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FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH 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. Anthony John Abbott 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

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<td>Washer, Malcolm James</td>
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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—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

Prime Minister

Hon. Kevin Rudd MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion

Hon. Julia Gillard MP

Treasurer

Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate

Senator Hon. Chris Evans

Minister for Defence and Vice President of the Executive Council

Senator Hon. John Faulkner

Minister for Trade

Hon. Simon Crean MP

Minister for Foreign Affairs and Deputy Leader of the House

Hon. Stephen Smith MP

Minister for Health and Ageing

Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs

Hon. Jenny Macklin MP

Minister for Finance and Deregulation

Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House

Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate

Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research

Senator Hon. Kim Carr

Minister for Climate Change and Water

Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts

Hon. Peter Garrett AM, MP

Attorney-General

Hon. Robert McClelland MP

Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate

Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry

Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism

Hon. Martin Ferguson AM, MP

Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law

Hon. Chris Bowen MP

[The above ministers constitute the cabinet]
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<td>Minister for Housing and Minister for the Status of Women</td>
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<td>Minister for Home Affairs</td>
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<td>Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery</td>
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<td>Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs</td>
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<tr>
<td>Assistant Treasurer</td>
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<td>Minister for Ageing</td>
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<td>Minister for Early Childhood Education, Childcare and Youth and Minister for Sport</td>
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<td>Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change</td>
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<td>Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery</td>
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<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
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<td>Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water</td>
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<td>Parliamentary Secretary for Western and Northern Australia</td>
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<td>Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
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<td>Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade</td>
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<td>Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for Voluntary Sector</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
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<td>Parliamentary Secretary for Employment</td>
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<td>Parliamentary Secretary for Health</td>
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<td>Parliamentary Secretary for Innovation and Industry</td>
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</table>
SHADOW MINISTRY

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

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

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

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<th>Mr Steven Ciobo MP</th>
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<tr>
<td>Shadow Minister for Employment Participation, Apprenticeships and Training</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Assistant Treasurer</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for COAG and Modernising the Federation</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women</td>
<td>Hon. Dr Sharman Stone MP</td>
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<tr>
<td>Shadow Minister for Justice and Customs</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
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<tr>
<td>Shadow Minister for Veterans Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<tr>
<td>Shadow Minister for Seniors</td>
<td>Hon. Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Special Minister of State and Scrutiny of Government Waste</td>
<td>Senator Hon. Michael Ronaldson</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for Roads and Transport</td>
<td>Mr Don Randall MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets</td>
<td>Mr Mark Coulton MP</td>
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<td>Shadow Parliamentary Secretary for Tourism</td>
<td>Mrs Jo Gash MP</td>
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<td>Shadow Parliamentary Secretary for Education and School Curriculum Standards</td>
<td>Senator Hon. Brett Mason</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action</td>
<td>Senator Simon Birmingham</td>
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<tr>
<td>Shadow Parliamentary Secretary for Public Security and Policing</td>
<td>Mr Jason Wood MP</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing</td>
<td>Dr Andrew Southcott MP</td>
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<tr>
<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 Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship</td>
<td>Senator Gary Humphries</td>
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The SPEAKER (Mr Harry Jenkins) took the chair at 12.00 pm and read prayers.

MAIN COMMITTEE
Private Members’ Motions

The SPEAKER—in accordance with standing order 41(h), and the recommendations of the whips adopted by the House on 10 February 2010, I present copies of the terms of motions for which notice has been given by the members for Page, Gilmore, Wakefield, Oxley and Wannon. These matters will be considered in the Main Committee later today.

FOREIGN ACQUISITIONS AND TAKEOVERS AMENDMENT BILL 2010
TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT BILL 2010

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

COMMITTEES
Foreign Affairs, Defence and Trade Committee

Membership

The SPEAKER—I have received advice from the Nationals Chief Whip that she has nominated Mr Coulton to be a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade in place of Mr Truss.

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (12.02 pm)—by leave—I move:

That Mr Truss be discharged from the Joint Standing Committee on Foreign Affairs, Defence and Trade and that, in his place, Mr Coulton be appointed a member of the committee.

Question agreed to.

CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) BILL 2009

Second Reading

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

That this bill be now read a second time.

Ms PARKE (Fremantle) (12.02 pm)—In November last year I was in my parliamentary office preparing my speech in support of this important legislation which imports into Australian domestic law the principles contained in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, an instrument that Australia has been a party to since 1989, and the provisions of the second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. While I was in the office that day, the mail was delivered. Among the envelopes addressed to me was a handwritten one with stamps indicating that it had been sent from Indonesia. I opened the envelope to find inside a Christmas card. The card was from Scott Rush, one of the young Australians on death row in Indonesia. He wrote:

Kerobokan Prison 18 November 2009
Dear Ms Parke, peace be with you this Christmas. I thank you for all you have done for me again this year. God Bless, Scott Rush.

Despite all this young man is going through, he had the presence of mind and the kindness to write this lovely card. This Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 is for Scott and for those imprisoned with him on death row, whatever their nationality and whatever their crime. This bill is for all those who have gone before them for whom it is too late.
Renowned anti-death penalty campaigner and author of *Dead Man Walking* and *The Death of Innocents*, Sister Helen Prejean, noted:

The practice of the death penalty is the practice of torture. And by the time people I have been with finally climb into the chair to be killed, they have died a thousand times already because of their anticipation of the final horror.

By this bill we, as a nation, fundamentally repudiate the death penalty and the use of torture. We repudiate these acts in keeping with our international obligations. We repudiate them explicitly in the form of Commonwealth law as one of the highest statements of our common values and convictions. It is an affront to human dignity whenever a fellow human is tortured or put to death. By this law we clearly say that the state shall not put individuals to death, and that the state shall not in any circumstances practise torture.

I commend the Attorney-General for his work in preparing this bill. Australia has taken significant steps under this Labor government to re-engage with the international community. As the Attorney-General has noted, the United Nations’ Committee against Torture recommended that Australia enact a specific offence of torture at the federal level. Torture is any act by which severe pain or suffering is intentionally inflicted upon a person by a public official for certain purposes, such as obtaining information or a confession from a person. We saw graphic examples of torture from the United States before the advent of the Obama administration, where the CIA admitted using ‘water boarding’ to obtain confessions, where the Bush administration used the practice of ‘extraordinary rendition’ to transport detainees for interrogation to countries which practise torture, and where the appalling treatment of prisoners at Abu Ghraib and Guantanamo Bay was exposed to the world.

This bill means we have learned from the unfortunate experience of the United States under President Bush and we have heeded the comments of the UN Committee against Torture. Torture will now be criminalised both within and outside Australia and it will operate concurrently with existing state and territory offences. The explanatory memorandum for the bill noted:

Giving the offence extraterritorial application is intended to reflect a key aim of the Convention, which is to end impunity for torture globally. In enacting such an offence, the intention is to demonstrate the Government’s condemnation of torture in all circumstances.

With regard to the death penalty, Australia’s position is clear: we are opposed to it, and the death penalty has been abolished as a practice in this country for many years. Prior to the passage of this bill, however, the prohibition has been based on the abolition of the death penalty for Commonwealth and territory offences—through the Commonwealth Death Penalty Abolition Act—and the separately legislated abolition of the death penalty by all state governments. But as it stands, it is not out of the question that a state government could consider the reintroduction of the death penalty.

The instinctive insistence by some on an eye for an eye is written deeply into human nature. Despite this being a recipe only for increasing blindness, there are those who believe it is appropriate for the state to take retribution or vengeance, and there will always be those who believe—wrongly, as the evidence shows—that the death penalty works as an effective deterrent.

That is why this bill is necessary to remove the possibility of the death penalty being reintroduced anywhere in Australia. In so doing, the bill comprehensively implements article 1(2) of the second optional protocol, where it requires:
Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction. I am pleased to note the multipartisan support and strong statements from other speakers to this bill. This is a clear demonstration of our common and shared values as Australians. The death penalty is an act that decreases the store of human dignity. It is a practice that has no social justification, for all the evidence indicates that it does not function as a deterrent, and, while the putting to death of the worst criminal may give some satisfaction or closure to those aggrieved, quite understandably, by a terrible crime, it is not right that our system of justice function as an instrument of vengeance. What is more, when the state, as society’s delegate, takes a life in vengeance or as punishment, it condones a view that one can, by their conduct, forfeit the right to life, and so it invites, even tacitly, individuals to make that judgment against one another. In 1764, the Italian philosopher Cesare Beccaria wrote:

Is it not absurd, that the laws, which detest and punish homicide, should, in order to prevent murder, publicly commit murder themselves?

He believed that the more cruel and severe the punishment, the more the minds of men grew ‘hardened and calloused’.

I also take this opportunity to note, as the Attorney-General has done, that this law will strengthen the Australian government’s capacity to oppose the use of the death penalty wherever it occurs. There are Australian citizens waiting on death row in several of the countries that still apply this penalty. The Australian government’s ability to make representations on their behalf, and to campaign generally for the country-by-country abolition of capital punishment, is enhanced by our clear and uncompromising position on this issue. I have protested and I will continue to protest against the sentences of death that apply to people like Scott Rush, Andrew Chan and Myuran Sukumaran on the grounds that capital punishment is fundamentally wrong. But I have not and I will not confine myself to only protesting against the death penalty where it is applied to Australian nationals. The putting to death of an individual by the state is wrong anytime and anywhere it occurs. On that point, I note what the Hon. John von Doussa said in 2006 as President of the Human Rights and Equal Opportunity Commission, when he stated:

In an era where law enforcement requires international cooperation Australian commitment to the universal abolition of the death penalty should be uncompromising—not vary from case-to-case depending on the crime, citizenship and country. We need to make sure that our mutual assistance and agency assistance arrangements reflect Australia’s commitment to abolishing the death penalty.

The question is, having set ourselves upon a path to a higher civilisation, are we prepared to go the distance? Are we prepared to oppose the death penalty wherever and whenever it occurs?

The international and diplomatic efforts to oppose the death penalty on that basis are important, and Australia’s expressed position to that effect is important. Only by saying that we oppose the use of the death penalty by any country, and by saying that we oppose the execution of any person, can we deploy the necessary strength of conviction on this issue. Last December, the Attorney-General announced new guidelines for the Australian Federal Police, whereby any cooperation with international criminal investigations with possible death penalty implications will require ministerial approval. This is extremely important in order to avoid a repeat of the Bali Nine AFP debacle. It also sends an important message to countries with which we cooperate.

It is, in my view, a great shame that so many countries, including global and regional leaders like the United States, Japan, Indonesia and China, continue to use the
death penalty as part of their criminal justice systems. The United States and Japan are the only developed democratic nations to retain the use of capital punishment. I am glad that in the recent appointment of Keiko Chiba as Japan’s justice minister we are likely to see at least an unofficial moratorium on executions in that country. I understand that Ms Chiba has been an active death penalty abolitionist for some 20 years. Hangings in Japan have surged over the last three years, and there are approximately 100 inmates currently on death row. In the United States, the constitutional so-called freedom that is supposed to protect people from violent crime, in the form of extraordinarily permissive gun laws and the laws which in many states punish people with death for those crimes, have together failed to significantly reduce comparatively high rates of violent crime. It is significant in comparing the 35 states in the US which apply the death penalty and the 15 states which do not, that the average murder rate in death penalty states in 2008 was 5.2 per hundred thousand, while it was only 3.3 per hundred thousand in states without the death penalty. That disparity is reflected year in, year out.

It is also significant to consider the countries that, along with the United States, feature, year in, year out, at the top of the worldwide executions list. From information collated by the Death Penalty Information Center, I can say that in 2008, at least 2,390 people were executed in 25 countries around the world, and 8,864 people were sentenced to death in 52 countries. Amnesty International has reported that in the course of 2008 executions almost doubled in number from the 1,252 that occurred in 2007, and 95 per cent of all known executions were carried out in only six countries: China, Iran, Saudi Arabia, the United States, Pakistan and Iraq. The confirmed numbers of executions in those countries during 2008 were (1) China, 1,718; (2) Iran, 346; (3) Saudi Arabia, 102; (4) United States, 37; (5) Pakistan, 36; and (6) Iraq, 34.

The death penalty is wrong in itself, and it inevitably takes the form of a cruel, unusual and inhumane punishment. As recently as September last year, the state of Ohio’s botched execution of Romell Broom provided another reminder of the barbarism that is involved in putting a person to death. In its editorial on 3 October, the New York Times described the circumstances of the attempt at a lethal injection of Mr Broom:

The execution team in Ohio spent about two hours trying to access a vein on Mr. Broom’s arms and legs. They stuck him with a needle about 18 times, returning to areas that were already bruised. In one case, the needle reportedly hit a bone. Mr. Broom tried to help, pointing to veins, massaging his arms to keep a vein open and straightening tubes. At one point, some witnesses suggested he was crying.

Such scenes are a transparent window onto the profoundly uncivilised nature of the act by which the state puts to death one of its citizens. Such occurrences demean us all. Twenty-one years ago, Romell Broom was convicted of the rape and murder of a 14-year-old girl. It was a terrible, terrible thing that he did. It is right that he be severely punished and that he be kept from doing such awful harm ever again, but I maintain that he should not be put to death and that the death penalty is not at the high end of a range or rising curve of penalties that includes fines, community service and incarceration. The death penalty is something else altogether. It is an act of barbarity for the state to end a life.

What makes capital punishment even more abhorrent is, on the one hand, the use of the death penalty as a tool of political oppression and, on the other hand, the application of the death penalty in ways that clearly reflect and express societal prejudice. In the
first case, the death penalty has the clear potential to be used not as a sanction by the state against the criminal conduct of an individual but as an instrument of tyranny. I am sorry to say that executions in China of Tibetans and Uygurs are naturally and not unreasonably perceived through that kind of framework. It is very difficult not to regard executions that occur in the context of civil strife or protest as being an expeditious punishment that is meted out to enemies of the state, rather than a criminal sentence. And it is no surprise that a majority of countries which practise the death penalty are nations with less than impressive human rights records. Many have political systems or systems of government that do not operate in the best interests of their people.

In the second case I have mentioned—and the United States is unfortunately a good example of this—the analysis of both death sentences given and executions carried out often suggests that capital punishment is discriminately or prejudicially applied. A Californian study published in the Santa Clara Law Review in 2005 found that those who murdered whites were three times more likely to be sentenced to death than those who killed blacks and four times more likely than those who killed Latinos. In his 1998 report to the American Bar Association, Professor David C Baldus presented his finding that, in those states where there has been a review of race and the death penalty cases, 96 per cent were found to have either race-of-victim or race-of-defendant discrimination, or both. As with those many cases throughout history where it is shown that the death penalty has been imposed on an innocent man or woman, the fact that the death penalty can tend to be imposed discriminately or prejudicially is yet another argument against its validity. As noted by Bryan Stevenson, the death row lawyer:

The reality is that capital punishment in America is a lottery. It is a punishment that is shaped by the constraints of poverty, race, geography and local politics.

Where the death penalty exists, there is the ever-present possibility of the most extreme injustice being applied to innocent people. PN Bhagwati, the former Chief Justice of India, famously wrote: ‘The death penalty is irrevocable; it cannot be recalled. It is destructive of the right to life. Howsoever careful may be the procedural safeguards erected by the law before the penalty is imposed, it is impossible to eliminate the chance of judicial error. One innocent man being hanged should be enough to wipe out the value of capital punishment forever’.

Of course, the death penalty admits no possibility of redemption, of rehabilitation. Australians will recall the hanging of the young Melbourne man Nguyen Tuong Van over four years ago on 2 December 2005 in Singapore. Van had admitted carrying drugs in order to help his twin brother pay off debts. Van admitted guilt at the first opportunity, showed great remorse and fully cooperated with the police. Just before he died, his lawyer Lex Lasry said:

He is completely rehabilitated, completely reformed, completely focused on doing what is good, and now they are going to kill him.

The then Attorney-General, Philip Ruddock, branded Van’s impending execution as abhorrent, especially because the sentence was mandatory and mitigating circumstances were ignored. He said:

It’s a most unfortunate, barbaric act that is occurring.

Could anyone argue honestly that this execution achieved any useful purpose for society?

In the case of Indonesia, I acknowledge that that country takes very seriously offences involving drugs and wishes to ensure that a strong message is sent to the commu-
nity that dealing in drugs will not be tolerated. I would simply say that it is possible to be tough on crime and drugs without imposing the death penalty, which is a fundamental violation of the right to life. This is demonstrated by the fact that the international criminal tribunals which try and punish the most serious crimes possible—genocide, war crimes and crimes against humanity—do not have the death penalty. As I asked in my contribution to the adjournment debate on 1 December 2008: why is it that blank bullets are distributed among the Indonesian firing squad, leaving each member of the squad with the hope that it was not their bullet that exploded the heart of the condemned tied to a stake? It is because it is contrary to our shared human values of respect for life for the state to plan and calculate the termination of life, regardless of the nature of the crime or the nationality of the perpetrator.

In conclusion, can I say again that this bill strengthens Australia’s existing position against the use of capital punishment, and it meets fully our obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. I congratulate the Attorney-General on the passage of this important law, and I know that it reflects his own strongly held and strongly expressed principles on this issue. I will finish by saying I hope it is a happy new year for Scott Rush and his companions. They are in our thoughts and prayers. (Time expired)

Mr SIMPKINS (Cowan) (12.20 pm)—I welcome the opportunity to make some comments today on the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. It is not my intention to go over all the points that others have made. Certainly from what I have heard I agree with the points that have been made in this debate. While I think that Australia was always unlikely to go back to death penalties for any crimes in this country, this bill will take the steps needed to ensure that it can never be done again. So I welcome the bill and it certainly has my personal support. But I would like to go to some slightly different places in the time that I will make my contribution today, because I can assure you, Mr Speaker, that when you walk on the streets of suburban Australia and you knock on doors there is some support out there for things like the death penalty and even corporal punishment. I think we can be certain of that. I think that they are wrong. I think that ultimately there will not be any improvement as a result of having the death penalty as a possible outcome for a conviction in Australian courts. Yet there will still be people who will say, ‘Look back to what happened in Singapore in 2005, when an Australian was executed,’ or who go back further to Barlow and Chambers, who were executed for drug offences as well. Nothing has really moved on. People are still taking those chances with their lives when they try to traffic drugs.

I will say it again later on but there is a degree of personal responsibility involved with this, particularly for those Australians who take the risk of smuggling and trafficking drugs to or from various countries in the world. It is a high-risk scenario and the rewards will never make up for the risks that they take. As the member for Fremantle has quite rightly said, once people are beyond the protection of our borders they are subject to the charges and penalties that another state may impose. So it does come down to people realising that just because we will never have the death penalty and it is unlikely that we will ever have corporal punishment again in this country does not mean that other countries will observe our standards. People need to be very careful when they take these risks for a quick buck, to support somebody else or for whatever misguided reason they have to try to traffic drugs: they are and will be...
subject to the penalties that apply in other countries. Of course, I would also say that the damage they do if they get the drugs back here is completely unacceptable as well. But there are more appropriate penalties to be imposed upon people who try to traffic drugs and hurt this country and the people of this country by selling and trafficking drugs—other ways that do not include the death penalty.

I can understand when members of a family, particularly children, have been the victim of a hideous crime—such as the hurting or molesting of a child—how parents could feel that revenge through the death penalty would in some way help them. I understand that people feel very strongly about these things. But, again, as the member for Fremantle said, we need to be consistent. While I personally think there are some people who commit crimes for which they cannot ever be rehabilitated, such as child molesters, child rapists and often drug users—I do not believe that a lot of those people can be rehabilitated—you can never be certain in the matter of capital punishment. You can never be certain that the person who is executed is actually the one who committed the crime. The fact that there is any form of doubt even in one case is a very strong argument for why it is right to go down this path and fully enshrine the abolition of the death penalty in this nation.

I would also like to speak on the matter of torture. Again, I think we all have very clear ideas of what is involved with torture. I would just make the point that by some definitions of torture the methods used in the acquisition of information in combat zones by intelligence personnel for, say, the Australian Army would be considered torture. I am not talking about water boarding. I am not talking about those matters where a person who has been detained—a POW or whatever—is in fear of their life. I am not talking about that. That is certainly torture and should not be allowed. But certainly from my limited experience over 15 years in the Defence Force the pressure that is placed upon people to obtain information from them reasonably quickly is an essential part of fighting and combat. By that I mean sleep deprivation and other ways of imposing a great deal of pressure on someone that do not cause permanent damage. Sleep deprivation is a very quick way of obtaining information. Within 24 hours people are sufficiently disorientated that they are more likely to provide information. This is non-lethal. This does not cause long-term damage. It is a little bit of pressure which can be very useful in obtaining information. Provided that is still retained as part of legitimate acquisition of information, I certainly stand by all other modes of torture being prohibited.

I said before that when Australians travel overseas they need to be very careful about the decisions they make. They need to appreciate that they will be held accountable for the actions they take. If they attempt to traffic or smuggle drugs then they have to appreciate that, whatever their reason for doing it—for instance, the young Vietnamese Australian who was executed in Singapore wanted to pay off his and his brother’s debts—these are not legitimate excuses. As soon as you hop on a plane or exit immigration control in Australia and have taken actions to commit an offence you will be beyond the control of the Australian government, and the rules and culture of another country will then be what will affect you if you are caught.

It is very important to make the point that we do not control the values and laws of other countries. We attempt to influence, and that is good, and the United Nations working in this area is definitely good, but there are some countries out there that are ultimately and totally wedded to capital and corporal
punishment. While we may think that barbaric, that does not mean that they will stop. So every time an Australian goes overseas they need to be very careful with the way they conduct themselves because consular assistance cannot stop another country imposing its system of justice and punishments on Australian citizens.

I want to conclude by reiterating that I support this bill. I believe that the death penalty will never be the way forward. It will never stop crime. What will stop crime is the certainty of being caught, a belief that no matter what you do you are likely to be caught and that justice will be imposed upon you, not that if you get caught your life might be in jeopardy, might be forfeit. We need to put in place measures that will increase the certainty of people being caught. That will be the best deterrent to crime. I acknowledge that there are many Australians who remain in support of the death penalty and who support corporal punishment such as the use of the rattan in Singapore but, if you look at the way some countries operate around the world who have the death penalty and these forms of corporal punishment such as the use of the rattan in Singapore but, if you look at the way some countries operate around the world who have the death penalty and these forms of corporal punishment, I do not think such countries maintain the sorts of systems of government that Australia would ever look up to. It is right that we take this move now and that we complete the abolition of the death penalty in Australia. I stand in support of this bill.

Mr ZAPPIA (Makin) (12.32 pm)—I too take the opportunity to speak in support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. I am pleased to see that most of those who have spoken in regard to this bill, including the members opposite, have indicated their support for it. I begin in expressing my support for this bill by stating my view that this bill reflects our civility as a nation. The taking of another person’s life, or the torture of a person, are acts that in my view see human behaviour descend to its lowest point. Nevertheless, I accept that there are people who have a different point of view on these matters and who will argue the case that both the death penalty and torture can be justified in certain cases. I recall an incident when I was campaigning in 2004 in which I was confronted by some people from within the community and the issue of torture and the death penalty arose. I was able to stand back and watch the debate between different people who were there at the time arguing for and against the case of the death penalty and torture. It is interesting to note that it is certainly an issue that causes a degree of division throughout communities.

Both practices, the death penalty and torture, are used in countries around the world today. They are practices that date back as far as our historical records go. In Australia today around half the population supports the death penalty for certain crimes. That figure, based on some of the more recent surveys and polling that have been carried out, again highlights that it is certainly a matter that causes divisiveness throughout the community. Those who support the use of the death penalty and torture will argue that they serve as both a punishment and a deterrent to those who commit, or who contemplate committing, a serious transgression against others. On that point, I note the comment by the member for Cowan that it is the certainty of being caught that acts as the greatest deterrent. I certainly concur with him on that point. It is not the ultimate punishment that does. Of course, some will also argue that in the case of torture there is the additional justification that extracting information by the use of torture may prevent the suffering of others in due course.

These are not simple matters of morality. I am also acutely aware that if I, a family member or a close friend were a victim of a horrific act my views may well be different.
It is, however, important that these matters are dealt with objectively and are not clouded by personal emotions. I also hear with some persuasion the argument that a person who has committed horrific acts, who is unlikely to be rehabilitated and who continues to be a serious risk to others loses their right to live. Furthermore, life imprisonment does not guarantee that a person will not reoffend and that the community is still safe. Of course, there will always be the question that can never be answered as to how many innocent lives have been saved because of the use of the death penalty and torture. The moral dilemma, however, becomes under what circumstances, if any, do you apply the death penalty or torture? It is in the absence of being able to clearly define the circumstances under which the death penalty should apply, and in the firm belief that one barbaric act does not justify another, that I support this bill. Furthermore, history is littered with executions of persons whose guilt remains in doubt, of persons tortured without ever having knowledge about matters over which they were tortured, or tortured just so that others could get pleasure and enjoyment from their suffering.

The bill addresses two matters. Firstly, it implements a specific Commonwealth offence of torture into the Commonwealth criminal code and, in doing so, will fulfil Australia’s obligations under the United Nations Convention against Torture to ban all acts of torture wherever they occur. Secondly, in accordance with the second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, the bill will ensure that the death penalty cannot be reintroduced anywhere in Australia in the future.

The death penalty was abolished in each of Australia’s states by the state governments last century, with New South Wales being the last state to abolish the death penalty in 1985. Queensland had abolished the death penalty as far back as 1922 and was the first state to do so. The Commonwealth abolished the death penalty for federal offences as well as those under territory or imperial acts with the passing of the Commonwealth Death Penalty Abolition Act of 1973. In 1985, Australia also became a signatory to the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment. The convention protocols were ratified by the passing in 1989 of the Commonwealth Crimes (Torture) Act 1988. I note that Australia was one of the 31 sponsors of the original optional protocol when it was presented to the United Nations.

The first recorded hanging in Australia was that of Thomas Barrett on 27 February 1788 for stealing food. The last judicial execution in Australia was the hanging of Ronald Ryan on 3 February 1967 for the fatal shooting of prison officer George Hodson during Ryan’s escape from Pentridge Prison in December 1965. I can well recall, as a child, the media stories and the community backlash against that hanging. From all accounts, the hanging divided the Australian community, resulting in some of the largest public crowds ever seen in Australia rallying to protest against the use of the death penalty. I understand that several people, including journalists of the day, were allowed to witness the hanging. According to several eyewitness accounts, the experience left many of them with the clear view that the death penalty should be abolished. The governor of the jail, the sentencing judge and others who were associated with the hanging all said that they were distressed and tormented by it. I suspect it must have also been an incredible burden on the hangman himself to carry out the execution.
I quote Catholic bishop Greg O’Kelly, who at the time of the Ryan hanging was a young Jesuit scholastic teacher at Pentridge. In an interview with Elizabeth Hook, editor of the *Southern Cross*, Bishop O’Kelly said:

To execute somebody in cold blood is a barbarous act. It’s a calculated act of extreme, terminal violence against the living person. He has killed someone and so the same act is perpetrated upon him.

Bishop O’Kelly goes on to say:

You can release somebody wrongly imprisoned but you can’t resurrect somebody who has been executed.

The last quote highlights the other major dilemma relating to the death penalty and that is the fact that evidence has not always been clear or conclusive and courts have been known to convict innocent people. Statistics would show that one of the reasons is that quite often the innocent people who are convicted come from a very poor background. Therefore, they are unable to hire the most expensive and best lawyers. So, not surprisingly, they lose their cases and are found to be guilty. I am sure that there have been many, many examples of that which in retrospect have proven that the system of our courts is not infallible. A person’s life is too precious for mistakes to be made with it.

I will make some observations on the second aspect of this bill relating to torture. Torture is allegedly a common practice and there is widespread use of it around the world. Of course, it is nearly always denied by the relevant authorities. As with the death penalty, there is often doubt that the person tortured was in a position to render any meaningful information. It is highly likely that, over the centuries, many innocent people have been tortured. Torture is, however, often carried out by government security agencies and therefore almost impossible to prove or prosecute.

I welcome the establishment of a UN Committee against Torture to monitor the implementation of the UN protocol. The committee can consider individual complaints, visit places and assess reports from parties to the convention. I note that the Howard government had voted in the UN against the optional torture protocol and outright refused to sign it, yet torture is an offence and has been for many years under state and criminal laws. I have to say I am perplexed by the position that the Howard government took on this when it had the opportunity to sign the protocol.

Under this bill, a new offence of torture will be enacted which will criminalise acts of torture both within and outside of Australia. The new act will replace the existing Crimes (Torture) Act, which will be repealed. I do note that this bill does not prevent the extradition of a person facing a death penalty charge to the country making the charge. It is a matter that causes me some concern, given the position that this country is now taking on the death penalty. Under the Extradition Act 1988, the Attorney-General can authorise the extradition of an individual for a capital offence if their extradition country undertakes that: firstly, the person will not be tried for the offence; secondly, if the person is tried for the offence, the death penalty will not be imposed on that person; or, thirdly, if the death penalty is imposed on the person, it will not be carried out. Under those conditions, there is no guarantee that once the person is extradited the conditions will be honoured.

I want to comment on the issue as to whether the death penalty acts as a deterrent to serious crime and particularly to the crime of murder. It would appear from the research available that the death penalty does not reduce the murder rate. In the United States, for example, crime levels have not increased in those states which abolished the death
penalty and, conversely, in those states where the death penalty applies, crime levels have not been reduced.

One survey showed that US states which abolished the death penalty had homicide rates at or below the national rate and that over a 20-year period, between 1980 and 2000, the homicide rates in states with the death penalty were 48 per cent to 101 per cent higher than in states without the death penalty.

Over the years, Australia and the Australian people have quite rightly condemned the use of brutality, torture and execution by dictatorships and oppressive governments in other parts of the world. Regrettably, we are presented with examples of those practices all too often. Australia has quite rightly spoken out on behalf of Australian nationals who have faced the death penalty in overseas countries. In this regard, I would like to acknowledge the staff of the consular division of the Department of Foreign Affairs and Trade who, over the years, have on so many occasions worked tirelessly to assist Australians who have found themselves facing the death penalty in overseas countries. In this regard, I would like to acknowledge the staff of the consular division of the Department of Foreign Affairs and Trade who, over the years, have on so many occasions worked tirelessly to assist Australians who have faced the death penalty in overseas countries. In this regard, I would like to acknowledge the staff of the consular division of the Department of Foreign Affairs and Trade who, over the years, have on so many occasions worked tirelessly to assist Australians who have faced the death penalty in overseas countries.

I noted the comments of the member for Cowan, who referred to the laws of other countries and the fact that people travelling overseas need to be aware of those laws and that, clearly, we as a nation cannot intervene in those laws. We may not be able to intervene but, as the member for Fremantle rightly said in her address to the House, if we are to take a position that we oppose the death penalty and that we oppose torture, we should oppose it in all instances regardless of where it is carried out. However, it is important that, if we are going to condemn other leaders who carry out those barbaric acts and criticise them for doing so, we show and lead by example—firstly, by not having the death penalty or torture agreed to by the government of this country and, secondly, by taking a consistent stand wherever it occurs, not by taking a stand only when it suits us to do so. If we are to have credibility on these issues—and in many cases I think the broader Australian community would want the Australian government to take a stand on these issues—we need to be consistent. In supporting this bill Australia joins some 80 countries around the world that have abolished the death penalty and around 20 or more that have a policy not to execute, albeit that the death penalty has not been formally abolished. I believe that those numbers will increase as time moves forward.

I want to close my remarks by referring to the proceedings of this House. Each day we commence proceedings by reciting the Lord’s Prayer. Regardless of whether one is a Christian or not or whether one is religious or not, the fact is that we recite Lord’s Prayer. I assume that in doing so all members of this House accept in principle the values enshrined in that prayer. One of the lines in the Lord’s Prayer says, ‘Forgive us our trespasses as we forgive those who trespass against us.’ If we are to embrace and accept that as part of the values that underpin the work of this parliament, then torture and the death penalty have no place in this parliament or in the civil society that I would like to think we have in Australia. I commend the bill to the House.
Mr OAKESHOTT (Lyne) (12.49 pm)—I also rise to strongly support the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. In summary the purpose of the bill is to amend the Criminal Code Act 1995 to include a specific torture offence and also to amend the Death Penalty Abolition Act 1973 to extend the application of the current prohibition on the death penalty to state laws to ensure that the death penalty cannot be reintroduced anywhere in Australia.

Turning firstly to the offence of torture, the definition, essentially, that is being included as a specific torture offence includes very generally four points: it must involve a public official in some form; it must be an infliction of severe physical or mental pain or suffering; there must be an intent to inflict severe physical or mental pain or suffering; and that it is for a specific purpose such as extracting a confession or information.

This is a difficult but welcome addition to the laws of this land. It addresses an issue that was raised in this place by several people, including me, with regard to Guy Campos, an individual who was in this country last year, who was allegedly involved, but all the evidence would strongly suggest was involved, in offences in East Timor throughout its transition to being a sovereign nation. He was identified as being in this country last year, from memory, on a World Youth Day visa. He was identified by people who are local Australian residents now, people who had escaped what was a torturous regime at the time in East Timor. One of the TV stations—from memory I think it was Channel 7—identified him as an individual of concern. I think they faced him at a community event and all but got an admission of guilt out of him on camera.

The AFP became involved and several trips to East Timor were undertaken. A brief of evidence was prepared and, I think, upwards of $500,000—well over, at least, $400,000—of Australian taxpayers’ money was spent. Despite many people in the community saying that Guy Campos was going to skip the country if this brief of evidence was acted upon, the Australian government could ping him on no specific offence. As far as I know—and I would be happy for the Attorney-General to tell me otherwise in his response—Guy Campos is still at large, overseas, out of the Australian jurisdiction, despite a brief of evidence and half a million dollars of Australian money being spent potentially to do some good work on behalf of the Asia-Pacific region and to bring to justice someone who looked to be quite clearly involved in a good example of torture, as is defined in this new legislation.

I would hope that this legislation is a start in addressing the anomaly that occurred only in 2009. Much of the debate I have heard and many references that have been made to particular pieces of legislation go back a long time, to the seventies and eighties. Clearly, there is a history of bipartisanship and also tripartisanship with regard to torture prohibition and the abolition of the death penalty. That is welcome. The Australian parliament should be proud of that, that it is strong in its defence of the liberty of men and women not only in Australia but throughout the world. If such a clear case, such as that of Guy Campos, emerges again in the future, with such a significant spend of Australian dollars—say, $400,000 to $500,000, as was spent by the AFP—and if there is a courtroom full of willing witnesses, such as there was in the Campos case, I would hope that this legislation will be a trigger to addressing the anomaly that occurred only last year and to ensuring that justice is done within this country and this region.

I wish to make another point, and this is more for the benefit of anyone who is resi-
dent on the mid-North Coast or for anyone reading this speech who may be wondering why we may all get so passionate about an ethical issue like torture prohibition—

Ms Saffin—So we should.

Mr OAKESHOTT—We should. But for those who are still wrestling with that issue, this is not only about someone from East Timor, on a visa, having an extended holiday, who was involved in offences; this is also about local residents. In my old days as a state member of parliament there was a horrific case on the mid-North Coast of ongoing and habitual abuse of an individual by residents. They were not public officials and there was no extracting of confessions or of information. I would hope that, through this legislation, the concept of torture will not be forgotten in a free and democratic Australia. It can easily permeate a free, democratic society. We all need to be vigilant, from everyone on every street on the mid-North Coast to everyone around Australia, in ensuring that we are all aware of what torture is and that we are certainly doing our bit to identify it and doing all we can, where possible, to oppose it.

