toxic and cannot be used to treat anyone else.

While Minister Roxon insists that ‘patient safety and access to chemotherapy medications will not be compromised by this measure’, there is little doubt that the changes will impact on operations and dispensing of lifesaving pharmaceuticals. It shows the government lacks an understanding of the additional stress that patients and their families suffer. It is undeserved. The question is: who will be left with the tab? It will be either the patient or the pharmacist. If the cost is left to the patient, many individuals will choose to go through the already overloaded public health system. Why should we ask a patient to purchase their own chemotherapy drugs? Should we now ask them to reschedule their treatment to a day that another cancer patient is receiving the same drug, to limit wastage? Should we make the patient suffer even more than they already have to? The government clearly has no idea, or simply does not care about the stress that it could potentially place on patients and their families, which may adversely affect their ability to recover.

Could the government consider approaching the major pharmaceutical companies to alter the sizes of the vials in order to minimise wastage? Possibly. But, despite coalition persistence, it is the unfortunate—but unsurprising—reality that the government only recently started to consult with patient groups and healthcare professionals and are now delaying the implementation of the changes until 1 September this year. Penalising patients and those involved in delivering these vital services is not the answer. The uncertainty and fear a person faces when diagnosed with cancer should not be exacerbated by a government who say they are committed to fixing the health system. How can the government put a dollar amount on a person’s life?
Isaacs Electorate: Women’s Health Forum

Mr DREYFUS (Isaacs) (9.33 am)—Two weeks ago I conducted a women’s health forum in my electorate. The forum was conducted with the excellent assistance of the Jean Hailes Foundation for Women’s Health. The forum was designed to raise awareness of the federal government’s review of the National Women’s Health Policy and to seek the contribution of local women on the content of the policy.

There has been a National Women’s Health Policy for approximately 20 years. Women and some men in our community were very keen to contribute their ideas on the policy review and on issues relevant to women’s health in the 21st century. I specifically invited women living in the more culturally diverse areas of my electorate, as I believe that some women from migrant communities have not had sufficient opportunity to contribute to public policy. The forum was conducted in a comfortable and relaxed atmosphere which encouraged participation.

A major benefit of the forum was the interaction of women from different cultural backgrounds, expressing and sharing their views with each other and with professionals from local health organisations.

I was very fortunate to have the assistance of the Jean Hailes Foundation for Women’s Health in facilitating and presenting the principal session of the forum. In particular, I would like to thank Professor Helena Teede, Director of Research, Jean Hailes Foundation and head of the diabetes unit at Southern Health, and Janet Michelmore AO, Director of The Jean Hailes Foundation, for their assistance and contribution. I would also like to thank Tricia Elliott, Chief Executive Officer of Women’s Health in the South-East, and Councillor Pinar Yesil, Mayor of the City of Greater Dandenong, for their wonderful and in some instances moving contributions to the forum. I am very fortunate to have the opportunity to work with them.

This forum is one of two health forums I have held this year. Earlier in the year I conducted a similar forum on men’s health. Both forums were very well attended and very well received. The eagerness of people in our community to contribute to policy issues on health reflects the need for the health system to be reviewed and brought into the 21st century. It is notable that at both forums very many people spoke about the importance of relationships with doctors, particularly building a strong relationship with a general practitioner. There was a real recognition of the role played by GPs and community health centres in preventative health, which of course is one of the focuses of the National Health and Hospitals Reform Commission report.

The government is investing heavily in fixing the problems in our health system and, as a member of this parliament, I am committed to ensuring that the reform of the health system meets the needs of all Australians. I am encouraged that so many people in our community want to contribute to the process of health reform. I was encouraged by the way in which so many people attended both the forum on women’s health and the forum on men’s health and participated at those forums. I will encourage people in our community to contribute to the process that the government has embarked on of reforming the health system.

Telstra

Dr JENSEN (Tangney) (9.36 am)—Bank bashing has been a time-honoured and often justified tradition in this place, but every now and again the banks get it right. We have recently seen major banks either removing or reducing overdraft charges. There are still many areas in
which banks can reduce fees and would attract new clients and help keep existing ones. This improved business practice would benefit the shareholders and offset the loss of fees. However, there is one company which continues to make life difficult for many of its customers, and that is Telstra. I have had quite a few complaints from my constituents about the new penalty for those Telstra customers who have had the temerity to expect that they should receive a bill and be permitted to pay it in person. One constituent enunciated the general concerns very well. He does not own a computer and even if he did he does not want to give his personal financial details to a system which is vulnerable to hacking, identity theft and other privacy issues. He says he does not trust the internet and should not be forced to do business online. He is absolutely right. This is cost shifting at its most cynical. There is also the simple fact that people stick their bills on fridges as a reminder to pay their account and, afterwards, as a record of payment. Business related letters, many of them bills, also account for about 4.2 billion of the 5.6 billion mail items carried in 2007-08 by Australia Post. So any reduction in postage accounts will impact on Australia Post and drive up the cost of postage.

A far bigger issue has been raised by former New South Wales Auditor-General, Tony Harris, in the Financial Review of 4 August. He said that such a penalty may be unlawful under the Currency Act. He adds:

Telstra and others must believe it is legal to penalise cash customers. This is a brave interpretation of the law.

This is a grey area and needs clarifying immediately. Tony Harris puts the vital question:

Who can allow or stop companies from levying these fees?

The answer, of course, is the Treasurer, who is not the slightest bit interested in protecting the rights of Australians to pay bills legally without penalties. Harris finishes:

Perhaps Swan and his officers don’t care. But consumers should.

Will the Treasurer sit idly by and let Telstra rip people off or will he actually start doing his job?

Defence: 1st Brigade

Corporal Mathew Hopkins

Mr HALE (Solomon) (9.39 am)—I rise today to talk about the great honour I felt as the federal member for Solomon when I attended the parade on 8 August in Darwin to welcome home the 1st Brigade. I was speaking to Air Chief Marshal Angus Houston the other night at dinner about how proud I was as the local member to have these troops coming home. I was joined on the day by the Minister for Defence Personnel, Materiel and Science, the Hon. Greg Combet. I was also joined by Lieutenant General Ken Gillespie, Chief of Army, and Brigadier Michael Krause, Commander, 1st Brigade. I know how proud the Brigadier is of his 1st Brigade troops. There were 1,200 troops who arrived home, and the responsibilities that they had in Afghanistan, Iraq and Timor included work in the Mentoring and Reconstruction Task Force, the Special Operations Task Group, Force Communications Unit 1, the Australian Security Detachment and the Timor-Leste Battle Group. All these people have contributed in a fine way to the efforts in these three areas of concern to our country and in our support to the coalition forces in these areas.

There was a big crowd on hand. A lot of local people turned out to thank the troops for their efforts. One person who was not there, and who I would like to pay special tribute to this
morning, was Corporal Hopkins. Corporal Mathew Hopkins was killed during contact between the Mentoring and Reconstruction Task Force and Afghanistan’s national army personnel and Taliban insurgents approximately 12 kilometres north of Tarin Kowt, in Oruzgan province, Afghanistan. That was on Monday, 16 March 2009. To mark the loss of Corporal Hopkins, a riderless horse was part of the parade, in the spirit of an ancient tradition. Saxon people used to bury a great warrior’s horse with him so that he could serve him in the afterlife. This practice was continued in some European countries until the late 18th century. In modern times, custom has been kinder to the horse and it has been led along as part of the funeral procession, with the soldier’s boots reversed as a sign of respect.

Corporal Hopkins was 21 years of age and was married with a young son. He is survived by his wife, Victoria, and son, Alexander—who were both there on the day—and by his mother, Bronwyn; father, Ricky; and brother, Corey. It was a tribute to him. Unfortunately, he was not there but he was the hero of this parade. It drove home to all of us the dangerous work that our troops are doing overseas. The 1st Brigade are an institution, a courageous institution, in my electorate. They are skilful and they always see the bigger picture.

Victory in the Pacific Day

Mrs MARKUS (Greenway) (9.42 am)—I wish to speak today in honour of Victory in the Pacific Day, which will be celebrated on Saturday, 15 August. The day commemorates Japan’s acceptance of the allied demand for unconditional surrender in 1945. For Australians, Victory in the Pacific Day, or VP Day, meant that World War II was finally over. From historical accounts, it really was a celebration after six long years of war. Australia woke to find a world at peace. There was singing and dancing in the streets across the country. In Sydney, shredded paper rained down from office windows on the crowds and motor traffic came to a halt, with trams carrying revellers clinging to the sides and perched on the roofs. On Thursday, 16 August 1945, there was a more formal VP thanksgiving ceremony at the Australian War Memorial in Canberra. A large crowd gathered to watch the march of ex-servicemen and to respect the fallen with the traditional minute’s silence. A fly-past of Australian fighters and Dutch bombers, based at Fairbairn, completed the ceremony. Today I ask all Australians to pause on Saturday for a few moments to remember those Australians who gave their lives to help achieve the peace that VP Day stands for. Their past sacrifice must never be forgotten.

On VP Day it is also important to honour those veterans who returned to enjoy the peace that they had helped deliver to all Australians. According to the Department of Veterans’ Affairs annual report, there are 121,000 surviving World War II veterans. Two weeks ago I had the pleasure of meeting one of these veterans, who witnessed firsthand the formal surrender of the Japanese on the USS Missouri in Tokyo Bay on 2 September 1945. Retired Petty Officer Bill Hill is a member of the Kurrajong-Colo RSL in the Hawkesbury. Bill served six years in the Australian Navy and was also seconded to the Royal Navy for two of those six years. In 1945 Bill served on HMAS Nizam, an N-class destroyer carrying out submarine detection in the Pacific Ocean with the United States 5th Fleet. Their mission was to protect the US aircraft carriers from the submarine attack. Bill recounted:

Our task on the day of the surrender was to screen the USS Missouri for submarines as it went into the bay for the signing. I stood on the deck of the destroyer and had a wonderful view of the whole ceremony on the USS Missouri.
On the USS Missouri General Thomas Blamey, Commander-in-Chief, Australian Military Forces, signed the Japanese surrender document on behalf of Australia. Bill witnessed history in the making. He did not watch it on the TV or the internet; he was actually there. Bill finally got back to Australia in early 1946, after spending time in the Pacific picking up Japanese troops from the surrounding islands. I thank Bill and the many other Australians for their service to our country. They must not be forgotten as we approach Victory in the Pacific Day.

**Lowe Electorate: Vocational Education and Training**

Mr MURPHY (Lowe) (9.45 am)—This morning I speak about the outstanding achievement of three students from my electorate of Lowe who have been awarded the Australian Vocational Student Prize. I extend my congratulations to Nathan Sullivan from St Patrick’s College, Strathfield, Stephanie Madonis from Santa Sabina College, Strathfield, and Stella Hackett from OTEN, Strathfield, who were among only 113 students statewide to receive the award. Each student has demonstrated great skill and dedication in their respective vocational course. Madam Deputy Speaker, the Australian Vocational Student Prize, as you know, was introduced to recognise high-achieving year 12 students who undertook vocational education and training while completing their higher school certificate. All prize winners receive $2,000 and a certificate for their fine efforts.

Two weeks ago, at my electorate office in Burwood, I had the pleasure of meeting Nathan Sullivan. Nathan demonstrated high-level skills and qualities that will serve him well as he pursues his career as an electrician. Madam Deputy Speaker, I am sure, like me, you are aware of the immense value of skilled tradesmen and tradeswomen and the chronic shortages we are currently experiencing in our country. As you know, the Rudd government will provide $2.5 billion in federal funding over 10 years to develop state-of-the-art trade training centres in secondary schools across Australia. The centres will encourage students like Nathan to undertake vocational training in areas of skills shortages and emerging industries.

As I previously mentioned in this place, I am extremely pleased that Lowe will open its very own trade training centre in Burwood. Local secondary schools will now have increased access to high-quality skills training facilities, made possible by $11 million in grants for inner west schools under the Trade Training Centres in Schools Program. In addition to the trade training centres, the Rudd government has also introduced several measures to support apprentices and their employers, including the apprentice wage top-up, apprenticeship training vouchers, Commonwealth trade learning scholarships, the Tools for Your Trade initiative and the Mid-Career Apprentices scheme. All of these incentives work to improve the skills shortage crisis and simultaneously offer meaningful careers to thousands of Australians.

The particular achievements of Nathan, Stephanie and Stella are a testament to their excellent education and to their families. I am delighted that vocational courses offered in my electorate of Lowe are supporting young Australians such as Nathan, Stephanie and Stella to develop valuable skills for their future. Recognising and honouring the outstanding achievements of local students remind us all that there are great rewards for hard work. I commend the minister and the government for recognising and encouraging students like Nathan, Stephanie and Stella in their chosen careers. I know that their success will inspire many others and I wish all of them the very best for the future. Well done, Nathan, Stephanie and Stella.
Swan Electorate: Rotary Clubs

Mr IRONS (Swan) (9.48 am)—I want to talk about the good work that many Rotary and service clubs are doing across my electorate. Swan is in Rotary district 9470 and there are clubs in Ascot, Belmont, Bentley-Curtin, Cannington, Como, Mill Point, South Perth-Burswood, Victoria Park and Welshpool. Rotary was founded in 1905 by the American Paul Harris. He aimed to enlarge his circle of business and professional acquaintances to provide services to the local community. The spirit of Rotary has extended beyond the organisation, with other small business groups in my electorate giving regularly to charity. However, Rotary itself continues to lead the way and I have been pleased to support the clubs in my electorate.

A couple of months ago I attended a meeting of the Cannington branch. The Cannington branch has a prestigious history and received its charter on 25 September 1965. A Cannington member, Dr Push, is the district governor of district 9470 at the current time. The Belmont branch is also very active and held its annual changeover night on 4 July. Like many Rotary clubs, they are constantly looking for members. I will be including a notice in my next community report to encourage all interested and potential members in the community to get involved.

I was also pleased to be given the opportunity recently to meet with the Mill Point Rotary Club. Although Rotary concentrates much of its efforts on international development, the district has many good programs running at the moment. One of them, the Pride of Workmanship program, promotes and recognises employees whose high standards of vocational service are worthy of recognition. It gives employers opportunities to recognise worthy efforts that might otherwise go unnoticed. Its ultimate aim is to raise Australia’s standards in the workplace.

Another program, the Four-Way Test speech contest, aims to provide year 11 students with the opportunity to compete in public speaking, bring the concepts of the Rotary Four-Way Test to the attention of secondary students and provide Rotary and its Four-Way Test with valuable exposure within the community. All year 10 students in the electorate are eligible to enter the contest by applying through their local Rotary club. Note that by the time students participate in zone and district finals they will be in year 11. Any topic may be chosen but the speech must refer to the Rotary Four-Way Test and centre on any one of the components of the test. Each speech is to be a maximum of six minutes.

I have also had involvement with the Ascot Rotary Club and their Grandcare program, which I spoke about in this place last year. It is a fantastic program and benefits many children in the electorate who have been left without parents.

I have also been a member of Rotary, at Northbridge Rotary Club during the eighties. I recently attended their 25th anniversary, and it was great to catch up with a lot of old friends and mates whom I had established links with back in the late eighties.

I also recently attended the Victory Park changeover night, which I attended with the president, Wilf Hendriks. The night had an Egyptian theme with some belly dancers. They had me get up and take part in a belly-dancing contest, but I have lost 10 kilos and so was not much good at it. Nevertheless, I enjoyed the night.
Ms Rebiya Kadeer

Mr DANBY (Melbourne Ports) (9.51 am)—We are all Melburnian, the New Yorker magazine argued last week when discussing the 80,000 hacking attacks from China on the Melbourne International Film Festival screening of Australian director Jeff Daniels’s documentary 10 Conditions of Love about the exiled Uighur activist Rebiya Kadeer. The reaction of Melburnians to this hack attack and to the Chinese consulate’s attempt to close down the Melbourne film festival was to decide that the audience in the Greater Union theatre was too small, with 800 people. No, film-goers would not appease this bullying. As a result, Melbourne Town Hall was booked, where I had the honour of introducing Rebiya Kadeer and where she spoke to more than 2,000 people. So the love of free speech and the love of film are very strong in Melbourne.

It is very interesting that one of the premier international film critics, Mr Richard Brody of the New Yorker, surmised that this hack attack was the tacit work of the Chinese government. Brody argued that film festivals around the world should not stand for Beijing’s attempts at censorship. That was the implication of this headline We are all Melburnian, just as it was with the famous headline in Le Monde after the attacks of September 11, ‘We are all Americans’. Mr Brody said:

10 Conditions of Love … should be instantly programmed for all upcoming film festivals; I’d like to see it included in the Toronto International Film Festival … in its important documentary section; in the New York Film Festival, coming in October; in Venice, Sundance, Berlin, Rotterdam, Cannes—all the festivals that matter in the industry should show Daniels’s film. Festival directors would thereby affirm their solidarity with the Melbourne Festival and its courageous director, Richard Moore, against government pressure.

When Rebiya Kadeer spoke at the National Press Club the Chinese embassy tried to get the Press Club to deny her a platform. Most Australians would have resented the hysterical attacks on Australia and the admission of this non-violent Uighur activist to Australia in the Chinese People’s Daily as yesterday’s Canberra Times reported. I had the honour of being singled out by this kind of prejudice, along with Senator Barnaby Joyce, in another propaganda rag called the Global Times, which comes out of Beijing.

