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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. Alexander Michael Somlyay MP
Opposition Whips—Mr Michael Andrew Johnson MP and 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

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

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<td>Wood, Jason Peter</td>
<td>La Trobe, Vic</td>
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<td>Zappia, Tony</td>
<td>Makin, SA</td>
<td>ALP</td>
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PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia;
Nats—The Nationals; Ind—Independent

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

Prime Minister
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Treasurer
Minister for Immigration and Citizenship and Leader of the Government in the Senate
Minister for Defence and Vice President of the Executive Council
Minister for Trade
Minister for Foreign Affairs and Deputy Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Finance and Deregulation
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Innovation, Industry, Science and Research
Minister for Climate Change and Water
Minister for the Environment, Heritage and the Arts
Attorney-General
Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate
Minister for Agriculture, Fisheries and Forestry
Minister for Resources and Energy and Minister for Tourism
Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law

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

[The above ministers constitute the cabinet]
RUDD MINISTRY—continued

Minister for Veterans’ Affairs
Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women
Hon. Tanya Plibersek MP
Minister for Home Affairs
Hon. Brendan O’Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery
Hon. Warren Snowdon MP
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
Hon. Dr Craig Emerson MP

Assistant Treasurer
Senator Hon. Nick Sherry
Minister for Ageing
Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport
Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change
Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery
Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government
Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water
Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia
Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction
Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance
Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs
Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade
Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for Voluntary Sector
Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services
Hon. Laurie Ferguson MP

Parliamentary Secretary for Employment
Hon. Jason Clare MP
Parliamentary Secretary for Health
Hon. Mark Butler MP
Parliamentary Secretary for Innovation and Industry
Hon. Richard Marles MP
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 MP

[The above constitute the shadow cabinet]
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<tr>
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<td>The Hon. Chris Pearce MP</td>
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<td>Shadow Assistant Treasurer</td>
<td>The Hon. Tony Smith MP</td>
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<td>Shadow Minister for Sustainable Development and Cities</td>
<td>The Hon. Bruce Billson MP</td>
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<td>Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Minister for Housing and Local Government</td>
<td>Mr Scott Morrison MP</td>
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<td>Shadow Minister for Ageing</td>
<td>Mrs Margaret May MP</td>
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<tr>
<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>The Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Justice and Customs</td>
<td>The Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Employment Participation, Training and Sport</td>
<td>Dr Andrew Southcott MP</td>
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<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Senator the Hon. Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Roads and Transport</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for Regional Development</td>
<td>Mr John Forrest MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs</td>
<td>Senator Marise Payne</td>
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<td>Shadow Parliamentary Secretary for Energy and Resources</td>
<td>Mr Barry Haase MP</td>
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<td>Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
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<td>Shadow Parliamentary Secretary for Water Resources and Conservation</td>
<td>Mr Mark Coulton MP</td>
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<td>Shadow Parliamentary Secretary for Health Administration</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
<td>The Hon. Peter Lindsay MP</td>
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<td>Shadow Parliamentary Secretary for Education</td>
<td>Senator the Hon. Brett Mason</td>
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<td>Shadow Parliamentary Secretary for Justice and Public Security</td>
<td>Mr Jason Wood MP</td>
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<td>Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon. Richard Colbeck</td>
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<tr>
<td>Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate</td>
<td>Senator Concetta Fierravanti-Wells</td>
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The SPEAKER (Mr Harry Jenkins) took the chair at 2 pm and read prayers.

QUESTIONS WITHOUT NOTICE

Indonesian President’s State Visit

Ms JULIE BISHOP (2.01 pm)—My question is to the Prime Minister. Will the Prime Minister inform the House why the Indonesian President’s state visit to Australia scheduled for next week has been cancelled at such late notice?

Mr RUDD—I always welcome questions from the member for Curtin, who constantly rings the bells of doom about our relations with China, with Japan, with India, with the United States and now with Indonesia.

Mr Pyne—One failure after another.

Mr RUDD—The member for Sturt says, ‘One failure after another.’ I notice, for example, that our relations recently with China have involved contact with multiple members of the senior leadership. There was recently a full day’s visit in New Delhi dealing with our relationship with India, and a range of others. The more the opposition bellow the more we know they are in trouble. The member for Curtin asks about our relationship with Indonesia and the visit by the Indonesian President. As I said to the House yesterday, we welcome his visit. We welcome the opportunity for him to address this parliament, and the arrangements concerning him have been the subject of continuing discussion between the two sides.

Climate Change

Ms RISHWORTH (2.02 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on the need for action on climate change and how the Australian government is responding to this challenge?

Mr RUDD—I thank the honourable member for her question, as I know that climate change has been on the minds of many members of this House on both sides of the chamber today. It was certainly a matter for discussion within the Australian Labor Party party room today, as I understand it has been within the coalition party room. Businesses around the world agree and are calling for action at the national and international level, because what businesses want is business certainty for the future. The Corporate Leaders Group on Climate Change has called for an ambitious, robust and equitable global deal on climate change that responds to the scale and urgency of the crisis facing the world today. In fact the group—which represents 700 companies around the world from the US, the EU, Japan, Australia, Canada, Brazil, Russia, China and South America—signed up for the communique, including such companies as the National Australia Bank, Insurance Australia Group, Lend Lease, Westpac, Woolworths and Linfox. The group released the Copenhagen Communiqué on Climate Change, which stated: ‘The one thing we do not have is time. Delay is not an option.’ These comments have been reflected at home as well, including by the Chief Executive of Australian Industry Group when she said, most recently: Many of our members are telling us that they are holding off making investments until there is a greater degree of clarity around domestic climate change legislation.

The government is committed to action on climate change at home and abroad. We are obviously engaged with our counterparts around the world on the negotiation of an agreement for Copenhagen as we are active here in Australia in seeking passage of the Carbon Pollution Reduction Scheme legislation through the Australian Senate. As a sign of good faith, as I indicated to the House yesterday, to the negotiations we have un-
derway with the opposition, the government is prepared to exclude agricultural emissions from coverage under the CPRS. This reflected carefully upon observations made by many members in their contribution to this debate, including our good friend and colleague the member for Warringah, who stated recently, ‘Our minimum conditions are that it must exclude agriculture.’ Also our good friend and colleague the member for Groom has said:

Agriculture is obviously a key issue. I would say quite openly that if agriculture is not included in the package the party room won’t agree to carry the amendments.

I say to those opposite that we have been entirely mindful of some of the internal political realities that those opposite have had to confront in their good faith negotiations with the government. We further welcome statements made, as reported today in the Sydney Morning Herald, again by our good friend the member for Groom, who is the opposition spokesman and negotiator on the CPRS, in which he said, ‘I’m still optimistic of a deal.’ I thank the member for Groom for providing leadership on this question because we know that these negotiations are complex—the Carbon Pollution Reduction Scheme is complex—and we know that these are difficult matters to resolve. But, of course, the nation must resolve them. I also note the comments made in the debate in the House of Representatives yesterday by the member for Kooyong. I quote the member for Kooyong, who I am sure obtains the support of all good Liberals there opposite:

The response to climate change needs to be a global response and it is essential that Australia makes its contribution to addressing world emissions by implementing an emissions trading scheme that will impose a price on carbon.

That was well said by the member for Kooyong and, of course, he reflects the historical position on climate change over the years from the Leader of the Opposition and other spokesmen from those opposite. We have now entered into the final two weeks of sittings in the Senate, which are to be devoted to this legislation. The legislation was passed by the House of Representatives yesterday and will be introduced into the Senate today. There will be opportunity in the Senate for every senator to speak on this debate—full opportunity. There will be time for every amendment to be considered in detail in this debate. Further, the government is willing to extend parliamentary sittings to accommodate any further contributions to this debate and I know members of the press gallery nod in agreement as they would like this debate to continue.

I say also to those opposite, to the House and to the country at large that we have noticed with concern, however, the following actions which were taken by the coalition half an hour or so ago in the Senate, and this I would draw to the House’s attention. The government moved today to extend hours to allow comprehensive consideration of the CPRS. The coalition just voted against the motion in the Senate. As a result, the Senate will not be sitting extended hours to debate the CPRS bill tonight. So, after a year or two in preparation, those are the circumstances we are now confronted with.

As a further note of concern, and I would again draw this to the House’s attention, the coalition then opposed the commencement of the CPRS debate today. As a result the CPRS debate will not be commencing today in the Senate. We have three days left this week; one has now gone. We have four days left next week to debate what is arguably one of the most important pieces of legislation for the nation, for the economy and for the year ahead, and this is the advice that we have so far received. I hope to be advised by the Leader of the Opposition that there has been some error on the part of those in the other
place. Given the importance of this legislation, it is concerning that the coalition in the Senate appears to be acting in a way which is inconsistent with what we have found to be fruitful, good-faith negotiations here in the House. I look forward to an alternative view being expressed by the Leader of the Opposition.

Asylum Seekers

Mr Turnbull—My question is to the Prime Minister. Given the Prime Minister denies that any special or preferential deal has been offered to the 78 asylum seekers on board the Oceanic Viking, is the Prime Minister indicating that all people found to be refugees in Indonesia can now expect to be settled in Australia within four to six weeks?

Mr Rudd—Once again I thank the Leader of the Opposition for his question as, of course, he moves away from the point he has been so active on in debate over the last 24 hours, which is his accusation that I misled the House on my knowledge of the contents of the Jakarta embassy’s immigration document, which was the subject of his questions yesterday. The Leader of the Opposition said without doubt that the Prime Minister had misled the House on this matter.

An opposition member—Hear, hear!

Mr Rudd—I hear the ‘hear, hears’ from those opposite; therefore I have this uncanny sense of deja vu. When was the last time we had this Leader of the Opposition stand up and say that I had misled the House on such a matter? What we had last time was, of course, the forged email affair around Utegate when the Leader of the Opposition stood up and made an accusation publicly that I had misled the parliament on the basis of no evidence at all, which perhaps explains why he was crab-walking a million miles away from his accusation on the doors this morning.

Mr Pyne—Mr Speaker, I rise on a point of order. The question was extremely specific, it did not go to any of these matters in the past and I would ask you to ask the Prime Minister to be relevant to the question or to sit down.

Honourable members interjecting—

The Speaker—Order! The House will come to order. The Manager of Opposition Business will resume his seat. I take it that the member for Sturt, given that his attention span seemed to be very short about the point of order, knows that is not a defence. The Prime Minister has the call.

Mr Rudd—Thank you, Mr Speaker. Was this yet another example of the Leader of the Opposition simply shooting from the lip and hoping that something might materialise by fax or email at a subsequent occasion? We have seen this before. The honourable gentleman’s question goes to the consistency of government policy and its approach to these matters. I refer again to the letter from the secretary of the immigration department, who was also the secretary of the immigration department under the previous Australian government, which says that the Indonesian government and the Australian government have agreed to a set of arrangements regarding time frames for the processing of the group in Indonesia, consistent with international practice and resettlement procedures. I draw that again to the Leader of the Opposition’s attention as it was a letter I tabled in the House yesterday.

Climate Change

Mr Dreyfus—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change. Now that the Carbon Pollution Reduction Scheme has passed the House what barriers remain to Australia taking action on climate change?
Mr COMBET—I thank the member for Isaacs for his question. The Carbon Pollution Reduction Scheme is the centrepiece of the government’s measures to tackle the threat of climate change. The greatest barrier to the passage of the Carbon Pollution Reduction Scheme is the disunity of the opposition. It is clear, of course, and has been for some time that the coalition is clearly split, with the Nationals having gone off on their own course of action. The Liberal and National parties are fundamentally divided over the issue of climate change.

Senator Joyce is spearheading the campaign against the Carbon Pollution Reduction Scheme even to the detriment of rural communities. The government announced over the weekend that we would agree to exclude agricultural emissions from the operation of the CPRS indefinitely as part of a package negotiated with the opposition. In addition to that, the government indicated that we would consider a range of ways in which the agriculture sector could reduce its emissions, including by it being able to generate offsetting credits. It is a significant step that would allow farmers the incentive to sequester carbon. The NFF, the National Farmers Federation, and other farming groups have welcomed that move. What has Senator Joyce got to say about this issue?

When asked on Four Corners, Senator Joyce had this to say to that question. 'Do you want carbon offsets for the farming community?' Senator Joyce’s reply was: ‘No. And I want a little red car for Christmas and, if I can, I will take cupid wings and fly around the room.’ That is the Leader of the National Party in the Senate. It is not a wonder he is doing the chicken dance if that is what he is endeavouring to do. Senator Joyce has taken his party far beyond the edge of relevance and credibility in this debate.

But the problem is not just the National Party. The Liberals appear to have fallen into two camps on this particular issue. The first camp, led by the Leader of the Opposition and the member for Groom, are obviously supporting negotiations with the government. We are wondering whether the member for Mackellar might be one of the 10 people in the Liberal party room today who, we understand, did not support that position.

Mr Tuckey—I didn’t!

Honourable members interjecting—

Mr Tuckey—Just say something nasty about me.

Mr COMBET—Uncle Wilson has come to the wedding. That is the first camp. The second camp is the one populated by the climate change sceptics. No lesser political figure than the Leader of the Liberal Party in the Senate, Senator Minchin, sees the global efforts to combat climate change as some form of international left-wing conspiracy—a new communist front. This is what he had to say on the Four Corners show:

For the extreme left it provides the opportunity to do what they’ve always wanted to do, to sort of de-industrialise the western world. You know the collapse of communism was a disaster for the left, and the, and really they embraced environmentalism as their new religion.

This is the leader of the Liberal Party in the Senate carrying on about a communist conspiracy that is the basis for taking action against climate change. This puts all the ma-
yor world leadership, including other political figures and including the Leader of the Opposition, in a communist conspiracy. That is what climate change is all about, according to Senator Minchin.

But we have the other side of the spectrum represented in the Liberal Party as well. The member for Hume had a different take on this issue in his second reading contribution on the bills. Instead, he suggested that climate change science is the modern equivalent of Nazi science. This is what he had to say:

The climate change debate is not new. On 4 June 1940, Sir Winston Churchill warned of the perverted science of national socialist ideology when he uttered the words:

… the whole world—

Mr Pyne—Mr Speaker, I rise on a point of order. The minister had the opportunity on the second reading and third reading of the bills to sum up the debate. It is not necessary for him to do it again in question time the next day. He has passed his four minutes.

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

Mr Pyne—That is the same speech he gave yesterday.

The SPEAKER—I simply say to the Manager of Opposition Business: if he really wants me to take the point of order seriously, I wish he would resume his seat and await a response. Whether he believes that he has been provoked or not, entering into a discussion is not very helpful. The question was in order and the minister is responding to the question.

Mr COMBET—This is what the member for Hume had to say:

The climate change debate is not new. On 4 June 1940, Sir Winston Churchill warned of the perverted science of national socialist ideology when he uttered the words:

Opposition members interjecting—

Mr COMBET—I know you do not like hearing it, but you are going to hear it. This is what he quoted of Sir Winston Churchill:

… the whole world, including the United States, including all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science.

The member for Hume then went on to say:

That is just as applicable today to the perverted science of global warming.

That is unbelievable. That is a completely incredible contribution. For political figures with the responsibility of people such as the member for Hume and the Leader of the Liberal Party in the Senate, Senator Minchin, to engage in such bizarre, ridiculous and absurd nonsense is extremely irresponsible, given the threat that this country faces. No modern political party can be held captive by climate change sceptics and hope to retain credibility.

The Prime Minister made the point earlier that the member for Groom had indicated some optimism that a potential agreement with the government may obtain support in the Liberal party room. We hope that is the case. We continue to approach these negotiations in good faith. We will endeavour to secure an agreement and we are hopeful that it will obtain support in the Liberal party room because it is important to this country’s national interest to tackle the threat of climate change. The sceptics and the extremists need to be cast to the edge.

Asylum Seekers

Mr Turnbull (2.22 pm)—My question is, again, to the Prime Minister. I refer the Prime Minister to all those other people currently in detention in Indonesia, intercepted by the Indonesians on Australia’s behalf and found to be eligible for refugee status. Will these people now be offered the
special fast-track deal into Australia which has been offered to the asylum seekers on board the Oceanic Viking?

Mr RUDD—Once again, the Leader of the Opposition’s question carries within it the assumption that there is a second set of circumstances other than those that pertain to the general application of Australian and Indonesian arrangements under these circumstances with the UNHCR. I simply go back to what the Minister for Foreign Affairs said. Recently, he said quite clearly in a radio interview that, firstly, this vessel was picked up in the course of a search and rescue operation. That is a fact. Secondly, when the vessel was brought ashore, consistent with the approval of Indonesian authorities, the normal application of processes applied. This was, again, underlined yesterday in a letter, which provides such profound discomfort for those opposite, from the secretary of our immigration department—and previously of their immigration department—where, quite clearly, he says: ‘The Indonesian government and the Australian government have agreed to a set of arrangements regarding the time frames for the processing of the group in Indonesia, consistent with international practice and resettlement procedures.’ Again, I simply draw that to the attention of the Leader of the Opposition.

I go back to the extraordinary attempt that the Leader of the Opposition has made in the last 24 hours to accuse me, once again, of misleading the parliament on my knowledge of the content of the document put forward by the Jakarta embassy. He said that quite explicitly. He said that I had misled the parliament on that matter. This is a grave accusation. He said it once before, this year, and that was in relation to the Utegate affair, which was based on a forged email. My question to the Leader of the Opposition when he stands to his feet next time is: will he provide to us the evidence upon which he has based this most recent baseless accusation?

Emissions Trading Scheme

Mr RAGUSE (2.25 pm)—My question is to the Treasurer. Treasurer, why is passing the Carbon Pollution Reduction Scheme legislation critical to give business the certainty it needs to invest in the future?

Mr SWAN—I thank the member for Forde for his question. It is a very important question because, each and every year we delay, the cost of responding to climate change gets larger and larger. We on this side of the House very clearly understand the economic cost of delay. The economic cost of delay puts a greater burden on the Australian economy, on Australian business and on Australian workers and on subsequent generations. We understand the urgency of dealing with dangerous climate change and we on this side of the House know that, the earlier we act, the more we can lessen those costs in the long term, the more we will lessen those burdens on Australian business and lessen those burdens on Australian households that are imposed on them by dangerous climate change. But, unfortunately, there are many on that side of the House who do not even accept the science of dangerous climate change.

We have extremists on that side of the House, dinosaurs on that side of the House, who do not accept the science or the economics of dangerous climate change. Apparently, in the party room today there were 10 speakers, six from the Liberal Party, denying the science and denying the need to act. We have already seen the member for O’Connor put up his hand and indicate that he is a dinosaur, we have the member for Tangney over there putting up his hand and I think we have the member for Mackellar over there. Who are the other three? Are they going to identify themselves in the House today? We
have one on the front bench, have we? We have several on the front bench, apparently, because it is okay for the Leader of the Opposition in the Senate to question the science of climate change. There are clearly many dinosaurs on that side of the House, and most particularly in the Senate, who do not understand the most basic aspect of economics: to protect our future prosperity, to protect our country, to protect our sustainability, we need to deal with dangerous climate change.

This is understood in most countries of the world and, in most countries of the world, it is understood by both sides of politics. When we go to international meetings we sit there with leaders from conservative parties throughout the world who absolutely understand the importance of addressing dangerous climate change, who are willing to sit down and protect subsequent generations and deal with it and who clearly outline their support for the science. But it appears, just like it was with the economic stimulus, there is a hard core of extremists in the conservative parties in this country who do not understand the importance of the economics or the science of climate change.

We do have one international organisation. They are not known radicals, they are not communist members of the G20, but they do understand the risk and the cost of dangerous climate change. It is that radical organisation the International Energy Agency—a very radical body, stacked with communists and other radicals from around the world who understand the cost of climate change. This is what they had to say. They found that every year of delay means that more intense carbon reductions will be required down the track, which, common sense tells you, come at a higher cost. For every year of delay, before moving to a more sustainable emissions path, an extra US$500 billion is added to the global bill for mitigating climate change—a global bill that is already estimated at US$10.5 trillion over the period 2010 to 2030. And, of course, that only applies for one to three years. The costs are even greater if we do not act against dangerous climate change.

We have also seen the report from the World Wildlife Fund ‘Climate change 2’, which sets out the fact that we need urgent investment to transform our economy. Now, here is the immediate rub. If we do not take a positive decision on the CPRS, what we are going to do is hold up millions and millions of dollars of investment in our economy. Action to delay the CPRS in the Senate is going to starve our businesses of future investment and it will starve new industries of vital job creation investment. So there is a lot on the line and it goes to the core not just of sustainability of our climate but to the very core of our economic prosperity. But none of these things are understood by the 10 dinosaurs in the party room who spoke up today and denied the climate change science.

Mr TURNBULL (2.31 pm)—My question is, again, to the Prime Minister. I refer to his previous answers in which he said...
again and again that there was no special or preferential deal with the asylum seekers on the *Oceanic Viking*. Will he inform the House that if it is true there was no special or preferential deal, why did they leave the vessel?

Mr Rudd—As the Leader of the Opposition would be aware, dealing with each vessel involves particular circumstances. I simply draw his attention, for example, to those confronted by the Indonesian government in dealing with those currently on the boat at Merak. What are the circumstances there? One, the vessel was picked up in Indonesian waters. Two, as a result of it being picked up in Indonesian waters it was taken to Indonesia and, as a result, it is being processed under Indonesian law. That is what has occurred with the vessel at Merak.

It was picked up in the Indonesian search and rescue zone as a consequence of contact with the Indonesian search and rescue authorities. An Australian vessel was asked to intervene. I assume those opposite are not suggesting that we should in any way ignore a request for support under those circumstances, though from time to time I have heard eerie silences on the part of those opposite on this question and, furthermore, those opposite have not provided any simple answer to this question. Having answered an international search and rescue call, where should the individual vessel then be taken—to Indonesia or to Australia? We, responding to the arrangements that we had made with the Indonesians, took it to Indonesia and that is why the circumstances which govern its handling now are the product of Australian processes, Indonesian processes and international processes, unlike the vessel which is currently offshore at Merak.

I simply go back, therefore, to the honourable gentleman’s question, which goes to this vessel and other vessels in the circumstances which pertain. I go again to the advice provided by the secretary to the immigration department who, much to his discomfort and the discomfort of all those opposite, has said that the Indonesian government and the Australian government have agreed to a set of arrangements regarding the time frames for the processing of the group in Indonesia, consistent with the international practices and resettlement procedures. That is his advice. That is how we are applying it. The individual physical circumstances concerning the interdiction of a vessel have to be considered, depending on where it is located in international waters; search and rescue obviously are different and therefore, under the circumstances—

Opposition members interjecting—

Mr Rudd—I would suggest to those opposite, once again, that they seem to be remarkably robust on this question that when it comes to answering a search and rescue call you should not under any circumstances adhere to the normal processes which apply to the Indonesians and apply to others—which are that you take it to the nearest port with the concurrence of the local authorities. That is what occurred in these circumstances. Yet I note, again, in his third question today on this matter, the Leader of the Opposition has refused to back in his accusation that the Prime Minister of the country—me—misled parliament yesterday on the question of my own knowledge of the document which was released by the immigration section of our embassy in Jakarta.

If the member for Wentworth is going to stand to his feet as he did yesterday and accuse the Prime Minister of the country of misleading the parliament, you would hope that even this Leader of the Opposition—who is so experienced in these matters, given the events of the middle of this year—would have one shred of evidence upon which to
base that accusation. But, so far, not one shred of evidence has he advanced in support of his accusation that I misled the parliament yesterday concerning knowledge or authorisation of that particular document. That is the accusation he made. He said, ‘There is no question about it, whatsoever.’

The government’s policy on border protection is consistent. We are applying it to a difficult set of circumstances around the world. I would suggest that those opposite, instead of simply seeking to cultivate the politics of fear on this question, engage in a real policy debate about this. What is your alternative policy on immigration? I have not heard it so far, other than to bring back the temporary protection visas, it seems, which resulted in 100 boats coming here with 10,000 asylum seekers in the two years following that. That is the one addition we have had to the policy. And, secondly, when asked how would you handle the circumstances which govern the particular interdiction of the vessel which the Minister for Foreign Affairs was speaking of yesterday, they say, ‘That is a question for the government, not for us.’ So they have no policy in terms of the alternative for the future and no alternative approach in terms of the operational circumstances which pertain to this vessel. As the secretary of the immigration department said yesterday, ‘We are adhering to processes in this group in Indonesia, which are consistent with international practice and resettlement procedures.’ I would suggest the Leader of the Opposition actually read carefully that letter and reflect on its content before he makes a further accusation, which is baseless, concerning myself and misleads the parliament—as he did, without foundation, yesterday.

**Climate Change**

Mr CRAIG THOMSON (2.37 pm)—My question is to the Minister for the Environment, Heritage and the Arts. Why is a comprehensive approach to energy efficiency important in addressing dangerous climate change?

Mr GARRETT—I thank the member for Dobell for his question. I know he has many in his constituency who are genuinely interested in the government’s energy efficiency policies. The fact is that a comprehensive approach to energy efficiency is absolutely important in tackling the dangers of climate change. It is the government’s second plank in its approach. Sometimes it is called ‘the quiet achiever’. Here the government is taking up unprecedented action to improve energy efficiency across the Australian economy. The evidence is clear. The International Energy Agency—and the Treasurer briefly and recently quoted them in the House—identify energy efficiency as providing substantial emission reductions out to 2030 under a 450 parts per million reference scenario.

I was pleased to announce last week that for the first time Australian governments have agreed to a new national scheme to approve the energy efficiency of commercial office buildings by introducing regulations that will require owners to provide energy efficiency information when selling or leasing. This is a very important announcement. It means that, starting in the second half of 2010, this disclosure scheme will be a real driver for green innovation and competition in the commercial office market, creating clean energy jobs as well. The scheme will also apply to office buildings owned by the Australian government.

I also recently announced that new energy efficiency standards for TVs, household lighting and whitegoods were now in place. People listening may not think that this is a critical measure, but the statistics are clear. The equipment energy efficiency programs
are expected to prevent up to 19.5 million tonnes of carbon emissions every year by 2020, a saving to the Australian economy of up to $22 billion over the next 16 years and a saving to Australian householders of up to $5 billion per year by 2020. These are substantial savings to the economy and substantial savings in greenhouse gas emission reductions. That is what energy efficiency is all about. Of course, since February this year the government’s Energy Efficient Homes Package has provided ceiling insulation for over 600,000 Australian households and solar hot water for around another 100,000. To put this in perspective: since February the Rudd government have made around one in 12 Australian households more energy efficient. Over the rollout we will have reached more than one-quarter of Australian homes, reducing emissions from those households by up to 30 million tonnes by 2020.

These are tangible and real achievements that this government has made. Energy efficiency measures are often called complementary measures, because effective action on energy efficiency complements an effective price for carbon. That is the price that comes with having a carbon pollution reduction scheme. They are both critical parts of a comprehensive approach to tackling dangerous climate change. This week in parliament we have the opportunity to put that in place—that is, to put in place a comprehensive approach marrying these energy efficiency measures that the government has brought forward by agreeing to a carbon pollution reduction scheme. So it is down to the opposition, with possibly seven days of debate left, as we begin the final countdown. I could not help but notice reports today of the opposition party room that the opposition leader actually faces an ETS revolt from some 10 MPs—six Liberals and four Nationals, it is reported. It is reported that they would vote down the laws ‘come what may’.

It is time for the opposition to show itself in this debate. The report also says:

… the opposition foreign affairs spokesman said Australia must have a debate about energy security and alternatives.

… she had complained 19 out of 20 G20 countries were pursuing nuclear power.

‘It is time to have a mature debate,’ she said.

All I can say to the member opposite is: let’s have a mature debate about a carbon pollution reduction scheme. Instead, we have some 10 opposition members defiant, opposing their own leader in the party room on a carbon pollution reduction scheme. They are quite often fond of quoting lyrics to me. Seeing that we are in the final countdown, I thought I would read the lyrics of The Final Countdown. They looked relevant to me, so I thought I would read them out. This is a soundtrack for the opposition at the moment. The lyrics read:

We’re leaving together
But it’s still farewell
And maybe we’ll come back
To earth, who can tell?

Oh, we’re heading for Venus—
That reminded me of a report that they did in the previous parliament about carbon emissions on other planets. It continues:

And still we stand tall
Cause maybe they’ve seen us
And welcome to us all
With so many light years to go
And things to be found …

The one thing the opposition should find is a policy and the one thing the opposition leader should find is some leadership to lead his party to deliver a carbon pollution reduction scheme to the Australian people. It is in
the national interest, it is in the international interest and the countdown is on.

Asylum Seekers

Mr Turnbull (2.43 pm)—My question is to the Prime Minister. Now that the Prime Minister has had an opportunity to check the sequence of events, will the Prime Minister inform the House who on his personal staff sits on the border protection sub-committee of cabinet, the date and time the committee resolved to make the written offer to the asylum seekers on the Oceanic Viking and the date and time it was actually communicated to those asylum seekers?

Mr Rudd—So we get to question 4 and finally we go to the substance of the challenge against me yesterday: that I had misled the parliament in terms of my knowledge of the Jakarta embassy immigration section’s document concerning these matters. Instead now we engage in the supposed forensics of who, what and when in terms of the operations of the border protection committee. As I said to the House yesterday, the border protection committee of our cabinet has responsibility for these and other matters concerning people smuggling and border protection.

Secondly, it is chaired by the immigration minister and has representation from other relevant ministers, other relevant bureaucrats and other relevant staff including my own. Thirdly, a number of my own staff would be on it from time to time. That is the normal way in which you handle things. But once again we find ourselves with the Leader of the Opposition trying to crab-walk his way out of responsibility. What was the basis yesterday of his charge that I had misled the parliament? Was it another forged email? Was it a concocted fax? Was it some other manufactured document or simply a counterfeit smoke signal?

Mr Turnbull—Mr Speaker, I rise on a point of order as to relevance. The Prime Minister has failed to answer a very specific question.

The Speaker—It is finished. The member for Franklin.

Afghanistan

Ms Collins (2.45 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on his visit last week to Afghanistan and Australia’s mission in Afghanistan?

Mr Rudd—Together with the defence minister I visited our troops at Tarin Kowt last week and spent time with them and spent time also with of course their commanders and with the United States commander responsible for the International Security Assistance Force in Afghanistan, General McChrystal. It was an opportunity to meet with our troops serving in Afghanistan in what is a very difficult and challenging operating environment. In addition to meeting our troops, we were able to be briefed fully on the proposed plans ahead for dealing with what is a difficult and mounting insurgency in the south of the country. General McChrystal was able to brief me on the operations of ISAF in Afghanistan, the challenges he faces and the strategy he is proposing for the future. General McChrystal also expressed to me his appreciation for the work that Australian forces were doing in Oruzgan province. He praised the work that they do highly as well as those Australian embedded staff who are working within his own command and General Rodriguez’s command in Kabul and also command operations out of Kandahar. He made the point that providing security in Oruzgan, including through training the Afghan national security forces, was a critical part of the international mission in Afghanistan. I also met with our diplomats, our Federal Police representatives, our development assistance representatives and other professionals based in Af-
afghanistan. It was useful to receive at-firsthand from them and from serving officers information on the challenges they face in what will be a particularly difficult year ahead. Also I was privileged to be able to attend, with the troops there and the defence minister and General McChrystal, our Remembrance Day ceremonies at Tarin Kowt. We were also able to reflect upon the contribution of the 11 soldiers who have so far given their lives in that conflict.

I also had the chance to engage with representatives of the Afghan government during my visit. I spoke to President Karzai on the phone when I was there. He was in Kabul. I congratulated him on his return to office. I also said, in my conversation with him, that Australia was committed to Afghanistan for the long haul but we also expect much from our Afghanistan partners in deliverance of better governance to the Afghan people in the future. In Tarin Kowt I was also able to meet with the governor of Oruzgan province, Governor Hamdam, and the Minister for Rural Rehabilitation and Development, Mohammed Ehsan Zia. Through their combined efforts we are also, together with our own aid agencies and the work of the reconstruction task force, involved in much good reconstruction work. I was able to be briefed firsthand on the building of schools, the building of health centres and the building of other much-needed supports including bridges and roads, which our troops and the aid agencies are actively engaged in. This is all part and parcel of supporting the civilian arm of what must be an integrated civilian and military strategy in Afghanistan for the future. As I have said previously, our mission in Afghanistan is difficult and it is dangerous. In spite of the difficulties our troops are doing a first-class job and those who are engaged with our troops, such as the Americans and the Dutch, acknowledge the professionalism of all those Australians active in the field.

The mission is making demonstrable progress within our province, Oruzgan, disrupting insurgent networks, increasing training for Afghan battalions as part of the 4th Brigade of the Afghan national army, which we are seeking to raise through our training effort and the combined efforts of others. Also, we have expanded the area in which Afghan security forces provide protection to local communities. Importantly, we have developed our own integrated civilian-military strategy that also focuses on the building and reconstruction effort within the province. I referred to some of those examples just before. Australia remains committed to our mission in Afghanistan. It is a vital mission, one that helps to deny Afghanistan as a safe haven for terrorists. As the debate on Afghanistan continues to unfold in our community, let us never forget the reasons why we are there through our unified joint resolution of this House back in the end part of 2001. That is our reflection on what happened to our American ally from the events of September 11: the terrorist attacks on the United States, in New York and in Washington and elsewhere, and therefore our common resolve not to allow Afghanistan again to become a safe haven for the operation of terrorist organisations in the future and, building on that, to raise also the effectiveness of the Afghan security forces—the army, the police and its civilian infrastructure—to ensure that the Afghans can in time take responsibility for the administration of that province. That is our mission within the country. It is a mission which is specific to the problems of Oruzgan together with the combined efforts of our embedded forces in both Kandahar and Kabul. We intend to be in Afghanistan for the long haul.
Asylum Seekers

Mr Turnbull (2.50 pm)—My question is again to the Prime Minister and refers to my previous question and his failure to answer it and the offer made to the asylum seekers on the Oceanic Viking. Was the Prime Minister consulted by his staff or any other person about the terms of the offer prior to the meeting of the border protection subcommittee of cabinet? Further, was the Prime Minister advised by his staff or any other person of the terms of the offer prior to the time it was made to the asylum seekers aboard the Oceanic Viking?

Mr Rudd—As I have said in response to the honourable member’s questions yesterday and today, the border protection committee of the cabinet has responsibility operationally for the handling of these matters. I said also, in response to the honourable member’s question yesterday, that my own staff, together with the staff of other ministers and officials from my own department and officials from other ministers’ departments, are active in that committee, a committee which is chaired under normal circumstances by the immigration minister. That is how it operates; that is how it is extended here.

Mr Pyne—Mr Speaker, on a point of order: the Prime Minister was not asked about the general activities of the border protection subcommittee of cabinet; he was asked what he knew, what he was told and when.

The Speaker—Order! The Manager of Opposition Business will resume his seat. The point of order is as to relevance. The Prime Minister is responding to the question.

Mr Rudd—The question goes to the operation of the border protection committee, the operation of my staff on that committee and what would normally be the relationship between any staff and their minister. Of course, I am aware, as Prime Minister, of the fact that negotiations are underway with various agencies, including the Indonesians and others. That would be normal. On the content of those negotiations, on the content of the agreement which is referred to, contained in the document about which he said that I had misled the parliament yesterday, I had no prior knowledge of its content and I did not authorise its content. But I note once again, consistent with what we have had on earlier occasions, an attempt by the Leader of the Opposition to embroil my staff in this matter. I seem to remember what he did during the forged email affair on Utegate, which was to seek to embroil the economic adviser in my office, Dr Charlton. Once again, we are going down the same road.

Building the Education Revolution Program

Ms Saffin (2.53 pm)—My question is to the Minister for Education, the Minister for Employment and Workplace Relations and the Minister for Social Inclusion. Would the Deputy Prime Minister outline to the House recent announcements about the Trade Training Centres in Schools Program and how these announcements have been received?

Ms Gillard—I thank the member for Page for her question. I know that she would have been delighted that seven schools in her electorate are receiving more than $10 million as a result of the recent announcement of round 2 of trade training colleges. I was very pleased to be able to travel with the member for Gorton to his electorate, to the Catholic Regional College in Sydenham, to make this announcement on 5 November. In round 2 of our Trade Training Centres in Schools Program, 92 projects in 302 schools are receiving $384 million. This is great news. Of course, this round 2 was bumped up by $110 million extra, which was pulled...
forward as part of the economic stimulus package.