Various people have spoken previously on the death penalty. My view is that the court system is a human system. It might be 99 per cent right, but that is 100 per cent wrong. It is the one case in 100 cases that the human court process, the human legal system, gets wrong that completely discredits any argument for the death penalty system of justice in a country such as ours or in any country around the world. The previous speaker, the member for Makin, mentioned some examples in the United States, including the great example of the corridor trading within the political process that went on when the gun law changes came in in the US and where negotiations with the states had to take place. Part of that trading with the states included increased penalties that could have the death penalty attached to them so as to get some greater restrictions on gun laws. For that to be a trading mechanism in the halls of political power, I think, sniffs of the inconsistency of death penalty laws in that jurisdiction. It is also a great example for our jurisdiction as well. Previous speakers have also mentioned the lack of an evidence trail between jurisdictions that have the death penalty and any decrease in crime. Therefore, I think that that, again, is a clear statement of the inability of the death penalty to do its job if it is there as some sort of fear tool to prevent murder, manslaughter or any other heinous crimes.

I will also mention a really interesting study that I think was done by Chief Justice Gleeson on community standards and community sentiments around crime. Again, for those who may be sitting in their homes wondering why this is relevant to them, this study was a very interesting reflection on the lynch mob mentality. A survey was done of community views on particular judgments through the court process. The question was asked, ‘Are those judgments too lenient or too hard?’ The vast majority, when they were looking at the judgments alone, said, ‘It is too soft; we should be harder and tougher on crime.’ He then presented the same survey group with all the facts of the case and said, ‘You provide the judgment.’ In the majority of cases, those community members who were surveyed provided a less harsh judgment than given where the judges’ judgments alone were provided on those particular cases—the point being that, without all the facts, without all the evidence, we do potentially suffer from a lynch mob mentality.

We are responding to community in an irresponsible way if we just throw the question out to the community and say, ‘Do you agree
with the death penalty or not? We are going to get a range of views, and I reckon we might even tip into the side of more people saying yes than no. But if we provide detail and evidence around a particular case, its particular circumstances and the facts of the case and then ask, ‘Do you think the death penalty should apply?’ then, I would hope—and, more often than not, I have faith in our community—that commonsense would apply and most people in the community, once they understood the facts and the evidence trail, would say no.

To the question of whether we are here to serve the majority view within our communities, I would say, ‘Yes, we are, so long as it is done on a factual base and our representation is responsible.’ On this topic I would hope that the tripartisan support for getting rid of any chance that the states may reintroduce the death penalty reflects overall community sentiment and is a common-sense approach.

It was a bit of a surprise to me, in my first 15 months in this job, to see the number of Australian citizens held against their will, for a number of different reasons, in other criminal justice systems around the world. Some of those cases involved the death penalty as one of the potential judgments for the Australian citizens involved. I would hope government would be strong on this and that, even at times when it is difficult—when it may affect trade or sensitive bilateral or multilateral relationships—it would be vigilant in arguing the case for the upholding of Australian law for Australian citizens as much as possible. I would hope that, on the death penalty, we do not drop the ball, either behind the scenes when working through diplomatic channels, or when working through the mouths of Prime Ministers, Attorneys-General and the executive.

We need to be strong in our message about the death penalty. We live in a complex region of the world. The death penalty does apply in many of those jurisdictions. Our strength of leadership is important in reaffirming the reasons why the abolition of the death penalty is important. Hopefully, from that, we will get some other jurisdictions to reconsider their position. But I do not think it is acceptable for leadership to be silent when it might be difficult to raise issues around the death penalty because it may affect trade, for example. I would hope that all our relationships with our neighbours are above that, and I would hope that our role in being one of the great protectors of freedom and liberty is to be loud and vocal and strong about this issue of why the abolition of the death penalty is a sensible move in all criminal justice systems around the world.

Ms SAFFIN (Page) (1.03 pm)—I speak in strong support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 for a number of reasons. Firstly, I oppose the death penalty. I oppose torture and other forms of degrading treatment. And I do so on moral grounds. We come to this place with a whole lot of roles. But we are also law-makers and as a law-maker I do not have the right to pass a law that would allow the state to execute another citizen or subject another citizen to torture or other forms of degrading treatment. I do not see that any lawmaker, in Australia, in any country, has that right. It is not a right that is given to us. We have to protect life and we have to protect human beings and human dignity. So it is totally on moral grounds that I oppose those things.

I have long been part of anti-death-penalty networks, both in Australia and in the Asia-Pacific region. A lot of people do not know about that movement in the Asia-Pacific region—and it did not start in Australia; it started in countries that we identify as Asian and Pacific—but they are very strong and active networks. I have been part of them for
a long time—also internationally, and through Amnesty International.

I cannot recall the number of letters I have written as a member of Amnesty International—and I am still a member—for people I do not know, and who I will never get to know, who are on death row. Some of those people, I know, have committed terrible crimes and caused terrible suffering, and I know that there are families and there are victims. I can understand somewhat—somewhat—their pain, and that sometimes people would want to extract vengeance. That is why we have laws; that is why we have the rule of law—so that we do not go out and extract vengeance and become part of a lynch mentality. I can well understand some of those feelings; I know that, as a parent, if something were to happen to my child, I might have those feelings and I might want to do that to somebody who had injured my child—particularly if it were the ultimate injury of taking their life. So we have to have the law. We have to have the rule of law.

I remember speaking to this a few years ago. I was living in Timor Leste when one of our citizens, Van Tuong Nguyen, was executed in another country. I can remember well the trauma that that caused the whole of Australia. The whole of Australia was seized by that issue. Confronted by the reality of the death penalty, the community showed its strong anti-death penalty sentiment—and that is why we have passed laws in each state that prohibit the death penalty. I well remember that, through Amnesty International and the Asia-Pacific Network, there were people sending text messages asking us to text our members of parliament. Everybody joined in, and a whole lot of actions took place. People who do not often get involved in political action did get involved. A whole lot of parents and grandparents were involved in that. I would like to quote from an essay entitled ‘The death of Van Tuong Nguyen’ by Peter Norden SJ in the Catholic Social Justice Series booklet Confronting the Death Penalty. He said:

At 8 am on Friday, 2 December, 2005, in the Melbourne suburb of Richmond, the bells of St Ignatius’ Church rang 25 times. The bells sounded over the cries and wailing of many of the 1000 people who had gathered to pray during the moment of the execution of an Australian citizen, Van Tuong Nguyen. Van was executed at Changi Prison by officials of the Singapore Government, who placed a noose around his neck and let him drop through a trap door to his death.

Each of the 25 bells that morning represented a year of the life of this young man, whose family had been part of the community of that parish during his first years.

The death penalty is final; it is absolute. I have read reports, studies and research that show people internationally have been executed by the state when it has been proven beyond reasonable doubt that they did not commit the crime. We cannot bring people back; whatever anyone might think about the death penalty, that is one reason why we should not impose it. Justice Michael Kirby said:

Inflicting the death penalty is the ultimate acknowledgement of the failure of civilisation.

I have often said—and I do not say it lightly—that we cannot abide the death penalty in a civilised country. The death penalty exists in a number of jurisdictions. I do not want to say they are uncivilised, but I do say that a civilised country should not have the death penalty. I would also like to quote from a motion introduced to the parliament by my colleague the member for Werriwa, Chris Hayes. We all know that he has been very active about young Scott Rush and the so-called Bali 9, nine Australians who are in prison in Indonesia. His motion states:

(j) abhorrence of the death penalty is a fundamental value in Australian society and there is biparti-
san opposition within the Australian Parliament to the death penalty;
And it is clear that there is bipartisan opposition to the death penalty. This parliament has a working group on which all parties, all sides of politics, are represented. We come together and work to advance the cause of getting rid of the death penalty and making sure it never again comes to the fore.

I welcome the introduction of this bill. I thank the Attorney-General, with whom I have frequently discussed the death penalty and torture, for bringing this forward. I congratulate all those members of parliament who have been active in advocating for this bill. It is important to do good when you can, and this is an example of doing good to put beyond reach the ability of any jurisdiction or agency in Australia to either introduce a law or take any action that would cause an Australian citizen to be executed or tortured by the state. I will turn to this matter after I walk through the legislative provisions and the convention framework.

This bill does two key things. Firstly, it enacts a specific Commonwealth torture offence in the Commonwealth Criminal Code which will operate concurrently with existing offences in state and territory criminal law. Secondly, it amends the Commonwealth Death Penalty Abolition Act 1973 to extend the application of the current prohibition on the death penalty to state laws to ensure the death penalty cannot be introduced anywhere in Australia. That act was enacted in this parliament in 1973 with the support of the parliament.

I will now turn to torture. The aim of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is to end impunity for torture globally—this is the right aim—so that no individual can escape the consequences of their actions if they inflict or cause torture or other cruel, inhuman or degrading treatment. This bill will enact a specific Commonwealth torture offence in the Commonwealth Criminal Code to prevent that. The Crimes (Torture) Act 1988 will then be made redundant, because the key inclusion of this torture provision is now in the Commonwealth Criminal Code—so it will be repealed. The Crimes (Torture) Act currently criminalises torture when committed outside Australia but only when committed by Australian citizens or other persons present in Australia.

The United Nations convention that I referred to requires Australia to ensure that all acts of torture are offences under domestic criminal law. The convention definition of torture is along these lines: any act by which severe pain or suffering is intentionally inflicted upon a person by a public official for certain specified purposes—for example, obtaining a confession or information. In Australia’s previous periodic reports to the United Nations Committee Against Torture it has been said that state and territory laws already cover this. However, the coverage is not complete. This act will serve to complete it.

In this place we often have interns, through a program that operates through the Australian National University. Last year I had an intern in my office for a few weeks working on a project on the death penalty. She wrote an excellent report about the death penalty, Australia's position on it and what should happen here. I am going to quote from it because it is not a report that you can easily access, as it is not published in the normal way. She will not mind me mentioning her name: Eloise Fowler. She completed some really good forensic work in this area. Her report suggested a number of reforms that, as she said:
… could be implemented to relieve the tensions between Australia’s international obligations and Australian domestic law.

They are:

… reviewing the Attorney General’s Office of International Law (OIL) advice on Australia’s international obligations; reforming the Mutual Assistance Act to include human rights safeguards; amending the AFP guidelines so they abide by Australia’s international obligations; enacting an Agency to Agency act; creating a caveat system for information sharing; implementing a federal charter of rights; and creating a Parliamentary committee to oversee the actions of the AFP, particularly relating to police-to-police assistance in investigations that may result in the death penalty.

I will read her conclusion. It says:

Australia’s position on the death penalty is both contradictory and unsustainable on any moral critical reckoning. The failure to adopt the Second Optional Protocol into domestic law has placed the country in a bi-polar quandary.

Obviously this bill corrects that. Then she says:

While Australian citizens are protected by law enforcement agencies at home, the very same agencies that provide this protection are also involved in handing over information to assist in the execution of Australians overseas. The adoption of the Second Optional Protocol may not provide all the answers, but it will achieve two outcomes. Firstly it will reduce the possibility of this country having any hand in the killing of its own citizens and it will come as close as possible to abolishing the death penalty forever from Australia’s shores. Finally, if Australia is to argue for the lives of Australians on death row overseas, a necessary first step is to clarify once and for all its moral, legal and political position on the death penalty—especially in relation to formal and informal assistance.

Although we are still law-makers and the laws can be passed, this bill will put beyond reach the ability to reintroduce the death penalty in any state or territory jurisdiction in Australia.

I commend the Attorney-General and the Minister for Home Affairs for amending the guidelines for the informal mechanism that operates with the Australian Federal Police when operating with their colleagues in other international jurisdictions so that the issue of putting Australian citizens in harm’s way will be corrected. As a parent, I can remember when we learnt about the cooperation that had existed between the Australian Federal Police and their counterparts in Indonesia and about the two Australians of the Bali Nine who had been subjected to the death penalty. Then young Scott Rush on appeal had the death penalty imposed. I can remember reading about it, hearing about it and thinking just how dreadful his parents would have felt, particularly because in trying to protect his son the father said that he had gone to the Australian Federal Police to get help. To have that eventuate must be absolutely traumatic.

There are a few things I want to say about this point. In Rush v Commissioner of Police [2006] the judgment was in favour of the Australian Federal Police, saying that it had acted within its procedural guidelines in assisting the Indonesians in their investigation, and obviously that is what they needed to change. But Justice Finn stated:

… there is a need for the Minister administering the Australian Federal Police Act 1979 (Cth) ("the AFP Act") and the Commissioner of Police to address the procedures and protocols followed by members of the Australian Federal Police ("AFP") when providing information to the police forces of another country in circumstances which predictably could result in the charging of a person with an offence that would expose that person to the risk of the death penalty in that country. Especially is this so where the person concerned is an Australian citizen and the information is provided in the course of a request being made by the AFP for assistance from that other country’s police force.
Justice Finn did that with great eloquence, as was noted in the report of Ms Fowler. I can remember when I mentioned the Office of International Law and the advice that they had given. This advice came to light when Cameron Murphy from the New South Wales Council for Civil Liberties was able to access it. It showed, to my thinking—and this was a few years back—some rather questionable advice around this whole issue of the guidelines and putting Australians in danger of the death penalty. I have referred to Ms Fowler’s report, where she had the opportunity, as did I, to have a look at that whole situation quite forensically and it should be reviewed.

I agree with Ms Fowler, but what also came to light was that at some point in time—and it was a few years back and with the previous government—there was a conscious decision to revise Australia’s universal and consistent opposition to capital punishment in light of the government’s strong stance on terrorist offences. It was commented that it could be raised within the context of the election and it disturbed me greatly to hear that, because I am not sure all members of parliament knew about that.

(Time expired)

Mr PERRETT (Moreton) (1.24 pm)—I rise in support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009, which essentially introduces some amendments to the Commonwealth Criminal Code. One of the previous members for Moreton, Sir James Killen, studied for the bar while he was a member of parliament. He then practised at the bar and did quite a lot of criminal work. I mention that in passing because I have just been taking a group of friends and family on a tour of Parliament House. One of the party, Des Draydon, was a very good friend of Sir James Killen. He shared chambers with him and organised Sir James Killen’s 70th birthday party, had some Sir James Killen bottles of port and gave me one of those bottles of port. It is actually Des Draydon’s 70th birthday today.

When we were doing the tour of Parliament House it was interesting to look at the democratic institutions. As MPs we become used to it; this is our workplace and we see these things all the time. As a new MP, I am very proud of the house that we work in. It is funny that when you take people around the house you see things with fresh eyes and you point out some of the wonderful things that we have here.

I am proud to be able to stand today in support of this legislation, the torture prohibition and death penalty abolition bill. Why? This bill toughens Australia’s stance against the death penalty and torture and helps more fully meet our international human rights obligations. It has been more than 40 years since an execution took place in Australia. I am proud to say that Queensland was the first state to abolish capital punishment back in 1922 and Western Australia—a little bit tardier—was the last in 1984. The last person executed was Ronald Ryan in Victoria in 1967, a mere 45 years ago. Ronald Ryan was executed for shooting a prison guard during an escape attempt.

Incidentally, the first recorded execution in Australia—in terms of whitefella law, I guess—was on 27 February 1788; pretty soon after the first Australia Day, 222 years ago. That was a bloke called Thomas Barrett, who was hanged at Port Jackson in Sydney for stealing food from the public stores. Any student of history would know that the first fleet did it pretty tough in terms of food when they first settled.

Thankfully as a society we have come a long way since 1788. We have learned the value of human life, and all of us agree there is no place in any society for inhumane or degrading punishments like torture or capital
punishment. The death penalty is now prohibited in all Australian states and territories. As a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights, Australia is committed to the abolition of the death penalty—everywhere, every state, every nation—whether it be an Australian on death row or any citizen from any nation on death row. This is something on which all sides of politics agree.

Australia’s opposition to the death penalty is longstanding and has been upheld for decades by governments of all persuasions irrespective of the ebb and flow of public opinion, especially after heinous crimes, murders or the like. Australia also works through the UN human rights commission to lobby other nations to abolish the death penalty.

Some Australians still face the death penalty in countries overseas—people, as the member for Page pointed out, like Scott Rush, who is on death row in Indonesia right now. His parents, Lee and Chris Rush, are my constituents and they are incredibly brave. I cannot imagine how they get up every day and face the fact that their son is sitting on death row. I have spoken on this a couple of times in the parliament, and it has become even more poignant once I had children, once I had a son. In previous speeches I have made the comparison of the mistake that Scott made and how in my life I have made some mistakes as well. Hopefully, I have learnt from those mistakes. Unfortunately, Scott is sitting on death row and maybe will never get the opportunity to learn from his mistake.

Late last year we were reminded again about the cruel and vile act of torture with the release of Australian photojournalist Nigel Brennan. Nigel’s safe return was obviously a great relief for his loved ones, but the torture that he and Canadian journalist Amanda Lindhout endured over 15 months detained in Somalia is completely abhorrent to everybody. All countries, all societies who value human life, must take a stand against torture and the death penalty.

This bill ensures Australia complies fully with its international obligations to combat torture and demonstrates our ongoing commitment to the abolition of the death penalty. State and territory legislation covering torture and assault occasioning grievous bodily harm ensures Australia meets its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, this bill will introduce a specific torture offence in the Commonwealth Criminal Code. In doing so it repeals the Crimes (Torture) Act 1988 and responds to the UN recommendation that Australia enact a specific federal torture offence. The offence will not replace state and territory offences but will operate together with them. It ensures that Australia explicitly meets our obligations under the convention against torture. This bill also amends the Commonwealth Death Penalty Abolition Act 1973 to ensure that capital punishment can never be reintroduced in Australia ever again. The act already applies to Commonwealth, territory and imperial criminal laws. This bill will extend the abolition to the states and ensure that the death penalty cannot be reintroduced at the state level.

The stronger our stand against torture and capital punishment at home, the more credibility we have to lobby other countries against the death penalty; we are then able to speak with a voice with standing, not just when an Australian citizen is in trouble, but at all times. We will be able to look other nations in the eye and say: ‘This is not something you should be pursuing, not just because you have an Australian in a prison cell, but because it is the wrong to do and it is not a civilised thing to do.’ It would obviously
give us more credibility when it comes to fighting for the lives of people like Scott Rush. Scott faces the death penalty for carrying 1.3 kilograms of heroin into Bali on 17 April 2005. I remember that day particularly because it is the day my first son was born. Since February 2006, Scott has continued to face that death sentence while my son brings me nothing but joy—that is, mostly joy. All people who value human life stand united against this sentence and continue to hope and pray for Scott’s sentence to be commuted.

This bill also ensures Australia continues in compliance with the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. I commend the bill to the House.

Mr NEUMANN (Blair) (1.32 pm)—I speak in support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. Torture in criminal law is unacceptable. The death penalty is unacceptable. Anyone who has practised in criminal law would know that any confessions, any admissions or any statements uttered as a result of intimidation, harassment or violence are lacking in probity, authority and efficacy. People who are interrogated by police officers ought to retain their civil liberties and civil rights. It is unacceptable, barbaric, inhuman and uncivilised for people to receive torture when faced with overbearing civil authority and it is something that is more akin to feudal or medieval times. The legislation before this place has been endorsed by many people. I will come to the third-party endorsements of this legislation, but I want to read a quote which, I think, is germane by the federal Attorney-General, Robert McClelland. I think it is worth putting in Hansard what he said of this legislation:

It will ensure the death penalty cannot be reintroduced anywhere in Australia in the future. The purpose of these amendments is to ensure that Australia complies fully with its international obligations to combat torture and to demonstrate our commitment to the worldwide movement for the abolition of the death penalty. Taking these
steps demonstrates our fundamental opposition to acts that are contrary to basic human values. There are some in our society who believe in an eye for an eye. I do not believe that is the case. In terms of my own religious convictions, I am more of a New Testament person rather than an Old Testament individual. I think it is important that we prosecute those who breach our criminal codes and they should be subject to the rigours of the criminal justice system.

Taking someone’s life as an act of vengeance is really barbaric, and I am pleased that the federal Attorney-General has put forward this legislation. It implements a very specific Commonwealth offence of torture into the Commonwealth Criminal Code. As I said, the Commonwealth Criminal Code at a federal level owes a lot to Sir Samuel Griffith and his genius and legislative and legal ability at the end of the 19th century. The new offence is intended to operate concurrently with existing offences in state and territory laws. This is an area of criminal law where both the states and the federal government have jurisdiction under our Constitution, and it is important that that legislation acts concurrently and intermarries. I will deal with that particular aspect and why it is so important later in this speech.

The bill also amends the Commonwealth Death Penalty Abolition Act 1973 to extend the application of the current prohibition of the death penalty in state laws to ensure the death penalty cannot be introduced anywhere in Australia. The bill, of course, had to be developed in consultation, through the COAG process and in discussions with attorneys-general throughout the states and territories. That is important. As the member for Moreton pointed out, the Death Penalty Abolition Act 1973 needs to be amended to cover state laws. This will safeguard ongoing compliance and obligations that we have under the second optional protocol to the International Covenant on Civil and Political Rights, which is focused fairly and squarely on the abolition of the death penalty.

It is not that long ago in this country that we had the death penalty and it was operating, sadly, in a way which meant that people who committed certain criminal offences—murder, manslaughter and other types of criminal offences—were subject to that potential risk. Many times the convictions were commuted to life imprisonment or other penalties, which was the just and humane thing to do. Queensland did take the lead in relation to the abolition of the death penalty. It is often said by those who live elsewhere that Queensland has been backward. In fact, Queensland was very progressive in that regard and took the attitude that we needed to abolish the death penalty before anyone else; it was abolished in 1922. As the member for Moreton said, Ronald Ryan was only executed in 1967, certainly in the lifetime of many people who sit in this chamber. So we are not talking about ancient history; we are only talking about a generation ago when the last person was executed in Australia. A few more than 100 people have been executed for criminal offences throughout the history of the Commonwealth of Australia. That really is a tragedy.

It is important that we listen to the arguments of those people who are supportive of our current stance. Too often people will come up to us—I have certainly had them at mobile offices that I have conducted in my electorate—and advocate for the return of the death penalty. The death penalty is brutal. Anyone who has practised in law knows that judges and juries can fall into error. We know that there is no chance that if someone is killed by lethal injection, hanging, shooting or some other form of device as a result of a conviction that they will ever be rehabilitated. There will be no opportunity for reformation and repentance. Contrition, if ever
expressed, cannot be acted on, and they can never be a useful member of our society and community again. I would argue, as many have, that it is certainly not an effective deterrent. That has not been the experience here, and it has not been the experience in places where the death penalty has been used frequently, such as the United States of America.

I mentioned earlier in relation to the prohibition on torture that we had been a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture is defined in the convention as an act by which severe pain or suffering is intentionally inflicted upon a person by a public official for certain specified purposes, such as obtaining information or a confession from a person. When a person is charged with an offence or is facing the prospect that they may be charged, it is one of the most difficult times in their lives and their family are worried and concerned. That is not to say that we should not have respect and sympathy for and give assistance to the family of victims; nor should we forget what those victims have suffered. But we have a criminal justice system that presumes people are innocent until proved guilty, and we should never go back to the days of kangaroo courts and Spanish Inquisition-style tactics, which were used just a few centuries ago in respect of the execution of people or the extraction of confessions or admissions. Many times, those types of torture implements and instruments were used not just upon the alleged perpetrator of the criminal offence but upon witnesses as well.

The Commonwealth Crimes (Torture) Act 1988 currently criminalises acts of torture committed outside of Australia, but only when committed by Australian citizens or other persons who are subsequently present in Australia. So there is a gap in the legislation. Also, acts of torture that are committed anywhere in the world during the course of an armed conflict or as a crime against humanity are currently criminalised under the Criminal Code. The UN Committee against Torture have been critical of us—I have read what they had to say—and other nations which have not enshrined in legislation a specific criminal offence relating to torture, and the UN has called on other nations to do so. That does not mean to say we should blindly do it, but I think it gives us a degree of moral authority if we are going to criticise other countries in relation to human, civil and political rights offences and violations if we ourselves say in our criminal laws that we have specifically prohibited torture as a means of extracting information or confessions from a person. So it is a matter of giving ourselves that kind of moral authority in international relations.

In May 2008 the UN committee I referred to recommended that Australia enact a specific offence of torture at the federal level. It is certainly prohibited at state level and, as I say, there is a gap in our legislation. So the legislation currently before the House is important. The new offence will mean that the Crimes (Torture) Act is otiose and it will have to be repealed in the circumstances.

We as a country, to the credit of both sides of the chamber, have had a long period of opposition to the death penalty. We have, as I said before, been party to the International Covenant on Civil and Political Rights and the second optional protocol in relation to that, aimed at the abolition of the death penalty. It is sad that not all countries throughout the world subscribe to the same viewpoint with respect to the death penalty as we do. We should take every step through the Department of Foreign Affairs and Trade and also through our diplomatic efforts to advocate for the abolition of torture and the death penalty throughout the world. Torture should
be criminalised throughout not just the Western world but the Third World and other countries that we trade with, have relations with and deal with daily.

This legislation before the House has support in the community. There has been strong support shown by Amnesty International and the Australian Human Rights Commission. I wish to outline what has been said by both those authoritative bodies with respect to the legislation. The Australian Human Rights Commission welcomed the introduction of the legislation before the House, describing it as ‘a landmark piece of legislation in Australia’s human rights protections’. On 19 November 2009 commission president Cathy Branson QC said that torture in any form is unacceptable and welcomed the introduction of a specific offence of torture in the Commonwealth Criminal Code. Cathy Branson said the following:

This new offence means that torture will be criminalised both within and outside Australia—effectively closing that gap. She also said:

This legislation demonstrates Australia’s commitment to fully meeting its obligations under the United Nations Convention against Torture. She also talked about the death penalty and said as follows:

The death penalty will not be able to be reintroduced anywhere in Australia.

She said this, and I think this is very important:

Once Australia becomes a party to the Optional Protocol, we will be required to establish a national system of inspection of all places of detention to prevent the mistreatment of people who are detained.

She also went on to say:

This legislation demonstrates a commitment to preventing some of the most serious breaches of human rights.

Amnesty International has also come out very strongly in supporting and welcoming the proposed legislation, which it says ‘confirms Australia’s opposition to torture and the death penalty’. Amnesty International has said the following:

Amnesty International believes the proposed legislation is another important step towards Australia fully realising its obligations under the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International has described the legislation as:

… a welcome commitment made by Government in 2008 to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International has campaigned extensively on this issue and has made the point that we should be campaigning to outlaw the death penalty throughout the world in law and in practice, which I think is important, because there are many countries throughout the world that take the view that legislation says it. In practice, it does not happen. In fact, in practice often the criminal laws and the rules to protect the criminal justice system and those who come in contact with it are violated in the most heinous and horrible way. Amnesty International has said this, and I will finish with it:

Amnesty International has been working for decades to prohibit the use of torture and other cruel, inhuman and degrading treatment or punishment. Its use is an affront to human dignity and a fundamental breach of human rights.

I could not have put it more eloquently or articulately. It is extremely important legislation that we are dealing with today. It fulfils our obligation. It gives us moral authority and says to the Australian community where we stand and where we on both sides of the House believe Australia should go in the future. I welcome the legislation.

Mr GEORGANAS (Hindmarsh) (1.51 pm)—The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abo-
lition) Bill 2009 is just as it appears to be: a bill to make torture a specific offence in the Commonwealth Criminal Code and also to prevent the death penalty from ever being reintroduced in any jurisdiction within the Commonwealth of Australia. I am very pleased to be here supporting this bill today. Both elements of this bill—the torture and killing of another human being—come down to matters of principle. We know that torture takes place. We see the horrendous and horrific pictures beamed through our TVs, the internet and the many media that we have today. We have known this for many, many years.

The stories we hear from refugees who come to this country seeking refuge from these acts of brutality and of systematic brutality perpetrated by many forces—rogues or rogue governments—are enough to shock most of us every time we hear them, even today. We hear of instances of brutality that are inflicted to induce people to communicate all sorts of things, whether they be secrets, information or the betrayal of another human being. We have heard of people being tortured until they betray the confidence of an associate, a colleague or even a member of their family and we have heard of the persecution or execution that can happen as a result of this. We have heard of torture being used as a means of inducing terror and compliance towards a given authority.

For many years, we thought that such practices had been limited to areas and conflict that were removed from our Western sensitivities, practised by powers within countries who never got involved in active participation in the UN or its focus on human rights. We thought it was the tactic of the barbaric, the brutal and people who were nothing like us. The horrors in and around the world that we see every day through the media have changed that perception to an extent, as I said earlier. But nothing could

have prepared us, for example, for the events we saw in places like Rwanda and the former republic of Yugoslavia. Previously the tendency of a national leader to engage in torture has always been perceived as evil—and rightly so—as the depths of human potential and even a self-evident rationale to depose that particular leader. I am sure that by far the majority of Australians are disgusted by the horrific act of torture. Whether any person tortured is an Australian citizen or a national of some other country, I would like to think that most of us here in Australia would draw the line at the practice of crushing a person’s body and crushing a person’s mind by inflicting intolerable pain, terror or the systematic loss of self.

Some people may argue that under particular circumstances within the context of a highly emotive hypothetical situation or within an imaginary context through which all their fears and dreads are brought to the fore such tools of persuasion as torture may be needed, that it may be the lesser of two evils and that, while it may be regrettable, it might even be necessary to avoid even greater pain and destruction. This argument receives alarming support. But when one asks, ‘What then is the required level of threat that would legitimise the use of torture?’, it is difficult to anticipate a coherent response. If it is that someone’s interests are more important than the person subjected to the torture, it is a race to the bottom. I do not believe that torture has any positive outcomes for anyone or has any benefit to anyone.

Jane Mayer, a writer for the New Yorker and author of The Dark Side, which was released last year, refers to substantial evidence, including from the US military and the FBI, of torture being one of the least effective methods of gaining intelligence and it being more likely to induce false confessions and misinformation through the fear and pain
perpetrated on the victim. It may be that the practice of torture says more about those who perpetrate the act than the conflict in which they are involved, the nature of the threat they may be responding to or the information that they seek. It may be that the practice of torture is simply an opportunity for the sadistic to be brutal to a fellow human being.

The bill also deals with the death penalty. The death penalty, also brutal, may also involve other motives. I suspect it may have an economic motive in some countries—it being cheaper to kill and bury than imprison for decades upon decades. The potential for injustice is quite apparent. The irreversibility of the act is obvious. But, apart from a desire not to want to be in a position where an innocent has been put to the sword, there is the principle as well. The principle is this: it is wrong to take the life of another. The act of taking another’s life is perhaps just as low as the horrendous act that took place that precipitated it.

I am also very glad that jurisdictions throughout the Commonwealth of Australia have removed the death penalty from their list of prescribed penalties and that the community has not been increasing the volume of blood on its hands for some time now. I am very pleased to speak here today in support of this bill which will confirm and restate the principle which we have all spoken to all around the world.

Speaking on this bill, my mind goes to what was said just last year on 25 November here in this House. It was White Ribbon Day, which is held by the UN each year to oppose violence towards women. Violence perpetrated by men against women is evidence of the same disrespect for human dignity as the subjects of the bill we are debating here today. Violence, intimidation, physical and emotional abuse—no-one can justify such actions against another human being. No-one can say it is required, that it is for the greater good or that it will produce some good. No-one can say that this violence is not akin to thuggery and pointless brutality perpetrated by the strong against the weak, the armed against the defenceless or the organisation or rogue state against the individual. Brutality and the disrespect of human dignity must be opposed in all manifestations, on every level, in the name of every cause or in defence of even the very principle of which I speak.

(Time expired)

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

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister)

The bill also deals with the death penalty. The death penalty, also brutal, may also involve other motives. I suspect it may have an economic motive in some countries—it being cheaper to kill and bury than imprison for decades upon decades. The potential for injustice is quite apparent. The irreversibility of the act is obvious. But, apart from a desire not to want to be in a position where an innocent has been put to the sword, there is the principle as well. The principle is this: it is wrong to take the life of another. The act of taking another’s life is perhaps just as low as the horrendous act that took place that precipitated it.

I am also very glad that jurisdictions throughout the Commonwealth of Australia have removed the death penalty from their list of prescribed penalties and that the community has not been increasing the volume of blood on its hands for some time now. I am very pleased to speak here today in support of this bill which will confirm and restate the principle which we have all spoken to all around the world.

Speaking on this bill, my mind goes to what was said just last year on 25 November here in this House. It was White Ribbon Day, which is held by the UN each year to oppose violence towards women. Violence perpetrated by men against women is evidence of the same disrespect for human dignity as the subjects of the bill we are debating here today. Violence, intimidation, physical and emotional abuse—no-one can justify such actions against another human being. No-one can say it is required, that it is for the greater good or that it will produce some good. No-one can say that this violence is not akin to thuggery and pointless brutality perpetrated by the strong against the weak, the armed against the defenceless or the organisation or rogue state against the individual. Brutality and the disrespect of human dignity must be opposed in all manifestations, on every level, in the name of every cause or in defence of even the very principle of which I speak.

(Time expired)

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

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister)

I inform the House that the Minister for Families, Housing, Community Services and Indigenous Affairs, and the Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery will be absent from question time today, as they are in Alice Springs for a meeting of the Alice Springs Transformation Plan steering committee. The minister for housing will answer questions on behalf of the Minister for Families, Housing, Community Services and Indigenous Affairs. Furthermore, the Minister for Health and Ageing will answer questions on behalf of the Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery.

MINISTERIAL STATEMENTS

Canonisation of Mary MacKillop

Mr RUDD (Griffith—Prime Minister)

I am sure that the Leader of the Opposition and all members of this place will join the government in expressing its delight at the decision by the Vatican last
Friday night and the formal announcement of the canonisation of Blessed Mary MacKillop, which will go ahead later this year. This is a significant announcement for the five million Australians of the Catholic faith and for all Australians, whether of Catholic faith or not.

Mary MacKillop is our first Australian to be canonised, and she will enter our history books as Australia’s first saint. Mary MacKillop is an extraordinary figure in Australian history. She was a pioneering woman who dedicated her life to advancing the cause of social justice in Australia. Mary MacKillop was 24 years old when she became the first member of the Sisters of St Joseph of the Sacred Heart, an order dedicated to teaching poor people in the parish of Penola in South Australia. Her first school was a disused stable, and it was open to all, even those who could not afford to pay school fees. Within five years the Josephites were running 35 schools. They took education to wherever it was needed, travelling in twos and threes, living in shacks, refusing government aid and begging for their living. As the Catholic priest and teacher Edmund Campion has put it, the sight of religious women lugging a carpet bag from door to door, begging, was too much for some Catholics at the time, who were used to the more sedate, large, competent nuns of Europe. One man said, ‘If my daughter were to do that sort of thing, I’d have her run in under the Vagrancy Act.’ But it was because the sisters lived in poverty that Catholic schools were able to survive and expand. It is said of Mary MacKillop that her own clothes were so worn that her mantle fell apart one day when a young sister gave it a tug. While her clothes were frayed and worn, Mary MacKillop never lost her indomitable spirit and fire within.