China’s attempts to muzzle the Uighur activist Rebiya Kadeer during her current Australian visit are, as the Canberra Times noted, hypocrisy. China does not want people to interfere in their affairs but is willing to interfere in ours. On such occasions Australia should firmly and politely remind the Chinese government that freedom of speech and association is an inviolable part of this country’s political fabric. That is what the Australian government has been doing. We are going to keep our nerve with all of these national security issues, keep good relations with China and keep freedom of speech in Australia.

Mental Health

Mr FARMER (Macarthur) (9.54 am)—I would like to associate myself with those remarks made by the member for Melbourne Ports as well—very well said—and it is important that we stand up for the rights of individuals in our own country who have come from China as well.

I would like to speak about mental health issues here this morning. I want to speak about this issue because I read a report recently by the Menzies Research Institute that stated, working from the 2009-10 budget, that they believe that funding for mental health is decreasing
rather than increasing, and yet the need is certainly prevalent throughout the whole of the
country. In fact, what they state is: ‘When this budget is compared to the ’08-’09 budget, it
appears that the government is not investing or even interested in mental health services. Last
year’s budget was cut by $289.6 million from mental health programs. This year’s budget
makes further cuts of $63.1 million over four years.’

I highlight that because I really want to encourage the new government—the Rudd gov-
ernment—to get behind people suffering from mental health issues. There is an incredible
amount of stigma attached to patients with mental health issues and they fall across all ages.
Recently I visited a place in my electorate called Harmony House, which is a halfway house
for people with mental health issues. It supports people with mental health issues and tries to
help them to integrate back into the community. I saw the people who were there. I saw the
things that they were doing, like jewellery lessons, singing lessons and art and craft lessons
and learning computer skills and trying to integrate back into the community. I met people
who, when they were younger, had had dreams and aspirations to be politicians, to be law-
yers, to achieve great things in their life but now they would be happy with a job stacking
shelves at Franklins or Woolworths, if they could get one, because of the issues that they now
face regarding their mental health.

There is a lot of stigma attached to this situation. As a result, a lot of employers will not
take on people who have schizophrenia or other mental health issues. It has been indicated by
SANE that most people with mental health issues probably receive on average around
$20,000 a year. They spend around 10 per cent of their budget on medication. It is an issue
that we really need to look at. These people are lost and forgotten souls that are falling
through the cracks of our health system. It is most important that we increase funding for
mental health patients, support programs such as the ones at Harmony House in Campbell-
town and support the many and varied workers who support young people with mental health
problems and indeed old people with mental health problems.

Holt Electorate: Erica Maliki

Mr BYRNE (Holt—Parliamentary Secretary to the Prime Minister and Parliamentary Sec-
retary for Trade) (9.57 am)—I would just like to commend the member opposite for his inter-
est in mental health. It is a much undervalued and under-resourced area.

But today I would like to talk about my experiences as a member of parliament, particu-
larly meeting inspirational individuals. It is one of the great joys and pleasures of being a
member of parliament, particularly a member of federal parliament, where you get to meet a
range of incredible individuals, inspiring people who are determined to make a difference in
our community, often in the face of adversity, often when they do not have the personal time,
often when they are burdened with so many other responsibilities. But overwhelmingly, these
people are driven by a passion to make a difference to their communities.

One such person that I have the honour of knowing is Erica Maliki. She is a person that I
have come to meet through her assiduous advocacy for those in the Hampton Park area. Erica
has been a resident of the Hampton Park area for over 20 years. She has been president of the
Cairns Road Recreation Reserve Committee of Management. She is a former president of the
committee of the Hampton Park Junior Football Club and one of the community representa-
tives of the Hampton Park Community Renewal project. She is also a small-business owner—
she runs an SME upholstery business in Hallam. She was also the main organiser of the recent
Walk for Hallam Road, which was held on 1 August and which was attended by over 500 people to raise the profile—and she did it in a very appropriate way—of the dangerous intersection on the corner of Hallam and Ormond Roads. You would have seen some of the stories about this in the national media.

As a result of this quiet, effective advocacy, traffic lights were installed recently after a series of terribly tragic accidents where we lost five young people—horrific accidents at this intersection. In fact, in her working life she has taken on local apprentices who have not been able to find work due to the global financial crisis, particularly through the VCAL placements. One is an apprentice who is going to continue on from Hampton Park Secondary College, which Erica has a bit to do with. Incredibly, she achieves all of these things as the proud mother of six children. Erica is phenomenal in terms of the way she can balance her work and family life and her capacity to contribute to the community. Erica is an absolute ornament to her community, and we are very, very lucky to have a person of her strength and her energy and her courage and determination to advocate for those in the Hampton Park area.

Additionally, Erica is a fixture of the Hampton Park Secondary College. I met her again recently at a ceremony I attended as part of the National School Pride Program. She was responsible for advocating for a refurbished commercial kitchen. Their old kitchen needed to be brought up to standard. As a consequence of this advocacy and the school investing the money, this new kitchen is going to be used by 100 students per day, five days a week for 40 weeks of the year—something in the order of about 20,000 student hours in the course of one year. She is a fantastic ornament to the community and one I want to stand up and proudly commend in this chamber.

The DEPUTY SPEAKER (Ms AE Burke)—Order! In accordance with standing order 193 the time for constituency statements has concluded.

JAKARTA BOMBINGS

Mr Garth McEvoy
Mr Craig Senger
Mr Nathan Verity

Debate resumed from 12 August, on motion by Mr Rudd:

That the House record its deep regret at the deaths on 17 July 2009 of Mr Nathan Verity of Western Australia, Mr Garth McEvoy of Victoria and Mr Craig Senger of the Australian Capital Territory, and tender its profound sympathy to the families and friends in their bereavement.

The DEPUTY SPEAKER (Ms AE Burke)—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 HALL (Shortland) (10.01 am)—I move:

That further proceedings be conducted in the House.

Question agreed to.
CONDOLENCES

Private Benjamin Ranaudo

Debate resumed from 12 August, on motion by Mr Rudd:

That the House record its deep regret at the death on 18 July 2009 of Private Benjamin Ranaudo while serving with the second Mentoring and Reconstruction Task Force in Afghanistan and place on record its appreciation of his service to the country and tender its profound sympathy to his family and friends in their bereavement.

The DEPUTY SPEAKER (Ms AE Burke)—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 HALL (Shortland) (10.01 am)—I move:

That further proceedings be conducted in the House.

Question agreed to.

ROAD TRANSPORT REFORM (DANGEROUS GOODS) REPEAL BILL 2009
Second Reading

Debate resumed from 26 June, on motion by Mr Albanese:

That this bill be now read a second time.

Mr TRUSS (Wide Bay—Leader of the Nationals) (10.03 am)—The Road Transport Reform (Dangerous Goods) Repeal Bill 2009 repeals the Road Transport Reform (Dangerous Goods) Act 1995. This will allow the Australian Capital Territory to enact its own legislation, based on the Commonwealth model legislation and the associated updated Australian Dangerous Goods Code. This bill is part of the change in approach taken up by the former coalition government and continued by the Rudd government to this range of regulatory reform.

Up to the late 1990s, the Commonwealth commonly pursued regulatory transport reform with the states and territories using template legislation. The Commonwealth would pass legislation for application in the Australian Capital Territory and that legislation would be copied by the other states and territories as a way to establish national legislative consistency in transport. This approach was increasingly criticised and, following a 2001 review of the National Road Transport Commission Act 1991, the Council of Australian Governments decided on a different approach. This new approach to transport regulatory reform was made formal in the 2003 Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport. This agreement at clause 14.1 agreed that there was a need:

... to maintain a ‘single reference point’ for Agreed Reforms that take the form of Model Legislation or Road Transport Legislation, in order to promote and maintain a uniform or nationally consistent regulatory and operating environment.

In practice, this means that the Commonwealth develops model legislation, with no legal effect in itself, for implementation in other jurisdictions. The model legislation is drafted for the Commonwealth by a new entity, the National Transport Commission. According to clause 14.5, legislation passed by the Commonwealth on behalf of the ACT was to be repealed as soon as practicable.
The Road Transport Reform (Dangerous Goods) Act 1995 is one such piece of legislation. It was passed by the Commonwealth for application in the ACT to regulate the transport of dangerous goods by road in that territory and to provide a national code to be adopted by the states and the Northern Territory. The legislation has been superseded by the National Transport Commission (Model Legislation—Transport of Dangerous Goods by Road or Rail) Regulations 2007, promulgated by the former Minister for Transport and Regional Services, Mark Vaile, on 26 September 2007.

The states and territories are progressively applying this model legislation, developed by the former coalition government, via their own legislative processes. New South Wales introduced its own law based on the model legislation in June 2008 and most of the other states have followed with comparable regulations. The ACT cannot implement the model legislation until the Commonwealth repeals the Road Transport Reform (Dangerous Goods) Act 1995. The repeal will come into effect on a day to be fixed by proclamation to coincide with the passage of legislation by the ACT government. The opposition is satisfied that this bill is a necessary piece of housekeeping and it applies the approach to regulatory reform implemented by the former coalition government and therefore the bill deserves, and will receive, our support.

Unfortunately, the effort that the new Labor government is making in its own right to address uniform transport regulation, a fundamental matter of economic reform, is far more disappointing. The Productivity Commission has estimated that the cost to Australia’s GDP of conflicting transport regulations is $2.4 billion. The National Transport Commission in 2006 found that after one decade of effort to pursue regulatory reform only one third of the ‘over-size’ and ‘overmass’ provisions that apply to heavy vehicles have been implemented in a nationally consistent way. I have mentioned in this place before some baffling examples of regulatory transport inconsistencies. For example, a truck operator carrying hay bales and loaded to its maximum allowable three metre width in Victoria will be overwidth in New South Wales, where the maximum width is 2.83 metres. So the farmer or truck operator in Victoria who loads his truck with hay as wide as is legally possible in Victoria is not able to drive into New South Wales without cutting a few inches off all of the hay bales.

The coalition has also mentioned the failure by the states to take up in a uniform way the heavy vehicle driver fatigue reforms, agreed by the Australian Transport Council in early 2007 and rolled out from September 2008. Tasmania and the Northern Territory have not yet applied the fatigue reforms and Western Australia has never had any plans to implement them at all.

It is also astounding that New South Wales and Victoria, which have applied the reforms from 29 September last year, have introduced variations. These include differences between Victoria and New South Wales in logbook requirements and in defence provisions, should a breach of the fatigue regulations occur. The opposition is also concerned about variations between the states in opening up their roads to the highly efficient B-triple vehicle combinations. In spite of agreements to do so, New South Wales refuses to make a serious effort to open its road system to these vehicles. Victoria is also lagging, only allowing B-triple use between Broadmeadows and Geelong for vehicles carrying Ford parts. It is quite ridiculous. If it is safe for a form of vehicle to carry one particular type of freight, why could it not also be used also for others?
I also refer to the recent study put out by the Australian Logistics Council. This study released earlier this year looks at the transport regulation inconsistencies in the Sunraysia-Riverland region, a food bowl area that adjoins the borders of South Australia, Victoria and New South Wales. This study notes that transport operators have spent nearly $250 million in higher mass limit equipment on higher productivity trucks—trucks that generate between nine and 13 per cent increases in payloads. Unfortunately, the failure of the New South Wales government to implement the higher mass limit reforms agreed to by the Australian Transport Council in the year 2000 has made it difficult for truck operators to realise on this investment and has added to the costs of fleets operating across the South Australian and Victorian borders into New South Wales.

These are just a few examples of what is a serious problem of economic inefficiency in Australia. What is the government doing about it? The opposition notes with interest the September 2008 decision by the Council of Australian Governments to ask the Australian Transport Council to prepare a regulatory impact statement for a national framework for regulation, registration and licensing of heavy vehicles. This was part of a decision by the Australian Transport Council to establish a single regulatory body to administer Australia’s national heavy vehicle laws and to develop a uniform national approach to such matters as driver competency and training, heavy vehicle licences and a uniform body of national heavy vehicle laws. These are worthwhile objectives and have the coalition’s support. However, certain questions remain unanswered. When will these worthwhile objectives be realised? The regulatory impact statement issued in December last year proposed that the national heavy vehicle regulator be operational by the end of 2012. The joint communiqué of the Australian Transport Council issued on 22 May this year states that the national heavy vehicle regulator is to be up and running in 2013. So in just this short period the government has already slipped the timetable by a year.

It is obvious that the government wants to keep these fundamental transport reforms at a comfortable time in the future, because it simply cannot answer the hard questions these reforms involve. For example, on what basis will the national heavy vehicle regulator be established? What will be its powers? How will it deal with the recalcitrant states and territories that refuse to consider the national interest and insist on peeling off from national standards? How will such a body deal with existing state laws and regulations? Will this scheme involve the referral of powers by the states to the Commonwealth? Is the Commonwealth contemplating such a course? Most importantly, are the states? These are all very relevant questions. We do know, since the opposition raised these questions in Senate estimates earlier this year, that the government as yet has no clue what the answers to those key questions are. How, indeed, the government could commit to regulatory reform of this nature when they have no idea how it is actually going to work is beyond me.

The opposition acknowledges that the establishment of a national transport regulator to build a consistent and uniform framework in which a key industry may operate is an overdue and necessary reform. The opposition is also aware of the naive and bland assurances offered by the Labor Party to the Australian people during the last election. They said the vexed problems of our federation would all be dealt with simply by cooperating with one another. All the Labor governments would get together in a giant love-in and all of these sorts of problems would be solved. Unfortunately, the history of transport reform in Australia demonstrates the
foolishness of this answer. Love-in federalism will not be enough; hard decisions have to be made and state Labor mates need to be confronted with the imperative nature of dealing with some of these issues.

We know that Labor are good at some things. They are good at creating a $315 billion debt and a massive liability for every Australian. We know Labor are good at trashing programs aimed at regional Australia and turning them into election funds in urban areas. Of course, in that regard I am referring particularly to the Nation Building Program off-network projects for roads. It is no longer directed at rural Australian roads, which are so important in the freight transport task around the nation. In fact, they have shovelled 82 per cent of the funds available under this program, over half a billion dollars, into marginal Labor seats—a gigantic slush fund. So we know Labor are good at shifting money into those sorts of funds.

We now know that they are looking again—as Labor always do—at a range of new taxes. This morning, for the first time, the veil has been lifted from a proposal to increase fuel excise by 10c a litre. Again, this will place an enormous burden on the road transport industry. Increased costs of doing business in Australia reduce the competitiveness of Australian industry, which seeks to make contact with overseas markets and to meet the competition from other parts of the world. Another mass increase in taxes—bearing in mind fuel excise already raises $13 billion a year for the government—simply cannot be afforded.

Labor’s proposal to increase the tax by 10c a litre would also be devastating for regional people. Country people, who have to travel hundreds of kilometres perhaps to visit their doctor on dirt roads, will be paying massive new fuel taxes under this proposal, whereas city people, who can visit their doctor just around the corner, will be paying very little in extra taxes. If you have to travel a couple of hundred kilometres into town to buy groceries, why should you be paying massive extra taxation compared with somebody who has a grocery store on every corner? Why should people travelling on dirt roads have to pay massive extra taxes—allegedly to upgrade the road system—when in fact they are not getting that money spent in their areas?

I call on the government to immediately reject the concept of a 10c increase in excise. If the government do not reject it, we can only assume that this government will follow the same route as the Keating government, which promised before the election that they would not increase fuel excise but immediately after the election introduced the biggest fuel excise increase in our nation’s history. It is clear that this government are intending to follow the same route.

This is the history of the Labor government. They are good at making some of these promises but, when it comes to actually delivering, the story is often different. They need to convince the nation that the government are capable of making the difficult decisions to deal with transport reform. This legislation is an important step in seeking to eliminate some of the differences in legislation between the various states, but it is a very small step. It is a step that we certainly welcome and will support; however, the really big and difficult decisions to establish a seamless and efficient road transport industry are still being pushed off into the distance. Very, very little progress has been made. The anomalies remain. All the promises about the goodwill there would be between the Rudd Labor government and the states have simply failed to deliver action in this very important area. Frankly, I doubt that the government have
the courage or the skill to actually deliver common national road transport laws around the nation, and this costly burden of inefficiency will rest upon the sector for a very long time.

Mr HAYES (Werriwa) (10.18 am)—I almost treat the fact that I am following the member for Wide Bay in this debate on the Road Transport Reform (Dangerous Goods) Repeal Bill 2009 with some honour, particularly considering his previous capacity in presiding over the regional rorts leading up to the last election. He did correct me once. I referred to the ‘Bo Derek railway’, and he actually corrected me, and I take that correction—it was the Beaudesert railway. What I did not recall at the time was Tumbi Creek, where a body of effort went into attempting to secure conservative seats.

Mr Farmer interjecting—

Mr HAYES—I will take the interjection from my learned colleague the member for Macarthur.

The DEPUTY SPEAKER (Ms AE Burke)—I ask the member to continue, if he wants to respond, but we should not be paying attention to interjections. If one wishes to ask a question, there is a facility here to do so.