We know that members opposite did not support the economic stimulus package and did not support this investment in trade training centres in schools. Indeed, the shadow education minister, the member for Sturt, said in those debates:

In the package that has been announced there is a description of the Trade Training Centres in Schools Program as having received an outstanding response from schools across the country. The unreality of that statement struck me in its tendency towards Maoism.

The member for Sturt went on to say:

How absolutely ludicrous!

These overblown words follow the consistent and wrong claims of the member for Sturt that somehow funding to schools has been cut in this program. That is a completely untrue claim which he repeats and repeats. But people in education know the truth, which is that this program is being rolled out exactly as promised, with schools eligible for between half a million dollars and $1½ million, and many schools choose to put their money together to get a bigger and more diverse facility. But those are the words of the member for Sturt: ‘Maoism’ and ‘How absolutely ludicrous’.

I can inform the House that, against that basis, I have found a Maoist on the Liberal backbench. I can see the Leader of the Opposition is interested in this news. He is about to write the name down, with a purge coming—a Maoist on the Liberal backbench. It will strike you as a name you would not have predicted. He is a conservative-looking bloke; you would not pick him as a Maoist.

It is the member for Parkes: the Maoist on the Liberal backbench. There he is: the Maoist on the Liberal backbench. If you are going to come out as a Maoist, you might as well do it in a newspaper called the Daily Liberal. Where else would you possibly do it? In his column ‘Coulton’s Catch-up’, he says the following about trade training centres:

This week, I am delighted to announce that several schools in the Parkes electorate will receive funding for trade training centres.

The waxing lyrical about trade training centres goes on paragraph after paragraph, school after school, as he lists the six projects in his electorate receiving over $20 million in funding. The Maoist on the Liberal backbench goes on to say:

Access to premium education facilities is extremely important for students, particularly those living in regional areas. Many students are often interested in pursuing a trade and these centres allow students access to training opportunities while still at school.

The member for Parkes goes on:

It’s a great initiative which creates a new generation of skilled and qualified workers for our region—something that we are desperately in need of.

The member for Parkes is right: his region is in need as a result of more than a decade of neglect by the Howard government. And he is right: the Trade Training Centres in Schools Program is a great initiative. The only person who ends up looking absolutely ludicrous at the end of this is the member for Sturt.

Asylum Seekers

Ms JULIE BISHOP (2.58 pm)—My question is to the Prime Minister. Will the Prime Minister inform the House whether the decision of the border protection subcommittee of cabinet to make the written offer to the asylum seekers on board the Oceanic Viking was minuted? If so, when did the Prime Minister first read the cabinet minute?

Mr RUDD—I always welcome questions from the member for Curtin. She would al-
ways, I would hope, remember, in those deep, dark days in the past when she was a cabinet minister, that there is such a thing as how cabinet committees operate. Ours operate on the same grounds of confidentiality as theirs, with one exception: Minister Turnbull is not a minister of our cabinet, so it does not leak on a regular basis as theirs did. We all know the practice in times past: out the door and constant background briefings with the chaps upstairs about what was going on in the cabinet. Ours does not operate that way; it operates under standard cabinet procedures. If the Leader of the Opposition wants to move his censure motion, he should get on with it and defend his accusation yesterday.

Road Infrastructure

Mr FITZGIBBON (2.59 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. How is the government’s road infrastructure investment in the Hunter and on the mid-North Coast of New South Wales progressing? How is the investment helping to improve safety and to create jobs in local communities?

Mr ALBANESE—I thank the member for Hunter for his question and for his advocacy of the Hunter Expressway—a very important infrastructure development that is getting underway under the Rudd government. This morning I have announced that we are moving forward on three important road projects in New South Wales. In the Hunter we have selected the private alliance that will help build the eastern section of the Hunter Expressway along with the RTA. This clears the way for construction work on this long overdue project to commence early next year. There was $1.5 billion allocated in this year’s federal budget with construction work scheduled to start within months. It will support up to 800 jobs in the short term while building the infrastructure that we need for the Hunter in the long term.

On the New South Wales mid-North Coast we have also selected the private alliance that will work with the RTA to deliver the Kempsey bypass. There was $618 million allocated in this year’s federal budget and 450 jobs, boosting the region’s local economy. Importantly, we are wasting no time to commence further work on the Pacific Highway. This morning I announced that we are investing $57.6 million in conjunction with the New South Wales government to get the Fredericton to Eungai section of the highway shovel ready. The horrific Kempsey bus crash, which claimed 35 lives, happened on this section of road almost 20 years ago. Despite this, the necessary planning and pre-construction work to duplicate this section of the Pacific Highway will identify potential engineering challenges, calculate accurate costings, undertake the necessary land acquisition and determine a reliable construction timetable. This will all enable us to begin major construction on this project following the completion of the Kempsey bypass.

The Rudd Labor government is investing some $3.1 billion over six years on the Pacific Highway—close to three times as much as the coalition spent over double the period of time. Over 12 years the coalition spent $1.3 billion; under this government $3.1 billion over six years. We are committed to delivering better and safer roads. This is important. It is creating jobs in the short term while building the infrastructure that this nation needs for the long term.

Asylum Seekers

Asylum Seekers

Mr TURNBULL (3.02 pm)—My question is again to the Prime
Minister. I refer to the Prime Minister’s failure to tell the House when the border protection subcommittee met to determine the terms of the offer to the asylum seekers on the Oceanic Viking, when the offer was actually communicated to them, whether he was consulted about the terms of the offer prior to the meeting of the subcommittee, whether he was advised of its terms prior to it being made to the people on the Oceanic Viking, whether the decision of the subcommittee was minuted and when or whether he read it. Given these are very simple factual questions, Prime Minister, why won’t you answer them?

Mr Rudd—Once again, this reminds me of the lead-up we had to the Leader of the Opposition’s last censure motion a couple of weeks ago which did not actually proceed, but I am sure this one will proceed on this occasion. There should be a little more subtlety in the build-up to a censure motion, in my view. Let me go to the elements he has raised, as he asked, ‘When did the border protection committee meet?’ This committee meets on a continuing basis. There are multiple meetings of it, as is normal when you have an ongoing operation. So the answer to the question about when it met on this particular matter is simply that it has met on a number of occasions over the period of time that this and related operations concerning people smuggling have been underway.

He asked further whether this particular decision of the border protection committee of the cabinet has been properly recorded. All decisions of cabinet committees are properly recorded. Furthermore, when it comes to cabinet committees and their normal operation, given one is chaired by a senior cabinet minister, in this case the Minister for Immigration and Citizenship, and advised by staff, I have full confidence in the operations of the committee. If the honourable gentleman has further questions to ask about these operational elements of the cabinet committee, I would simply refer him to this point: we act entirely consistently in a manner in which a cabinet committee operates as outlined in the cabinet handbook as I thought would have operated in the case of their cabinet handbook with the single exception of course that the Leader of the Opposition, when minister for the environment, would constantly leak on his cabinet colleagues, including the then Prime Minister.

Again, if the Leader of the Opposition is proceeding in the direction of his censure motion, as I assume that he is, can I say to him that I am all ears to hear his substantiation for the charge he made in this precinct yesterday. He held a press conference once he left this chamber yesterday, having heard my responses, and said that I had misled the parliament in terms of my knowledge and approval of the particular document issued by the Jakarta embassy’s immigration councillor. That is his charge. He has not retracted that charge. I look forward to him in his censure motion adducing the evidence to underpin that charge.

Income Support for Students Legislation

Mr Sidebottom (3.06 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. Will the minister outline to the House the importance of the government’s student income support reforms and the potential impact on students by rejection of the measures in the Senate?

Ms Gillard—I thank the member for Braddon for his question. I know that he is concerned about access to education by country students. Unfortunately, the Liberal and National parties in government were not at all concerned about access to education by country students. In the last five years of the Liberal-National Party government, the par-
ticipation rates of country kids in universities went down. That is their track record in office. Whilst the participation rates of country kids went down, there were kids living at home in families that earned more than $300,000 a year who were getting full youth allowance. That is what they call equity in the Liberal Party and the National Party—the wealthiest families in the country getting full youth allowance as students live at home whilst country kids have their ability to participate in university cut.

We are resolved to fix that and the bill before the Senate does address that. We have listened to the concerns of students in a transition year who need to leave home in order to study and we have responded to those concerns. Yesterday the higher education sector came out and said to the Liberal and National parties: ‘Get out of the way. Pass this bill.’ Representatives of every Australian university and representatives of students said to the Liberal and National parties: ‘Get out of the way and pass this bill.’ Of the people who spoke, Ian Chubb, the Vice-Chancellor of the ANU, speaking on behalf of the Group of Eight universities, said:

Well we as a Group of 8 support this Bill. We think that it’s particularly important that it pass, that it pass quickly so that we can give some information to and certainty to the students …

Ross Milbourne, the Vice-Chancellor of UTS, representing the Australian Technology Network of Universities, said:

I speak really with my other fellow Vice-Chancellors on behalf of the entire higher education sector who’s unanimous on supporting the legislation.

… … … …

… from my perspective, failure to pass this legislation today is not only bad for the education system in Australia, but it’s bad social policy and is very bad long term economic policy.

Paul Johnson, the Vice-Chancellor of La Trobe University, speaking on behalf of the Innovative Research Universities, said:

These students and their parents are having a tough time at present, we all know of the problems in the economy of regional and rural Australia. The proposed legislation will make a fundamental difference to all these families, all these students and their mums and dads.

Then we had the representative of the National Union of Students, on behalf of students, David Barrow, who said:

Let me just say that students unequivocally support these new scholarships.

So in positioning to reject this legislation the Liberal and National parties are ignoring the united and unanimous voice of everybody who speaks on behalf of higher education in this country. You could not be more isolated, you could not be more wedded to an inequitable and unfair system than those opposite. But having not been a friend of students in government, they are determined to be antis- tudent in opposition. They are particularly determined to be anti the participation of regional students in universities. The amendments that the opposition is moving in the Senate rip $700 million out of scholarships on an ongoing basis, $160 million of it coming out of the scholarships going to country kids—$160 million ripped out of the hands of country kids. That is what the opposition stands for.

As inequitable and unfair and irresponsible as their amendments are, what is even worse is that we do not know whether, if their amendments fail—and obviously they will be defeated again in this House if they succeed in the Senate—when it comes to considering the final proposition, they will pass this bill or reject this bill. We do not know what they will do. Let me just explain to members opposite who are catcalling what rejection of this bill will mean and what they
will need to say to their constituents when they go back home.

*Mr Haase interjecting—*

**The SPEAKER**—The member for Kalgoorlie!

**Ms GILLARD**—The member for Kalgoorlie is asking what he will tell his constituents. I will give him some facts. If this bill is rejected almost 25,000 families with incomes between $32,800 and $44,165 will miss out on their increase in their support to the maximum rate of youth allowance—that is, members opposite would rip off some of the lower income families in this country. If they block this bill, a further 78,000 students who would have received a higher part payment will miss out on that higher part payment—ripping off 78,000 students. Even worse, 150,000 students around the nation will not get their student start-up scholarship of $2,254—ripped out of their hands; 150,000 students having more than $2,000 each ripped out of their hands by the irresponsible conduct of the Liberal Party. Imagine going back to your own electorates at Christmas time and explaining that to your constituents: how you have cost students more than $2,000. And, if this legislation is blocked there will be no relocation scholarships for country kids who need to move—no legislative authority for them, no way of paying for them. Country kids around the country will miss out on their $4,000 relocation scholarship because of the actions of the Liberal Party and the National Party. That is what will happen if this legislation is defeated.

Liberal and National parties members opposite need to think about this. I can see the penny dropping for the first time on the backbench about what this means. If they block this legislation, they will go back to their electorates at Christmas time having to explain a rip-off of 150,000 kids, having to explain a rip-off of relocation scholarships for country kids, having to explain to some of the lowest income households in this country why they are not getting the maximum rate of youth allowance, and having to explain to 78,000 more kids why they are not getting an increased rate. Think about it. You need to repudiate this stupid, irresponsible, inequitable strategy you are on now and pass this bill.

**The SPEAKER**—I would remind the Deputy Prime Minister to refer her remarks through the chair.

**Asylum Seekers**

**Mr TURNBULL** (3.13 pm)—My question is again to the Prime Minister. I refer the Prime Minister to the arrival of the fourth unauthorised boat in three days. Will he confirm that 52 boats carrying almost 2,300 people have now arrived since he weakened Australia’s border protection laws? How has the government’s handling of the Oceanic Viking shambles discouraged people smugglers from bringing asylum seekers to Australia?

**Mr RUDD**—The honourable member’s question goes to the motivation of people smugglers and whether people smuggling is driven by domestic or international factors, or a combination of the above. That is essentially the essence of the honourable member’s question. I say to the honourable member that the government’s border protection policy, which is hard line on people smugglers and humane in its dealings with asylum seekers, is precisely the policy we took to the last election, it is the policy we have implemented since the last election and it is the one we will adhere to in the future.

We are dealing with a range of push factors in Sri Lanka, which the foreign minister is acutely familiar with, having visited Sri Lanka I believe last week and spoken with the government about what is occurring
there. What is occurring there is that we have something in the order of 260,000 displaced Tamils within the island because of the military actions and the civil war which occurred there earlier this year. What the foreign minister is seeking to do with the World Bank and others is to contribute to better humanitarian circumstances for those individual Tamils and their communities in Sri Lanka in a humanitarian fashion, to assist with their resettlement within the country. Secondly, on the operational push factors, I was recently in New Delhi and spoke with Prime Minister Singh about the 130,000 Tamils who have now gone from the island of Sri Lanka to India where they have temporary refuge. Thirdly, what the Indian Prime Minister and others have discussed with me is the fact that we have now had thousands upon thousands of Sri Lankan Tamils go to places like Germany, France, Canada and North America because we are dealing, as an international community, with a humanitarian crisis within Sri Lanka which has been occasioned by the civil war in that country.

On the operation of our policy in particular, the honourable member—for example, I do not recall in his recent press conferences—has not referred to the numbers of Sri Lankans who have, thus far, been sent back to Sri Lanka through the operation of our normal immigration policy. Once they have been through processing and it has been determined that individuals are not compatible with the criteria laid down by the refugee convention, we have done as we have said in policy we would do, which is to dispatch individual Sri Lankans back to that country. Most recently—in fact, I believe only several days ago—two-thirds of a group of 50 Sri Lankans who arrived in this country in April were returned to Sri Lanka, given that it has been determined that they were not refugees. In fact, a group of six men who were involved in protest action while in detention were removed from Christmas Island on Saturday and arrived safely in Colombo that night. Thirty others from that same boat have now returned to Sri Lanka voluntarily after their claims for protection were thoroughly assessed.

Dr Stone—Mr Speaker, I rise on a point of order as to relevance: the question was asking how the government’s shambolic handling of the Oceanic Viking had—

The SPEAKER—The member for Murray will resume her seat. The Prime Minister is responding to the question.

Mr Rudd—We always welcome questions from the member for Murray but even more do we welcome her interventions at the dispatch box. I say to those opposite who ask questions about the operation of our policy that, (1), it deals with the push factors; (2), it also deals with transit countries; and, (3), we are dealing with how we operate a policy in sending people back to Sri Lanka and other countries, people who do not meet the criteria laid down under the refugees convention.

Concerning our transit countries, can I also say this: our cooperation with the government of Malaysia—and I notice that this has not been the subject of any press commentary from those opposite because it is a further step forward—our cooperation with the government in Kuala Lumpur has resulted in the disruption of some 15 attempts of people smuggling involving roughly 550 people. We are very grateful for the cooperation of the government there.

Over the weekend, I was informed by Prime Minister Najib of Malaysia that we would continue to expand our cooperation dealing with people smuggling. Furthermore, for the information of the House, the Prime Minister of Malaysia informed me that the Malaysian government has now decided, for the first time, to criminalise people smuggling in that country. This again is a reflec-
tion of the work which is underway between us and the Malaysian government, as indeed it is underway with the Indonesian government as well.

Finally, when it goes to the actual success of government policy in interruptions, I say this: so far some 88 to 90 interruptions have occurred as a result of the direct cooperation between the Australian government, the Indonesian government, the Malaysian government and other governments within the region, interruptions which have involved some several thousands of individuals seeking to come to this country by the agency of people smugglers. We are dealing with one set of rolling operations after another, as you would normally do, as would any responsible government of Australia do. We are adhering to our obligations under international humanitarian law as laid down in the convention. We are maintaining a border protection policy with added resources and added investment in our maritime surveillance activities, at the same time working closely with our partners in the region. This is what governments have sought to do in the past and they will seek to do so in the future. It is what governments around the region are doing. It was also a challenge which confronted the previous government when they had some 250,000 boats come to this country carrying nearly 15,000 individuals. They were problems faced in the past, they are problems being faced now and they will be problems in the future. Our policy is a consistent policy; those opposite do not have a policy at all.

Asbestos Compensation

Ms OWENS (3.20 pm)—My question is to the Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law. What steps has the government recently taken to ensure victims of asbestos related diseases can continue to access full compensation payments.

Mr BOWEN—I thank the honourable member for her question and for her long-standing advocacy on the part of victims of asbestos. The struggle for proper compensation for victims of asbestos in Australia has been a long one. It is a struggle which was, of course, led by the late Bernie Banton and is being ably continued by his widow, Karen Banton. Following significant pressure being brought to bear on James Hardie, the New South Wales government secured an agreement with James Hardie in 2005 which required the company to provide funding for personal injury claimants who had been exposed to James Hardie products and asbestos in Australia.

I take the opportunity of acknowledging the many, both inside and outside the House, who have been passionate on behalf of asbestos victims, particularly the Minister Assisting the Minister for Climate Change in his former role as secretary of the ACTU. The 2005 agreement resulted in the creation of the Asbestos Injury Compensation Fund. This fund saw 607 claims on it in 2008-09 and 565 claims in the preceding year. Under the agreement, James Hardie has been obliged to contribute 35 per cent of their free cash flow each year.

On 23 April this year, James Hardie advised the Australian Securities Exchange that it will not be in a position to make a contribution to the fund in the current year because of its very significant exposure to the depressed United States housing market. The advice to the Australian government from the fund was clear: projections were that the fund would be exhausted within two years. In fact, the fund was close to applying to the Supreme Court of New South Wales to move from providing full compensation payments to an instalment compensation payment sys-
tem. Under these proposed arrangements, asbestos victims faced the very real prospect of not receiving their compensation payments before the end of their life. In our view, this was simply an unacceptable outcome.

On 7 November, the Prime Minister and the Premier of New South Wales announced an in-principle agreement for a loan facility to be made available to the fund that will cover three years of compensation payments at current claim rates. This joint agreement will mean that sufferers of asbestos related diseases will receive compensation payments in full, including their high upfront medical and carers costs. Under the joint agreement, the Australian government will provide a loan of up to $160 million to the New South Wales government that will go towards a loan facility of up to $320 million, to be made available to the fund for the purpose of meeting this shortfall. This decision will give hope and peace of mind to victims of asbestos and their families. The CEO of the Bernie Banton Foundation, Karen Banton, said:

Asbestos disease sufferers across the country, I am sure, are very thankful that their fears are now allayed, that if they need to make a claim they are able to and they have some financial security for their family should they lose their battle.

I want to make this very important point: this agreement in no way absolves James Hardie of their legal or moral obligation to victims of asbestos. The Australian government and the New South Wales government expect James Hardie will resume making substantial and regular contributions to the fund in coming years, in accordance with the terms of the agreement. However, this agreement between the Commonwealth and New South Wales does provide peace of mind to victims of asbestos and their families, and in our view they deserve nothing less.

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

QUESTIONS TO THE SPEAKER
Question Time Interjection

Mr PYNE (3.24 pm)—Mr Speaker, the Leader of the Opposition asked the Prime Minister early in question time:

Given the Prime Minister denies … any special … deal has been offered to the 78 asylum seekers on board the Oceanic Viking, is the Prime Minister indicating that all people found to be refugees in Indonesia can now expect to be settled in Australia within four to six weeks?

That was the question, during which the Leader of the House interjected, ‘Only those rescued at sea.’

Mr Albanese—No, I did not!

Mr PYNE—Given the importance of that interjection, will you ensure that it is recorded in Hansard?

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

The SPEAKER—Order! The Leader of the House will resume his seat.

Mr PYNE—‘Only those rescued at sea.’ Will you ensure—

Honourable members interjecting—

The SPEAKER—Order! The member for Sturt has the call, but I am not sure where question is actually going. As I have indicated, there are matters of procedure that should be dealt with at the time. I am not going to have a habit of revisiting things from earlier in the proceedings.

Mr PYNE—Mr Speaker, I am not surprised you did not hear the question, because it was being shouted down by the Leader of the House, but in my question to you I read the Leader of the Opposition’s question and I pointed out the very important interjection of the Leader of the House. I am asking you whether you will ensure, because of its importance, that it is recorded in Hansard that he said ‘only those rescued at sea’.
The SPEAKER—No.

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

The SPEAKER—The Leader of the House will resume his seat. We will deal with these things one at a time. If the question has been asked in a genuine sense, I will respond to the question. The matter will be dealt with by the well-known policies for the way that these things are included in Hansard, and therefore I believe that any interjection of that nature will not be included in Hansard. Those are the guidelines that have been used over several parliaments. It was not responded to and therefore it does not go into Hansard. That is my belief, but I will check with Hansard.

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

The SPEAKER—The member for North Sydney will resume his seat.

PERSONAL EXPLANATIONS

Mr TUCKEY (O’Connor) (3.28 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr TUCKEY—Certainly, sir.

The SPEAKER—Please proceed.

Mr TUCKEY—Mr Speaker, today in the parliament the Treasurer referred specifically to my comments made today in our party room on the ETS issue. In so doing, he referred to me as a carbon sceptic and a denier of climate change. My contribution in the party room was to criticise the ETS legislation for its failure to address the problem of climate change, reminding those present that it proposes to sell or gift to large emitters certificates to allow them to continue polluting and to pass the cost on to captive markets such as domestic and small business consumers of energy products, and consequently it plans only to achieve a five per cent emission reduction by 2020, when the Barrier Reef scientists who addressed Labor MPs this morning said 20 per cent worldwide is the required target.

The SPEAKER—Order! The member for O’Connor will not debate his personal explanation.

Mr TUCKEY—Mr Speaker, I have not told them everything I said. The rest is pretty good!

The SPEAKER—I think that the member for O’Connor, to the extent that he needed to make a point, has made his point.

Mr TUCKEY—Thank you, Mr Speaker.

Mr Melham—How do you remember, with dementia!

The SPEAKER—Order! I will use the member for Banks’s behaviour at the moment as an illustration that it is not helpful for people in prosecuting whatever case they want to prosecute when they ask questions or make points of order and then just go into argy-bargy across the table.

Mr Briggs interjecting—

The SPEAKER—If the member for Banks said something, he said it at the same time that I was saying something. If he said something that caused offence, I ask him to withdraw.

Mr Melham—I withdraw unconditionally.

The SPEAKER—And I ask the member for Mayo to withdraw his comment.

Mr Briggs—I withdraw.

Mr Dutton—Now you be a man, Albo.

Mr Wood interjecting—

The SPEAKER—The Leader of the House will resume his seat. The member for La Trobe will withdraw.

Mr Wood—I withdraw.
Mr ALBANESE (Grayndler—Leader of the House) (3.31 pm)—Mr Speaker, I seek leave to make a personal explanation.

Opposition members interjecting—

The SPEAKER—And that is within his rights. I am not sure what was released into the atmosphere after question time, but it has certainly changed the mood of the House. Does the Leader of the House claim to have been misrepresented?

Mr ALBANESE—Yes. The Manager of Opposition Business, in his abuse of parliamentary processes by putting forward a question, attempted to put on the record an interjection that I did not make.

Opposition members interjecting—

The SPEAKER—Order! Whilst I was happy to have an early mark, I am going to be patient. I do not understand why these matters cannot be settled quietly. The Leader of the House has the call.

Mr ALBANESE—Mr Speaker, the interjection that I made across the chamber was, ‘This was a rescue at sea,’ and it was heard by those here. That was my interjection. The abuse of process and the failure of the Leader of the Opposition or the Manager of Opposition Business to have the courage to raise it with me is an outrage.

The SPEAKER—The Leader of the House will resume his seat. He has resumed his seat. Is the member for Sturt seeking the call?

Mr Pearce—I simply make the point, Mr Speaker, that he is not allowed to debate the matter of a personal explanation.

The SPEAKER—He has been told to sit down. I warn the member for Sturt, and the basis of the warning is that, repeatedly, when he has a point of order he makes the point of order and then continues to prattle on.

Mr Pearce interjecting—

The SPEAKER—The member for Aston should go back to his contemplation of future endeavours. It is a friendly reminder that he has been very well behaved, and I was surprised.

AUDITOR-GENERAL’S REPORTS

Report No. 11 of 2009-10

The SPEAKER—I present the Auditor-General’s Audit report No. 11 of 2009-10 entitled Garrison Support Services: Department of Defence.

Ordered that the report be made a parliamentary paper.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.34 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following document:


Debate (on motion by Mr Hartsuyker) adjourned.

TAX LAWS AMENDMENT (2009 BUDGET MEASURES No. 2)

LEGISLATION

Dr EMERSON (Rankin—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) (3.35 pm)—I present an addendum to the explanatory memorandum to the Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009.

MINISTERIAL STATEMENTS

Timor Sea Oil Spill

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Min-
ister for Tourism) (3.35 pm)—by leave—As I have previously advised the House, an uncontrolled release of oil and gas into the ocean and atmosphere occurred at the Montara Wellhead Platform in the Timor Sea on Friday, 21 August 2009. This was the first serious loss of well control in offshore Australia since 1984, with around 1,500 wells having been safely drilled over the last 25 years. Since the leak occurred our top priorities have been, and remain, the safety of people and the protection of the environment. On Tuesday, 3 November 2009, more than 10 weeks after the incident occurred, PTTEP Australasia, the operator and licensee of the Montara oilfield, successfully killed the leaking well and the fire that had broken out on the wellhead platform on Sunday, 1 November 2009. Bringing the well under control was a great relief to all those involved and to the Australian community, but it is important to recognise that there is more work to do to secure the well and make the facilities safe.

Unfortunately, the impacts of the fire on both the Montara wellhead platform and the West Atlas drilling rig mean that this work will take longer than initially expected. Technical options to secure the well are still under review. PTTEP is working with a peer group from the industry and with relevant regulators, including the Northern Territory Department of Regional Development, Primary Industry, Fisheries and Resources and the National Offshore Petroleum Safety Authority, so as to ensure the work is planned and executed competently and in accordance with good oilfield practice. The work must also be done safely and as soon as reasonably practical.

As with all other petroleum exploration and production activities, the remaining work to secure the well and make the facilities safe is regulated under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and associated regulations, and the Northern Territory department is the designated authority of the Commonwealth for day-to-day oversight. All options to secure the well require access to the Montara wellhead platform and therefore safety case revisions that take into account the new hazards introduced following the fire require very careful development by PTTEP, and equally careful assessment by the National Offshore Petroleum Safety Authority. Once the well is secured safely, there are four other major activities to be completed to make the facilities safe:

- Firstly, to plug and abandon the relief well and demolise the West Triton drilling rig;
- Secondly, to remove the fire damaged rig cantilever from the West Atlas drilling rig and off the Montara wellhead platform;
- Thirdly, to remove the West Atlas drilling rig from the site; and
- Fourthly and finally, to inspect and repair the Montara wellhead platform.

All of these activities require detailed structural assessments to be undertaken and safe work procedures to be developed. These activities will also require safety case revisions for both the Montara wellhead platform and the West Atlas drilling rig. Those revisions can only be progressed step by step as new information becomes available from each phase of work and is properly assessed to enable safe planning for the next phase.

As I foreshadowed on 7 September 2009 there will be a broad-ranging major incident investigation into the causes of the incident. It is vital that we understand what went wrong, that we learn from this occurrence, and that we put in place whatever measures are warranted to prevent similar incidents in the future. With the support of all parties in
the parliament, amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 were passed in September 2009 to provide the power for me, as minister, to establish a commission of inquiry to investigate serious incidents like Montara. I would like to place on record my appreciation for that support.

On 9 November 2009 I duly appointed Mr David Borthwick AO, Public Service Medal, to conduct the Montara commission of inquiry. Mr Borthwick will report to me by 30 April 2010. This inquiry possesses the powers and authority of a royal commission. It will have power to summon witnesses, take evidence on oath and require individuals and corporations to give the commission documents relevant to its terms of reference. The inquiry will also receive public submissions. Mr Borthwick, as the commissioner, will determine and release further details of how the inquiry will be conducted in due course. Consistent with the proven approach taken by the Australian Transport Safety Bureau the commission of inquiry will receive evidence on a ‘no blame basis’.

Independent of the commission of inquiry, the relevant regulatory processes will determine whether any noncompliance with the law has occurred and whether any measures to seek penalties and other sanctions should be pursued. In accordance with the terms of reference, Mr Borthwick will investigate and report on:

- Firstly, the likely cause or causes of the incident;
- Secondly, the adequacy and effectiveness of the regulatory regime, including approved safety, environmental and resource management arrangements;
- Thirdly, the performance of relevant persons in carrying out their obligations under the regulatory regime;
- Fourthly, the adequacy of response requirements and the actual response to the incident;
- Fifthly, the environmental impacts as a result of the incident, including reviewing environmental monitoring plans; and
- Sixthly and finally, the offshore petroleum industry’s response to the incident and the provision and accessibility of information concerning the incident to stakeholders and the Australian community.

I have also asked Mr Borthwick to make recommendations, through me, to ministers, regulators and the industry, as appropriate, on measures that might mitigate similar incidents occurring in the future and alleviate the safety, environmental and resource impacts arising from such an incident. Concurrent with the commission of inquiry, the following investigations and reviews are being progressed by the Australian government:

- Firstly, NOPSA is investigating all aspects of the incident concerning occupational health and safety;
- Secondly, the Northern Territory Department of Regional Development, Primary Industry, Fisheries and Resources is investigating all aspects of compliance with the regulatory regime applied under the Offshore Petroleum and Greenhouse Gas Storage Act 2006;
- Thirdly, the Department of Environment, Water, Heritage and the Arts is undertaking an audit of compliance with conditions of the Environment Protection and Biodiversity Conservation Act 1999 approval relating to the drilling and other activities on the Montara wellhead platform; and
- Fourthly and finally, under the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous
Substances, the Australian Maritime Safety Authority will undertake a separate review into the effectiveness of the response to the incident.

The Montara Commission of Inquiry will, to the extent practical, take into account these investigations and reviews. The outcomes will enable lessons to be learnt and improvements to be made by all stakeholders, including government and industry. It is important to note that, while the focus is now on securing the well, making the facilities safe, understanding what went wrong and what can be done to prevent these incidents in the future, the clean-up and environmental response is also continuing.

The Australian Maritime Safety Authority (AMSA) is continuing daily observation flights to locate and verify any residual patches of oil. In recent days, these flights have identified patches of highly weathered oil south-west of the Montara wellhead platform. These patches have been targeted for containment and recovery operations, which continue to be the best method of removing spilled oil from the environment. AMSA’s priority continues to be to mitigate risk to the environment by preventing oil from impacting shorelines. AMSA operations will be ongoing until such time as it is satisfied that the clean-up and monitoring of the area is no longer necessary. AMSA is working closely with environmental specialists.

On 15 October 2009 the Australian government also reached agreement with PTTEP Australasia for a long-term environmental monitoring program to be put in place. The program will provide a longer term understanding of the impacts of the spill on the marine environment, in addition to the wildlife plan that has been implemented during the response effort. Experts from the Australian Institute of Marine Science, CSIRO and relevant state and territory agencies have provided input to ensure that the monitoring program is appropriate and robust. It will include, by way of example, marine life surveying, wildlife and habitat studies, continued water quality testing and shoreline ecological assessments.

Finally, on behalf of the House, I acknowledge the enormous efforts of all those involved in responding to this incident. They have been under huge pressure but have stayed focused and safe until the job was done, despite a number of setbacks. It has been dangerous, long and exhausting work, and I particularly thank the families of those involved for their patience and understanding. On 4 November 2009 I received an email from one of the workers on board the West Atlas at the time of the incident. I am sure it represents the sentiments of many workers involved in this incident and I quote:

I was on board the West Atlas at the time of the leak and subsequent blow out on the drill floor and had to evacuate immediately. Please believe me that no one on board ever thought this situation would ever arise and we are not environmental terrorists who have no regard for the environment and wildlife...This is the furthest from the truth... It has been a very stressful time for everyone including the workers on board. I personally am very proud of the efforts of everyone involved to bring this situation to an end.

I also acknowledge PTTEP Australasia’s openness and continued cooperation with the Australian government throughout this incident and its commitment to cooperate fully with the commission of inquiry. It is vital that we learn from this incident and take any necessary steps to stop similar incidents happening again. The Australian oil and gas industry is a very important part of the Australian economy and its successful future depends on a commitment to the health and safety of people, and to the protection of the environment, that is second to none.
I extend my appreciation to the House for the opportunity to make this ministerial statement and, in doing so, I seek leave of the House to move a motion to enable the member for Kalgoorlie to speak for 14 minutes.

Leave granted.

Mr MARTIN FERGUSON—I move:

That so much of the standing and sessional orders be suspended as would prevent the member for Kalgoorlie speaking in reply to the ministerial statement for a period not exceeding 14 minutes.

Question agreed to.

Mr HAASE (Kalgoorlie) (3.50 pm)—On behalf of the coalition, I welcome the announcement of an inquiry into the oil spill on the Montara oilfield in the Timor Sea. I thank the Minister for Resources, Energy and Tourism for making sure that the House is kept up to date on this case. It is essential that this is a full and comprehensive inquiry that analyses the full range of events leading up to and after the oil leak, as well as the actions of government ministers and government departments.

Australia’s offshore exploration industry has an outstanding safety record. The incident off the coast of Western Australia was the first blow-out offshore in 25 years. In that time, around 1,500 wells have been drilled safely. It is essential that the integrity and accountability of the industry is maintained and that the full findings of this inquiry are reported in a transparent and timely manner. We also welcome the fact that the commission will have the powers and authority of a royal commission, along with its stated commitment to take submissions from a broad range of sources, including the public. Inquiry head, David Borthwick, will bring his experience as Secretary of the Department of the Environment, Water, Heritage and the Arts in the Howard government to the role, and I have full confidence in his ability to oversee the inquiry.

I take this opportunity to acknowledge the professionalism of the agencies which responded to the oil leak under the guidance of NOPSA, the National Offshore Petroleum Safety Authority. NOPSA was established to deal with incidents such as these and I believe that, in the execution of its duties, NOPSA has vindicated that decision of the Ministerial Council on Mineral and Petroleum Resources. I also note the minister’s assurance that PTTEP Australasia is cooperating with the commission of inquiry.

Offshore exploration has long played a critical role in contributing to our national economy and it will continue to do so. But the process of, firstly, intersecting with the drill stream and the later process of extinguishing the fire on board that platform was a highly complex and technical effort. It must not go unnoticed by this parliament that the technical expertise displayed by those whose task it was to locate that drill casing, 2.6 kilometres below the seabed, was much more complex than finding a needle in a haystack.

Mr Martin Ferguson interjecting—

Mr HAASE—Yes, the size of a dinner plate. The finding of it, somewhere in a three-dimensional space within a 2.6 kilometre range, the successful sealing of that blow-out and then the extinguishment of the fire on board the platform is a task that all Australians with an interest in the nation, the industry and the environment should acknowledge and honour.

I would like to express the coalition’s appreciation to all of those personnel on the West Atlas who were involved, and to those who had to evacuate the platform, by conveying to them that their actions were paramount in the final solution to what could
have been, in a slightly different set of circumstances, an environmental disaster.