This is a good day for the Australian Catholic Church, and I believe that all members of this place would extend their heartfelt congratulations to the Australian Catholic Church, to all Australian Catholics, at this great honour which has been bestowed on this leading Australian Catholic woman.

Mr ABBOTT (Warringah—Leader of the Opposition) (2.03 pm)—On indulgence, finally we have a Vatican decision that I can support. It is fitting that the parliament should mark the canonisation of mother Mary MacKillop, who was more than just a great Catholic; she was also a great Australian. First, she was the very model of an independent woman, often in conflict with male officialdom and invariably prevailing through strength of argument and force of character. Second, she dedicated her life to the promotion of education, especially in small towns that might not otherwise have had a school. Third, she dedicated her life to the service of the poor. She did not demand that the government help the poor. She rolled up her sleeves and did it herself. In all these respects she is an exemplar for all times—for our times, not just for her times.

Mr SECKER (Barker) (2.04 pm)—On indulgence, it certainly is a day for rejoicing, not only because Penola is in the electorate of Barker and the Mary MacKillop Centre is in Penola, of course, but my elder sister is a Josephite nun or, as we call them in a friendly way, a Joey.

QUESTIONS WITHOUT NOTICE
Home Insulation Program

Mr ABBOTT (2.05 pm)—My question is to the Minister for the Environment, Heritage and the Arts. I refer the minister to the Minter Ellison report, first received on 9 April last year, and to admissions by officials in Senate hearings today that he received weekly safety updates from the secretary of his department to the 20 warnings from union, industry and state officials since the inception of his now scrapped home insulation scheme.
On behalf of the 240,000 households with either unsafe or substandard installation, the 1,000 households left with potentially deadly electrified roofs and the four families of the young men who have tragically lost their lives, I ask: when did the minister first receive elements of the Minter Ellison report, and what action did he take to address the serious concerns that this report raised?

Mr Garrett—I thank the Leader of the Opposition for his question because it allows me to continue to advise the House on those measures and actions that were taken by me and the government in relation to the Home Insulation Program. I can advise the House that the Minter Ellison report and the risk assessment processes that the government undertook at the time produced a set of advices to me in relation to this program and informed the establishment of the guidelines under this program, the nationally accredited training model under this program and a set of additional measures that were delivered to ensure that we had safety, effective delivery and adequate training in relation to this program.

I caution the Leader of the Opposition against extrapolating from interim results of audit and risk management to produce in the community an apprehension that each and every ceiling is of an order to be identified as having a specific risk. As the secretary of the department made clear in her statement on Friday and as I have made clear in my statements subsequently, the totality of the advice that has come to me includes the consideration that the department has had not only of Minter Ellison reports but of other material and consultations with stakeholders, industry, training bodies and the like, and they are the matters upon which I took advice and acted in this program.

Mr Speaker, I add through you to the Leader of the Opposition that I have additionally announced further details today in relation to both safety inspections and rectification work relating to the termination of the Home Insulation Program. We have said we will expand the:

... targeted, risk based audit and inspection program to 15 per cent of homes with non-foil insulation installed under Home Insulation Program which may have safety risks. This risk based audit will be extended further, if necessary, to any segments of households deemed at risk.

That is the commitment that the government has made today. We stand by that commitment and we will deliver the new program, the Renewable Energy Bonus Scheme, in that manner.

Health

Ms Saffin (2.09 pm)—My question is to the Prime Minister. Prime Minister, what are the future challenges facing the Australian health system?

Mr Rudd—I thank the member for Page for her question, because working families across Australia have a deep interest in the future of the health and hospital system of Australia. Australians have a fundamental interest in making sure that our system is got right for the future. Every year Australians make about 115 million visits to the doctor. Every year the nation’s 768 public hospitals deliver some 49 million hospital services to the Australian public. All this is made possible by a dedicated Australian health workforce made up of something like 60,000 doctors, 230,000 nurses and 134,000 allied health professionals. This comes at great cost to the Australian taxpayer. Taxpayers at present pay some $71.2 billion each year to support this public health system of Australia.

We have to look, however, at how this system of ours is sustainable into the future. By international standards our health and hospital system performs well, but it is under
great pressure. The demand for health services in Australia is rapidly outweighing the supply of those services, and the reasons are pretty plain: firstly, an expanding population; secondly, an ageing population; and, thirdly, of course, great advances in medical technology. I also say to those opposite and to the House at large: the proportion of those over the age of 65 is increasing and is expected to increase around sevenfold, which means that the overall burden on our health and hospital system for the future will be greater indeed.

The other point of stress in the system for the future is—

Mr Laming—Your lack of action! You’ve done nothing in two years.

Mr Rudd—the ability of the states and territories to fund the system’s expansion for the decades ahead. Mr Speaker, those opposite interject about the capacity of the health system to deliver, a health system which has not been able to deliver effectively because the previous government ripped a billion dollars out of the public hospital system. Treasury projects that the total health spending of all states will exceed 100 per cent of their tax revenues, excluding the GST, by around 2045-46 and possibly earlier in a number of states—in fact, as early as in about 20 or so years time. A final point about stress in the system and the ability to fund future needs is this: waste, duplication and overlap. The Bennett report reached conclusions that some 10 to 20 per cent of our total health expenditure at present could currently be being wasted because of the duplications which exist within our system.

The government in its two years in office has increased the overall allocation to health and hospitals by some 50 per cent. We have a $1.1 billion investment in training for more doctors, nurses and allied health professionals; a $750 million investment in improving our emergency departments; a half-billion dollar investment in subacute care beds; and nearly a half-billion dollar investment in prevention, expanding the preventative healthcare investment to $872 million. These are the practical measures we have taken so far, given the billion dollars which was ripped out of the system by those who preceded us.

The government is also taking significant steps to underpin the future funding needs of the system. That is why in the 2009-10 budget we introduced the vital private health insurance savings measure to make sure that low- and middle-income Australian taxpayers were not subsidising the health insurance of wealthier Australians. This important savings measure is still being blocked by the opposition in the parliament. If not passed it will cost taxpayers almost $2 billion over the forward estimates and much more beyond—billions of dollars which should be being invested in the future needs of our health and hospital system. This is absolutely fundamental to the future funding of the reforms and expansion of the system that we need, a system that is already under considerable stress.

That is why the government welcomes a debate on the future of health and hospitals. That is why the government has acted, in its two years on this matter, against the billion dollars ripped out of the health and hospital system by those opposite. I say to those opposite, when they reflect upon their 12 years in office—the freeze they put on the training places for GPs, the billions they ripped out of the health system overall and, on top of that, the shortage of 6,000 nurses across the country—this is a debate that we welcome for the parliament and for the country at large. We have acted in the two years we have been in, and we have much more to do on this one.
Home Insulation Program

Mr ABBOTT (2.15 pm)—My question is again to the Minister for the Environment, Heritage and the Arts. I refer the minister to the Minter Ellison risk assessment on his now failed home insulation scheme provided to his department prior to the commencement of the scheme in July last year and in particular to the warnings that this risk assessment contained about program timing, compliance, fraud, safety and the potential for house fires. I ask the minister: was he briefed on and did he read any part of the report prior to receiving the full report a fortnight ago? Why did he not read the full report immediately and respond immediately and why did he not table the full report, including the so-called risk register, rather than the selected parts of the full report?

Mr GARRETT—I thank the Leader of the Opposition for his question. The answer to that question is that I received the full Minter Ellison report this year and that is the first occasion that I saw and read that report in its entirety. The second part of his question to me I respond to as follows. In determining a risk assessment mechanism for the rollout of the Home Insulation Program, I understand my department drew on a range of sources and information including the Minter Ellison risk assessment report and began to deliver a risk register as a consequence of that report. The totality of advice that I received, including my department’s identification of matters raised not only in that report but in others coming through to me, I have responded to. I say to the Leader of the Opposition: I have responded to it in these terms which were to ensure that we put in place a delivery of the Home Insulation Program that provided for the management of risk to acceptable levels.

A number of those matters that have been identified in this report were identified in other engagements that were brought to my attention over time—namely, consultations with stakeholders, views of relevant technical experts and otherwise. The task that I set myself was to determine that the advice that I received was the appropriate advice to act upon. I put in place a series of measures to ensure the rollout of this program taking into account any matters identified by the department and brought forward to me by way of advice. That is what I did in relation to this program. There are a staged series of additional announcements I made on the basis of advice I received to lift issues in relation to safety and subsequently to training. It is a case of managing acceptable risk levels that has always been the determiner for me as minister. That is why I have made every decision up to the decisions I have made in the last week.

Health

Mr GEORGANAS (2.17 pm)—My question is to the Treasurer. What are pressures on the health system as outlined in the report 2010 Intergenerational Report Australia to 2050: Future Challenges and why is it important to place the health budget on a sustainable footing?

Mr SWAN—I thank the member for Hindmarsh for his very important question. It is important that we put the health budget on a sustainable footing. The Australia 2050 report highlighted the impact of rapidly rising health costs on the future of the Australian economy. Health costs are projected to increase from 15 per cent of all Commonwealth spending now to something like 26 per cent by 2050. This is an increase in 2049-50 of something like $200 billion from today’s spending. This makes health the biggest pressure on our budget, contributing around two-thirds of the total increase in public spending over this time. This reflects ageing pressures, increasing demand for
health services and new and more expensive drugs and technologies. The Australia 2050 report identifies the critical need to address the rising cost of our health system.

This side of the House is committed to safeguarding the long-term sustainability of the health budget but also making sure that taxpayers’ dollars are distributed fairly. Spending on the private health insurance rebate has grown from $2.1 billion in 2000-01 to $4.2 billion last financial year. Real spending per person is projected to increase by more than 50 per cent from 2012-13 to the equivalent of $319 per person in 2022-23. That is the primary reason why the government has announced fair and responsible changes to the private health insurance rebate to better target that rebate to those who need it most. Our changes are designed to have a minimal impact on participation with 99.7 per cent of people expected to maintain their hospital cover according to Treasury analysis.

Unfortunately, the opposition shows no sign at all of doing the right thing with this change to the private health insurance rebate. They want a health system where working families subsidise the healthcare costs of the well to do. That is simply unacceptable in the circumstances that I have outlined. Our changes are designed to have a minimal impact on participation with 99.7 per cent of people expected to maintain their hospital cover according to Treasury analysis.

Unfortunately, the opposition shows no sign at all of doing the right thing with this change to the private health insurance rebate. They want a health system where working families subsidise the healthcare costs of the well to do. That is simply unacceptable in the circumstances that I have outlined. We hear all sorts of extreme statements from the shadow Treasurer and from the Leader of the Opposition about how they stand for fiscal responsibility, but they are in there knocking off a saving of $2 billion over four years and $9 billion to 2019-20. Every day the shadow Treasurer huffs and puffs about how responsible he is and says that the opposition stand for responsible economic measures, but the opposition in the Senate just show that he is full of hot air, because there is no fiscal responsibility on that side of the House. If they were interested in providing affordable health care to average Australians and if they were responsible economic managers, they would be backing this very important bill in the Senate, but what they are doing is demonstrating yet again what a risk they are to the Commonwealth budget and the Australian economy. We on this side of the House will get on with the hard work of supporting hardworking Australian families and giving them a fair go.

DISTINGUISHED VISITORS

The SPEAKER (2.21 pm)—I inform the House that we have present in the gallery this afternoon the Deputy Chairman of External Affairs for the Justice and Development Party of the Grand National Assembly of Turkey, Mr Suat Kiniklioglu. On behalf of the House I extend to him a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Home Insulation Program

Mr HUNT (2.22 pm)—My question is to the Minister for the Environment, Heritage and the Arts. I refer the minister to remarks made at his media conference last Friday by the Secretary of the Department of the Environment, Water, Heritage and the Arts with respect to his scrapped home insulation scheme that the scheme had ‘a very high level of compliance’, ‘very high safety requirements’, that the guidelines were ‘very stringent’ and also that the scheme ‘has probably had one of the highest compliance and audit regimes put in place’. If a 24 per cent failure rate and 240,000 unsafe or sub-standard installations is a high level of compliance, why should the public have any confidence that the new scheme administered by the same minister will be any safer than the old one?

Mr GARRETT—I thank the honourable member for his question and point out to the honourable member that, as he well knows, the information that was provided by the
secretary of the department on Friday pointed to two components of compliance and risk under this program, one relating to actual risks identified as being significant and the other a range of risk issues including, amongst other things, spaces between the installation of batts, uncompleted paperwork and the like. I again caution the opposition about conflating interim figures on risk assessment to make predictions about the risk levels across the landscape of the Home Insulation Program. The fact is that we have insulated over one million homes under this program, that there has been a risk and compliance strategy in place since the program ran out from 1 July and that that has been delivered as a consequence of advice that we received not only from my department but also from the industry itself, from training bodies and from consultations with stakeholders which have regularly taken place as a consequence of the delivery of this program.

The changes we announced on Friday go to the key point that the appropriate and safe management of risk under this program is a responsibility I take seriously and the measures that we have identified for both a register and a continued delivery of insulation into people’s homes through the transition to a new program is well articulated and identified. We will work closely with industry and the relevant authorities, particularly state authorities, in relation to that delivery. It will be done in a way which ensures that the delivery of insulation, a product which has been in use in Australian homes for many years and installed safely for many years, can continue.

Private Health Insurance

Mr ADAMS (2.25 pm)—My question is to the Minister for Health and Ageing. How does the government plan to reform the private health insurance rebate and make it more sustainable for taxpayers?

Mr Simpkins—A broken promise again.

Mr Tuckey interjecting—

The SPEAKER—The member for Cowan is warned! The member for O’Connor is warned!

Ms ROXON—I thank the member for Lyons for his question because I know the member for Lyons and the member forBrad- don and many members on this side of the House, and I suspect also the member for Maranoa and perhaps the member for Gippsland, the member for Lyne and the member for New England, would all understand that their constituents on low and middle incomes rely very heavily on the private health insurance rebate and want it to be sustainable for the future. It is important for those low- and middle-income earners in electorates that are not like the North Shore electorates represented by the Leader of the Opposition or the shadow Treasurer that have large numbers of high-income earners who are being subsidised by those on low and middle incomes who indeed need government assistance to ensure that they can keep their private health insurance.

The changes that are being debated in the Senate today are designed to make the private health insurance rebate sustainable to ensure that those low- and middle-income Australians are able to continue to have the support that they deserve from the government. But before those opposite get too agitated let me read a statement by the new President of the Business Council of Australia, Mr Graham Bradley. I do not think the Business Council of Australia can be accused of being Labor patsies, but it appears that even the new Business Council of Australia president supports the government’s approach. Recently he called on the government ‘to secure the future affordability of our health care system’ and said that bringing the budget back into surplus would require
tightening eligibility requirements and means testing’—in other words, exactly the type of measure that is being voted on in the Senate today, tomorrow or whenever the opposition finally decide that they are prepared to let there be a vote.

There is another chance for the opposition to show that not only do they support low- and middle-income earners but also they support the views of the Business Council. It is no longer just a question of whether or not they can play the politics of this. Ultimately, millions of low- and middle-income earners across the country want this support, need this support and deserve to be able to have the rebate system sustainable into the future. So it is a question of not just the fiscal credibility that the Treasurer dealt with earlier but also their credibility in the community, telling low- and middle-income earners in electorates across the country that their support is under threat when they will not support these sensible measures that even the Business Council of Australia thinks should be supported.

Home Insulation Program

Mrs HULL (2.28 pm)—My question is to the Minister for the Environment, Heritage and the Arts. Given that at least 93 house fires have now been directly attributed to the faulty installation of roof insulation through the minister’s failed home insulation scheme and, Minister, given your own department’s admission last Friday that up to 240,000 homes have either unsafe or substandard insulation installed, what specific arrangements have been implemented to ensure the completion of proper safety inspections on the nearly one million homes that are currently at risk? When will the inspections be completed, Minister, for the nearly one million Australian households, many of whom cannot sleep for worry that they have a fire hazard within their roof?

Mr GARRETT—I am advised that there are 87 identified risks in relation to fire under this program, but I will go on to say that the announcement that I made today in relation to the Renewable Energy Bonus Scheme and this program as it transitions made clear that a number of factors will be taken into account in relation to the assessment process as it pertains to those who are installing insulation under the scheme from June of next year. In relation to the existing program of monitoring, audit and compliance, can I advise the House—as I began to again today—of the decisions that I have taken today in relation to the rollout of an amplified audit, risk and compliance program under the existing audit and compliance measures that the department has in place. We will accelerate and amplify that audit and risk assessment. It will be done initially to capture some 15 per cent of those targeted homes, and it begins, as a matter of course, on top of the existing program of audit compliance that is already underway.

Pensions and Benefits

Mr CHEESEMAN (2.31 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. Minister, why is it important that the parliament pass the student income support legislation and what are the consequences if it does not?

Ms GILLARD—I thank the member for Corangamite for his question, and I know that he, as I am and members of the government are, is very concerned about student income support and supporting Australian students to go to university. The Leader of the Opposition is always free with advice to others about things that they should take responsibility for. Well, the Leader of the Opposition himself faces a test this week as to whether or not he will step up to his responsibilities to ensure that legislation passes this
parliament which enables us to pay fair student income support to the students who need it the most.

I want to make clear to this parliament and to the Leader of the Opposition the consequences he will be personally responsible for if this legislation does not go through the parliament. If this legislation does not go through the parliament then 25,000 students with family incomes between $32,800 and $44,165 per annum will miss out on an increase to the maximum rate of youth allowance. We should be clear about that. That means that the Leader of the Opposition will be personally responsible for a student who lives in a home that earns around $40,000 a year not getting full youth allowance.

Then, of course, the Leader of the Opposition, if this legislation does not pass, will be personally responsible for the fact that a student who needs to move to study from a family that earns $60,000 a year—they should be able to receive almost $12,000 in their first year—will get no support unless they take a gap year. Then, on the question of university students, for a family with, perhaps, two students living away from home and a family income of $140,000, if this legislation passes then those students will be able to get rent assistance and the new Student Start-up Scholarship, plus a relocation scholarship. If this legislation is not passed, those students will get nothing. These are the consequences of the conduct of the Liberal Party and what is at stake this week.

It amazes me that, at the same time as the Leader of the Opposition is obviously directing his Liberal Party senators to hold up this legislation, I get correspondence from members of the opposition asking me to fix the very problems that they have created. I got correspondence from the member for Gippsland, who asks whether or not we would fix the fact that someone who gets youth allowance has part-time income taken into account when they are calculating youth allowance. He wants that fixed. Well, the legislation that Liberal senators are holding up fixes that very thing. The thing he wants fixed is being held up by his colleagues. Then, of course, he is not alone. I have had correspondence from Senator McGauran, who originally wrote to Centrelink; the correspondence was referred to me. Senator McGauran was complaining about the parental income test for youth allowance being too low. Well, Senator McGauran is right, but all Senator McGauran has to do during the Senate vote is vote on our side of the chamber, and we will be able to get this legislation through.

Ultimately this comes down to a test for the Leader of the Opposition, and it is a test this week. The test is whether or not he will stand up for a youth allowance package that is fair or whether he will end up explaining to literally thousands of students in thousands of families why they are not getting the benefits that the government wants to pay to them, a gross unfairness for which he will be responsible.

Home Insulation Program

Mr HUNT (2.36 pm)—My question is to the Minister for the Environment, Heritage and the Arts. I refer the minister to his announcement on 10 February of the suspension of the foil insulation program and the establishment of the safety hotline. Can the minister explain why, in the 27 television and radio interviews he gave in his own defence in the days following this announcement, he did not once mention the safety hotline number or specifically warn householders of the potential dangers of entering their roofs? How long will it take before all of the potentially 1,000 deadly electrified roofs have been found and fixed?

Mr GARRETT—I thank the honourable member for his question. I remind the hon-
ourable member that on a number of occasions, including in radio interviews in relation to this program, I have made very clear to people what the number is in relation to the Home Insulation Program. I do recall an occasion when I was first asked the question in the House on this particular matter and that the opposition made much merry of the fact that I actually quoted the number: 1800 808 571.

But can I go further and respond to the honourable member’s question by saying—

Mr Randall—You don’t know the number!

The SPEAKER—The member for Canning will cease interjecting and actually listen.

Mr GARRETT—I will say that in terms of providing the public with information concerning the Home Insulation Program, it has always been the case that there was a website available for people to access. That website has had the guidelines and requirements under the scheme, and there was also posted clear information to installers under that program about what steps should be taken in relation to any risks or compliance breaches that may take place.

The fact is that we take safety seriously in the delivery of ceiling insulation. I have to say that there are a substantial number of credible, well-qualified and honourable ceiling installers who have done their job under this program according to the guidelines. They have placed insulation in people’s ceilings which does not pose any additional risks for householders. For the opposition to claim in the parliament that up to a million homes or otherwise are at risk is not an appropriate or responsible way to ask questions of me on this matter.

I am very happy to take the questions that the opposition puts to me, but I simply point out to those opposite that the information that was tendered on Friday made clear that some 75 or 76 per cent of households that had been insulated under this program had not shown compliance or risk issues associated with them and, of those that remained, it was some eight per cent where significant risk issues were attached and they would be followed up as a matter of urgency—as they always have been under this program.

Economy

Mr SYMON (2.39 pm)—My question is to the Treasurer. What has been the Reserve Bank’s recent commentary on the state of our economy and the economic debate in Australia?

Mr SWAN—I thank the member for Deakin for his very important question. I think that the evidence the governor gave last Friday was a heartening assessment of the performance of the Australian economy during the global recession.

I think when we last sat we were talking about the creation of some 180,000 jobs in this country in extraordinary circumstances, meaning that breadwinners were going to work and businesses were keeping their doors open because of economic stimulus and because of the remarkable resilience of the Australian economy, the capacity of the workforce, the capacity of employers to work together with the government and the economic stimulus to support our economy during a time of great trauma in the global economy. Everyone on this side of the House certainly celebrates that performance. It has been very important to this country.

I think that the evidence the governor gave at the committee was heartening. He talked about the strong rebound in the Asia-Pacific but, of course, he did note that there were headwinds elsewhere in the global economy. He made the point that we were still yet to see evidence of a self-sustaining recovery in private demand in the large in-
dustrial economies, with growth being driven by the inventory cycle and temporary stimulus. He confirmed, however, that Australia's finances are much healthier than comparable countries. I would just like to quote from the governor:

And in terms of fiscal sustainability, Australia's position is, by any measure, very strong indeed.

Of course, his remarks follow those of the assistant governor, Philip Lowe, last week, who had this to say about the Australian economy:

We have come through the global downturn better than expected and, unlike many other advanced economies, employment has recently grown strongly and the level of investment remains high.

So that is encouraging for the country and it is encouraging for all of our citizens.

I think it also demonstrates not only that Australia has cause for confidence but that it is important that we do not have public commentary which is talking down our economy. It is very important that we do not get into that position. Of course, the governor had some interesting remarks to make on Friday about recent commentary around spending and interest rates. Many in the House would remember that a week or so ago the governor gave a speech at a conference in Sydney, where on page 1, at the bottom, it said, 'This commentary has got nothing to do with Australia.'

'Nothing to do with Australia'—you might recall that we had the opposition in here with a map of the globe, and the shadow Treasurer came out with all guns blazing. I think he asked the question to the Prime Minister—I have not had many questions from the shadow Treasurer; I think there has been one since September—

Mr Hockey—You won't even debate me!

Mr SWAN—Sloppy Joe there went out, all guns blazing—

The SPEAKER—Order! The Treasurer will refer to members by their titles!

Mr SWAN—hurdling the RBA governor in his attempts to talk down the economy!

What did the governor say in his evidence about this distortion and misrepresentation from the shadow Treasurer? He said: No particular message was intended for Australia here, as I think was clear in the disclaimer at the front of the paper—which most people who have reported on the paper have overlooked, I notice.

There has rarely been a sharper rebuke of a shadow Treasurer than that delivered by the governor at the committee last week: a direct repudiation of those opposite, and another demonstration of why they are so reckless and such a risk to the Australian economy.

For our part, we will go on supporting the Australian economy, creating jobs and looking after working people.

Home Insulation Program

Mr HUNT (2.44 pm)—My question is to the Minister for the Environment, Heritage and the Arts. Did the minister read or receive a briefing on any part of the Minter Ellison report prior to receiving the full report 10 months after the program was announced?

Mr GARRETT—I thank the honourable member for his question. As I have already indicated to the House, I did not receive or read the Minter Ellison report until this year.

Mr Abbott—Mr Speaker, I rise on a point of order on relevance. He was asked a direct question: did he receive any part of the report or read any part of the report prior to receiving the full report?

The SPEAKER—The Leader of the Opposition will resume his seat. The minister is responding to the question.

Mr GARRETT—in relation to the totality of advice that I received from the department, including advice that would have taken into account issues raised not only in the
Minter Ellison report but also in other reports and inquiries, I acted on the basis of that advice and, on the basis of that advice, I put the measures in place which we rolled out in terms of delivering the home insulation program.

Economy

Mr RAGUSE (2.46 pm)—My question is to the Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law. Minister, how are the government’s economic policies being received by Australian businesses? What risks are there to the growing confidence and stability within our economy?

Mr BOWEN—I thank the honourable member for his question and I recognise his extensive small business experience and his knowledge of the importance of business confidence in creating jobs. Last week we saw a broad improvement in business conditions across almost all sectors. The NAB quarterly business survey found that business confidence strengthened in the December quarter 2009 and now is at its highest level in 15 years. I am sure this is welcomed by members on both sides of the House, because business confidence is so important when it comes to job creation. Getting Australians into work and keeping them in work has been the focus of the government in the light of the global financial crisis and the ongoing international economic instability.

Clearly, the government’s stimulus package has had a marked effect on business confidence, which has flowed on in terms of jobs. The OECD last week issued another reminder of the importance of the government’s stimulus when it comes to the economy. It said that employment in Australia in 2010 will be between 1.4 and 1.9 percentage points higher than what it would have been without the stimulus measures adopted. That is what the OECD says. It is very important that stimulus remains in place, because withdrawing the remaining stimulus would put at risk 100,000 jobs. One hundred thousand jobs will be put at risk by the opposition.

I am also asked about risks to the confidence and the stability within the Australian economy. The main risk lies in the trifecta of economic ignorance which makes up the economic team of those opposite—the Leader of the Opposition, the shadow Treasurer and the shadow minister for finance; the trifecta of economic ignorance. We have all grown accustomed to the daily rants of the shadow minister for finance, but I think he has the right to feel aggrieved that his mistakes have received so much attention, because all he has been trying to do is keep up with the boss. We have seen the Leader of the Opposition cite New Zealand as the role model for the Australian economy. We remember that on The 7.30 Report on 6 January he was asked about how the stimulus was necessary and that it had appeared to have done the trick, and he said:

But at high price. And if you look across the Tasman, New Zealand has done just as well it seems as Australia without going into anything like the same level of debt and deficit that we have.

So they have done just as well as us—with an unemployment rate of 7.3 per cent! Apparently, that is good enough for the Leader of the Opposition.

And we have the shadow Treasurer, who has been willing to cite anyone and anything in support of his arguments that stimulus should be withdrawn. Do we remember the famous Gordon Brown speech—the phantom speech invented by the shadow Treasurer, a fabrication by the shadow Treasurer? That then brings us to the fabrication with respect to the Governor of the Reserve Bank’s remarks—the verballing of the Governor of the Reserve Bank, as the Treasurer indicated—which was completely repudiated by the
Governor of the Reserve Bank. But if that was not enough, last week in Senate estimates, in answering questions from Senator Joyce about the line of argument put by the shadow Treasurer and the shadow minister for finance about spending and interest rates, the Secretary to the Treasury said that that was ‘a gross oversimplification of economic understanding’. So we have a new year and a new leader, but the same old sloppy Joe.

Mr BOWEN—He is at his most credible when he is wearing a tutu, not when he is quoting others in response to his argument. We have a pattern here—a pattern of a fundamental lack of understanding of the Australian economy. I say through you, Mr Speaker, to the Deputy Prime Minister, that perhaps we need an enhancement to the My School website. Perhaps we need a subject-by-subject breakdown. If we had that, Nambour high school would beat Riverview every time. What we see is three people who have no fundamental understanding of economics and who are a great risk to the economy, because they do not get economics in Australia and they do not get international economics—they do not get economics at all.

Home Insulation Program

Mr ABBOTT (2.51 pm)—My question is again to the Minister for the Environment, Heritage and the Arts. I refer the minister to his home insulation scheme which, despite the 20 warnings he received and ignored, has resulted in 240,000 homes with unsafe or substandard insulation, 6,000 jobs under threat, at least $50 million to be spent on home audit costs, 1,000 homes electrified, at least 93 house fires and the tragic loss of four lives. I ask the minister: will he take personal responsibility for this public policy disaster and will he apologise to all those people who are now less safe as a result of his program?

Mr GARRETT—I thank the Leader of the Opposition for his question. I certainly do acknowledge that, where there has been a tragic loss of life in relation to the potential linkages between this program and a fatality, that is a matter of great concern to me, as it is to everyone in the House. I make the point as well to the Leader of the Opposition that I have made no judgment on the cause of those fatalities, neither should I in my position as minister and, frankly, neither should he in his position as opposition leader. These matters are the subject of inquiry by relevant state safety authorities and, additionally, potentially, by coronial inquiry. It is abuse of the position that we hold—to be able to speak to the nation as a whole—to infer, prior to properly and fully understanding the consequences of any incident, what has or has not caused this matter.

It is the case, regrettably, that there have been these fatalities and the association with this program has been identified. I very, very much regret that. In terms of the honourable member asking me about responsibility: I take responsibility for delivering a program that the government designed to achieve the goals of reducing greenhouse gas emissions, for dealing with the challenges of the fiscal stimulus package responding to the global financial crisis, for providing the opportunities for extra employment and for ensuring that the program was delivered in a way which was safe, and that training standards were in place to enable us to do that. At every step of the way I have taken advice from my department as to what appropriate measures should be in place to ensure those goals of risk management.

Mr Laming interjecting—

Mr Laming interjecting—

The SPEAKER—The member for Bowman is warned!
Mr GARRETT—I will continue to do that. I will continue to exercise my responsibilities diligently as the minister for the environment.

MINISTER FOR ENVIRONMENT, HERITAGE AND THE ARTS

Censure Motion

Mr ABBOTT (Warringah—Leader of the Opposition) (2.54 pm)—I seek leave to move a motion of censure against the minister for the environment.

The SPEAKER—Is leave granted?

Mr ALBANESE (Grayndler—Leader of the House) (2.54 pm)—On the basis that there is an understanding that there will be two speakers a side, the government will grant leave.

Leave granted.

Mr ABBOTT (Warringah—Leader of the Opposition) (2.55 pm)—I move:

That this House censures the Minister for the Environment, Heritage and the Arts for his gross and systemic failure in delivering the Government’s Home Insulation Scheme that through his incompetence, refusal to heed safety warnings and blatant inability to do the job the public demands of him as Minister, he has put at risk the safety of tens of thousands of Australian homes, the jobs of thousands of workers and the lives of installers and householders living with electrocution and fire risk across the country. Minister, enough is enough, it is now time to take responsibility and resign.

It is a fundamental principle of our system of government that ministers are responsible for the administration of their portfolios and for the administration of their programs. If that principle is to be disregarded or ignored, what is the point of this House sitting? What is the point of this question time if ministers do not take responsibility for the maladministration of their portfolios?

The tragedy of what we have seen in question time today is that we have seen a minister betray what I am sure is his basic decency. We have seen him squirming, twisting and turning, and doing anything to try to save his political hide rather than address the serious problems that are now absolutely manifest in the programs that he has been administering, and administering badly. What we have seen from this minister is a whole series of weasel words and a whole series of obfuscations and equivocations—everything but a simple statement of the truth.

The truth is that this was a badly designed program, that the minister was warned about the flaws in the design and that he did not take any action about the flaws in the design. The program was put into practice and all of the predictions about what would go wrong came true. At every step in this whole sorry saga, the minister either did not react or reacted completely inadequately. After 160,000 insulations that did not comply with product standards, 80,000 insulations that did not comply with safety standards, 1,000 electrified homes, 93 house fires and four deaths, finally, this minister suspended the program. But it was too late for all of those people now living in unsafe houses and, tragically, too late for the families of those four young victims of a program that should never have been put into place the way it was.

That is the tragic truth. The minister’s program has had these consequences and the Prime Minister still says, ‘He is a first-class minister.’ This is a minister who was responsible for 240,000 bodgie home installations, 100,000 electrified roofs, 93 house fires and four deaths, and this Prime Minister says, ‘He is a first-class minister.’ I would hate to see a second-class minister in this government if a first-class minister is responsible for such mayhem on a grand scale. What we have seen from this minister today is, clearly, an inadequate explanation about what he was told, when he was told about it and what he
did about it. We asked him question after question in this House today about when he first learnt of the contents of the Minter Ellison report and when he was first briefed about the Minter Ellison report. What we got from this minister was a series of obfuscations and equivocations, and he said, ‘I only received the full report 10 days ago.’ Well, that is just not good enough. Why did his department ask for the report? Why did he ask for the report if he did not know there was a problem? Having got the report, why did he not read the report and why did he not act on the report?

Whichever way it is, this minister is guilty. This minister should resign and, if this minister does not have the decency to resign, he should be sacked. Either he had the report, did not bother to find out about it and did not act upon it or he did have the report and he did not do what he so obviously should have. And he has misled this parliament about what he actually knew and when he knew it. This is a minister and a government which just does not get it. This is not the ordinary argy-bargy of parliament. We are not talking here about the usual business of a dollar here, a dollar there, a document here, a document there; we are talking about a program that has put at risk tens of thousands of people. We are talking here about a program administered by this government which has compromised and jeopardised the safety of tens of thousands of people, and this minister not only will not take responsibility but will not apologise for actions for which he clearly should be accountable.

We asked him, ‘Would he take responsibility?’ and he said he was concerned. It is just not good enough, Minister. We asked him, ‘Would he apologise?’ and he said, ‘It was regrettable’. It is just not good enough, Minister. These are people’s lives at stake and you show no remorse, you show no concern and you show no urgency about anything except saving your own hide. And this Prime Minister says that this minister is a first-class minister. If this government goes to its political grave later this year, it will be with the words of the Prime Minister about the minister for the environment ringing in its ears, ‘He was a first-class minister’. If the Australian public thinks that the Prime Minister really does believe that this minister is a first-class minister, they will conclude that this Prime Minister is not worthy of their continued confidence.

If all of this had happened suddenly, despite repeated assurances from his senior officials and from experts in the field that all was well with this program, and if this disaster on such scale had simply been sprung upon this minister, it should still be fatal for his continuation in office. But this did not happen suddenly. This was a slow motion train wreck. This program was a disaster that unfolded step by step in the full knowledge of people in the field, in the full knowledge of the experts in the department and, I say, with the full knowledge of this minister—or it should have been with the full knowledge of this minister if he was maintaining adequate supervision of his department—and he did nothing. He was warned at every step and at every step he failed to take adequate action.

As early as 9 March last year he was warned in writing by the National Electrical and Communications Association that this program was a disaster waiting to happen. In late April last year he was warned by state and territory ministers that this program was a disaster waiting to happen and that, if this program went ahead in the form that the government envisaged, there would be serious risk to property and to life. On 14 October last year we had the first death directly linked to this program. On 16 October last year the master electricians association formally wrote to the minister, warning him that
without an immediate suspension of the foil insulation program there would be further fatalities.