Mr HAYES—If he had asked me a question about that vital piece of road infrastructure in the south-west of Sydney, I would have said that the F5 actually runs into the electorate of Macarthur as well as the electorate of Werriwa. I campaigned very strongly, as many members did, about improving those pieces of essential infrastructure. I was not the member who decided that, instead of actually widening that essential piece of infrastructure, you could build on top of it; you could put up layer upon layer upon layer. It almost became the notion of the ‘Sara Lee’ of road transport for that last election. That was something that was absolutely astonishing.

Mr Farmer—Madam Deputy Speaker, I would like to address a question to the member for Werriwa.

The DEPUTY SPEAKER—Is the honourable member seeking to ask a question?

Mr Farmer—Yes, Madam Deputy Speaker.

The DEPUTY SPEAKER—Will the member for Werriwa accept the question?

Mr HAYES—Absolutely.

The DEPUTY SPEAKER—The member for Macarthur may proceed.

Mr Farmer—I ask the member for Werriwa: was it or was it not the Howard government that agreed to the $52 million worth of funding for the widening of the F5 that traverses both Macarthur and, of course, Werriwa, and that you are the beneficiary of the widening of that road?

Mr HAYES—The funding to widen the F5 was not $52 million; it came under AusLink 2. It is a $140 million project of which the Labor Party, leading up to the last election, agreed with the New South Wales government that the federal Labor government would contribute $112 million to that project. I announced that with the then minister, Martin Ferguson. It followed a series of questions that I asked in this place of the then transport minister, the member for Robertson. He was not prepared to give the commitment to widen that piece of infrastructure or to guarantee that the money would be made available for it. It was not until the Labor
Party went out there—Martin Ferguson and I—that the member for Macarthur, Pat Farmer, decided to go out and try to gazump us two or three days later.

Ms Hall—How long before the election?

Mr HAYES—It certainly happened just before the election, but only after the Labor Party gave that commitment.

The DEPUTY SPEAKER—The member for Macarthur is welcome at any stage to seek, if he wishes, to ask another question, if the member for Werriwa is happy to take it.

Mr Farmer—Thank you, Madam Deputy Speaker. My question was quite specific, and it was quite simply this: was it or was it not the Howard government that had already started work and that had supported the funding for the widening of the F5 between Macarthur and Werriwa? Yes or no?

The DEPUTY SPEAKER—The member for Macarthur has had his intervention. I will point out that the standing orders, in respect of question time, do not apply to interventions.

Mr HAYES—Again, I am happy to take the question. The member indicated last time that there was a commitment by his government to put $52 million into that project. Once again, I remind the member for Macarthur that there is a $140 million project. The agreement was entered into between the opposition at that stage and the New South Wales government to commit to an agenda of a federal contribution, on the succession of a Rudd Labor government, of $112 million into that project. I am happy to say, and no doubt the member for Macarthur sees it daily—that is, if he visits his electorate daily as he travels from Mosman to Macarthur—that this work is now well and truly on track, and it was a priority that this government—

The DEPUTY SPEAKER—The member will resume his seat. Is the member for Macarthur seeking another intervention?

Mr Farmer—Quite simply, Madam Deputy Speaker, could you draw the member for Werriwa back to the original question.

The DEPUTY SPEAKER—As I indicated quite early to the member for Macarthur, the standing orders in respect of question time do not apply to interventions. But I will draw the member for Werriwa’s attention to the actual bill before us today because I think the entertainment between the two adjoining seats has probably gone on for long enough and we are addressing the Road Transport Reform (Dangerous Goods) Repeal Bill 2009.

Mr HAYES—Thank you, Madam Deputy Speaker, and I do accept your wise counsel. This is an important bill, although it is a bill that, on face value, may just look technical. The Road Transport Reform (Dangerous Goods) Repeal Bill 2009 meets the Australian government’s obligation under the Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport. It repeals any road transport legislation that has been enacted by the Commonwealth on behalf of the ACT, the Australian Capital Territory. That is to coincide with the passage of legislation by the ACT. The intergovernmental agreement sets out the principles and processes for cooperation between the Commonwealth, the states and the territories in the progress of regulatory and operational reform to roads, rail and intermodal transport in order to deliver a sustained national consistency of outcome in this essential area.
The bill will repeal the Road Transport Reform (Dangerous Goods) Act 1995 and will allow the Australian Capital Territory to implement the updated Australian Dangerous Goods Code and the associated model legislation in its own legislative arrangements. In the same way, each of the other states and the Northern Territory are able to bring that code into operation. It should be noted that the ACT government cannot implement the updated Dangerous Goods Code and the associated model legislation until the Australian government repeals the existing dangerous goods legislation. The repeal will come into effect on a day to be fixed by proclamation, but it will coincide with the passage of the ACT government’s actions to ensure that a seamless transfer of the new dangerous goods transport provisions occurs.

By way of background, the legislative responsibility for transport of dangerous goods on roads and rail is a matter for the states and territories. To avoid the cost of disruption which arises from different requirements governing the transport of dangerous goods around the country, transport ministers, through the Australian Transport Council, asked the National Transport Commission to develop a national legislative framework to provide consistency in the rules and standards. The national framework is also periodically updated to ensure that the components remain current.

The dangerous goods package has two main elements. It sets the model regulations and, importantly, a technical safety code known as the Australian Dangerous Goods Code. The Australian Dangerous Goods Code is a technical document setting out detailed instructions for the safe transport of dangerous goods by road or rail and is based on international model regulations. It addresses issues such as classification, labelling, packaging, stowing and bulk transport. The international regulations also underpin the international aviation and maritime codes for transport of dangerous goods. The adoption of the UN requirements into Australian requirements thus promotes international harmonisation to facilitate safe and effective trade arrangements and transportation affecting dangerous goods.

The regulations are under the National Transport Commission Act 2003, which provides a legislative scheme of arrangement that serves as the sole reference point for the nationally agreed standards. The model regulation approach reflects the 2003 Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport and it commits to the establishment of model legislation under the National Transport Commission Act to enable the implementation of nationally agreed reforms endorsed by the Australian Transport Council. The model legislation is subordinate to the National Transport Commission Act as the enabling act, and it is made by regulation.

The model regulations allow for implementation in each jurisdiction using the most convenient and effective regulatory route available to them. For instance, the provisions may be incorporated into the law of a state or territory by amending their existing dangerous goods legislation as it applies. At the Commonwealth level, the regulations are not operative—that is, they are not live—but seek to be the sole reference point for jurisdictions to adopt into their own legislative arrangements as nationally consistent transport legislation. This approach replaces the earlier template model approach which, it is well conceded, proved to be unworkable. Consider the amount of variation that takes place between various states and territories as they move between their respective legislators to customise legislation; things get lost in the mix. This becomes essential, particularly when we are talking about something as critical as the transportation of dangerous goods, to ensure that there is less variation, that there is
absolute standardisation, in the way we go about delivering consistent and workable laws concerning the transportation of dangerous goods in this country.

The current dangerous goods package, which was developed by the National Transport Commission under the direction of the Australian Transport Council, incorporates the seventh edition of the Australian Dangerous Goods Code and the National Transport Commission’s Model Legislation—Dangerous Goods (Road or Rail) Regulation 2009. Very briefly, the key elements of that package are to adopt, to the extent possible, the latest available United Nations’s model regulations, retaining Australian specific requirements where appropriate; to harmonise with air and sea regulations; to incorporate amendments, accumulated over recent years, that reflect agreed practice; and to provide a single set of updated regulations for the transportation of dangerous goods by road or rail, using the model regulation approach.

As I said before, the implementation of the code is the responsibility of the state and territory governments. Through this process of having model legislation, we are seeking to achieve definite harmonisation. In response to COAG’s consideration of the Productivity Commission’s inquiry into chemical and plastic regulation, the Australian Transport Council agreed that the National Transport Commission would undertake an independent review of the consistency with which the Australian Dangerous Goods Code has been adopted throughout the Commonwealth and how it has been applied through each of our state and territory jurisdictions. The review will commence within 12 months of the implementation of these reforms. As I understand it, it will be some time in the first half of 2010. The responsibility for policy development and monitoring of the Australian Dangerous Goods Code and legislation will remain with the National Transport Commission, and it will continue to report to the Australian Transport Council on these matters.

In summary, the development of the national dangerous goods package has been a lengthy and complex process, but it has provided the framework for efficient, effective and nationally consistent regulation of dangerous goods transportation across this country. Our technical requirements are consistent with international requirements, thus facilitating trade. This is good for business, but it also provides confidence to the community that dangerous goods are being transported in a safe and consistent manner. However, this is not a static process, and the National Transport Commission will need to continue its role to maintain the dangerous goods provisions to ensure that they are consistent, they are updated and they continually reflect the requirements that are set at both international levels and local levels. The Australian Transport Commission commits to that review, as I mentioned a little earlier, and that will ensure that there will be that consistent harmonisation. For those reasons, I commend this bill to the House.

Mr SULLIVAN (Longman) (10.35 am)—As has been indicated by a number of speakers, this bill repeals the Road Transport Reform (Dangerous Goods) Act 1995 so that the ACT can implement the updated Australian Dangerous Goods Code and the associated model legislation into its own legislative arrangements in the same way as other states and territories. Let me say at the outset that I believe it is somewhat ‘Big Brotherish’ that the federal government does have the capacity to legislate or overturn legislation in relation to the territory assemblies. Therefore, I very much welcome the fact that the territory is going to be able to, at least in name, be the architect of its own destiny in relation to this because, as we know, this comes about through a national scheme of legislation. The Australian Dangerous Goods Code sets
out detailed instructions for the safe transport of dangerous goods by road and rail. It is based on model regulations set out by the United Nations which harmonise with existing regulations in sea and air transport. Until the Road Transport Reform (Dangerous Goods) Act 1995 is repealed, the ACT remains powerless to move on its own.

Dangerous goods are around us in every aspect of our daily lives and yet I expect people do not pay as much attention to them as they perhaps ought. Dangerous goods and materials can cause or accelerate combustion, have acute toxic effects, have the ability to corrode skin or other materials, or have a capacity to harm the environment, cause asphyxiation, present temperature or pressure hazards or react with other materials that can then do any of the above. I indicated that people are generally unaware of them. I will relate a couple of examples from my own experience, firstly as an employee of a national airline where I was engaged in transporting dangerous goods by air and discovered, I guess somewhat to my amusement, that there is an internationally known brand of cola beverage who very jealously guard their recipe and ship it to countries where it is going to be made in part A and part B, and one of the parts—I cannot remember whether it is part A or part B now—is too dangerous to be transported by air. Yet we quaff this material by the hundreds of thousands of litres a day, I suspect. But one of those two parts, on its own, is too dangerous to be transported by air.

The DEPUTY SPEAKER (Hon. Peter Slipper)—I suspect the honourable member is not going to name the product.

Mr SULLIVAN—The honourable member is not going to name the product but will suggest to people that Pepsi Max is okay; there is no sugar. The other experience that I had—and the member for Fisher, were he in the chamber, would remember this—was the kerfuffle, I will call it, that we had in the early 1990s in the area that we share about the storage of spent radioactive waste material. There was quite a large community opposition to that. As it turned out, the argument was ultimately won and the storage facility was build elsewhere. But those same people were not at all aware of active radioactive sources bouncing around in the back of utes through their community every day. Yes, if it is spent, we cannot store it. If it is live, well, we really do not care. It was an interesting insight into people’s view of dangerous goods.

It is important, particularly to me as the member for Longman, that the safe transport of dangerous goods is something that is well regulated and well policed. Running through the entirety of my electorate are the Bruce Highway—the main road corridor north from Brisbane to the major regional centres—and the north coast rail line. These transport corridors carry all of the freight from Brisbane port heading north and a number of things heading south.

My eastern boundary is the port of Brisbane, and we all saw what happened recently there with the oil spill, for which it looks likely that the Swire company may well be about to pay adequate compensation, but our council is a million dollars out of pocket because of that. So I understand that safety is necessary and I understand that safety in the carriage of dangerous goods is important for my constituents, the people I am here to represent and to look out for their interest.

A report in the Australian Journal of Emergency Management identified a number of the types of goods that travel up and down the highway, including petrol, liquefied petroleum gas, liquefied ammonia, molten sulphur, liquefied chlorine, concentrated hydrochloric acid, compressed hydrogen, sodium cyanide and liquid fuels coming south from Gladstone. So there are
a number of very volatile materials running past major population centres in my electorate, including North Lakes and Caboolture. Over the years there have been a number of incidents. Most of them have, fortunately, been relatively minor. But in September 1992, for example, a minor incident that had the potential to be much more than that occurred near Nambour. Fortunately, nobody was injured as a result of the collision between an LPG tanker and an ethanol tanker, neither of which ruptured, but had either or both of them done so then we could have had a really serious incident on the highway. So we need to be very clear about how important it is that the transport of dangerous goods is, as I said, well regulated and well policed.

Mr Slipper—I thought the honourable member was going to mention the D’Aguilar Highway.

Mr SULLIVAN—Well, the honourable member will mention the D’Aguilar Highway on another occasion! That highway is important in serving the west and the south Burnett parts of South-East Queensland—so an important road in itself.

It is important for us to have a national approach to these matters, simply because there is trade across Australia for goods moving from Victoria to New South Wales to Queensland. If different regimes are in place then you have compliance costs. The national code is a springboard from which we can have advantages when we trade overseas, and consistency across the jurisdictions is important.

As I indicated, we have road, rail and sea lines running through or adjacent to my electorate and it is very important to me and to my constituents that there are clear and safe guidelines. Internationally, it is important that we are doing exactly what the rest of the world is doing, for much the same reasons. There is an ever-increasing amount of international trade. In fact, this country depends on international trade. Although we tend to send out some volatile materials, a lot of them are benign, but it is important that regulations are consistent across the world.

The Australian Dangerous Goods Code incorporates the UN guidelines but retains some Australia-specific requirements which are updated periodically to make sure that they meet our guidelines. This bill, as previous speakers have said, meets our obligation under the Inter-governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport. It is a national scheme of legislation of the type that has been coming very much more into vogue in Australia in the last two decades. It is an example of cooperative government. The state and territory governments and National Transport Commission developed the framework so that there can be consistency. The National Transport Commission has established a set of national guidelines which each state and territory has then adopted or is about to adopt into its own legislation.

In conclusion, this bill firstly repeals the Road Transport Reform (Dangerous Goods) Act 1995 so that the ACT can pass its own legislation, and I applaud the move that gives the ACT the opportunity to look after its own interests. The code itself is valuable because having a single national code makes the transport of hazardous goods more efficient and safer. It is a great example of government cooperation across state and territory boundaries. Finally, the matters relating to the carriage of dangerous goods are something about which I am particularly aware and in which I have a particular interest with regard to my electorate. I commend this bill to the House.
Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (10.47 am)—in reply—I thank all members, including the member for Longman, for participating in the debate and for supporting this legislation. The Road Transport Reform (Dangerous Goods) Repeal Bill 2009 will repeal the Road Transport Reform (Dangerous Goods) Act 1995 so as to allow the ACT government to implement the updated Australian Dangerous Goods Code and the associated model legislation into its own legislative arrangements in the same manner as the other states and territories. The ACT cannot implement the updated code and associated model legislation, which has been endorsed by ministers at the Australian Transport Council, until the Australian government repeals the existing dangerous goods transport legislation. The repeal completes a longstanding commitment by the Australian government and the states and territories to repeal any road transport legislation that has been enacted by the Commonwealth on behalf of the ACT once that legislation is no longer necessary. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

COMMITTEES

Electoral Matters Committee

Report

Debate resumed from 22 June, on motion by Mr Melham:

That the House take note of the report.

Mr MORRISON (Cook) (10.50 am)—I thank the House for its indulgence in resuming the debate on this matter. In speaking to this report of the Electoral Matters Committee, I particularly thank the chair of the committee, the member for Banks, and all other fellow members of the committee. In terms of the inquiries we undertook and the submissions we received, I also thank the many, many people who made submissions to the inquiry over a lengthy period of time and thank them for the enthusiasm of the debate that was pursued in those many hearings around the country. I would particularly like to place on record my appreciation to the secretariat of the committee, who worked incredibly well in supporting all the members of the committee in fulfilling their responsibilities. I thank them for their assistance in the preparation of the majority report—in which there are matters that the coalition obviously agrees with and there is support for but, importantly, there are some very real matters where the coalition has some very significant differences of opinion with the government.

As the committee worked through its processes and particularly as we received information in numerous submissions from the Australian Electoral Commission, I think there was one central fact before the committee that we wrestled with, and that was the issue of those who do not vote because they did not enrol to vote, who did not show up to vote or who did not fulfil their responsibilities to vote properly on the day. When you add all those people up, there are around 2.4 million Australians—that is one in seven eligible voters—who did not vote in one way or another. There were around 1.138 million who did not enrol to vote, 715,000 who did not show up although they were on the roll, and 510,000 who failed to complete their ballot properly. This is actually an improvement on the situation in 2004, but the fact that one in seven voters in a system of compulsory voting in this country do not exercise
their franchise because they have not chosen to, they did not get it right or they could not be bothered is, I think, a genuine issue of concern. I know that that concern is shared by all the members of the committee, but we have a difference of view about how we go about alleviating that concern.