The inquiry is vital. Its process, I believe, will be hugely instructive to the public of this nation and it will be a further blueprint for ensuring that our activities in the future in the industry guarantee the absolute minimum of incidents. With those words, I concur with the minister. He is correct when he states that the most important objective of this inquiry is to find out exactly what went wrong so that similar circumstances can be avoided in the future. In conclusion, may I say that the Rudd government must ensure that this inquiry is used to ensure Australia’s high standards in offshore exploration are upheld.

Mr Hartsuyker—On indulgence, Mr Deputy Speaker, I would just like to support the remarks of the member for Kalgoorlie in his very fine contribution.

MATTERS OF PUBLIC IMPORTANCE

Border Protection

The DEPUTY SPEAKER (Hon. BC Scott)—I have received a letter from the Leader of the Opposition proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The impact of the Government’s changes to Australia’s border protection policies.

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 TURNBULL (Wentworth—Leader of the Opposition) (3.56 pm)—Day after day, week after week, Australians have watched anxiously as Australia’s border protection policies unravel before their eyes. All the while, Australians have been seeking straight answers to simple and uncomplicated questions. Why is this happening? What has changed? What is the Prime Minister going to do to stop the boats coming? What do we get from this Prime Minister? A daily diet of weasel words, obfuscation and blame shifting. We have seen a Prime Minister, in an abject abdication of leadership, washing his hands of the responsibility for his own colossal policy failures. As recently as question time today, we heard a Prime Minister who refuses to give straight answers to simple, straightforward, factual questions. Instead, we have a Prime Minister who is tying himself up in tighter and more complicated verbal knots, as he tries to slip and slide away from the answers to the questions he cannot bring himself to answer.

It all began with his fanciful claim that the surge in unauthorised boat arrivals had nothing to do with his own deliberate weakening of our border protection through policy changes he introduced in August last year. Since then, the Rudd government has deliberately unpicked the policies of its predecessor, the coalition, and he has trumpeted his own moral superiority for doing so. He does a great line in sanctimony—I think all of us here recognise that.

Mr Keenan interjecting—

Mr TURNBULL—It is his forte, indeed. I thank my honourable friend for the assistance there. The Prime Minister has boasted that you could weaken the policies of the previous government without sending a signal to the people smugglers that Australia was a softer target. He has been proved manifestly wrong. The facts speak for themselves: 53 boat arrivals, carrying more than 2,300 people, since August last year. The Prime Minister cannot say he was not warned. He was warned by the Australian Federal Police, by the International Organisation for Migration and by senior Indonesian officials, all sounding the alert that the
changes introduced by his government would deliver a powerful marketing tool to the racketeers and criminals charging vulnerable people $10,000—and more—for a seat on an all too often unseaworthy vessel bound for Australian waters. Those warnings have been proved right, just as the Prime Minister has been proved wrong. Yet he remains in complete denial. Now, as the boats keep coming—no less than a boat a day, for the last four days—he wants to shirk and shrug off responsibility for this colossal policy failure.

He refuses stubbornly to acknowledge what everyone else knows to be true: that is, through his misguided and naive policy blunders he has laid out the welcome mat, rolled out the Rudd carpet, indeed, to the people smugglers and their customers. Faced with this chaotic saga surrounding the Oceanic Viking, the Prime Minister and his ministers announced with much fanfare a special arrangement reached with the government of Indonesia to disembark the 78 asylum seekers in an Indonesian port. The Prime Minister stood here in this parliament on 21 October and made the following claim:

The President of Indonesia and I have made no secret of the fact that we intend to continue to develop a framework for further cooperation on people smuggling. This is what we intend to do. That will mean providing additional assistance to our friends in Indonesia to help with the resettlement task and to help with all the associated functions which they might undertake in the future to assist Australia and other countries in dealing with this regional problem. There is nothing remarkable in that. It is the right thing for Australia to do.

So spoke the Prime Minister. The headlines were big and bold and spoke of his Indonesian solution. We now know this was to prove to be yet another Rudd mirage—nothing more than a hollow sound bite created to cushion the Prime Minister through the next day’s media cycle. And, now, another bout of weasel words and obfuscation, misleading claims and misleading explanations; never giving a straight answer to a clear question.

A month after the Oceanic Viking picked up the 78 asylum seekers in the Indonesian search and rescue zone, we have the farce of this Prime Minister denying point blank that there has been a special deal, a special offer, to persuade these asylum seekers to leave the boat. He comes into this parliament and makes this ludicrous assertion of ‘no special deal’ despite the existence of incontrovertible documentary evidence in the form of a written offer by the Australian government to the people on board the Oceanic Viking. The letter not only proves that a special deal exists; it specifies in detail the generous and unusual—unique, I would say—terms for resettlement in Australia which have been offered to not one other refugee in one other Indonesian detention centre. Yesterday in parliament the Prime Minister said:

These are not preferential arrangements. They are consistent with normal processes. There is nothing remarkable about the timeframes.

Well, let us go through some of the details of the offer. I quote from the offer document itself:

The Australian government guarantees that mandated refugees will be resettled. If the UNHCR has found you to be a refugee—Australian officials will assist you to be resettled within four to six weeks from the time you disembarked the vessel.

If you have already registered with the UNHCR—Australian officials will assist with your UNHCR processing. If you are found to be a refugee, you will be resettled within 12 weeks from the time you disembarked this vessel.

If you have not yet registered with UNHCR—Australian officials will assist you with your UNHCR processing. If you are found to be a refugee, you will be resettled within 12 weeks from the time you disembark the vessel. When you are safely onshore in Indonesia an Australian immigration officer will be in contact with you
every day until the resettlement process is final-
ised.

Does the Prime Minister seriously, honestly, expect us to believe that this special deal is what every asylum seeker and refugee is offered in Indonesia? Does every asylum seeker, does every refugee, now in Indonesia get the assistance of a highly professional team of Australian officers every day to assist them in processing their claims? Is every refugee in Indonesia guaranteed resettlement within four to six weeks? Is every asylum seeker guaranteed resettlement within 12 weeks? This is not just special treatment. This was a gold-plated inducement to persuade the 78 asylum seekers to leave the vessel. It is obvious that this was a very, very special deal.

But when we asked the Prime Minister how many other refugees in Indonesia would be offered resettlement here in four to six weeks, or whether he could identify a single other refugee there to whom the specific promises in this deal would apply, he offers no answer—because, as we know from the data, there has never been a deal like it. The UNHCR’s own figures indicate there were 2,107 people registered as asylum seekers in Indonesia as at 26 October 2009. Yet the figures from Australia’s own immigration department indicate the following resettlement numbers from Indonesia over recent years: in 2008-09, 35 and in 2007-08, 89. What does this tell us? It tells us that the resettlement of refugees into Australia from detention centres in Indonesia is a slow and painstaking process occurring over many months and many years. We know, from these figures alone, that the offer accepted by the asylum seekers on board the Oceanic Viking is without any precedent. What other reason could they have had to have stepped off the boat they had refused to leave for the best part of four weeks, other than the guarantee—the guarantee, no less—of a fast-track entry into Australia.

The Prime Minister will not admit to any of this. He simply stands up and says a special deal was not a special deal. Yet the fact that it has not been offered to any other asylum seeker in Indonesia, or indeed to any other asylum seeker in any other country, indicates that it is a unique and special arrangement. The Australian people are incredulous that he cannot bring himself to tell it for what it is—a special, preferential deal. He knows that this offer makes a nonsense of his claim to be tough on the people smugglers. It sends out a signal to the people smugglers a mile high that Australia is a soft touch: that the Rudd carpet has been rolled out; that Kevin will fix you up; come on down. This is the politics of weakness and capitulation.

He comes in to the parliament and, when asked some simple questions about how this offer came to be made, refuses to provide any detail. He says that this offer—this momentous and unique offer, which has never been extended to any other people, to any other refugees—was formulated by the Border Protection Sub-Committee of Cabinet. He said that he had no knowledge of it being made. He said that he was not aware of it before it was being made. He said his staff were on the committee. So he is asking the House and the Australian people to believe that an offer as important as this—as central to the resolution of an immigration-border protection crisis, which has been on the front page of every newspaper in Australia, day after day for a month—was made by a committee of the cabinet, on which his own staff were present, and that he was not consulted about the terms of that offer nor was he told about the offer prior to it being made to the asylum seekers on the Oceanic Viking. It strains credulity. This is a Prime Minister who is known for his workaholism, who is
said to be a control freak, who is said to have his fingers in every pie. Here is the biggest political challenge he is facing and yet the offer to resolve it, he says, was made by a committee with his staff upon it and he was not consulted or advised about it. I suppose it is possible, but it is hardly credible.

The reality is this. We are dealing with criminal people smugglers who are running businesses. Those businesses involve them offering a product and that product is the near certainty of permanent residence in Australia. That is what they are asking people to part with $10,000 or $15,000 for. That is what they are marketing. The more certain that outcome is, the softer Australia is seen as a target and the more seats on more boats they can sell. It is as simple as that. The approach the Prime Minister has taken to the Oceanic Viking has sent precisely the wrong message. The New Zealand Minister of Immigration, Jonathan Coleman, spoke plainly about his government’s attitude. He said:

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs) (4.11 pm)—I rise to oppose the assertions made by the Leader of the Opposition in relation to this matter of public importance. The fact is that the government have been working very hard to ensure that we continue to prosecute people smugglers and that we continue to smash organised criminal syndicates in the region that have been seeking to lure people—sometimes desperate people—on unseaworthy vessels and on perilous journeys for an empty promise. We will continue to do that with our friends in the region. We will continue to fight this vile trade and continue to work through these matters, because they are regional challenges; they are international challenges needing regional and international solutions. That is what this government has been doing since it was elected. It was elected also on a commitment to make changes to a number of areas in this realm, none of which changes were opposed by the opposition. It is rank opportunism, to say the very least, that at a time when we see people—and desperate people on occasion—in difficult situations, the opposition seeks to gain political mileage.

I believe it is very important that, as a government that wants to assure our people and a government that wants to bring those people to justice, we act in a consistent manner and wherever possible—particularly because these matters sometimes go to issues of national security—we act in a bipartisan manner. Clearly, the opposition does not seek to take that path. Clearly, the opposition, and the Leader of the Opposition in particular, seeks to create fear among our community and seeks to smear not only the government but also those that work for the government and those that work for our departments. They are the choices we have. This government will continue, as the Prime Minister has made clear,
to be tough on people smugglers, to provide wherever possible a humane approach for those people who are genuinely seeking asylum. We have a reasonable and, I think, a generous resettlement program, where we allow up to 13,750 people to be resettled in this country. We, like almost all developed nations, have such a program, so we do provide our fair share of opportunities for people to seek asylum.

But I think it is really important, when we enter this chamber to have this debate, that we consider the context in which we are debating these matters. We should consider the sheer scale of this global problem. According to the UNHCR, there are 42 million displaced people around the world, 15 million of whom are approximated to be refugees, five million of whom are within our region. It is of course a major problem for all nations and therefore we need to deal with source countries, transit countries and indeed destination countries in order to find solutions. That is why since we have been elected we have continued to develop and enhance cooperation in the region. That is why, for example, as recently as September this year we saw the Indonesian national police, with our support and with the support of our agency, the Australian Federal Police, develop for the very first time a people-smuggling task force of 145 dedicated officers in 12 locations in Indonesia in order to dismantle organised syndicates. That is why we have seen very recently the announcement of the Malaysian government to criminalise people smuggling for the very first time in order to tackle this regionally. We need to continue to do that because there is going to be no end of people seeking asylum in First World countries. The numbers of those who seek to come here will wax and wane but there will always be this issue and we have to ensure in that environment that we do everything we can to prevent criminals from seeking to exploit such people—and we will continue to do so.

We have said all along that the primary reason for the increased incidence of people seeking a haven in this country is the increased conflicts in our region. We have said all along that, as a result of the increased violence in Afghanistan in 2008—in fact, the United Nations have assessed that last year was the most violent year in Afghanistan for seven years—we have seen an increase in people seeking to go to First World countries. Some seek to come here but most seek to go elsewhere. We have also said that, clearly, as a result of the long and bloody civil war in Sri Lanka, there has been an increased number of people seeking a haven in our country whilst of course the majority have sought to go elsewhere among the First World nations.

Mr Ruddock interjecting—

Mr BRENDAN O’CONNOR—That is the primary reason for the increased incidence of people seeking to enter our waters and to also find their way to the Australian mainland.

Mr Ruddock interjecting—

The DEPUTY SPEAKER—The member for Berowra will cease interjecting.

Mr BRENDAN O’CONNOR—The former minister, like Banquo’s ghost, is still in the chamber wanting to have an argument that he should have had when he was the minister. Clearly, this matter is of such importance to the government that we will continue to do what we think is right and we will continue to maintain what I think is a tough but humane policy. I believe it is therefore important that, for example, we continue to increase our resources to ensure that we have effective maritime surveillance and increase our resources to ensure that we have aviation surveillance as well so that we can detect any vessels that seek to come into our territorial
waters. We have done just that. In every circumstance we have managed to take those vessels to Christmas Island, as the former minister would know. But what the former minister could never explain was this: if, as the previous government liked to assert, they had stopped asylum seekers coming to this country once and for all, why did they build a detention centre on Christmas Island well after 2001? They did so because they knew then what they know now: there will be from time to time an increase in the likelihood of people seeking to come to First World countries. We will therefore continue to work through these matters with our neighbours in the region, the UNHCR, the International Organisation for Migration, other international agencies and authorities in the region to do just that, to focus on dismantling criminal syndicates while at the same time ensuring that we provide opportunities for people seeking asylum. I believe you can do both things at once. Some like to assert you cannot.

It is politically irresponsible and indeed immoral to attempt to deliberately blur the line between victims and culprits. I know some seek to do that, but this government believes we can delineate in almost every circumstance as to the differences between those that are genuinely seeking asylum and those that are seeking to exploit those people that are doing so. We have seen the recent figures, with Europe remaining the primary destination for asylum seekers with 333,000 claims registered last year, predominantly in France, with 35,400 for the United Kingdom and 30,300 for Italy. It is also the case that the United States received 49,600 new asylum claims and Canada received 34,800. For South Africa it was an extraordinary number of 207,000 new claims by asylum seekers. In that same period Australia had 4,750 people seeking asylum. So, whilst we accept this is a challenge for Australia, we have to place it in the context that all comparable countries are dealing with this matter and to that extent we are dealing with an issue of a much smaller scale. Nonetheless, it is a very important one to this country and this government, so we will continue to work our way through those things.

It was interesting to see the Leader of the Opposition build up for a censure motion today but squib it. There is no doubt that the reason why he failed to proceed to move a censure motion was it would probably be a good thing, if you were going to have a censure motion against a minister or indeed the Prime Minister of this country, to have some evidence. There is no doubt that in the past the Leader of the Opposition has already shown himself to be unable to distinguish between his own fantasies and fact in relation to a forged email that he sought to use against the Prime Minister and this government in such an irresponsible way. On this occasion he has failed to move his censure motion, because in the end the efforts of the Leader of the Opposition to suggest for one moment that this government is not acting consistently are wrong. The fact is the Leader of the Opposition is wrong in asserting that we have acted in any other way than to be consistent with our obligations internationally and consistent in terms of the way in which we deal with other authorities in other countries and also with international agencies such as the UNHCR and the International Organisation for Migration. That is the reality.

In terms of the Oceanic Viking, it is very important to put on the record the context in which this matter occurred and remind members that this commenced when there were distress signals from a vessel in some trouble in the Indonesian search and rescue zone. The Australian Maritime Safety Authority received that information, as did the Indonesian authority. As it was in the Indo-
nesian search and rescue zone, the Indonesian authority was the lead and coordinating agency and sought our assistance. Pursuant to international maritime law and pursuant to the Convention for the Safety of Life at Sea, HMAS Armidale, followed shortly after by the Oceanic Viking, went to the assistance of that vessel. What was the alternative? What else would we have done other than go to the rescue of that vessel? What would have been the potential cost if we had not? The potential cost would have been the loss of 78 lives, five of whom are women and five of whom are children. That is something that this government would not contemplate and nor should any government of this country.

What then occurred? The Indonesian authority, as lead agency in this search and rescue mission, sought us to take the rescued people to a safe port. Indeed, there had been discussions between the two governments in relation to where the vessel would go, based on humanitarian grounds, and that is where we sought to take it. We are now looking at working through these issues with the remaining passengers on the vessel. We have been working through these matters in order to realise the agreement struck between our two countries. We will continue to do so in a manner that reflects our views on these issues. Of course, we are aware that some of these passengers are mandated refugees; we are aware that those matters cannot be properly processed until they disembark the vessel. We are happy with the fact that a significant group has disembarked. We will continue to work with the passengers and the Indonesian authorities at Tanjung Pinang in order to ensure the finalisation of the agreement that was struck some time ago. That is the responsible thing to do.

The government will not panic. The government will not respond to the hysteria that has been drummed up by the opposition. The government will continue to maintain its consistent approach. We refuse to accept the lowest common denominator. We refuse to respond to the rank opportunism of the Leader of the Opposition in attempting to not only smear the department and its advice but also create fear amongst our community. We have had enough of that in this country. We have had enough of the efforts by leaders in our community, and indeed the previous government, who seek to exploit the fear amongst our community in a way in which I believe we should be collectively ashamed. Therefore, the government will stay the course and ensure that those passengers disembark that vessel in accordance with the agreement between Indonesia and Australia. It is the right thing to do. This will occur. We will continue to dedicate every effort we can to ensure we realise this agreement as soon as practicable.

This matter is a global issue. It is a regional issue needing global and regional responses. That is why we will continue to work very closely with our friends in the region in order to, on one hand, be very tough on people smugglers who seek to exploit people and, at the same time, ensure order wherever possible for people who are seeking asylum after being persecuted and going through very difficult times. (Time expired)

Mr TRUSS (Wide Bay—Leader of the Nationals) (4.26 pm)—Australia’s border protection policy is in ruins. Before the last election, the woman who is now Deputy Prime Minister said that when one refugee boat arrived in Australia it was a demonstration of policy failure on the part of the previous government. Now, when she is Deputy Prime Minister of the nation—52 boats and 2,300 people later—we are seeing monumental policy failure. This government’s soft touch on asylum seekers has been signalled around the world. The floodgates have opened and the armadas are at the gates as
news comes of more vessels arriving in Australia day after day. This is policy failure on a gigantic scale and the implications for our country are clearly enormous.

Today there is also the message that the policy is to get even softer—special deals for people who are rescued at sea. The Prime Minister has been asking us to believe that the asylum seekers on the *Oceanic Viking* have just chosen to leave. Some have already left and I understand, from news breaking at the present time, that the rest will be leaving in a few hours. These people are not leaving because they were offered any kind of special deal; they have just voluntarily chosen to get off the boat. They have decided to take a break from the air conditioning and good food on the *Oceanic Viking* and enjoy some life in an Indonesian detention centre instead. They have decided they can do without the safety and care that they are getting on the *Oceanic Viking* and they will just take a little bit of a break in a detention centre in Indonesia. Who can believe that story? No special deal, in spite of the fact that a letter was written to all of these people giving them a host of guarantees—a letter, approved by a special committee of cabinet, that the Prime Minister has apparently not seen or could not care less about; a special letter giving these people an assurance that they will be processed and will basically be in Australia within four to six weeks; indeed, a special deal to encourage them to come to Australia and let them break through all of the processes that other people have to go through to come into this country. They are going to have rolled gold entry.

If there was any doubt that there was some sort of special deal, the cat was let out of the bag, firstly, this morning by the Minister for Foreign Affairs, Mr Stephen Smith, on ABC radio and television when he acknowledged that there were special arrangements but these were special circumstances and, secondly, at the beginning of question time today when the Leader of the House, with his very recognisable foghorn, yelled out that these people were getting this special deal only because they had been rescued at sea. He tried to change the words later to say, ‘These people were rescued at sea.’ It does not make any difference. It was not just the people in the House who heard that there is a new criterion for dealing with refugees. It was not only the people in this House who heard the Leader of the House’s message. It will have already been relayed to the people smugglers around the world. There is a new modus operandi to get this special priority entry into Australia: just pick up your luggage off the carousel and the Rudd carpet will be there to give you a special entrance into the country; you just get rescued at sea. So now, instead of bringing the vessel into Australian waters, before you get to Australian waters you pull the plug, get rescued at sea and then you will be in Australia within four to six weeks.

This is a classic example of further weakening and softening of this government’s approach to border control. Its policy is completely out of control. These special deals were not offered to other refugees awaiting processing in Indonesia and not even to those who have already been processed by the United Nations and approved for entry. They are not getting any of these special deals. This is an arrangement that has been made with the *Oceanic Viking* and the people on board in mind. The reality is that this government is either completely lost or being dishonest with the parliament in the answers that have been given in relation to these issues.

The fact is that Australia has always had a generous and compassionate approach towards people from troubled nations, from trouble spots around the world, who seek to come to Australia as refugees. Many Austra-
lian families, including my own, can trace their heritage to forebears who came to Australia to escape persecution in other parts of the world.

However, the coalition believes that Australia has a right to decide who enters our country and our decisions should not be compromised by those who seek to enter Australia through unauthorised channels. In government we introduced tough border protection policies to deter the flow of people arriving unlawfully. We continued in bringing properly assessed refugees to Australia, but we succeeded in getting the message through to the people smugglers that those who sought to jump the queue would not be welcome. Those policies did have a significant impact and the number of unauthorised boat arrivals was dramatically reduced. However, they have increased significantly since Labor came to government. By abandoning the coalition’s policies, Labor has sent a message that Australia will be a soft touch—and the people smugglers were very quick to reopen their businesses.

How has the Prime Minister responded? He said he was going to be tough and his tough approach was to call people smugglers bad names. He called them ‘vile species’. That was supposed to frighten them. He uses stronger language than that on his caucus colleagues and his own staff, yet the people smugglers were supposed to be scared away by being called a ‘vile species’. This is what the Prime Minister said last month:

The key thing is to have a tough, hard-nosed approach to border security, dealing with the vile species who are represented by smugglers on the one hand, and a humane approach to our international obligations on the other.

Sadly, the Prime Minister is failing on both counts. The people smugglers have been given the green light, and a few insults from the Prime Minister are not likely to deter them. There is nothing tough or humane about Labor’s approach. It is weak and pathetic, full of mixed messages but no deterrents. I understand that people are desperate to leave their embattled homelands. I understand there are economic reasons why people choose to come to Australia and I also understand that, without a sense of order in the process, those waiting patiently to be granted refugee status in Australia in the proper way are being shunted further and further back down the line.

Labor has lost control of immigration policy. Its softness on border protection, however, is not just in dealing with asylum seekers. It has wound back Australia’s border protection. Customs has been hit with a $70 million cut in its funding and 220 staff have been sacked. The Australian Quarantine and Inspection Service has lost $35.8 million with another 150 staff sacked. There will be 4.7 million fewer cargo consignments inspected this year as a result of Labor’s cutbacks to Quarantine and Customs. There will be 2,150 fewer vessels boarded. Labor has indeed softened our approach to the security and protection of our nation. The decisions of the government to wind back quarantine, allow banana imports from the Philippines and allow live FMD virus and meat from countries with BSE are all examples of a government that does not really care about border protection issues.

Let us look at the Oceanic Viking. What is the Oceanic Viking doing up in Indonesian waters in the first place? This is a vessel that was chartered to patrol in the Southern Ocean. It is supposed to be down protecting Australia’s fisheries from the plundering of the patagonian toothfish. It is supposed to be there to watch for illegal whaling. It has been chartered from P&O to spend between 200 and 300 days in the Southern Ocean. Why has it been diverted up into the waters of Indonesia? The reality is that this government again lost its priorities and is desperate
to get some resources. Having wound back the border protection services of our nation, it now needs to commandeer a vessel that is supposed to be protecting our fisheries, to act as a hotel for asylum seekers in Indonesia.

The fact is that this government has no plans to deal with this issue. It is not tough and it is not humane. Lives are being lost as a result of people being encouraged to take journeys on leaky boats and dangerous vessels because of the government’s soft approach to immigration and asylum seeker issues. The reality is that this response is not only weak but also cruel and heartless. The government needs to think properly about how it can deal with these issues to protect our borders and to keep them secure and to make sure that those people who have been assessed as refugees and have a right to come to this country do not have to wait even longer in the queue. (Time expired)

Mr McMULLAN (Fraser—Parliamentary Secretary for International Development Assistance) (4.36 pm)—This is a very sad little MPI. What we have is an opposition in desperate hope of a catastrophe. Firstly, they were hoping for a recession. That would have been a politically useful thing to have. But, sadly, they have not had a recession. Then they were hoping and praying that our relations with China or the USA or India and now Indonesia would collapse. That would be pretty useful! But, no. So then they were encouraged by that rather dubious Newspoll a fortnight ago to think that maybe it is asylum seekers that is their political salvation. So this might be their big opportunity. It was a dud poll, it is a dud approach and it is a dud policy.

If you notice the wording of the MPI, it implies that they have an alternative policy. It implies ‘the response to the weakening of border protection’. It implies that they actually think we should still have the policy we had in 2007. But they will not say that. When challenged by the foreign minister to say whether that was their policy, there was a stony silence. It is based on the apparent view that asylum seekers in our region occur in isolation from global issues and that we are uniquely affected by this set of circumstances. But we all know, as the Minister for Home Affairs pointed out, that refugees and asylum seekers are a global issue. Internal and international conflict around the world, combined with famine and political and social unrest, compel millions to seek refuge across national borders. It is foolish to think of Australia as the only country affected by these global push factors or that we are uniquely affected by pull factors.

Less than two weeks ago I visited the Dadaab refugee camp in Kenya. It is not the only refugee camp in Kenya, but it is the biggest one. There are 300,000 people there in a camp that was built for 90,000. Six thousand people cross the border of Kenya every week. And here we have an assumption that somehow or other 52 boats and 2½ thousand people is a crisis uniquely about Australia; it is uniquely a response to a policy adopted by the Australian government! But the people coming to Kenya are not attracted by changes in policy in Kenya; they are fleeing because of the push factors from Somalia, and they are fleeing a terrible and ongoing conflict—as people are fleeing circumstances from Afghanistan, from Iraq and from Sri Lanka. We should perhaps send the member for Wentworth and the member for Murray over to see the Kenyan Prime Minister, Mr Odinga, and give him a copy of their detailed policy on the issue. It might stop the problem flooding across the Kenya-Somali border, because I am sure that with a little bit of toughness they could prevent these 6,000 people fleeing for their lives every week!

To assume that people come to Australia because of pull factors and go to the rest of
the world because of the push factors is just irrational. Let us have a look at what has happened to increases in asylum claims as at the end of 2008, which are the last figures I have. There was an increase in asylum claims in Australia of 19 per cent. That is quite a lot. There was an increase in Italy of 122 per cent; there was an increase in Canada of 30 per cent. Oh, those clever, clever people smugglers! They say: ‘Australia has changed their policy; we’ll go to Italy! Australia has changed its policy; we’ll all flee to Canada!’ They are very clever these people smugglers. In France the increase was 20 per cent; Norway, 121 per cent. They are very clever these people smugglers. Netherlands, 89 per cent; Switzerland, 53 per cent.

If we say, ‘Oh no, that can’t be right; it’s just about boats,’ in Australia from 2006-08 we had an increase in the number of unauthorised arrivals by boat, it is true. The figures were quoted. In Greece they had an increase from 9,000 to 15,000 over the two years 2006-08. That is a 66 per cent increase in two years. It can hardly be a consequence of the Rudd government’s policy, I would have thought. In Italy they had an increase of 13,000, a 50 per cent increase. There were 13,000 unauthorised arrivals in Spain and 50,000 in Yemen.

It is impossible to believe that we have on the one hand people going to every other country in the world because of push factors but uniquely coming to Australia because of the Rudd government’s policies. It is the same people smugglers. There is not an Australian lot of people smugglers who are different in character from those who ply their trade to Canada or France. The psychology is the same, the approach is the same, sometimes the people are the same, and yet more of them are choosing to go elsewhere. We all have a problem. Australia has a problem. We have to deal with it, but we do not have it uniquely; we do not have it specially.

If the statistics about Australia stood out as different from the statistics of every other country you would think it might be a home-grown Australian problem. Probably on balance it is slightly less than other countries, but I do not think the figures are strong enough to say that. It is certainly no worse than in any other country similarly placed. Therefore, you cannot argue that this is the people smugglers responding to our policy. They are doing exactly the same everywhere, because the people are desperate. They will try to come here, they will try to go to Italy, they will try to go to France and they will try to go to Canada.

You need to have a sense of balance and proportion about this. We need to have a response that is strong against people smugglers but treats asylum seekers as human beings and fellow residents of our planet who are in trouble—even the ones who come who are finally found not to be refugees and get sent back, as they should be. These are not horrible people; these are people trying to find a better life. They do not meet the requirements of the refugee convention, so they should be sent back, and people who do meet the requirements should be allowed in. But those are innocent victims both of the problem in their own country and of the people smugglers. We need to respond to them humanely.

Let us have a look at the Oceanic Viking. Where were the choices that would have led to a different circumstance? When we received a call to provide assistance to people at sea, the choice was to save them or not to save them. I do not think the opposition is arguing they would not have gone to the rescue, and I would not make that allegation against them, of course. I know they would have done the same thing we did. Then the choice was to send them to Indonesia or Australia. The proper thing was to send them to Indonesia. That was where they were found.
I assume that is what the opposition would have done. They could have brought them to Australia, but I do not think that is what they would have done.

Once the boat got to Indonesia and the people would not get off, they had two choices: they could force them off, with guns, or they could persuade them to come off, which would take longer but would ultimately be successful and be a more humane and appropriate response. It may be that the opposition is saying that they would have brought on the troops and forced them off. I have not heard them say that. Perhaps they would—I would like to hear. That is the choice. They could leave them there, negotiate for them to go off or they could force them off. There is not an infinite array of policy options; that is it. We have not heard which of those the opposition would have taken up. In fact, whenever they are asked they say, ‘No, that’s a problem for the government.’ It is not as though there is a unique bit of information which the government has; those are the choices. Which would you have taken that we did not? I do not blame you for not answering the question because it would put a big hole in your argument, but you have to accept that failing to answer exposes your weakness.

I am proud that people are not being marched off at gunpoint. I am proud they are not being sent off to Nauru. This matter of public importance implies that the opposition is sorry that Nauru has been closed. They are sorry that there are no temporary protection visas. If they want to return to the pre-2007 policies, they should say so. They imply it, they hint at it, they squirm around it but they have not yet said what their policy is and until they do it will simply be seen as the opportunist stunt that it is. They will be very sad when this matter of the Oceanic Viking is resolved and they have to return to debating the central issues facing this country and have their divisions on those issues exposed for all to see.

Ms LEY (Farrer) (4.46 pm)—I am pleased to speak on today’s MPI, which is about the impact of the government’s failed border protection policies. We have witnessed the epic failure of those policies, having seen four boats arrive in just under four days. It is evidence that the Prime Minister has lost control of Australia’s border protection system. He refuses to take responsibility for the chaos he has caused with his handling of the Oceanic Viking stand-off in Indonesia over the past 31 days. He shows no leadership; he takes no responsibility. The Australian people are entitled to know who is in control of Australia’s border protection policy because it is certainly not the Prime Minister. One might ask whether it is the people smugglers or perhaps even the Indonesian President.

The micro-managing, all-controlling Prime Minister has now lost control. The House was told yesterday that he was not aware of any special deals negotiated with the Sri Lankan asylum seekers on board the Oceanic Viking and that his staff were involved. However, he was not kept in the loop. No-one reported back to him before the deal was struck. It was signed off without his knowledge. Perhaps the Prime Minister’s staff are responsible for Labor’s colossal failure in border protection. It seems it was his staff who approved the offer. The deal negotiated with the Sri Lankan asylum seekers was a fast-tracked resettlement into Australia in four to six weeks—and the Prime Minister continues to claim that it is no special deal.

I was intrigued by his answers in question time today. In a desperate attempt to remain at arm’s length from the problem, he said that the border protection committee of cabinet is chaired by the immigration minister
and includes ministers or their representatives, staff, his own staff and officials. Yes, he was aware that negotiations were under way but he had no prior knowledge—he did not authorise a particular course of action. So this committee, chaired by the immigration minister, appears to have only staff and officials in attendance. But wait: it operates under standard cabinet procedures of confidentiality. The Prime Minister told us that in a subsequent answer. So here is a committee which does not report to him, which consists of officials and staff and about which it is inappropriate to ask questions—questions about its conclusions, its outcomes or its documentation—because we should know that it operates under standard cabinet procedures of confidentiality. It is ridiculous—entirely ridiculous.

Either the Prime Minister is so out of touch that he does not realise that this is a matter of great concern to the Australian people or he did know but he will not fess up; or, worse still, he has failed to provide leadership on this difficult issue to a divided cabinet, a bit like his decision on the book industry. He was absent from Australia, yes, but no-one knows what he thinks. He was unable to provide leadership. Maybe he is backing away from this border protection committee of cabinet. He does not want to know and he does not want to be told. Whatever option is really the truth, we can conclude that the Prime Minister lacks political courage. In the House yesterday, a copy of the proposal put to the asylum seekers said:

If UNHCR has found you to be a refugee—Australian officials will assist you to be resettled within four to six weeks …

According to the UNHCR’s website, the number of refugees under its mandate worldwide is approximately 11.4 million. So when the Prime Minister was asked if there were any other refugees in Indonesia who had been guaranteed resettlement within four to six weeks, he had no answer because no others had been offered this special deal to be fast tracked to Australia. There are also no other asylum seekers within Australia who have been guaranteed resettlement within four to six weeks. The Prime Minister needs to be up front with the Australian people and confirm the special deal for what it is.

Nowhere is this colossal policy failure more evident than on Christmas Island, which I have just visited. The island and the community are at breaking point. The detention centre, built for 800, is now housing 962—and more now because that was a week ago. A greenfield site is hastily being prepared out the back. Hercules aircraft are flying in with portables, tents and mattresses to build a tent city. It is ridiculous for this government to maintain that it knows what it is doing. When you see the events unfold in front of your eyes on Christmas Island you realise the complete loss of control. I remind people that, since August 2008, 52 unauthorised boats have arrived carrying more than 2,200 people. The statistics speak for themselves. (Time expired)

Mr DREYFUS (Isaacs) (4.51 pm)—It is very sad to see the Leader of the Opposition, the Leader of the National Party and the member for Farrer continuing with their campaign of drumming up fear and hysteria around the country. It has echoes of their disgraceful campaign in 2001 and the other disgraceful campaigns they waged in government—and I can give direct testimony of the disgraceful campaign that was waged in my electorate during the 2007 election campaign.

What is entirely absent from anything that was said by the Leader of the Opposition or the Leader of the Nationals, let alone the member for Farrer, was any recognition of the global reality of millions and millions of
displaced persons around the world escaping situations of persecution and war. The statistics that were missing—and there were plenty of statistics offered by the Leader of the Opposition—were the sorts of statistics we can read in the UNHCR 2008 global trends report, which talks about 42 million forcibly displaced people worldwide at the end of 2008, including 15.2 million refugees. Just to add to that, a staggering 44 per cent of all refugees and asylum seekers were children, under the age of 18.

The report confirms that those seeking asylum in Australia are part of a worldwide trend which is driven by insecurity, persecution and conflict. I quote from something that the UNHCR regional representative, Richard Towle, said in March this year:

Insecurity, persecution and conflict around the world are leading to greater numbers of people seeking asylum in industrialised nations, including Australia.

Not only can one point to this worldwide wave of displaced persons seeking asylum in this country and in very many other countries around the world, it is also possible to say, from looking at these statistics, that the numbers of people seeking asylum in our country are relatively small in global terms. One could start with the example of Kenya, which the member for Fraser just gave to the House, or one could point to European examples, which I will mention. In 2008 alone, there were 36,000 unauthorised maritime arrivals in Italy, 15,300 in Greece and 13,400 in Spain and the Canary Islands. For people from various African countries seeking refuge, the Canary Islands are a piece of Spanish territory that is reached by an appallingly difficult, dangerous trip across about 1,000 kilometres of open sea in the Atlantic. One can also look at the present experience of countries like Jordan, Syria, Turkey and Pakistan, all of which are harbouring hundreds of thousands—and, in the case of Pakistan, millions—of displaced persons. That gives context to the problem that is being faced not merely by Australia but by countries worldwide.