What did the minister do? He had meetings but he did not suspend the program. There were further warnings. In November the ACTU—the Australian Council of Trade Unions—called for the suspension of the foil insulation program, and still this minister did nothing. The New South Wales minister warned of the fire risk from this program. The South Australian minister warned of the fire risk from this program. These were not market fundamentalists. These were not wild-eyed right-wing conspiracy theorists. These were Labor government ministers warning this minister of the risks inherent in his program, and still he did nothing. It was only in February that he finally acted after another two deaths. Let me make it crystal clear: these were preventable deaths. The minister did not kill them but he did not take the action that would have kept them alive. There is no more terrible judgment that could be pronounced against a minister in a Labor government: that his inaction contributed to two deaths. Yet that is the judgment that is pronounced against this minister, and still the Prime Minister insists that he is a first-class minister.

The first charge against this minister—the charge on which he should be censured if he does not have the decency to resign—is of a comprehensive failure to administer this program, leading, I repeat, to 240,000 dodgy installations, to 1,000 electrified roofs, to 93 house fires and to four deaths. But the second charge, at least in the context of parliamentary accountability, is no less serious. This minister has wilfully misled the public and this House about the failures inherent in his program. From the very beginning this minister has been boasting about what a magnificent program this is. From the very beginning he has been telling us how splen-
This minister is in electrocution denial. That is the problem with this minister. This is a government in electrocution denial. Having boasted about how good this program was, the minister went on to admit that, if he had known more, nearly 4,000 of the installers would have been suspended and 1,050 of them would have been deregistered. This is a minister who claims that he was always on top of this program and this portfolio.

The third charge against this minister is that the man who created the mess is the last person who should be trusted to fix it. He designed a program that could not work. He ignored repeated warnings that it would not work. He was wilfully blind to the fact that it was not working, and he stopped it only after 240,000 houses had been improperly insulated, after 1,000 houses had been electrified, after 93 houses had burnt down and after four people had died while installing insulation.

This program is a disgrace, it is an embarrassment, and if this minister had any shred of the conscience that he so exemplified in his former life, he would now be looking into his own heart. He would now be probing his own soul, he would be consulting his own conscience, and he would be asking himself, ‘Will this really do?’ It is just not good enough that a program has failed to this magnitude with 6,000 people, at the very least, potentially losing their jobs while this minister desperately clings to his. Six thousand people are losing their jobs, on top of all the other things that have happened, and this minister is desperately clinging to his. And still the Prime Minister says that he is a first-class minister. What does that say about the Prime Minister when he says that this minister is a first-class member of the government? It says that this Prime Minister is more than likely in this program up to his neck. That is what it says about this Prime Minister.

Last week, the Minister for Finance and Deregulation, just on the other side of the chamber, said: ‘Who really cares about the maladministration of this program? Let’s face it. We had to shovel the money out the door to save Australia from recession, so how could we possibly be expected to dot the i’s and cross the t’s?’ We know what happens with programs like this when the i’s are not dotted and the t’s are not crossed: terrible disasters take place, terrible tragedies happen, and the government should take responsibility for these tragedies. Ministers should be accountable for these tragedies. Ministers should be censured if they refuse to be accountable, and ministers should be sacked if they are not so conscientious and so honourable as to take responsibility. I say on behalf of 240,000 householders whose houses have been improperly insulated, on behalf of the 7,000 workers who are likely to lose their jobs, on behalf of the 1,000 householders who face potential electrocution risks, on behalf of the 93 householders whose homes have burnt down and on behalf of the four families whose young sons have perished: first, this minister should apologise; second, he should appreciate the enormity of his incompetence and resign; and third, if he remains obdurate, the Prime Minister should sack him. Otherwise it is the government that is guilty, not just this minister.

The Speaker—Is the motion seconded?

Mr Hunt—I second the motion and reserve my right to speak.

Mr Garrett (Kingsford Smith—Minister for the Environment, Heritage and the Arts) (3.14 pm)—I want to make very clear in the parliament that this government has always taken issues of safety seriously, that I as a minister take issues of safety seriously and that the construction of the risk management program and framework under
the Home Insulation Program was particularly and specifically designed to that end. Additionally, I want to make the point that there is no activity which is risk-free and that the challenge in programs of any kind delivered by any government, at federal or state level, is for departments and ministers to assure themselves that the program they have put in place is capable of satisfactorily managing risks that are identified and, if necessary, adding to the safety risk management exercise by way of action where necessary and doing that on the basis of advice from the department, advice from experts and advice from stakeholders.

The fact is, at every step of the way as this program has been rolled out, I have taken advice about what measures we needed to have in place to manage safety. I have always said, at every step of the way, that, if there were a requirement for additional steps to be taken in terms of the satisfactory management of risk under this program, then I would take those steps. It is the case that the most recent advice to me in relation to risk management around this program provided me the opportunity to consider whether or not the program could continue in a way that would satisfactorily manage risk—that is, in a way that was adequate and appropriate for a program of this kind—and I came to the conclusion, on the basis of that advice, that it could not. So I have not run away from these problems. I have actually addressed them as they have come to me and I have taken the step not only of closing a program where there was the potential for additional risks to arise, on the basis of the most recent advice that I had, but also of putting in place a transition to a program which would lift even higher the level of regulatory framework for risk management in relation to insulation in people’s ceilings.

It is a fact that the government has been criticised on occasions for not responding to a range of issues that have been raised and it is the case that sometimes those who are involved in the discussion about the rollout of this program have had different views. It is a fact that, as minister, I have sought advice from my department about a range of views that have come to me: views expressed by stakeholders; views of the industry itself, in which there are divergent voices; views of technical experts; and views in relation to the risk assessment that the department itself has as an ongoing process, informed by the report that was referred to earlier in the House. The appropriate course of action for any minister in this situation is to take that advice seriously. If a minister receives advice which identifies and highlights risks and does not act in a timely and appropriate fashion, then it is absolutely legitimate for an issue to be raised around the exercise of that judgment. But my statement in the parliament last week and my subsequent decisions show that in fact I have taken the advice of the department in reaching my decisions and making decisions about this program. It is on that basis that the conduct of my responsibility as a minister rests.

I must go back to a roundtable in February and to issues that were raised in relation to training. One of the risks that had been identified was that there was not a nationally accredited training module for ceiling insulation. Everybody in this House knows that, from the outset, the delivery of this program relied upon the existing state regulatory framework, including occupational health and safety requirements, and a rollout of the program where the Australian standards were appropriately taken as the guide for the program. But the issues of risk that were identified included training. The fact is that, upon that advice being received, we set in train steps to deliver a nationally accredited training model. We took advice from departments, from training organisations and from
the insulation industry as a whole and we put that training module into place. Subsequent to that, I have added to the level of training compliance and requirement that we saw was necessary in that instance. It is a matter of great regret to me that there are a proportion of installers—individuals and companies—who have been associated with this program over its time and who have not complied with the guidelines that I put in place, have not complied with the duty of care that they have for their employees and have not complied with the common-sense requirements that would come down upon anybody who had the opportunity to put insulation into somebody’s ceiling.

To the charge made by the Leader of the Opposition to me, I respond by saying that I have not been able to create a regulatory framework under this scheme that would sufficiently manage the risk—on the basis of the most recent advice I have had—of the very small number of those delivering this scheme who have not observed the regulatory compliance requirements. Upon the receipt of that advice and the identification of that risk, I took the step of ceasing the program and putting in place a transition to a program which not only will continue the sustainable delivery of ceiling insulation, both for the industry and for Australians under this program—and to take the considerable benefits that that brings—but additionally, in consultation with state authorities, will draw on the third-party independent assessment and consider carefully the requirements for the appropriate delivery to enable ceiling insulation still to be put into people’s homes.

On the basis of advice to me, I announced a series of measures consistent with the original risk management framework set up for this program by the department and the government. In doing that, I recognised that there may be a need for additional steps to be taken and I took them. In some instances in taking those steps, there were mixed views about whether they should be taken or not, but I made the decision to go the extra step. I made the decision to ban metal fasteners. As exemplified in one of the instances that we referred to earlier, the breaking of the law can lead to a potential accident or a potential fatality. I very much regret that that has happened, but that is the situation that we face. I put in place the requirements for a mandatory formal risk assessment by installers prior to the installation of ceiling insulation and I put in place a series of other measures: a ‘name and shame’ register, a national register of installers and, of course, the compliance and auditing program that has been rolled out as a consequence of the advice that has come through to me.

There are many Australians who recognise that there are responsibilities which attach to anybody coming into your home and to anybody doing work in your home. That responsibility lies in part with those who are doing the work—to observe the appropriate and proper regulations that are in place, to be informed of them and to follow them. That is an expectation that I think everybody listening to me respond to this censure motion in the House will recognise. It is also the responsibility of the government to ensure it has in place measures that will enable that to happen. That is what has happened all through the period of the Home Insulation Program and, consequent on my receipt of the most recent advice, on our then embarking on a program to transition into the future.

In relation to the industry and the impact upon jobs, I make the following observations. The first is that there are hundreds of thousands of homes. I am not going to start making predictive assessments here, but given that the secretary of my department has provided material, statements, to the media and to the public on the existence of a
percentage of risks and the existence of a percentage of homes that do not carry those risks—and that number of homes is very large—Australians can be reassured that, if they had a reputable insulation installer, if the installer followed the guidelines that were established under the program and if they signed the order form satisfying themselves that the job was done properly and that the installer had followed the guidelines properly, there are no additional safety risks as a consequence of this program. But in those instances where installers have not observed the guidelines and where additional risks have arisen the opportunity is there for householders to immediately contact the government. Any home where there is a suspicion of, or apprehension about, risk will be appropriately investigated and inspected as a consequence of this program.

The Minister for Employment Participation, Senator Arbib, has made a number of statements about the assistance measures that have been identified for workers in the industry. I expect to meet with the industry this Wednesday to discuss those issues in more detail. I also make the point that there are already Commonwealth programs in existence which enable householders to take, on reputation, any company that comes to them with a view to installing insulation safely. If in fact the work is done safely, then at a subsequent time the householder would be able to claim a rebate. My own very strong view, given the number of installers that would be subject to deregistration under the Home Insulation Program—those that would be suspended and those who complied with the regulations—is that there will be sufficient opportunity for the responsible and reliable parts of the industry to continue to do that work into the future.

I am advised that evidence was put to the Senate committee hearing today that there are some 93 homes, so I place that correction on the record. To people listening to this debate, I advise that there are additional phone numbers that they can call in relation to this program other than those that I have already given. These include the electrical safety check line 131792 and the installer line 1800686.

I conclude by making the following observations. At all times my goal has been to ensure that careful account was taken of the advice that I received. In taking careful account of that advice, I have listened to the views of the industry and of technical experts in determining the appropriate level of risk management for this program. We had the first nationally accredited training scheme and the first national register for installers. For the first time we instituted a requirement for installers to observe a set of standards higher than the Australian standards and the building code. At each step along the way, I added to that. In doing so, I acted on the basis of the advice that I received, which I believe and accept is the proper discharge of my duty. I am continuing to do that for the decisions that I make. I take safety seriously and I take the effective delivery of programs seriously, and I am going to continue to do that job in my capacity as minister.

Mr HUNT (Flinders) (3.29 pm)—The Minister for the Environment, Heritage and the Arts knew about the risks of fire and fatality under the Home Insulation Program, but he failed to act. This minister knew about the Minter Ellison report, but he failed even to open the front cover. This minister knew about the warning from the National Electrical Communications Association of 9 March which warned of systemic failures, but he failed to act. This minister knew about the warnings of the state and territory governments on 29 April, when they warned of fires and fatalities under his program, but he failed to act. This minister knew about the warning of Master Electricians Australia on
16 October last year, when they called for the foil insulation program to be suspended and warned of further fatalities, but he failed to act. Above all else, this minister, charged with the duty of bringing this program into being in a way that protected public safety, ignored not just his technical duties as minister, ignored not just the 20 warnings, ignored not just the advice from the opposition or the numerous calls through the media in August, September, October and November but also the basic duty of courage to stand up to the Prime Minister and say that he knew there were significant problems in delivering this program. He also ignored common sense.

Common sense is what would have told anybody in this chamber given the task facing the minister that to proceed with this program irrespective of any paper changes was to put public safety at risk. I turn to common sense as a very simple proposition, and that is because we know that the minister was aware of the Minter Ellison report. We know that, on three occasions today, the minister refused to answer the simple question: was he briefed on any part of the Minter Ellison report over the last 10 months? On three occasions in this House he refused to answer the simple question: was he aware of, was he briefed on or did he read any part of the Minter Ellison report? That was his own department’s risk assessment. That was prepared to bring this program into being in a way which was safe, and yet, although he was informed and he was aware, he ignored the 20 warnings. Most importantly, the very reason that the Australian public elect somebody to be a minister is to accept responsibility and exercise not just the word of the department but basic common sense, because if you create a program of this size you will attract, like a honey pot, the shonks, the spivs and the dangerous installers, and, in the words of the state and territory authorities of 29 April, there will be fires and fatalities. The warnings could not have been more clear; the warnings could not have been more absolute, and the consequences could not have been graver. In human terms, this is perhaps the most significant public policy failure of the last 20 years in Australia, and the reason why it is such a significant gross and systemic failure of ministerial responsibility is because of the human consequences.

First we begin with four young Australians. I think it is important that this House records the names of those young Australians, who will not be with their families again: Matthew Fuller, 25; Rueben Barnes, 16; Marcus Wilson, 19; and Mitchell Sweeney, 22. This House, this government, this parliament has failed them. We put forward the warnings but, if we did not warn loudly enough—even though we did everything we could—we are sorry for that. It is a matter of profound regret that, no matter how loudly we made our warnings, they were not heeded by the other side. This is a moment where we all sit and say, ‘Let us not forget the very reason we are here: to create an environment in which Australians can proceed with their lives in safety and security and to give them the chance of a better opportunity for the future.’ This House knows that what has occurred is an element of high human tragedy. But beyond those four human tragedies, of which there were warnings by the states and territories, of which there was a warning by Master Electricians Australia—of which there have been multiple warnings—we know that, beyond those tragedies, there have now been, as the minister has just admitted to this House, 93 house fires under his program.

It is a matter of extraordinary disbelief that we had to inform the minister that an extra six house fires had been missed along the way. There have been, perhaps, 1,000 deadly electrified roofs created under this program. There have been 6,000-plus jobs
which are likely to have been lost, not created, as a result of this program. We now know that there are 80,000 houses with potentially dangerous insulation installations. We know that there are potentially 160,000 houses—in the words of the minister’s own departmental officials—with potentially substandard insulation, which is effectively worthless and meaningless and could be of more consequence than that. So almost a quarter of a million Australian households now have insulation which is either unsafe or improperly installed and of no value. This is a massive public policy failure on a gross and systemic basis with real human consequences. It is these human consequences that bring us to this moment. They cannot be ignored. They cannot be washed away. They cannot be wished away. They are real and profound, and it will take years to undo the damage that has been wrought through improper administration, gross and systemic failure and an inability to heed the warnings. We know that the minister was aware of the warnings, and that is what is profoundly important.

I feel some sympathy for the minister. He is not a person of bad character. He is a person with a long history of contributing to Australia. But his ministerial career is over. We all know this. He knows this. It is a derogation of duty on a grand scale which is almost impossible to reconcile with the last 20 years of Australian history and to match. This is not some trivial matter of administration. This is not maladministration on a minor scale. This reaches into a quarter of a million Australian homes. It reaches into 6,000 jobs. It reaches into a thousand potentially electrified roofs. It reaches into 93 house fires. How can you create a policy which causes 93 house fires and not recognise from the outset that this is a bungle on a scale which is unlikely ever to be repeated over the next 100 years in Australia? Above all else, it has reached into four families. I believe the Leader of the Opposition made the point in a very sensitive and reasonable manner: the minister did not commission or take the action which caused those tragic losses but he failed to take the steps which could have prevented those losses. All members of this House know that.

The only reason that the minister is here now—the only reason that the minister has not embraced the principles of Westminster democracy—is that the Prime Minister will not let this minister take the fall and the Prime Minister will not let this minister do the right thing. The reason why is that it is a gross and systemic failure of cabinet responsibility as well as of individual ministerial responsibility. There can be very fewer higher breaches of a minister’s duty. There were not just one or two but 20 official warnings, including from the Master Electricians of Australia, the ACTU, the CFMEU and the ETU. These are profound warnings from within the minister’s own camp. There were warnings from the National Electrical and Communications Association. There were also warnings from the state and territory governments on 29 April last year.

Then there was the Minter Ellison risk assessment. What we have seen today is not just a failure of ministerial administration and responsibility but low-grade evasion, by which that failure has been compounded. The low-grade evasion is that the minister was clearly briefed on the contents of that report. He had weekly briefings from the secretary of his department. By her own words today, he had many reports along the way. Three times he was asked whether or not he had received any part of that report. Each time he retreated to a technical defence about never having received the totality. Everybody in this chamber knows that is code for saying: ‘I was aware of it but I didn’t bother to open the cover. I was briefed on it
but I didn’t bother to open the cover. I was aware that there were risks which were unacceptable but I chose for reasons of political cowardice to plough ahead, irrespective of the human consequences.’

There is a duty which was fundamental, and that duty was to take steps to protect and prepare Australians for this program. That duty was to stand up to the Prime Minister when it most counted and to say: ‘Prime Minister, I am sorry. I understand the political desire and the political haste to rush this money out the door but in good conscience I cannot allow this to happen, because there are risks of which we have been warned.’ That is the sacred trust you undertake when you step before the dispatch box in this House as a minister of the Crown. If the Westminster system means anything in the Australian parliament today, if the Westminster system means anything under the Rudd government, there must be accountability and the buck must stop with the minister for the environment.

This is of profound importance. It is of profound importance to the families of the four young men who have paid very dearly for this program. It is of profound importance to the 93 homeowners who have had ceiling and deeper house fires as a consequence of this program. It is of profound importance to the thousand Australians who live now under potentially deadly electric roofs. It is of profound importance to the 48,000 Australians who have foil insulation and do not know whether theirs is one of those thousand roofs.

At current rates of inspection it will take 12 years to find and fix every one of those roofs. It took three months to inspect 1,000 foil roofs under the minister’s program. It would take one year to inspect 4,000 houses under the current rate of the program. It would take 12 years to find and fix, through the 48,000 houses, all of the 1,000 potentially deadly roofs. Even as we speak, whilst the program has been dispatched the solution has not been achieved. One thousand deadly electric roofs are potentially out there. One thousand homeowners are at risk. At some stage, whether it is two or three years from now, some of these people will sell their homes, and somebody else will crawl into the roof to check for a possum or to check the wiring and will not be aware of this risk. This is not naive. This is totally foreseeable. It is foreseen and forewarned about, and there must be a plan. It is extraordinary that there is no plan to find and fix the thousand deadly roofs immediately.

This motion is of profound importance to the 240,000 Australian homeowners whose homes have been equipped with either unsafe or substandard insulation. There has arguably not been a greater public policy failure in terms of its real-world human consequences over the last 20 years, and right along the way it was foreseen and forewarned. Everybody knew that this was happening. Everybody with common sense in Australia knew about the dodgy installations. The minister himself on 26 August last year said it was ‘bleeding obvious’ that there needed to be an inquiry, yet that inquiry never happened. Those were the statements. We have it recorded. That is the moment. This minister must go under the principles of Westminster democracy. He stands censured.

(Time expired)

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (3.44 pm)—I rise on the 35th time that those opposite have attempted to move a censure motion, suspend standing orders or move a dissent motion in this term of parliament. We have had almost 30 hours of debates on censures and suspensions. Why? It is because those opposite do not actually have an alter-
native view about running this nation to put forward. The Leader of the Opposition said on Sky News on 8 December:

… it is a two stage process. But the first stage is making the Government look bad.

He went on. Once he became leader he said on 11 January:

I mean, if in doubt our job is to oppose.

Mr Hockey interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for North Sydney!

Mr ALBANESE—That is what those opposite are about. They are all about politics and nothing whatsoever about substance. We saw it again today during the debate where the Leader of the National Party interjected across the chamber while the environment shadow was speaking that one million homes would be burnt down—all of them will be burnt down. That says it all. What we have here is a Minister for the Environment, Heritage and the Arts who has acted responsibly. He put in place risk management at each step of the way. There were extra measures every time an issue was raised and they were raised most of the time because this minister had initiated the inquiries and made the appropriate changes along the way.

Mr Hockey interjecting—

The DEPUTY SPEAKER—The member for North Sydney is warned!

Mr ALBANESE—The minister put in place safety and training measures in home insulation where for 12 years previously there were none from those opposite. They were not interested. Most of the 20 warnings that they talk about were the minister’s initiatives. This minister ensured that he moved forward at each step. This is a classic example of the Abbott habit: talk first, think later. The Leader of the Opposition always goes that one step too far. He is always overreach-

ing. You make allegations and then you look for proof later. You make policy announcements then you come up with costings later. You make extreme statements and then you roll out excuses for them later.

Mr Robert interjecting—

The DEPUTY SPEAKER—The member for Fadden is warned!

Mr ALBANESE—This is the Leader of the Opposition who is the most extreme conservative to ever lead the Liberal Party, and he is an extremist in both ideology and in the way that he conducts himself in this House. Occasionally, he tries to pull himself back a little bit. We saw that just a couple of weeks ago.

Mrs Mirabella—You grub, you absolute grub!

The DEPUTY SPEAKER—The member for Indi is warned!

Mr ALBANESE—The Leader of the Opposition went on Radio National in the morning and he said:

Now, you know I don’t want to be unfair on the bloke because I understand that administrating a complex portfolio is difficult … Reasonable Tony. It lasted a matter of hours because later he came into this chamber, as he has again today, and essentially accused this minister of being guilty of industrial manslaughter. He went that one step too far as he always does. There is some irony I have to say in the party of Work Choices speaking about the safety of workers. Here we have the Leader of the Opposition who wants to reintroduce Work Choices but he is going to give it a different name. I say to him, good luck to you. If you can get away with still calling it the Liberal Party, maybe you can get away with anything because the fact is that this opposition leader goes too far no matter what the issue is. He does have the Abbott habit. Just last week we saw it again.
He accused the government of bribing the networks for good coverage—he said we have Channel 7, Channel 9 and Channel 10 in our pocket; Laurie Oakes, Mark Riley and Paul Bongiorno are all in our pocket.

**Mr Pyne**—Madam Deputy Speaker, I rise on a point of order. The standing orders are clear. This is a censure on the Minister for the Environment, Heritage and the Arts. The speaker is talking about every other subject but the minister—

**The DEPUTY SPEAKER**—The member for Sturt will resume his seat. The member for Sturt will resume his seat! The member for Sturt is warned! The member for Sturt fails to listen to the directives of the chair and was asked to resume his seat on two occasions.

**Mr ALBANESE**—I move:

That all words after “That” be omitted with a view to substituting the following words:

“the House condemns the Leader of the Opposition for his extreme and reckless statements regarding the Government’s Economic Stimulus Measures, his statement that he would oppose Government measures as a matter of policy, and his failure to advance fully costed alternative policy proposals.”

What this debate is about is the future government of this nation. The government’s economic stimulus plan has resulted in an unemployment rate of 5.3 per cent. Had we not taken that action there would be more than 200,000 Australians more out of work. This is about whether we continue with a government that is interested in policy and moving forward or whether we move to a reckless opposition led by an opposition leader who at every point goes one step too far.

**Mr Laming** interjecting—

**The DEPUTY SPEAKER**—The member for Bowman is skating on very thin ice!

**Mr ALBANESE**—The Leader of the Opposition went further again on homelessness. On 16 February in the *Sydney Morning Herald* he said we just:

… cannot stop people from being homeless if that’s their choice.

That is his attitude, the great man of compassion, to homelessness.

He is also a great defender of workplace safety. There has been a workplace safety issue in this country over many decades, and that is the issue of asbestosis. People such as the member for Charlton and the trade union movement have ironically been quoted in here, for a change, by those opposite. The trade union movement led the charge to make sure there was justice for those victims. What we had from those opposite on that issue was extraordinary hypocrisy. On 30 October 2007, the late Bernie Banton had an appointment with the then Minister for Health and Ageing, the member for Warringah, in his office. That appointment was to submit a petition of more than 17,000 Australians to the then minister, a petition pleading for Commonwealth government support for action—something that this government has now put in place, it must be said. The then minister failed to turn up for the meeting—maybe there was something else on—but he could not resist going that step further. He blamed and condemned Bernie Banton, saying:

… it was a stunt … I know Bernie is very sick but just because a person is sick doesn’t necessarily mean that he is pure of heart in all things.

He was questioning this late, great Australian about his motives for wanting to protect his fellow Australians in his dying days. The member has form for crassness and crudeness. It is not just people in the Labor Party, the labour movement or the union movement who have suffered at the hands of the Leader of the Opposition. From what we saw in the
battle in New South Wales between the hard Right and the extreme Right where the extreme Right won the preselection and knocked over the member for Mitchell’s candidate, we know that Tony has a long history of intervention in these disputes. On 31 August 2005, the day after the former New South Wales Liberal leader John Brogen attempted suicide, he went along to a meeting of health industry executives and said:

If we did that, we would be as dead as the former Liberal leader’s political prospects.

That is an indication of how this Leader of the Opposition treats his friends—treats members of his own political party. We have seen it before. We saw it during the last election campaign, and that is why this Leader of the Opposition, three leaders ago when he stood for the leadership after the 2007 election, could only get six votes in the ballot. It was front and centre of how this Leader of the Opposition performs during election campaigns. Remember him coming along to the National Press Club half an hour late—which was bad enough—and then choosing to abuse the now Minister for Health and Ageing because he could not defend his health policy: the billion-dollar cuts to health and freezing GP places. He said to her:

That’s bullshit. You’re being deliberately unpleasant. I suppose you can’t help yourself, can you?

We saw it as well in his comments about the Deputy Prime Minister and others. The fact is that this Leader of the Opposition does always go a step too far. His extremism and the opportunism that we are seeing during this debate are typical of the way that he acts.

The Leader of the Opposition is suggesting that the environment minister is personally responsible for the deaths. As Minister for Infrastructure, Transport, Regional Development and Local Government, I have some responsibility for the national road network, but it is not my fault or my personal responsibility if there is an accident on a road. We have a responsibility to act upon advice. We have a responsibility to do what we can to improve safety in whatever area we are in. That is why I have set up the National Road Safety Council. It is like suggesting that the current Leader of the Opposition is responsible for what occurred in the hospitals while he was health minister, if there was a mistake—and mistakes occur in hospitals funded by the Commonwealth government. It is like saying he was personally responsible for everything that happened in the industrial relations system. The opposition cannot resist. So desperate are they, according to their own words, that they are not prepared to put forward a positive agenda.

Essentially, we have a Leader of the Opposition who, in his own words, says he is not interested in economics, he is not interested in fundamental debates that go to the heart of how we move forward and, of course, he is not interested in home insulation and other measures that are about dealing with climate change because this Leader of the Opposition has said that climate change is ‘crap’. That is his position. Once again, he went that yard too far, as he always does.

I conclude with this. Yesterday he had this to say in the Examiner in Launceston:

The only one of the Ten Commandments that I am confident that I have not broken is the one about killing, and that’s because I haven’t had the opportunity yet.

Once again, always that step too far. The problem is that, come the federal election campaign, we know and they know in the back that he will go that step too far yet again, as he always does. (Time expired)

Mr PYNE (Sturt) (4.00 pm)—I move:
That the minister be granted an extension of 11 minutes in which he can actually defend the minister for the environment.

The SPEAKER—Order! The member’s time had expired. The motion needs to be moved before the member’s time has expired. The Manager of Opposition Business should remember his status in the House.

Mr Albanese interjecting—

The SPEAKER—The Leader of the House is not assisting.

Mr Billson interjecting—

DISTINGUISHED VISITORS

The SPEAKER (4.02 pm)—Order! The member for Dunkley’s outburst at the moment reminds me that he has brought to my attention that Bob Chynoweth, the former member for Dunkley, is in the gallery this afternoon. On behalf of members, I give Bob a very warm welcome.

Honourable members—Hear, hear!

MINISTER FOR THE ENVIRONMENT, HERITAGE AND THE ARTS

Censure Motion

The SPEAKER—The original question was that the motion moved by the Leader of the Opposition be agreed to. To this the Leader of the House has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question is that the amendment moved by the Leader of the House be agreed to.

A division having been called and the bells being rung—

Mr Tuckey—Mr Speaker, that amendment was not seconded. It’s a requirement that it should be done so.

The SPEAKER—The Leader of the House, according to the Rudd ministry of 14 December 2009, is a minister, and by the standing orders he can move motions without seconders.

Question put:

That the amendment (Mr Albanese’s) be agreed to.

The House divided. [4.06 pm]

(The Speaker—Mr Harry Jenkins)

Ayes………….. 78
Noes…………… 62
Majority………. 16

AYES

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

**NOES**

Abbott, A.J.  
Bailey, F.E.  
Billson, B.F.  
Bishop, J.I.  
Broadbent, R.  
Ciobo, S.M.  
Coulton, M.  
Farmer, P.F.  
Forrest, J.A.  
Georgiou, P.  
Hartsuyker, L.  
Hawker, D.P.M.  
Hull, K.E.  
Irons, S.J.  
Johnson, M.A.  

**Question agreed to.**

**Question put:**

That the motion (**Mr Abbott's**), as amended, be agreed to.

The House divided.  [4.07 pm]

(The Speaker—**Mr Harry Jenkins**)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>78</th>
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<tr>
<td>Noes</td>
<td>64</td>
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<td>Majority</td>
<td>14</td>
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<tr>
<td><strong>AYES</strong></td>
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Noes

Adams, D.G.H.  
Albanese, A.N.  
Bevis, A.R.  
Bidgood, J.  

**AYES**

Bird, S.  
Bradbury, D.J.  
Burke, A.S.  
Byrne, A.M.  
Champion, N.  
Clare, J.D.  
Combet, G.  
D’Ath, Y.M.  
Debus, B.  
Elliot, J.  
Ellis, K.  
Ferguson, L.D.T.  
Fitzgibbon, J.A.  
Georganas, S.  
Gibbons, S.W.  
Gray, G.  
Griffin, A.P.  
Hall, J.G.  
Irwin, J.  
Kelly, M.J.  
King, C.F.  
Marles, R.D.  
McKew, M.  
Melham, D.  
Neal, B.J.  
O’Connor, B.P.  
Parke, M.  
Plibersek, T.  
Raguse, B.B.  
Ripoll, B.F.  
Rudd, K.M.  
Shorten, W.R.  
Smith, S.F.  
Swan, W.M.  
Tanner, L.  

**NOES**

Abbott, A.J.  
Bailey, F.E.  
Billson, B.F.  
Bishop, J.I.  
Broadbent, R.  
Ciobo, S.M.  
Coulton, M.  
Farmer, P.F.  
Forrest, J.A.  
Georgiou, P.  
Hartsuyker, L.  
Hawker, D.P.M.  
Hull, K.E.  

* denotes teller
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* denotes teller

Question agreed to.

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

REGISTRAR OF MEMBERS’ INTERESTS

DEPUTY CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER  (4.09 pm)—I wish to inform the House that, following a competitive selection process, Mr David Elder has been appointed as Deputy Clerk of the House. I am sure that members will look forward to working with him in this role. In accordance with resolution (3) of the House of Representatives relating to the registration of members’ interests, I have appointed Mr Elder as Registrar of Members’ Interests.

Mr Albanese—Mr Speaker, I congratulate David Elder on his appointment. I am sure that he will do an outstanding job, and I am sure that I speak on behalf of all members of the House.

Mr Pyne—Mr Speaker, I add my own remarks of congratulation to David Elder. I am sure he will do a marvellous job. We look forward to working with him as we have with many clerks over the years. Congratulations.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House)  (4.09 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 documents:

Australian Broadcasting Corporation (ABC)—Report on Equity and diversity for 2008-09.

Department of the Environment, Water, Heritage and the Arts—Risk assessment of the insulation components under the energy efficient homes package—Assessment done by MinterEllison.

Debate (on motion by Mr Pyne) adjourned.

CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) BILL 2009

Second Reading

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

That this bill be now read a second time.

Ms VAMVAKINOU (Calwell)  (4.11 pm)—I rise today in support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. I want to welcome the efforts of the Attorney-General, the Hon. Robert McClelland, for introducing this very important piece of legislation that goes very much to the heart of our national judicial framework.

This bill introduces a specific Commonwealth torture offence into the Commonwealth Criminal Code, which operates concurrently with the existing offences in state and territorial criminal laws. The bill also amends the Commonwealth Death Penalty Abolition Act 1973 to extend the current...
prohibition on the death penalty to state criminal laws, thus ensuring that the death penalty cannot be introduced anywhere in Australia in the future.

My strong opposition to the detention and torture of Australian citizens abroad, as well as to the killing of Australians in foreign jails, is unequivocal and, in fact, very much on the record here in this place. This bill serves to ensure that Australia will never accommodate those involved in the judicial killings and torture of individuals both on our shores and abroad. This bill is a reflection of Australia’s strong opposition to any form of torture, as well as the death penalty, wherever it may occur. It sends a strong message to those who engage in such activities, who may one day imagine that they can find sanction in a modern Australia.

By enacting torture as a specific Commonwealth offence in the Commonwealth Criminal Code, the bill reflects this government’s commitment to end impunity for torture and fulfils Australia’s obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. By amending the Death Penalty Abolition Act 1973, this legislation also highlights Australia’s commitment to its obligations under the second optional protocol to the International Covenant on Civil and Political Rights.

In speaking to the part of the bill which goes to the introduction of a specific Commonwealth torture offence into the Commonwealth Criminal Code, I want to make the following observations. The basic definition of torture is that contained in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture can never be an acceptable means of extracting information or compelling people to yield to someone else’s will or to squash dissent. It is, as we all know, an act of sheer cruelty, primarily designed to degrade human beings by inflicting extreme physical pain and humiliation.

Victims of torture, if they survive—many do and many, unfortunately, do not—are often left with lifelong physical and psychological scars. Many will suffer post-traumatic stress disorder and severe depression and will almost always have difficulty readjusting to normal life. However, it is not only the individual who is the victim of torture who suffers; it is also their families and friends and, indeed, the community as a whole. In my own electorate I often come across people who have come to Australia via our Refugee and Humanitarian Immigration Program who, more often than not, are actually victims of torture back in the countries they have left, and who have come and settled in Australia. I have had the opportunity to see the kind of trauma that remains with people who have been victims of torture. This is trauma that I think remains with them for the rest of their lives. So the impact for those who survive and their families is unspeakable.