The matters put forward in the majority report where the coalition has significant problems go to what I describe as the policy of appeasement of apathy when it comes to those who are not choosing to exercise their franchise properly within this country. The government made a number of recommendations through the committee’s majority report. These recommendations, which include extending the close of rolls, weakening the existing proof of identity requirements for those not found to be on the roll, removing any sanctions for failing to maintain your enrolment as required under the act and removing the requirement for voters to fully exhaust preferences for House of Representatives elections, say one thing to me, and that is that it is all too hard, so basically, instead of trying to uphold standards, we are going to lower them. It is easy to help people to meet standards if you just do not have them. When it comes to the integrity of our electoral system, I think standards are incredibly important and they should be preserved by laws, encouragements and sanctions that uphold those standards. The government’s approach in the majority report is basically to say that it is all too hard and that we should walk away and it seeks to weaken very important integrity provisions within the Australian Electoral Act.

We have a system of compulsory voting in this country, and it is a system that I support. If we were to ban compulsory voting, we would leave our democracy hostage to the extremes of both sides of politics, and I think that is a very disturbing element. I have through the course of the inquiry commended the AEC on their positive actions to get people on the roll and on their positive actions to encourage people to vote on election day. It is one of the reasons that, despite what is talked about widely out there in the community, that somehow closing the rolls early led to more people not being able to vote, the evidence before the inquiry was actually the reverse: fewer people missed out on being able to enrol at the last election in 2007 than was the case in 2004.

One of the reasons for that, I think, was the excellent communications campaign run by the AEC, working up to the election of 2007, which had one simple message: value your vote—your vote is precious; take it seriously. In encouraging people to do that, they had a surge in enrolments over the period of the campaign, particularly, as their evidence to the committee showed, during the spikes in activity in that campaign. I applaud those sorts of measures, because they involve people engaging with the process, choosing to be enrolled and choosing to exercise their franchise carefully and in a considered way.

The recommendations put forward by the government through the majority members of this committee actually worked against all of those sorts of positive efforts. What they say is: ‘Look, you don’t have to bother to enrol to vote, you don’t have to bother to ensure that your enrolment is up to date and you don’t even have to bother to fill out the ballot properly, because we are going to lower those standards—if you get all of those things wrong, it doesn’t really matter. When we tell you that you must enrol to vote before an election, don’t worry about it; you can leave it to election day. There’ll be no sanctions, there’ll be no penalties and there’ll be no requirement for you to come and present proof of identity to say who you are; you can just turn up on the day and vote.’
I think this is a very dangerous development for our democracy, because it undermines the positive efforts of the AEC—which, hopefully, at some point will also include a more enthusiastic approach online to assist people, with appropriate safeguards, something we have supported in our dissenting report. We need to ensure that the AEC’s positive measures are not undermined by the undermining of standards that will enable people to basically continue an approach of apathy. Just because we have compulsory voting in this country does not mean that we have to walk away from the standards of our democracy, which I think uphold that democracy. So I encourage the government, when they consider this report, to urgently resist those measures that would seek to appease apathy, which we have seen through the recommendations of the majority report.

I will pick out another one of those. This particularly relates to the issues of where the government members are effectively arguing that, instead of being required to fill out your ballot paper in sequential order, from 1 to the total number of candidates that are before that election, you can get the first few right and, after that, if you cannot get it right, that is okay. We are either going to have a system of compulsory preferential voting in this country or we are not. While I support compulsory voting, when it comes to the issue of whether there should be a compulsory requirement to issue preferences all the way down the line, my view is that you have one system or the other, and you do not have the system which is proposed in the majority report, which basically says, ‘If you get it wrong, we’ll count it anyway—if you could please fill it all the way out, as the law actually requires you to do so, but we will turn the other way if that does not happen.’

In New South Wales and Queensland we have a system of optional preferential voting. As the evidence before the committee showed, that drastically reduced the amount of informal voting in both of those states. The fact that we have a different system of voting in state elections in New South Wales and Queensland than we have at the federal level is actually a fairly significant contributor to the level of informal voting at a federal level in both of those states. Instead of trying to bite the bullet on some serious reform, the majority members of the committee took the view that they would have some sort of ‘look the other way’ proposal when it comes to preferential voting. If they are serious about reform then they should seriously take on the issue of optional preferential voting.

That was the evidence put forward by all the experts who came before the committee, I took special care to ask them when this model of ‘look the other way’ was put forward by the government members of the committee. I specifically asked each of them, from Antony Green to others: ‘But, isn’t it your preferred method that, if we were going to go down this path, we would choose optional preferential voting?’ Their answer was the same on every occasion: ‘Yes, it is.’ If you are going to move away from compulsory preferential voting, it is best not to go to what some may describe as a ‘mongrel’ of a system; it is best to go to a pure system when it comes to our electoral process of optional preferential voting.

So that is the debate which I think the majority members of the committee refused to engage in. They ducked the issue, I think. In the dissenting report you will note that the coalition members said, ‘Well, if we are going to go down that path then we certainly should be considering optional preferential voting as a preferred alternative, but our actual view is that we would prefer to stay with the system as it is and uphold the integrity of that system all the way through.’
The other issue I would draw attention to is the requirement of proof of identity for those who were not correctly enrolled. The requirement before the last election was that if you turned up and you were not on the roll then you would be required to show proof of identity. If you did not have proof of identity then you could lodge your vote and you had seven days to get to the Australian Electoral Commission office in your electorate to present your proof of identity. It turns out that at the last election there were 33,901 provisional voters who failed to provide this identification on polling day. Only one in five of those voters subsequently turned up within the seven days to show some identification. That is very concerning given that the majority members’ report is actually suggesting that this measure be overturned.

One of the issues that was raised and argued in the committee process—and even in fact stated in the majority report without any supporting evidence—was that provisional voters do not turn up because within a week the result of the election is pretty much known and they cannot be bothered. Not only are they going to appease the apathy of such an approach; it is also not true in fact. In the seats of McEwen and Swan the results from the last election were not known for some weeks, in fact months, later. In those cases there were 260 provisional voters in the electorate of Swan and 188 provisional voters in the electorate of McEwen who failed to come forward and present proof of identity. So I would argue that to lower the standards and appease the apathy, which is what the majority members of the committee have recommended to the parliament and to the government, would be a very dangerous way to go. I would urge them very strongly to reject those considerations and instead opt to preserve the standards that we have in our electoral process and our electoral system.

I will conclude on this note. In return for citizenship and the right to vote in this country we ask that citizens do some very basic and easy things—that you enrol to vote; that you maintain your enrolment, just as you would for a drivers licence, for your power bills or for membership of your local RSL or football club; that you turn up to vote on election day; and that when you get there you follow the instructions and you number the candidates from one all the way through to the highest number of candidates that are there. I do not think that is a very onerous task; I do not think there is a very onerous task at all.

Australia was one of the few democracies that existed over 100 years ago. We were in the minority back then. Fortunately, today there are many nations who join us as democracies around the world. I think they look to a country such as Australia to be a standard-bearer for these things. What will they think when they hear that we in this country are prepared to say to people who are not prepared to vote properly, turn up or maintain their enrolment: ‘It’s okay. We’ll appease you by lowering the standards’? What we are saying, I think, is that we do not take the responsibilities of our citizenship terribly seriously. As I said, I am a strong supporter of compulsory voting, but I am not a strong supporter of appeasing those who are not prepared to take the responsibilities that come with compulsory voting seriously. If you are not prepared to do that then the sanctions that exist in terms of additional inconveniences and other penalties—and maybe there are other penalties that should exist—should be applied. We should encourage all of our fellow Australians to turn up to vote and make sure they are doing the right thing by all their fellow citizens in exercising their vote carefully and in a considered way so that we can get the governments that the people of Australia want.

Ms HALL (Shortland) (11.04 am)—I move:

That further proceedings be conducted in the House.
Debate resumed from 12 August, on motion by Mr McClelland:

That the House:

(1) notes the sixtieth anniversary of the Four Geneva Conventions of 1949;
(2) congratulates the International Red Cross and Red Crescent Movement for continuously fostering the principles of international humanitarian law to limit human suffering in times of armed conflict and to prevent atrocities, especially against civilian populations, the wounded, and prisoner of war;
(3) recalls Australia’s ratification of the Conventions and of the two Additional Protocols of 1977;
(4) affirms all parliamentary measures taken in support of such ratification;
(5) encourages the fullest implementation of the Conventions and Additional Protocols by the military forces and civilian organisations of all States;
(6) encourages ratification by all nations of the Conventions and Additional Protocols; and
(7) recognises the extraordinary contribution made by many individual Australians, including Australian Red Cross members, volunteers and staff, in carrying out the humanitarian ideals expressed in the Conventions and Additional Protocols.

Mr SIMPKINS (Cowan) (11.05 am)—I rise to speak of my support for the Geneva conventions and comment on how they have created order, even in the case of wars. I attended the commemorative service yesterday morning. I believe that adherence to the conventions is vital to maintaining integrity in the world. Of all my comments, one thing I am going to say will perhaps be disagreed with by some present—but perhaps not; we will see.

As others in this place have already said in this debate, the Geneva conventions have their origins on the battlefield of Solferino, where Henri Dunant was stunned and then outraged by the carnage he observed. Writing in 1862 about what he had seen, he proposed a neutral relief agency for alleviating suffering in conflicts by providing aid. Dunant’s proposal led to the establishment of the International Committee of the Red Cross, which commenced lobbying for standards of treatment for wounded soldiers and enemy combatants. From these events, 10 articles of the first Geneva convention were adopted in 1864 by 12 nations. In that treaty, the Red Cross were provided with the authority to provide aid. The next treaty came in 1906 and dealt with the members of armed forces at sea. The third treaty related to the treatment of prisoners of war and was adopted in 1929. The fourth treaty was adopted in 1949 and it was created with a view to addressing the actions revealed by the Nuremberg trials and the realities of what occurred during World War II.

It is my view that these conventions—what are effectively rules of war—are absolutely vital to the minimisation of the loss of life and destruction of property during wars and conflicts. If you have rules that each side are confident are being observed then the more extreme acts of war are far less likely. In fact, it really makes sense to observe these rules if you are serious about winning the hearts and minds of those not yet involved in a conflict. It is smart to abide by the Geneva conventions because, in any case, if you do not win the war then you will be forced to account for your actions and any breaches of those conventions, let alone the fact that these conventions represent standards of human decency and respect that we should all be able to abide by if we consider ourselves decent human beings.
In researching this contribution last night, I had cause to look at an essay put together by Steven Ratner entitled ‘Think again: Geneva conventions’. In that essay in the March-April 2008 magazine *Foreign Policy*, Ratner questions a trend of doubt in the conventions by modern governments. He makes a number of good points, stating that, while some details may appear outdated, the core of the conventions and the value of the conventions remain as valid as they ever were.

While I believe that we will always have conflicts, I also believe that, regardless of our enemies’ disregard for the conventions and human decency, we should never stoop to their level. I have said before that when we speak of terrorist groups like Jemaah Islamiyah, Hezbollah, the Taliban, Hamas and al-Qaeda, just to name a few, we can never expect the same standards of human decency and compassion. That should never tempt us to adopt their standards. We will never win the support of the people in places like Afghanistan or Iraq by lowering ourselves to the base brutality and reckless hate of our enemies.

Whilst stating that point, I found one point where I disagreed with Ratner. It was with regard to what constitutes torture. The need to obtain information quickly from enemy combatants is no excuse for brutality, and to that end I say that waterboarding, deafening music, assault of any kind and humiliation of any kind do constitute torture. Interrogation that commences with a period of discomfort but no actual injury or ongoing psychological damage can be appropriate. To obtain information quickly but without injury or damage, sleep deprivation has always been highly effective. In the Army, sleep deprivation was one of the methods used, along with physical exhaustion and stress, to determine what a person was like under pressure. Similarly, the resistance of a person can be reasonably quickly broken through lack of sleep and then information obtained through questioning. I reiterate that this is not about physical harm or injury; this is more about weakening the character of a combatant to a point where they will provide the information they are asked for.

I would say that, while questioning can be undertaken immediately upon capture, if the information is not provided we should be able to place prisoners under the pressure of which I speak. It is also worth remembering the realities of wars and conflicts. Finding out what one’s enemy is planning is very useful. Prisoners are interrogated to try to obtain that advantage. One reality is that the information that can be obtained often declines in value with the passing of time. If a prisoner is not placed under some sort of pressure then they are not very likely to provide information that will be of benefit. Lives may depend on accurate information being obtained, and, while getting that information may not seem important to those not involved in prosecuting these conflicts, it is to those who are.

As I said at the outset, I stand by the Geneva conventions and their observance, regardless of what our enemies may do or how they conduct themselves. I reiterate that physical harm, assault and dehumanising or other long-term physical or mental damage are, and always should be, prohibited. We are here to commemorate the 60th anniversary of the Geneva conventions. They represent a great step forward for humanity—an enshrinement of human decency—and I am confident that Australia will always stand by them and observe them, because that is the right and honourable way to act in all conflicts.

**Dr Kelly** (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.10 am)—It is a pleasure to follow my friend the member for Cowan, as both of us in a previous life spent a lot of time working together in support of these
major pieces of humanitarian law that we are discussing and commemorating and whose 60th anniversary we are celebrating. There is an old expression that is attributed to Plato that says ‘Only the dead have seen the end of war’. That is obviously a very pessimistic view of human affairs and is one that we in this place have an obligation to work in contravention of as we continue to forge the paths of peace. In that respect I often refer to the Talmudic scholars who said, ‘You are not obligated to complete the task of achieving a better world, but neither are you free to desist from it.’ And that is really what the story of these Geneva conventions is all about.

As the member for Cowan highlighted, it has been a long evolutionary process to the point that we are at now in the law of armed conflict and international humanitarian law. There are two streams in the history of that evolution—what we refer to as Geneva law and Hague law. Hague law effectively governs what we call the methods and means of combat. It also regulates weapons systems and the employment of weapons systems. We saw in the most recent versions of that last year the passage of the convention on cluster munitions, but there are many others besides that regulate landmines and incendiary weapons et cetera.

The four Geneva conventions that we celebrate the 60th anniversary of today are part of the Geneva law tradition which regulates those who are hors de combat or the victims of warfare. They began famously with the experience of Henri Dunant, the Swiss businessman, who witnessed the terrible sufferings of the wounded and sick on the battlefield at Solferino in Italy, which led to the first Geneva convention of 1864. There was a period where a number of conventions were developed to deal with the specific issue of the treatment of the wounded and sick on the battlefield or, in the early years of the 20th century, of the wounded and sick and shipwrecked at sea and then, moving into the 1920s, of the treatment of prisoners of war.

It is important to note that the fundamental principle that was evolving through this period was an understanding that there was a limit to war. At the same time we started to see emerging not only the humanitarian aspect or issue of how people were treated on battlefields but also the additional dimension of the industrial abilities that mankind was able to bring to that situation, which raised the threshold of inhumanity itself. Of course, we had the experience of World War II and the terrible atrocities wrought by the Nazis in relation to civilian populations, and that experience led to the creation of the main development in the 1949 conventions of the fourth Geneva convention relating to the treatment of civilians under the authority or control of military forces.

The four Geneva conventions have been supplemented and added to by three additional protocols. The first of those expanded the conventions relating to the varying types of international conflict that we were seeing emerge post the Second World War and the second protocol dealt with situations of civil war where there were organised armed forces confronting existing governments but not extending further into the Hobbsian situations we have often seen in these failed state scenarios of warring factions against each other in multiple, fractured components not necessarily involving state forces. Then the third additional protocol, which we ratified yesterday, adds the new protective emblem to the armoury of the International Committee of the Red Cross in their seeking to perform their task. The other essential element of these Geneva conventions was the way they fundamentally and formally incorporated the role of the ICRC in the objectives of those conventions.
Also today, I would to pause to salute the work of the ICRC. Over many years, they have not only performed those tasks as set out in the conventions with great dedication and great effect but also been at the heart of the evolution of the law itself. Even today, they continue to pursue that evolution through their projects to do with distilling customary international humanitarian law and also in their current dialogue in defining what is meant by direct participation in hostilities by those who are hard to distinguish from combatants. Their work continues to this day and I salute them for that.

The law has also been complemented by the contributions of tribunals beginning with the Nuremberg tribunal through to those governing the conflicts in the former Yugoslav republic and in Rwanda. That, of course, as part of the revolutionary trend itself, led to the creation of the International Criminal Court, which has helped to develop and distil the laws through its definition of crimes and, most recently, following on from the 1980 statute, the development of the elements of war crimes and crimes against humanity et cetera. In that development, we have seen the law seeking to come to grips with the challenges posed by internal conflicts and dealing with these elements of asymmetric threats and terror. That is a long evolutionary process in itself which we are continuing to see develop.

The ICC statute has now had 109 states sign up to it and it is starting to get some traction and get a roll-on in dealing with the current situations we face internationally. I had wished that I had had something like an international criminal court to support me in the operation I was involved in in Somalia, where we were attempting to deal with serious warlords who had engaged in atrocities and genocidal activities. It was very difficult to find the means to deal with them other than by recreating the local justice system, which in itself was problematic because the end result of that system was that any person convicted would end up being executed. If we had had the International Criminal Court available to us then we could have used that to deal with these serious warlords and violators of fundamental human rights.