We heard not one single proposal in today’s speeches from the Leader of the Opposition, the Leader of the National Party and the member for Farrer as to what the opposition would do in relation to this problem. Publicly we have heard next to nothing as to proposals from the opposition to deal with this problem. We have heard a suggestion that they would like Australia to return to the failed temporary protection visa policy of the former government. Perhaps they are hinting that they would like to return to the failed Pacific solution, involving the sending of tens of millions of dollars to Nauru and the sending of displaced persons to Nauru, a tiny speck of land out in the middle of the Pacific Ocean. Perhaps they are hinting that they would like to see a return to the keeping of children behind razor wire, which was another feature of the policies of the former government.

We heard some more from both the Leader of the Opposition and the Leader of the National Party about some alleged special deal. There is nothing special about picking up people in distress at sea. Perhaps the special deal which the opposition would like to visit upon those in peril on the sea is for them to be allowed to drown, because that is the implication of what is said by those opposite. They have no policies. They are incapable of dealing rationally with this problem.

The DEPUTY SPEAKER (Mr AJ Schultz)—Order! The time for this discussion has concluded.

COMMITTEES

Intelligence and Security Committee Report

Mr DREYFUS (Isaacs) (4.57 pm)—On behalf of the Parliamentary Joint Committee
on Intelligence and Security, I present the committee’s report entitled *Review of the re-listing of Hamas’ Brigades, PKK, LeT and PIJ as terrorist organisations*.

Order that the report be made a parliamentary paper.

Mr DREYFUS—I move:

That the House take note of the report.

First I will deal with Hamas’ Izz al-Din al-Qassam Brigades, or the brigades. The brigades are the armed element of the military wing of Hamas. While the brigades are an integral part of Hamas, they also operate independently from, and at time at odds with, Hamas’s stated aims. Hamas, through the brigades, seeks to destroy the state of Israel and establish an Islamist Palestinian state in the existing Gaza Strip, West Bank and Israel. It will not enter into peace talks with Israel, and its leaders have stated Hamas cannot live with an Israeli state.

The committee sought information on why Hamas’ brigades were listed and Hamas was not. The Australian Security Intelligence Organisation informed the committee that, when ASIO has information that only part of an organisation satisfies the statutory requirements for listing, only that part of the organisation will be put forward for proscription. This is the case with Hamas’s brigades.

The statement of reasons lists numerous attacks against Israeli civilians. The three most recent were in November 2008, when the brigades announced on their website that they had fired a total of 43 Qassam rockets and a number of mortar shells at several Israeli civilian and military targets; November 2008, when five Grad rockets were fired from the Gaza Strip at the Israeli city of Ashkelon; and January 2009, when numerous rockets were fired into Israel.

In addition to the well-known attacks against Israel, the brigades also have carried out brutal suppression against Palestinians. For example, in August 2009 Hamas launched a devastating attack against a mosque in Rafah. The attack killed at least 22 Palestinians, including an 11-year-old girl. The committee does not recommend disallowance of the regulation in relation to Hamas’s brigades.

The PKK has been involved in many terrorist attacks since 1995, including suicide bombing attacks, which have resulted in large numbers of civilian casualties. These terrorist attacks have been directed against not only Turkish security forces but also civilian and foreign targets. During the course of its review the committee became aware of some moves towards peace between the PKK and the Turkish government. ASIO assured the committee that substantive peace discussions could be one trigger for advice to the Attorney-General to de-list the PKK. None of the submissions to the committee’s inquiry denied that the PKK had been involved in terrorist acts that satisfy the statutory criteria for re-listing. The committee does not recommend disallowance of the regulation in relation to the PKK.

Lashkar-e-Taiba, which maintains links to the Taliban and al Qaeda, is one of the most active of the Pakistan-based Kashmiri militant groups and represents one of the most significant threats to security forces and civilians in Indian-administered Kashmir and beyond. Although the LeT formally denied any involvement, the most significant operations conducted by the LeT were the attacks on multiple targets in the Indian city of Mumbai between 26 and 29 November 2008, in which 172 persons were killed and at least 248 wounded. The committee does not recommend disallowance of the regulation in relation to LeT.
Palestinian Islamic Jihad is considered to be one of the militarily more effective of the Palestinian militant groups. It has a significant presence in Gaza and the West Bank and rejects any idea of any political process with Israel. The committee does not recommend disallowance of the regulation in relation to the PIJ.

I would like to take this opportunity to thank my fellow committee members for their work in reviewing these and other terrorist organisations and I would like to thank the secretariat, who worked very effectively on this report, Robert Little and Donna Quintus-Bosz. I commend the report to the House.

Question agreed to.

Mr DREYFUS—by leave—I move:
That the order of the day be referred to the Main Committee for debate.

Question agreed to.

FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009

Second Reading

Debate resumed from 21 October, on motion by Ms Gillard:
That this bill be now read a second time.

Mr KEENAN (Stirling) (5.03 pm)—The Fair Work Amendment (State Referrals and Other Measures) Bill 2009 seeks to build on the reforms commenced by the Howard coalition government in 2006, which took the first brave steps in seeking to create a truly national system of workplace relations. The coalition has always held the view that a national system is better than a patchwork of varying state systems. That view has not changed and to this end the coalition is supportive of the outcomes that this bill seeks to achieve. We want a national system. We started the reforms to achieve that end and we acknowledge the significant benefits that a national system can deliver to a sophisticated and modern economy such as Australia’s, particularly one in which many businesses cross over state borders. However, the way in which this bill seeks to achieve a national system is fraught with danger and has been mishandled from the start. Put simply, we like where this bill is going but we do not like how it plans to get there. I therefore indicate to the House that the coalition will oppose this bill.

Our opposition to this bill is based on two broad concerns. The first of these is that we must get the federal Fair Work laws right before we drag the states and non-incorporated bodies into the Commonwealth system. Secondly, in order to achieve a truly national system the Commonwealth must not hand control over its future direction and shape to the state governments. I want to make a few comments about these two concerns in detail but before I do I will talk briefly about the consultation with stakeholders that the government undertook, or rather failed to undertake, in relation to this bill.

The government has made much of how it consults with business, and it consulted in a commendable way when developing and introducing the Fair Work system. It utilised a number of processes to do this, including the Committee on Industrial Legislation. Strangely, in relation to this bill there has been absolutely no consultation with stakeholders whatsoever. The Senate Standing Committee on Education, Employment and Workplace Relations heard last week that the first time that people were aware of the contents of this bill was when it was introduced into parliament. This included groups such as the Australian Chamber of Commerce and Industry and the Ai Group, who were surprised that there had been no consultation in the lead-up to the introduction of this bill. This created significant difficulties, given the tight time frames that exist for consideration.

CHAMBER
of the effect of this bill and that we are in the final two sitting weeks of the year.

The rationale for the complete lack of consultation in relation to this bill is unclear to the coalition. In addition, in order to understand how this bill will work in total, it has to be read in the context of the intergovernmental agreement that has been developed between the states, the territories and the Commonwealth. Yet this intergovernmental agreement only became public last Friday. Until then, stakeholders and the opposition were completely in the dark about the bill’s terms and were missing a crucial piece of the jigsaw puzzle that allowed them to understand how this bill works.

I fully endorse the observations that were made by my coalition Senate colleagues. I hope that this is not a sign of things to come in how the government will deal with future legislative developments within the national workplace relations system, as was noted in the minority committee report. We have heard a lot of rhetoric from the government about how their new system is going to work and about how it is going to transform Australian workplaces. We were subject to all sorts of platitudes and descriptors when these laws were introduced about how they were going to operate and how the system was going to benefit workers and businesses. We heard phrases about productivity and flexibility; we heard a lot about balance and about getting the system right. In short, the minister and the government promised the world with their new system. They said it was going to be simpler, they said it was going to be less complex and they said it was going to enhance productivity. They also said it was still going to retain the necessary flexibilities that a modern labour market deserves and requires.

The reality and truth of what is happening under the Fair Work changes could not be further from this spin that the government put about prior to their introduction. It is clearly only early days for the new laws, but we are starting to get an idea about the sorts of cracks that are beginning to appear within the Fair Work system. We have already seen an upward trend in strikes and workplace disputes, claims for unfair dismissal are on the rise, costs for business, in particular small business, are increasing and we are moving back to the days of a one-size-fits-all system for every enterprise and every worker across the country regardless of what industry they are involved in, regardless of how they wish to structure their workplace and regardless of requirements of that particular enterprise. We are moving back to a time when the government say that one size fits all and it should be the same in Cairns as it is in Hobart or in Western Australia.

We should not forget that Labor made many promises to Australian workers and to business about what these laws mean and how they would work. As I have said, they promised that they were going to deliver fairness, simplicity, balance and productivity, but the government have failed to make good on any of these promises. Labor’s Fair Work system does not bring fairness to the workplace. True fairness exists when everyone operates on a level playing field. Labor’s Fair Work laws prioritise the interests of certain stakeholders ahead of others. Unions, for example, have an automatic right to be involved in collective agreement making, but a business does not have an automatic right to legal representation before the industrial umpire.

Despite the assertions to the contrary, it is true that a worker can drag their employer before an industrial umpire without having any cause or genuine reason to do so, and then the employer is forced to pay money to make that claim go away. The coalition always pointed out that the go-away money
was a feature of Labor’s unfair dismissal laws, and the minister promised us that the go-away money was not going to return under her new system. I have been made increasingly aware of situations where an employer is forced to pay go-away money. One such situation that has been brought to my attention affected a very small business, which, despite having complied with the fair dismissal code, still got dragged before the industrial umpire and was forced to defend its decision. Ultimately it was forced to pay money to settle the claim as it was just too expensive to defend, despite the conciliator appointed by the umpire being unable to identify problems with the process followed or the reason for that dismissal. When laws give an unfair advantage to one party over another then they can never deliver fairness to the workplace and they will always be capable of exploitation. The government’s laws put business, and in particular small business, on the back foot at the expense of genuine fairness for them.

One of the other claims that has turned out not to be true is that Labor’s Fair Work system would provide balance. We all know that the government owes the union movement a massive election debt, and it is now doing everything it can to pay off that debt. For example, developments in the application of Labor’s so-called good-faith bargaining regime have the effect of ensuring a business owner can no longer deliver fairness to the workplace and they will always be capable of exploitation. The government’s laws put business, and in particular small business, on the back foot at the expense of genuine fairness for them.

Another great claim about the Fair Work system is that it would enhance productivity. We were repeatedly promised that productivity was at the heart of the Fair Work system. The government never bothered to do any homework; they never bothered to do any analysis to see how these new laws would affect productivity. They never bothered to actually assess how they were going to impact on the economy. They just claimed it in the parliament and in other forums and made repeated assertions and hoped that everybody would believe them. Even the body that is required to oversee these new laws, Fair Work Australia, has not set up a system to monitor how the laws will increase productivity. There is absolutely not one shred of evidence that these laws have done anything at all to enhance productivity in Australian workplaces.

Of course, one of the major problems with the new system has been the so-called award modernisation process that the coalition have been very critical of. Labor’s award system takes Australian workplaces back to the bad old days when the concept of one size fits all takes precedence with very rigid and complex rules. When the minister established a framework for creating modern awards on 19 March 2008 she said, ‘I can give the guarantee that no worker from this bill we have passed today into Australian law will be worse off.’ We have always agreed that we should consolidate the thousands of complex industrial awards into a simple set of national industry awards, but we have always wanted to do it in a way that made the industrial relations framework simpler. What we have seen from Labor’s botched award modernisation process is just an ongoing disaster. By taking a one-size-fits-all approach to this
process and rushing it through in impossible
time frames set by the minister, the Aus-
tralian Industrial Relations Commission has
created modern awards that go nowhere near
to meeting the aims of the minister’s original
request.

The minister directed the Industrial Rela-
tions Commission to make modern awards
that do not disadvantage employees or in-
crease costs to business. Clearly, the com-
misson has been unable to meet these aims
and, clearly, these are impossible aims that
the minister has asked the commission to
meet in the first place. The result of this
process will be that wage costs will go up,
people will lose their jobs, services will have
to decrease and small businesses will be par-
icularly hurt. I want to go through some ex-
amples of how this process will impact Aus-
tralian workers and businesses. If you are an
owner of a small retail shop in New South
Wales and employ two full-time and two
casual employees, you will have to pay an
extra $22,000 a year to your existing staff. A
newsagent in Queensland will pay 31 per
cent more for just one casual staff member.
The AHA in Western Australia, my home
state, is predicting job losses of between
3,000 and 4,000 workers within their indus-
try if the award goes through in its original
format. Small independent country super-
marts will cut staff numbers, reduce trad-
ing hours, or simply be eaten up by the larger
players. Even the Baking Manufacturers In-
dustry Association of Australia said that this
legislation will cause the price of bread to
increase. Worryingly and most disconcert-
ingly about this botched award modernisa-
tion process is that most of the jobs that will
be lost will be those of part-time working
mums, casual students and female workers.

When the coalition sensibly tried to
amend the legislation so that the terms of the
minister’s original request would enshrine in
law that nobody would be worse off through
this process, businesses would not face in-
creased costs and workers would not lose
any of their entitlements, the Labor Party
voted against us. Subsequent to that, the min-
ister refused to guarantee workers that no job
would be lost as a result of her bungled proc-
ess. I will give an example of how the spec-
tre of the forthcoming modern awards proc-
ess has been received in the real-life business
sector. Only last week, I was invited to at-
tend a meeting of hairdressers and beauti-
cians in Western Australia who are con-
cerned about the terms of the so-called new
modern award that will apply to them in six
weeks time, on 1 January 2010. They had
arranged a meeting of concerned small busi-
ness owners and had asked me to attend the
meeting to listen to their concerns. This is an
industry comprising people who are genuine
operators of small businesses. They are often
owner-operators, they are a very diverse
business sector and they do not have a strong
industry body speaking up for them, as some
other sectors do.

These people run hairdressing salons and
beauty treatment centres. Every Australian
uses them. We all get our hair cut. We all
have an association with these small busi-
nesses. We know the sorts of pressures they
are under. These people represent everything
that is good about small business: they work
hard and they put in their own personal as-
sets to start their business. They put their
own assets on the line so that they can make
a contribution and hopefully go on to employ
more people, create jobs and grow their
business. With a bit of luck they will turn a
small business into a medium-sized business
or into a larger business. These are the peo-
ple who take on apprentices, who provide
career paths and, of course, who support
their local communities. We should not un-
derestimate their contribution. They show the
best of the Australian spirit—that entrepre-
neurial spirit to go out there and have a go.
At the meeting there were well over 150 small business owners from the hair and beauty sector. I thought that was an incredibly large number for a sector that clearly does not have the organisation that is associated with some of the larger sectors. If you need any further evidence about the concerns of small business then look no further than the modern award that is going to be imposed on them. These people took the time to come to this meeting, to speak amongst themselves and to speak to me so that I could hear about their worries and about what they see as the impending disaster of the modern award that is being imposed on them. They told me that, if the award goes ahead, they will not be able to take on new staff. They told me that, instead of taking on two apprentices next year, they might be able to afford to take on one. They told me that they will have to cut back on the hours that their business opens. Some said that they were already sailing so close to the wind and that their business environment was already so difficult that they will just close their doors if this award goes ahead. As people who own their business, who are prepared to invest their assets and have a go, who often work weekends—in fact, most people in these types of businesses work weekends—who employ people and who do all the right things, they expressed dismay that their government would make it so much harder for them to keep their doors open, grow their businesses and employ other Australians.

I am sure that, if the minister had been at this meeting, she would have tried to reassure these people. She would have talked about a five-year phase-in period to increase wages—and I am sure that we will hear that sort of rhetoric when the minister responds at the closure of this debate. But the truth of the matter is that, as the hairdressers and the beauticians explained to me, it does not really matter what it costs them tomorrow, next year or in five years time, this award modernisation will still come at a significant cost to their businesses. It is still a cost that they will have to cover—an additional cost which comes directly and solely from the minister’s own bungled approach to modern awards. This additional cost will come most grievously at the expense of jobs—jobs for young people, jobs for school leavers, jobs for mums who want to return to the workforce, jobs for people who work casually and jobs for people, such as students, who work on weekends. This is the reality of Labor’s modern awards program all around the country. This story has been repeated to me not just in Western Australia but all over the country, as I have moved around and talked to people in different sectors. About half of the hairdressers whom I spoke to recently were unincorporated businesses. They are mum and dad operators, sole traders—people who currently sit outside the scope of the national industrial relations system by virtue of being unincorporated. They are exactly the type of small business that will be roped into the government’s Fair Work laws and related system of bungled modern awards if this bill goes through.

With all of this said, it begs the question: why would the opposition, the party of small business, the party that always defends the interests of small business in this House, support a bill that exposes thousands of these small businesses to the sort of system that is going to challenge their livelihoods? We are not going to subject small workplaces in many important sectors of the economy, such as horticulture—as I know you are very well aware, Mr Deputy Speaker Schultz—to the bungled and botched outcomes that have been delivered by Julia Gillard through this award modernisation process. We are not prepared to throw these small businesses to the mercy of this new national system that just is not working properly and just is not
fulfilling the promises about how it was going to operate that were made by the government when it was introduced.

We continue to want a national system, but we need to make sure that we get the national system right before we start roping in the states and exposing these small businesses to the failings of Fair Work. We need to get the system right. We need to get the modern award system right. We need the Fair Work system to deliver outcomes that are consistent with the sorts of goals that the government said it was trying to achieve. This bill will destroy jobs if it goes through and it will retard job growth in Australia. We need to get our national house in order and fix the cracks that are associated with Fair Work, and then we should talk about creating a national system and roping in these unincorporated bodies.

Our second concern relates to the extent to which this bill delivers control over the federal system into the hands of state governments. We believe that this approach is very dangerous. No doubt the minister will make noises about the benefits of cooperative federalism and how this bill and the intergovernmental agreement are an example of this in action. But again—as we always see with this minister—the rhetoric is very different from the reality. The reality is that a state government can opt out of the federal system if it does not like any future amendment to the Fair Work laws. Despite this fact being hidden behind the development of so-called ‘fundamental workplace relations principles’, these principles are so vast and so broad as to be interpreted to mean that any referring state government can pull out of the system at a whim—and I might say that these were the concerns that the business community brought to the Senate committee when it had its inquiry into this bill. A state government does not even need to be reasonably satisfied that a future change will offend these principles; it has complete discretion to withdraw from the system if it believes that these fundamental workplace relations principles have somehow been breached. This means that a state that terminates its reference will still remain within the ambit of the Commonwealth system, but it will just not be subject to the particular amendment that it finds offensive. So the Commonwealth would still have to pick up the tab for the system, and it means that the states can pick and choose what they like and what they do not like about any future national changes. They will still get the protection of the Commonwealth funding, and they can still have a say about the future of the national system, but they do not have to accept its consequences.

In reality, this means that state references become a political tool to be dragged out and used inappropriately, by way of threats, and it means that industrial relations will continue to be an issue at every state and federal election from this point on. It might be different if a referring state that withdrew was actually forced to take responsibility for the cost and administration of its own system, but, sadly, this bill does not provide for that. It will not do that under the arrangements that are detailed in this bill. Hence, these provisions are nothing more than the creation of a political tool where Australian workplaces become a football to be kicked around every time an election is called.

This is not good enough. It is not good policy. It is not the way forward for a national system. States that want to leave the national system, as is their right—if they want to take that decision—need to take responsibility for that decision by taking responsibility for their state system. I take this opportunity to foreshadow that in the Senate my colleagues will be moving some amendments to this bill to that effect. The effect of those amendments will be to ensure that, if a
state does seek to opt out of the federal system, it can, as is its right, but it will need to assume responsibility for administering and funding that system. States will have to show courage, and this will stop state references becoming the political football that they will become under this bill as it is proposed.

We will be opposing this bill. Before it can gain our support—we do support the structure of a national system but we support the right national system; we do not just support any national system, and we do not support a national system that is going to disadvantage the Australian small business community—the government needs to get its house in order. This minister must stop dismissing valid concerns of stakeholders, particularly about the award modernisation process, and we must return to some rational and sane public policy.

We want a national system that provides consistency. Indeed, we started the process towards a national system. But we will not have a system where an individual state would have the power to continue to remain within the Commonwealth laws while riding roughshod over any future changes within those laws. We do not want thousands of small businesses, the backbone of the Australian economy, the hardworking mums and dads in the industries that I have outlined, such as the beauty and hairdressing industries, subject to this botched and mangled award modernisation process. We require a national system that actually gets it right, and it is simply too soon for the remaining states to be dragged on board.

A national system is a very important public policy goal, but we will only support the right national system and we will not support a national system where, as always with this minister when she is faced with two choices, the high road of policy or the low road of politics, her response is always the same: the low road of politics. Australian public policy is worse for that as she bungles all the major areas within her responsibility. We oppose this bill.

**Mr NEUMANN (Blair) (5.28 pm)**—I rise to speak in support of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009. I say to the shadow minister: you had a national system that you aspired to, that you voted for, that you campaigned upon and that you still support, and that is named Work Choices. That is exactly the policy that we hear espoused by those opposite. It is the policy that the shadow minister simply will not mention, but that is the policy he believes in. The authors and the architects of Work Choices are there, still believing. It is still an article of faith, and it oozes out of every word, every dot, every cross and every full stop. It comes through what he has to say. That is what it is all about. It is about Work Choices. It is about opposing our policy. He cannot bear to say it but we know he believes it. That is what it is there for. It is ‘Work Choices light’. That is the national approach that he would have us adopt and that is what he did not say, but he believes it in his heart of hearts and all those opposite still believe it. That is the policy that they brought. That is their national approach.

We were elected to kill off Work Choices and we have done so. We are bringing in a fair, balanced and sensible industrial relations system and a national approach—Forward with Fairness. We said we would do this, unlike the previous Howard government who did not campaign on that policy of Work Choices and who subsequently brought it in. We said to the Australian people, ‘If you elect us we will do this.’ We said it as early as April 2007 when we released our Forward with Fairness policy and we released our transition implementation plan in August 2007 before the election, which was held on
24 November 2007. We were voted in by the Australian public on that platform. The transition to the Forward with Fairness bill was passed on 19 March 2008 with a down payment. It was a down payment on what we said to the Australian public—preventing Australian workplace agreements, bringing in a new no disadvantage test for future agreements and providing for award modernisation by the Australian Industrial Relations Commission. The Deputy Prime Minister originally requested that on 28 March 2008.

After much antagonism, angst and aggression from the opposition, we managed to get amended legislation through this House and through the Senate, but still with the integrity of what we said to the Australian public, for a commencement of the fair work system on 1 July this year, Fair Work Australia—a new organisation, a new enterprise bargaining system, a fair go for workers, a fair go for all, new industrial action rules, a new national approach and an approach that we were elected upon to deliver to the Australian public for the benefit of the national interest. It was also to benefit workers and employers, releasing employers from the complexity, the onerous provisions and the obstruction of Work Choices. What we are doing here is bringing in one national law for all. We want good faith bargaining at the enterprise level. Unlike the shadow minister, I have always advocated that Labor is the party of small business. Labor is the party to support small business.

We, not those opposite, brought in the Trade Practices Act to give small business a chance. Look at what we have done to help small business throughout Australia. In my electorate we brought in a tax break as part of our nation building and jobs strategy to support jobs. We have given assistance, and online assistance, to small business. One after another there are examples of where Labor has helped small business. The Rudd Labor government is lifting up, giving a hand, helping those in need, investing when those opposite would oppose it and increasing productivity. This is all being done with fairness at the workplace and is giving employers the opportunity to earn profits and also giving their employees the benefit of higher wages. That is what a fair industrial relations system is all about. That is the way you deal with employees in the workplace—negotiate at the enterprise level. We needed a new industrial umpire to oversee the system and Fair Work Australia is it. We needed a new education and enforcement body—the Fair Work Ombudsman.

The legislation here is all about taking another step, another stage, in creating a more simple, balanced and modern workplace relations system, and we are doing it in cooperation with the states. The Howard government’s idea was to override the states. They criticise us for being centralist. Mr Howard, the former Prime Minister, was one of the greatest centralists you have seen. We are working cooperatively with the state governments, Labor and Liberal—even the Western Australian government—on so many issues. The state referral stage is next, and that is what the legislation before the House is about. It is about bringing in the basis for a national system and allowing referrals by states to the national system.

We have some strange laws with respect to federalism in this country. For example, if you are running a business—say, a legal practice—be it as a sole trader or under a partnership arrangement, you are part of the state system in terms of your employees; you are not part of a federal system. But, if you decide to incorporate a legal practice—you are a constitutional corporation—you are part of a federal system. If you are a farmer, say, in the Lockyer Valley or the Fassifern Valley in an unincorporated family trust ar-
rangement or in a partnership between the husband and wife, you are part of a state system in terms of your employees. If you decide to incorporate and you establish a corporate trustee over a family trust arrangement—a corporate trust that employs staff—then you are part of a company structure and you are subject to different laws and awards. It is a crazy system. It results in strange outcomes. It results in confusion and complexity and in people just putting their hands up in despair at the system.

What we need in this country is a uniform national workplace relations system. We need for the first time the same law whether you live in the Torres Strait, Tasmania, Palm Beach or Perth. We need the same law for all. We need minimum conditions, rights and entitlements regardless of state boundaries. The dingo fence should be gone. We should have the same law regardless of whether you live in New South Wales or Queensland or whether you are a corporation, a sole trader or trading as a partnership. That is what we need and that is what this legislation is all about. Victoria participated earlier this year in remaking its referral. We have seen Tasmania, South Australia and Queensland undertake this process as well.

I do not share the shadow minister’s concern about trusting the states with respect to this. States under this legislation can choose the extent to which they refer matters and can withdraw from the system. What would the shadow minister have us do? Would he decide to ride roughshod over the states in this regard? I do not think that is the way to go. I do not think that is what our forefathers, when they created the Federation of Australia, would have had us do. These are complex jurisdictional issues and I think we need to act in a constructive and consultative way to decide these issues. Regrettably, the Western Australian government have decided not to refer their industrial relations powers.

Western Australia have done that in so many other areas, and I would urge them to reconsider their position. The coalition has been critical, but it has always been with the idea at the back of its mind that Work Choices may come back. That is what it is all about, and you can see that. I think the spirit of cooperative federalism is crucial, and it is obvious in the intergovernmental agreements we have achieved between the states.

There is provision in the agreements for employees to transition. We are talking about a 12-month transition from referral commencement. In that time we are going to see Fair Work Australia required to consider whether a modern award should be varied with respect to the incoming state employees and employers. We have been consultative with respect to various sectors. I know the shadow minister was very critical of us, but I can give you a couple of illustrations of local people who have contacted me and made representations with respect to these types of matters. We have listened and we have consulted. The Deputy Prime Minister wrote on 26 August 2009 to the President of the Australian Industrial Relations Commission in relation to the award modernisation request concerning horticulture, retail, pharmacy and call centre industries.

A number of people in my electorate have contacted me about these types of issues. For example, Tony Gibb, of Gibb Brothers at Peak Crossing, contacted me. They are a very large farming enterprise in the south of Ipswich, in the north part of the Scenic Rim Regional Council area. They employ about 90 people, nearly all locals, and are one of the biggest cauliflower producers in Queensland. Tony was concerned about the issue and approached me, and we had a discussion. I was pleased that the Minister for Agriculture, Fisheries and Forestry went to his farm and discussed issues raised by him and other producers such as the directors and managers.
of Kalfresh, who are based in the Kalbar area in the Fassifern Valley. They came and talked about the challenges of people who run farms in that area. They are one of the biggest producers of carrots in Queensland. There is a saying that cauliflowers and carrots need to be harvested on a Sunday, so they were concerned about what we were going to do with respect to the modern award system. The minister listened to representations by people like the Gibb Brothers, Kalfresh and so many other farming groups around the country. That is really important in my view and it is certainly important to the agricultural sector in my electorate, which is a very large rural and regional electorate in South-East Queensland. Allowing flexibility with respect to seasonal demands and restrictions caused by weather was another issue. Making changes to provisions that take into consideration the perishable nature of produce is really important. I commend the Deputy Prime Minister for what she has done in that regard.

I also commend her for what she has done in relation to the retail sector. A number of people in the retail sector in Ipswich approached me concerning what we were going to do with award modernisation. Jim McKee, who runs a fantastic little cafe in Ipswich called the Cactus Espresso Bar, consulted me about these issues. I wrote on his behalf to raise the issues that he raised with me concerning award modernisation, particularly penalty rates, and the concern that he would have to lose staff as a result of the changes we were going to make. But the Deputy Prime Minister listened to the voices of people like Jim McKee and many others in the sector to make the variation more amenable. She wrote to the Australian Industrial Relations Commission on taking a more benign approach and having a more flexible arrangement to meet the needs of those employers in those sectors. I commend her for what she has done in that regard.

I am amazed and mystified that the shadow minister has expressed the view that this legislation should be opposed. It is always going to be a challenging task to modernise awards. We have over 4,000 instruments and we are trying to reduce those to fewer than 125 modern awards, so there will always be challenges. It will always be difficult to effect that change. But business is asking for this. Business is asking for certainty. Anyone who has been in business knows the challenges of running a business and how the federal industrial relations system that we have makes it more difficult. I was in business and a senior partner of a law firm for about 20 years, and I know how hard it is to run a business. As the shadow minister said, you take risks every day of your life. Your assets are on the line. I commend all of those nearly two million small business proprietors in this country, who take risks every day. They do show entrepreneurship. They do show the Australian commitment to a fair go. They are the kind of people who are the backbone of our economy. Four million people work in small business in this country, and they are to be commended. We want to make sure those businesses have flexible workplace relations and fair systems and that they deal with their employees in a cooperative and constructive way. That is what Labor is about. It is not about going back to class warfare. It is not about going back to systems that might have existed decades and decades ago. It is about ensuring that we get productive workplaces where profits rise, where employees’ wages rise and where everyone gets a fair go.

I say this: the coalition have always shirked when it comes to reform. Their idea is to bring in, say, a GST. Their idea is to bring in Work Choices. They shirk when it comes to the hard decisions. It was the
Hawke and Keating governments that floated the dollar and brought in superannuation. We deregulated the banking system. We took the step of bringing in enterprise bargaining during the Hawke and Keating era. We are the party that support small business. That is demonstrated by our Nation Building and Jobs Plan. That is demonstrated by this legislation. We want to make sure we have modern awards and a system that cuts red tape, allows businesses to lift productivity and makes Australian workplaces places of a fair go. That is what this legislation is about. It is about working cooperatively with everyone.

I want to finish by quoting a good friend of mine, the Attorney-General of Queensland, the Hon. Cameron Dick, who was a very fine lawyer when he was practising at the bar. In stating that the Queensland government had taken steps to refer powers to the federal government, he said this in a second reading speech that he made on a piece of legislation in the Queensland parliament on 27 October 2009:

The Queensland government has not taken this step lightly and not without extensive consultation with Queensland employers and unions.

He went on to say:

… a national system can achieve comparable results, and that is why Queensland has taken the step to refer State’s power on this issue.

He went on to describe it, saying it:

… is a giant step forward in establishing a cooperative system that respects State rights, but also creates an overarching national industrial relations system which is in the best interests of business and workers.

I say amen to that. Cameron Dick, who is also the Minister for Industrial Relations, is absolutely correct. This legislation is good legislation. While it enhances the productivity and the profitability of business, it also creates a fair go in the workplace. It is another step along the road to a fair industrial relations system, a national industrial relations system and a productive industrial relations system. I commend the legislation to the House.

Mr TUCKEY (O’Connor) (5.46 pm)—The first paragraph of the explanatory memorandum to the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 advises us:

The Fair Work Amendment (State Referrals and Other Measures) Bill 2009 … amends the Fair Work Act 2009 … to enable States to refer workplace relations matters to the Commonwealth for the purposes of paragraph 51(***xvii)** of the Constitution.

On the face of that bald statement you could say that is making progress. But of course with these issues the devil is in the detail. The Howard government went to a lot of trouble to give people the opportunity, when doing business in one state or across state borders, to participate in a deregulated labour market that had a safety net. At one stage it probably went a bridge too far in terms of not having the usual no-disadvantage test, and I want to come back to that in a minute, but, in recognition that that was going too far, it amended the legislation so that that particular proposal was included. In shifting to the provisions of the legislation, which was national in terms of people under the corporations power having a workable arrangement, people could negotiate directly with their employees and of course they could make concessions that frequently suited the employees in terms of hours of work. I want to make some special points about that later.

That was a national scheme provided you conducted your business or the employment of your staff under some form of corporate structure, otherwise the states retained their opportunity to maintain awards and they applied principally to small business. Most of them would not have national implications
anyway. The present government campaigned in opposition and made this the centrepiece of their campaign for election. They had their union mates run, amongst others, some pretty despicable ads. I find it amazing that we members of parliament are now having our correspondence censored to the point where I, as a member of parliament, can no longer transmit the views of one of my constituents who is complaining about some aspect of the Rudd government’s performance that might be affecting them personally. I am not allowed to use a postage stamp paid for from government revenue to forward that information, even to a minister. That ain’t fair—and of course we have just had the member for Blair wanting to talk up a ‘fair’ industrial relations approach. I might say that members of parliament, the one group in Australia that has no workers compensation and of course no union to represent them, have learnt long ago that the no-disadvantage test is ignored completely in terms of how we are dealt with by the government of the day, and I make a generic comment in that regard. That is notwithstanding that if I were on the other side of the House there would be some awful trouble in the caucus when my leader, as it would be, took away my right to communicate with my constituents, as would happen were I a member of the Labor Party—even worse! But that is getting a little bit away from it, notwithstanding that it is a union issue.

What I am saying is that when that campaign was conducted there were a couple of ads that I thought were well below the belt. The point that I want to make is that there are now campaigns around the place saying you should not give donations to political parties, which is a good idea. But I did not think it was a good idea when I picked up one of our Western Australian newspapers the other day to find three full-page ads in it, one from a trade union sticking it up the Premier of Western Australia over some negotiation he was having on behalf of the taxpayers of Western Australia in terms of a wage settlement for a particular group of workers, another one from some environmental group and I cannot remember what the third one was. But how do you prevent that happening? It just depends who your mates are.

If, as you do with this sort of legislation, you entrench the trade union movement as a body that is allowed to collect money from people who do not necessarily want their services, they will have the revenue to promote a political party over another, even if they have stopped making donations. So, if this debate is to go forward, someone had better start talking about a blanket ban on advertising from the date that the election is called, otherwise it will be grossly unfair.

I want to refer to those advertisements. One that I well remember blackguarded the small-business community, which I was involved in. Had I suggested that a woman with two children was to come back to work and leave those two little kids in the house, my wife would have shot me. That would be the situation in most family businesses. I thought, maybe a little belatedly, that when that ad was run with a woman and two kids and the phone rang—’Come to work or take the sack’—the business community ought to have run a parody of that ad and employed the same actress. At the point of that phone call she should have said: ‘Thank you, Mr Smith. Stick your job, as impolitely as she could, ‘because under Work Choices I get two job offers a week. I’ll be ringing one of those people next week. I can get another job.’ I want you to draw your attention to the circumstances that exist today. If she got that phone call, she would probably go to work because she does not know, under the Rudd government, where the next job is.
This is another point. This legislation is opposed because it extends the influence of trade unions; it does not protect the workers. To get access to many workplaces and avoid harassment or, as a private business, to take your hire equipment onto a building site, why do you have to make a financial contribution to a trade union? They would say, ‘We’re the people who tell you what your award rights are.’ We have moved on a bit. The average 10-year-old kid can find that out on internet, and a lot quicker than I could. When the world changes, why does this House keep passing legislation which treats people as though they are a mob of kids who were put in the mines when they were 13 years old and when the role of the trade unions was so important to those people? Why are we still legislating trade union rights over the rights of workers?