Torture as a tool continues, however, to be practised today in all too many parts of the world—and, whether practised in the name of political dogma or religious dogma, it is and always has been the tool of despots. No society, individuals or communities should tolerate torture in any form or for any reason. Australians do not support torture, and this bill is a reaffirmation of this. We should be under no illusion that torture continues to be used to this day and even, as English historian Mark Curtis says, ‘in circumstances where the perpetrators were hailed as the upholders of civilisation’. The most recent and most infamous images of the use of torture at Abu Ghraib prison in Iraq demonstrates that the nature and outcomes of torture have not changed.
SBS’s Dateline program revealed to the world the horrors at Abu Ghraib prison. Images, some too shocking to reveal, reduced the humanity of both its victims and its perpetrators. We were all, I am sure, appalled and shocked, more so because the torture that had been inflicted on people in Abu Ghraib was actually inflicted by those who were hailed as the upholders of civilisation. In this case, they were the forces of democracy and freedom, forces who upheld the value of the rule of law and the dignity of human rights, forces whose purpose in Iraq on this occasion was to actually free the Iraqi people. But it was not just the practices in Abu Ghraib that shocked the world. Here was a situation where the world’s super power and its alliance powers resorted to sidestepping the rule of law and principles of democratic justice and employed torture techniques that matched the cruelty and degradation of the cruellest, undemocratic regimes. As such, I want to put on record that I regret the US administration’s delay in closing the infamous Guantanamo Bay military prison in which, I remind the House, two Australian citizens were detained.

The images and stories coming out of these prisons have single-handedly done more damage to the principles of freedom, human rights and democracy than many of the stories that have come out of the so-called ‘war on terror’—all the more so when they are practised under the banner of freedom. To put it simply: torture and death is the antithesis of both democracy and human rights. In 2007 I moved a motion, seconded by the member for Melbourne, the now Minister for Finance and Deregulation, the Hon. Lindsay Tanner, that called for acknowledgement that the ongoing torture and incarceration of David Hicks was a breach of both the Geneva conventions and the Australian Criminal Code. Now, as then, the ongoing imprisonment and torture of individuals in the most horrific of circumstances, coupled with the denial of any of the most basic human rights, runs counter to the principles of freedom and democracy. That is why I am so pleased to be supporting a bill that makes it an offence to commit torture.

I would also like to welcome the bill’s amendment of the Death Penalty Abolition Act 1973 to cover state laws. This will uphold and safeguard our nation’s ongoing compliance with the second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Extending the application of the current prohibition on the death penalty to state laws—in addition to Commonwealth, territory and imperial criminal laws to which the Death Penalty Abolition Act already applies—ensures that the death penalty cannot be reintroduced anywhere in Australia in the future.

Australia has a longstanding policy of opposition to the death penalty. This bill is a comprehensive rejection of capital punishment and demonstrates Australia’s commitment to the worldwide abolitionist movement. It complements Australia’s international lobbying efforts against the death penalty. It is important to me, as it is to an overwhelming majority of Australians, that this parliament and, indeed, our nation as a whole be active in advocating for the abolition of the death penalty at a global level. I want to take this opportunity to encourage and urge other nations and other parliaments to act in the same way as this parliament is acting here today. There are still some 70 states worldwide that apply the death penalty, making the work of the worldwide abolitionist movement that Australia is a party to all the more imperative.

It is important that Australia stands with the European Union and other states with the firm resolve that the abolition of the death
penalty contributes to the enhancement of human dignity and the progressive development of human rights. To this end, I want to welcome the Russian Constitutional Court’s decision late last year to effectively outlaw the death penalty, and I want to take this opportunity to call on its State Duma to go that one step further and ratify the protocol banning capital punishment. I would also like to call on China and the United States, as the world’s leading powers but also as prolific users of the death penalty, to follow suit and join us in the worldwide movement for the abolition of the death penalty. It should be our collective aim to end the use of the death penalty as a punitive practice, wherever it may occur.

As a member party of the Socialist International, which holds the view of the total abolition of the death penalty, Labor is committed to the pursuit of justice both at a social and a judicial level. The federal government’s unwavering opposition to the death penalty is a reflection of our humanitarian approach to issues of justice. The death penalty serves no purpose other than to compromise our humanity and violate the sanctity and dignity of human life.

In 2005, I spoke during a grievance debate on the execution of Australian Van Nguyen, who we will all remember was hanged by the government of Singapore after being found guilty of drug trafficking. I stated then that the government-sponsored execution of a human being is a crime against humanity and a breach of the UN convention. Article 6 of the International Covenant on Civil and Political Rights states:

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The death penalty is an archaic and barbaric practice that runs counter to the Universal Declaration of Human Rights, which recognises each person’s right to life and categorically states:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

In that same grievance debate, I stated:

It is easy for people to be unforgiving and to loathe those who they believe by their actions perpetuate the misery of drug abuse. But we must never allow such feelings to cause us to lose sight of our humanity. I cannot therefore agree with those who support capital punishment. Putting aside all the moral and legal arguments that militate against the use of capital punishment, for me personally it is a simple case of a profound belief that no human being has the right to take the life of another under any circumstances.

I said that in 2005 in this House and I say it again because I want to reaffirm my absolute belief in that statement. The right to life is a basic, inherent and instinctive feature of what it means to be human, and we must never lose sight of our humanity. This bill is important on a number of fronts. However, its underlying importance is that it judges life and just treatment as issues which are beyond political expediency.

Deputy Speaker Scott, I would like to bring to your attention Amnesty International’s description of the death penalty. It states that the death penalty is:

… discriminatory and often used disproportionately against the poor, minorities and members of racial, ethnic and religious communities.

This is strikingly clear in the United States. As the Texas Department of Criminal Justice reveals, 70 per cent of the last 100 executions were either black or Hispanic. This is an extraordinary reflection of the way in which death as an instrument of the state is handed out, often disproportionately.

As I said at the time of Van Nguyen’s execution, people-to-people campaigns calling for the end of the death penalty are not enough—they are necessary but they are not enough. This is why I am pleased that the bill
before us today sets in concrete Australia’s commitment to its international and humanitarian obligations, and this legislation will now ensure that Australia is never party to violations of these fundamental principles.

As I bring to a close my thoughts on this bill, I want to make some statements in relation to an issue currently in the media. I hope and urge that members on both sides of the House reflect on the pending execution of the three Australians convicted of drug trafficking in Indonesia. This amendment bill is a timely reminder of our need to strengthen our commitment to the abolition of the death penalty and ensure that the abolition of the death penalty occurs on a global scale and in accordance with international covenants already in place.

Notwithstanding the seriousness of the crime for which the three Australians have been convicted, and in full respect of the laws that govern Indonesia, we must do all we can as parliamentarians to appeal for clemency with regard to the death sentences handed out to them. In light of the seriousness of the crimes for which they have been convicted, along with the legislation we rise to speak on, I want to finish by reflecting on the words of former South Australian magistrate Brian Deegan. The House will remember that Brian’s son, Joshua, was an Australian Rules football player who was one of the 202 people killed by terrorists in the October 2002 Bali bombings. In a letter to Indonesian authorities, Brian described himself as:

… the father of Joshua Kevin Deegan, a beautiful young man, my eldest child, who was a victim of the atrocity.

Brian was able to move beyond the emotion and the trauma of that terrible act and reflect on what justice means in a modern Australia. That is why I want to conclude with his words, which sum up all that has been said and what I and many Australians also believe. Brian said:

The Bali bombers who murdered my son last October are evil extremists … but the prospect of their judicial murder is something I want no part of … As a measure employed to dissuade potential criminals, the death penalty has been an abject failure. This is borne out by statistics that point to the commensurate rise of murders and executions in countries where capital punishment is awarded.

The argument in favour of executions remains difficult to reconcile with the universal revulsion generated by periods in history when society thought nothing of hanging a child or burning a witch. We read with disgust? or perhaps with guilt? of the stoning of adulterers, the removal of a thief’s hand or the decapitation of a blasphemer. Yet we find it palatable to break a man’s neck, to poison his veins or to electrocute him.

The bill before us demonstrates that Australia will never again deem the death penalty, or torture for that matter, palatable, wherever it takes place. I commend the bill to the House.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (4.27 pm)—I rise to speak on the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. I have had much to do with issues of torture and capital punishment over the last 20 years, so I appreciate the opportunity to comment on this legislation. It amends the Criminal Code Act 1995. The new offence that is intended to fulfil more clearly and explicitly Australia’s obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be brought into effect as a single federal offence under this legislation. That convention was signed by Australia in December 1985 and ratified in August 1989.

The old act criminalised acts of torture committed outside Australia only when
committed by Australian citizens or other persons subsequently present in Australia. Other aspects of torture were left to be dealt with by the laws of armed conflict. Recently, the UN committee against torture called on nations to enact a specific torture offence. In the concluding observations on Australia in May 2008, the UN committee recommended that Australia enact a specific offence at the federal level, which we do with this legislation.

One of the interesting things to note about this legislation is that it ensures the definition of ‘public official’ or ‘person acting in an official capacity’ encompasses certain non-state actors who are exercising authority comparable to a government authority. That is a common scenario our Australian Defence Force and police personnel face in many environments when deployed in this current unstable world. That could include people belonging to political organisations or de facto authorities in a particular region or country. I will come back to that contemporary environment later in my comments. This legislation also relates to extending the application of the current prohibition on the death penalty to state laws to ensure that it cannot be introduced or reintroduced anywhere in Australia, thus safeguarding our commitment to the second optional protocol.

Interestingly, during the current turbulent times and the challenges that have been placed upon us in our adherence to human rights standards, there was a lot of debate after 9-11 about the issue of torture and the defence of necessity. My advice is that under the legal regime created in Australia, the defence of necessity will be abolished. The story used to go that, if you had a situation of the so-called ticking bomb, any measures would be justified in extracting information that would prevent a disastrous consequence. It is clear that in Australia that is not the case. Our legislation and our approach to the law give effect to the words of the convention:

No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.

In a speech by my good friend the Attorney-General to the Lowy Institute last year he confirmed that:

Nothing justifies torture—and nothing justifies a State’s use of it.

In the provisions, the definition of torture refers to:

… any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining … information or a confession, punishing him …

In effect, this explains the circumstances in which our own personnel have confronted this issue in recent times, as have many Western nations. The nature of our operating environment has become so fluid and so difficult and challenging that we are often in circumstances where there exist no law enforcement structures and no mechanisms by which persons who are committing offences or doing things that require treatment by the law can be handed over to a responsible authority. This leaves open the question of taking the law into your own hands at times. After 9-11, confronting the challenge of Islamist extremism has given rise to what I would call the gloves-off syndrome. In other words, because of the heinous and dastardly nature of the threat elements that we face, any measures would be justified in dealing with these persons.

I will deal with those in order by firstly referring to my experience in Somalia back in 1993. In that environment, as I mentioned, we were in that vacuum situation, as were many contingents. The experience of quite a few contingents was that the troops were
faced with lawlessness and took matters into their own hands. Probably the most notorious of those incidents related to a young Somali teenager by the name of Shidane Arone. What had been taking place in the camp under the direction of the commanding officer of the Canadian airborne regiment was instruction that they were to ‘rough up’ persons intruding on the base. This led down a slippery slope to where, eventually, people were receiving severe beatings. In the case of Shidane Arone, he was beaten to death in particularly grisly circumstances. It became even more notorious, because there were photographs taken of the incident.

The repercussions of this were enormous in that this led to great scandals within the Canadian defence establishment. At times there were attempts to cover up aspects of the issue, which led to even worse scenarios for the personnel involved all up and down the chain of command in the Canadian defence force. It became a cathartic and very difficult experience for the entire Canadian public. This brought home to me some very important lessons for the way our own forces deal with these situations and how we manage the circumstances that I have described.

It was interesting when one of the lawyers representing one of the Canadian troops in that situation—there were a number of courts-martial of the personnel involved—stated that:

It is my submission, gentlemen, that there is ample evidence before this court that there was a general understanding amongst the troops that it was OK to rough up the prisoners a little bit for a deterrent purpose … And I say that for this reason, that the troops were in a lawless country. There was no civil institutions, there was no civil authority. There was nothing that could be done to those looters who were captured. They could not be turned over to anybody who could effectively deal with them such as happens in most civilised countries. They could not call the police and have them arrested and expect that he would be taken to court and dealt with according to the law. At the same time the soldiers were very vulnerable. They’re out in the field. They had no locks. They had valuable kit and they are obviously particularly concerned about the security of their weapons.

That was no justification, obviously, for what occurred to the Somalis who suffered at the hands of those troops. But I was actually in Somalia at the time, deployed with the 1st Battalion Royal Australian Regiment, and we identified that those were the circumstances we were in and that we would not be doing the right thing by the community or our troops if we did not put in place measures to deal with the situation. What we did at that time was re-establish the Somali court system and get the Somali police up and running again.

We put a lot of effort into this. We formed a multidisciplinary team within the contingent itself, involving military intelligence, military police, myself and some infantrymen, and we were able to identify persons who had committed crimes against humanity, those persons in the society who were committing criminal acts and facilitate them being processed in the re-established and resurrected Somali courts in the region. This certainly took the steam out of any disgruntlement or frustration that the troops might have been feeling. They understood that there was a process that could be resorted to and, therefore, there were no instances in the Australian battalion’s time in Somalia of resorting to these sorts of techniques.

We took that lesson to a number of our operational circumstances subsequent to that. We deployed to Timor in 1999 to deal with the situation there of the breakdown of authority and the departure of the Indonesian authorities. Taking the lessons that I learnt in Somalia, I established a detainee management unit for the circumstances there. We were ready to go with that. We were certainly
forewarned from our previous experience and we were able to take the steam out of that situation as well, so that once again there were no incidents of Australian troops abusing Timorese detainees in that operation. Unfortunately, we were required to go back to Timor in 2006 and similar circumstances applied, although it was a bit more complicated, because there were some UN mechanisms in place which we needed to mesh with, and we put an elaborate process in place to deal with that. So there is a great deal of Australian experience in dealing with those environments.

We then came to the circumstances in Iraq in 2003, and this was a situation of great frustration to me personally. To understand the need to provide for detainees and that we should not resort to torture and then to observe what took place in Iraq was deeply disturbing. Initially, of course, the detainee problems emerged as they quite often do, just by lack of planning and preparation. The facilities that were put in place for holding detainees were very ad hoc and they became humanitarian nightmares. Effectively they were dusty dirt rooms that were pushed together because the prison system in Iraq had been trashed. There was no capacity to place people in suitable circumstances. There had been no planning to take care of this situation. Often the fact that the operational techniques and tactics of the troops at the time were not in tune with the principles of counterinsurgency led to situations where, for example, if there were a grid square where it was suspected that there were insurgents, the US army formations would go out and arrest the grid square. There would be 1,000 or more people apprehended at a time in one of these operations. They would be put into these detention camps and they would effectively become black holes. It was impossible to properly record their names, there were insufficient military intelligence people to process them, and of course there was no ability for the families to track them. So the circumstances were inhumane, the troops were not equipped with non-lethal equipment to deal with people in those circumstances, there was often rioting where the first resort was to firearms, and of course in some cases there was a resort to abuse in the context of the punishment aspect of what is referred to in the legislation.

During the whole of 2003 I was sending back a lot of reports through the authorities about this situation, as I was on the ground there from May 2003 until July 2004. None of my warnings about this situation were heeded, and I became deeply concerned in September of 2003 when the authorities decided that the problem we were having was winning actionable intelligence—not the fact that we were going down the wrong road in dealing with the counterinsurgency. So the Guantanamo team was sent to Iraq to ‘Gitmo-ise’ the intelligence operations. General Miller was sent over to put that into effect. We were also advised at that time that the US was going to resort to civilian contractors doing interrogation. In my report in September 2003, I indicated that I was disturbed by this development, but those concerns fell on deaf ears.

As has been referred to in many other comments, the Abu Ghraib circumstance became a matter of great shame and loss of moral authority in our operations in Iraq and caused a great setback to our overall confrontation with Islamist extremism in the world. It was of course a matter of great distress that these things could happen, but they stemmed from a whole culture and process that was developing at the time. In fact, what the military police at Abu Ghraib were doing was what is called ‘preconditioning for interrogation’. They were being enlisted into the effort for winning intelligence—softening up, in effect, these detainees for further inter-
rogation by the intelligence assets that were in the theatre at the time who were effectively given encouragement to take the gloves off. This of course led to the deaths of detainees and the mistreatment, and in effect it helped to feed the insurgency itself, because those people who were involved in those detainment situations went out to become recruits for the insurgency, to spread the word about what was happening and the images certainly promoted recruitment and actions against coalition troops that subsequently happened.

This was a distressing situation. There were misinterpretations of the law involved. Article 5 to the Geneva convention was misinterpreted so that excuses were made for the removal of certain safeguards protecting the rights of detainees, and it was a shameful period for all those involved in providing legal advice to authorities. Perhaps the most shameful aspect of that was the infamous memos provided by Messrs Bybee and Yoo. These were civilian lawyers who were providing advice from the justice department to the former US administration. They were obviously attempting to craft their advice to suit the desires of their clients. This was highlighted just recently, in the last couple of days, in a report by the justice department. It really broke down when Bybee and Yoo, in their memo, concluded that physical torture only occurred when the pain was equivalent in intensity to the pain accompanying serious physical injury such as organ failure, impairment of bodily functions or even death. Mental torture required suffering not just at the moment of infliction but lasting psychological harm such as seen in mental disorder like post-traumatic stress disorder. The memo concluded that torture of suspected terrorists for interrogation would not be unlawful if it could be justified on grounds of necessity or self-defence. This ignored the dictates set out in the US military manuals—FM 34-52 in particular—and international law. Many of my colleagues—military JAGs, or judge advocates general, as they are called in the US military—had tried to hold the line against this denigration, deterioration and erosion of the standards of the US military. The advice and the regimes that were put in place effectively were doing end runs around the military approach to this—to the everlasting shame of those who were providing this advice.

While the report by Associate Deputy Attorney-General David Margolis into this matter, which has just been released, did not recommend further disciplinary action, it did state that these two persons had exercised poor judgment—in what must be one of the great understatements of the century. The report stated that Yoo committed ‘intentional professional misconduct when he violated his duty to exercise independent legal judgement and render thorough, objective and candid legal advice.’ Bybee was said to have ‘acted in reckless disregard of ethical obligations’ by agreeing to sign those memos. One of the quotes was:

I fear that John Yoo’s loyalty to his own ideology and convictions clouded his view of his obligation to his client and led him to author opinions that reflected his own extreme, albeit sincerely held, view of executive power …

This is a cautionary tale for all of those who are in the position of and have responsibility for providing accurate legal advice and guidance to government. Obviously, in recent times we have had some interesting experiences, with the so-called Utetage affair, as to how public servants can sometimes be enlisted in undesirable activities, but we must draw the line, particularly when it comes to these fundamental human rights. Certainly, the US Supreme Court managed to turn things around in its rulings in Hamdan v Rumsfeld in 2006, where it overturned the advice of people like Yoo that common arti-
Article 3 of the Geneva convention did not apply in circumstances such as those in Afghanistan and stated that they did. So there was something of a fight back.

I was also involved in a lot of training and doctrinal developments in this space through my role in training those involved in field intelligence. A feature of the Australian story is that we have had in place doctrine and training to address this issue. I note that in 2008 the CDF underwent some questioning on this in estimates, because the issue of the so-called ‘dog pens’ in Afghanistan came up. He referred to the fact that that was a mistaken reference to how people were actually being treated and that we constantly review our techniques and training in this area. I am happy to say that I believe that is the case, having been involved in a great deal of it myself. I refer to the words of General Richard Myers, the former Chairman of the Joint Chiefs of Staff, who said that not engaging in torture is not ‘a matter of whether it is reciprocated—it’s a matter of who we are’. I think that is an essential point for our Australian Defence Force and police personnel. It is reassuring to know that many of my colleagues in the US military felt that way about it, notwithstanding attempts by the civilian administrators to erode that position.

In relation to the death penalty, I suppose it is a subject I am somewhat compromised on, because in my own career I have probably been the cause of a number of people having the death penalty inflicted on them. The first time was in Somalia in 1993 when I had to play a significant role in the execution of war lord Gutaale because that was the aspect of Somali law that applied and there was no way of dealing with it in any other fashion. In Iraq I was involved in the creation of the court and the process that saw the ‘dirty dozen’ and Saddam Hussein subsequently executed. Notwithstanding that experience and the fact that I have actually witnessed an execution, I am totally opposed to the death penalty and I would hope that we could promote that position worldwide.

In the final analysis, after seeing the depths to which humans are capable of descending and understanding that progress is not inevitable, I am firmly of the view that we as a nation need to contribute in whatever way we can to maintaining fundamental human rights standards. This legislation and the principles to which our public officials must be trained and committed is part of that effort.

Mr DREYFUS (Isaacs) (4.47 pm)—The first execution after Europeans arrived in our continent occurred within a month of their arrival, on 27 February 1788. Thomas Barrett was sentenced to death and hanged. He was 17 years old. His crime: the theft of some butter, dried peas and salt pork from the meagre stores the First Fleet had brought with it. Execution for offences like this was common at the time. Many of the convicts who came to Australia with the unfortunate Thomas Barrett on the First Fleet had initially been convicted and sentenced to be hanged but had had their sentences commuted to transportation to the colonies. Others had faced the death penalty for the petty crimes that they were convicted of but had had a sentence of transportation imposed on them.

One hundred and seventy-nine years later, in February 1967, Ronald Ryan was hanged at Pentridge Prison in Melbourne. He had been sentenced to death for the murder of a prison guard during a prison break-out. Between these two hangings, it is estimated that between 1,700 and 2,000 people were judicially executed in Australia, but there has been no-one put to death since 1967 and since then each state and territory has abolished the death penalty. Queensland was the first state, in 1922, to abolish capital pun-
ishment for all offences. New South Wales abolished the death penalty for murder in 1955 but somewhat curiously forgot about the death penalty being there for some other offences, like treason, until 1985. WA was officially the last state to abolish the death penalty, which it did in 1985. The Whitlam government abolished capital punishment for all federal offences in 1973. In my home state of Victoria, although Ronald Ryan was hanged under a Liberal Premier, Henry Bolte, his Liberal Party successor as Premier, Rupert Hamer, introduced legislation to abolish the death penalty in 1975. The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 now before the House will ensure that the death penalty cannot be reintroduced anywhere in Australia. It demonstrates the commitment of our nation to abolition of the death penalty across the world and will add strength to the lobbying efforts of our government for abolition across the world.

The hanging of Ronald Ryan in February 1967 had a profound effect on me, as it did on many other people, young and old, across Australia. I was 10 years old and just starting to be interested in politics and government. I recall that there were protests across Melbourne—indeed, across Australia, but most notably in Melbourne. The media had avidly covered the trial of Ronald Ryan, as indeed it had covered his escape from Pentridge and the shooting of the prison guard that led to him being charged with felony murder.

There were massive protests following the sentencing of Ronald Ryan. Barry Jones— who was already a public identity, later a member of the Victorian parliament and, later still, the member for Lalor in this House—was one of the leaders of the fight to have Ryan’s sentence commuted. This had occurred in very many cases over preceding decades. There was no doubt that the state cabinet could have commuted the sentence to life imprisonment, but the Liberal government led by Henry Bolte refused to do so. That is what brought home to me just what a political and governmental issue this is. The state government was recognised by the whole community as having the right, a right that it had exercised on many occasions, to commute sentences of death to life imprisonment. It was widely thought at the time that the refusal to commute the sentence was driven by an impending state election. Certainly there was a wave of protest across Melbourne. Thousands gathered at a vigil outside Pentridge and at Flinders Street Station at the hour of execution. Across Australia, people felt revulsion at this judicial killing and redoubled their efforts for abolition of capital punishment across our country.

When the abolition legislation was finally debated in the Victorian parliament in 1975, Barry Jones gave a memorable speech, which explained his vote for abolition in these terms:

Essentially, I cast it against darkness, against obscurantism, against instinct, against pessimism about society and about man’s capacity for moral regeneration.

Barry Jones continued in moving terms:

It is extraordinary that often people who argue for retention have a fundamental pessimism about man’s capacity for regeneration. They say certain persons ought not to have the opportunity for regeneration. However, they have no humility about their own judgment. They are convinced that their own judgment is absolutely correct. I find their confidence in their own judgment and their pessimism about society is an extraordinary paradox.

There are many arguments against the death penalty. We have heard many of them in speeches by other members in this debate. They are multiple arguments and they are overlapping arguments against abolition, but, for me, for our society to kill one of its
members is an act which diminishes us all. We should believe in life and not in death and it is a matter that can be reduced to terms seemingly as simple as that. It does not aid the victims to judicially kill. As Barry Jones said in that same speech, it adds no roses to the grave of the victim that the murderer is killed by society.

There is the much established proposition that to kill with judicial authority will necessarily mean the killing of innocent men and women, at least on occasion. Our consciences rightly recoil from the idea that society has put to death an innocent man or woman. Because the United States is still, in very many states, imposing and carrying out the death penalty, it has, regrettably, provided case after case of proof in recent years that the death penalty has been imposed, and is continuing to be imposed, on innocent men and women, at least in that country.

There is a corollary—a somewhat perverse corollary—which is that the death penalty may cause the guilty to go free. That is for the very simple reason that juries do not like hanging men or women, which leads, in some cases, to juries acquitting where they should convict. One could also point to the volume of evidence that establishes, so far as these things can be established, that the death penalty does not deter crime more than other punishments. Again I would refer to the moving speech that Barry Jones gave in the Victorian parliament in 1975, speaking for the abolition of the death penalty in Victoria, in which he produced—and it is reproduced in the Hansard—a famous graph which looks at the statistics in three American states over a 35-year period. The states were Michigan, Indiana and Ohio. One of those states was abolitionist—it had not had the death penalty for the entire period—another frequently executed the death penalty and a third used the death penalty only infrequently. The graph shows a convergence of the murder rates over the 35-year period and demonstrates, in very dramatic terms, just how little deterrent the existence of the death penalty was over that lengthy period in those states. It is possible to point to a host of similar studies which establish that the death penalty has no more deterrent effect than other punishments in relation to crime.

The fight for abolition has been won in this country. It seems very unlikely that anyone will be executed again in Australia, but, regrettably, the fight continues overseas, because there are very many countries which still impose the death penalty. Notably, there are countries in our region which continue to impose the death penalty and which have executed the death penalty against Australians in recent years. I attended a vigil, which I will not soon forget, on 2 December 2005 in Melbourne at the time of the execution of Van Tuong Nguyen. It was attended, as you might recall, Mr Deputy Speaker Thomson, by many members of the Melbourne legal community, because members of the Victorian bar had lent their aid to the efforts to have Van Nguyen’s life spared, but to no avail. Other Australians are currently facing the death penalty in countries to our north.

There is no room for equivocation on these matters. There is no room to say that there should be no death penalty in Australia but that there is room for the death penalty to be imposed for crimes committed elsewhere in the world. Just as we are all diminished here in Australia by the death penalty, by the continuation of the death penalty, so all human beings are diminished by the continuing imposition of the death penalty. It is a similar proposition that underlies the other part of legislation before the House because the other part deals with our obligations against torture under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
Australia under the Hawke government signed the convention in December 1985 and ratified it—still under the Hawke government—in August 1989. The reason for the current amendment to the crimes legislation in relation to the prohibition against torture is prompting by observations made by the UN Committee Against Torture in May 2008 in the form of a recommendation that Australia should enact a specific offence of torture at the federal level.

The primary effect of this legislation will be to criminalise acts of torture committed both within and outside Australia. That is entirely consistent with Australia lending its efforts to a worldwide prohibition against torture, and giving this legislation extraterritorial application will further reduce the places or scope for torture to occur.

This legislation very much demonstrates this government’s condemnation of torture in all circumstances. Just as we are all diminished by the death penalty being imposed, so too, as a society, are we all diminished by our government committing torture supposedly on our behalf. It is of course an issue which has been the subject of a great deal of public discussion, particularly in the United States in the period following the September 11 atrocities in New York, because it was thought and has been said by high officials in the United States that there may be circumstances in which torture is to be permitted.

The government of our country is making it clear that there are no circumstances in which torture can be permitted. One of the best explanations of this that I have seen is from someone who is very directly on the other side of politics in a general sense to the side of politics that I occupy—namely, the unsuccessful Republican nominee for President of the United States in the last presidential election, Senator John McCain, who famously is a war veteran and was a prisoner in Hanoi in the so-called Hanoi Hilton, where he was tortured during the Vietnam War. Throughout his life and with greater strength on his return to the United States after being released from a lengthy captivity—some five years held by the North Vietnamese—in all the years after that time he fought and spoke against the use of torture. This is what Senator John McCain said in 2005, and I quote from a speech he gave in the Senate. He said:

Our enemies did not adhere to the Geneva Convention. Many of my comrades were subjected to very cruel, very inhumane, and degrading treatment, a few of them even unto death. But every single one of us knew and took great strength from the belief that we were different from our enemies, that we were better than them, that if the roles were reversed, we would not disgrace ourselves by committing or countenancing such mistreatment of them. That faith was indispensable not only to our survival but to our attempts to return home with honor. Many of the men I served with would have preferred death to such dishonor.

He went on to say:

The enemies we fight today hold such liberal notions in contempt as they hold in contempt the international conventions that enshrine them, such as the Geneva Conventions and the Treaty on Torture. I know that. But we are better than them, and we are stronger for our faith, and we will prevail.

This is a ringing endorsement of the reasons why it is important that we resist always any suggestion that it might be acceptable to engage in torture for whatever reason. There needs to be a complete and total prohibition on torture, and this bill in very direct terms shows that Australia is committed to persisting with that prohibition for all purposes.

There is a tendency—and it is with us always, I regret to say—to slip into suggesting that there may be some place for torture. I heard it very directly most recently when I was participating in a television interview...
with the member for Ryan in August last year where the member for Ryan said:
I think that there is a very limited place for torture and certainly where that torture takes place, it must be done in an appropriate way in an appropriate context.

Needless to say, I was appalled—aghast even—that a member of this House could give even a limited endorsement of the possibility of torture. I said—and I have a transcript here:

I am shocked to hear Michael say there is a limited place for torture. I think we need to resolutely say there is no place for torture.

By the end of the day the member for Ryan had of course retracted those comments, because it had been made clear to him by the member for Wentworth, the then opposition leader, that he condemned those comments in the clearest possible terms. There is no place for any Australian parliamentarian to be suggesting that there might ever be a place in Australian processes for the commission of torture. As a democracy we fight for certain values, and we need to continue to fight for those values. That may mean that, to use the words of Aharon Barak, we fight with one hand tied behind our back. (Time expired)

Mr Murphy (Lowe) (5.08 pm)—I applauded the member for Isaacs’ contribution and other members’ contributions in this very important debate. I too rise to speak in support of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. This legislation ensures that Australia continues to combat torture and reinforces our strong desire to support moves to abolish capital punishment throughout the world. This legislation acts as a springboard from which we as a nation can lead international efforts to speak out against torture and the death penalty.

As you are aware, Mr Deputy Speaker, Australia is a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consequently we have an international obligation to ensure that all acts of torture are offences under domestic criminal law. Presently acts falling within the convention’s definition are offences under state and territory criminal laws. However, in May 2008 the United Nations Committee Against Torture, in its concluding observations on Australia, expressed concern that Australia does not have a specific torture offence in the Commonwealth Criminal Code. The report recommended that Australia legislate to:

… ensure that torture is adequately defined and specifically criminalized both at the Federal, States and Territories levels, in accordance with article 1 of the Convention.

As you know, Mr Deputy Speaker, the Rudd government takes Australia’s responsibilities under this convention very seriously. That is why we are including the new offence of torture in the Criminal Code to criminalise acts of torture committed both within and outside Australia. I believe that by enacting a new offence of torture we are signalling to the rest of the world that we condemn this shameful, brutal and barbaric practice. I believe that we are sending a very clear message about the values we in Australia hold and about our strong commitment to human rights.

The inclusion of torture in the Criminal Code should not put an end to our efforts to eliminate torture. Whilst we have formally put an end to this insidious practice in Australia, there remains much more to do in order to eliminate the use of torture throughout the world. There are some elements in the international community who believe that torture is a necessary evil in the global fight against terrorism. In order to assess the validity of this belief it is important to define the concept of torture. According to the bill before the House, torture refers to conduct
by an individual in an official position that inflicts severe physical or mental pain or suffering on a person for the purpose of obtaining information or a confession, punishing the victim or intimidation. The definition contained in the legislation is based on the definition contained in the United Nations convention on torture. Obviously such conduct is nothing short of violent; however, is this practice necessary? ‘Is the practice of torture required to defeat crime and, more specifically, to defeat the crime of terrorism?’ I ask. The simple answer is no. Not only does the practice of torture represent a moral blight on our humanity but it has been proven on countless occasions that it does not work, and we were reminded of that in the contribution that we just listened to by the member for Isaacs.

Like the member for Isaacs, I would like to refer to a speech given in 2005, this time by Associate Professor Ben Saul to Amnesty International on the International Day in Support of Victims of Torture. Associate Professor Saul said:

... the argument for torture is indefensible due to insurmountable legal, moral and practical problems.

He argued that torture does not work because it produces ‘misinformation’ rather than truth. It has been proven that a significant level of information produced from the torture process is incorrect because those being tortured will confess to anything in order to get relief from the pain they are enduring. Incorrect information creates false leads, which only serves to divert our invaluable intelligence resources. Moreover, Associate Professor Saul believes that torture merely ‘degrades’ the humanity of interrogators. He went on to say:

Terrorism does not demand that we torture to defend ourselves. To the contrary, the threat of terrorism reminds us of the importance of protecting human dignity ...

If we resort to the use of violence as a form of punishment then surely we are no better than those who perpetuate violence against us. I cannot think of two stronger arguments against the use of torture. Why continue the practice of torture if it does not work? Why continue torturing people when it so clearly degrades our humanity? Torture is wrong. Australia should continue to advance these arguments on the international stage.

I now turn my attention to the second key measure in this legislation, and that is the extension of the current prohibition on the death penalty to state laws. I am very proud to live in a country that has such a longstanding policy of opposition to the death penalty. As part of the International Covenant on Civil and Political Rights, Australia is permitted to use the death penalty for ‘the most serious crimes’. However, we rightly object to the use of the death penalty under any situation and that is why we are party to the second optional protocol to the International Covenant on Civil and Political Rights, which requires Australia to abolish the death penalty.

By amending the Death Penalty Abolition Act 1973 we are ensuring that the death penalty cannot be reintroduced anywhere in Australia. The need for this legislation is highlighted by comments, I believe, made by the former Prime Minister, John Howard, in 2003. Mr Howard called for a national debate on the reintroduction of capital punishment as part of new antiterror laws. Whilst Commonwealth governments are prohibited from reintroducing capital punishment under the Death Penalty Abolition Act, Mr Howard suggested that state Liberal opposition parties could raise the issue. I am sure we all know on this side of the House why Mr Howard said that. We have seen on far too many occasions the issue of law and order being used as a political football in state politics. It would be a very dangerous devel-
opment in Australian public life if any party went to a state election promising to reintroduce the death penalty for serious crimes. Like the member for Isaacs, I do not foresee this happening in the future, but it is important to implement measures to ensure that it never happens. That is what this bill is all about.

Australia’s longstanding opposition to the death penalty must be consistent. We cannot, for instance, prohibit the use of this punishment in Australia yet support the use of this practice to punish terrorists. This is an inconsistency that should not be pursued. Opposition to the death penalty must not be seen as weakness on terrorism. Put simply, terrorism is evil. I cannot imagine the heartache and devastation felt by the families of the victims of terrorist attacks. Too many lives have been lost in attacks throughout the world and there can be no moral reasoning or justification for anyone to perpetuate such evil. Terrorists must be brought to justice and punished for the horrific evil, violence and destruction that they commit. However, I do not believe that the use of capital punishment is an effective punishment for terrorism.