My own background is that I have been closely involved with the Geneva conventions through these last 20 years in the Army before I entered parliament. In particular, I also was involved closely with the ICRC as a pool military officer that they drew upon to try and advance the cause of the work of the ICRC in their efforts around the world. It was a great privilege for me to have worked in support of the ICRC, in particular in Bosnia and Croatia during the war there. That is why I have such a deep admiration and respect for the work of the ICRC. In particular, if you are a soldier, you will want to know that the ICRC is being respected and facilitated. If you are a captive then it is only the ICRC that will have the ability to ensure that you exist, that you are being dealt with humanely and that at some point, some day, there is a chance that you will be released. I continue to respect and do whatever I can to promote the cause of the ICRC’s work.

It was also a privilege to have been at the meeting of experts in Geneva in 1998 to draft the Australian statement on our position on the Fourth Geneva Convention. The Fourth Geneva Convention has been a great tool of mine in various conflict situations where Australia accepts or promotes a broader interpretation of the application of that convention to situations not just arising in the context of international armed conflicts but where military forces find themselves in the control of civil populations.

The most extensive example of my reliance upon that convention was in Iraq for the year that I was there from 2003 to 2004. Using the framework of that law, we were able to do a
great deal of good in Iraq, something which is often lost in the context of the overall problems of that operation. Using that framework, we were able to establish a central criminal court which is still functioning extremely well and dealing with the most serious crimes in Iraq, and is well respected by Iraqis. We were able to use it as a tool to defeat the major international maritime oil smuggling operations that were bleeding Iraq dry at the time. We were able to create frameworks and operations based upon our use of that law. We were also able to use it for economic reconstruction purposes, and I participated with my colleagues in Iraq in developing over 100 laws for that country which are still being relied upon today as Iraq tries to move forward as a free-market democracy, respecting fundamental human rights. Many of the things that we implemented at that time—freedom of the press, right of assembly and various other measures to create the free-market framework—are still in place today and helping to move the country forward.

Unfortunately, of course, that experience was significantly offset by the dark aspects of what occurred in Iraq in relation in particular to interrogations and the treatment of detainees. Part of the all-consuming aspect of my struggle there was to deal with this detainee issue and create a framework that would meet decent humanitarian standards and the scrutiny of organisations like the ICRC. I worked closely with them in Iraq to try and achieve that. But we were undermined by an atmosphere and an approach that was promoted by various authorities which led to the situation that we saw unfold at Abu Ghraib. That experience itself is all you need to look at to understand the importance of these conventions. That experience undermined the position of our forces. It undermined our position not only within Iraq but, more importantly, internationally in terms of sustaining international support and domestic support for that operation. This is the key thing about these conventions.

In terms of practical military application, our compliance with these conventions helps us to maintain moral authority, to sustain our operations and to win that strategic battle for moral authority. It also has extreme practical military applications in relation to economy of effort and in the process of taking care in targeting; it makes life a lot easier for us in situations when we have to deal with the backwash behind our combat operations. Also of course there is a very serious practical effect in relation to our troops. If we are able to provide an environment for them and provide training for them, it enables them to fight a war and engage in conflict in a moral and just way. Then, at the end of the day, after the conflict is over, they will have less to deal with in terms of psychological and other traumas. You only have to look at some of the experiences of those who have been involved in breaches of these conventions to understand how important that is and what the effect can be in terms of suicides et cetera, and the impacts on anybody associated with those who suffer from those traumas.

We have the major challenge of facing asymmetric warfare and the tactics of Hamas, Hezbollah, the Taliban et cetera have been referred to. Their tactics are used to exploit our application of these conventions. These people use civilians as human shields. And, of course, there is their own non-compliance—and I refer here particularly to the ongoing situation of Gilad Shalit, who has been in the hands of Hamas in the Gaza Strip for three years now without having been visited once by the ICRC. In dealing with this, we have to shape our tactics properly and that does not mean varying from the framework of the conventions. We must still maintain our application of them to maintain the moral high ground and win this battle in the longer term.
It does mean that we have to be very intelligent and capable of shaping the battle space to deny the opportunities for these enemies in that respect. That means being able to apply soft power as much as kinetic power to achieve that. But, when we do need to apply kinetic power, it means that we have to apply that force precisely, which is the key to that. We must avoid collateral damage at all costs and of course make sure that those persons we are targeting are the ones who should be targeted. That is really the secret to success as we face the challenges today of Afghanistan.

We have to also take care of the politicisation of the law, and we have seen what can occur in relation to the ICJ’s case on the Israel security barrier. The judges on the ICJ basically adopted positions in line with the political positions of their home states, which confused and clouded the application of this law to the great detriment of the way the troops would be required to apply this law in the field. So it is something that we have to bear in mind. That also means that we as politicians and as governments must make sure that we make very clear statements about the application of this law for the benefit of the practitioners of it at the sharp end in terms of our troops.

We have an opportunity to promote international humanitarian law and the work and the role of ICRC, and we have to take that as a solemn responsibility. The road to a humanitarian and peaceful world leads ever on, and we have many miles to go before we can sleep.

(Time expired)

Mr BRUCE SCOTT (Maranoa) (11.26 am)—I rise today to make a contribution on this motion before the Main Committee. I acknowledge the previous speaker’s wealth of experience as a military officer and the 20 years in the Army that he brings to this debate. I commend him on his speech and his commitment in relation to the work he has done throughout his military career. Of course, this is an opportunity to put it on the public record, which will stand forever more. One thing in this place is that the words we say will be here forever more and recorded in *Hansard* for, quite seriously, generations to come. It is an important forum for all of us and I commend the parliamentary secretary for his contribution.

Yesterday marked the 60th anniversary of the Geneva conventions which were agreed upon initially in 1949. They came into existence on 12 August 1949, just three days short of the fourth anniversary of that dreadful war, World War II, and the armistice in the Pacific region, which was on 15 August 1945. The four Geneva conventions, in essence, protect wounded and sick soldiers, both on land and at sea. They protect medical personnel and hospital ships, and they protect religious personnel during times of war. The Geneva conventions also call for the protection of prisoners of war from mental and physical torture, as well as the protection of civilians in war zones and occupied territories.

Australia signed the Geneva conventions in January 1950 and ratified the agreement in October 1958. Even though we were a young country, we too were well aware of the atrocities that our service men and women had witnessed or had been victims of in battle in war zones. Indeed, the atrocities that were committed in the Second World War serve as a reminder to us, even today, of the long-lasting damage of war and the depraved acts of warlords—of the Nazis and of the Japanese in the Second World War. They are a reminder to us all of the importance of these conventions.

Sadly, violations of the Geneva conventions are still happening across the world as humans continue to wage war against each other. Perhaps it will only be when there is truly peace that
there will be no violations of the conventions and, hopefully, one day there will be no need for them at all. But for mankind a peaceful utopia is still out of our reach, and until then we as Australians and members of parliament must make sure that we continue to uphold and encourage the upholding of the Geneva conventions so that the ravages of war are never again as horrific as those witnessed in World War II.

In the world’s recorded history there have always been many wars and conflicts and despicable acts of genocide and torture and of vengeance and domination. But there is always a silver lining to every cloud, and from the depths of war emerged charitable organisations such as the Red Cross. It was formed in 1863 after a Swiss citizen, Henry Dunant, witnessed the violence of Italy’s battle of Solferino, in which 38,000 soldiers lay dead, dying or wounded. They are just incredible numbers, numbers that in a modern world you cannot relate at all in your mind to human beings. Those 38,000 soldiers who lay dead or dying or wounded had no one to care for them. After rallying female civilians to help provide first aid, Dunant organised for makeshift hospitals to be built and for care to be administered to the soldiers. Later he wrote a book called *A Memory of Solferino*, calling for the establishment of volunteer groups to take care of casualties in wartime and calling for countries to protect first aid volunteers and medical personnel.

From those very humble beginnings, Red Cross has grown to become a worldwide recognised symbol of humanity. But their humanitarian aid is not just limited to the battlefield. Red Cross in Australia run a blood donation drive, provide first aid training courses, deliver Meals on Wheels in many communities, provide employment services for people with disabilities and offer counselling services. They provide respite services and give assistance to personnel supporting refugees and asylum seekers. Earlier this year it was the Red Cross who were very much on the front line in the aftermath of those tragic Victorian bushfires. That work is continuing today as we speak in this parliament.

I am a member of the Parliamentary Friends of Red Cross. When I was asked in this parliament to be a supporter of the Friends of Red Cross, I did not hesitate. If there is a symbol of humanity that stands large and bold out there in my eyes and my mind, it is the Red Cross. Yesterday in Federation Mall in front of Parliament House, at 7 on a very cold morning, it was a real privilege for me to join other parliamentarians and Red Cross volunteers in commemorating the 60th anniversary of the Geneva conventions. Robert Tickner, a former minister in the Hawke and Keating government who is now the CEO of the Red Cross in Australia, addressed those of us gathered on that cold lawn in front of Parliament House and presented to the Attorney-General a bound copy of the conventions, with the inclusion of the new convention. It may be symbolic, but I think it was important that that book, be it small, is a gift to this parliament. I understand it is the intention of the Attorney-General to make sure that it finds an appropriate place, either in the Parliamentary Library or another part of Parliament House. As I said, it is symbolic but also terribly important and a reminder of the great work of the Red Cross and the importance of the Geneva conventions.

I want to commend the work of Red Cross in Australia. Yesterday’s commemoration was wonderful in recognising not only the conventions and their work, and what it stands for and means for us all as a model, but also the dedication of the Red Cross to helping people, regardless of their religious belief or the colour of their skin. I just say the Red Cross’s work is admirable. It has no boundaries; it is about humanitarian support and aid. Quite clearly, Henry
Dunant’s vision has been recognised and the work continued. I am sure, were he with us now, he would be so proud of his work in establishing the Red Cross so long ago.

Last week I travelled with our defence subcommittee to Timor-Leste. I had visited Timor-Leste on three occasions before, when we were there with INTERFET helping the East Timorese establish their own democracy, which they had voted for. They wanted independence from Indonesia. I was able to witness some of the work that had gone on, albeit rather slowly but again as part of all the operations that have gone on through international support and AusAID. And there are some 610 Australian military personnel who are still helping them bring about a new democracy. The work also of many NGOs that I saw there is invaluable. One of those is the Red Cross. I also want to acknowledge the work that they have done in so many areas of conflict around the world, and in peace time here in Australia, but particularly the work that they are doing in Timor-Leste.

I will just take a couple of moments to recognise the work of the Red Cross volunteers in my own electorate. I remember growing up as a little boy in Roma, a country town in western Queensland. The office of the Red Cross and the symbol of the red cross is something that remains an indelible imprint on my mind, along with the work of the volunteers. They were always doing it silently. They collected clothes and provided money or food assistance for those who were needy. They always did it silently, and they volunteered their time. I just want to acknowledge all of those people in my electorate. There are many Red Cross branches in my electorate. I want to acknowledge the work that they do. They are among the unsung heroes in our community, and I just continue to admire the work that they do. I want to recognise the work of the Red Cross volunteers in my electorate and across so many parts of Australia. It is just an honour to be part of this motion before the House. I commend it to the parliament.

Mrs D’ATH (Petrie) (11.36 am)—I rise to also speak in support of this motion on the 60th anniversary of the four Geneva conventions of 1949. It is certainly an honour to be a member of this House and to have the opportunity to acknowledge the 60th anniversary and to give recognition to such important international humanitarian laws.

As other speakers have noted—including the Attorney-General, the Hon. Robert McClelland MP—tragically the world continues to experience armed conflict. There are many other speakers to this motion who are able to give much more detailed personal accounts of their experiences overseas that these conventions are in place to deal with and to provide protection from. Of course one such speaker was the member for Eden-Monaro. I think it is fair to say that all of the members of this parliament should thank the member for Eden-Monaro for not only his contribution on this motion but also his contribution in the military and his service, which he referred to in detail today.

I know many of the speakers have spoken about the events throughout history that these conventions have been in place to provide some support and solace for. I think this is also an opportunity to reflect on the conventions and the protocols themselves and on what they are meant to achieve. When I was studying law I made the decision to do an elective subject on international law. I found it an interesting area that I wanted to understand in more detail. I have to say that it was one of the most frustrating areas of law to study, especially when dealing with international humanitarian laws. To know the impact of these laws, these conventions and these protocols and what they attempt to achieve throughout the world and to watch over
time the violations against these conventions, to watch countries and nations not sign up to certain conventions and to see the difficulty of enforcing these conventions and protocols at an international level was hard to come to terms with for me, as someone who believes that law is there to be enforced and to get results one way or the other.

I acknowledge the amazing work that organisations and individuals do throughout the world in trying to bring countries, political parties, organisations and individuals to account at an international level for what they have done, for the atrocities they have been involved in against other people. That is why I want to take the opportunity to just look at these conventions and protocols and to put them into the record so that anyone who revisits this motion and these discussions about the 60th anniversary understands what the intent of these conventions is. The International Committee of the Red Cross have worked tirelessly in some of the most oppressed areas of the world and have seen some of the worst atrocities that have occurred throughout world history. They best summarise through their web site what the 1949 Geneva convention seeks to achieve.

The Geneva conventions and their additional protocols are international treaties that contain the most important rules limiting the barbarity of war. They protect people who do not take part in the fighting: civilians, medics, aid workers and those who can no longer fight—the wounded, the sick, and shipwrecked troops and prisoners of war. The first Geneva convention protects wounded and sick soldiers on land during war. This convention represents the fourth updated version of the Geneva Convention on the Wounded and Sick following those adopted in 1864, 1906 and 1929. It contains 64 articles. These provide protection not only for the wounded and sick but also for medical and religious personnel, medical units and medical transports. The convention also recognises the distinctive emblems. It has two annexes containing a draft agreement relating to hospital zones and a model identity card for medical and religious personnel.

The second Geneva convention protects wounded and sick shipwrecked military personnel at sea during war. This convention replaced The Hague convention of 1907 for the adaptation to maritime warfare of the principles of the Geneva convention. It closely follows the provisions of the first Geneva convention in structure and content. It has 63 articles specifically applicable to war at sea. For example, it protects hospital ships. It has one annexe containing a model identity card for medical and religious personnel.

The third Geneva convention applies to prisoners of war. This convention replaced the prisoners of war convention of 1929, and contained 143 articles whereas the 1929 convention had only 97. The categories of persons entitled to prisoner of war status were broadened in accordance with conventions one and two. The conditions and places of captivity were more precisely defined, particularly with regard to the labour of prisoners of war, their financial resources, the relief they received and the judicial proceedings instituted against them. The convention established the principle that prisoners of war should be released and repatriated without delay after the cessation of active hostilities.

We should not underestimate the importance of these conventions and, certainly, this third convention dealing with prisoners of war. We have heard of many atrocities over the years in relation to prisoners of war and the circumstances in which they have found themselves—the standards of their surroundings, their food provisions, the labour they were required to perform. We would all like to see an end to war in itself across the world. We must ensure that
conventions such as these remain in place to ensure protections for any prisoners who are taken into custody during wartime.

The fourth Geneva convention affords protections to civilians, including in occupied territory—another worthy convention when you consider that the nature of war, and the nature of any sort of intervention in a nation, has changed considerably over the years. Although there is a lot less hand-to-hand combat and a lot more technology involved now, the reality is that we are still seeing many civilians being seriously injured or losing their lives as a consequence of these actions. We need to do more to protect these people, and that is why these conventions are in place.

The Geneva conventions, which were adopted before 1949, were concerned with combatants only, not with civilians, and that is why this particular convention, adopted in 1949, was so important. To think that prior to 1949 we did not have a convention that provided safety or any rights or protections for civilians is hard to believe, but in fact it only occurred as a consequence of this convention in 1949. The events of World War II showed the disastrous consequences of the absence of a convention for the protection of civilians in wartime. The convention takes account of the experiences of World War II. It is composed of 159 articles and it contains a short section concerning the general protection of populations against certain consequences of war, without addressing the conduct of hostilities as such, which was later examined in the additional protocols of 1977.

The bulk of the convention deals with the status and treatment of protected persons, distinguishing between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in occupied territory. It spells out the obligations of the occupying power vis-a-vis the civilian population and contains detailed provisions on humanitarian relief for populations in occupied territory. It also contains a specific regime for the treatment of civilian internees. It has three annexes containing a model agreement on hospital and safety zones, model regulations on humanitarian relief and model cards. Article 3 common to the four Geneva conventions marked a breakthrough, as it covered for the first time situations of non-international armed conflicts. These types of conflicts vary greatly. They include traditional civil wars, internal armed conflicts that spill over into other states or internal conflicts in which third states or a multinational force intervenes alongside the government.

Common article 3 establishes fundamental rules from which no derogation is permitted. It is like a mini convention within the conventions, as it contains the essential rules of the Geneva conventions in a condensed format and makes them applicable to conflicts not of an international character. It requires humane treatment for all persons in enemy hands, without any adverse distinction. It specifically prohibits murder; mutilation; torture; cruel, humiliating and degrading treatment; the taking of hostages; and unfair trial. It requires that the wounded, sick and shipwrecked be collected and cared for. It grants access to the International Committee of the Red Cross to offer its services to the parties of the conflict, and it calls on the parties to the conflict to bring all or parts of the Geneva conventions into force through so-called special agreements. It recognises that the application of these rules does not affect the legal status of the parties to the conflict. Given that most armed conflicts today are non-international, applying common article 3 is of the utmost importance. Its full respect is required. The problem is that we know that that particular convention is probably one of the most violated and breached conventions in the Geneva conventions of 1949.