As I said, the member for Blair referred to a fair industrial relations system. I thought—and I made this comment once before and the member for Sydney tried to misrepresent what I said—‘What is fair about telling a university student that they’re priced out of the market because people are pulling back on the number of employees they have in the evenings to serve in a restaurant or something—shrinking their workforce—because they’re paying ever-increasing penalty rates to people who might be working their first hour for the week?’ Why is it fair to say to a married woman or a married man, people in a partnership with a couple of children: ‘Look, I understand that you want work on weekends because you have a sharing responsibility for your children. But, of course, you can’t work at my place because I’ve got to pay you time-and-a-half for the first hour worked on Saturday. I lock the door on Friday night—in fact, mid Friday afternoon—and send everybody home.’ There are people who want to start work at that point in time, but for the first hour of the week the gate is locked.

I noticed Wesfarmers, the owners of Coles and Bunnings, in the states bar Western Australia providing a seven-days-a-week service to people who, amongst other things, need to buy their groceries on a Sunday. What was their chief executive, Mr Goyder, saying to shareholders the other day? ‘There’s a big problem under Julia Gillard’s law. Our costs are going to have to go up and our prices will go up with it.’ Anybody who thinks there is altruism within the business community—that they will pay time-and-a-half and not build it into their cost structure and put a profit on it—is living with the fairies. Under an AWA, it might be your choice to work on a weekend. It might be that you, as a young person, prefer going to the beach on a Wednesday, when you can get your surfboard out on the waves and not be run into by the other hundred who are trying to do the same thing or you can spread out on the beach, and you are prepared to work on Saturday as an alternative. What is fair about telling someone they cannot do that because 80 or 90 per cent of the work opportunity ceases on Friday night and does not recommence until Monday morning?

That is what this legislation is about: speaking to the state governments, and to those of the Labor intent to a degree. I am not sure about New South Wales. Western Australia—the resource state, the state that is just about keeping the entire population of New South Wales in a job as it recycles our money, and we can say much the same for Victoria—knows that it is not in the business of shuffling money around in circles. It is in the business of producing primary product—not only minerals. In my electorate wheat is a very costly business—in fact, so costly that farmers bet their farm once a year when they put in a crop. The cost of putting in a crop roughly equals the value of their farm—if
not in one year, in two. Two years of bad seasons and you have lost your farm.

They know that, if they cannot operate over a seven-day week, they are not competitive in the international environment. Nobody rings them up from China, Indonesia, India or the Middle East and says, ‘We understand since Julia Gillard, the minister, brought in the legislation that you are doing it tough and you have to pay extra wages, so just put the price of iron ore up a bit.’ The Chinese are going berserk at the moment when the market drives the price of iron ore up. Why is this not something that the Western Australian government should participate in? It will not do it to the extent that it possibly can, and that means that the hundreds of subcontractors that go onto these mining sites and others who work as individual spraying contractors, mulesing contractors and shearing contractors that drive their own trucks and who are not incorporated can have a business that has a wage structure that reflects the needs and the competitive circumstances of those businesses.

The unions got marching in the street the other day in Western Australia. Why? The Western Australian government, under Richard Court, led the situation of legal contracts with individual workers. I think they have mentioned that they would like to do it again. I do not think there is any legislation in the offing. Why should they be roped into a system that was in decline during the Hawke and Keating years? They were the first people to start to tackle it. I often remind this place that even Gough Whitlam made his contribution. He could not legislate to fix up a corrupt and decadent system which was an anachronism of the days of 10-year-olds in the coalmines. What did he do? He lowered the tariff regime by 25 per cent and revalued, as governments did in those days, the currency by 25 per cent. In other words, he changed the competitive circumstances of manufacturers in Australia by 50 per cent in terms of their costs.

That started the process of some common sense in the labour market where, in my living memory, wages were automatically increased by the consumer price index. So you put wages up, which put the consumer price index up, which put wages up—and you wondered why we were going through all those sorts of silly ideas. But I well remember, when things were a little hotter in the labour market than they are now, a milk bar proprietor complaining to me. He thought it was a bit tough to be paying $17 an hour to young people through an AWA. The award at the time, if it was still in existence, was about $5 or $10 an hour. It was probably $10 in this day and age. What are we doing here? The member for Blair had to tell us how many times they have had to go and rewrite one of these new awards. First, they had to do it for the restaurants and then they had to do it for the horticulturalists. It is a mess, but it is typical.

I read in today’s paper that they have had to find another billion dollars for putting in pink batts. For a billion dollars, talking about a debate that is now on in the Senate, you can put out a high-voltage DC line to connect the gas resources of the Pilbara with Western Australia and reduce emissions in that process by about 300,000 tonnes. Where should you be spending the money, more particularly when it is now patently obvious that this system is being rorted and rorted again? I heard of one case where a fella climbed up in his ceiling to see what had happened and in fact the so-called pink batts were newspapers stuffed into plastic bags. There was another who had two jobs, one being half the size of the other, and the contractor gave him a bill for each of them for $1,600. The fellow said, ‘Hang on a minute, one job is only half the size.’ He said, ‘Why should you worry? The government is paying
the money.' Now there is another billion dollars that has got to be found. The Julia Gillard memorial halls business only ran $1.4 billion short, and the computers in schools program ran $2 billion short, but it was all money to be extracted from the taxpayer by the state governments. When is this government going to get anything right? And when should the opposition concur with legislation of this nature which has got very little to do with the welfare of workers but a lot to do with the extension of the power of the trade union movement?

In considering this legislation which we are amending, I picked up the paper the other day and read that those poor old maritime workers who are servicing the drilling rigs are on $100,000 a year for working half the year—six weeks on and six weeks off. I used to fly first class with them when they had control of the coastal shipping and they would be telling me how as soon as they got home they were going to get out on their cray boat. They were not going to take a rest. The point of it is that these blokes say $100,000 is not enough and they are going to do their best to put our export industries in natural gas and other areas at a disadvantage and in danger by asking for more. They are the same people campaigning and trying to take over coastal shipping again so that people have to pay more for the products that come in by container and all those things. The member for Blair said that we never did anything. We took the container lift rate up to double after the wharfies had voted to reduce their workforce by half. Was that good for Australia? I would think it was. Did it reduce the price of flat screen televisions or all the other things people buy in the stores? Of course it did. (Time expired)

Mr CRAIG THOMSON (Dobell) (6.06 pm)—You do not have to scratch the opposition very hard to find Work Choices coming bleeding out of every pore of their bodies. We have had so far two contributions and both have been lamenting the fact that Work Choices is dead. The member for Stirling, the shadow minister in relation to this area, has said that they are opposing the bill for two reasons: firstly, they do not like the way we got to where we got to with this bill in terms of having a national industrial relations system—and I will say something about that later; and, secondly, because they do not like Fair Work Australia. His justification for not liking Fair Work Australia was the lament of Work Choices: ‘Look, we don’t like the system because you’ve now got unfair dismissals and the costs this is going to bring.’ Opposition, wake up! We had an election two years ago. The Australian people spoke on this issue directly. They had the choice. They had your Work Choices or the Labor Party’s policy of Forward with Fairness. They spoke and they spoke decisively. It is time to get over it. You lost the election. Move on. Let us get on with the job of making a fair industrial relations system—a national industrial relations system that is fair for all Australians.

I listened to both the member for Stirling and the member for O’Connor and the particular reasons they are going to oppose this in relation to their pining for Work Choices. There were three things they mentioned. There was unfair dismissal. The member for O’Connor made it clear that he doesn’t like penalty rates—that if the opposition had their way in relation to industrial relations, there would not be penalty rates. That was another issue. So, workers beware out there. Penalty rates are still under threat from the opposition. They do not want to have unfair dismissals.

What a great time to the member for Mayo to enter the chamber. One of the architects of Work Choices is coming in perfectly on cue. I have been very fortunate that this is the second time that I have been speaking on
industrial relations issues and the member for Mayo happens to come into the chamber to follow after me. It is a great privilege to have him following after me, but it is also terrific to remind the Australian population of the member for Mayo’s particular views on this. I am going to listen with great interest, because I am sure he is going to add a few more gems to the lament of Work Choices.

At this stage, before the member for Mayo even gets a chance to get to his feet, this is what the opposition are saying: ‘We want to do away with unfair dismissals. That is why we don’t like this bill.’ ‘We want to get rid of penalty rates,’ the member for O’Connor has told us. The member for O’Connor also told us that, if the opposition had their way, they would bring back AWAs. These are the three key issues that we fought the last election on. The resounding decision of the Australian population was that they rejected that view. They rejected the view of the member for Mayo; they rejected all the work he had done on the Howard legislation to put forward Work Choices. They said: ‘We don’t want that unfair system. We want a system that is fairer. We want the Labor Party’s position in relation to Forward with Fairness.’

One of the first pieces of legislation we put forward into this parliament was our efforts to abolish AWAs. Every time we have anything to do with industrial relations in this place we get members of the opposition lamenting that particular decision. But the Australian population wanted us to do that and we delivered in relation to that. This government is about creating a fairer, simpler, balanced and modern workplace relations system—a system that takes into account the views of both employers and employees; one that is simpler and meets the modern requirements of this economy.

We started to achieve this with the commencement of the Fair Work Act 2009 on 1 July this year. We now mark the next stage in implementing our plan, which is the legislation before us today: the Fair Work Amendment (State Referrals and Other Measures) Bill 2009. I am going to outline some of the key features of the bill, but first it is important to recall the stages of the government’s workplace relations reforms that have been implemented so far, despite the ongoing opposition from those on the opposition benches.

The Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 was introduced into parliament on 13 February 2008. The act abolished the making of new AWAs and introduced the no-disadvantage test to ensure workplace agreements could no longer disadvantage employees. That act also started the process to create new modern awards, which, when coupled with the National Employment Standards, will complete a fair and comprehensive safety net of conditions for employees. This is something that the member for O’Connor directly attacked in his contribution in this debate. Award modernisation will result in the creation of around 150 easy-to-find-and-apply modern awards with national application to replace more than 4,000 state and federal instruments.

The next step of the government’s workplace relations reform process was the passage of the Fair Work Act 2009, which commenced on 1 July 2009. It established a comprehensive safety net of minimum wages and employment conditions that cannot be stripped away; a new agreements framework, with bargaining in good faith at the enterprise level at its heart; and a new industrial umpire to oversee the system, Fair Work Australia, and a new education and enforcement body, the Fair Work Ombudsman.
We proposed in Forward with Fairness that a uniform national system would be achieved either by state governments referring powers for private sector workplace relations or other forms of cooperation and harmonisation. Our vision is for a workplace relations system that is fairer, simpler and more flexible and one which promotes productivity and economic growth—a system where businesses, large and small, are covered by one national law and system. This concept has been embraced by several states. The Tasmanian Minister for Workplace Relations, the Hon. Lisa Singh, recently said in that state’s parliament:

Participation in the new national workplace relations system will improve rigour, consistency and address the current jurisdictional and procedural problems.

The Queensland Minister for Industrial Relations, the Hon. Cameron Dick, on 27 October said:

This bill today is a giant step forward in establishing a cooperative system that respects State rights, but also creates an overarching national industrial relations system which is in the best interests of business and workers.

It is not just our state counterparts that are saying positive things about a national workplace relations system. The Australian Industry Group in its submission to the Senate committee inquiry into the provisions of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 said:

Australia’s modern economy and the need to remain globally competitive necessitates that a national system be implemented. All Australian employees and employers in the private sector should have the same system for employee entitlements and employment obligations.

The Fair Work (State Referral and Consequential and Other Amendments) Bill 2009, which the Deputy Prime Minister introduced to parliament on 27 May this year, was the first stage in implementing this national system. The act supported a renewal of Victoria’s referral of workplace relations powers from 1 July 2009 to provide continued certainty of coverage to the working people and employers of Victoria.

It was indicated at the time that the act’s framework would be adapted in future Commonwealth legislation to accommodate anticipated further references of power from other states, while observing that the reference framework may require amendment to account for the views and needs of other states choosing to refer. This bill answers the many calls made by business over many years to end the overlap and duplication of state and federal workplace relations systems; to end the inefficiency, uncertainty and legal complexity for Australian businesses and employees. The Australian Chamber of Commerce and Industry has stated:

The level of complexity created by competing state and federal workplace relations systems is a decades-old problem which has been thrown into sharp relief by our contemporary market economy. Replication, overlap and confusion between state and federal workplace regulation has become increasingly unsustainable.

The Australian Industry Group has also noted the complexity and wastefulness of multiple systems. They said:

On top of this, all but one of the States continued to develop and enhance their own industrial systems. No matter how well many of these systems operate the fact remains that no employer wants to be faced with dealing with six different systems in order to expand its business throughout Australia. The intermeshing and clash of these systems has nourished generations of industrial lawyers.

In answer to these calls, the previous government took the significant step of relying upon the corporations power of the Constitution to regulate for a national workplace relations system. But for many Australian employers and employees, Work Choices only...
continued—and exacerbated—the problems of complexity, confusion, overlap and waste.

The partnership approach we have with the states is in stark contrast to the bullying tactics of the former coalition government. I take it from the shadow minister’s contribution that this is one of the aspects he has a problem with. He has a problem with the fact that our approach to industrial relations in harmonising or having the powers of these laws ceded to the Commonwealth has been an approach of cooperation. This seems to have brought some opposition from the shadow minister. I cannot even guess as to why the issue of cooperation is such a radical issue for him to grasp.

We want to make sure that these laws work properly. We want to make sure that the states are part of the solution not part of the problem so that we have a national industrial relations system. One of the reasons that Work Choices did not work is that the former government refused to sit down with the states to talk about industrial relations and achieving a national system. Their very arrogant view was that they would do it their way, that the states could lump it, that there was no other alternative. This government takes a very different approach. We try to work with the states in a whole range of areas, one of those being industrial relations.

In the absence of referrals of power from the states, the question of which system applies depends upon whether a business is a ‘constitutional corporation’ or not. That was one of the real problems with the approach of the former government to industrial relations—rellying on this constitutional power and not reaching agreement with the states. This brought up some very real, practical problems. It means that corporations that derive revenue through donations—such as charities or through government grants—may not fall within the corporations power. The jurisdictional coverage of an employer can change at any particular point in time if its activities change. For example, a charity raising money for medical research could open a second-hand goods shop to raise funds only to find it is now seen as ‘trading’ and that this leads to a change in its jurisdictional coverage. The approach the former government took was a nonsense in trying to achieve a national industrial relations system by bullying people into their particular philosophical view. The approach we have taken of cooperating is the only way we are going to achieve a national system.

The question of coverage also depends on the nature of the entity running the business. For example, a professional firm—say, an accounting or medical practice—may run as a partnership or sole trader and be in a state system. A very similar business down the street may be incorporated and therefore in the federal system and on a different award. And there are many more examples of the perverse outcomes, confusion and complexity that face businesses in relation to the jurisdictional issues of an approach which relies solely on the corporations power.

There are thousands of employers and employees who are not trading corporations but who have been in the federal system for a long time and as a result of longstanding awards made in settlement of an inter-state industrial dispute. These awards were preserved on a transitional basis under Work Choices. In the absence of state referrals of power, employers and employees on these transitional awards would have fallen back to the state systems from March 2011.

For example, approximately 70 per cent of the farm businesses covered by the Transitional Pastoral Award are unincorporated and, without this bill, these farmers and their employees would fall back into state systems. And the uncertainty they were facing
under Work Choices was exacerbated by the fact that many farmers operate across state borders and would have had to commence to apply different state and federal work-place relations laws. The uniform national workplace relations system for the private sector will resolve once and for all the confusion and complexity.

Employers and employees will, for the first time, have the same laws, tribunals, minimum conditions, rights and entitlements as their counterparts doing the same work, regardless of whether they are within the same state or across a border; regardless of whether they are trading as a corporation, a sole trader or a partnership. The new national system will make it far easier for businesses and employees to find the infor-mation they need. This is especially important in my elec-torate of Dobell on the beautiful New South Wales Central Coast where small business is the largest em-ployer. This new system will result in a permanent, intrinsic efficiency for businesses, especially for small businesses that do not have the benefit of specialised human resources staff. With this bill and as-sociated state referrals, the Fair Work system will provide a sin-gle point of access for all private sector workplace rela-tions services for Australia. There will be one website, one phone number, one tribunal and one inspec-torate.

As I have already indicated, there is sig-nificant support among the states for the na-tional system. Victoria remade its referral earlier this year. The successful passage of referral legislation in the Tasmanian and Queensland parliaments and the introduction of referral legislation in the South Australian parliament followed. Discussions with New South Wales are continuing cooperatively.

The enactment of these references is a vote of confidence in the government’s new fair work laws and marks the next step in the creation of a national system. South Australian, Tasmanian and Queensland businesses will no longer have to deal with complex jurisdictional questions about which system of workplace relations they are operating in. Employees in those states will now benefit from the government’s new fair and balanced laws, including 10 guaranteed National Em-ployment Standards and modern awards.

The Western Australian government, as the member for O’Connor pointed out, has decided not to refer its industrial relations powers and instead will consider other forms of harmonisation. This decision puts Western Australia completely out of step with all other states and territories and prevents em-ployers and employees in that state from reaping the full benefits of a national system.

Consistent with our Forward with Fairness commitments, the bill recognises that referring states can choose the extent to which matters relating to state public sector or local government employment are included or excluded from references. Victoria has re-ferred its public sector and local govern-ments. Tasmania has also referred its local government employers and employees. Queensland and South Australia have re-tained these sectors within their state sys-tems.

Once enacted, this bill will give effect to the references of South Australia, Tasmania and any other state that refers its workplace relations matters to the Commonwealth on or before 1 January 2010. These references will enable the Commonwealth to extend the Fair Work Act in referring states to cover unin-corporated employers and their employees, outworker entities and extend the operation of the general protections; amend the Fair Work Act so that it applies uniformly in re-ferring states; and establish arrangements for the transition of referral employees and em-ployers from state industrial or workplace
relations systems to the new national system. The bill recognises that referring states can choose the extent to which matters relating to state public sector or local government employment are included or excluded from references.

The bill will enable referring states to terminate their amendment references and remain in the national system in the following circumstances: by proclamation of the state governor with six months notice, if the amendment references of other referring states all terminate on the same day; or by proclamation of the state governor with three months notice, if the governor considers that an amendment to the Fair Work Act is inconsistent with the fundamental workplace relations principles.

The fundamental workplace relations principles encompass requirements that the Fair Work Act should provide for, and continue to provide for, a strong, simple and enforceable safety net of minimum employment standards; genuine rights and responsibilities to ensure fairness, choice and representation at work; collective bargaining at the enterprise level with no provision for individual statutory agreements; fair and effective remedies through an independent umpire; protection from unfair dismissal; and an independent tribunal system and an independent authority able to assist employers and employees within a national workplace relations system.

These were the principles that underpinned the government’s Forward with Fairness legislation. They were also the issues that were at the heart of the last election. It should not come as any surprise to the shadow minister that these conditions are there for the states in relation to the referral powers, although he did seem a little confused as to why that might be.

This legislation is part of the ongoing reform of the industrial relations system that this government committed itself to before the last election. This is the next stage in making sure that we have a national system, a system that provides fairness to both employers and employees, a system that is simpler, a system that encourages bargaining, a system that takes away the inefficiencies of multiple layers of regulation through the various state systems and the federal system. This is good legislation that puts in place a national framework. This is something that we went to the last election on. This is something that should be supported by this parliament. I commend the bill to the House.

Mrs Mirabella (Indi) (6.26 pm)—I rise to speak on the Fair Work Amendment (State Referrals and Other Measures) Bill 2009. This bill seeks, among other things, to amend the Fair Work Act 2009 to allow state governments to refer their existing industrial relations powers to the Commonwealth, specifically relating to unincorporated employers. Under the provisions of the bill, state governments will be able to amend or terminate the referral of industrial relations powers to the Commonwealth with as little as three months notice.

Under the bill, any future amendment to the Fair Work Act will not proceed unless it is endorsed by a two-thirds majority of referring state and territory governments. This is quite disturbing. It is an alarming measure because it effectively gives state governments control of the future direction of Commonwealth laws. Although the coalition started the movement towards a national regime in 2006, it is quite disturbing that this is being undermined in this bill through the effective veto that is given to the states.

In addition to that, we see that, if a state does withdraw, the Commonwealth laws as they apply at the time of termination are fro-
zen and operate as at the point of withdrawal. They would continue to be administered at the expense of the Commonwealth. It is a flawed process to get to a national system, as was so eloquently said by the shadow minister earlier this evening. Although the coalition remain supportive of a national workplace relations system, we believe that fundamentally flawed legislation should not proceed.

I share the concern of many small businesses across Australia, particularly in rural and regional Australia, where we know that there is a higher proportion of small businesses than exists in the large capital cities. I share the concern that this bill will not create the harmonious national workplace relations system that Australia needs.

Under this bill, the power to control and determine the national workplace relations system and its operations has effectively been handed to state governments who choose to refer their existing powers. The problems with Labor’s industrial relations changes are well documented. As Labor have done with many policies, sadly, and in neglect of their fundamental duties as a federal government, they have rushed their workplace relations changes. In their panic, they have got it seriously wrong.

Labor have form and this is the template with which they operate. We have seen this with much of the Rudd government’s so-called stimulus package. We have seen billions of dollars wasted on bungled programs, red tape and failed policy. More recently, according to the latest budget forecasts, the Rudd government’s pink batts bill has blown out by a billion dollars and it has had to bring forward $986 million to meet demand. The bill for sheltering 78 Tamil asylum seekers on the *Oceanic Viking* has topped $1 million, costing $42,500 a day to keep them on the ship. Tax payments to dead people and expats have hit over $46 million. Nearly $1 billion has been spent on consultancies in two years in spite of promises to cut them. Legal fees are in excess of $550 million. The list goes on. The government’s incompetence in coming up with a well thought-out path to a national industrial relations system is no surprise. We should not expect anything different because it has bungled everything else that it has touched so far. Time will catch up with the government. Unfortunately, in the meantime many families and small businesses will be affected. This bill will affect unincorporated businesses in my electorate, many thousands of which are small businesses.

We in the coalition have called on the Labor government to hold off any further changes to the industrial relations system until it gets it right. There is nothing wrong with that. The changes will affect so many people in every corner of Australia that it is important to get them right. The coalition and the shadow minister have been instrumental in making the government’s Fair Work legislation, as was said by the shadow minister, ‘less bad’. Among the coalition’s improvements have been the Senate imposed stricter regulations on unions, a compromise being reached on unfair dismissal laws and Labor’s restrictions on greenfield agreements being removed. But that is not enough. This bill is so flawed we will not be supporting it.

One of the most well-documented problems, and one that has caused great alarm across many industries in my electorate, is the government’s so-called award modernisation, which is due to commence on 1 January. Despite the minister’s proclamation that no employer or employee will be worse off under Labor’s new laws, Labor has declined to enshrine this promise in legislation. We know why that is: it cannot keep that promise and it knows that promise will not be the reality for many workers. There is concern
that many workers in my electorate in north-east Victoria will be worse off. That is shared not just in rural and regional Australia but in many other parts of provincial and metropolitan Australia.

The whole award so-called modernisation process is not yet complete, but it will be by December, we are told, leaving many employers with less than a month to prepare for a new system. Why? Just because this government wants to rush this through. It wants to be able to tick a box irrespective of whether the box is ready to be ticked. The Minister for Employment and Workplace Relations initially made a concession for restaurants, cafes and catering companies by requesting that they be treated separately from hotels. She came to the table for other industries as well. Her concession is an admission that the award modernisation process would disadvantage certain employers and employees in those industries. The retail, fast food and pharmacy sectors have spoken out against the government’s changes, all with very legitimate claims that they would be disadvantaged under the so-called modern award. Who will be the casualties from this bungled process? Who is going to bear the brunt of these government policy failures? It is going to be individual employees, and the impact is going to be felt more severely in rural and regional areas. It is going to be felt more severely there for many reasons, one of which being that people living in a country town are geographically limited in their job choices as opposed to those who live in a city with a population of millions and with hundreds of thousands of employers.

I am already getting correspondence about this process from concerned businesses in my electorate. A local supermarket owner contacted me in regard to the so-called new general retail industry award. He is concerned about the impact that the award will have on his business and his ability to employ people. Many of his employees are working mothers or students who need to have flexible working hours and casual work. But under the so-called modern award he is going to have to pay casual staff $39.48 an hour and $31.58 an hour to work full time on Sundays. He says in a letter to me:

As a concerned employer I do not want to reduce staff but I fear that this may be one of the inevitable consequences of the introduction of this new award.

His will not be an isolated story. Small business owners are integral parts of their communities and towns. They will not want to sack people and they will not want to cut the number of jobs that they can provide in their local community, but they will be faced with no choice because the whole award modernisation process has been handled in such an incompetent and unrealistic way without due regard to the realities and diversity of businesses within particular industries.

In September, the National Retail Association warned that retail costs on Sundays will rise by $100 million due to penalty rate increases. The award modernisation will greatly affect not just those in the retail sector but also those in the tourism sector. If you happen to live in an attractive part of Australia, such as north-east Victoria with its wineries and mountains, and you are a small business in the tourism sector, when do you earn your income? You earn it during public holidays and you earn it on weekends. So these businesses will be additionally hit.

We have also seen the horticultural industry being particularly hit, and local fruit growers have contacted me over many months. Not only are they suffering due to prolonged drought but they are very concerned that the award modernisation process and final outcome will make many of their businesses unviable. They are estimating that
there will be an increase of up to $10,000 per hectare. And, believe it or not, fruit is picked when it needs to be picked—if that is on weekends, then it will be done on weekends and, if that is what the wholesale and chain stores demand for delivery on Monday, then that is what needs to be done.

Limits on hours will seriously disadvantage seasonal workers as well. Strict rules on overtime will mean that employers will have to pay workers overtime if they work more than 38 hours in one week. Fruit picking is a seasonal industry. Workers can earn as much as they can when the season is right. Unfortunately, we could see a situation where employers have to restrict working hours. Who knows how this will affect an industry or whether there will be a serious shrinking of the horticultural industry?

As reported in the *Australian* in September, the Rudd government’s award modernisation process will impose pay cuts on apprentice electricians. Over the last 10 years under the previous Howard government we saw growth in the number of apprentices, and that has been a particularly welcome move in rural and regional Australia. But we are going to see these struggling young apprentices, who do not have an easy time until they finish all their training, have a cut in pay. According to union figures, first year apprentices will be left $34 to $70 worse off per week, which is equivalent to a pay cut of between 12 and 23 per cent. You have to wonder: what sort of process has led a Labor government to penalise some of the lowest paid in our communities? Fourth year apprentices face a cut of $92 to $151 a week. It just defies any reason, any economic sense and any understanding of how tough apprentices do it and what they have to sacrifice—the opportunity cost they give up—to pursue training for their trade.

Why has all this occurred? Because this government needs to pay back some of its paymasters in the trade union movement. That is more important than coming up with serious, well thought out reform in the interests of all Australians and the Australian economy. Instead of imposing their outdated ideology, they should be providing a fair environment in which business can develop, grow and flourish. This bill certainly does not do that. For some time, along with my coalition colleagues, I have called on the government to stop, rethink and suspend the award modernisation process until they can come up with something better. I am sure they can; there are many talented people in the department and I am sure there are many talented people in the opposition who could put their minds to this and come up with a better system that Australians actually deserve, not something that is substandard. But for some people on the opposite side, in government, those who have put them there and those who pay them to stay there through generous election donations are more important in their list of priorities than the vast pool of employers in every corner of Australia.

For these reasons, for the fundamentally flawed process that is leading to a so-called national system, the coalition will be opposing this bill. In closing, I urge the government to think again, not for the sake of what the opposition says but for the sake of Australian workers and Australian small businesses.

**Mr SYMON** (Deakin) (6.42 pm)—I rise today to speak in support of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009, and it is a pleasure to follow on from the member for Indi, obviously a committed WorkChoices supporter. This bill is subsequent to the Fair Work (State Referral and Consequential and Other Amendments) Act 2009, which mainly dealt
with the referral from Victoria to the Commonwealth of powers to make laws in relation to industrial matters. With this bill, the government is continuing to implement its plan for a single national workplace relations system.

As a member from Victoria, I would like to address the history in Victoria with regard to state referrals of workplace relations powers. This is a particularly sorry case study in how not to refer state powers to the Commonwealth. Victoria had previously referred most of its workplace relations powers firstly in 1997 under the Kennett Liberal state government and then in 2003 under the Bracks Labor state government. It must be noted, however, that in its first term the Bracks government did try to reclaim the state IR system. That was blocked by the Liberal controlled Legislative Council at the time. The remaining workplace relations powers in Victoria were transferred to the Commonwealth earlier this year with the passage of the Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009 and Fair Work (State Referral and Consequential and Other Amendments) Bill 2009. In effect, there had been no state workplace relations system for most workers since 1997 in Victoria, although there are some exceptions to this that I will now highlight.

No-one should ever forget the more than 350,000 workers who were stranded under the infamous schedule 1A of Peter Reith’s Workplace Relations Act 1996. That added up to a figure estimated to cover 21 per cent of the state’s workforce at the time. This was the result of a partial referral of Victoria’s IR powers under the state of Victoria’s Commonwealth Powers (Industrial Relations) Act 1996. These workers under schedule 1A were effectively cut off. Denied access to full federal award coverage, they received only five basic conditions—and they were very basic: four weeks annual leave with no loading; one week of paid sick leave; unpaid parental leave; notice of termination; and pay for the first 38 hours of work in a week—no overtime and not necessarily any pay for hours beyond that. It was the Bracks Labor government that remedied this appalling situation in 2003 with the passing of the Federal Awards (Uniform System) Act 2003. This state act referred the necessary powers to the Commonwealth that would then allow for common rule orders to be applied to federal awards in Victoria.

Since that time of course the industrial relations landscape has changed. We saw the Liberal Party, the party of Work Choices, ram through the last parliament legislation that not only denied working people the right to fairness but literally took away already agreed wages and conditions. That the Liberal Party did this without any meaningful debate, consultation or discussion outside their own party room or their cheer squad of right-wing, hardline supporters showed their contempt for the working people of Australia. This contempt for working people was not lessened with their loss of government or changes of leadership. It is there for all to see in their actions in this current parliament.

Although Work Choices was promoted as a national system it fell short of this aim. Apart from being widely despised and resoundingly rejected by the electorate, Work Choices covered around 80 per cent of private sector employees—that is, one in five private sector employees were not covered by the system. These workers might have been employed by charities, partnerships, sole traders, trusts or various other types of unincorporated trading entities, and it took the election of the Rudd Labor government in 2007 and the implementation of our Forward with Fairness policy to turn this around. Creating a uniform national workplace relations system was a key commitment of this policy and, unlike the Liberal
and National parties’ lack of consultation, the Rudd Labor government consulted very widely. We discussed, we listened and we changed parts of the bill during the many long months in negotiations with industry associations, employers, academics, unions and other political parties to see the Fair Work Act finally passed through parliament earlier this year.

The commencement of the Fair Work Act brought with it the opportunity to deliver a balanced and modern workplace relations system for Australia. This is a fair and balanced process that, unlike the disastrous Victorian transfer of workplace relations powers, allows for the transfer of state systems to the uniform national system without trapping workers outside award coverage. While the Commonwealth has the power to legislate in the area of workplace relations for most employees, the corporations power of the Constitution on which the Commonwealth relies is limited in its scope, as it applies only to foreign corporations and financial or trading corporations. The precise definition of that is still unclear to many people. Under this power, the Fair Work Act applies only to these constitutional corporations, the Commonwealth and its authorities, and employers who employ flight crews, maritime employees or waterside workers in connection with interstate or overseas trade or commerce.

The Australian Bureau of Statistics has said that, while 80.5 per cent of private sector employees fall definitively within the federal system and 1.6 per cent fall definitively within the state system, jurisdictional coverage of the remaining 17.9 per cent of private sector employees remains unclear. Professor Andrew Stewart, who was recently elected President of the Australian Labour Law Association, has argued:

If passed, the State Referrals Bill will help to create a clear and consistent delineation between federal and State industrial laws.

The uncertainty over the status of incorporated local government employers, and certain other incorporated government business enterprises, will also be resolved.

Importantly, this bill provides for the application of the National Employment Standards and minimum wages to all national system employees from the start day of the referred powers, and when a state refers their powers to deal with industrial matters this bill will extend the coverage of the Fair Work Act 2009 to unincorporated employers and their employees as well as outwork entities and their employees in that state.

This bill also covers the private sector in respect of state instruments, such as awards and enterprise agreements, that can be referred to the Commonwealth. There is also an option that allows a state to keep in place their own workplace relations system in respect of public servants and local government employees. Having overlapping federal and state workplace relations systems results in uncertainty for employers and employees, increased costs to businesses to comply with the different systems and increased costs to the government to administer, clear inefficiencies and national inconsistencies that need to be ironed out in an advanced economy such as Australia’s. Providing greater certainty to businesses and employers will help avoid confusion and cut red tape. Support for a single national system has been expressed for some time by employer groups, with the Australian Industry Group stating:

Australia’s modern economy and the need to remain globally competitive necessitates that a national system be implemented.

It goes on:

All Australian employees and employers in the private sector should have the same system for employee entitlements and employment obligations.
I note that some employer groups and the opposition have expressed concern over states possibly having an effective power of veto over amendments. As the Senate Education, Employment and Workplace Relations Legislation Committee noted, the right of veto by states exists already with each state having the capacity to terminate a referral of powers. I note also that in the same report the dissenting report by the coalition senators criticised the alleged lack of consultation of the government. I really have to reject that claim and I point out that the Australian people were not once, not ever, consulted before the Liberal Party imposed Work Choices. In its submission to the Senate committee inquiry, the ACTU said:

'We applaud the consultative approach adopted by the government in working with referring states to determine the scope of their referrals and the transitional arrangements that will apply to employees and employers transferring from the state systems.'

It has been very pleasing to witness the cooperation of the states in this area and, while Victoria referred its powers some years ago and remade its referral earlier this year, as I have already mentioned, we have since seen Tasmania and Queensland refer their powers, whilst referral legislation is currently before the South Australian parliament. The ministers for industrial relations in those states have commended the Fair Work system and the government’s approach to workplace relations reform.

In South Australia, the Minister for Industrial Relations, the Hon. Paul Caica, in his second reading speech to that state’s parliament, said that referral of IR powers would give South Australians:

‘... an industrial relations system built on the foundation of a strong safety net; access to collective bargaining, including for the low paid; and protection of workplace rights.

The Tasmanian Minister for Workplace Relations, the Hon. Lisa Singh, in that parliament, said that the Fair Work system:

‘... will ensure that Tasmanian workers enjoy the benefits of a contemporary workplace relations system, comprising a safety net of employee conditions and other arrangements that apply nationally and are at least as good as those under Tasmania’s Industrial Relations Act.

She went on:

Employers will also enjoy the benefits of safety-net conditions and other arrangements with added flexibility or employer protection.

In the Queensland parliament, the Minister for Industrial Relations, the Hon. Cameron Dick, highlighted:

‘... the Rudd Labor government has been very cooperative in its dealings with Queensland and the other states and territories on the introduction of a national industrial relations system.

Compare that approach to that of the previous government. He went on:

The resulting system sets aside the WorkChoices approach to industrial relations and restores the balance of power to best look after the interests of both employers and employees.

As we can see, the government’s approach to creating a single national system has been endorsed by state governments, employer groups and the ACTU. The increased simplicity of a single national system will also deliver cost savings. State governments currently spend over $60 million each year maintaining duplicative administrative functions and accompanying regulations, costs which can and will be avoided with the transition to a national system.

Although many people like to think that Work Choices is now dead, it is not. It lives on in the hearts and minds of those opposite and, even more tellingly, it shows through in their actions in this parliament day after day. Have no doubt, the Liberal Party is still the party of Work Choices and, if it is left up to
them, Work Choices will be back, bigger and badder than ever. We have already heard during this debate their wishes to abolish penalty rates and unfair dismissals and to bring back their beloved AWAs. The passage of this bill will mark the next step in Australia’s transition to a uniform national workplace relations system for the private sector. Although this bill does not mark the completion of this goal, it is an important step in doing so. More importantly, it is another component in the Rudd Labor government’s plan for a fair and effective national workplace relations system.

The Fair Work Act is built on the foundations of fairness for working people, flexibility for business, cooperation between employers and employees, and the promotion of productivity and economic growth for the future prosperity of our nation. I commend the bill to the House.