In many cases the use of the death penalty is exactly what terrorists want: offering the potential to make them martyrs in the eyes of their followers. That could inspire more people to support their fundamentalist ideologies. The death penalty is a futile deterrent for individuals who believe terrorism is a pathway to martyrdom. This view is supported by Professor Jeffrey Fagan of Columbia University, who has argued that the death penalty is not an effective deterrent for terrorists. Only in November of last year he wrote:

Deterrence assumes a rational actor who perceives that the punishment costs exceed the benefits of the crime, and who will not act against his or her own self-interest. In this case, capital punishment] is no match for the rewards of martyrdom.

In other words the death penalty will not work as a punishment. In my view life imprisonment is the strongest form of punishment that can be applied to terrorists and I believe Australia should advocate this form of punishment in the international arena. Furthermore, if we advocate the use of life imprisonment for terrorists, rather than capital punishment, we may be more successful when intervening to support Australians on death row in other countries. As constitutional law expert Professor George Williams recently said:

The notion that it is acceptable to execute terrorists but not other criminals, or to execute foreign nationals but not Australians, is morally and logically unsustainable. The value of a human life is not contingent on a person’s nationality or the nature of their crime. Opposition to the death penalty does not permit such shades of grey.

The ambiguity and inconsistency to which Professor Williams refers weaken our efforts to achieve clemency for Australian citizens on death row overseas. It is not very credible to intervene on behalf of an Australian on death row yet advocate the use of capital punishment for all other criminals.

I do not believe the crimes of Australians on death row should go unpunished. They committed serious crimes, which cannot be ignored. However, to take the lives of these individuals, many of whom are young men and women, is simply a waste. Yes they made a big mistake, yes they committed a serious crime, but they also deserve the chance to learn from this and to be potentially rehabilitated. The use of the death penalty denies them this opportunity.

Throughout 2005 I too spoke about the tragic case of Mr Van Tuong Nguyen, who was hanged in Singapore at the age of 25. I support the words of the member for Isaacs. I
want to repeat what I said when I spoke in this House then:

In my view, no-one on this earth has the right to execute a human being. In my view, there is no justification for the death penalty. Everyone can be forgiven; everyone can be redeemed … I call on … this parliament to lead a campaign … to rid the world of capital punishment.

Today I renew that call. Today I call on the Prime Minister, the Minister for Foreign Affairs and every member of this Parliament to lead international efforts to put an end to the use of capital punishment throughout the world. The government will have a very good opportunity to raise this issue during the upcoming visit of President Barack Obama to Australia. May I be so bold as to suggest that one of the issues raised with President Obama be capital punishment in America.

To date, my contribution to this debate has centred on the issue of punishment for the perpetrators of crimes. However, in the time I have remaining I would like to raise the issue of crime prevention. All crime happens for a reason. Poverty, ignorance and disillusionment with society are but a few of the many reasons individuals commit crimes, so it is imperative that we tackle the causes of crime by addressing poverty, promoting social inclusion and advancing the cause of tolerance and understanding. As elected representatives, we have an important obligation to provide leadership and promote the principle that every human being has intrinsic value, integrity and dignity. We have a responsibility to ensure Australia’s children are aware of this basic truth. If we fail to achieve this objective, our children may be vulnerable to an ideology that teaches that it is acceptable to treat people differently.

Perhaps if we are able to promote greater tolerance and understanding throughout Australia, and indeed the world, we will be able to prevent at least some violence and achieve more peace. I believe that this bill sends a clear message to the rest of the world: Australia is a country that condemns torture and the use of capital punishment. The bill also sends a deeper message: Australia is a country that condemns violence and values the dignity of every human being. Let us build on the measures contained in this legislation by advocating the removal of capital punishment throughout the world. More needs to be done to abolish the death penalty in the 60 nations that continue to practise it. This is a fight worth pursuing, and I believe this bill is a good start.

Ms HALL (Shortland) (5.25 pm)—The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 specifies that the Commonwealth offence of torture in the Commonwealth Criminal Code will operate concurrently with existing offences in state and territory criminal laws. The new offence is intended to fulfil more clearly Australia’s obligations under the United Nations Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. The bill also amends the Death Penalty Abolition Act 1973 to extend the application of the current prohibition on the death penalty to state criminal laws. This will ensure that the death penalty cannot be introduced anywhere in Australia in the future.

I strongly support this legislation. It is about enshrining the protection of basic human rights in legislation. Since the Universal Declaration of Human Rights in 1948, the international community has adopted a set of comprehensive human rights—rights that enshrine human dignity, rights that a civil society values and rights that provide guidelines for governments in how they should treat their citizens. The prohibition of torture is a core value that is a human right and it should never be set aside. Nothing justifies torture.
Many arguments are put forward that support the use of torture and I reject all those arguments. Some people argue that the need to obtain information necessitates the use of torture in certain circumstances. I have only to look to what has happened in various areas of conflict and the results of those acts of torture and I come out very strongly in favour of the arguments against torture. I think that they are very succinct in setting out the case for not supporting the use of torture under any circumstances. This can include extracting a confession or obtaining information from victims or a third person. Torture can be used as a form of punishment, intimidation, coercion and discrimination. The Bills Digest on this bill states:

Despite the definition of ‘torture’ contained in the UNC, the legal concept of torture has not been either unified or coherent. Within the international community there have been important and ongoing conflicts over the threshold of severity of pain and cruelty, the role of the intention, the identity of the perpetrators and the positive obligations of states to prevent torture.

So I suppose that the underlying aspect is the severity of inflicting pain or suffering. It is not a criterion; it is a simple act of subjecting a person to pain and cruelty.

One of those reasons that I stated above is that we have had Australian citizens—David Hicks and Mr Habib in the United States of America in 2001 and in Afghanistan—that have been involved in and been the victims of torture. I think that as a civilised nation there is no way that we can support torture. When you look at torture and the information that is obtained under torture, I do not think that we can even be certain that the veracity of the information obtained whilst a person is being tortured can be guaranteed. I know that the Minister for Veterans’ Affairs is a person who has very strong opinions on torture and the need to ensure that people do not suffer undue torture in any circumstance at all.

Among the interesting experiments that I came across—they do not directly relate to torture—are Stanley Milgram’s experiments, which were actually looking at obedience to authority figures. In that experiment, Yale students subjected other students to electric shocks—some of them were teachers and some were students. The level of shock the participant was willing to deliver was aimed at measuring their obedience to authority. I should say that the participants were told that the shocks were not going to be painful or dangerous, but they were at a very high level. As a result of these experiments in subsequent years, it was not the people that supposedly received the shock but those people that were delivering the shock that suffered severe psychological impacts from being involved in that experiment.

The reason that I raise that experiment is to show that, with torture, the implications are wider than just the act itself and the fact that those people that are tortured may or may not give information. Even the people that are involved in the act itself are affected by it. I think that, as a civilised nation, there is absolutely no way that we can be a party to any acts of torture. No matter what the deed or the information that is sought is, torture cannot be justified.

Australia became a party to the convention against torture in 1989, and our commitment to the prohibition of torture must always be paramount, no matter what the challenge. I notice that speakers in this debate from both sides of the House have expressed strong views on this. To allow or accept torture is a slippery slope that will lead us to become a less civilised nation. A nation must always protect human rights, and the legislation that we have here today protects and delivers on that.

I might at this stage refer to a dissenting report back in 2004 by the Joint Standing
Committee on Treaties. In that dissenting report, committee members noted strong support for Australia ratifying the optional protocol. I am referring to that because I think it really sets out quite succinctly why we need to ensure that torture is outlawed in this country, as is highlighted in this legislation, for all times. Members referred to the need to maintain Australia’s leadership in human rights. The report also pointed out in its final recommendation that there is no circumstance, basically, where torture is acceptable. I think that those people on the treaties committee recognised that back in 2004.

The commitment to the prohibition of torture, as I said, must remain solid. To do otherwise would compromise our nation’s moral leadership. By that I mean that we must always as a nation look to the high ground and to putting in place a legislation framework that will ensure that, as a nation, we aspire to the highest level of protections of human rights. We must not under any circumstance let the bar slip and reach a stage where we are not about ensuring and protecting the rights of people.

The Rudd government’s commitment to ensuring that torture is unacceptable was evident firstly with the signing of the optional protocol. I must say that this legislation also demonstrates very visibly that as a government the Rudd government will not and does not under any circumstances support torture in any shape or form. This legislation, I think, can be used as a blueprint for other nations as well as our own.

That brings me to the death penalty, and I wish to place on record that I am opposed to the death penalty under any circumstance at all. There is no circumstance where I believe the death penalty can be justified. Australia has a longstanding policy of opposition to the death penalty. The Labor Party, which I am part of in this parliament, has in its platform that it opposes the death penalty and believes it is inhumane, no matter what the crime is. That statement really highlights and encompasses my feeling on the death penalty.

The purpose of amendments to the Commonwealth Death Penalty Abolition Act 1973 is to extend the application of the current prohibition of the death penalty to the states. I think this is very important because it will ensure that the death penalty cannot be reintroduced anywhere in Australia. Such a comprehensive rejection of capital punishment demonstrates Australia’s commitment to the worldwide abolition movement and complements Australia’s international lobbying efforts against the death penalty.

I think it is of vital importance to note that this legislation will ensure the outlawing of the death penalty throughout Australia. This is about showing leadership. One of the reasons that I cannot support the death penalty is that there have been many cases reported where innocent people have been put to death—with the advent of DNA testing I think that they are finding more and more people who have been sentenced to death and that sentence has been shown to be incorrect. It is inhumane; no matter what a person has done, I believe that nothing gives us the right to actually take away their lives.

As the member for Lowe was saying earlier, when it comes to a crime such as terrorism or something horrendous, the simple fact that a person will be in prison and not allowed to leave that prison for life is an even greater punishment than to quickly escape the consequences of their action through the death penalty. I do not think that, as a nation, we can in any shape or form support the death penalty.

At the moment there are the young people in Indonesia—the Bali Nine—who are facing
death because they trafficked drugs. That is an act that I do not support; it is an act that has the potential to endanger the lives of many people within Australia. But I do not believe, under any circumstances, that we can support the death penalty in their case or any other cases.

This legislation is good, strong legislation that will ensure that we do not support torture in this nation and that will finally ensure, once and for all, that the death penalty is outlawed throughout the whole of Australia.

Mr SLIPPER (Fisher) (5.41 pm)—The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 is legislation that is supported by both sides of the chamber. It is legislation which, in practice, probably does not have any real effect, because the crime of torture is already a crime under Australia’s laws—particularly state and territory laws—and also, the death penalty does not exist anywhere within the states or territories of Australia. It certainly does not exist at the Commonwealth level.

No one can support torture, and I do note that an international committee against torture recommended that Australia implement a specific offence of torture at the federal level. That recommendation was included in the concluding observations on Australia by the UN Committee Against Torture issued in May 2008. Consequently, to be a good international citizen, this country is implementing that recommendation.

With respect to the death penalty, that is a subject which has occupied a lot of public debate in this country and in other countries around the world. I place on record that I do not support the death penalty, although in the past I have been able to understand how some groups in the community might believe that the death penalty is an appropriate penalty for certain sorts of particularly gross crimes: child murder, maybe murder involving torture and so on. However, I am someone who has always been opposed to abortion, and I am opposed to euthanasia. It occurred to me that to be consistent, if I am opposed to other forms of state sanctioned killing I had also to become very strongly opposed to the death penalty. I see that consistency as being very important. One cannot pick and choose; in my view one cannot, with a sense of intellectual honesty, support state sanctioned killing at one level and not support state sanctioned killing at another level.

I do understand that, particularly after there has been a horrendous crime committed somewhere around the world or in the country, if one did take a plebiscite of the community people would often vote for the death penalty. However, this legislation will mean that the death penalty will not be able to be imposed at state or federal level anywhere in Australia in the future—that is, I suppose, unless this law at some time in the future, after implementation, is actually repealed.

I do have somewhat of a problem with the federal government entering into treaties internationally and then, by virtue of the international obligations resulting from those treaties, acquiring the competence to legislate domestically in relation to areas where, under our Australian Constitution, the Commonwealth has no right to legislate. It is one way, I suppose, of tearing up the Constitution for the federal government to enter into a treaty and then have an international obligation which must be implemented and which gives us the legislative capacity to implement that international legislation through a law of the Australian parliament. I do not know that this particular bill has been controversial. I have not heard the states object to its passage. But one who took the view that it was wrong for the Commonwealth to acquire extra legislative competence by en-
tering into an international treaty might be
concerned, if not with the result of this legis-
lation certainly with the mechanism which
gives us the constitutional authority to pass
this law through the Australian parliament.

The honourable member for Shortland,
who spoke before me, referred to the fate
being faced by a number of Australians who
are presently incarcerated in overseas pris-
sons. It really is important that Australians
who travel to other countries recognise that,
even though the death penalty will be out-
lawed in this country, the laws of this coun-
try with respect to the death penalty do not
have some sort of extraterritorial effect in
overseas countries. If we travel to other
countries, we have to be prepared to observe
the laws of those countries even if we do not
agree with the laws of those countries, and
we have to accept that each individual juris-
diction, each individual nation state, does
have the right to bring in its own penalties
for certain criminal offences.

All Australians would know that there are
many countries throughout the globe which
do have the death penalty on their respective
statute books. It is not reasonable to expect
that Australians who are convicted of the
death penalty should automatically have the
death penalty commuted to something else
simply because they are Australians. I sup-
pose if one has the privilege of travelling to
other countries, one has to understand what
the laws of those other countries are, and we
just cannot expect that, because we are Aus-
tralians, those laws do not apply to us. Hav-
ing said that—and I am pleased to see the
honourable the Attorney-General at the ta-
ble—I do support recommendations by suc-
cessive Australian governments for clemency
and leniency when Australians find them-

Ms REA (Bonner) (5.50 pm)—I too rise
to support the bill before us, the Crimes Leg-
islation Amendment (Torture Prohibition and
Death Penalty Abolition) Bill 2009. In doing
so, I wish to commend the Attorney-General
for bringing this piece of legislation for-
ward—and I would have said that regardless
of whether he was actually present in the

CHAMBER
chamber, but I am pleased that he is here. I commend the Attorney-General for introducing this bill, because I think it reflects that a democracy is an organic thing, an ever-changing, living, breathing thing, that adapts and changes according to different stages of social progression—and, indeed, we hope that it does so in a way that will always make society better. I certainly believe that this legislation will do so. I am also very pleased to support this bill, because often in this place there is a lot of fanfare, attention and publicity associated with a number of bills that go through this House but often some of the most significant pieces of legislation are the ones that get very little airplay at all—and I would say that this bill is a perfect example of that.

As a relatively new member of this parliament, it is interesting that I would be standing here in the year 2010 speaking on a piece of legislation which outlaws the death penalty and torture. I believe this legislation is not just a reflection of how our democracy and our legislative processes work—in that we are constantly looking at ways in which we can reinforce the significant values that underlie our democratic society—but also a very interesting reflection on the federal nature of our society and of our governance system.

We have various state and territory laws that have banned torture and outlawed the death penalty. Australia can hold its head high amongst most Western countries in terms of its commitment to opposing torture and the death penalty. At the same time, it is important to acknowledge that the international community has recognised the need for Australia to amend the Commonwealth Criminal Code and the Death Penalty Abolition Act to reflect our international obligations and to ensure that, through Commonwealth legislation, torture and death penalty laws can never again be introduced by state or territory parliaments. It is quite a significant piece of legislation for Australia. It clearly shows that the government are very committed to honouring Australia’s international obligations, particularly our obligations around the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the Covenant on Civil and Political Rights.

In reflecting on the interesting governance system that we have in this country, articles 4 and 5 of the convention against torture refer specifically to the need for nations to not rely simply upon state and territory law but to introduce laws into their national parliaments which will not allow these particular actions to resurface. Indeed, article 4 says:

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5 says:

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State; 
(b) When the alleged offender is a national of that State; 
(c) When the victim was a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite
him pursuant to article 8 to any of the States mentioned in Paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

It is important that this law has a practical implication. I want to assure the previous speaker that, because of the nature of our federal system and because of the ability of Commonwealth law to override state and territory laws, there is a very clear and practical reason why the government have introduced this legislation—that is, to ensure that we do not see torture or the death penalty ever reintroduced in this country.

Many speakers before me have talked at length about our opposition to torture and the death penalty. As a government and as a nation, we have a very proud record both domestically and internationally of being great advocates for human rights and great supporters of the United Nations and of any international approach which attempts to protect and improve the human rights of citizens across the globe. We have a proud record of making clear our opposition to the death penalty and to torture. But we also have to be very mindful that this can sometimes be difficult. We all know that there are many people within our own communities and across the globe who have varying views about the level of punishment that should be administered to someone who commits a heinous crime or act against somebody else. We all know that we live every day with the very real threat of terrorism. We also know that we live in a society where unfortunately there are individuals who can perform the most horrendous acts on people who are perhaps more vulnerable than them. All these things can sometimes bring out that part of our nature which is tempted to react, to seek revenge and to seek punishment. There are certainly cases and, I think, appropriate situations where punishment must be administered.

If we are to uphold the true principles of a free and democratic society—where parliaments are elected, where people have the right to vote, where every individual can exercise certain freedoms and have certain rights—and say we are a civilised and progressive community, we have to say that there are no circumstances in which the death penalty or torture is acceptable. We have to say that there is no point where you can draw a line. If you do not believe that the state or an individual has a right to take someone else’s life, particularly in the form of revenge or punishment, then there are no circumstances in which it is appropriate. You have to clearly say, ‘It should be outlawed in all circumstances.’ I personally support that, and that is why I am very pleased to be speaking on this legislation.

As I have already said, this legislation is not just about dealing with this issue at a domestic level; it is clearly about the government and the nation honouring our obligations under international conventions and covenants to which we are a party. It is also about putting our money where our mouth is. It is about saying that we as participants in the global community are strongly opposed to both torture and the death penalty. If we are to be strong advocates in whatever international forum that we participate in and if we are to be strong advocates with both our friends and those who we may not have such a great relationship with—to argue vehemently that they must never abuse human rights in the most horrendous way through torture and the death penalty—then we have to put our money where our mouth is.

As a Commonwealth parliament we have to clearly say that we do not support this under any circumstances and that we will use whatever legislative means we have to en-
sure that these particular actions will never see the light of day again in Australia. It is about being a good global citizen, it is about being an active player on the global stage and it is about clearly sending the message to all countries who continue to allow the death penalty: that Australia will not accept it and we will do whatever we can to oppose it and fight against it.

As the Chair of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I think it is very important for me to be putting my comments on the record in this case. I acknowledge the work of that subcommittee and the work of the many non-government organisations and representatives of civil society who are working tirelessly in the area of protecting and defending human rights, not just on the global stage but here in our country. One civil society always reminds us that we must be ever-vigilant and never complacent.

I think that is reflected interestingly in the recent consultations that were initiated by the Attorney-General and conducted around the issue of human rights here within our own nation and the freedoms that many of our citizens take for granted. When the panel of eminent persons went out to consult with the community, they received over 40,000 submissions on the issue of human rights in Australia. I think that is a reflection that within the Australian community there is still a very strong interest in how we as a democratic society can continue to protect, defend and improve our domestic approach to human rights. It also clearly showed support for the government and for the parliament to put human rights as a key issue, not just domestically but internationally. Today, in my capacity as Chair, I had the opportunity to attend the consultations that were run by the Department of Foreign Affairs and Trade with civil society and the many NGOs that attended.

In conclusion, I once again put on the record my support and admiration for the people who work in those organisations. They are fighting for individual people who are in dire circumstances and for particular groups in our society who are still vulnerable and open to exploitation and abuse. What they are doing through their tireless work is constantly maintaining vigilance and ensuring against the complacency which can sometimes creep in when we are focused on many other things as a parliament and as a community. The protection, defence and the continual desire to improve our human rights is the fundamental value that underpins our work in this parliament, our democratic society and our prosperity as individuals. I commend this bill to the House.

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (6.04 pm)—I join with previous speakers in congratulating the Attorney-General for introducing this legislation. As people have indicated, the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 accords with the United Nations pressure regarding torture and capital punishment, and Australia’s actions support that. At the outset, I noticed some comments by the Leader of the Opposition in the past week and I will give him the benefit of the doubt and say that he was thinking of moral issues out loud. He made the point that, whilst historically he had a firm opposition on capital punishment, he thought that for some terrorist acts perhaps it is very hard to hold that position. Once we go down that road, we have people whose families have been very affected by horrific murders, the emotions of those circumstances, the intensity of their feelings, and we can go on and on. Once we start making an exception to a position on
this matter, we are going down a very dangerous road.

On the question of terrorism and the question of outrage, the Leader of the Opposition should remember New South Wales history and Henry Parkes. Parkes was on other fronts a great statesman and a person who gave this country one of the things for which it can be most admired—public education. But, when the heir to the British throne was shot at Clontarf on the northern beaches in Sydney, Parkes—in a very ruthless fashion—used that attempted murder to create an anti-Fenian, anti-Catholic hysteria in Sydney by saying that it was Fenian terrorism. The person was found, as I recall, to be rather deranged and had no political motivations whatsoever. It is an example that we must be careful about what we regard as terrorism and heinous. We might find the Iranian regime saying that it is justified in incarcerating people for 30 years and executing them over political demonstrations since the elections there. Equally, we know that in the Middle East—we might not be able to contemplate this—many of the people that carry out these acts see Western intervention in that region, whether it is the question of having US forces in Saudi Arabia or the question of Palestine, as a form of international terrorism. So you have got to be very careful with the kinds of exceptions that we might consider. I, for one, far more admire the statements of the former Liberal Party Premier of New South Wales, Nick Greiner. I recall what he said when I was still, I think, in state parliament. He said that, if the Liberal Party ever adopted a position that supported capital punishment, he would resign as leader of the Liberal Party. I think that is the kind of approach we take in regard to this matter.

I have a habit of giving books to public libraries when people die, rather than flowers. The other day I was flicking through a book I purchased for someone—a book called *Killing Time* by David R Dow. It traces the author’s involvement in a Texas court case, and it looks at some of the problems with capital punishment in the United States. He looks into the performance of Jack Gatling, the counsel for the accused, who is a person renowned for his ineptitude and whose job is to defend many of these people as they go down towards their deaths. He comments on the case on page 192:

Nor did he—that is, Gatling—challenge the state’s expert who single-handedly persuaded the jury to sentence Quaker to death. James Grigson is known as Dr. Death. He was expelled from the American Psychiatric Association as well as the Texas Society of Psychiatric Physicians, but that did not stop him from testifying in hundreds of trials. Grigson claimed to have examined somewhere between two hundred and four hundred capital-murder defendants—the number varied from case to case, because Grigson could not keep his answer straight from one trial to the next. But that did not stop juries from believing him. Sometimes he would not interview the defendants at all; other times he would visit with them for fifteen minutes or so in the county jail, asking them what they saw when they looked at ink blots. He would then sit on the witness stand for as much as five hours, telling jurors that the defendant before them would undoubtedly be dangerous in the future if not speedily put to death.

His flamboyant predictions were spectacularly wrong. By some estimates, he was wrong more than 95 per cent of the time. But that too did not stop juries from believing him. Juries would even sentence people to death who had not committed any crime. In one famous case, Grigson testified that Randall Dale Adams would commit more violence if not executed. Adams had been convicted of murdering a state trooper outside of Dallas. Errol Morris made a documentary about the debacle of the trial. As it happened, Adams did not actually kill the officer; someone else did. Adams was released from prison after his innocence was established. He had not committed any
crimes prior to his wrongful conviction, and he has not committed any since.

This brings me to the concern about erroneous convictions, whether it is due to ineptitude with regard to the defence of these people who are convicted erroneously; whether it is due to informants whose evidence is unreliable and who are actually making sentencing deals for themselves; whether it is due to coercion by authorities, theory before evidence, or whatever. On all these grounds, there is grave concern in such a crucial matter of life and death. With respect to the emergence of DNA evidence in the United States, it is interesting to note that in the period 1973 to 2005, 123 people in 25 states were released from death row—123 people who could have been killed if this evidence had not been provided. It is also said that this is a severe understatement of the reality, because after a person has been killed there is a lack of motivation by the family, and the person is obviously not on the job in regard to exonerating themselves. People lack money to drive home these issues, after people have been killed. This is an understatement, and we all know that the strength of DNA evidence is growing as time goes by. So 123 people, at the very least, would have been killed but for the emergence of DNA evidence.

It is also a reality that capital punishment is a very random practice. Less than one per cent of all murderers are condemned to death. Of those people on death row, only two per cent are actually executed. In 2005 there were 75 people who had been waiting for 20 years or more—day after day—to know the situation for them. It is also a reality that there is a race factor in sentencing and those on death row in the United States. Forty-one per cent of death row inmates in the United States are black. Thirty-four per cent of those executed are black—and yet only 12 per cent of the population are black.

Of course, people will say in defence of the system, ‘There is a propensity to offend.’ But obviously a part of that is the reality of the interrelationship of socioeconomic circumstances in the commission of crime. The situation is that there is severe overrepresentation of black offenders among those who are eventually sentenced and killed by the state in the United States. As well, at least 25 states in the US allow the execution of people who are mentally retarded. At least 35 have gone down that road between the years 1976 and 2005.

There is also a very strong question mark over the degree to which capital punishment dissuades people from offending. Anyone who has studied the area of gun homicides knows that most people who are killed with guns in this country, or any other country in the world, are not killed by criminals. They are not killed by people who have waited months on end to commit the offence. They are killed on the spur of the moment by a family member, a neighbour or a friend. To think that having capital punishment is going to prevent those kinds of events is illusory.

Another worrying development is the privatisation of the penal system, which really puts a question mark over the legitimacy of the system. Last year, two judges in the United States were jailed for very lengthy periods after they had conspired with private prison owners to give them enough people for their jails. There were young people being sentenced without legal representation when they should have had it, people under age, et cetera—large numbers of people over a very lengthy period were basically sentenced just so they could keep the numbers up for private prisons. We saw a situation in the United States—I referred to this in a previous speech—where professors, academics, who were purportedly unbiased and disinterested with respect to the effectiveness of a private prison system in the US, were found
to have had significant shareholdings in these institutions, using the justifications to basically settle their self-interest.

There are, of course, so many reasons besides the moral question of whether the state should take away life. Referring to Australia again, there was the famous case of the New South Wales justice minister, JT Ley, who refused clemency to someone despite the fact that the person was totally insane. The man was hanged. It was another example of someone sent to their death because it was politically expedient not to show mercy. Fortunately for Mr Ley, when he himself was sentenced to death after murdering six people, he was given the benefit of the defence of insanity and finished up in Broadmoor mental institution in Britain.

In the United States, not only is there a disproportionate number of black and poor people amongst those who are executed but studies in the United States time after time have shown that it is also a regional lottery—it depends on the attitudes of judges and of jurisdictions within a state as to who actually has their life terminated. In New York, although upstate counties experience 19 per cent of the state’s homicides, they nonetheless account for 61 per cent of all capital prosecutions. In 2001, three counties out of 62 in the state accounted for over one-third of all cases in which a death sentence was filed. In another survey, in Indiana in 2001, newspapers found that the death penalty depended on factors such as the views of individual prosecutors and the financial resources of the county. You will find that, time after time, there is a correlation not with the nature of the offence and how it might affect the general public’s attitude, not with how macabre the murder is, but with the things that were just specified—that is, the nature of the prosecutor, the nature of the judge, the nature of the society.

In conclusion, I very strongly support this measure. On both sides of politics this has been a matter of virtually unanimous support, and that has been largely reflected in the speeches within this debate.

Mr McCLELLAND (Barton—Attorney-General) (6.17 pm)—in reply—I am very pleased to sum up the debate on the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009. I would certainly like to thank members for their contributions to the debate and the bipartisan support for the bill.

The bill contains two measures. First, it enacts a specific Commonwealth torture offence in the Commonwealth Criminal Code to operate concurrently with existing offences in state and territory laws. Since 1989, Australia has been a party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among other obligations, the convention requires Australia to ensure that all acts of torture are offences under domestic criminal law. At the moment, Australia meets its obligations, as acts falling within the convention’s definition of torture are included as offences under state and territory criminal laws. In recent years the United Nations Committee Against Torture has been critical of nations that have not enacted torture as a specific criminal offence and has recommended that Australia enact an offence of torture at the federal level. The provisions in this bill would respond to the recommendations of the committee and further demonstrate the government’s condemnation of torture in all circumstances by more clearly and explicitly fulfilling Australia’s obligations under the convention against torture.

The second measure in the bill would amend the Commonwealth Death Penalty Abolition Act 1973 to extend the application of the current prohibition on the death pen-
alty to state laws to ensure the death penalty cannot be introduced anywhere in Australia. The bill proposes extending the application of the current prohibition on the death penalty to state laws. This would ensure that the death penalty could not be reintroduced anywhere in Australia in the future.

Kofi Annan, the former Secretary-General of the United Nations, once said:

The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process. And I believe that future generations, throughout the world, will come to agree.

Through this bill, the House declares that it does so agree. These amendments would emphasise Australia’s commitment to our obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights and ensure that Australia continues to comply with those obligations. These domestic amendments complement the measures Australia is taking internationally to promote universal abolition of the death penalty. Through our overseas missions, the government is currently making bilateral representations against the death penalty to all countries that may carry out executions or maintain capital punishment as part of their law.

In summary, the bill contains important measures which demonstrate the government’s ongoing commitment to better recognising Australia’s international human rights obligations. I thank all members for their contributions to this debate and I commend the bill to the House.

Question agreed to.

Bill read a third time.

TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009

Second Reading

Debate resumed from 25 November 2009, on motion by Dr Emerson:

That this bill be now read a second time.

Mrs MIRABELLA (Indi) (6.22 pm)—
The Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 amends the Textile, Clothing and Footwear Strategic Investment Program Act 1999 to provide authority for the formulation of a new Clothing and Household Textile (Building Innovative Capability) scheme. This scheme is part of the TCF measures announced in the 2009-10 budget and comes in response to the review conducted by Professor Roy Green which began in 2008. It is a scheme which will replace the then coalition government’s Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme for the 2010-11 to 2014-15 years.

The coalition’s scheme sought to foster the development of a sustainable and competitive TCF manufacturing sector and design industry in Australia by providing incentives in the form of grants. The coalition has always been supportive of the textile, clothing and footwear industry. This industry is particularly close to my heart as it is a significant industry in my electorate and a significant employer. In November 2003, the then coalition government announced a long-term assistance package of $747 million for Australia’s textile, clothing and footwear industry. This followed a five-year $678 mil-
lion textile, clothing and footwear strategic investment program.

The textile, clothing and footwear industry is an important industry, providing employment to thousands of people. It is also one that has faced particular challenges and difficulties. This has not changed, with the industry today facing strong competition from countries such as China and other low-cost manufacturing countries, the impact of a strong dollar on exports, the further reduction in tariffs and the difficulties associated with the global financial crisis. While the Rudd government, true to form, pays lip-service about supporting Australia’s TCF industry, their actions across other areas and other portfolios tells another story.

Like the vast majority of Australians, I was horrified and dismayed last week when it came to light that fabric for Australian defence uniforms could be sourced from China. The public revelation of the government’s secret plan resulted in the Minister for Defence Personnel, Material and Science back-flipping and back-pedalling in a significant way. It was quite interesting to listen to the tricky language that was used at the time. The minister claimed that the Chinese supply was ‘just an option’, which clearly contradicts Defence confirmation of the contract and the Indi Labor candidate’s comments on local radio that some of the material would be made in China. The reality was that it was part of a tender that had been awarded by this Labor government—that is, because it awarded this tender, the government had accepted the purchase of fabric from China.

Just briefly, I would like to put on the record some of the background to this issue, because it is important to walk the walk and not just talk the talk. This issue very much relates to the future of the textile, clothing and footwear industry. It is not good enough just to have a debate about some assistance program in isolation without looking at some of the broader issues and the government’s approach. This issue goes back to July 2009, when Defence awarded a contract to the Bendigo based Australian Defence Apparel for the manufacture of Defence’s combat camouflage uniforms and the fabric known as DPCU. There is nothing surprising here: ADA has been making uniforms for the Commonwealth since 1912. However, unlike previous contracts, this tender allowed the sourcing of fabric from China, presumably once Defence’s current stock of locally made Australian fabric had been exhausted. But sourcing this unique fabric from China is not at all like a local clothing manufacturer importing any sort of fabric. It is not. This modern DPCU is not just your run-of-the-mill pattern fabric. It is a high-tech fabric with a range of features designed to make it difficult for modern optical sensors to detect and target soldiers. The technology has been developed in Australia, partly using taxpayers’ dollars. It is not in our soldiers’ interests and not in the Australian textile industry’s interests to give this recipe to a foreign manufacturer who supplies third parties with soldiers’ uniforms as well. To make matters worse, it appears that the government was going to allow this technology to go to China.

I know there are many other tenders outstanding and contracts awarded by government which raise similar issues and concerns and I will be monitoring and investigating those over the next few months. It is of particular concern because, again, the minister gave certain undertakings. Last July, around the same time this contract was awarded, Minister Combet adopted Defence’s long-standing Priority Industry Capability policy. This is where the government is committed to:

… ensure that certain strategically important industry capabilities continue to be available from
within Australia ... and which, if not available, would significantly undermine defence self reliance and Australian Defence Force (ADF) operational capability.

So, at roughly the same time that this contract was being awarded, Minister Combat was putting on the record totally the opposite. Interestingly enough, this is on point because Minister Combet’s document adopting priority industry capabilities includes combat gear as a key priority industry capability.

Under this policy, the Chinese tender should never have been accepted. The federal government, and Defence in particular, have a responsibility to get good value for the taxpayer dollars they spend, but scrimping a few dollars to dress our diggers in Chinese uniforms is both a false economy and a slap in the face to our men and women in uniform for no good reason. It is a slap in the face to domestic industries which are successful, competitive and innovative in this sector that we are trying to help with this bill. The cost to the economy of endangering 400 jobs in north-east Victoria and the damage to the industry that this could cause is far more significant than the alleged, and quite questionable, $1.5 million in savings that would have come out of this contract.

It is very interesting for this sector to ask, ‘Where was the union in all of this?’ The Textile, Clothing and Footwear Union issued a statement only on the day the story broke, calling on the minister to guarantee Australian jobs. Can you imagine: there they are in their nice red brick building down on the edge of the CBD of Melbourne panicking and saying: ‘Well, we haven’t said anything about this issue. It’s front-page on some of the papers around the country and we’d better come up with something quick smart. Of course, we knew about it, but we couldn’t say anything because we’re part and parcel of the Labor Party; we couldn’t criticise them to support local jobs.’ The workers who potentially could have been affected know what the union did not do and know that the union was silent on this issue. In the close-knit world of Labor and unions, it defies common sense that the union was unaware of this situation. This was not an isolated case; it is just another example of the union being silent for political expediency.

We do not have to go that far back to recall the barest whimper from the unions last year when Pacific Brands sacked more than 1,400 workers and shipped machinery to China, including equipment funded by the Australian taxpayer. These may be difficult and unpalatable issues for some on the other side, but they are part of the debate about the long-term sustainability of the industry. I am pleased to say that the coalition will continue to strongly support the textile, clothing and footwear industry and will continue to highlight cases like the Defence fabric fiasco, where the Rudd government’s actions were planets away from its rhetoric. Certainly, when the Rudd government makes a decision that is clearly not in the national interest, as was the case with the Defence contract, we will be running after it and holding it to account.