MAIN COMMITTEE
The Geneva conventions entered into force on 21 October 1950. Ratification grew steadily through the decades, with 74 states ratifying the conventions during the 1950s, 48 states during the 1960s, 20 states during the 1970s, and another 20 states during the 1980s. Twenty-six countries ratified the conventions in the early 1990s, largely in the aftermath of the break-up of the Soviet Union, Czechoslovakia and the former Yugoslavia. Seven new ratifications since 2000 have brought the total number of the states party to the conventions to 194, making the Geneva conventions universally applicable.

The 60th anniversary gives all of us—government and non-government organisations, businesses, community organisations and the broader community—the opportunity to reflect on these conventions and protocols, to stop and think about what they seek to achieve and how, as individuals and as a collective group, we can go forward into the future and to do more to cease hostilities and to limit human suffering around the world. I would like to support the Attorney-General’s recognition of the extraordinary contribution made by many individual Australians, including the Australian Red Cross members, volunteers and staff, in carrying out the humanitarian ideals expressed in the conventions and additional protocols. Let us all work together, now and into the future, to see that these conventions are actually enforced and to ensure that full human rights and humanitarian protections are provided to all citizens across the world.

Mr OAKESHOTT (Lyne) (11.51 am)—I rise to support this motion moved by the Attorney-General and to support the comments that have been made by all speakers in the debate so far. Yesterday was a day of confirmation and celebration of the 60th anniversary of the Geneva conventions. To start with one family anecdote, a nice surprise for me from yesterday’s celebration was the finding of a new relative in the Hon. Robert Tickner. As of yesterday, we have now established that we are cousins of some form, probably much to the shock of half my family and much to the pleasure of the other half.

For another reason I want to give another family anecdote, and that is that I am the grandson of someone who is probably a lot of the reason the Geneva conventions were established and we have them today. My grandfather was one of the five officers and 15 other ranks who survived to the end of the Sandakan death marches, as I have mentioned previously, and to the victory in the Pacific, on 15 August, 1945. However, two weeks after that date, on 27 August, those 20 individuals were murdered at the hands of their captors. They fell into the very difficult legal gap of not technically legally being prisoners of war yet not technically legally being able to be dealt with as civilians being murdered because documents at the end of the war were not technically signed until 2 September, so there was a very difficult window of about three weeks. I would have loved to have met my grandfather and I would hope he would have loved to have met me. And that is just one such example of someone falling into a legal trap at the end of the war: not technically a prisoner of war but not technically a civilian and therefore not able to be dealt with under international law.

But out of those end of Second World War situations we saw negotiations start and we saw good principles develop through the four Geneva conventions. And the very good words in article 27 of the fourth Geneva convention give some small solace, I hope, for families in similar situations to our family who are ask: what is the point of those deaths? The point of those deaths, in some small way, is that we now have some established international law that leaves no-one behind. So article 27 is important. It says:

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Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

These are good solid principles that I would hope every member of this place supports and, where possible, actively fights to protect and uphold. Whilst they are broad words—and quite often in international law we see words that are so broad that they can often be left to interpretation for the moment and really not achieve anything—I think what these four Geneva conventions over time have done, from way back in 1949, is set some broad principles which we have seen be defined by various courts of law and various international tribunals. From that slow evolution of the defining of these laws, I think today we have some really solid principles with some practical application. An example is the International Criminal Tribunal on the Former Yugoslavia, which has done some really good, sound definitions of what is and what is not a prisoner of war and all those difficult questions about—I think it is article 3—armed conflict within a sovereign nation, what is and what is not armed conflict and what does and does not fall under these Geneva conventions. I think these are now all starting to be defined and 60 years later we have a stronger document and a stronger set of principles than we had in 1949.

A good example of that is going on right now. I think Australia can be extremely proud of, and should probably talk more about, the work that is being done in Cambodia with the international tribunals in the prosecution of various principles attached to these Geneva conventions. The name Gareth Evans, for anyone who goes to Cambodia, is held in very high esteem. The Australian government generally is held in very high esteem and Australian law officials are intimately involved in what is happening now with the Duch trials and the various trials in the prosecution of these Geneva conventions.

These are not broad, symbolic, flowery statements. They have practical applications. I was lucky enough to be in Cambodia in the early days of these trials and to see villagers coming with awe, shock and wonder to stand in the court and to listen to the evidence being given over 30 years later. This said to me that it has real practical application for the hearts and minds of individuals and families all around the world. That is the upside of the delivery of these Geneva conventions and something Australia should be, in that particular circumstance, very proud of.

The downside is—the point was already made—man’s inhumanity to man and the folly that is attached to a lot of the decision making that goes on in the world and world affairs and what drives people to conflict. In the Cambodian situation, I would love every Australian to walk through those killing fields—to walk through S21—to get a real sense of the absolute brutality of the loss of principle that goes with man’s inhumanity to man when it all goes wrong. From that we drive home the importance of international conventions—and these Geneva conventions in particular—and within every single one of us the importance of the vigi-
lance of protecting and upholding an understanding of these principles so that, whether within Australia or in any capacity where we have an engagement with the world, we do not allow ourselves, our friends, our family or our communities to go off the rails in dealing with our fellow man.

That is probably a nice link into some local work that we are trying to get off the ground, and that is the expansion of the brand of the United Nations throughout the mid-North Coast of New South Wales. Within political circles and within public debate in Australia—and I have mentioned this before in public addresses—I do think the United nations has copped some rough trade. An organisation that is doing some difficult work is an easy target at times. It is important for an area like the mid-North Coast of New South Wales, where there is probably not the amount of contact with the international community as you might find in many metropolitan communities or in Canberra, to try to engage better. That is why right at the moment we are trying to roll out the United Nations Association branches throughout the mid-North Coast, and we are getting some really good feedback from community members wanting to be involved. It gives me a lot of comfort that there is an interest and a desire within the Australian community to engage with the world as a friend, on peaceful terms, so I will certainly be following that work up and supporting it and helping wherever possible to promote the international message within the local community. It is a bit of a cliche in this place that all politics is local; in a lot of ways that is true but also, attached to that, international documents like the Geneva Conventions can be as local as you want them to be. The obligation on all of us in this place is to make these documents local, make them relevant and endorse and promote Australia’s international role of being a good fellow citizen within the world community. These documents are an excellent way of doing that.

I finish where I started, in that my example of the family story is told 100 or a 1,000 times over around the world. Unless we have international law that can prosecute when things go wrong and protect those, whether they are prisoners of war or innocents caught up in an armed conflict situation, unless we have documents in place and unless we have people in place willing to uphold those documents, the world is a worse place. That is why these Geneva conventions are so important, the 60th anniversaries are so important. I hope that all members of this chamber will take the time to do a Wiki search or get a quick understanding, if they do not have one already, or just reconfirm and then go about the business of promoting these principles far and wide.

Ms PARKE (Fremantle) (12.03 pm)—I thank the Attorney-General for moving a motion to recognise these important anniversaries, and I welcome the government’s ratification yesterday of the third additional protocol to the Geneva conventions. The Geneva conventions, whose 60th anniversary was celebrated yesterday, are part of the essential humanitarian codex. Indeed, they are one of the most recognisable sets of agreed international conduct. ‘Geneva conventions’ is itself a phrase that is often used as shorthand in other contexts for the kinds of rules that ought to govern our conduct in difficult circumstances. In a recent interview with CNN, Charlotte Lindsey of the International Committee of the Red Cross noted:

On a daily basis, living in a war zone, you see examples of the conventions being applied. Every time a soldier is captured and moved to a prison, or a wounded soldier is collected by an ambulance, that is an application of the Geneva Conventions.
People forget that they are rooted in the law because they seem such evident needs and evident rights that people have.

The Geneva conventions set down important protections for civilian populations, wounded combatants and prisoners of war. The recognised significance of these protections is underlined by the fact that the Geneva conventions still represent the only piece of international law to have been ratified by all member states of the United Nations. It is, as the Attorney-General has noted, a mark of their primacy that this is so. It is also a reminder, however, of the progress that remains to be made in reaching global consensus and adherence to many other crucially important instruments of international law.

Last year, for example, we saw the signing of the treaty banning the use of cluster munitions. Wherever they are used, cluster bombs lie unexploded on the ground and in trees, killing and maiming civilians and rendering vast tracts of land unusable for years after conflicts end. I saw this graphically for myself in Kosovo and Lebanon. The cluster munitions convention has now been signed by more than 100 states, including Australia, and it is to be hoped that the ban on these appalling weapons will eventually be supported by all.

The notion of ‘humanitarian warfare’ can rightly be regarded as perhaps the best or worst example of a contradiction in terms. Certainly, we should never allow the achievement of the Geneva conventions and other like instruments to in any way mask the fact that war itself should be avoided and opposed where possible or otherwise brought to the quickest end possible.

On the question of progress with respect to the scope of the conventions themselves, I note that in a recent interview, Knut Dormann, the head of the Legal Division of the International Committee of the Red Cross, has observed that the protections provided by the Geneva conventions do not extend far enough in the case of civil conflict. The adoption in 1977 of additional protocol II strengthened the protection for victims of non-international conflict, but it remains the case that there is more to be done in this area.

In June I moved a motion on the subject of the conflict in Sri Lanka. On that occasion, I expressed concerns that had been raised by the United Nations and by humanitarian NGOs on the ground in Sri Lanka about the conditions and circumstances of some 300,000 Sri Lankan Tamils living in displacement camps. As most of the contributors to the debate on that motion clearly recognised, it is critical that civil conflicts and the aftermath of those conflicts are governed by appropriate humanitarian law. On this point, Knut Dormann has observed:

… there is currently no detailed framework establishing procedural safeguards for people interned for security reasons in relation to non-international armed conflicts.

Again, that is something the international community should be prepared to work towards.

As Chair of the Australian Parliamentary Association for UNICEF and the Australia-UN Parliamentary Group I also want to make particular note of the fact that when it comes to civilians affected by war it is often women and children who suffer the most. The Progress of the World’s Women 2008-09 report of UNIFEM, entitled Who answers to women?, which was released yesterday, noted that the use of sexual violence against women is now an established tactic in armed conflict. Such violence is a way of affecting an entire community into the next generation, because women may be too damaged from it to bear children, or they may become pregnant or be infected with HIV-AIDS following a rape. The UNIFEM report quotes a former United Nations forces commander saying:
… it is more dangerous to be a woman than to be a soldier in the Eastern DRC. That is, the Eastern Democratic Republic of the Congo.

This morning in my office I had a visit from the group Friends of ‘Comfort Women’, including a survivor of the military-sexual slavery system during World War II, Ms Gil Won Ok from Korea. Ms Gil Won Ok was taken by the Japanese military from Pyongyang as a 13-year-old child to China and kept in sexual slavery for five years, during which time she was forcibly sterilised and suffered so many torments that she says, ‘it would take months to tell them all’. She never saw her family again and has not been able to have a family of her own. She said, ‘I came into this world as a human being but I have not been able to live as a human being for 81 years. People think that because it happened so long ago we would forget, but I live with it every day, and every night I’m still fighting them in my dreams.’ The Friends of ‘Comfort Women’, supported by Amnesty International, are seeking an official apology from the Japanese government.

In June last year, the United Nations Security Council voted unanimously for a resolution that recognised sexual violence as a war crime and a crime against humanity, and called for a security response. Now that this crime has been recognised by the international community, it is my hope that Ms Gil Won Ok and her fellow comfort-women survivors, who are now quite elderly, will receive the recognition and apology they so desire and deserve.

It must be acknowledged that challenges and imperfections do exist in the area of international humanitarian law. Conduct in breach of the conventions is certainly occurring even now—witness reports of atrocities, indiscriminate attacks on civilians, mistreatment of detainees and practices such as extraordinary rendition. Of course, the expansion of the field of application of international humanitarian law beyond situations of international armed conflict between states to more often situations of non-international conflicts involving non-state armed groups has raised a significant number of challenges. Oxfam has pointed to violence in Afghanistan, Columbia, DRC and Sudan as examples of the increasingly indiscriminate nature of modern conflicts. ICRC President Kellenberger has also noted the increasing complexity of armed conflicts and the difficulty of distinguishing between combatants and civilians as well as phenomena such as terrorism. However, this should not be regarded as evidence that the conventions themselves are ineffective, nor that the multilateral institutions that seek to uphold such law are ineffective.

The Geneva conventions remain, as I said at the outset, one of the greatest expressions of humanitarian principles and one of the most powerful frameworks of humanitarian practice. I worked for the UN in places like Kosovo, Gaza and Lebanon. The Geneva conventions were the shield that we used as protection for ourselves and the vulnerable populations we assisted. Unfortunately, and shockingly, United Nations staff have increasingly been the targets of attacks. I am keenly aware that 19 August next week will be the sixth anniversary of the bombing of the UN headquarters in Baghdad, which killed more than 20 people—including several of my UN colleagues I knew in the Kosovo peacekeeping mission as well as my good friend Jean-Selim Kanaan. I dedicated my first speech in this place to Jean-Selim and his war against indifference. I am pleased that the Australian government, in its recently announced changes to counterterrorism offences, will be recognising that international organisations such as the UN can be the target of terrorist violence.
Significant progress has also been made in enforcing compliance with the Geneva conventions through the international criminal tribunals for the former Yugoslavia and Rwanda and the establishment of the International Criminal Court, among other international processes, which recognise that violations of the Geneva conventions are criminal offences for which individuals can be held accountable. Earlier this year, as a member of Parliamentarians for Global Action, I attended a workshop in Jakarta, the aim of which was to encourage Indonesia to ratify the International Criminal Court Statute, as it has committed to doing on a number of occasions. Now that the elections in Indonesia are over, we are hopeful that ICC ratification will occur in the near future and that many other countries will follow Indonesia’s example.

There are many Australian peacekeepers participating in humanitarian endeavours in trouble spots around the world. It is only right that on the occasion of the 60th anniversary of the adoption of the Geneva conventions we remember and honour the good work that is done and we continue to believe that there is both the capacity and the will in humankind to make progress—even if it is achingly slow—towards the sometimes seemingly impossible ideals of global tolerance, cooperation, justice and peace.

Mr FARMER (Macarthur) (12.13 pm)—Can I say at the outset that I am very pleased to be able to speak in the debate on the motion on the Geneva conventions. I travelled at Christmas across to Egypt and had some dealings with the international Red Cross in Egypt, Nepal, Peru and India. I saw first hand the work being done by the international Red Cross. I will get into that a little bit more in a moment. In these times of uncertainty, with wars in the Middle East, with terrorism lurking on every doorstep, I find comfort in reflecting on the signing of the Geneva conventions some 60 years ago. I find hope that the initiatives shown all those years ago to create and to promote a doctrine of universal human decency are still alive today. I think that is the thing that we need to reflect upon most in this debate—that is, it is all about humanity and human decency regardless of the times or the circumstances that we find ourselves in. It is interesting to note that those same fundamental principles were the foundation of the conventions and that they remain in place as an important and relevant part of our society today.

In 1962 Henri Dunant published his book *A Memory of Solferino* about the horrors of the First World War and the four treaties that now make up the Geneva Conventions of 1949. If he were here I am sure Henri would be pleased to see that the rules and regulations that were dreamt of in those days have been enacted today and that his vision is taking placing and will live on well into the future. I believe that the same planned, logical thinking that eventuated in the Geneva Conventions can and should apply to politics as well. Decisions that we make today should be made with the future generations in mind. Moral standpoints that transcend party politics should not be ignored but welcomed as a compass for our policy making.

It is a testament to the first of the conventions that the Red Cross remains as strong and as prevalent as ever. I have travelled the world and I have run across half of it and I have seen firsthand the incredible work being done by the International Red Cross and the laws that are implemented on a daily basis in fields of conflict.

The Geneva Conventions consist of four treaties and three Additional Protocols that set the standards of international law for humanitarian treatment of victims of war. The singular term ‘Geneva Convention’ refers to the agreements of 1949, which were negotiated in the after-
math of World War II after having seen the horrific circumstances that took place during the
course of World War II.

The Geneva Conventions comprise rules that apply in times of armed conflict and seek to
protect people who are not or are no longer taking part in those hostilities. It takes care of and
protects wounded and sick fighters, prisoners of war, civilians and people who are not in-
volved in the conflict at that point in time. It protects women and children on the fields of bat-
tle from having their rights violated just because they found themselves in the wrong place at
the wrong time when a war has erupted around them.

The most serious crimes are termed ‘grave breaches’ and provide a legal definition of a war
crime. Also considered under ‘grave breaches’ of the four Geneva Conventions are the follow-
ing: the taking of hostages; extensive destruction and appropriation of property not justified
by military necessity and carried out unlawfully and wantonly; and unlawful deportation,
transfer or confinement. Nations who are party to these treaties must enact and enforce legis-
lation penalising any of these crimes.