Mr BRIGGS (Mayo) (6.55 pm)—In the debate on the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 it was fascinating to listen to a member of the ETU—he is now leaving the chamber—discuss how this great reform of a national workplace relations system is seemingly being moved wholly by the Labor Party. That of course is a complete and utter joke. The national system approach to industrial relations was part of the initial announcement in relation to the changes made in 2005 to the workplace relations system by the then Prime Minister. It was a key component of the five principles announced in this place in May 2005. It was the first time that the federal government had sought to introduce a national industrial relations system. In fact, it was the Labor Party, through its states across the country, which spent millions of dollars on a High Court case opposing the national system. So it seems a little strange that the member for Deakin’s notes, which I presume were written for him, failed to pick up on the sheer facts that relate to this matter. Facts of course are not something that those on the other side like to associate with too much on debates about workplace relations. We saw during the last election campaign, particularly in the seat of Deakin, many millions of dollars spent focused on what were distortions of facts on workplace relations and we see the member who was elected, thanks to that false campaign, continue to distort facts in this place today.

The truth is that a national workplace relations system was first proposed by Peter Reith when he was Minister for Industrial Relations. He released a discussion paper, one of several discussion papers post the 1996 reforms to the initial 1996 reforms—the wide-ranging reforms that led to and were part of the untold success story that the Australian economy was for 11½ years. I think the House understands—certainly Glenn Stevens, the Governor of the Reserve Bank, understands this—that the changes made by Peter Reith and John Howard in 1996 played a large part in the success story of the Australian economy over that period. Post those reforms, Peter Reith released a discussion paper in, I think, about 1999, which referred to the advantages of a national system.

I have previously put on record in this place in another debate that I am an unapologetic supporter of a national system. There are some on my side of politics and some on the Labor side of politics who do not support a national workplace relations system. The Minister Assisting the Minister for Climate Change is a well-known supporter of a national system and has been for some time and I acknowledge that fact. However, there are others on that side of politics who do not support it, as there are on this side, and who believe that the states still have a role in workplace relations matters.
I think that, in a modern economy, where state borders and boundaries mean very little, particularly for medium-sized businesses wanting to grow—it is not so bad for large businesses which have IR departments or for law firms on contract which can deal with the complexities of different systems—this reform is a no-brainer. It gives those businesses the opportunity to grow without being restricted or facing red-tape barriers that are the six or seven different workplace relations systems we have operating around the country and which of course have been very conflictive at times, particularly the federal system that has, for a long time, been more complicated than many of the state systems.

Simplifying and reducing the amount of regulation in this area is a good thing and will be a good thing for Australian business going forward. That is why the Liberal Party, in 2005, introduced into this House a bill which created a national workplace relations system. We did so of course by using the corporations power under the Constitution, which was then challenged in the High Court. In the Work Choices case the High Court found that it was permissible within a section of the Constitution to do so. Of course, there has been much discussion as to whether that was a very wide reading of the power. I suspect it was and it has increased the role the federal government can take.

This next step is the right approach to go to. However, this bill is flawed and that is why the shadow minister earlier this evening so eloquently outlined our concerns with it. I do support a national system. I support the coverage of small businesses that are largely left behind. My home state of South Australia—including my seat of Mayo—is a small business state. South Australia is, and has been for a very long time, a small business driven state, more so now than ever before. The South Australian economy has changed largely on the back of reforms made in the 1990s to the economic structure in moving away from a largely manufacturing base economy to a now much more dynamic and flexible economy. We have vast amounts of various industries including a growing tourism industry—particularly in my electorate of Mayo—where small business plays a vital role. The unincorporated businesses in South Australia, I suspect, would outnumber those across most other states. Therefore, this bill will have an additional impact—presuming, of course, that the South Australian parliament passes the state referral bill. I think that is still up in the air.

So I am a supporter of this national approach to workplace relations. However, we have two major objections to this bill. I note that the member for Deakin, and others on the government side, in their contributions have noted the employer organisation, AiG, as evidence for their case. I understand that AiG is actually opposing the passage of these bills, for the very same reason that we do.

The first of our two large concerns is that this bill and the agreement that sits alongside it is flawed in that it will require two-thirds of the states to agree to changes being made by the federal system, or, they can pull out over a three-month period while the federal government continues to pick up the tab. In other words, they are holding any future changes to a federal system to ransom for political reasons.

We have seen in the past that the Labor Party takes great delight in using fear campaigns in discussions on workplace relations. In their view that is a perfectly reasonable method of campaigning. We have a great concern—as AiG does—that that provision should be changed. That is one of our objections to this bill. We think that there should be an ability for states to pull out of the system completely, rather than this three-tiered approach. I am interested in what Mr Steve Smith, the National Workplace Relations
Director of AiG, had to say before the Senate committee. I am appreciative again of the efforts of Workplace Express to report this. The report said:

In his oral evidence to the inquiry Smith went further, saying AiG was so concerned about the whole package—the legislation, the bilateral and multi intergovernmental agreements—that it did not support its passage. The most problematic element was the provision in the IGA allowing a two-thirds majority of the states to frustrate or block amendments to the Fair Work Act.

In other words, AiG is making the very same criticism that the shadow minister and this side of parliament—the Liberal Party—is making to this bill. We support this bill but we do not support the flawed approach to it. It seeks to hold future governments to ransom. I suspect it is a clever political tactic that the Deputy Prime Minister has dreamt up but it is actually bad policy.

The second aspect on which we have major concerns relates to the operation of the larger Fair Work Act. How the unfair dismissal system operates, good faith bargaining and award modernisation are by far the most public of the issues that have been ventilated in recent times. We have seen concerns from small businesses about award modernisation. I was at a local restaurant a couple of Friday nights ago and the owner of that well-known establishment in Stirling—a very successful local small business employing many local people; you would probably nearly call it a medium-size business as it has been so successful—was very upset by the changes that have been made by this government and the potential changes coming through with the award modernisation project. This has been a complete and utter stuff-up. From industry to industry there has been no doubt about that. I think the Deputy Prime Minister has had to intervene in the process eight times now.

Clearly there is a very troubling trend in relation to the award modernisation project. A lot of small businesses will face a massive increase in costs, particularly in South Australia which has come from a lower base award arrangement. Those small businesses will be picked up and taken to levels which ultimately will cost jobs. So while those on the other side like to talk about protecting employees and workers, and they used to say working families—we do not hear that phrase so much any more—they will be the very people who are impacted on. You will see higher unemployment and fewer opportunities for young people especially in those industries such as restaurants, bars and clubs and so forth where they just will not get a chance in the future because of the increased costs that these small and medium businesses will face. This will be the real impact of the Fair Work changes that the Labor Party have made. They ran very hard in the last election and they spent many millions of dollars. Their paymaster spent more millions than most people could comprehend getting them elected on this issue. This was one of the issues that was fought out in the last election campaign—there is no denying that fact.

However, the test for the Labor Party and for their laws will be: what will be the impact of their laws in the future? What will be the impact on unemployment? What will be the impact on strikes? What will be the impact on inflation and interest rates? We have heard the Reserve Bank governor recently before the House economics committee say that if you put more stoppages into the supply chain, particularly in the resource sector in Western Australia, you will increase pressure on inflation and interest rates, and I think there is a real chance that that is starting to occur.

I will talk briefly in a moment about some of those disputes in some of those big industries across the country, the big employers,
because of the tools that have been given now to third parties to intervene in disputes, which they have not had for many years, if ever, in the Australian workplace relations system. I refer there to, in particular, the new provisions in relation to good faith bargaining, which are really a step in the dark for our country. We have never before had a provision where a group of employees—a small group, potentially, out of a workplace—can force an employer to bargain, can actually force an employer to change how they manage their business. And that is the system that we now have. If a small majority of employees decide that they wish to bargain, they can force an employer to do so. They can force an employer to change the way they operate their business. That will have in the future, I suspect, real implications for particularly small and medium sized businesses, which have traditionally had problems dealing with workplace relations. Because of the very nature of the system, it will always be complicated. That is why there are those very highly paid and successful partners in many law firms around the country who focus on this issue for their career, because it is a very technical issue and always will be.

As to the good faith bargaining provisions I think we have seen a significant development today. Again, Workplace Express has reported a decision by Senior Deputy President Matthew O’Callaghan today, relating to a dispute in South Australia where Cadillac Printing has been forced to commence bargaining with its 34 production employees at its facilities in Plympton. The commission, or whatever it is today—Fair Work Australia—was presented with a petition signed by 23 employees indicating their support for the union to represent them in negotiating an enterprise agreement. So this has been accepted: 23 out of 34 have decided that they want to bargain, and the employer is now required to bargain with them. The other 11, of course, are also forced to bargain—or forced to be covered by the terms and conditions of that agreement. The 23 cannot be the only ones covered by the agreement that they want to negotiate; the other 11 are covered as well. So their choice is out the window, even if they are perfectly happy with the arrangements; the other 23 have told them that they have to be covered, and now the employer has to bargain with them. I am not sure how that is freedom and choice in Australian workplaces. It has now been given to a small minority, potentially, to force others to be covered by the system or the agreement they want to be covered by, even if the employer does not want to.

This is the very real concern that we have, particularly on behalf of small and medium businesses. Large businesses will always be able to deal with this. Even if they might not like the laws particularly, they will always be able to find ways to get around or use provisions in the act, and it has been forever thus. However, it has always been the case—and this was always our reasoning with small and medium businesses on unfair dismissals, and remains our reasoning on unfair dismissals today—that small and medium businesses do not have the resources to fully understand or always be across how they are meant to deal with complex legal entitlements or legalistic acts of parliament, whereas larger businesses can employ very well-paid lawyers to do so.

So these are the very real concerns that I am getting in my electorate from small businesses. Many small businesses are concerned by the operation of this new act. I know the government is spending a large amount of money with friendly organisations like COSBOA in trying to explain the new provisions and how they will work. But the truth is that what they have done is change the whole power structure within the workplace relations system in Australia, to the end that
unions or third parties can now use their law to force business owners to do something they do not want to do, and I think that is very concerning. I think we will find that that will be a very concerning and economically negative impact of the changes that this government has made.

They will scream—as the member for Deakin and other members have done, as did my friend the member for Dobell, who I think has more problems with some of these third-party interventions than we have—that we are all Work Choices obsessed and want to go back, and it will be bigger and bolder and broader, or whatever the member for Deakin’s phrase was. But what we have said on this is that we recognise that, in the last parliament, there were aspects of the changes that were made that went too far, particularly in relation to the no-disadvantage test. However, this government has gone far too far the other way. They have introduced new concepts into the workplace relations system which will impact negatively on Australian workers because it will reduce their opportunities to get jobs. It will reduce their opportunities to get the real wage increases that we have seen in the last 12 years under the previous government’s changes. It will impact enormously on the economic performance of our country, particularly in relation to interest rates and inflation. They will be seen in the future to be wrongheaded changes and decisions, and it will be seen that we should not have taken the country down that path. That is why we are concerned about having provisions in a bill which will allow any future government’s hands to be tied. It does not make sense. It has never been the case that you could force a future government to accept a policy of the previous government. There should always be the ability for both sides of politics to make changes to legislation, and for state governments, if they desire, to take back their industrial relations system, as the Constitution allowed for in its framing—that unincorporated or small businesses in particular would be covered by state government laws.

So, as to these changes, the overall merit of a national system I think is worthwhile. I support very much a national approach to workplace relations; it will reduce the cost of doing business in Australia, which I think means we will have more opportunities for our young people to get work in quality jobs and to earn more, and it will increase the productive capacity of our economy. I think that removing the regulatory barriers to that is a good thing. However, some of the provisions in this bill, particularly the political provisions in this bill, are the wrong way to go, and that is why we seek to make reasonable changes to this bill, and we hope the government sees the merit in making those changes.

Mr Trevor Flynn (7.15 pm) — Today I express my support for the Fair Work Amendment (State Referrals and Other Measures) Bill 2009—another step towards ending the tyranny that was introduced by the former coalition government. By this legislation we intend to continue to deliver to hardworking men and women, the backbone of our country and the lifeblood of our nation, the people who invest their hearts and souls into their local communities, our business owners. These people create thousands of jobs and opportunities through their businesses and are a most integral part of regional communities, such as those dispersed throughout my electorate of Flynn.

They have battled long and hard since the inception of the former government’s laws, for with these laws came great confusion and complications that became a minefield for these businesses, particularly small businesses. Without large financial stock, some of these businesses have been unable to seek
the legal advice required to understand and implement the laws. The former coalition government left these hardworking people confused, uncertain and oppressed by the financial and time-consuming burden that was the competing federal and state workplace relations systems and the aggravation imposed on them by that insidious piece of legislation, Work Choices.

The amendments proposed in this bill will eradicate this complicated system and provide a fairer, more balanced arrangement that will provide certainty and confidence for business owners. The changes will remove the complexity surrounding workplace relations by providing scope for cooperation between state and federal governments and, with it, the removal of the shackles that have long oppressed private business—large, medium and small—and their employees through confusion and uncertainty caused by the conflicting systems currently operated by the state and federal governments independently.

Our government is an inclusive government not an exclusive government and we as a government have not taken this step without the consideration of its implications for all the parties involved, having conducted extensive consultations with all stakeholders, including the states, the business community and unions. It was through this consultation process that a number of important amendments in this bill were identified. The changes will allow the Commonwealth government to extend the Fair Work Act in referring states to cover unincorporated employers and their employees and outworker entities and to extend the operation of the general protections.

It will amend the Fair Work Act so that it will apply uniformly to referring states and establish arrangements for the transition of referral employees and employers from state industrial or workplace relations systems to the new national system. With this in mind, the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 has been designed to provide a fair, uniform national workplace relations system for the private sector, with exclusions relating to state public sector and local government employment.

The amendments proposed in the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 aim to promote efficiency and to answer the many calls made by businesses in my electorate of Flynn and across our nation to simplify and eradicate this problem and the associated confusion. We have been given an opportunity to further modernise resource-consuming systems and solve a problem that has spanned many years and provided a longstanding headache for businesses and employees. This is a problem that the former government not only failed to address but worsened by adding to the complexity. Today we have been granted an opportunity to right these wrongs and fix this problem. I feel this is an opportunity that we cannot pass up.

In these harsh economic times we as a government should be working to create certainty for businesses. There is no denying that small businesses are the backbone of our country, particularly in regional areas such as Flynn. We should be implementing strategies and systems that create confidence and simplify expansion. That is what the Rudd government and this bill are trying to achieve.

By allowing state governments to refer their workplace relations powers to the Commonwealth government, we can provide a simplified unification of the laws and systems, removing the duplications and corresponding costs and complications.

Under the proposed laws, businesses and employees will for the first time be subject to the same laws, tribunals, minimum condi-
tions, rights and entitlements as their counterparts doing the same work, regardless of their geographical location within Australia or whether they are trading as a corporation, sole trader or in partnership. Information will be much easier to locate, increasing efficiency for businesses trying to find it and, subject to associated state referrals, will provide a single point of access for all private sector workplace relations services in Australia.

It is anticipated that the economic benefits of this proposed national workplace relations system will be for not only employers and employees but also the wider community as a result of significant government efficiencies caused by a fairer, simpler national system. By implementing the amendments in this bill, we can revolutionise the workplace relations system and eradicate forever the dilemmas it has caused through its complexity. For small business owners, the bill will deliver more time without the worry of trying to comply with multiple laws and systems regulating the same thing. They will have more time to focus on running their business, more time to grow and expand and, ultimately, more time to give back to their local communities and families.

I firmly believe that we as a government must not miss this opportunity to resolve an issue that has been a longstanding problem. We must act today to remove the complicated multiplicity of an issue that can be so simple. I am a firm believer in promoting effective efficiency. Unnecessary duplication is costly and it is something that I feel all people should strive to remove from their life. It does little more than promote the waste of the most valuable resource we have at our disposal—time. By operating multiple workplace relations systems in Australia this is exactly what we are doing: promoting and allowing waste to flourish. The former coalition government’s costly and time-consuming abyss, Work Choices, exacerbated this waste of resources by complicating the matter further, particularly for small business, which could least afford the expense of legal expertise required to understand the laws.

The major problem faced by businesses and employees alike is the excessive regulation of the current workplace relations legislation which is caused by the duplication and overlap of state and federal workplace relations systems. This problem was aggravated by the former coalition government’s refusal to work with the states, which resulted in both grossly unfair laws and an unwieldy system characterised by legal complexity and uncertainty. The competing systems which overlap in workplaces throughout my electorate of Flynn and the rest of Australia as a result of separate legislation from state and federal governments have made it quite treacherous and costly for businesses to navigate and understand which laws apply to their specific circumstances. For example, there are two businesses providing the exact same ancillary service on an industrial site in my electorate of Flynn, the industrial and economic powerhouse of our nation. One of these businesses is incorporated and the other is operating as a sole trader. This simple difference in structure means one is in the federal system and the other is in the state system. So, despite the fact that they are providing the same services in the same place, they are operating on different awards. This example, which is quite common across Australia, clearly demonstrates the costly confusion and complexity of the perverse overlapping systems.

As I said earlier, the problems are because of the separate workplace relations systems that are maintained by the Commonwealth and five of the six states in Australia. As the examples I mentioned have shown, the multiplicity of systems causes great confusion.
because of their competing nature, making it excessively difficult and costly for businesses and employees to determine what workplace arrangements they are under. According to ABS data, one in five employees are not sure what workplace relations arrangements they are under, and according to the Business Council of Australia, in some instances the regulatory burden is sufficiently large to make businesses think twice and forgo or defer expansion. These systems are in place to regulate workplace relations systems, not act as a smokescreen concealing the laws and causing confusion to such an extent that people simply do not know what arrangements they are under and invoking such fear in businesses that they are too afraid to expand interstate.

I support the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 and I commend it to the House.

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction) (7.26 pm)—Our Australian version of fairness, of the fair go, has always been inextricably linked to our concept of industrial relations. In the early 19th century industrial relations were governed by laws such as the New South Wales Masters and Servants Act 1828, an act which provided for the imprisonment of workers who refused to work or damaged equipment. Indeed, sneak off for an hour if you dare: one hour’s absence by a free servant without permission meant prison or the treadmill. But of course as the 19th century rolled on unions started to form and combine, first as a kind of friendly society helping out sick work mates, widows and work-orphaned children, and later as the real deal with political clout.

After a long struggle it became almost universally acknowledged that workers were entitled to some dignity at work. They were not just cogs in the machine, to be worn out, thrown away and replaced, but human beings entitled to reasonable conditions, to fairness, to decent hours and to a life of some kind outside of work. In 1856 the eight-hour day was born in Melbourne and the seed had taken root: workers were individuals due proper respect. This was extended through the concept of the living wage, the family wage, determined first in the Harvester judgment of 1907, a case that was triggered by a dispute in the western suburbs of Melbourne within my electorate of Maribyrnong, in the suburb of Sunshine.

Australians have understood and accepted the idea that people’s democratic rights do not cease when they step onto the factory floor, through the farm gate, into the shop or indeed into the office; the idea that employment is not just the grace or favour or the whim of the employer but should be governed reasonably by principles of justice that could be enforced by independent rules; the idea that workers have the right to organise and be represented by unions when they are unable to effectively represent themselves; and that not all wisdom about how an organisation should be run is held at the very top by the owners and the managers. Indeed, they recognise that workplaces should be equitable and run in cooperation and harmony between employees and employers. These are the workforces which unlock the potential of workers, to the benefit of everyone. As the previous unlamented government found out, those who do not respect the Australian public’s bedrock values about fairness in the workplace do so at their peril. The Fair Work Amendment (State Referrals and Other Measures) Bill 2009 continues the journey to build a framework that provides a fair and modern national workplace relations system for the private sector.
This bill has been the subject of comprehensive negotiations with the states and is part of the Rudd government’s efforts to create a national system of industrial relations with fairness, productivity and flexibility at its heart. We are not following the example of the previous government, which introduced the divisive policy called Work Choices—a truly Orwellian name. This was a policy which slashed conditions through unfair statutory contracts, removed the right of workers to join unions and stripped away protection against unfair dismissal.

What we are doing here tonight goes to the heart of the difference between those of us on this side and the opposition. What we are doing here is both economic and social policy. Work Choices, sadly, was an obsession, not a policy. It was a Howard-Costello neurosis, untreatable by modern medicine. It was a rabid set of views, poor in principle and poor in practice and rightly rejected by the Australian people. It was a policy which led to a sorry trail—and a sorry tale—of cut wages, lost entitlements and reduced protections. Work Choices had its effect in every street and at every kitchen table. Everybody knew someone who had been duded by an Australian workplace agreement, who had been humiliated by the fear, the panic and the hope and then the anticlimax of losing a good job one morning and being offered a worse job doing the same thing for less money and under worse conditions the next morning.

One may be familiar with the evidence from the Office of the Employment Advocate about Australian workplace agreements under Work Choices, but it bears revisiting: 51 per cent of them cut overtime loading, 63 per cent cut penalty rates, 64 per cent cut annual leave loading, 46 per cent cut public holiday payments, 52 per cent cut shift loadings, 40 per cent cut rest breaks, 46 per cent cut incentive-based payments and bonuses, 48 per cent cut monetary allowances and 36 per cent cut declared public holidays. What a blatant grab for conditions fought and negotiated for for over a century. The previous government did not try to reintroduce the treadmill, but they did everything but.

As part of my previous work I spoke to a lot of senior managers and CEOs. They knew too well that Work Choices was first and foremost an ideological agenda, one which bore little relationship to the genuine, effective labour market reforms which were needed and had pretty much nothing to do with providing answers to some of Australia’s biggest challenges, such as productivity. The previous government’s blinkered and bullying approach and refusal to work with the states led to a system that was not only unfair but also increased the legal uncertainty and complexity of an already complex system. This should not be how we handle workplace relations in the 21st century.

Instead, the Rudd government is working with the states to create a national system which will be as simple as possible whilst protecting the right of people at work to fair treatment. In the 21st century it is innovation and knowledge which are becoming the main drivers of economic growth around the world. In order to create these conditions it is businesses—and indeed nations—that invest in people and use their potential to the fullest who will succeed. Australia is a small nation on a vast globe, and the world does not owe us a living. That is why the future for our businesses cannot be based on cutting wages to match the lowest-dollar overseas competition for payment of humans at work. That is why industrial relations should be about fairness, not fear. That is why it must be about flexibility—about giving people real choices as they increasingly move in and out of the workforce, from job to job and from career to career. That is why it must be about sim-
plicity and certainty, especially for small- and medium-sized businesses.

The Fair Work bills which have been introduced by this government are based on that enduring principle of fairness whilst meeting the needs of our modern economy. They balance the interests of employers and employees and the granting of rights with the imposition of responsibilities. The Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 was introduced into parliament on 13 February 2008. It abolished the making of new AWAs, which I referred to earlier, and introduced the no-disadvantage test to ensure that workplace agreements could no longer disadvantage employees. That act also commenced the process to create new modern awards, which when coupled with the National Employment Standards will complete a fair and comprehensive safety net of conditions for employees.

Award modernisation will result in the creation of around 150 easy to find and easy to apply modern awards with national application to replace more than 4,000 state and federal instruments. We have delivered a fair and comprehensive safety net of minimum employment conditions that cannot be stripped away; a system that has at its heart bargaining in good faith at the enterprise level. This is essential to maximise workplace cooperation and improve productivity which had shamefully fallen during the Howard years. We have delivered protections from unfair dismissal for all employees. And, indeed, we seek to deliver a balance between work and family life and the right to be represented in the workforce. These rights are guaranteed by the legislation and overseen by a new industrial institution, Fair Work Australia, which will operate with both independence and balance. Once enacted, this bill will give effect to the references of power to be made by the great state of South Australia, from which the Minister for Sport and Youth Affairs comes; the great state of Tasmania, which elected only government members of the House of Representatives in the last election; and any other state that refers its workplace relations powers to the Commonwealth on or before 1 January 2010.

The bill will give effect to references of matters relating to workplace relations from the states to the Commonwealth for the purposes of section 51(xxxvii) of the Constitution. These references will enable the Commonwealth to: extend the Fair Work Act in referring states to cover unincorporated employers and their employees and outworker entities and extend the operation of the general protections; amend the Fair Work Act so that it applies uniformly in referring states; and establish arrangements for the transition of referral employees and employers from state industrial or workplace relations systems to the new national system. Referring of power to the Commonwealth will end much of the confusion that bedevils smaller enterprises who may fall under the state or federal system, depending on how their business is structured. At the moment a farmer who operates as an unincorporated family trust for tax and other reasons is in the state system and may be right next door to a similar farmer in the same market who operates under a company structure and is subject to different laws and awards.

It is ridiculous for charities to have to worry about whether they will move from one system to another if they open a second-hand shop to raise money for disabled children and other charitable activities. For all of these reasons, there is significant support among the states for the national system. My home state of Victoria remade its referral earlier this year. The successful passage of referral legislation in the Tasmanian and Queensland parliaments and the introduction
of referral legislation in the South Australian parliament followed. I am pleased to report that discussions with New South Wales are continuing cooperatively. Only the Barnett government in Western Australia has said it will not refer powers, which is a statement that is opposed by the Western Australian Chamber of Commerce and Industry, who in my industrial experience are not automatically strong supporters of all that Labor does federally. For whatever reason, the Western Australian government has chosen to stand outside the benefits of being part of the national system, and I would hope that in time it reconsiders its decision.

I am pleased to report that there is also support from industry. The Australian Industry Group said as early as 2005:

No matter how well many of these systems operate the fact remains that no employer wants to be faced with dealing with six different systems in order to expand its business throughout Australia. The intermeshing and clash of these systems has nourished generations of industrial lawyers.

Although, I should say, some of them have gone on to work for the Australian Industry Group—but be that as it may. Other estimates have put the cost of maintaining the duplication of industrial relations systems at over $100 million a year. Replication and overlap between state and federal systems is becoming more and more of an anomaly in an economy where increasing numbers of businesses are operating in more than one state. The Australian Chamber of Commerce and Industry issues paper on the subject, again written as early as 2005, said:

... current multiple overlapping systems of Commonwealth and State regulation on employment laws are the product of colonial disputes of the 1890s—

and those decades immediately after—

and unsuited to the modern era of national economic integration and globalisation.

Genuine reform of our industrial relations systems based on cooperation with the states will do more to encourage employment and improve productivity that any of the harsh and punitive so-called reforms that were part of the unlamented Work Choices.

I hope that, with the passage of this legislation, we will see the completion of one of the goals of the Rudd government, a government that keeps on delivering on its election promises—to establish an industrial relations system based on the understanding that workers and businesses need certainty and protection; to understand that fair treatment of workers is not an optional extra but is the foundation of our prosperity; and to recognise that a modern industrial relations system is one that encourages and rewards the innovators.

The businesses which work to improve the potential of their workers and increase their productivity, rather than engage in a race to reduce their wages and conditions, and create rewarding and sustainable jobs are the future businesses of Australia. We want to create a system that will lead to workplaces where our children do better than we did and where Australia’s continuing prosperity is forged. I commend this bill to the House.

Mr GEORGANAS (Hindmarsh) (7.41 pm)—A matter of months after this Labor government moved to repeal the Howard government’s shameful Work Choices legislation with the introduction of the Fair Work Bill, I am very proud to stand here, as are all my colleagues on this side of the House, to say that we are taking it a step further and are making it even fairer for Australia’s workers and employers alike.

The Fair Work Amendment (State Referrals and Other Measures) Bill 2009 will streamline our workplace relations system so that everyone concerned gets a fairer go. By replacing multiple workplace relations sys-
tems across Australia it will not only give employees greater security and certainty about their basic rights at work but reduce costs for the businesses themselves. This is a win-win situation for both employers and employees and, at the same time, cuts government costs and better uses the Australian taxpayers’ money.

The Fair Work Act was introduced on 1 July 2009 to abolish the coalition’s draconian industrial relations regime, cynically called Work Choices. It replaced it with something fair for all working Australians. Now we go one step further in the initiative to rid Australia of the most extreme, unpopular and unfair industrial relations system this country has ever seen. In doing so it makes it even fairer for workers and, of course, for those who employ them.

The bill will remove the state-by-state approach to industrial relations and will remove duplication and inefficiency from our workplace relations system. Currently the Commonwealth and five of the six states maintain separate workplace relations systems. This is slow, frustrating and simply not a practical way of dealing with something that affects all working Australians. We do not need the confusion and uncertainty that exists when each state has a different approach to industrial relations. This bill will do away with such inconsistencies. It will exclude state industrial legislation on anti-discrimination and equal employment opportunity, workers compensation, occupational health and safety and child labour so that there is a national, balanced and fair approach to these vital issues.

The amendment bill will produce results beyond the workplace by simply allowing the Fair Work Act to operate more smoothly. Every Australian taxpayer will benefit. Their taxes will not be wasted on maintaining and enforcing separate, competing workplace systems when one system is more cost-efficient and workable. As it stands, each of the states has its own workplace relations process. It has its own industrial tribunal or court. Each state has separate government departments for policy development, program and education management, compliance and tribunal services at a cost of more than $60 million a year. This is an expense we neither need nor want. We will not know the exact savings until the amendment bill is passed and the changes are made, but I am sure that they will make a big cut into that $60 million as we stop duplicating the delivery of these services.

Even the Australian Chamber of Commerce and Industry has thrown its weight behind the need for a single-handed approach to our workplace relations system. It has issued a paper stating that the various state and federal systems and tribunals benefit no-one by creating unnecessary difficulties and technicalities in dealing with our industrial relations system. The Chamber of Commerce and Industry has described the overlapping of federal and state regulations as a major national failing. It has called for urgent reform to address the confusing and costly exercise of having six separate workplace relations systems. The Australian Industry Group has also called for reform, describing the current situation as wasteful. The Productivity Commission has also called for rationalisation of the system as multiple agencies in the same jurisdiction perform exactly the same function.

Access Economics, in a report it prepared for the Business Council of Australia, criticised eight bodies doing what could be better managed by one. The Business Council itself is on record as saying that a simpler national workplace relations system is imperative to Australia’s international competitiveness and productivity. These are not worker groups or employee or union advocates talking. These
are business groups calling for a simpler method so that the employers themselves can better understand what is required of them and the right thing to do. The current competing systems create greater costs for the individual workplaces as they struggle to understand, and comply with, different sets of rules for each and every state. The fact that there is often confusion over which jurisdiction should deal with a particular case can cost everyone involved time and money. It is just common sense to simplify and streamline the process. A national workplace relations system for the private sector cuts through the confusion and the potential costs across the board.

In the electorate that I represent, Hindmarsh, in Adelaide’s west and south-west, there are approximately 40,000 full-time and 20,000 part-time workers who know that this amendment bill will give them a better deal and greater security. More than 30 per cent of the Hindmarsh labour force is employed on a part-time basis. That is well above the national average. This amendment bill will give those workers greater protection and peace of mind. The factories, offices, warehouses and retail outlets that employ them—from Glenelg up to Semaphore Park, through to Adelaide Airport and across to the industrial hub of Mile End—know that they are going to get a better and fairer deal as well.

Hindmarsh is home to some major employers, and many of them have national and international profiles. For example, Arnott’s has a major factory presence in Marleston and employs over 400 people; Westpac has its national call centre based at Lockleys; and Ikea, with its expansive retail outlet at Adelaide Airport, has become a massive employer. Then there are the airport companies and airlines such as Qantas, Virgin Blue, Jetstar and Tiger, the 14 regional airlines and the many local, national and international freight and courier companies that employ people in the electorate of Hindmarsh. This amendment bill will help these companies. It will ensure that they are covered by the legislation. They will not need to worry about different workplace systems; they will all operate under a uniform national law. This is good news for them and good news for the thousands they employ in Hindmarsh, let alone all around Australia. It will allow these companies to get on with business. A fairer workplace relations system will promote productivity and economic growth for the people, businesses and companies not only in Hindmarsh but right across Australia, with its workforce of almost 10 million. Even though the Fair Work Act has vastly improved an inefficient and unfair situation, it will be further improved with one national law and a uniform system. The Fair Work Amendment (State Referrals and Other Measures) Bill 2009 will create uniformity and fairness. It has taken a lot of hard work to fix the industrial mess left by the Howard government, and we are continuing to do that work. This amendment will go a long way towards making that right.

Many of the migrant workers in the electorate of Hindmarsh came to Australia throughout the fifties and sixties. They were employed in back-breaking work during that period and a lot of them are now retired. That workforce is being replaced by new arrivals from Africa, Asia and the Middle East, and they are now working in the lowest paid jobs available. When I look back at the success of Australia’s migration story, I see the people in my electorate who came here with very few language and employment skills, yet they carved out a living for themselves and their families and made a success of their life in this country. A reason for that was the collective agreement maintained for many years amongst workers. This enabled migrant workers to have the same rights as anyone else on the factory floor. It enabled them to
have their rights respected and to be collectively represented by their union. The industrial relations legislation of the Howard government tried to break up that collective. We saw many examples of unskilled workers in low-paid jobs who were taken advantage of under the Work Choices legislation. I am very pleased to say that our bills, from the Fair Work Bill through to this amendment bill, are all about improving the situation for workers by ensuring fairness in the Australian workforce. Therefore, I commend this bill to the parliament.

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (7.52 pm)—Tonight we saw the Liberal Party’s commitment to Work Choices on display again. The Australian people know that Work Choices was unfair and divisive; that is why they rejected it—and the AWAs that slashed the safety net and took away basic entitlements—at the last election. Most Australians rightly think that Work Choices is now a thing of the past, but tonight we see again that the opposition is simply unable to go the final step and fully implement a national system that is based on fairness and decency.

The Rudd government wants a workplace relations system that is fairer, simpler and more flexible, a system that promotes productivity and economic growth. The Fair Work Act ensures that Australia is competitive and prosperous without compromising workplace rights and guaranteed minimum standards. These are fairer laws that balance the needs of employees, the unions and employers; that ensure that all employers and employees have access to transparent, clear and simple information on their rights and responsibilities; that give Australian employers confidence with a simple, fair dismissal system for small businesses; that protect employees by setting fair minimum wages, assisting low-paid and vulnerable employees and those without access to collective bargaining; and that ensure employees freedom of association in the workplace. The government’s new workplace relations system will provide a strong safety net that workers can rely on in good and in uncertain economic times.

The government is getting rid of the extreme Work Choices laws, the laws firmly rejected by Australians at the last federal election. Our workplace relations laws are balanced. No one side has got everything it wanted. The laws are fair to employers and employees and balance the giving of rights with the creation of responsibilities. Our laws bring the workplace pendulum back to the middle where it belongs and where Australians want it to be. The government’s new fair and balanced workplace relations system has enterprise bargaining at its heart to drive productivity. Our laws are about bargaining in good faith at the enterprise level, underpinned by a fair and decent safety net of employment conditions. This is good for employers, good for employees and good for the country.

Having built the Fair Work Act, we are now committed to building a system where all businesses, large and small, are covered by one national law and system. Work Choices was so contentious, so reviled, that it could never have formed the basis of a national system that completely covered the private sector. The values of Work Choices—‘You’re on your own,’ no safety net and no fair go at work—were so strongly opposed by the Australian people that it could never have formed part of a national system. It is only the Rudd Labor government’s delivery of the Fair Work Act 2009 that has been able to bring our national system to fruition.

But we now hear today that the opposition has walked away from the fairness of the Fair Work Act. After supporting legislation establishing Victoria’s referral into the sys-
tem, we have seen a monumental backflip, a backflip based on misleading information and scaremongering. The opposition has re-siled from providing protection from unfair dismissal for Australian workers. The Liberal Party now has a clear agenda to take away these rights from Australian workers. The opposition now says it is outrageous that an employee can be represented by a top-end-of-town lawyer, a right that has never existed in the previous system. The opposition now makes it clear that it wants employees to have no rights during bargaining, no rights to be represented by a person they choose; it should be a choice for the employer in the world of Work Choices.

With the Fair Work Act, we now have a fair, democratic framework for enterprise bargaining: the right to be represented and the right to a good-faith, fair bargaining process, bargaining that is underpinned by a decent safety net, avenues for assistance if negotiations break down, protection of the public interest when industrial action occurs, assistance to bring new sectors into bargaining and a streamlined, flexible bargaining system that meets the needs of all kinds of workplaces. Now we know the opposition’s position. It wants the employer to have the right to negotiate directly with their employees. What does that mean? It means individual agreements with no right to be represented. So now we know. The opposition says it is too soon to bring the states into the system, too soon after 12 years of the Howard government’s failure to deliver a national system, after the endless reports it commissioned and after decades of pleas from business for a seamless national system. The opposition’s resiling from this reform is short sighted, petty and without vision—exactly what we expect from the opposition.