In a sense the jury is still out on this current bill. While the bill does replace the TCF Post-2005 Strategic Investment Program, it is important to note that the bill does not actually contain the detail of the replacement scheme. It provides only the authority when enacted for a scheme coming within the broad parameters of the bill to be formulated. So, once again, we are being asked to take this government on trust and to sign a blank cheque, leaving them to fill in the details. This leaves me particularly uncomfortable because we have seen time and time again with this government—and you have to look at how people behave on past experience to make a judgment of them—that part of the
problem, as has been in the past, is the devil is in the detail. We have only to look at the utterly, disgraceful botched installation batts program and its tragic outcomes to see that the devil is indeed in the detail and the lack of responsibility that has attached to the Minister for the Environment, Heritage and the Arts in that program. We have seen other programs where a lack of detail has caused enormous waste of taxpayers’ dollars at a time when there is record debt mounting for future generations to pay back. We have seen the expensive and highly wasteful Building the Education Revolution program that has produced particular gems such as a $250,000 library for a one-person school. Now it has been revealed that some of the building works cost nearly 10 times normal commercial rates.

That is what happens when you do not have details of government programs properly scrutinised. We have seen a whole stream of ineffective and ultimately abandoned programs like Fuelwatch, GroceryWatch and the absolute budget blow-out of the National Broadband Network. The list goes on. Time and time again we have seen this government prove that it is incapable of delivering effective, efficient and well-run programs. It is very big on rhetoric and spin and being seen to run from one media circus to another, but when it comes to the real world, when it comes to the nuts and bolts, when it comes to delivering, it fails miserably and I am sure all its very expensive focus group research is showing it exactly that. You just wait and see the Prime Minister and some of his ministers try some action shots in the media. They will be wearing hard hats and colourful fluoro vests, digging a hole here and there, trying to prove that they are men and women of action, not just all talk and no action. But the cynicism of Australians right across the country has been pricked and will continue to grow. It is just one of those factors that goes to continued distrust and cynicism about government in this country.

It is no wonder that there is a lot of industry concern about the operation of the new TCF scheme that is going to be facilitated by this bill. With much of the detail as to the scope of the new scheme, such as eligibility, definitions and the calculation of grants to be contained in the scheme yet to be formulated, it is difficult to properly assess the merits of the actual scheme. Without the opportunity to examine the details, we do not know, and neither does the industry, what impact it will have. It is these details that are important to industry players. I note that this concern has been reflected in submissions made to the Senate Standing Committee on Economics, to which this bill has been referred. The Australian Industry Group have implored that eligibility criteria be carefully developed and that transparency be increased and red tape reduced by streamlining the application and decision-making process. Again, these are details that will be part of the final scheme—so we are told. The Technical Textile and Nonwoven Association expressed concern in their submission, stating: … it is disconcerting to assess and to make comment on a program with few specifics.

The Carpet Institute of Australia stated:
It is difficult to assess the Scheme because the Bill and Explanatory Memorandum provide only a basic framework.

Bruck Textiles, in its submission, observed:
… what is missing from the Bill, is the actual Scheme detail outlining how the Program will be implemented and delivered.

There is no ambiguity in that.

As I said earlier, the devil is in the detail, and it is only when we have a full picture of the details of the new scheme that a full assessment and judgment can be made on any effectiveness that the government puts in

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place with the new scheme. As regards the provisions contained in the bill itself, I am concerned that section 37ZM provides authority for the new scheme to allow grants to be made even where manufacturing has moved overseas. It is important that taxpayer funds are used to support Australian manufacturing—not the transfer of manufacturing offshore. I have received advice from the Department of Innovation, Industry, Science and Research that it is not proposed to formulate a scheme that would allow grants to be made in such circumstances. If that is the case, I believe the bill needs to be amended to reflect that fact.

As I have indicated, I do have a number of concerns that are shared by industry regarding the bill and, more importantly, the new scheme that it puts in place. I do note, though, that the Senate Standing Committee on Economics, to which the bill has been referred for inquiry, is due to report by the end of the week, and I trust the government will take heed of the recommendations of this inquiry and address the genuine concerns that have been expressed by industry leaders. The department has also advised me that they will be undertaking further industry consultation in February to assist them in formulating the new scheme. It would be of considerable benefit to the industry and to good legislation to be in a position to examine both the Senate committee report and a draft of the details of the scheme.

I have outstanding concerns that amendments to the bill may be required, and these will have to be dealt with in the Senate in due course. I implore the government not only to consult widely but to give effect to the wishes and the concerns that arise out of consultations and that have already been raised by industry players—and, of course, to ensure that the details of the final scheme help strengthen the TCF industry and do not put on further strain or add another layer of bureaucracy that Australian employers simply do not need at this stage. I look forward to the Senate Economics Committee report and the government’s response to that.

Ms VAMVAKINOU (Calwell) (6.40 pm)—I rise today to speak in support of the Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009. I welcome the introduction the bill before us today, which is primarily designed to help strengthen Australia’s innovative capability and productive capacity in these vital industries. I welcome the longstanding efforts of the Minister for Innovation, Industry, Science and Research, Senator the Hon. Kim Carr, that are aimed at providing Australia with a clear direction on how to help deliver to these industries and their workers a strong competitive advantage in today’s globalised environment.

As chair of the House Standing Committee on Industry, Science and Innovation—and, of course, as the member for Calwell, which has a very large manufacturing base—I work closely with Minister Carr to try and examine, report on and make recommendations regarding areas of policy that affect these industries. That is why I understand the importance of the government’s commitment to making use of the extensive consultation process which began last year. As such, I would like to take this opportunity to commend the minister’s continued efforts, which are aimed at ensuring that a strong and viable textile, clothing and footwear industry remains an integral part of our national economy and social framework. I also take this opportunity to welcome the efforts of Dr Craig Emerson, the Minister for Small Business, for introducing this important piece of legislation to the House. This bill aims to provide an important legislative authority for the new clothing and household textile building innovative capability scheme, which is a
key component of the federal government’s textile, clothing and footwear innovation package.

The textile, clothing and footwear industries employ over 45,000 Australians across the country. They generate exports that are worth $1.6 billion as well as contributing $2.8 billion each year alone to our national economy. The employment patterns within these industries, particularly in regional economies, ensure that entire communities across Australia are strongly supported by the development of these industries, and of course my electorate is one such community that would obviously benefit greatly from the government’s commitments. That is why the initiatives and programs introduced by the Rudd Labor government are crucial to promoting capital investment and innovation aimed at ensuring that Australian made products continue to be a driving force for our local, regional and national economy.

In last year’s federal budget, the Minister for Innovation, Industry, Science and Research, Senator Kim Carr, announced the establishment of the Textile, Clothing and Footwear Industries Innovation Council as part of the TCF innovation package, which is in addition to five other councils, all of which, to a large degree, serve to have a strong impact on driving innovation in Australian industries. In my capacity as chair of the industry committee—and, again, as the federal member for Calwell—I know too well the importance of working closely with local businesses, unions and researchers in ensuring that communities across Australia further develop a sustainable local economy that will see us well into the future. It is about combining all of our efforts and our productive, competitive and innovative capacity to ensure that Australian industries continue to lead the way in innovative design and production.

The government understands that it is about getting the balance right between an innovation-driven industry whilst maintaining a strong focus on Australian workers, the very people who actually make the things that drive our economy and strengthen our productive capacity. If we want to remain a nation that actually makes things—a country that has a strong and sustainable productive capacity, underpinned by industries which are driven by a skilled workforce—we need to ensure that governments understand the importance of strategic investments in this increasingly competitive commercial environment.

On this account, I am pleased to say that in today’s Australia we have a government willing to assume its responsibility towards the nation’s vital industries. Central to the government’s innovation agenda is the question: what role will Australia’s TCF industry play within an increasingly competitive environment? The answer to this question, of course, needs to occur within the framework of government and industry working together to secure growth in the future.

In his submission to an extensive review of the TCF industries, Professor Roy Green noted with optimism:

… there are many challenges facing the TCF industries, but they have a promising future providing they deliver products that are differentiated from those of their competitors by their uniqueness, product quality and design and branding … we can develop new capabilities in innovation, supply chain management and ethical branding.

Highlighting the important role of public policy in the future of our TCF industries, Professor Green also notes:

… the policy approach should now shift focus from assistance for structural adjustment to building innovative capability at the level of the enterprise and workplace.

As such, the federal government has recognised the need for essential reforms to ensure
that our industries continue to make a strong contribution to our national economy as well as producing a uniquely Australian brand that will help guarantee the viability of our TCF industries. The Rudd Labor government is laying the groundwork for Australia’s future with a focus on innovation. The Labor government is laying the groundwork for establishing a clear competitive advantage in today’s increasingly tough economic environment. It is helping develop Australia’s capacity to promote Australian products as we move forward into an increasingly uncertain global economic environment.

The Minister for Trade, Simon Crean, recently announced in respect of developing a visible campaign aimed at promoting Australian made products:

Building Brand Australia is about promoting Australia as a nation producing quality products and services across a diverse field of activities.

We need to get the message out that we are an innovative nation and a quality supplier to the world of key products …

This March will mark the end of the line for some 298 workers and their families in my electorate. The Pacific Brands hosiery factory in the suburb of Coolaroo, which manufactured our iconic Bonds underwear and stockings, will be among the first of seven Australian plants to finally close its doors. This manufacturing plant has been a part of our community for a long time and many of my constituents have been hit hard by the decision to close the Hard Yakka factory—none more, of course, than the actual families directly affected by the closure and the disruption to what was once a secure and stable income.

It was a year ago that workers at the Coolaroo plant of Pacific Brands hosiery were told that within the next 12 months—we come to that now in February this year—they would be losing their jobs. I took the opportunity last year to quote the general manager of the Coolaroo plant, Mr Graeme Russell, from his address to a mass meeting of workers on the morning of the announcement. I quoted him because I wanted to illustrate the sort of narrative that Australian workers were being subjected to as they fronted up to work one day only to be told that they were about to lose their jobs. I want to reiterate that quote because the decision has had a devastating impact on our community. I want to make the point that this government is actually responding and doing all it can through all sorts of programs, including the one contained in this bill tonight, to save Australian jobs and to build our capacity to create jobs. Mr Graeme Russell said this to a mass meeting, and I think it is important for us to hear this narrative again:

Good morning everyone and thankyou for coming together at such short notice … This morning Pacific Brands has made an important announcement which I am here to share with you … the company has made a difficult decision to exit the majority of its manufacturing operations globally … sadly it will result in 1,850 redundancies across Australia… Regrettably, the company has decided to exit all manufacturing at Coolaroo …. The intention is to manage an orderly wind-down of manufacturing on this site that will see us cease manufacturing on or around the end of February 2010 … We will give you the next hour or so to digest the news, talk among yourselves, call home, do whatever you need to do—after that, we will need to return to work.

It is now a year later and I can say that, at this time last year, I went and visited many of the people who worked in that plant and who were about to lose their jobs. I cannot express the disbelief, shock and disappointment that they felt, because they felt that their place of work was actually profitable. They could not understand why these decisions had been taken.

I need to take issue with the member for Indi. She made reference to Pacific Brands
and I think she indicated that the unions were very quiet on the closure of that plant. That is actually not true. The shop stewards at the plant in Coolaroo stood side by side with the workers. They lobbied and they did everything they possibly could to lobby the management of Pacific Brands and indeed this government. They sought every assistance they possibly could and they stood with the workforce and represented them in the best tradition of union representation. Needless to say, the Pacific Brands decision is disappointing at the very least and the closure did not reflect the strong potential for an innovative and sustainable TCF industry in Australia, which of course is underpinned by hardworking employees who are equipped with innovative skills. That is why this bill is important. As my colleague Minister Emerson described, it provides a framework for the clothing and household textile Building Innovative Capability scheme, which is a key component of the federal government’s Textile, Clothing and Footwear Innovation Package. It provides a framework in which we can go forward.

In helping manufacturers and designers increase their capacity to creatively apply their new and innovative ideas and designs, the government has committed a total of $112.5 million and an extra $5 million in assistance a year until 2015 to support and ensure that Australia’s clothing and household textile manufacturers and designers use their creative talents to help Australia lead the way in innovation and design. This targeted scheme is part of the $401 million TCF innovation package announced by the government in its last budget—redirecting $55 million towards innovation to complement the $10 million in new funding.

Talking and working closely with my constituents, I understand that, despite the economic complexities which industries operate in, for workers, their families, and the local community it is primarily about a livelihood. For them, this reality is not about abstract notions of supply and demand; nor is it about the complexities of a globalised world. It is about their jobs in a modern Australia, and this government is doing all it can to ensure that job creation in a fair workplace underpins our national economy.

We must remember that it is easy to take for granted some of the things we have long assumed were woven into our social fabric—things like the accessibility of Australian made products and the accessibility of jobs within TCF industries that are Australian owned and operated. That is why it is important that we continue to create products that really bring out the Australian character and clothes made for work in an Australian environment or, using the Australian colloquial expression, for ‘hard yakka’. That is obviously a very iconic expression in my electorate.

In looking at Melbourne alone, streets such as Fitzroy’s Brunswick Street, Northcote’s High Street or Sydney Road, which is adjacent to my electorate of Calwell, are renowned for their creativity and cosmopolitan culture. They are our iconic streets where not only locals but all Melburnians—and everybody else, for that matter—can not only go and grab something to eat but also grab something from what Australians call our ‘rag trade’. I want to commend a lot of the small business owners who bring the world of design and creativity to Melbourne and consequently help create world-class products with a uniquely Australian brand and uniquely Australian flair. It is always a joy to see small businesses with Australian designs and Australian made clothing available for sale in our streets. I would like to encourage people to buy their products. Government provides assistance on a broad level but it is really up to us to support local designers and almost one-man-show manufacturers. It is
our responsibility to support them by buying their products.

This bill, along with the extensive consultations that the government had with stakeholders before announcing the innovation package last May, is a reflection of the government’s understanding that this is not an either/or debate about the continuation of traditional ‘heavy industries’ but is more about developing a ‘Brand Australia’. It is about ensuring that Australia leads by way of design and innovation with a strong, vibrant and innovative textile, clothing and footwear industry and workforce so that we continue to be a nation that makes things for us here in Australia as well as for export to the rest of the world. And, importantly, it is about placing Australia and its industries firmly into the 21st century knowledge economy. The Prime Minister has noted on a number of occasions, ‘I don’t want to be the Prime Minister of a country that doesn’t make things anymore. I’m determined to work hard to prepare our industries for the challenges of today and tomorrow—to deliver the well-paid, secure jobs we want for our kids in the future.’ This bill is a reflection not only of the Prime Minister’s commitment but of the government’s commitment and also my commitment as the member for Calwell. I commend the bill to the House.

Ms CAMPBELL (Bass) (6.56 pm)—I would like to add my support today to the Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 and to acknowledge the commitment and dedication of Minister Carr to the sector and his sheer hard work. The Rudd Labor government is a major supporter of the Australian TCF industry and the many thousands of hardworking Australians that it employs. This bill will rename the TCF post-2005 SIP scheme as the Clothing and Household Textile Building Innovative Capability Program and will provide an extra $5 million in assistance per year to 2015. I believe the government has taken stakeholder views into account as part of its consideration and implementation of the TCF innovation package.

The package arose out of a report compiled by Professor Roy Green and its recommendations. The report, Building innovative capability, was released on 19 September 2008. The report found that, whilst support should continue, there should be a change in focus away from structural adjustment support for industries subject to tariff reductions to providing a wider range of TCF industries with support.

In 2009, the budget’s building innovative capability program, BIC, was announced as part of the overall TCF package, which included the establishment of a TCF Industries Innovation Council. The Rudd Labor government is driving innovation and renewal in the Australian textiles, clothing and footwear industries by investing approximately $40 million in a retargeted TCF package from 2009-10 to 2015-16. The new TCF innovation package redirects $55 million towards innovation, including $10 million in new funding. As part of this textile, clothing and footwear package, the building innovative capability program will provide innovation grants to entities that manufacture, or design for manufacture, in Australia clothing and certain finished textile products. Particularly in my electorate of Bass, these grants will assist the community greatly. The clothing and household textile manufacturing sector will receive assistance under the building innovative capability program as the sector is still undergoing the greatest tariff reforms of the Australian textile, clothing and footwear industries, with tariffs set to drop from 17.5 per cent in 2009 to just five per cent in 2015.

I understand that the building innovative capability program will operate for the 2010-
11 to 2014-15 income years and will increase the funding cap from the current special appropriation of $87.5 million to $112.5 million for the 2010-11 to 2014-15 income years. The package recognises the importance of the textile, clothing and footwear industries, which employs a great number of people within my electorate and over 50,000 Australians across the country. The textile, clothing and footwear industries underpin the regional economy in my electorate and across the country. This bill aims to make the Australian textile, clothing and footwear sectors stronger and more sustainable by supporting the development of new products and processes, especially at the high-tech, high-value end of the market—support that this industry in particular did not receive, and will not receive in the future, under a Liberal government.

The Rudd Labor government is not giving up, and will not give up, on the Australian textile, clothing and footwear manufacturing industries, and this bill is a prime example of that. Indeed, those on this side of the House are striving to assist those industries by building their capability through innovation and development—through forward thinking for the future. The Rudd Labor government is driving innovation and renewal in the Australian textile, clothing and footwear industries by investing $401 million in a retargeted TCF innovation package.

The Rudd Labor government has always run on the philosophy that industry policy is innovation policy. We are about helping businesses become more innovative, allowing them to meet the ongoing challenge of global competition. That is why the Rudd Labor government has fundamentally re-shaped TCF support in this package, in line with the recommendations in Professor Roy Green’s review, and added very significant incentives for firms to innovate, including $10 million of new funding. Overall, an extra $55 million has been earmarked for innovation—which is the key to success for the TCF industries as they adapt to a more competitive international tariff and market environment.

I believe that it is important to stress that all current legislated support for the TCF industries remains in place. Support for investment under the strategic investment program for expenditure in 2009-10 continues in 2010-11. The funding levels under this program remain at approximately $98 million in 2009-10 and 2010-11. The strategic investment program will be replaced by the building innovative capability program, which will provide support from 2011-12. The new program is focused on clothing and household textiles, as they continue to face significant tariff reductions.

The Rudd Labor government has also created a new $30 million Textile, Clothing and Footwear Strategic Capability Program which will support innovation and is open to all TCF industries. All textile, clothing and footwear industries are also eligible for support from Enterprise Connect. Unlike those on the opposite side of the House who failed to support innovation within this industry for their 12 years in government, the Rudd Labor government will continue to work with the new Textile, Clothing and Footwear Industries Innovation Council to ensure that the sector gets stronger and more sustainable into the future.

Furthermore, under the package the government will introduce a new $30 million TCF Strategic Capability Program to support large projects that will boost innovation capacity and performance at the enterprise level; will establish a Clothing and Household Textile Building Innovative Capability Program to support innovation—based on the TCF Strategic Investment Program—with funding of approximately $23 million.
per annum, totalling $112.5 million; will establish a TCF Industries Innovation Council bringing together business, unions, researchers and government to champion innovation in the sector and provide strategic advice; will establish a National TCF Innovation Network to support collaboration between companies and between industry, researchers and educational institutions; will retain the TCF Small Business Program to improve business enterprise culture; will commission the TCF Industries Innovation Council to provide further advice on the introduction of a voluntary ethical quality mark, voluntary national sizing standards for clothing and footwear, and a national human measurement database; and will proceed with the 2010 TCF tariff reductions.

The $5 million per annum TCF Structural Adjustment Program, SAP, will also continue with enhanced assistance to retrenched workers, an example of the Rudd government continuing to provide a fair go to Australian working families. I am confident that the bill addresses concerns of various stakeholders within the industry and ensures that we support the Australian textile, clothing and footwear industry by building its capabilities through innovation and development, thus demonstrating forward thinking for the future. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (7.06 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2009 MEASURES) BILL 2009

Second Reading

Debate resumed from 25 November 2009, on motion by Ms Macklin:

That this bill be now read a second time.

Mr OAKESHOTT (Lyne) (7.07 pm)—I rise not to oppose the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009. It is a valuable opportunity to get a few local issues on the record. I note that the Bills Digest outlines that there is no unifying theme in this legislation but a
broad suite of changes, some minor amendments and a group of disparate measures. These include the amendments to the Aboriginal Land Rights (Northern Territory) Act 1976 to schedule land to be granted as Aboriginal land, some minor amendments to the income management regime, amendments to the operation of the Social Security Appeals Tribunal, a beneficial amendment to the gifting provisions in the means test for pensions and benefits, amendments to provisions relating to beneficiaries of discretionary trusts to address issues arising from a recent Federal Court case, amendments to the notification provisions relating to the baby bonus and, finally, amendments to correct minor anomalies and technical errors in the social security law, the family assistance law and the Corporations (Aboriginal and Torres Strait Islander) Act 2006. I think the Bills Digest is correct in saying that it is a broad suite of changes without a unifying theme but certainly with its own forms. They are welcome.

On the Aboriginal Land Rights (Northern Territory) Act 1976 and the minor amendments to the income management regime directly relevant to income management in Cape York, and allowing the Family Responsibility Commission in Queensland to income manage age pensions or carer payments, I just reiterate a comment I made last week on the response from the Prime Minister and the Leader of the Opposition to the second anniversary of the apology and the Closing the gap statement. We on the east coast of New South Wales and, in particular, the mid-North Coast are increasingly concerned, frustrated and worried about the amount of attention going into the Northern Territory and Cape York for all things related to closing the gap and Indigenous related issues.

There is a very good map in the Closing the gap documents that tells the real story and not the stereotype quite often presented by many members of this parliament and of the executive. The image that the majority of Aboriginal people live in dusty outback towns in the Northern Territory, outback Western Australia or Far North Queensland is not correct. The vast majority of the Aboriginal population lives on the east coast. They are coastal Indigenous dwellers and do not fit in with that stereotype that is quite often painted by government. It is a concern that we see enormous attention and political debate around Indigenous populations in the Northern Territory, for example, and how Commonwealth and Territory relations have allowed for an ‘emergency intervention’ in one part of Australia.

If we are serious about this topic, if we are serious about words like social inclusion and if we really want to tackle the complexities of this issue, the regionalised, urbanised coastal populations on the east coast of Australia are where the vast majority of the Australian Aboriginal population live, yet in 15 months in this place I have heard very little about them from the executive. This very good map is in the Closing the gap documents, but it is sad that we do not hear words or see attention from government shaped around the government’s own map and the realities of where that majority of the population live. Once again, with this legislation we see examples of that.

I also made the point last week in regard to Cape York. It is a worry that in communities such as mine there seems to be an increasing reliance in the political process, in certain newspapers—national dailies—on this desire to paint all the voices of the Aboriginal populations of Australia with the one brush of Noel Pearson. Noel Pearson does some tremendous work for his communities of Cape York. Noel Pearson is one voice among many voices about Indigenous policy throughout Australia. But I would hope the
executive and all members of this chamber recognise that there are many voices, many leaders in Indigenous communities throughout Australia. I think that this constant desire by the government and the opposition to paint themselves close to the politics of Cape York, to somehow capture the Aboriginal communities of Australia, is a dangerous trend that, increasingly, we are seeing in trying to close the gap and truly reconcile with the many Aboriginal communities within Australia. Please do not leave behind the many communities on the east coast and do not forget the complexities, the number of voices and the number of leaders who exist within the many Aboriginal communities of Australia.

Whilst this particular legislation, once again, sees some changes directly targeted at Cape York and whilst we, once again, see some changes directly targeted at the Aboriginal Lands Trust in the Northern Territory, I do not oppose either of those. I would certainly hope that they are of value to progress and reconciliation within both those communities. But I do flag, once again, this issue involving the rest of Australia—for example, the issue around the very large east coast population on the mid-North Coast. It might surprise many people here that 11 per cent of the New South Wales Indigenous population is in the electorate of Lyne. It probably has not been talked about much before, it probably has not been recognised much before, but it is there. It is active, and dealing with a regionalised Indigenous population and the challenges wrapped up in that Indigenous population is a complex challenge. Therefore, how the executive responds to those challenges will be a challenge.

Only a fortnight ago we had an example where there was an application for certain funding around Aboriginal health. It was only applicable to communities with a population fewer than 20,000. Why? Because government wanted to get to the needs of rural and remote Aboriginal communities. However, in talking about needs, within my electorate I have fewer than 20,000 Aboriginal people with significant health needs in the mid-North Coast communities. However, they are buried into a broader population, which therefore means we cannot apply for that significant, important and potentially much-valued funding from the government. So if we are serious about this issue, please recognise where the majority lives and please consider us, moving forward, in future legislative changes.

Another significant issue I want to raise because we are talking about Aboriginal land rights—I am going off on a small tangent but it is an important one for me to get on the record—is the importance of a native title claim that finally came through, in 2010, at the end of last week. The Dunghutti communities, shaped around Crescent Head, were, supposedly, the first to receive recognition for the extinguishment of native title and due compensation to follow from that. It was the first practical example following the Mabo case that grabbed the headlines and came out of various court processes. Sadly, it has taken almost 13 or 14 years for the state to come through with compensation and to do its bit by paying due compensation for the extinguishment of native title. At the end of last week a ceremony was held in the electorate of Lyne and a substantial compensation payment, of $6.1 million, was paid to the Dunghutti communities for the extinguishment of native title.

Hopefully, that is the start of yet another step in recognising the importance of land, the importance of High Court judgments around terra nullius, the Mabo case. Also, importantly, for residents of the Crescent Head communities, I think it puts at peace any of those fears that were thrown around in the mid-1990s about people potentially los-
ing their homes or losing private title as a consequence of native title. Nothing could be further from the truth. This is dealing with some unfinished business of over 200 years ago, and I would hope the communities not only at Crescent Head but right throughout Australia start to recognise the importance of practical reconciliation as well as the words that we often hear spoken today about reconciliation.

A separate topic altogether, which is of interest, is the baby bonus and the changes, which occurred in 2008, from a lump sum payment to a series of 13 fortnightly payments. There is now a change to the way someone reports, if they change care of a child at a very early stage of life, which I would hope people consider not doing. Sadly, it is a reality of Australian life today that it happens and therefore there are reporting requirements around that. I just want to put on the record my reaffirmation, if you like, for the baby bonus. I know that many people in this chamber are critical of that payment but, from a policy perspective, I think it is of value in not only supporting those families with those early-stage costs but also recognising that there are many people who have significant cost-of-living pressures in communities such as the mid-North Coast of New South Wales. There are a range of pressures at any time, let alone in those early stages, and this measure is of assistance and has proven itself to be. I hear pub talk about people blowing the bonus on the pokies or drinking it but I think that is, more often than not, anecdotal pub talk rather than factual evidence. What I see with my own eyes and hear from young families is that the baby bonus has been of significant benefit to their lives and has allowed them to build a family, worrying about financial pressures, but for a short period having some of those pressures relieved through the baby bonus.

I also want to mention the issue of private trusts. Following a Federal Court decision in 2008, the provisions of the Social Security Act 1991 relating to income support recipients who are the beneficiaries of private trusts needed to be clarified. The mechanism for determining whether the income of the trust is income of the income support recipient for means test purposes was brought into question in the court case. According to the explanatory memorandum to the bill, the amendments in the schedule have the following rationale:

These amendments clarify that, where a social security customer or veterans’ affairs pensioner is the beneficiary of a discretionary trust, and the trustee of that trust has a duty to provide for the maintenance of that customer or pensioner, even if the customer or pensioner receives a social security payment or veterans’ affairs pension, then the trust should be assessed as being a controlled private trust in respect of that beneficiary. It should not be relevant that there are other future beneficiaries of the trust, when those parties are not currently receiving any benefits from the trust.

The Mid-North Coast has a significant number of Centrelink benefit recipients. In the recent census figures, we were in the top 10 per cent of electorates in terms of the number of people on some form of income support. This bill will clarify for several people on the Mid-North Coast the issue of how discretionary trusts and private trusts relate to income support. I am willing to work through that with local constituents, but I am pleased to see that issue in this legislation and, hopefully, clarity being provided in the clients’ best interests. I support the legislation and I hope the government has been listening to my comments and will give some consideration to them.

Mr NEUMANN (Blair) (7.25 pm)—I speak in support of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009
Measures) Bill 2009. As the member for Lyne said, this bill does not have a unifying theme; it is a mishmash of different issues. It achieves its aims by way of schedules, as legislation often does. The bill deals with land-use tenure and apportionment and agreements in the Northern Territory. It deals with income management in relation to our Aboriginal brothers and sisters in North Queensland. It will get rid of a real anomaly in the operation of the means test with respect to pensions and gifts. It also takes into consideration the integrity of the pensions system in relation to trusts. There are some useful changes to make sure that people are not overpaid the baby bonus. The bill also deals with provisions in relation to discretionary trusts as a result of a Federal Court decision. So there are a whole host of issues dealt with in this legislation.

The first issue is land in the Northern Territory. There are three parcels of land dealt with. This bill will bring to an end any claims or potential disputation between landholders in the Northern Territory. It is important that it adds several parcels of land to schedule 1 of the Aboriginal Land Rights (Northern Territory) Act 1976 so they can be granted to Aboriginal land trusts. This brings to an end any claims and comes to an agreement between the traditional owners—the Central Land Council—and the Northern Territory government. This is important legislation. Any legislation that deals with native title and also land use which assists our Indigenous brothers and sisters is good and justifiable. It is important that we recognise the traditional owners of the land. This is something that I always feel is the right thing to do. I am very pleased when we see recognition of the traditional owners at a function or community event and respect is paid to them. This legislation is important to deal with those parcels of land, and I think it should be commended in that respect.

The second issue is income management regimes in the small communities of North Queensland, including Aurukun and Hopevale. The Queensland government established the Family Responsibilities Commission in order to manage people’s income in Cape York to ensure that it is used to provide the necessities of life for families and is not misused for purposes that are deleterious to children and women. The age pension and carer payment were not included in the category of welfare payments originally scheduled as being susceptible to an income management order in Cape York, so this legislation has some benefit to families and will improve the lives of our Indigenous brothers and sisters, particularly those who are vulnerable and subject to family circumstances which are not pleasant. They ensure that women and children in particular receive food, clothing and other necessities that Australians take for granted.

While I am talking about our Indigenous brothers and sisters, I note the comments made by the member for Lyne in relation to the many Aboriginal communities in his electorate. My electorate of Blair is named after Harold Blair, who grew up on the Purga mission south of Ipswich. He was a famous tenor and civil rights activist. I want to also acknowledge that we have another famous Aboriginal resident of Ipswich, the late Neville Bonner, the former Liberal Senator from Queensland. The electorate of Bonner is named after him. Neville did a lot of good in the Ipswich community and was widely respected. His wife, Heather, was also widely respected for her community and charity work and she did a lot of good in the Ipswich community over the years.

With respect to local Aboriginal communities, we have some very prominent Aboriginal activists and community workers in Ipswich. There is a wonderful facility called Kambu Medical Centre in Ipswich which
caters for the needs of the local Indigenous people and other people as well. It is well run and well lead. I have visited there on numerous occasions and been pleased to see just how many people are cared for by that centre.

Whilst talking about the Aboriginal community in Ipswich and the western Moreton area, I want to acknowledge the great work done by the high schools, particularly in the Ipswich area—the two grammar schools provide suitable assistance to uplift our Aboriginal young people in the area—and also the work done by tremendous Catholic schools like St Mary’s and St Edmund’s, particularly with a very strong Edmund Rice social justice tradition. The high schools locally also do great work—schools like Bremer State High School, Bundamba State Secondary College and Ipswich state high, which have very high young Indigenous populations. I acknowledge the work they do. They really go about ensuring that social inclusion, social equity and social justice are important to their school communities so that people from all walks of life are given opportunities and feel included in the full community life of those schools and those school communities. I want to thank the schools for their wonderful work in that regard.

The third aspect of this legislation deals with the Social Security Appeals Tribunal. When I was in private practice as a lawyer, I had recourse to deal with the tribunal. The tribunal was given power to deal with child support matters. It deals with a number of areas of jurisdiction across social security, family assistance and of course child support. It was the case many years ago with respect to child support—or child maintenance—that if a person had to claim child maintenance they had to front up at a local magistrate’s court and bring an application to seek child maintenance from the father or the mother who was the non-custodial parent. I did thousands of those types of cases over the years.

Of course many men, particularly, failed to fulfil their obligations, and so we saw the introduction of the Child Support (Assessment) Act and the Child Support Agency, which has had success but not the degree of success which one would hope would have been achieved. Certainly there are prohibition orders; certainly the Child Support Agency can take steps; certainly the administrative assessment process is a cheaper and simpler way. There were always appeals from the Child Support Agency after internal reviews on a couple of occasions, and people could without the necessity of engaging a lawyer have their cases heard before the Child Support Agency and a child support review officer.

The legislation was then changed to ensure that matters that were on appeal could go, say, not to the courts but to the Social Security Appeals Tribunal. There are amendments here which deal with a number of aspects of that particular legislation: one dealing with a new position known as an assistant senior member formalising that position. It has already been created administratively and is now recognised in the latest determination by the Remuneration Tribunal.

There are other amendments. They deal with pre-hearing conferences. It is quite mystifying to me that this legislation is necessary in a sense, because one would have thought that when you were looking at the jurisdiction and the powers of the SSAT that it would have had the power to convene a pre-hearing conference for social security and family assistance law appeals. Certainly pre-hearing conferences in my experience for more than two decades as a lawyer are crucial to resolving cases and ensuring that legal costs can be limited and that people are
given a final opportunity to resolve cases before having evidence adduced before the court and having their case determined by a person who sits on the bench, whether a tribunal, a magistrate or a judge.

Empowering the SSAT to convene a pre-hearing conference is a sensible way to go about ensuring that litigants can settle their case or at least limit the issues in dispute before the tribunal and also have the hearing process explained. Most people never front up before a court, a magistrate’s court, a district, Supreme or Federal Court or even a tribunal; most people never have to do it, so it is all foreign to them. Having it explained in a simple way by someone at a pre-hearing conference increases the possibility of settlement. It explores the possibility of reducing the issues in dispute and, in the circumstance, is good value for money when it comes to the taxpayers’ dollar. It costs an enormous amount of money to run cases in court or tribunals.

The SSAT in its annual report recommended that power be given to it, and the government has seen fit to ensure the SSAT is now able to conduct pre-hearing conferences in relation to the conduct and consideration of those types of matters. That is a sensible outcome. It will reduce costs for litigants, ensure that taxpayers’ dollars are better directed to protracted and more difficult disputes and make clear that people can still settle cases and that there is no final need for a hearing.

Other aspects of the bill deal with the disposal of assets. This fixes an anomaly which could potentially be a harsh outcome for some people. The changes here will affect pensioners and are sensible. The Social Security Act 1991 contains legislative provisions which in effect penalise income support recipients who give away assets without adequate financial return. Where the value of assets disposed of exceeds $10,000 in a year or $30,000 in a five-year period, the value of those assets in excess of those limits is still counted among the assets of a person for the purpose of determination. The anomaly that can be overcome here is, where those assets are returned to the person, they will not be doubled-counted when assessed for means-test purposes. That is a sensible outcome. It means that pensioners will not be penalised for doing things which, in the circumstances, are just the use of their money and which they are entitled to do. It is not fair on a person, if they dispose of their assets in certain circumstances, to have them counted as their assets on that basis and then to have them counted again if they are returned to them.