As I mentioned early on, during the last Christmas break I had the opportunity to visit
Egypt. While I was there I met with the Secretary General of the International Red Cross, Pro-
fessor Mamdouh Gabr, who was heading up operations there in Egypt, and the Director Gen-
eral, Dr Magda el-Sherbiny. During the course of my conversations with them they took a
phone call in relation to the bombing of a school on the Gaza Strip. I saw the horror on their
faces as the circumstances unfolded and I saw how they dealt with those circumstances. I
have to tell you, quite honestly, that the professionalism that is dished out in circumstances
such as this by each and every person involved with the International Red Cross is to be ad-
mired. It is certainly something that this world cannot live without. I remember asking the
professor, ‘How on earth can you possibly deal with both sides of a conflict with compassion
and without feeling some form of resentment for the actions that they have taken?’ He replied,
‘We would not be who we are and we could not do the job that we are expected to do if we
did take sides.’ These people risk their lives and send their volunteers into situations where
conflict is happening all around them to protect and care for the injured, to save lives and to
protect the people around them regardless of which side of the conflict they are on. They live
and breathe the word ‘humanitarian’.

The No. 1 thing that stands out in my mind in relation to the Geneva convention is how in
times of conflict—and all nations have found themselves in conflict over years gone by and
probably will in the future—we need to reflect on the most important principle of all: the
value of a single human life. We need to reflect on the quality of a single human life as well.
We need to make sure that we always, even though we may have disagreements that bring us
to arms, consider these people and their rights during any disputes that we or other nations
may have. We must always uphold these rights.

That is what this recognition in this debate is all about. It is important that we place it front
and centre in the minds of every single Australian, both young and old, so we never find our-
ourselves in the situation where we have put politics, legislation, wealth or greed in front of hu-
manity.

Mr PRICE (Chifley) (12.22 pm)—I am pleased to speak on the 60th anniversary of the
signing of the Geneva convention. I am somewhat intimidated by the fact that chairing these
proceedings is the Chair of the Joint Standing Committee on Treaties, Mr Kelvin Thomson. I
hope I can make a contribution that meets with your approval. I listened to the honourable member for Fremantle, who of course had an outstanding service record before she came here. Certainly on both sides of parliament we rejoice in that.

As a member of parliament I have had the privilege of going to Rwanda, Somalia, several times to East Timor and Bougainville. Bougainville per capita was one of the bloodiest conflicts. It is really sad that as we are now well and truly in the new century and the new millennium there does not seem to be an abatement of man’s inhumanity to man. The Geneva convention, which is 60 years old, is very important in the conduct of formal warfare. These days we live in the era of terrorism where the target of the attack is the civilian population and the idea is that maximum damage be done and headlines gained. There is no formal declaration of war and none of the formalities. I think it is all very sad. If we can sign the Geneva convention, hopefully in the future we will have an era where terrorism does not exist.

The Geneva convention is a collection of four treaties and three additional protocols that are ratified in whole or with reservations by 194 countries. Although in the House yesterday we commemorated the 60th anniversary of the Geneva convention, most of the protections it affords in fact predate the 1949 agreement. The convention defines the basic rights of those captured during military conflict, establishes protections for the wounded and addresses protections for civilians in and around a war zone. It took almost four months to agree to the terms of the convention but many still consider it a miracle that agreement was ever reached, considering the signatory states effectively agreed to relinquish sovereignty for international law when engaged in conflict. As I pointed out, sovereign states are usually not the proponents of terrorist acts.

The architects of the Geneva convention were the International Committee of the Red Cross. In April this year in Geneva, together with my colleagues and led by the Speaker, I was pleased to visit, amongst some other organisations, the International Committee of the Red Cross. We met with the vice-president there, and I was truly impressed by the work that they do. In 2007 the International Committee of the Red Cross provided food for more than 2.5 million people and emergency supplies such as tents and blankets for almost four million people. Its water and sanitation construction project supported 14.3 million people, and around 2.9 million—more than half of them children—benefited from the International Committee of the Red Cross supported healthcare facilities. Of course, the International Committee of the Red Cross, as has been pointed out by the honourable member for Macarthur, do go into these conflict zones. They do not take sides. In that way I think warring parties or factions can gain confidence from the committee’s involvement there. They seek to protect civilians and provide emergency aid.

I should mention for the record that the International Committee of the Red Cross is a key partner in the Australian aid program for international humanitarian assistance. Over the past several years Australia has steadily increased its core funding in addition to responding to ICRC appeals. Thus far in 2009 Australia has provided $16 million. Of this, $14.8 million is a core funding contribution. In 2008 Australia contributed approximately $23.5 million, of which $12 million was for core funding.

More recently, the third protocol of the Geneva convention has introduced a new protective emblem, the Red Crystal. The Geneva convention is not just a series of documents or a blueprint for international law. It should serve as a living memorial to all those innocent civilians
who suffered and perished in times of war, particularly World War II. We should all be grateful for the convention. I just hope that in the future it will not have to be honoured, as we will have reduced conflict around the world.

A division having been called in the House of Representatives—

Sitting suspended from 12.28 pm to 12.40 pm

Debate (on motion by Mr Melham) adjourned.

ADJOURNMENT

Mr MELHAM (Banks) (12.41 pm)—I move:

That the Main Committee do now adjourn.

Ms LEY (Farrer) (12.41 pm)—I would like to bring the House’s attention to a situation in Broken Hill, in the west of my electorate. The Broken Hill Multicultural Women’s Resource and Information Centre have recently been denied funding by the Department of Health and Ageing, under the Community Partners Program. They have received this funding for the last two years and now they will be forced to close. How much funding? Just $70,000. That is really a drop in the ocean and we are so disappointed. It is beyond comprehension that the government could not see their way to provide this small amount of money for an organisation which, in turn, assists residential aged-care homes and provides community-care resources for migrants as they age. Broken Hill is a town that was built on migration. At least 12 per cent of the population are older migrants. Their children have left and they are, in many cases, without support and without resources. This program has previously been delivered in Broken Hill. It has been a huge success in assisting service providers with culturally specific training on the difficulties that face migrants as they age.

The Community Partners Program funding was advertised as giving regional areas priority. I saw it myself on the website but the outcome, as we often see, is completely different. The only regional area, apart from Sydney and the Illawarra, receiving a grant is Lismore. No areas west of the Great Divide are to receive funding. Lismore, Sydney and the Illawarra were lucky enough to get funding under the Community Partners Program. They all deserve the money they got. I do not suggest for one moment that funding should be withdrawn from the coast, but why advertise a program as looking after regional areas and then not provide the money?

The centre has been running for 22 years. It has assisted migrants, particularly women with issues facing them due to relocation in a new country and the isolation they experience in an outback city. The inability to access this funding will probably mean the centre will have to close. It is an untenable situation. It will mean the closest migrant services will be in Adelaide and Dubbo—that is, 756 kilometres to Dubbo and 512 kilometres to Adelaide. As I said, Broken Hill was built on migration and these people are ageing. It is more important than ever that we assist them. I ask the Minister for Health and Ageing to review this decision and to give consideration to the circumstances of this outback mining city. It has become apparent to me that, too often, there is a lack of comprehension by this government of the issues faced by rural and regional Australia. The distances are getting no less but, time and time again, I hear of a decision made by a bureaucrat based in Canberra, Melbourne or Sydney, which is then approved by their city based minister. They seem to think it is okay; well, I don’t.
I spoke this morning to Eleanor Blows, who is the coordinator of the Broken Hill Multicultural Women’s Resource and Information Centre. She painted a picture of what that centre does. What hurt her the most was that the response it got from the department was, ‘You’re really just a social group.’ How absolutely incorrect. The department knows what this centre does because it has been funding it for two years. The department is providing only $70,000 but it has been funding them. They are not just a social group. They have monthly meetings and they link in this frail older group of migrants with important people in the community. For example, the local doctor will come and talk to them in a non-threatening session and, likewise, the local pharmacist. Yes, there are social aspects to this group but that follows on from the real work of integrating migrants into residential aged care and helping the local health service and local doctors provide them with what they need.

I have often seen migrant ladies sitting in a corner of a residential health facility, unable to communicate and possibly suffering from dementia. To have that resource there perhaps to provide these ladies with music in their own language or the nursing staff with a book of words that they can use to help them understand these people is, I think, important. There are Italians, Germans, Filipinos, Afghans, Greeks, Yugoslavs, Lebanese and Russians in Broken Hill and they all deserve this support as they age.

Residential aged-care facilities are good but they need additional support when migrants are moved into them. The local area health service is struggling desperately with funding— anyone who is acquainted with New South Wales knows that—and so this resource becomes more important than ever.

Wakefield Electorate: Mallala Community Hospital

Wakefield Electorate: Vietnam Veterans Charity Walk

Mr CHAMPION (Wakefield) (12.46 pm)—I rise to inform the House about two great community events that have occurred in my electorate over the last week. The first was the annual fundraiser for the Mallala Community Hospital, which was a very fun affair. It featured the renowned political journalist, Annabel Crabb, and our own Grant Cameron from the local ABC. It was a terrific fundraiser. There were a lot of familiar faces from places like Balaklava, Mallala, Two Wells, Owen, Hamley Bridge and Gawler.

It was a night of great humour. Mac Crabb, who is the chairman of the Mallala hospital board, is Annabel’s father. I think he helped to get her that night. It was a chance for Annabel to come home. I was reassured in the middle of her speech when she said about politicians: Most of them are good on the whole and well motivated. There are not many bad guys, only there for personal gain and power building.

She then went on to rather ruthlessly, I think, make fun of us all—it was done in very good humour—to the delight of the crowd. It was a really great night, and I cannot tell you how much fun I had being there. It was reported in the local Bunyip newspaper as ‘Mallala becomes centre of political discussion’. In the Plains Producer it was reported as ‘Talking politics pays off’. A great night was had by all.

Mallala hospital is a particularly important institution for the town. It has a very active board, which is made up of Maxine Varcoe, who is the CEO, Ian Jenkin, Richard Verner, Mac Crabb, whom I have mentioned, Jenny Irish, John Tiller, Denise Goward, Sharon Henderson
and Carol Baker. Over the last four years, they have raised over $150,000 for the hospital, which is a tremendous effort, and last Friday night, they raised $7,500.

I am proud to say that I did my bit by bidding $100 for a signed bottle of the member for North Sydney’s wine. I have that in my cellar back home in the City of Salisbury. I am sure he will be reassured to know that. The event was very popular and very well chaired by Paul Angus, who was the MC for the night. It was a very enjoyable evening. It is a great hospital and a great town, and I would like to commend them all on their efforts.

The other event in my electorate this week is the annual walk by Vietnam veterans from Port Augusta down to Kapunda. They did this walk in 2007 and raised approximately $30,000. This year, as I said, they are walking from Port Augusta to Wilmington, Gladstone, Clare and Kapunda. It is a journey of over 450 kilometres. There are overnight stays in Wilmington, Gladstone, Clare and Kapunda. They will arrive tomorrow in Kapunda, where they will be met by Mr Keith Payne VC, a very brave man, who has served this country admirably. Mr Payne will address the local high school—the high school that I am a graduate of, I am proud to say—and also the local primary school. It is a great event both for the Vietnam veterans and for the young people who are attending school in Kapunda.

I am very proud to say that the town has really got behind this event. I have to acknowledge the local sponsors: the Light Regional Council, led by Mayor Hornsey; Pat Hayward and Pam Laver, who are organising the trip; the Kapunda Football Club; JT Johnsons, a very prominent business; Roof Seal-Kapunda; Prior’s Auto Service; the Kapunda newsagency; and Menzel’s Meats. It is good to see all of those local businesses and local people, including, of course, the local branch of the RSL, getting behind such a good cause. This will raise money for the Vietnam Vets Children’s Education Fund, Legacy South Australia and Foundation Daw Park, which looks after South Australia’s repatriation hospital. My grandfather was treated in that hospital many years ago, and I know just how important it is for veterans and their families.

I should also mention teachers Peter Norde and Jennette Mickan from Kapunda High School and Di Jamieson and Brett Cummins from Kapunda Primary School, as well as Andrew Hayward from the Kapunda footy club, local Vietnam vets John Rees and Kevin Hudson and, of course, all the other people involved in this great event. (Time expired)

Swan Electorate: Crime

Mr IRONS (Swan) (12.51 pm)—I hope the member for Wakefield enjoys the member for North Sydney’s wine, and I am sure he will give us some feedback on that. This afternoon, I wish to raise in the parliament the recent crime wave that has hit my electorate of Swan. It is one of the sad contradictions of life that criminals choose to target areas in which people who can least afford to lose their possessions live. This has been the case in my electorate, with the areas of Belmont, Rivervale, East Victoria Park, Manning and St James being particularly affected. Over the last few months I have noticed a steady increase in such calls to my office from people in these suburbs, and I suspect that crime figures have increased.

David Glossop of East Victoria Park wrote to me.

Last week an 80-year-old man had his house broken into at 2am. Gary on the corner ... had his house broken into and had things stolen.... The deli on the corner of Devenish and Westminster has been broken into many times, costing thousands of dollars for repair.
I have had my own vehicle broken into twice costing me $1000’s in repairs and so far one trespasser has been caught on my property. The local community has had enough.

In a recent phone chat that I had with a Cloverdale constituent, she told me about her experience of her place being broken into. Others have been reporting burglaries, graffiti and general antisocial behaviour. No-one should have to put up with this.

Sadly, the crimes appear to be getting more violent. Two recent incidents have been of particular concern. In Rivervale, a son managed to defend his mother against a violent attempt to break into the family home. A day later, Helen, a blind woman, was cowardly bashed by criminals while she was standing on her own property, waiting for a friend to pick her up. One thug pushed her to the ground and another punched her in the stomach as they snatched her bag. Speaking to the *West Australian*, Helen said:

I just want to warn people when they’re out in the street, even if you are not ill, even if you’re not blind, don’t take it for granted that people coming towards, or behind you, are safe to deal with.

I can think of few lower or more cowardly acts of crime.

Mr Deputy Speaker, I am sure you will agree that something must be done to reverse these worrying trends. The WA police and local government offer a range of good initiatives aimed at helping the community combat preventable crime. I have prepared a pack with information on some of these programs, which I will distribute to residents across the electorate. However, I want to take this opportunity to briefly mention some of these programs today. The City of Belmont offers a free security appraisal of premises and the city is also about to roll out its excellent CCTV Alarm Assist initiatives.

For more information on these initiatives, residents can call the City of Belmont or my office. I could go on and speak more about the programs that are in the pack, but due to the time limit I would just like to say that, as parliamentarians, we should maintain the pressure on crime and also maintain its public profile within our electorates to make sure that people are aware that it is still around and that it is causing many sad moments in the lives of people in our electorates.

**Telstra**

Ms HALL (Shortland) (12.54 pm)—Today I would like to raise an issue that has caused great concern in my electorate and, I am sure, in other electorates throughout Australia, and that is the reluctance of Telstra to respond to problems experienced by constituents and the impact that that is having on them. I am not talking about the $2.02 fee per transaction for paying an account by cash—I will raise that at another time. Rather, it is Telstra’s failure to address the issues that my office raises with them.

Previously, the contact person at Telstra was able to resolve most of these issues without too many problems. It is with great reluctance that I have had to bring this to the parliament today, because no matter how hard that person in Telstra tries I still have a number of issues that are unresolved. If people reading the *Hansard* could see these, I have about a centimetre full of issues that relate to unresolved complaints. They are from people like Christine, who paid her account and, after much problem with Telstra, transferred to another provider. Telstra owes her a hundred dollars. There is Helen, whose husband died. She has had trouble transferring the account across to her name and had her telephone number quarantined and her mobile disconnected. Another couple had ongoing problems with an account. They were signed up to
a Blackberry over the phone. When it arrived they said, ‘I do not want this,’ but they keep receiving accounts for this Blackberry that they had returned immediately after receiving it.

There is a litany of complaints that I have received in my office. I would like to call on Telstra to be much more receptive to the concerns of their customers and to the concerns of people that have contacted their office and whom I have contacted on their behalf, and to resolve some of the problems that are real issues for these people. Given the fact that there is a time constraint, I will finish here but I would like to reiterate that it is time for Telstra to act and be receptive and do something for all these people.

**Landcare**

*Mrs MIRABELLA* (Indi) (12.57 pm)—At a time when the government is talking about the issues of climate change and Penny Wong is touring the countryside buying up properties and water rights on the premise that it will save our depleted waterways, it is very surprising that the government would dramatically change funding for Landcare groups. The Minister for Agriculture, Fisheries and Forestry has admitted that, thanks to his reshuffle of funding for Landcare, there are now only 56 facilitators to cover the entire country. The government has introduced a funding model which now puts Landcare groups in competition with one another for funding. Under the new system, 70 per cent of funding must go toward funding grants, leaving only 30 per cent for wages of staff. Despite the minister’s assurance that funding levels have not decreased, he cannot guarantee—and he will not—that Landcare groups on the ground will not suffer. It does show that the minister is totally out of touch.

Landcare, as we know, is made up of volunteer farmers—farmers who take time out of their busy day to contribute to their local environment and community. It is these volunteers, who rely on the expertise of paid Landcare facilitators, who help local groups in so many ways—to identify problems, to provide advice on funding opportunities and to help draft proposals. Local farmers just do not have the time to keep up with government funding. They are not always in a position to be able to draft proposals to access funding.

In an ABC Radio interview, the minister failed to accept responsibility for the reduction of staff in areas in Victoria—and in some areas, such as the Mallee, they are down to one paid facilitator for the entire region. The minister must take responsibility. He is the one who approved the change. He should speak to farmers on the ground and other Landcare operators and actually do something that helps farmers care for their environment.