But let us get back to the bill before the House. We have worked cooperatively with the state governments and have demonstrated once more the Rudd government’s commitment to achieving important national reform through cooperative federalism. We now mark the next stage in implementing our plan with the Fair Work Amendment (State Referrals and Other Measures) Bill 2009. I remind the House that the primary purpose of the bill is to amend the Fair Work Act to enable states to refer workplace relations matters to the Commonwealth for the purposes of section 51(xxxvii) of the Constitution and the creation of a uniform national workplace relations system for the private sector. This will end the overlap and the duplication of state and federal workplace relations systems and end the inefficiency, uncertainty and legal complexity for Australian businesses and employees. The bill also amends the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009, the T and C act, to establish arrangements for employees and employers transitioning from referring state systems to a new national system and consequential amendments to other Commonwealth legislation required as a result of these arrangements.

Much has been said about the benefits of a national system. For the benefit of the House, I will canvass some of those points. The Australian Chamber of Commerce and Industry has been advocating for a single national workplace relations system for many years, including in its recent submissions to the Senate committee. The Australian Industry Group has also been a long-term advocate of a national system. Since the introduction of this bill into the House some weeks ago, I am pleased to note the passage of legislation in the Tasmanian and Queensland parliaments of laws to refer private sector employees and employers into the new national fair work system from 1 January 2010. Tasmania’s and Queensland’s referrals follow the Victorian government’s referral of powers in June this year. I am
pleased to report that the South Australian referral legislation has passed the parliament this evening.

The workplace relations ministers from each of these states have noted publicly the extensive stakeholder consultation undertaken by their governments in reaching decisions on referrals, the broad stakeholder support within their states to participate in a national workplace relations system and the significant benefits that employers and employees in each state will enjoy as a result of the referral. Ministers have also noted that their respective referrals have only come about because of the Fair Work Act 2009, because the laws passed by the Rudd government achieve the right balance between flexibility and productivity on the one hand and fairness and decency on the other. Fairness and decency were, of course, the principles that were gutted under the former government’s extreme and unfair Work Choices legislation.

But perhaps all of this effort is for nought. In the desperate desire to hang on to Work Choices, the opposition appears to be prepared to throw away any chance of achieving a national system, and that desire is all based on misconceptions and untruths. A number of issues were raised in the debate that I now seek to address. First is the termination of the amendment references. The opposition raised concerns about the manner in which amendments to the national scheme can be made. The opposition completely fails to understand cooperative federalism and the importance of a national workplace relations system. Referrals are essential to complete a national workplace relations system. States do not refer matters lightly and they seek to be satisfied that the national legislative scheme is and will remain appropriate for them.

The nature of references of matters under our Constitution means that responsibility for the ongoing scheme is necessarily shared between jurisdictions. This has already occurred for the corporations law, the national water system and others. In recognition of this shared responsibility and the states’ constructive approach to the national system, the Commonwealth has committed, in the intergovernmental agreement, to consult referring states on proposals to amend the Fair Work Act. Under the intergovernmental agreement, the IGA, it is only if a state considers that a particular amendment infringes on the fundamental workplace relations principles set out in the bill that proposed amendments are referred for relevant ministers’ further consideration. It is only for these kinds of amendments that the IGA commits the Commonwealth to not pursue amendments—unless they have the support of a two-thirds majority.

For other amendments—for example, to correct a defect or make a process work more effectively—the Commonwealth is merely obliged to consult referring jurisdictions. It is common for referral schemes and associated IGAs to include these kinds of processes for consultation, voting or approval of Commonwealth proposals to amend the national law. The bill recognises that if there are radical changes to the national system a state may no longer wish to participate.

Coalition senators have said that the bill should provide for states to terminate their amendment reference at any time, for any reason, subject to the provision of an appropriate notice period. The bill already allows for this. A state can terminate its reference at any time by proclamation and it will then cease to be in the system. Of course, all employers and employees in the national system are under the Commonwealth’s own power; that is, all employers that are trading corpo-
rations and their employees will remain in the national system.

The bill also enables a state in two circumstances to terminate its amendment reference but to nonetheless remain in the national system, effectively suspending the national law—as for referred employers and employees—as it was enacted at the time of the proclamation. This occurs, first, if all other referring states terminate their amendment references on the same day, which is a standard feature of reference schemes with six months notice; and, second, if the state governor considers that an amendment to the Fair Work Act is inconsistent with the fundamental workplace relations principles, with three months notice.

Taken together, the IGA and the referral bill provide a safeguard for referring states and ensure that amendments to the act cannot be imposed on the states in a way that undermines the fundamental agreed features of the new national system. In the absence of these safeguards, states may decide not to refer and this would put at risk the uniform national system that businesses and others have long demanded. By opposing these arrangements the opposition demonstrates, once again, its reluctance to work with states on national reform and its refusal to let go of the extreme elements of Work Choices which were so comprehensively repudiated by Australians at the last election.

On the issue of consultation, the development of this bill is a shining example of what can be achieved with cooperative federalism. Coalition senators are critical that there was no COIL process. It should be noted that when dealing with referral legislation it is the states that are the primary stakeholders. There had been wide-ranging discussion with the states on all aspects of this bill. States, in turn, consulted very extensively with their stakeholders, both unions and employers, before deciding to participate. These consultations were set out in great detail in the department’s answer to an opposition senator’s question. There were literally dozens and dozens of meetings, over many months, with those affected in each of the relevant states. I can assure the House that the Rudd Labor government will continue in this spirit of consultation and openness. This spirit of cooperative federalism will continue.

The opposition is, once again, critical of the award modernisation process and continues to take cheap political shots at the commission and the process. We are replacing literally thousands of state and federal awards with less than 125 simple, modern awards. This is a massive and important reform. It is no easy task, but it is one which is on track to deliver significant benefits to employers and employees.

I remind the House that this is a reform the coalition fundamentally supports but could not deliver, despite 12 years in office. For state system employees and employers the bill provides for a sensible, measured and orderly transition to modern awards. State awards will be preserved as federal instruments and will continue to apply, in the exact same form that they currently exist, to referring employees and employers for a full 12 months. After that time, a modern award will apply. However, during the 12 months, Fair Work Australia will be required to consider whether a modern award should be varied to provide appropriate transitional arrangements for incoming state employees and their employers. The AIRC will already have determined to include a five-year transitional arrangement for all employees and employers currently covered by state-based conditions. This means there will be a five-year transition framework already in place that translating state reference employees and employers can be slotted into when they become covered by modern awards.

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In closing, I remind the House that the government intends to have a national system in place by 1 January 2010. This is in the interests of all users of the system to ensure there is certainty and clarity, noting the commencement of the National Employment Standards and modern awards. I commend the bill to the House.

Question put:

That this bill be now read a second time.

The House divided. [8.11 pm]

(The Deputy Speaker—Ms AE Burke)

AYE Ayes............. 74

NOE Noes............. 49

Majority......... 25

AYE

Adams, D.G.H. Bidgood, J.
Bird, S. Bowen, C.
Bradbury, D.J. Butler, M.C.
Byrne, A.M. Campbell, J.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Danby, M.
Debus, B. Dreyfus, M.A.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Garrett, P.
Georganas, S. George, J.
Gibbons, S.W. Gillard, J.E.
Gray, G. Grieson, S.J.
Hale, D.F. Hall, J.G. *
Hayes, C.P. * Irwin, J.
Jackson, S.M. Kelly, M.J.
Kerr, D.J.C. King, C.F.
Livermore, K.F. Macklin, J.L.
Marles, R.D. McCllland, R.B.
McKew, M. McMullan, R.F.
Melham, D. Murphy, J.
Neal, B.J. Neumann, S.K.
Oakshott, R.J.M. Owens, J.
Parke, M. Perrett, G.D.
Plibersek, T. Price, L.R.S.
Raguse, B.B. Rea, K.M.
Ripoll, B.F. Rishworth, A.L.
Roxon, N.L. Saffin, J.A.
Shorten, W.R. Sidebottom, S.
Smith, S.F. Snowdon, W.E.
Sullivan, I. Swan, W.M.
Symon, M. Tanner, L.
Thomson, C. Thomson, K.J.
Trevor, C. Turnour, J.P.
Vamvakinou, M. Zappia, A.

NOE

Abbott, A.J. Baldwin, R.C.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Briggs, I.E.
Broadbent, R. Chester, D.
Cobb, J.K. Coulton, M.
Farmer, P.F. Forrest, J.A.
Gash, J. Georgiou, P.
Haase, B.W. Hartsuyker, L.
Hawke, A. Hawker, D.P.M.
Hockey, J.B. Hull, K.E. *
Hunt, G.A. Iorns, S.J.
Jensen, D. Keenan, M.
Laming, A. Lindsay, P.J.
Macfarlane, I.E. Marino, N.B. *
Markus, L.E. May, M.A.
Mirabella, S. Morrison, S.J.
Moylan, J.E. Pearce, C.J.
Pyne, C. Ramsey, R.
Robert, S.R. Ruddock, P.M.
Schultz, A. Scott, B.C.
Secker, P.D. Smith, A.D.H.
Seethram, A.J. Stone, S.N.
Truss, W.E. Tuckey, C.W.
Vale, D.S. Washer, M.J.
Wood, J.

PAIRS

Ellis, A.L. Neville, P.C.
Burke, A.S. Somlyay, A.M.
Bevis, A.R. Bailey, F.E.
O’Connor, B.P. Ley, S.P.

* denotes teller

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (8.16 pm)—I present a supplementary explanatory memorandum to the bill and I seek leave of the
House to move government amendments (1) to (19) as circulated together.

Leave granted.

Mr CLARE—I move government amendments (1) to (19) as circulated.

(1) Clause 2, page 3 (table item 10, 1st column), omit “items 1”, substitute “items 1A”.

(2) Clause 2, page 3 (table item 13, 1st column), omit “Part 1”, substitute “items 1A to 17”.

(3) Clause 2, page 3 (after table item 13), insert:

13A. Schedule 3, The day this Act receives items 17A to 17E the Royal Assent.

(4) Schedule 1, page 9 (after line 14), after item 27, insert:

27A Subsection 30B(1)

After “State has”, insert “, before 1 July 2009,”.

(5) Schedule 2, page 23 (before line 7), before item 1, insert:

1A Item 2 of Schedule 2

Insert:

affected employee of an employer: see subitem 43(6) of Schedule 3 and subitem 30A(4) of Schedule 3A.

(6) Schedule 2, page 28 (after line 6), after item 36, insert:

36A Item 2 of Schedule 2

Insert:

transitional pay equity order: see subitem 43(1) of Schedule 3 and subitem 30A(1) of Schedule 3A.

(7) Schedule 2, page 31 (after line 25), after item 53, insert:

53A At the end of Schedule 3

Add:

Part 8—Transitional pay equity order taken to have been made by FWA—Division 2B State reference transitional awards

43 FWA taken to have made a transitional pay equity order to continue the effect of State pay equity orders

(1) On the Division 2B referral commencement, FWA is taken to have made an order (the transitional pay equity order) under this item.

(2) The transitional pay equity order applies to an employer if:

(a) a modern award applies to the employer on or after the Division 2B referral commencement; and

(b) the employer is prescribed by the regulations for the purposes of this paragraph, or is included in a class of employers prescribed by the regulations for the purposes of this paragraph; and

(c) immediately before the Division 2B referral commencement, a transitional award (the relevant transitional award) applied to the employer.

Note: Transitional award has the same meaning as in Schedule 6 to the WR Act. Schedule 6 is continued in operation by Schedule 20 to this Act.

(3) An employer must not be prescribed by regulations for the purposes of paragraph (2)(b) unless:

(a) an order, decision or determination of a State industrial body (the source pay equity order) would have applied to the employer if the relevant transitional award had not applied to the employer; and

(b) the source pay equity order satisfies subitem (4).

(4) A source pay equity order satisfies this subitem if it:

(a) was made before 15 September 2009; and

(b) provided for increases in rates of pay payable to a particular class of employees (whether the increases were expressed to take effect before, on or after the Division 2B referral commencement); and

(c) was made wholly or partly on the ground of work value, pay equity or
equal remuneration (however described); and

(d) is prescribed by the regulations for the purposes of this paragraph.

(5) If the transitional pay equity order applies to an employer, the employer is required to pay to each affected employee of the employer a base rate of pay, in respect of a period, that is not less than the base rate of pay that the employee would have been entitled to be paid if the source pay equity order had applied to the employer in respect of the period.

(6) An employee of an employer to which this item applies is an affected employee of the employer if the employee performs work of a kind, at a classification level (however described), in relation to which the source pay equity order determines a base rate of pay.

(7) The transitional pay equity order takes effect in relation to the employer immediately after the modern award begins to apply to the employer.

(8) A term of a modern award is of no effect to the extent that:

(a) an employee is entitled to be paid by an employer a base rate of pay under the transitional pay equity order in respect of a particular period; and

(b) the term of the modern award requires the employer to pay a base rate of pay, in respect of that period, that is less than the base rate of pay referred to in paragraph (a).

(9) However, to avoid doubt, a term of a modern award continues to have effect so far as it requires an employer to pay a base rate of pay, in respect of a period, that is equal to or more than the base rate of pay referred to in paragraph (8)(a).

(8) Schedule 2, item 54, page 40 (after line 30), after subitem 8(2), insert:

(2A) However, if the term provides for disputes relating to matters arising under the source agreement to be settled by a State industrial body, then, despite anything in the source agreement or a law of the source State:

(a) the State industrial body may settle, or decline to settle, such a dispute; and

(b) FWA may settle such a dispute if the State industrial body:

(i) ceases to exist; or

(ii) declines to settle the dispute.

(9) Schedule 2, item 54, page 54 (after line 2), after Division 1, insert:

Division IA—Transitional pay equity order taken to have been made by FWA—Division 2B State awards

30A FWA taken to have made a transitional pay equity order to continue the effect of State pay equity orders

(1) On the Division 2B referral commencement, FWA is taken to have made an order (the transitional pay equity order) under this item.

(2) The transitional pay equity order applies to an employer if:

(a) a Division 2B State award that applies to the employer terminates at a time (the termination time) after the Division 2B referral commencement; and

(b) the base rate of pay payable immediately before the termination time to some or all of the employees to whom the Division 2B State award applied was determined in whole or part by, or in accordance with, an order, decision or determination (the source pay equity order) of a State industrial body that:

(i) was made before 15 September 2009; and

CHAMBER
(ii) provided for increases in rates of pay payable to a particular class of employees (whether the increases were expressed to take effect before, on or after the Division 2B referral commencement); and

(iii) was made wholly or partly on the ground of work value, pay equity or equal remuneration (however described); and

(c) immediately after the termination time, a modern award applies to the employer.

Note: After the Division 2B referral commencement, a source pay equity order may have effect either because of subitem 3(3) of this Schedule, or because the terms of the source pay equity order had been incorporated in the source award from which the Division 2B State award was derived.

(3) If the transitional pay equity order applies to an employer, the employer is required to pay to each affected employee of the employer a base rate of pay, in respect of a period, that is not less than the base rate of pay that the employee would have been entitled to be paid under the Division 2B State award in respect of that period, assuming that:

(a) the Division 2B State award had not terminated; and

(b) the base rate of pay had continued to be determined in whole or part by, or in accordance with, the source pay equity order in respect of that period.

(4) An employee of an employer to which this item applies is an affected employee of the employer if:

(a) all of the following conditions are satisfied:

(i) the employee was employed by the employer at the termination time;

(ii) the Division 2B State award applied to the employee at the termination time;

(iii) the employee’s base rate of pay under the Division 2B State award was determined in whole or part by, or in accordance with, the source pay equity order at the termination time; or

(b) all of the following conditions are satisfied:

(i) the employee becomes employed by the employer after the termination time;

(ii) a Division 2B State award would have applied to the employee if he or she had been employed by the employer immediately before the termination time;

(iii) the employee’s base rate of pay under the Division 2B State award would have been determined in whole or part by, or in accordance with, the source pay equity order at the termination time.

(5) The transitional pay equity order takes effect in relation to the employer immediately after the modern award begins to apply to the employer.

(6) A term of a modern award is of no effect to the extent that:

(a) an employee is entitled to be paid by an employer a base rate of pay under the transitional pay equity order in respect of a particular period; and

(b) the term of the modern award requires the employer to pay a base rate of pay, in respect of that period, that is less than the base rate of pay referred to in paragraph (a).

(7) However, to avoid doubt, a term of a modern award continues to have effect so far as it requires an employer to pay a base rate of pay, in respect of a period, that is equal to or more
than the base rate of pay referred to in paragraph (6)(a).

(10) Schedule 2, item 56, page 73 (lines 13 to 18), omit subitem 16(5), substitute:

(5) If, had an employee’s employment been terminated for redundancy (however described) before the Division 2B referral commencement, a State industrial body could have made an order giving the employee an entitlement to redundancy pay (however described):

(a) the terms and conditions of the employee’s employment referred to in subitem (4) are taken to have provided for an entitlement to redundancy pay; and

(b) paragraph 121(1)(b) of the FW Act does not apply in relation to the employee during the period of 12 months starting on the Division 2B referral commencement.

Note: Because of paragraph (b), the employee may therefore be entitled to redundancy pay under section 119 of the FW Act if the employee’s employment is terminated during the 12 month period starting on the Division 2B referral commencement, even if the employer is a small business employer.

(11) Schedule 2, page 81 (after line 3), after item 68, insert:

68A At the end of Schedule 7

Add:

Part 7—Transitional provision about the operation of the better off overall test if a transitional pay equity order applies

28 Operation of better off overall test if a transitional pay equity order applies to employer

(1) This item applies to an enterprise agreement, or a variation of an enterprise agreement, if:

(a) an application for approval of the agreement or variation has been made under the FW Act; and

(b) FWA must decide whether the agreement, or the agreement as proposed to be varied, passes the better off overall test; and

(c) an employer covered by the agreement, or the agreement as proposed to be varied, is an employer to which a transitional pay equity order applies; and

(d) an employee covered by the agreement, or the agreement as proposed to be varied, is an affected employee of the employer referred to in paragraph (c).

(2) For the purposes of determining whether the affected employee would be better off overall if the agreement, or the agreement as proposed to be varied, applied to the employee than if the relevant modern award applied to the employee, the base rate of pay payable under the relevant modern award to the employee is taken to be increased so that it is equal to the amount payable to the employee under the transitional pay equity order.

Note: For the meanings of transitional pay equity order and affected employee, see item 2 of Schedule 2.

(12) Schedule 2, page 92 (after line 28), after item 110, insert:

110A After item 7 of Schedule 16

Insert:

7A Compliance with transitional pay equity orders and orders to continue effect of terms relating to long service leave

(1) A person must not contravene a term of a transitional pay equity order that applies to the person.

Note: This subitem is a civil remedy provision (see item 16, and Part 4-1 of the FW Act).

(2) A person must not contravene an order under item 30 of Schedule 3A that continues the effect of terms of a Division 2B State award relating to long service leave.
The text contains amendments to the Fair Work Act 2009, with specific notes on the amendments and the text itself being partially obscured or incomplete. Here is the accessible text:

**Note:** This subitem is a civil remedy provision (see item 16, and Part 4-1 of the FW Act).

(13) Schedule 2, page 95 (before line 1), before item 117, insert:

**116A Subitem 16(1) of Schedule 16 (after table item 48)**

Insert:

<table>
<thead>
<tr>
<th>48A</th>
<th>7A(1)</th>
<th>(a) an employee; (b) an employee organisation; (c) an inspector</th>
<th>(a) the Federal Court; (b) the Federal Magistrates Court; (c) an eligible State or Territory court</th>
</tr>
</thead>
<tbody>
<tr>
<td>48B</td>
<td>7A(2)</td>
<td>(a) an employee; (b) an employer; (c) an employer organisation; (d) an employer organisation; (e) an inspector</td>
<td>(a) the Federal Court; (b) the Federal Magistrates Court; (c) an eligible State or Territory court</td>
</tr>
</tbody>
</table>

(14) Schedule 3, page 100 (before line 4), before item 1, insert:

**1A Section 12 (after paragraph (c) of the definition of eligible State or Territory court)**

Insert:

(ca) the Industrial Court of New South Wales;

(15) Schedule 3, item 4, page 102 (lines 16 and 17), omit “referring State”, substitute “State that is a referring State as defined in section 30B or 30L”.

(16) Schedule 3, item 5, page 102 (lines 26 and 27), omit “referring State”, substitute “State that is a referring State as defined in section 30B or 30L”.

(17) Schedule 3, item 6, page 103 (lines 1 and 2), omit “referring State”, substitute “State that is a referring State as defined in section 30B or 30L”.

(18) Schedule 3, Part 1, page 105 (after line 23), at the end of the Part, add:

**Fair Work (Transitional Provisions and Consequential Amendments) Act 2009**

**17A After subitem 2(3) of Schedule 5**

Insert:

(3A) Part 10A of the WR Act applies as if:

(a) a reference to an employee were a reference to a national system employee; and

(b) a reference to an employer were a reference to a national system employer; and

(c) all the words after “eligible entity” in paragraph 576K(2)(b) were omitted and the words “may arrange for work to be performed for the entity (either directly or indirectly), if the work is of a kind that is often performed by outworkers” were substituted; and

(d) the definition of eligible entity in section 576U were omitted; and

(e) subsection 576Z(4) were omitted; and

(f) a reference to an eligible entity were a reference to an outworker entity within the meaning of the FW Act; and

(g) subsection 576K(1) were omitted; and

(h) a reference to an outworker in subsection 576K(2) were a reference to an outworker within the meaning of the FW Act; and

(i) the definition of outworker term in section 576U were omitted; and

(j) a reference to an outworker term in section 576V were a reference to an outworker term within the meaning of the FW Act.

(19) Schedule 3, Part 1, page 105, after proposed item 17A, insert:

**17B Subitems 5(1) and (3) of Schedule 6A**

After “FWA” (wherever occurring), insert “or the Commission”.

CHAMBER
17C Subitem 5(3) of Schedule 6A
Omit all the words after “miscellaneous modern award)”, substitute “that, at the time of the termination, is or is likely to be in operation and that is appropriate for them”.

17D Subitems 5(4) and (5) of Schedule 6A
After “FWA”, insert “or the Commission”.

17E At the end of item 5 of Schedule 6A
Add:
(6) If the Commission terminates the current award, the termination is taken, after the Commission has ceased to exist, to have been made by FWA.

Note: Schedule 18 provides for when the Commission ceases to exist.

Bill, as amended, agreed to.

Third Reading
Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (8.17 pm)—by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) BILL 2009
Second Reading
Debate resumed from 16 November, on motion by Mr Clare:
That this bill be now read a second time.

upon which Dr Southcott moved by way of amendment:
That all words after “That” be omitted with a view to substituting the following words:
“whilst not declining to give the bill a second reading, the House:

(1) is concerned that 71,500 young Australians have lost their jobs since the election of the Rudd Government;
(2) expresses its concern that 108,300 full-time jobs have been lost amongst young Australians over the last twelve months;
(3) notes that commencements among traditional trade apprentices have fallen by 21.2% in the 12 months to March 2009;
(4) notes that the proportion of young Australians not in full-time education or full-time employment has risen under this Government;
(5) condemns the Government for abolishing Green Corps as a youth development programme;
(6) is concerned that the Minister for Employment Participation believes that six month work experience placements are a substitute for a job;
(7) calls on the Government to outline how many new green jobs were in the Prime Minister’s announcement to the ALP National Conference on 30 July;
(8) calls on the Government to outline how many green jobs will be created in this term of Parliament; and
(9) calls on the Government to outline its strategy to create jobs for young Australians”.

Ms MARINO (Forrest) (8.18 pm)—As I said previously in yesterday’s debate on the Social Security Amendment (National Green Jobs Corps Supplement) Bill 2009, two of the Green Corps projects were provided through Mission Australia in Bunbury, in my electorate. The purpose of the first project was to help restore a healthier ecosystem which in turn would assist with major problems including salinity and erosion. This project not only enhanced biodiversity, controlled weeds and feral animals and increased native vegetation but enabled the young people involved to be able to gain a better awareness of the community. It gave them hands-on experience of fencing, revegetation, tree planting and, very impor-
tantly, weed control. Probably even more importantly, it gave them a sense of pride in themselves, the environment and what they were able to achieve as a group. The purpose of the second project was to restore the Picton and Kemerton wetlands to a healthier ecosystem. Through the project those involved were educated on how their actions during the project would in turn alleviate more serious problems such as salinity and erosion. I would like to acknowledge the work of Shane Ellison, the coordinator of this program, who worked with each of these groups in my electorate. Shane was a wonderful motivator and leader of all three of these groups.

I met those in each group at the beginning of the program and I found those that finished the program were certainly a different group of people. I saw the growth in these young people and their sheer enjoyment of having been involved in a program that otherwise they would not have had access to. It gave so many of them another view of what they might choose as an opportunity in pursuing a career. Some of the young trainees were looking at a role with the local shire or looking at a traineeship with the department of the environment or through a range of these types of environmental projects or further pursuits. They enjoyed getting dirty. For some of them it was the first time. For others their enjoyment was simply about the fact that they were part of a group engaged in an area that they had never considered previously.

The Shire of Busselton, in my electorate, also administered a Green Corps project that got young people actively involved in activities including river restoration, wetland revegetation, remnant vegetation management, construction, nursery work, macroinvertebrate sampling and stormwater management. These projects provided training and education to those involved and I am also told that they developed personally. I saw this in the groups that I met in Bunbury and I suspect it was the same with all of the Green Corps groups. New skills that participants gained include teamwork aspects, confidence in their own ability and a far greater awareness of the environment. I also understand that the career prospects of the young people involved were seriously improved as a result of the Green Corps program. Green Jobs Corps appears to be very similar to Green Corps. The differences are in the age of the participants—the age has been extended to 24 in Green Jobs Corps—and the fact that participants receive income support payments instead of the Green Corps allowance.

I would like to note that Green Jobs Corp is part of Labor’s efforts to reduce youth unemployment, yet there is no real employment measure or actual pathway to a job under this program. It is disturbing to hear that 108,300 full-time jobs have been lost amongst young Australians over the last 12 months. Furthermore, 71,500 young Australians have lost their jobs since the election of the Labor government. The proportion of teenage Australians not in full-time education or full-time employment has also risen in this time. There are around 120,000 persons aged between 18 and 24 in Australia not in full-time education, not in the labour force or unemployed. This equates to approximately 14 per cent of the 18- to 24-year-old demographic. Yet under the proposed youth allowance the same young people will have to find 30 hours of work every week for a two-year period in regional and rural areas. In the lower Western Australia statistical region, in which my electorate of Forrest falls, the total unemployment rate rose from 4.8 per cent during 2008-09 to 10 per cent in 2009-10.

I recently discussed Green Corp and the Green Jobs Corps program with one of the very dedicated people who were closely in-
volved with Green Corp programs prior to the 1 July 2009 program changes. She said that both Green Corp programs were fantastic initiatives to engage unemployed youth and give them the opportunity to learn more about preservation of the environment and Australia’s cultural heritage. However, she has concerns regarding the ability of current and proposed programs to assist young people to gain employment, as I said earlier. I understand that the Green Jobs Corp program is no longer purely a youth program and does not include a strict training component. I have been informed by those in my electorate that young people gained employment through the previous Green Corp program and that this was largely due to the facts that the programs in my electorate gave young people an opportunity to see whether they were suited to an environmental career path and that they worked closely with parent agencies.

I note that there are a range of programs for apprentices. An article in yesterday’s Adelaide Advertiser referred to apprentices and those employing apprentices in small to medium-sized companies that are forecasting perhaps a sharp drop in the uptake of new apprentices, particularly in the manufacturing and construction sectors—two areas that particularly affect my electorate. By working closely with parent agencies, the Green Corp program was able to deliver to young people firsthand, though work and progress, in order that they could obtain their certificate II, and these young people were therefore more inclined to be employed by businesses.

The Green Corp program is an alternative learning method for young Australians who are not necessarily suited to being in a classroom or a standard environment for learning. The former Green Corp program encouraged these young people to undertake training modules and be assessed on the job, therefore giving them a better opportunity to demonstrate that they understood the training modules. It certainly encouraged young people with a manual skill level and those who were really keen to pursue what they were good at. It was also for those who wanted to try a totally new career path. I have met so many of these young people in the Green Corps program. I saw them at the beginning when they started with Green Corps and I saw their development and the opportunities that they have been given and how much they value those opportunities. For young people who never thought a career in environment or environmental management would be something that they would pursue, this program gave them their first experience. They loved what they did, they were in a great team and they grew as people as well as in their training and career opportunities. Over 70 per cent of those who participated in the old program in my electorate passed their modules, which is a great result.

The coalition are supportive of the legislation’s aim of creating the Green Jobs Corp work experience program in order that young people can continue to learn about the environment, but we have concerns regarding the number of young Australians who have lost their jobs and the lack of clarity as to how many green jobs will be created in this term of parliament. I support the amendments as moved. We are concerned that 71,500 young Australians have lost their jobs since the election of the Rudd government and that 108,300 full-time jobs have been lost in the past 12 months. We note that the commencement of traditional trade apprenticeships has fallen by 21.2 per cent and that the proportion of young Australians not in full-time education or employment has risen. We are concerned that the minister believes that six-month work experience placements are a substitute for a job. We call on the government to outline how many real new green jobs were in the Prime Minister’s announce-
ment to the ALP national conference on 30 July. We also call on the government to outline how many green jobs will be created in this term, as I said previously, and the strategy to create jobs for young Australians.

In the last couple of minutes, I will finish by once again talking about Mission Australia and the wonderful young people that I met. I went to each launch of a Green Corp program and met a group of individuals. At the conclusion of the program, I would go to the graduation ceremony and inevitably came across a team of young people with absolute enthusiasm and commitment to the environment and what they had learnt. About 70 per cent of the young people I met were basically motivated to seek a career in this particular field. From my experience and the experience of young people in my electorate, the Green Corp program was a very good program that encouraged young people and provided them with an alternative opportunity for a career path. They also learnt to work as a team. In some instances it was the first time they had worked with someone and had to take instructions. That was also very useful for them. The value of these environmental programs around my electorate was quite significant. This has not only provided a huge bonus to the small communities but has also provided very valuable environmental and heritage work throughout the electorate of Forrest. I thank all of those young people and those who have been involved in delivering the program. I commend the work of Shane Ellison and everyone involved.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being 8.30 pm, I propose the question:

That the House do now adjourn.

Swan Electorate: Youth

Mr IRONS (Swan) (8.30 pm)—After yesterday’s apology to the forgotten Australians and in my 100th speech in parliament, I want to speak about today’s youth. I also thank the member for Fadden for attending my 100th speech as I was there for his.

Last parliamentary sitting week I organised a breakfast meeting for Youth Focus, which is a group that addresses the issue of youth suicide in my electorate of Swan and across Western Australia. Jenny Allen and Amanda Moore flew over from their Burswood office and delivered a moving and powerful presentation to members in attendance. I am grateful to colleagues from both sides of the House who took part in the morning’s activities. Peter Dutton, our shadow health minister, represented the coalition, Rachel Siewert was there to represent the Greens and Senator Mark Furner and Senator Louise Pratt represented the government.

Whilst Youth Focus offers many services throughout Western Australia, I know that it is trying to expand into other areas such as Albany, and this was an issue they brought up at the breakfast. Members may recall I spoke in February about how Youth Focus was struggling to cope with the added demands that are placed on charities during economic downturns whilst businesses waited to see how hard they were going to be hit.

I wrote to the Deputy Prime Minister and received a positive response. I was pleased to see that Youth Focus was then granted some money by the government under the Temporary Financial Assistance Program in September. I know that this money was well received and definitely needed, and I commend the government for providing it.

Another organisation that looks after youth in my electorate of Swan is the Esther
Foundation. For members who may not be aware, the Esther Foundation is a local charity based in South Perth that helps women come to terms with issues such as substance abuse, sexual and emotional abuse, domestic violence, mental health, teenage pregnancy, self-harming, eating disorders, family breakdown and depression. Esther offers a residential program and has six premises across the South Perth region, housing 43 women and their children. The residential program builds these young women up by providing support and counselling, helping reconciliation with family members and encouraging them to retrain and find employment.

The attendance at the recent Esther Foundation ball on 6 November is testament to the respect the organisation has achieved in such a short time. The ball was hosted by Alicia Gorey and attended by a host of politicians including the WA Minister for Youth, Donna Faragher, the MLA for South Perth, John McGrath, and Senator Mathias Cormann. There were also a couple of celebrities in attendance, namely Justin Langer and Shelley Taylor-Smith. Bianca Rhinehart was also there. As parliamentarians we must provide support to these groups and I am pleased that the WA government has provided some more support.

Organisations such as those I have mentioned are addressing the effects of a problem and they are doing a great job. However are we as a nation addressing the cause of our youth problems? I wish to finish with a letter I received from Rodney Lavater on Saturday. Rodney works for the Esther Foundation. It reads:

Hello,

This morning our organisation was notified that Rebecca, a young girl who spent three months in our program earlier this year, passed away yesterday from a drug overdose.

It is suspected that she took her own life.

Rebecca was 19 years of age and was a very soft and sweet teenage girl, who had many troubles outside of the program that she left to attend to. She did not even reach her 21st …

With Australia having a high suicide rate out of the industrialised countries, we are only left to ask ourselves “Where and what can we do to change this…” There is a Coldplay song that sings “are we part of the cure or part of disease …”

Thank you to all of those that support the Esther Foundation, as we all work together to assist those in the community that are broken or poor of spirit and need a helping hand to get through the tough times that individuals can experience through life.

Without such assistance being available to the many young girls that are in our program, the above tragic story may be only more frequent I am afraid to say.

Rest in Peace Rebecca, from all at the Esther Foundation.

Your character touched many lives before you passed from this earth.

During the course of researching this speech I have been given conflicting statistics on Australia’s youth suicide rate. Whatever the number is, it is too high. We certainly need to devote resources to seeking the truth on this issue. I note the House of Representatives Standing Committee on Family and Community Affairs produced a summary report of a seminar into youth suicide back in 1997. It may well be time for a full-scale inquiry to address the key issues.

In the meantime I would of course stress the importance of providing support to these charitable organisations that help youth. I will continue to support Youth Focus and the Esther Foundation.

**Carbon Pollution Reduction Scheme**

Ms REA (Bonner) (8.35 pm)—I would like to take this opportunity in the House this evening to urge those members of the Senate who are not government senate members to
appreciate the urgency with which we have to make a decision on the Carbon Pollution Reduction Scheme.

It is very clear that the Australian community has a high expectation of this parliament. They expect us to show leadership on this critical issue and indeed they expect us to take decisions as leaders that will protect the future of this country and indeed protect the sustainable future of the planet. Unfortunately, however, there seems to be delaying tactics occurring because of the divisions within the opposition and because of the inability of the opposition leader to lead his party to make some critical decisions. We see once again continuous delaying tactics, which postpone and put off this very important decision.

The reason there is a sense of urgency within the Australian community is that people understand the science on this particular issue. In my own electorate of Bonner, a coastal electorate covering the eastern and south-eastern suburbs of Brisbane, bordered by the beautiful Moreton Bay, people are aware of the impact that rising sea levels will have not just on the coastal areas of south-east Queensland but indeed on the residential areas and canal estates further to the south of my electorate of Bonner and the very significant waterways and creek catchments that run through the whole electorate of Bonner.

This is a significant environmental issue but it is also a significant economic issue and that is why we also need to make a decision and get on with the job of reducing pollution and reducing our emissions. Business within this country understands that this is not just an environmental issue but an economic issue. It is an issue of all round sustainability. Business is ready to meet the challenge. Once they understand the very detail and nature of what they have to do to start reducing their emissions, they will be ready to put that plan into action. What is delaying this is the indecision of this parliament in giving them a way forward.

What I am most concerned about, though, is not just that this is an urgent issue because of the impacts on our environment and the impacts on our economy; it is also urgent because we need to rise to the challenge and grasp the opportunities that these changes will offer. It is, without a doubt, the most important decision that will affect not just the shape of our economy but the shape of the jobs to come—the jobs that our children and grandchildren will be able to pick up, and plan and study for. It is clear that, if we start to move into a low-emission economy, the technological changes that will occur will give rise to many career opportunities that we cannot even foresee. We need to plan for that.

As I have said in this House before, we saw back in the sixties, seventies and into the eighties the absolute fear of the introduction of computers—that this whole new technology would change the way that we would work, that we would lose jobs, that we would see people being de-skilled and people out of jobs. What in fact has occurred is a whole range of new businesses, new industries and new technologies that have given rise to an increase in employment in the computer industry and, indeed, the creation of much wealth in this country and across the globe.

Lastly, this issue is not just about jobs, jobs, jobs and the future careers of many of our children and many young people across the globe; it is also about the importance of going to Copenhagen with a negotiating position. The opposition needs to understand that the first rule of negotiation is that, when you walk into that room to sit down and talk, you have got to have something to put on the table. You have actually got to have a position around which you are negotiating. Walk-
going into any good-faith bargaining with a blank piece of paper is not going to achieve the outcomes that we need. I urge the Senate to stop the delaying tactics. I urge the opposition leader to pull his troops into line and appreciate that there are jobs and business opportunities—(Time expired)

Dr Graeme Blackman OAM

Mr PEARCE (Aston) (8.40 pm)—I would like to take this opportunity tonight to honour a great Australian. That great Australian is Dr Graeme Blackman, who has recently retired as chairman of Anglicare Victoria, a fine organisation he has most ably led since 2001. I have had the privilege of serving with Dr Blackman in Anglicare Victoria since I joined the board in 2008 and also serving as his local member given that IDT Australia, the company that Dr Blackman founded in 1986, is based in my electorate of Aston.

Dr Blackman has had an exemplary career in both the business and voluntary sectors, including as a director of Medicines Australia, as deputy chairman of the Australian Stem Cell Centre, as chairman of the Pharmaceuticals Industry Action Agenda Implementation Group, and as chairman of the Australian Council of National Trusts, which is the nation’s top national heritage trust body.

In this year’s Queen’s birthday honours Dr Blackman was awarded the Medal of the Order of Australia for service to the pharmaceutical industry and to the community through a range of Anglican Church, heritage and welfare organisations. Previously, in 2003, he was awarded a Centenary Medal for his contribution to the pharmaceutical profession and for his services in providing leadership in the pharmaceutical industry. In the same year Dr Blackman also received the Royal Australian Chemical Institute’s Leighton Memorial Medal, awarded for eminent services to chemistry in Australia.

Dr Blackman is someone who not only used his time and energy to develop pharmaceutical programs and miracle drugs but is someone who has also displayed great compassion in his approach to pursuing the care of the poor, the dispossessed and those in need within our community. Dr Blackman was deputy chairman of the board of Anglicare Victoria from 1997 to 2000 and chairman from 2000 to October this year. As a member of the working party established to create the new amalgamated agency, Dr Blackman in his voluntary capacity and with a committed vision for a strong, vibrant Anglican agency delivering community services to disadvantaged children, young people and families, brought his considerable experience in financial management, governance, knowledge of the Anglican Church in Australia and its structures, and theological insights into the formation of a new community agency.

Prior to Anglicare’s formation he spoke at synods of the Anglican Church and in a variety of other forums promoting the need for a new state Anglican care agency. During Dr Blackman’s time as chairman of Anglicare Victoria he has worked tirelessly to consolidate the resource base of the new agency, to position it within the Victorian and Australian community, and to raise the profile of Anglicare in the corporate sector, including the major fundraising event, Dinner with the Angels.

Under Dr Blackman’s guiding hand, the budget of Anglicare Victoria has grown from $25 million per annum to $45 million per annum, now covering over 100 programs in 40 separate locations. The agency has been successful in gaining financial support from both the federal and state governments as well as raising over $70 million through
Dr Blackman has been a staunch supporter of the establishment of Anglicare Australia as the national peak body representing Anglicare agencies across the nation.

Services provided by Anglicare Victoria include alcohol and drug programs, family support, financial counselling, out of home care programs, emergency relief, parish partnerships, volunteering opportunities and a range of local Anglican parish initiatives. In addition, research and advocacy have become prime goals of Anglicare Victoria.

Dr Blackman has demonstrated throughout his time as chairman the ethical standards expected of a community service organisation, and his leadership has been a major facilitator in moving Anglicare Victoria forward. From a more personal viewpoint and from my own experience I know Dr Graeme Blackman to be a man of great honour and integrity. He is a person that instils and encourages greater confidence in people. The commitment, hard work and dedication Dr Blackman displayed during his time as chairman of Anglicare Victoria is an example for all of us to follow. Dr Blackman will be sorely missed at Anglicare Victoria. I take this opportunity in the national parliament to thank him for his outstanding contribution over many years to Anglicare, to the broader not-for-profit sector and to the wider Victorian and Australian community. I know that, despite his chairmanship concluding at Anglicare Victoria, Graeme Blackman will continue to serve the community with the zeal, the energy, the commitment and the ethical principles that he has displayed across the past decade. (Time expired)

Isaacs Electorate: Building the Education Revolution Program

Mr DREYFUS (Isaacs) (8.45 pm)—The Rudd government’s education revolution is ensuring that local students in our community in my electorate of Isaacs have better facilities, higher standards of teaching and greater opportunities to excel at school. The announcement last week that a trades training centre will be established in Frankston is another example of the difference that the education revolution is making in communities locally and across the country. The trades training centre is to be known as the Frankston School and TAFE Alliance for Regional Training, or Frankston START, which will be owned and managed by 13 government, independent and Catholic secondary schools in our area.

It is a wonderful use of the Trades Training Centres in Schools Program to put together this group of local schools in southeast Melbourne including one in my electorate, Carrum Downs Secondary College, and one, Patterson River Secondary College, which is attended by very many students who live in my electorate.

The purpose of the Trades Training Centres in Schools Program is to help young people become equipped with the skills they need to participate in the workforce of tomorrow. The new centre in Frankston will provide all local students with opportunities to gain qualifications in construction, hospitality and hairdressing trades, while continuing their high school studies.

That these schools have chosen to cluster together is also a great example of local government, Catholic and independent schools working together to provide the best outcomes for their students. The funding of this project is up to $20 million and that will allow the schools, in collaboration with Chisholm TAFE, to construct and equip a new facility at the Frankston campus of the Chisholm institute.

After the announcement, I spoke to Maree Vinocuroff, principal of Patterson River Secondary College, who was thrilled at the fund-
Patterson River Secondary College is the lead school on the project and coordinated the application. As Ken McKay, the assistant principal at Patterson River Secondary College and the coordinator of the application has pointed out, ‘the courses provided by the centre have been targeted to meet skills shortfalls’.

It is critical to have trades training as a pathway in secondary schools. It is important because it is what many students want, it is important because it will help to lift year 12 retention rates and it is important because it is helping to align the demand and supply of much needed skills in the future.

While I am mentioning Patterson River Secondary College, I would also like to mention the eight very talented students from that school who performed at local seniors morning teas that I hosted in October at the Chelsea RSL. The students, Erin Morrissey and Kyra Collins, Hannah Littler, Alana Swallow, Nathan Darma, Rosalie Felburg, Louise Richards and Briana Vines were accomplished and professional and great representatives of their college, as was Astrid Smith who assisted.

I also want to mention how pleased I was to see that the member for Dunkley was so emphatic in his praise of this government’s initiatives. The honourable member even claimed it as a re-election promise of his, which is certainly an interesting take on what was a Rudd government program and a Labor Party commitment at the last election.

The Liberal Party’s policy at the last election was in fact to continue the failed Australian technical colleges model and to extend it to south-east Melbourne, despite the fact that, unlike the trade training centres, the model was completely disconnected from state and Catholic education systems. This welcoming by the member for Dunkley places him in stark contrast with the shadow minister, who regularly stands up in this place and denigrates the largest school modernisation program ever undertaken in this country, who opposes the massive investment that has been made in putting computers in every secondary school and who will otherwise take every opportunity to undermine the Rudd government’s work on improving our schools for all students.

The Rudd government’s trade training centres initiative has been warmly welcomed in my electorate and in the neighbouring electorate of Dunkley, which is centred on Frankston. I am pleased to say that Carrum Downs Secondary College, which is a new school in my electorate—it had its first year 7 in 2004 and its first year 12 is this year—is a great new school and the trade training centre which it is now participating in, although based in Frankston, will be an excellent adjunct to the already full program offered by the Carrum Downs Secondary College. I commend the very energetic principal of Carrum Downs Secondary College who has led the school in its initial years, David Roycroft, for the wonderful job he has done in establishing a very large secondary college to serve the community of Carrum Downs. I wish him and all students well in this year 12. (Time expired)

Paterson Electorate: Fundraising

Mr BALDWIN (Paterson) (8.50 pm)—I rise today to speak to you on behalf of some of the many charities who do tireless work in our community, to help those who cannot always help themselves. Tonight I hope to remind fellow members of the importance of giving back to the community, and to highlight the good work already being done.

As the member for Paterson, I love supporting the groups that give support to so many others, whether it be physical, emo-
tional, monetary or just raising awareness of the challenges others face. In particular, I am always touched when I meet a constituent who faces daily hardship, but battles to overcome their barriers in order to succeed.

One such constituent is seven-year-old Sam Parkinson from Lorn. Sam was diagnosed with type 1 diabetes when he was just three years of age. Despite having to endure daily finger pricks and injections, Sam is an active kid who loves the outdoors, especially his sport, playing local cricket, soccer and basketball. Like any sufferer, Sam has days when he questions why he has to endure the condition. But his mum Rebecca says, he is starting to develop an understanding of why it is so important to look after his health, and help raise money to find a cure.

On Sunday, 8 November, along with Sam’s family, ‘Team Baldwin’, including 2HD’s Luke Grant and Australia’s Biggest Loser finalist, Sean Doudle, pounded the Newcastle foreshore as part of the Juvenile Diabetes Research Foundation ‘Walk to Cure Diabetes’. I was sincerely humbled by the generosity of my network of supporters who helped me raise more than $9,000 for research into type 1 diabetes. By posting information about JDRF on my website and Facebook, I was also able to raise awareness of the impacts of this disease, especially for children.

While type 1 diabetes affects more than 140,000 people in Australia, it is not always fully understood. Type 1 diabetes is an autoimmune disease, more common in children than cancer, cystic fibrosis and muscular dystrophy. In simple terms, the immune system turns on itself, destroying cells and removing the body’s ability to produce insulin. Without this, the body literally starves, as it cannot process food. Sufferers often have to endure painful insulin injections, and complications include eye disease, nerve damage, kidney disease and stroke.

The Juvenile Diabetes Research Foundation is working hard to drive research into a cure. It seeks out and monitors the best scientists in the world, to make significant advances in treatment. But this cannot be done without money, lots of it, and I am very proud to have been able contribute in some small way to this very worthwhile cause. I ask today that other members of this parliament use their resources and standing in the community to make a difference. In particular, I would like to draw attention to an event in March 2010, to be hosted by JDRF. The Kids in the House event will again bring young type 1 diabetes sufferers from across Australia to this parliament so that we may be able to put a face to the disease. I urge all members to get involved.

Another charity effort I am passionately supporting is Movember, and as you have seen this week in parliament, Mr Speaker, I have put my face on the line in support of it, as have many of my parliamentary colleagues. During Movember, I am raising awareness of men’s health issues, in particular prostate cancer and depression. While many of us blokey types prefer not to visit the GP, this event highlights the importance of simply talking to your mates about your health problems, whether it be on the cricket pitch, around the barbecue or in the backyard shed. It is hoped that, in this way, we can get more men to visit their doctor and improve the health of males in our nation.

To date, ‘Team Baldwin’ Movember, through our network of supporters, have raised more than $1,400 for support and research regarding prostate cancer and depression in men. I never fail to be surprised when people dig deep into their pockets, despite the tough economic times and rising interest rates. Their generosity is outstanding. With
just 13 days to go, I hope to raise much, much more for the Movember Foundation. These fundraising efforts through my support network clearly show that we can make a difference and give back to the community where we live. Whether you give a month, a day or an hour, any effort can help improve the lives of others. To everyone in my support network, I say a special thank you. As a proud elected representative of Paterson, I feel I have a special responsibility. Constituents constantly remind me how lucky I am and how many opportunities there are to do something good and give back to my community. I urge all members of this parliament to find some time to do the same, to support those in our community who support others.

Chinese Community Aged Care

Ms BURKE (Chisholm) (8.54 pm)—Tonight I am honoured to present this very large petition, with some 12,430 signatures. The petition has not yet been to the Standing Committee on Petitions. These 12,000 signatures have been collected in just eight short weeks. Having just returned from China, I have discovered that the Chinese do everything large. Again, we have a very large petition from the Chinese community. The petition has been collected by the Chinese Community Social Services Centre Inc., which is the largest welfare service provider for the Chinese-speaking community in the state of Victoria.

I have been honoured to know the Chinese Community Social Services Centre over the 11 years I have been the federal member for Chisholm. I am honoured to have their main headquarters within my seat, in Box Hill. It gives me great pleasure tonight to acknowledge in the gallery the members of the board of the Chinese Community Social Services Centre who have made the trip from Victoria just to be here tonight to see their petition tabled: Fred Chuah, the president; David Yong, the vice president; Kim Au, the secretary and amazing CEO; Josephine Foo, the treasurer; Albert Hau; Lionel Leung; and Jenny Khor, who is the staff representative on the board and the nurse in charge at the On Luck Chinese Nursing Home. The On Luck Chinese Nursing Home is a phenomenal achievement of the Chinese Community Social Services Centre. It is the only ethno-Chinese-specific nursing home within the state of Victoria.

The Chinese Community Social Services Centre have gone to the length of getting this petition signed to draw to the attention of the House the issue of the rapidly growing needs of the ageing Chinese population within Victoria. The petition says:

This petition of concerned Victorian citizens draws to the attention of the House:

- The lack of recognition of the actual size of the rapidly-growing Chinese-speaking aged population;
- The severe shortage of residential care places and community care packages that can cater for the specific needs of Chinese-speaking senior Victorians;
- The shortfall of approximately 562 aged care places to which Chinese-speaking senior Victorians are entitled based on the national aged care planning benchmark;
- The sufferings of Chinese-speaking senior Victorians and their carers when eligible applicants have been on waiting lists of Chinese-specific aged care services for more than three years and some passed on before they could secure a place;
- Pro-active measures need to be in place to respond to the substantial increase of Chinese-speaking aged population in Victoria, estimated to grow by more than 300% from 2006 to 2026.

We therefore ask the House to:

- Acknowledge that Australian citizens of Chinese background come from more than 100 countries and Government statistical data on the Chinese community should be compiled based on the language spoken at home instead of country of birth/origin;
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Give priority to the Victorian Chinese-speaking community in its allocation of residential care places and community care packages in the forthcoming Aged Care Approvals Round;

Develop a strategic plan, through community consultations, to address the needs of people from culturally and linguistically diverse backgrounds for aged care services.

As I said, within my electorate of Chisholm I have a growing and ageing Chinese population. The Chinese Community Social Services Centre has catered to their needs for in excess of 20 years, starting off with services of a social nature but over time realising that more and more needed to be done in the aged-care area, particularly in a language-specific way. They do provide aged-care services into the home, but the On Luck Chinese Nursing Home is a phenomenal site. I really do encourage people to go and look at it in Donvale. It is not actually in my electorate, but a lot of people from my electorate currently reside there quite happily in their old age, because the home operates using their own language, with their own cultural background and their own food. One of the things that I delight in every time that I go there it is that people are very happy because all the television is in Chinese because they have got very large satellite dishes. Unlike other nursing homes, where the language is something they do not identify with, this is a place where they feel comfortable and their aged-care needs can be met.

I congratulate the Chinese Community Social Services Centre on this phenomenal petition. It has been done in both English and Chinese, and we have gone to extreme lengths to ensure that it will meet the requirements of the Petitions Committee and we will not disenfranchise anyone from signing the petition. Many people from the non-Chinese community have also signed this petition in respect of the needs of our ageing community, to ensure that we are identifying areas of need and appropriately catering to them. It is one of those areas where we will probably as government never have enough money to satisfy all the requirements, but we need to be doing more for our ageing population. I commend the Chinese Community Social Services Centre for all the phenomenal work they do. It gives me great pride to present this petition to the parliament this evening.

The SPEAKER—The document will be forwarded to the Standing Committee on Petitions for its consideration. It will be accepted subject to confirmation by the committee that it conforms to the standing orders. It being 9 pm, the debate is interrupted.

House adjourned at 9.00 pm

NOTICES

The following notices were given:

Ms Gillard To present a Bill for an Act to amend the law relating to long service leave in the black coal mining industry, and for related purposes.

Mr Martin Ferguson To present a Bill for an Act to establish the Australian Centre for Renewable Energy Board, and for related purposes.

Dr Emerson To present a Bill for an Act to amend the ACIS Administration Amendment Act 2009, and for related purposes.

Mrs Gash To move:

That the House:

(1) notes:

(a) the growing acceptance of 15 October in Australia as the Pregnancy and Infant Loss Remembrance Day;

(b) that this day is officially recognised in the United States and Canada; and

(c) that this day is only informally celebrated in Australia;

(2) calls on the Government to consider the adoption of 15 October each year as the Of-
ficial Pregnancy and Infant Loss Remembrance Day; and

(3) recognises the efforts of Nicole Ballinger in promoting the official adoption of this day by Australia.

Mr Georganas To move:
That the House:
(1) notes the tragic loss of life to suicide which has taken an average of approximately 14 persons per 100,000 in Australia through most of the twentieth century—three quarters being male—and a disproportionately large number being in rural and regional areas;

(2) notes the establishment of RU OK?, an important national initiative to raise awareness about suicide rates, the impact of suicide on our society, and how we can all help to prevent suicide by connecting with each other;

(3) recognises and supports the inaugural RU OK? Day on 29 November 2009 that will bring Australians together to prevent suicide and raise the profile of organisations providing support for those affected by, or at risk of, suicide;

(4) acknowledges that sector research shows that people at risk are helped by talking about their problems—that a single conversation could change a life; and

(5) works to inspire and encourage all Australians to connect with friends and loved ones to prevent small problems from becoming big ones, by reaching out to anyone doing it tough and asking them ‘Are you OK?’.

Mr Oakeshott To move:
That the House:
(1) recognises that Wednesday 25 November 2009 is the International Day for Elimination of Violence Against Women which is symbolised by the wearing of a White Ribbon;

(2) calls on all men to actively participate in White Ribbon Day and speak out against violence against women;

(3) recognises and applauds the recent work of the Asian Forum of Parliamentarians on Population and Development is a member, for the establishment of the AFPPD Standing Committee of Male Parliamentarians on Prevention of Violence against Women and Girls on 7 September 2009;

(4) acknowledges that the establishment of the AFPPD Committee is a significant step in bringing together male parliamentarians from across Asia as role models and outspoken activists for the prevention and elimination of violence against women and girls;

(5) notes that one in three Australian women will experience physical or sexual violence in her lifetime; and

(6) acknowledges that gender based violence costs the Australian economy over $15.1 billion each year, including health, work absenteeism, police and court related costs.
QUESTIONS IN WRITING

Education, Employment and Workplace Relations: Intergovernmental Agreements

(Question Nos 728 to 730)

Mr Andrews asked the Minister for Education, the Minister for Employment and Workplace Relations, and the Minister for Social Inclusion, 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.

Ms Gillard—The answer to the honourable member’s question is as follows:

(a) (b) and (c) All intergovernmental agreements which are signed at meetings of the Council of Australian Governments (COAG) are listed on the COAG website, www.coag.gov.au. I refer the honourable member to this website for details of these agreements.

For a list of intergovernmental agreements which create binding obligations at international law, I refer the honourable member to the website of the Department of Foreign Affairs and Trade, www.dfat.gov.au.

In addition to the centrally coordinated agreements to be found on the websites listed above, 164 intergovernmental agreements exist in my portfolio. Details of these are attached.

(d) A decision as to whether a copy of each agreement can be provided could be made on a case-by-case basis, subject to legal advice.

<table>
<thead>
<tr>
<th>Name and purpose of intergovernmental agreement</th>
<th>Parties to the agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Australian Blueprint for Career Development</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>See <a href="http://www.blueprint.edu.au">www.blueprint.edu.au</a> for more information.</td>
<td></td>
</tr>
<tr>
<td>Australian Government Quality Teacher Program (AGQTP)</td>
<td>The Commonwealth of Australia, as represented by the former Department of Education, Science and Training, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Funded as a program of on-going professional learning for teachers and school leaders contributing to improving the quality of education delivered to Australian primary and secondary students.</td>
<td></td>
</tr>
<tr>
<td>ICT Workshops</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the State of Queensland, as represented by the Department of Education and Training.</td>
</tr>
<tr>
<td>Funded under the National Projects Element of the Australian Government Quality Teacher Program (AGQTP) for the provision of workshops to enhance the skills and knowledge of teachers and school leaders to enable the integration of ICT in the teaching of Mathematics, History, English and the Sciences.</td>
<td></td>
</tr>
<tr>
<td>Name and purpose of intergovernmental agreement</td>
<td>Parties to the agreement</td>
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</tbody>
</table>
| *Bilateral Agreements on the Nation Building and Jobs Plan*  
These Agreements are to:  
provide economic stimulus through the rapid construction and refurbishment of school infrastructure  
build learning environments to help children, families and communities participate in activities that will support achievement, develop learning potential and bring communities together. | The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.) |
| *Memorandum of Agreement for The Le@rning Federation*  
The MOA, agreed by parties in 2001, established The Le@rning Federation, a joint partnership between the Australian, New Zealand and state and territory governments to develop and improve access to online curriculum resources. | The Curriculum Corporation and education.au Limited (the "Joint Venture Companies"); the Commonwealth of Australia, and each state and territory; and the Dominion of New Zealand. |
| *National Secondary Schools Computer Fund*  
Funding agreements to set out terms and conditions to which state and territories will comply in order to receive Commonwealth funding. Separate funding agreements are in place for each funding round. | The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of 24 agreements.) |
| *National Career Information System (Myfuture)*  
See www.myfuture.edu.au for more information. | The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.) |
| *National School Drug Education Strategy Funding (NSDS)*  
Funding supporting whole of school approaches to drug education and student wellbeing activities.  
There are eight cross-sectoral contracts in place. | The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations; each state and territory, as represented by the relevant department; the Catholic Education Commission of New South Wales and the Association of Independent Schools of New South Wales; the Queensland Catholic Education Commission and the Association of Independent Schools Queensland; the South Australian Commission for Catholic Schools and the Association of Independent Schools of South Australia; the Catholic Education Office of Western Australia and the Association of Independent Schools of Western Australia. (Total of eight agreements.) |
<table>
<thead>
<tr>
<th>Name and purpose of intergovernmental agreement</th>
<th>Parties to the agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>National School Drug Education Strategy Indigenous Rural and Remote Initiative</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations; the New South Wales Department of Education and Training; the South Australian Department of Education and Children’s Services; the South Australian Commission for Catholic Schools; and the Association of Independent Schools of South Australia. (Total of two agreements.)</td>
</tr>
<tr>
<td>On the Job Training Initiative</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Partnership projects Focusing on Fostering and Documenting Evidence-Based Good Practice Models in Teaching Civics and Citizenship Education</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Supporting the teaching and learning of Asian languages and studies of Asia in schools - National Asian Languages and Studies in Schools Program</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations; each state and territory, as represented by the relevant department; the Catholic Education Commission of New South Wales and the Association of Independent Schools of New South Wales; the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart and the Association of Independent Schools of Tasmania; the Catholic Education Office Canberra and Goulburn and the Association of Independent Schools of the ACT. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Project to develop language courses in Chinese (Mandarin), Japanese, Indonesian and Korean for heritage speakers at the senior secondary level</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the State of New South Wales, as represented by the Office of the Board of Studies, New South Wales.</td>
</tr>
<tr>
<td>Name and purpose of intergovernmental agreement</td>
<td>Parties to the agreement</td>
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<tr>
<td><strong>Trade Training Centres in Schools</strong>&lt;br&gt;One partnership arrangement; eight overarching funding agreements with state and territory governments; eight funding agreements for support services with state and territory government; for the implementation and ongoing operations of the Trade Training Centres in Schools Program.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of seventeen agreements.)</td>
</tr>
<tr>
<td><strong>Delivery of the Values Education Program Professional Learning Package</strong>&lt;br&gt;Through the provision of funding of values education professional learning in all jurisdictions, the Australian Government is committed to making values education a core part of Australian schooling.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department; the Catholic Education Commission of New South Wales; the Association of Independent Schools of New South Wales; Independent Schools Queensland; the Queensland Catholic Education Commission; the Association of Independent Schools South Australia; Catholic Education South Australia. (Total of 14 agreements.)</td>
</tr>
<tr>
<td><strong>Enhancing Literacy and the Quality Teaching Package in remote communities prescribed under the Northern Territory Emergency Response (NTER)</strong>&lt;br&gt;The Enhancing Literacy (EL) measure aims to embed at the local school level, good teaching practices to improve literacy and numeracy outcomes for remote Indigenous student. The Quality Teaching Package (QTP) aims to strengthen the existing education workforce in remote communities (with a priority focus on Indigenous staff) to improve Indigenous learning outcomes through the provision of additional training, professional development and incentive opportunities.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the Northern Territory, as represented by the Department of Education and Training.</td>
</tr>
<tr>
<td><strong>Additional Classrooms in prescribed communities under the Northern Territory Emergency Response (NTER)</strong>&lt;br&gt;The aim is to provide additional classrooms in locations where attendance is predicted to exceed available classroom capacity.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the Northern Territory, as represented by the Department of Education and Training.</td>
</tr>
<tr>
<td>Name and purpose of intergovernmental agreement</td>
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<td>-------------------------------------------------</td>
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</tr>
<tr>
<td><em>Indigenous Education (Targeted Assistance) Act 2000</em> (Indigenous Education Consultative Bodies) IECBs in each state and territory are funded by the Australian Government to promote engagement between the Government and Indigenous peoples, communities and education providers to improve Indigenous education outcomes and provide advice and comment to the Minister for Education on: strategies to improve education outcomes for Indigenous students focussing on school readiness, schools, and transitions from school to work or further education the effectiveness of mainstream and supplementary education policy and programs in improving outcomes for Indigenous students specific matters as referred by Ministers. IECBs provide a link between the Government and state and territory governments on Indigenous issues across education sectors including pre-school, schooling, vocational education and training through government, non-government and Catholic education providers.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the Northern Territory, as represented by the Department of Education and Training; Queensland, as represented by and acting through the Department of Education and Children’s Services; and Western Australia, as represented by and acting through the Department of Education Services. (Total of four agreements.)</td>
</tr>
<tr>
<td><em>Indigenous Education (Targeted Assistance) Act 2000</em> (Non-Capital Projects) Closing the Gap – Expansion of Intensive Literacy and Numeracy Programs for Under-achieving Indigenous Students</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the Australian Capital Territory, as represented by and acting through the Department of Education and Training; and New South Wales, as represented by and acting through the Department of Education and Training. (Total of two agreements.)</td>
</tr>
<tr>
<td><em>Indigenous Education (Targeted Assistance) Act 2000</em> (Sporting Chance Program – School-based Sporting Academies) NSW Department of Education and Training (NSW DET) Girri Girri Academy</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and New South Wales, as represented by and acting through the Department of Education and Training.</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Indigenous Education (Targeted Assistance) Act 2000</strong>&lt;br&gt;(Non-Capital Projects)&lt;br&gt;Children and Family Centres Staff Housing Support</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and New South Wales, represented by and acting through the NSW Treasury; the Northern Territory, as represented by and acting through the Department of Education and Training; and Queensland, as represented by and acting through the Department of Education and Training. (Total of three agreements.)</td>
</tr>
<tr>
<td><strong>Indigenous Education (Targeted Assistance) Act 2000</strong>&lt;br&gt;(Supplementary Recurrent Assistance)&lt;br&gt;Preschool</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and Queensland, as represented by and acting through the Department of Education and Training; South Australia, as represented by and acting through the Department of Education and Children’s Services; and Tasmania, as represented by and acting through the Department of Education. (Total of three agreements.)</td>
</tr>
<tr>
<td><strong>Indigenous Education (Targeted Assistance) Act 2000</strong>&lt;br&gt;(Non-Capital Projects)&lt;br&gt;Transitional Funding Project</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and Queensland, as represented by and acting through the Department of Education and Training.</td>
</tr>
<tr>
<td><strong>Indigenous Education (Targeted Assistance) Act 2000</strong>&lt;br&gt;(Reducing Substance Abuse)&lt;br&gt;Halls Creek Young Women’s Engagement Project</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and Western Australia, as represented by and acting through the Department of Education and Training.</td>
</tr>
</tbody>
</table>

The Halls Creek Young Women’s Engagement Project will target twenty (20) female school age students (at a time) who have been disengaged from the school environment for an extended period of time. The Project will provide these women aged between 12 to 18 years with intensive support to successfully engage them in an off-campus education program that supports the development of literacy and numeracy skills, life skills, health and wellbeing, enterprise and work readiness skills.
<table>
<thead>
<tr>
<th>Name and purpose of intergovernmental agreement</th>
<th>Parties to the agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous Education (Targeted Assistance) Act 2000 (Non-Capital Projects)</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and Western Australia, as represented by and acting through the Department of Education and Training.</td>
</tr>
<tr>
<td>Support reform activities for government schools in the Kimberley region under the Smarter Schools National Partnership for Low Socio-economic Status School Communities (Low SES NP). Indigenous Education (Targeted Assistance) Act 2000 (Capital Projects)</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and Western Australia, as represented by and acting through the Department of Education and Training.</td>
</tr>
<tr>
<td>The purchase of sound amplification equipment for all Department of Education and Training classrooms in Kimberley schools will provide classrooms with wireless sound systems to ensure all children are able to hear and participate in the classroom. The proposal also provides for the training of teachers in how to use the equipment, how to assess students and how to encourage students to make use of the equipment.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Council of Australian Governments Recognition of Prior Learning (RPL) Program</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>To establish a Commonwealth, State and Territory matched funding three year program from July 2006 to build the training system’s capacity to deliver quality RPL and drive good practice.</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and each state and territory, as represented by the relevant department. (Total of eight agreements.)</td>
</tr>
<tr>
<td>Council of Australian Governments Regional Initiatives (Targeting Skills Needs in Regions)</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the governments of Queensland, South Australia, Western Australia, and the Northern Territory, which provide matching funding. (Total of four agreements.)</td>
</tr>
<tr>
<td>To address the supply of skilled labour to regions and industries of strategic economic importance</td>
<td>TIFIARRC provides funding to attract, engage and support Indigenous adults in training that will open up sustainable employment opportunities. Funding is also available for projects to build the capacity of Indigenous training providers or develop new community-based providers to tailor the specific training needs of clients in regional and remote communities.</td>
</tr>
<tr>
<td>Training Initiatives for Indigenous Adults in Regional and Remote Communities Program (TIFIARRC).</td>
<td>The Commonwealth of Australia, as represented by the Department of Education, Employment and Workplace Relations, and the governments of Queensland, South Australia, Western Australia, and the Northern Territory, which provide matching funding. (Total of four agreements.)</td>
</tr>
</tbody>
</table>
Regional and Local Community Infrastructure Program: Castle Hill Heritage Park
(Question No. 1003)

Mr Hawke asked the Minister for the Environment, Heritage and the Arts, in writing, on 14 September 2009:
In respect of the Castle Hill Heritage Park in the electoral division of Mitchell, and its significance to Australia’s original convict heritage: will he support the Hills Shire Council’s application for funding under the Regional and Local Community Infrastructure Program.

Mr Garrett—The answer to the honourable member’s question is as follows:
The Regional and Local Community Infrastructure Program is focused on funding councils and shires to build and improve community infrastructure and boost local economies. The program is administered by the Department of Infrastructure, Transport, Regional Development and Local Government, which falls under the portfolio of the Minister for Infrastructure, Transport, Regional Development and Local Government, the Honourable Anthony Albanese MP, Member for Grayndler.

There is a formal process for assessing all project applications made under the competitive component of this funding program.

All applications are assessed against guidelines that are publicly available on the Department of Infrastructure, Transport, Regional Development and Local Government’s website.

Productivity Places Program
(Question No. 1076)

Dr Southcott asked the Minister for Education, in writing, on 29 October 2009:
In respect of the Productivity Places Program for the up skilling of existing workers, by State and Territory, (a) what was the date of the first commencement under the program; (b) from conception to 29 October 2009, what was the total number of (i) commencements in, and (ii) completions of, the program, (c) as at 29 October 2009, what number of people were in training, and (d) what was the total cost of the program in (i) 2007-08, (ii) 2008-09, (iii) 2009-10, and (iv) 2010-11, (v) 2011-12 and (vi) 2012-13.

Ms Gillard—The answer to the honourable member’s question is as follows:
(a) All states and territories were delivering Productivity Places Program (PPP) places to existing workers under a Memorandum of Understanding during 2008 and 2009. This was a bridging arrangement to allow delivery from August 2008 and prior to the finalisation of the National Partnership Agreement on the Productivity Places Program.

State and territory deliver of mainstream PPP places for both existing workers and job seekers have come online progressively through 2009. States and territories have been set a calendar year target for delivery under the PPP. Within this calendar year period states and territories have the flexibility to determine the timing of the delivery of training. This flexibility enables states and territories to adjust the timing of delivery to match anticipated peaks and troughs in the pattern of local demand.

The table below identifies the month in which the first payment was made to states and territories under the National Partnership Agreement on the Productivity Places Program thereby providing the capacity to deliver training to existing workers and job seekers. The trigger for payment was an implementation plan that was agreed between the Commonwealth and the state or territory. Implementation plans outline how the conditions of the National Partnership Agreement on the Productivity Places Program will be met.
(b) Since the commencement of the PPP

(i) preliminary data indicates that over 19,000 existing workers have commenced training under the PPP to 30 June 2009. The data to answer this question on the number of PPP places delivered by TAFE are not available. States and territories have been set a calendar year target for delivery under the PPP and reports will be available early in 2010.

(ii) Completion data are not available for existing workers.

(c) Data on the number of people in training are not available for existing workers.

(d) The total cost of the PPP for existing workers is provided by financial year by state and territory in the below table.

Table 2  Funding contributions for existing worker delivery under the Productivity Places Program

<table>
<thead>
<tr>
<th>State/territory</th>
<th>National Enterprise Trials 2008-09 $m</th>
<th>MoU 2008 &amp; 2009 $m</th>
<th>National Partnership 2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>4.084</td>
<td>30.209</td>
<td>100.97</td>
<td>166.745</td>
<td>198.114</td>
</tr>
<tr>
<td>Victoria</td>
<td>2.902</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Queensland</td>
<td>7.931</td>
<td>18.607</td>
<td>64.819</td>
<td>103.577</td>
<td>121.314</td>
</tr>
<tr>
<td>South Australia</td>
<td>5.173</td>
<td>6.997</td>
<td>25.436</td>
<td>39.302</td>
<td>45.331</td>
</tr>
<tr>
<td>Western Australia</td>
<td>3.949</td>
<td>9.473</td>
<td>32.915</td>
<td>52.657</td>
<td>61.773</td>
</tr>
<tr>
<td>Tasmania</td>
<td>1.233</td>
<td>1.928</td>
<td>3.919</td>
<td>4.414</td>
<td>19.583</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>0.614</td>
<td>1.008</td>
<td>3.6</td>
<td>5.641</td>
<td>6.551</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>0.228</td>
<td>1.59</td>
<td>5.211</td>
<td>8.743</td>
<td>10.457</td>
</tr>
<tr>
<td>Total*</td>
<td>2.9</td>
<td>26.113</td>
<td>69.812</td>
<td>236.87</td>
<td>381.079</td>
</tr>
</tbody>
</table>

* Total figures per state and territory consist of the Commonwealth, State and Participant/Individual components.