**Banking: Occupational Health and Safety**

*Ms GEORGE* (Throsby) (12.58 pm)—I met recently with the delegation from the New South Wales branch of the Finance Sector Union to discuss the recommendations arising from the national review into model occupational health and safety laws. Among the group were three women—Anne, Narelle and Debbie—who had all been subjected to violent hold-ups while working in local branch offices. They are particularly concerned about the recommendation which could put an end to the ability of unions to commence prosecution over safety issues in the workplace.

Anne was a bank manager when she was attacked in a hold-up in 2002. She was kicked unconscious, suffering permanent back and psychological injury. The incident was reportable to WorkCover New South Wales but no action was taken against her employer, even though she had previously reported the obvious gaps in branch security measures. Narelle worked at
a suburban branch which was robbed four times in nine months between August 2002 and April 2003. She and her workmates were confronted with screwdrivers and sledgehammers. The doors were smashed as the offenders took advantage of a security weakness that the branch head office had been informed about. After the fourth hold-up, the FSU commenced court action against that particular bank. The bank pleaded guilty and was fined $175,000.

Debbie’s workplace was attacked in September 2004 by three offenders, at least one of whom was armed with a handgun. The union had had 23 exchanges with the bank’s head office about weaknesses in security measures. After the attack on Debbie’s branch, the union commenced court action, again for a breach of the act. The bank pleaded guilty and was fined $145,000.

I raise these three case studies because it was cases like this that led the FSU to begin its compliance campaign against the banks to bring about better safety standards. In 2002, when the campaign began, there were 106 bank hold-ups in New South Wales. They have now fallen to about 20. Most banks, as we know, now have full-height antijump barriers, ATM bunkers and digital CCTV with live back-to-base monitoring. I ask: what would have been the outcome if the union did not have a statutory right to initiate prosecutions? I thank the FSU for bringing this matter to my attention and to Anne, Narelle and Debbie for sharing their traumatic experiences with me. I firmly believe in the right of unions to undertake prosecutions for safety breaches, and I believe this is fundamental to the wellbeing of all Australian workers.

Question agreed to.

Main Committee adjourned at 1.01 pm
QUESTIONS IN WRITING

Infrastructure, Transport, Regional Development and Local Government: Moncrieff Electorate
(Question No. 587)

Mr Ciobo asked the Minister for Infrastructure, Transport, Regional Development and Local Government, in writing, on 10 February 2009:

In respect of the Government’s funding of organisations and projects between 3 December 2007 and 20 January 2009: (a) which organisations and projects based in the Moncrieff electorate received funding from the Minister’s department; (b) what sum of funding did each organisation and project receive; and (c) for what purpose was each funding commitment made.

Mr Albanese—The answer to the honourable member’s question is as follows:

All projects funded within the Moncrieff electorate are available on the Department’s website.

Families, Housing, Community Services and Indigenous Affairs: Phone Survey
(Question No. 709)

Mr Abbott asked the Minister for Families, Housing, Community Services and Indigenous Affairs, in writing, on 12 May 2009:

(1) Is she aware that her department conducted a phone survey on domestic violence during March 2009.
(2) How many people were surveyed.
(3) How many departmental staff were involved in conducting this survey.
(4) If the survey was not conducted by departmental staff, what sum of money did this survey cost the Government.
(5) What questions did the survey put to respondents.
(6) What was the purpose of the survey.
(7) Will another survey of this type be conducted; if so, will it ask whether it is acceptable for a person to criticize another person for domestic meals.

Ms Macklin—The answer to the honourable member’s question is as follows:

(1) Yes. At the White Ribbon Foundation’s White Tie Dinner held in September 2008, the Prime Minister publicly announced $2 million would be invested to benchmark community attitudes on domestic violence and sexual assault. The household phone survey was a key component of this project.
(2) A total of 12,900 people nationally - comprising a general national community survey of 10,000 people; 2,500 persons from selected Culturally and Linguistically Diverse (CALD) backgrounds; and 400 Indigenous Australians.
(3) None. The survey is being conducted by the Victorian Health Promotion Foundation in association with the Australian Institute of Criminology and the Social Research Centre.
(4) As at 20 June 2009, $1.8million of the allocated $2million had been paid. The balance is payable on completion of the survey later this year.
(5) The survey includes modules that assess community attitudes of what constitutes domestic violence, sexual violence and sexual harassment; understanding of the consequences or harm caused
by violence; whether violence is ever excusable; myths and beliefs about victims and perpetrators; and impacts of previous awareness campaigns.

(6) To gauge contemporary Australian attitudes on domestic violence and sexual assault to provide a baseline from which to measure the outcomes of future national anti-violence initiatives and improve the Government’s understanding of strategies that are effective in reducing violence.

(7) Because the 2009 survey is intended to provide a benchmark, it will be necessary to repeat it at subsequent intervals to measure attitudinal change to violence against women and their children. At this stage no date has been set for the next survey.

The current survey asks no questions about domestic meals and it is not anticipated that such a question would be asked in any future survey.

Families, Housing, Community Services and Indigenous Affairs: Intergovernmental Agreements

(Question No. 738)

Mr Andrews asked the Minister for Families, Housing, Community Services and Indigenous Affairs, in writing, on 12 May 2009:

In respect of any intergovernmental agreements that exist in the Minister’s portfolio: (a) how many exist; (b) what are their (i) names, and (ii) objectives and purposes; (c) what are the names of the parties to each; and (d) will the Minister provide a copy of each; if not, why not.

Ms Macklin—The answer to the honourable member’s question in respect of centrally coordinated intergovernmental agreements is set out in the attached table.

I note that the precise detail requested in the question for all intergovernmental agreements that exist in my portfolio is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response.

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<th>Name of Agreement</th>
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<tr>
<td>National Framework for Protecting Australia’s Children</td>
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<td>Plan: Building Prosperity for the Future and Supporting Jobs Now – Schedule C Social Housing</td>
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**Infrastructure, Transport, Regional Development and Local Government: Intergovernmental Agreements**  
*(Question No. 740)*

**Mr Andrews** asked the Minister for Infrastructure, Transport, Regional Development and Local Government, in writing, on 13 May 2009:
In respect of any intergovernmental agreements that exist in the Minister’s portfolio: (a) how many exist; (b) what are their (i) names, and (ii) objectives and purposes; (c) what are the names of the parties to each; and (d) will the Minister provide a copy of each; if not, why not.

**Mr Albanese**—The answer to the honourable member’s question is as follows:
Details of IGAs within my portfolio are provided at:

**Climate Change: Intergovernmental Agreements**  
*(Question No. 749)*

**Mr Andrews** asked the Minister representing the Minister for Climate Change and Water, in writing, on 12 May 2009:
In respect of any intergovernmental agreements that exist in the Minister’s portfolio: (a) how many exist; (b) what are their (i) names, and (ii) objectives and purposes; (c) what are the names of the parties to each; and (d) will the Minister provide a copy of each; if not, why not.
Mr Garrett—The Minister for Climate Change and Water has provided the following answer to the honourable member’s question:
I refer the Honourable Member to the COAG website and the DFAT website that list intergovernmental agreements.
The precise detail requested in the question is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response.

Infrastructure, Transport, Regional Development and Local Government: Regional Offices

(Question No. 777)

Mr Truss asked the Minister for Infrastructure, Transport, Regional Development and Local Government, in writing, on 4 June 2009:
On what date did the regional offices of his department close in (a) Brisbane, (b) Perth, (c) Adelaide, and (d) Melbourne.

Mr Albanese—The answer to the honourable member’s question is as follows:
(a) 3 October 2008
(b) 19 September 2008
(c) 3 October 2008
(d) 19 January 2009

Defence: Staffing

(Question No. 796)

Mrs Mirabella asked the Minister representing the Minister for Defence, in writing, on 25 June 2009:
(1) How many Defence civilian employees have been informed that their employment is to be terminated, and on which bases are such employees located.
(2) Can the Minister indicate how many staff who work for contractors on or for Defence establishments and garrison supports will lose their jobs or have their hours reduced, and from which bases and locations has this occurred.
(3) To what extent and by what quantum have Defence contractors’ services been reduced and from which bases and from what programs has this occurred.

Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

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<th>LOCATION</th>
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<td>Brindabella Park, ACT</td>
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QUESTIONS IN WRITING
and (3) Defence has commenced a Strategic Reform Program to improve the efficiency of the organisation and create significant savings to reinvest in building a stronger Defence Force. The Strategic Reform Program is currently undertaking detailed planning and diagnostic work.
Therefore, it is premature to consider potential changes to Defence’s contractual arrangements with industry and any subsequent effect to contractors’ employees at this stage.

**Job Services Australia**

(Question No. 812)

Dr Southcott asked the Minister representing the Minister for Employment Participation, in writing, on 25 June 2009:

Can the Minister provide a full list of all sub-contracting arrangements that have been entered into by Job Services Australia providers; if so, what are they; if not, why not.

Ms Gillard—The answer to the honourable member’s question is as follows

As at 1 July 2009, the following entities were included as subcontractors to Job Services Australia providers in their Employment Services Deeds 2009-2012:

Adco Holdings Pty Ltd aka The Job Shop
Albury Wodonga Youth Emergency Services Ltd
Anglicare Canberra and Goulburn
Aren Education Pty Ltd
Australian Education Industry Centre Inc
Bay Islands Community Services Inc
Berry Street Victoria Incorporated
Bridgeworks Personnel Ltd
Bridging the Gap - Job Help Gold Coast Inc
Bridging the Gap Inc
Brophy Family and Youth Services Inc
BTC Cooperative Limited
CERES Inc
Challenge Employment & Training / Challenge Learning Institute
Chandler Macleod Group Limited
Charmjoy Pty Ltd
Choose Foundation Ltd
Community Employment Options
Conservation Volunteers Australia
Creative Options Pty Ltd
Darwin Regional CDEP Inc
DK and SA Banks
Employment and Training Australia Inc
Employee Assistance Services Australia Inc
Envite
Fraser Coast-Training Employment Support Services
Fremantle Education Centre Inc
Fremantle Multicultural Centre Inc
Geelong Ethnic Communities Council Inc.
Gippsland Employment Skills Training Inc
Gold Coast Skill Centre Inc
HGT Australia Limited
Horizon Foundations Inc
IMPACT Make Your Mark
Impact People Pty Ltd
Inner West Skills Centre
<table>
<thead>
<tr>
<th>Organization Name</th>
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<tbody>
<tr>
<td>Adco Holdings Pty Ltd aka The Job Shop</td>
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<tr>
<td>Jajirdi Consultants</td>
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<td>Julalikara Council Aboriginal Corporation</td>
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<td>Key Training Centre Inc</td>
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<td>Kullarri Employment Services Pty Ltd</td>
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<td>Loddon Mallee Housing Services Limited</td>
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<td>Lutheran Church of SA/NT</td>
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<td>Mandurah Hunter Indigenous Business Chamber Inc</td>
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<td>Marnda Mia Ltd</td>
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<td>Melaleuca Refugee Centre Torture and Trauma Survivor Service NT</td>
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<td>Miimali Aboriginal Community Association Inc</td>
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<td>Mt Isa Skills Association Inc</td>
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<td>MWTC Pty Ltd</td>
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<td>Newtrain Inc</td>
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<td>Noosa Country Retreat Pty Ltd</td>
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<td>Northern Rivers Enterprise Development Agency Inc</td>
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<td>Northside Skills Training Project Inc</td>
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<td>Offenders Aid and Rehabilitation Services of South Australia Inc</td>
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<td>Para Worklinks Inc</td>
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<td>Penrith Skills For Jobs Limited</td>
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<td>PEP Employment Services</td>
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<td>Phoenix Consulting</td>
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<td>Portland WorkSkills Inc</td>
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<td>Quantum Support Services Inc</td>
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<td>Relationships Australia Northern Territory Inc</td>
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<td>St Kilda Youth Service Inc</td>
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<td>St Vincent de Paul Aged Care and Community Services</td>
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<td>Stepping Stone Clubhouse Inc</td>
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<td>Synod of the Diocese of the Northern Territory Inc</td>
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<td>Taskforce Community Agency Inc</td>
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<td>Thamarrurr Development Corporation Ltd</td>
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<td>The Personnel Group Ltd</td>
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<td>The Roman Catholic Trust Corporation for the Diocese of Cairns</td>
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<td>Waltja Tjutangku Palyapayi Corp</td>
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<td>Wana Ungkunytja Pty Ltd</td>
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<td>Whitelion Incorporated</td>
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<td>Wollongong City Employment Training Inc</td>
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<td>Wunan Foundation</td>
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<td>Wynnum Manly Employment and Training Association</td>
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<td>Youth Projects Inc</td>
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<td>YWCA of Darwin Inc</td>
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<td>YWCA NSW</td>
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**Education, Employment and Workplace Relations: Program Funding**  
*(Question No. 825)*

**Mr Pyne** asked the Minister for Education, in writing, on 25 June 2009:

In respect of the Table 2.51 of Budget Paper No. 3, Statement 6 in Budget Paper No. 1 and the Portfolio Budget Statement (PBS) for the department:

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**QUESTIONS IN WRITING**
(1) Can she provide details to demonstrate that the school education expenses provided in Table 2.51 readily tally with the separate line items in Table 7 of Statement 6 in Budget Paper No. 1; if so, what is the breakdown of government and non-government schools funding by (a) General Recruitment Grants, (b) targeted program, and (c) capital grants, for the 2008–09 financial year and, for nongovernment schools 2009–10 financial year.

(2) What is included in the government schools line item in Budget Paper No. 1, other than the National Specific Purpose Payment (SPP) for government schools ($3.3 billion) and the National Partnerships.

(3) Is there a reference in Budget Paper No. 3 to the capital grants program for non-government schools; if so, on what page and line items is this located.

(4) Does funding provided under annual appropriations (see PBS, page 75) sit in Table 7, pages 6 to 18, of Budget Paper 1; under line item ‘School education—specific funding’; and for Government schools, is this funding additional to the National SPP for Government schools.

**Ms Gillard**—The answer to the honourable member’s question is as follows:

(1) Table 2.51 in Budget Paper No. 3 and Table 7 of Statement 6 in Budget paper No. 1 are budget papers produced for different purposes. Table 2.51 details payments to support state education services, and Table 7 is a summary of expenses for the purposes of education which takes into account other Commonwealth own purpose expenses.

The data published in Budget paper No.1 was compiled by the Department of Finance and Deregulation and the data published in Budget Paper No.3 was compiled by the Department of Treasury.

(2) The government schools line item in Budget paper No.1, incorporates expenses for the purposes of education including Commonwealth own purpose expenditure in addition to the estimated expenses for the SPP and National Partnerships.

(3) There is no reference in Budget Paper No 3 to the Capital Grants program for non-government schools.

(4) Funding provided under annual appropriations in Table 2.2.3 in the DEEWR Portfolio Budget Statements is included in Table 7 under line item ‘School Education’ specific funding. This funding is in addition to the National SPP for government schools and National Partnerships.

**Education: National Partnerships**

(Question No. 826)

**Mr Pyne** asked the Minister for Education, in writing, on 25 June 2009:

In respect of the National Partnerships where funding will be provided to the States and Territories which will then enter into agreements with non-government education authorities:

(a) what are the terms of these agreements for each National Partnership, and the details of progress; (b) will these agreements be publicly available; if so, on what date; (c) what sum of money will non-government authorities be required to contribute; (d) what impact will this have on small independent schools; (e) will the funding be based on enrolments; if so what are the details; and (f) will the non-government education authorities report to the States and Territories or the Commonwealth.

**Ms Gillard**—The answer to the honourable member’s question is as follows:

(a) In November 2008, COAG endorsed 3 Smarter Schools National Partnerships (NP) designed to drive educational reforms in Australian schools. The NPs are available at www.coag.gov.au.

The systems have worked together to develop arrangements for implementation of the NPs in each state and territory, and have agreed a methodology for the distribution of funds. This has been a process of negotiation between the Government and non-government sectors and the Commonwealth welcomes the collaborative approach taken by all school systems.
The states and territories have developed Preliminary Implementation Plans and Bilateral Agreements triggering the initial flow of funding to each sector to facilitate reforms.

The Commonwealth will continue to work with states and territories to further refine the Preliminary Implementation Plans with Final Implementation Plans expected to be in place in October 2009

(b) The Final Implementation Plans will be publically released after they have been finalised in late 2009.

(c) States and territories will match the level of investment for the funds paid under the facilitation component across the three NPs. The proportion of each sector’s contribution to this co-investment will be negotiated between the sectors.

(d) School sectors within each State and Territory will negotiate the share and source of each sector’s contribution to the co-investment. The sectors will need to determine an appropriate approach to this, taking into consideration the effects at the school level including for small independent schools.

(e) The methodology for the indicative distribution of facilitation funding differs across the three Smarter Schools NPs. For the Improving Teacher Quality NP this has been determined on the basis of state shares of the national Full-Time Equivalent teaching staff; for the Low SES School Communities NP this has been determined by student enrolments in disadvantaged schools and the school-aged population who reside in the most disadvantaged Census Collection Districts; and for the Literacy and Numeracy NP it has been determined by the total number of students at or below minimum standards (NAPLAN 2008) in reading and numeracy for Years 3, 5 and 7.

(f) The states and territories will provide reports to the Commonwealth against the implementation milestones, achievement of reform targets and timelines, for both the Government and non-government sector, as detailed in Bilateral Agreements.