The fifth aspect of the bill is the control of private trusts. The amendments relate to a recent Federal Court decision concerning this matter and known as Elliot v Secretary, Department of Education, Employment and Workplace Relations [2008], which was looked at in 2010. It relates to income support recipients who are beneficiaries of private trusts. The amendments here again are sensible. They clarify for both social security and veterans pensioners whether a particular discretionary trust should be assessed as being a controlled private trust in respect of that beneficiary. It is an important change, it is sensible, it helps people in the circumstances and it also protects the integrity of our system of taxation. The control test is necessary and it is sensible in terms of the changes.

The next section relates to the baby bonus. We saw with the third instalment of the Intergenerational report, which was released by the Treasurer very recently, that we have a real demographic challenge in this country. In 1970 we had just over seven working Australians for every person over the age of 65 years. Currently it is about five. In 2050 is going to be about 2.7 Australians for every
person over the age of 65 years. That is a real challenge for us. That is a demographic tsunami that is going to come for us. We need to, therefore, increase our population, and we can do it in a number of ways. We can do it by way of increasing migration, and we have done that over the years. Regardless of the views expressed by and the alarmism of those opposite on immigration matters over the years, certainly they have in a surreptitious way continued skilled migration and family reunion programs, as we have. But we can also increase our population another way—that is, by ensuring that we have more children.

The baby bonus I support. I think it has benefit. It is subject to much criticism, often unjustified. The Australian Institute of Family Studies a couple years ago did a study which indicated that it costs about a million dollars to raise a child to 18 years of age. Anyone who thinks that the amount a person receives by way of baby bonus is an incentive to have children is kidding themselves, really. Everyone who thinks about it sanely and sensibly knows that it costs a lot of money to raise a child. As someone with a 20-year-old daughter and an 18-year-old daughter at university, I know it costs a lot of money. The baby bonus needed to be changed in terms of the vehicle and method by which it was paid.

In 2008 the baby bonus for new births and for adoptions was converted from a lump sum payment to a series of 13 fortnightly payments. That was not sensible of the previous government and allowed the baby bonus to be criticised and, at times, abused by a small number. The change here relates to circumstances where the care of a child changes. It introduces a new requirement for the carer of a child for whom the baby bonus is paid to notify Centrelink if there is a change in circumstances. This happens at times when, say, there is a change of custodial arrangement or foster arrangement where the payment should be given to the actual person who is caring and not the initial carer who has ceased to be the primary caregiver for that child. That change is sensible, prudent and clever in all the circumstances.

This legislation should not be particularly controversial. It deals with income in relation to North Queensland Aboriginal communities, land in the Northern Territory, trusts with respect to pensioners, the baby bonus and the disposal and recouping of assets. I want to finish by saying that legislation that deals with our Aboriginal brothers and sisters should be done for their benefit, because for a long time in this country they were treated by many as second-class citizens. I hope that those days of prejudice, ignorance and intolerance are gone and I hope that the spirit of Hansonism we saw so many years ago will be eradicated from the body politic and from communities across this country. Anything we can do to support our Indigenous brothers and sisters is important. (Time expired)

Dr STONE (Murray) (7.45 pm)—I too rise to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009. As the previous speaker, the member for Blair, said this is something of an omnibus bill with noncontroversial measures. But it does contain references to some very important initiatives. Some of these were put into place by the previous government and have been retained by this government and like all legislation these have evolved as the particular programs bed down and as circumstances change in the community.

One of those programs is the baby bonus. This was introduced under John Howard’s leadership of the coalition government. The baby bonus was an extraordinary change for
a lot of parents faced with the cost of a new-born baby. These costs are considerable whether it is buying a lot of new furniture, paying your gynaecologist or obstetrician or putting aside funds for the baby’s education. Even something like buying car restraints these days is a special cost to new parents. The baby bonus is a special support and is of assistance to new parents. At the time too we were most concerned about our declining fertility rates and ageing population in Australia. The Intergenerational report has just shown us that we continue to have a lot of challenges associated with the fact that since the baby boomer generation has moved into retirement age we have not had the same big bubble of population coming through as we did after the Second World War.

The baby bonus it is sometimes suggested ended up being used for a new flat screen television or some other special spend for the household. Let me say that it also brought financial security to a lot of families who otherwise would have struggled to buy the special equipment, clothes and health services for a new baby. I want to continue to commend the application of the baby bonus for the newborn in Australia. Also it is a serious thing when you have multiple births and the baby bonus certainly helps there. I have just come from the other place, the Main Committee, where we have been debating the need for a special day to commemorate babies who have been lost in miscarriage or stillbirths. I think that the business of having babies still remains one of life’s most significant occasions and it should be accompanied with as much joy as possible.

There is another important element in this piece of legislation which refers to income management for our Indigenous communities, in particular in Northern Australia. There can be no surprise that in a lot of those communities where work is in short supply and where education has been most dis-

jointed it is very difficult for families to be financially independent. I have spent a lot of time researching the business of disadvantage in Indigenous communities. There was a time when Aborigines were the backbone of the pastoral industry in Northern Australia. Without Indigenous labour you would not have had the development of the pastoral industry in particular. Then there came a time when a lot of changed policies, like equal pay, were applied to the Indigenous worker. This should have been an absolute panacea and a thing to be much applauded, but it meant in fact a loss of work for Indigenous workers and a huge exodus of traditional families and clans from pastoral stations. The pastoral station would no longer tolerate whole communities living in place still carrying out their traditional ceremony and looking after their traditional country with perhaps just a few employed at particular times or given some rations at particular times if they did essential mustering and cattle work.

The history of Australian employment of Indigenous people needs to be better understood. It needs to be understood in the past in Northern Australia and certainly in Western Australia and Queensland at the times when there were indentured young Aboriginal workers who were treated as slaves. They were indentured at a very young age, six or seven, they were not paid, but they were attached to an employer. If they escaped, say on a pearling vessel or from the pastoral industry or perhaps, if they were girls, from working in laundries or doing other domestic work, they could be brought back to the employer by the police. They were released into the community as young adults often with no education whatsoever and no capacity to sustain themselves with independent work or employment for the rest of their lives.

There is a great deal of history to the current situation in many Indigenous communi-
ties where there is no recent record of work and there has been no concentrated effort to develop the skills of Indigenous individuals and communities to make the best of what work is now on offer. When we are looking at things like income management of welfare payments or aged pensions, let that be a type of management that gives back some self-respect and some better independence and less likelihood of exploitation for those in receipt of those incomes.

There is an enormous amount of work that still needs to be done, I have to say, in making sure Indigenous communities have the same access to schooling, from preschool right through to finishing secondary school. We have to make sure that Indigenous Australians have the best there is in terms of educational capital, buildings and equipment, and human capital with the best teachers possible leading on to employment that is not discriminatory and gives people every opportunity to achieve their heart’s desire. This bill has a range of measures which are designed to assist. In particular I have referred to income management in the Northern Territory and the baby bonus. There are other references to people on boards and so on, to family assistance and to child support. It is as we say a noncontroversial bill and I commend it to the House.

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (7.51 pm)—I rise to support the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009. This is an important bill that amends various acts in the Families, Housing, Community Services and Indigenous Affairs portfolio. Today I want to focus on the impact this bill will have on communities in Northern Australia. Previous speakers made reference to other provisions of this bill: trusts, the Child Support Agency, the baby bonus and the Social Security Appeals Tribunal. Among other things it will deliver ownership of three parcels of land back to traditional owners. It will also introduce provisions in social security laws to improve the operation of income management.

The consequences of this bill are significant. It will build upon Northern Australia’s economy and address Indigenous disadvantage by delivering parcels of land back to traditional owners. It will provide Indigenous people with greater autonomy and employment opportunities. It will reform the way land claims are dealt with. As the Parliamentary Secretary for Western and Northern Australia, I am acutely aware of the unique challenges which are faced by the north and the vision, courage, faith, cooperation, blind luck and leadership required to meet these challenges. I am also aware of the goodwill on both sides of the chamber to ensure that we meet these challenges—challenges of better housing, effective education, healthy communities and better jobs.

Schedule 1 of the bill will allow for parcels of land to be granted to Aboriginal land trusts. The land parcels include the Alice Valley Extension (East), Loves Creek and Patta near Tennant Creek. The first two schedules will bring claims over these areas to an end. Previously, the Loves Creek parcel was the subject of a partially heard land claim. It was clear from early in the hearings that traditional Aboriginal ownership was undeniable. Loves Creek belongs to the Eastern Arrernte people and is used to move cattle from the Aboriginal owned Loves Creek Station to the Kunturlpara Aboriginal Cattle Corporation in the Barkly. Delivering this land back to the traditional owners will provide more resources to Aboriginal pastoralists. It will provide better jobs and a better way of running those businesses.
Patta is also the subject of an agreement between the Central Land Council and the Northern Territory government. It will form part of an agreement for settling broader native title claims. The parcel of land known as Patta includes an important site, Devils Pebbles. The Pattu people have been looking after Devils Pebbles for years. The inclusion of this parcel of land will allow the traditional owners to become involved in the management of mining operations in the area. Again, this will be related to economic opportunities, to jobs and to Aboriginal people getting a better go.

The Alice Valley Extension (East) parcel of land is an extension of the West Macdonnell National Park. It belongs to the Western Arrernte people and is part of 13 parks and reserves which were the subject of land claims under the act. This stems from a landmark agreement struck in 2003 between the Northern Territory government and the traditional Aboriginal owners about the administration of tenures and reserves in this area. The granting of this land is quite simply the right thing to do. It will give Indigenous people greater autonomy through potential employment in parks and increase pastoral opportunities which will support local economies. In the three measures that I have mentioned, we will see the opportunity for economic activity in the pastoral industry, in park management and in mining—substantial opportunities for the creation of jobs and real incomes that will drive better conditions for families into the future.

This bill will deliver solid benefits to the tourism industry, enhance conservation interests and provide visitors to national parks in the region with an enhanced cultural experience. The bill recognises the cultural heritage of national parks and the role Indigenous people play in managing their country at both a government and a public level. The bill will continue the process of delivering parks and reserves to traditional owners. It will give the custodians of these places greater involvement in their care and protection along with flexible employment arrangements. The significance of providing traditional owners with tenure of this land and engagement in its future management can no longer be overlooked. The bill will significantly move the native title claims process forward.

Schedule 2 of the bill will change income management provisions in social security law by enabling income management of age pension and carer payments to be included in the Cape York welfare reform trial. In cases where a person subsequently re-enters income management, the amendments will allow outstanding funds from previous income management periods to be retained in their income management account instead of being paid out in cash. In the case of a person on income management dying, the administrators will have additional means to disburse funds to their next of kin.

Existing legislative requirements prevent people in Cape York communities who receive a carer’s payment or the age pension from having their payments income managed. The Family Responsibilities Commissioner will be able to act on requests for voluntary income management from all customers and order income management to address dysfunctional behaviours. This change is supported by the Cape York Institute for Policy and Leadership, the Queensland government and the Family Responsibilities Commission. It will ensure that income management is both targeted and prioritised. The bill also provides for additional amendments to the Families, Housing, Community Services and Indigenous Affairs portfolio. It will improve the operation of the Social Security Appeals Tribunal and provide amendments to the baby bonus.
The government is improving the future for Northern Australia. The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill aims to address the very real social issues of the north, including displacement and lack of opportunity for Indigenous people. The bill will work towards improved infrastructure, social investment, Indigenous employment arrangements and giving greater autonomy to the Aboriginal people of the north. It is an outstanding example of how we should be investing in the north by providing more opportunity for Indigenous people. These amendments are necessary. They will improve local economies in the north and introduce social security laws to address dysfunctional behaviour in the region.

I support the bill, and I look forward to continuing to represent the north through my portfolio work. This bill delivers a shared vision—the shared vision that we on both sides of this place have. It is a shared vision for the north and for Indigenous people. It is a demonstration of the continually evolving and developing system of support for families and communities by all sides of politics, as it so often is in this place, in that the things that unite us are so often more important than the things that divide us. I commend this bill to the House.

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction) (7.59 pm)—The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 is a minor portfolio bill for the Families, Housing, Community Services and Indigenous Affairs portfolio. The bill includes some amendments to schedule three further parcels of land in the Northern Territory so they can be granted as Aboriginal land. The parcels of land concerned are Alice Valley Extension (East), Loves Creek and Patta near Tennant Creek.

The income management provisions in the social security law are amended by this bill to improve the operation of the provisions in several minor ways. The first amendment will enable people in the Cape York welfare reform areas who are receiving age pension or carer payment to have their payments income managed. This amendment is at the request of the Families Responsibilities Commission, and the new provisions will apply as per current arrangements to income management in Cape York. The second and third income management amendments relate to the use of residual funds in an income management account.

The bill also makes amendments to improve the operation of the Social Security Appeals Tribunal in its handling of the social security, family assistance and child support matters. An example of this group of amendments is the change to titles of tribunal members, such as renaming the executive director the principal member. This change brings consistency with the titles used in similar Commonwealth tribunals. The bill removes the requirement for the principal member to chair panels on which he or she sits by allowing the principal member to determine who will be the presiding member.

The bill refines and improves legislation provided by a previous Labor government to set up the Social Security Appeals Tribunal, whose purpose was to help the unfortunate—those people with disabilities, the elderly, single parents and their suffering children—keep a roof over their heads, adequate food on their table and blankets on their beds when these basic things were threatened by bureaucratic errors and injustices in the one department, Social Security, then in charge of their lives. The tribunal’s responsibilities
have grown since then, and it now reviews, questions and often overturns decisions made under social security law, family assistance law and, since 2007, child support law. The aim then, as now, was to rescue those who had fallen between the cracks of our society, however briefly and however unjustly. The people to be assisted here are not dole bludgers but rather those who we wish to help: those who are suffering want, poverty, panic or homelessness because of a lack of legal advice, misinformation or errors of proper bureaucratic process. It is to help those that have lost what may be their only lifeline for themselves and their families. It is there to help those in need of a system which gives them not just a theoretical right but the practical power to challenge incorrect or unjust decisions. That the SSA T is still needed is shown by the 13,000 applications lodged with it in the last financial year.

There are two measures in the bill regarding the income support means test. In the first, as detailed in the pension reforms announced in the 2009 budget, the rules around gifting are to be clarified. Under these amendments, once a gift has been returned and therefore is counted under the assets test, it is no longer assessed also as a deprived asset under the social security disposal of assets provisions. This removes any potential for the double counting of an asset for a person who disposes of the asset in certain circumstances. The second means test amendment clarifies that, where the customer is the beneficiary of a discretionary trust and the trustee has the duty to maintain the customer, the trust should be assessed as being a controlled private trust in respect of that beneficiary. These amendments secure long-standing policy in light of a recent full Federal Court case.

The rest of the amendments in the bill provide a requirement for a claimant to notify if a child who attracted baby bonus leaves the claimant’s care within 26 weeks of birth or coming into their care. The bill also makes further minor and technical amendments.

We are a government that believes in social inclusion and believes that we have a responsibility to help those who are vulnerable or perhaps are at a vulnerable stage in their life cycle. This can be clearly seen in our actions towards Australians with disability. Despite the best efforts of many advocates, people with disability remain in many ways second-class citizens in our society. Too many people with disability live in what amounts to internal exile in a country which is in denial of their existence, their uniqueness, their numbers and, indeed, their cries of the heart. Those things which many take for granted in Australia—a job we like, a house we may aspire to own outright and retirement years in comfort as respected elders of our tribe—they dare not hope for or even dream of. Not in this lifetime, sadly.

We have not got into this position overnight, and pulling ourselves out of it will take years if not decades, but we are making a start. The government has worked with the states to improve the amount of support we offer people with disability. A national agreement signed in 2008 includes $1.9 billion to fund more than 24,000 supported accommodation, respite and in-home care places. A further $408 million will fund services and reforms to the disability services system as part of the National Disability Reform Agenda. The Commonwealth’s contribution to state-run disability services will reach more than $1.25 billion a year by the end of the agreement in 2013. This compares to $620 million in 2007.

One of the programs that is already making a difference is the one-off $100 million provided to the states in June 2008 to allow them to build an extra 313 beds by June 2012.
for people with serious disabilities incapable of looking after themselves. This was done to take some of the burden away from ageing carers who have reluctant sainthood thrust upon them and who spend their lives consumed by the worry and anxiety of what will happen in the event that they predecease their adult children with severe or profound disabilities.

The $100 million was provided to the states, and all states and territories are on track to deliver their targets. New South Wales already has 35 beds occupied and has reported to us that it will have its target of 100 beds built by mid-2011. Western Australia, I am pleased to report, will build 46 beds instead of its target of 30. Victoria has contributed its own funding to extend its target from 70 to 100 beds and will have its beds completed by mid-2011. I am pleased to say that, whilst many of these beds are still not completed in terms of construction, we are able to report that for every venue of supported accommodation we have the address and the designation of whether or not it has been designed or, indeed, whether construction has started.

Our government is not content to simply push for new funding into an old system, as welcome as that funding is. We recognise that there is need for major reform in disability; for game changing ideas. Indeed, the ageing of our population gives us a new urgency to reform how we fund disability in this country. The Australian Institute of Health and Welfare reports to us that in 2010 we have 1.5 million Australians who live with severe or profound disability. This number will increase to 2.3 million people by 2030. Recent trends indicate that demand for specialist disability services will grow by around seven per cent a year in real terms over the next decade as ageing carers can no longer support their children or their spouses.

Despite the best efforts of hundreds of thousands of unpaid carers and thousands of professional carers who work in the disability sector, we have a disability system which remains a patchwork of services, crisis driven and problematic for all those who come into contact with it. People are struggling to cope with the current demand, let alone the future demand.

It is clear that the current system, which has lasted so many years, cannot go on forever. That is why the Rudd government has asked the Productivity Commission to investigate a national long-term care and support scheme. This kind of scheme, which has huge and growing support amongst people with disability and their carers, has the potential to change the way that disability is supported in this country. The challenge for people with disability and their carers is to be empowered: to move from being treated as charity to being consumers; to move from people who compete for scarce scraps of rationed support to people who are funded on the basis of need; and to move from people who at every stage in the life cycle meet collisions of the system to understanding that a person with a disability should have the opportunity throughout their whole life to have seamless support so that they can be empowered to be equal citizens in our great Commonwealth. I believe a national disability insurance scheme will provide a better deal for people with disability. It is something that we owe our fellow Australians with disability, their families and carers, who struggle every day to pay the bills, to get adequate care and to find work.

This is not a challenge for those who would be fainthearted, or—to use the colloquialism—wimpy. The argument for a disability insurance scheme is not just a moral one; it is one of responsible economic management, of productivity and of planning for the future of our ageing population. Austra-
Australians at all levels spend approximately $20 billion a year in total on the disability welfare system—around $8 billion on payments for community care and support providers, nearly $3 billion on family payments and other important payments to other carers and nearly $9 billion on income support through the disability pension for over 700,000 Australians. When one adds to this the indirect costs of disability—the cost, for instance, of keeping people who have an intellectual disability, perhaps measured by an IQ below 70, in jails, when such people make up 20 per cent of the prison population; and the cost to the health system ignored and treated too late—we realise the staggering economic outlay that is already underway in our disability systems in Australia.

Starting in April of this year, the Productivity Commission, assisted by an associate productivity commissioner, will look into the costs, benefits and feasibility of approaches which provide essential care and support on an entitlement basis for eligible people with a severe or profound disability. It is not automatic that their recommendations will say that a no-fault social insurance model is the answer, but it is certainly the mission of the Productivity Commission to look at a no-fault social insurance model reflecting the shared cost of disability across the population and to evaluate its feasibility.

I understand that such a scheme will be a massive task to implement. It has an effect on and interaction with our health system, our schools, medical negligence and existing road accident and workers compensation schemes. We do not wish to disrupt that which is already working, but we should recognise that six in every eight Australians do not acquire their injury traumatically but rather through birth or the onset of ageing. Indeed, of those who acquire their injuries traumatically, only half of them have compensable legal claims. The detail is complex, and it will be complex. But we have given the Productivity Commission the time and the tools to do the job properly. They will be supported by an independent panel to help provide insight and access to those with disabilities and to apply their own unique knowledge in terms of reforming the system.

We are not a government that shies away from major reform. The system took many years to get to where it is, and we do not expect results overnight. However, Labor governments in the past have fought cynicism and opposition to introduce programs like Medicare and compulsory superannuation. We are carrying on that legacy by tackling the long-neglected task of major reform in disability; of making visible people who are too often invisible, ignored and left out of debate in our country—people who live a form of de facto exile in the lucky country.

Our government, the Rudd government, is committed to social inclusion. We are committed to moving people with disability from the margins to the centre of our society. Our nation is a small nation on the edge of booming Asia. We can no longer afford to have 1½ million people with a severe or profound disability and ½ million carers marginalised. We need everyone to enjoy the benefits and the fruits of Australian society. We do this because we believe it is not right for a generous, clever and wealthy 21st century nation—a privileged nation such as Australia—to have so many people who are shut out and denied the opportunities available to the rest of the population.

Across the broader community services portfolio we are working to deliver real results for the most vulnerable people in Australia. For our actions to close the gap in Indigenous affairs, for our initiatives in employment and increasing payments to carers
and pensioners, this bill continues the fine work that is being done by the government.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction) (8.14 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2009

Second Reading

Debate resumed from 25 November 2009, on motion by Ms Roxon:

That this bill be now read a second time.

Dr SOUTHCOTT (Boothby) (8.15 pm)—The Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009 seeks to broaden the existing accreditation scheme for diagnostic imaging to cover practices offering non-radiological procedures. Radiology services were required by earlier legislation to seek accreditation from July 2008. Diagnostic imaging is an expanding sector of health care and an important means of detecting and aiding the treatment of many health conditions. Differing imaging techniques are being used by a widening range of health practitioner groups in an array of settings. Around two-thirds of services are provided by private practices, with the remainder carried out in public hospitals. It is estimated that approximately 70 per cent of services are funded by Medicare. That amounts to several billion dollars of expenditure annually for around 20 million diagnostic imaging services.

Accreditation ensures that organisations meet defined safety and quality standards in the delivery of services. It allows for a process of external review of an organisation’s performance. It is recognised as a way of assisting the healthcare industry to improve systems to support the delivery of safe and high-quality health care through a continuous improvement process. It provides a mechanism through which government can be assured that services supported by Medicare are being provided by organisations that are performing against those standards. Accreditation schemes are widely accepted through the health sector as a method of reviewing and improving healthcare arrangements.

The coalition introduced legislation in 2007, the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007, to amend the Health Insurance Act 1973 to establish the Diagnostic Imaging Accreditation Scheme. This scheme covered the providers of radiology services who were required to seek accreditation under a process begun in July 2008. At the time, the then health minister, Tony Abbott, foresaw that accreditation would eventually be extended to other diagnostic imaging procedures, and the legislation was designed to allow for the introduction of accreditation schemes for other diagnostic imaging services. The current government has decided to proceed with further legislation, and this bill will amend that 2007 legislation.

This bill will extend the reach of the accreditation scheme to all diagnostic imaging services provided to the Australian community. The initial stage of accreditation covered 2,700 practices providing radiology services which accounted for 80 per cent of diagnostic services covered by Medicare. This extension will bring another 1,400 or so
practices under the scheme—those that provide non-radiology services such as obstetric and gynaecological ultrasound, cardiac ultrasound, angiography and nuclear medicine imaging. These practices account for another 16 per cent of imaging services covered by Medicare payments.

The extension coincides with the commencement of stage 2 of the Diagnostic Imaging Accreditation Scheme from July this year, although arrangements for stage 2 are yet to be finalised. This bill does not set out the arrangements that will apply under stage 2 of the scheme; rather it proposes transitional accreditation arrangements for those practices not encompassed by stage 1 of the scheme. The transitional arrangements proposed here are broadly similar to those adopted previously, although in this instance the time frames are shorter. Practices and practitioners providing non-radiology diagnostic imaging services will have three months, from April until the end of June, for their premises or mobile base to seek deemed accreditation and then a 12-month period, from July until the end of June in 2011, to obtain accreditation by demonstrating their compliance with accepted standards.

Stakeholder groups generally were accepting of the initial scheme and also of this move to widen accreditation across the diagnostic imaging sector. In general, they have not voiced major concerns and accept the scheme and its extension as an expected development and part of an ongoing, staged process. Through consultation processes, concerns that have been raised include the suitability of a single accreditation model across a diverse range of medical practices and worries about duplication, costs and administrative burdens. Departmental information has suggested the costs for accreditation would not be overly onerous. However, the government must take note of these concerns and maintain ongoing consultations with all stakeholders on these issues as they develop the accreditation process, particularly as many of the stakeholders captured under this bill are private specialist practices.

I note that the Minister for Health and Ageing has assured the House that the Department of Health and Ageing has consulted comprehensively with the health professions and industry and that the government will keep the burden of compliance to a minimum. The opposition seeks an assurance from the minister that, as the accreditation scheme moves into stage 2, an evaluation will be carried out to ensure that it is working reasonably and without onerous costs on providers—with a flow-on effect to consumers—and that the minister will make that evaluation available to the parliament.

Mr BIDGOOD (Dawson) (8.22 pm)—I rise to speak in favour of the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009. The bill amends the Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2007 to provide transitional arrangements to allow practices with, firstly, non-radiology services—for example, ultrasound—and, secondly, a combination of non-radiology and radiology services not accredited under the Diagnostic Imaging Accreditation Scheme, known as ‘the scheme’, to register for deemed accreditation from 1 April 2010 will ensure that Medicare eligibility continues from 1 July 2010. Registering through the transitional arrangements for deemed accreditation from 1 April 2010 will ensure that Medicare eligibility continues from 1 July 2010 when, for the purpose of Medicare, all diagnostic imaging services listed in the Diagnostic Imaging Services Table of the Medicare Benefits Schedule need to be rendered from a site accredited under the scheme.
Stage 2 of the scheme is being developed and implemented within the existing departmental program budget, and the cost update to the Medicare Australia payment system for 2009-10 to 2013-14 is $649,000, GST exclusive. The cost of participating in the stage 2 scheme and registering for deemed accreditation will be met by practices providing non-radiology services, as was the case for stage 1.

The department has consulted with all relevant government agencies, including the Office of Parliamentary Counsel, the Attorney-General’s Department, the Department of the Prime Minister and Cabinet and Medicare Australia. Around 1,400 practices providing non-radiology services will enter the stage 2 scheme through the transitional arrangements by registering for deemed accreditation from 1 April 2010 up to and including 30 June 2010. The bill will need to be passed and receive assent during the 2010 parliament. This will ensure a smooth transition for the 1,400 practices into the scheme.

This scheme will be very beneficial to the people of Dawson, where X-ray imaging and diagnostic services are at a premium. The impact of the stage 2 scheme on families in rural and regional areas will be positive, as a standard level will be assured for a diagnostic imaging service irrespective of where or by whom the diagnostic imaging service is provided. Back in February 2008, Mackay was hit by the most dramatic floods in 90 years and the local bulk-billing X-ray service was completely knocked out. I would like to put on record the fact that this government moved swiftly and effectively to enable other private practice X-ray facilities in the area to provide bulk-billing for those services, greatly helping families on minimal incomes. That was very important assistance.

It is important that we have continuity in this area. Section 16EA coupled with the provisions in division 5 part IIB of the Health Insurance Act contain the overarching legislative framework for the Diagnostic Imaging Accreditation Scheme, which is being implemented in two stages. The stage 1 scheme commenced on 1 July 2008 and covered only radiology services. This stage 2 scheme, which will commence on 1 July this year, will cover all diagnostic imaging services—that is, both radiology and non-radiology services—listed in the Health Insurance (Diagnostic Imaging Services Table) Regulations 2009, the DIST. This means that from 1 July, for the purpose of Medicare, all diagnostic imaging services in the DIST will need to be carried out at an accredited or deemed accredited practice to be eligible for Medicare benefits.

The bill will amend the DIA act to provide transitional arrangements that will allow practices providing these non-radiological services and a combination of non-radiology and radiology services not accredited under the scheme and in operation before 1 July 2010 to register for and enter into stage 2 of the scheme. As from 1 April 2010, the transitional arrangements proposed in the bill for unaccredited practices that provide non-radiology services will provide: firstly, a registration period which will operate for around three months, from 1 April to 30 June, giving practices deemed accreditation for a period of 12 months; and, secondly, an application process to allow 12 months, from 1 July 2010 to 1 July 2011, for a deemed accredited practice to submit documentary evidence and for an accreditation decision to be made by an approved accreditor.

The stage 1 scheme was introduced on 1 July 2008 to ensure that Medicare funding was directed to radiology services that are safe, effective and responsive to the needs of healthcare consumers. The stage 1 scheme only applied to sites rendering radiology services. These sites accounted for around 84
per cent of the total number of diagnostic imaging services performed annually under Medicare. Non-radiology services such as cardiac, ultrasound, cardiac angiography, obstetric, gynaecological ultrasound and nuclear medicine imaging services accounted for around 16 per cent of diagnostic imaging services performed annually under Medicare. These were not included in stage 1 of the scheme.

Debate interrupted.

PETITIONS

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

Marriage
To the honourable Speaker and Members of the House of Representatives:
RETAIN THE DEFINITION OF MARRIAGE BETWEEN MAN AND WOMAN

We, the undersigned citizens draw to the attention of the House of Representatives assembled, that the definition of marriage as “a union between one man and one woman to the exclusion of all others, voluntarily entered into for life” is the foundation upon which our families are built and on which our society stands. To alter the definition of marriage to include same-sex “marriage”, as proposed by the Marriage Equality Amendment Bill, would be to change the very structure of society to the detriment of all, especially children.

We, the undersigned citizens therefore request that the Marriage Equality Amendment Bill 2009, be opposed.

by Mrs Irwin (from 978 citizens)

National School Chaplaincy
To the honourable Speaker and Members of the House of Representatives:

This petition of certain citizens of Australia draws to the attention of the House:

The great value provided by the National School Chaplaincy Program, which was built on the excellent history of school chaplaincy in Australia, and was introduced by the former Coalition Government in 2007/2008 with a commitment of $165 million for its first three years. The program offers pastoral care and spiritual guidance to all. Chaplains have religious beliefs which underpin their work. These beliefs are representative of the school communities the chaplains work in and they do not hinder chaplains from working with those of other beliefs or none. It operates in 1915 schools and enjoys strong support among principals, schools and in the community generally. The Rudd Government (as at October 2009) has refused to confirm its ongoing support and funding for the program, despite the program’s social benefits, sound administration and strong community support.

We therefore ask the House to:
Renew and extend funding for the National School Chaplaincy Program in its current form.

by Mrs Irwin (from 89 citizens)

Petitions received.

Responses

Banking

Dear Mrs Irwin
Thank you for your letter of 17 September 2009 to the Minister for Competition Policy and Consumer Affairs concerning a petition about banking facilities in Trundle. Your letter has been referred to me as I have portfolio responsibility for this matter. I apologise for the delay in responding to you.

The decision to open or close a particular bank branch is a decision for the bank concerned. The Government does not stipulate the areas in which banks should open, or keep open, branches. It is important for customers to be aware of the many alternative financial services now available to compete with traditional bank branches. EFTPOS, ATMs, telephone banking and GiroPost facilities at post offices, amongst others, increasingly provide a suitable alternative for many customers. Indeed, already more than 90 per cent of all customer transactions are now conducted outside of a bank branch.

Another concept that has proven to be popular with both rural and metropolitan communities is
that of the community-owned bank branch initiative that Bendigo and Adelaide Bank has developed. Under this arrangement, a community is engaged and involved in securing access to branch banking services in conjunction with Bendigo and Adelaide Bank. This process requires that an independent assessment agrees on the viability of a bank branch in the community.

The local community is responsible for managing the staffing levels and the day-to-day running of the Community Bank branch whilst all credit, balance sheet and back office services are provided by Bendigo and Adelaide Bank. Revenue collected by the community branch is shared roughly equally between the Community Bank and Bendigo and Adelaide Bank. The Community Bank reinvests the majority of its share of the profits back into the community, through providing funding to community groups and investing in community infrastructure and sporting facilities, as well as providing returns to initial investors.

I trust this information will be of assistance to you.

from the Treasurer, Mr Swan

Crown Pardon: Mr Morant, Mr Handcock and Mr Witton

Dear Mrs Irwin

I refer to your letter dated 29 October 2009, forwarding a copy of a petition covering Messrs Morant, Handcock and Witton.

The petition seeks posthumous pardons and a review of the trials of the men, who were sentenced in British military courts martial in South Africa in 1902. However, the Australian Government has no legal jurisdiction to grant pardons or review the trials conducted by another government in a foreign country.

Therefore, I have forwarded the petition material to the British Secretary of State for Defence. The British High Commission advises that the Secretary of State for Defence was responsible for reviewing British military court martial decisions and issuing retrospective pardons for World War One officers, and would be the appropriate authority to consider the petition from Mr Unkles.

I have asked the Secretary of State for Defence to review the material in the petition and to take any further action that he considers appropriate.

The action officer for this matter in my Department is Michele Brennan who can be contacted on (02) 6141 2862.

from the Attorney-General, Mr McClelland

Granite Belt Orchards

Dear Mrs Irwin

Thank you for your letter of 25 November 2009 about a petition lodged with your committee to protect Queensland fruit orchards from flying foxes.

I am responding as the Australian Government minister responsible for matters concerning agricultural industries. I understand that the Hon. Peter Garrett AM MP, Minister for the Environment, Heritage and the Arts, who has a legislative responsibility for the protection of threatened native species, will respond separately.

The government supports management of flying fox populations. The government is reviewing the policy statement in the Environment Protection and Biodiversity Conservation Act 1999 for the grey-headed flying fox to ensure that it reflects the current knowledge of the potential effects of actions such as culling and relocating colonies.

While flying foxes are protected under both Commonwealth and state legislation, the petition raises issues—namely the impact of flying foxes on agricultural production and strategies to protect them—that are state responsibilities.

I have sent a copy of this letter to the Minister for the Environment, Heritage and the Arts.

Thank you for bringing the concerns raised by the petition’s signatories to my attention. I trust this information is of assistance.

from the Minister for Agriculture, Fisheries and Forestry, Mr Burke

Northern Territory Intervention Strategy

Dear Mrs Irwin

Thank you for your letter of 26 November 2009 about the petition received by the Committee in relation to the Northern Territory Emergency Response (NTER). I apologise for the delay in responding.

As you are aware, legislation to lift the suspension of the Racial Discrimination Act and make
necessary changes to the NTER laws was introduced into Parliament on 25 November 2009.

These changes relate to measures introduced through legislation—measures like compulsory income management, restrictions on alcohol and sexually explicit materials, community stores licensing, the compulsory five year township leases, law enforcement powers and business management powers.

The Commonwealth Government is proposing changes to these measures so they are more clearly consistent with the Racial Discrimination Act. These changes will need to be approved by the Parliament. They are being considered by a Senate Committee, which will report in March 2010.

The Commonwealth Government consulted extensively with Aboriginal people in the Northern Territory on the future design of the NTER measures. Views were obtained from more than 500 consultations involving thousands of participants in the 73 remote communities and town camps, and from workshops with regional leaders and stakeholder organisation representatives. The Government listened very carefully to the views put by those people consulted. As a result there have been changes to some of the original proposals put forward in the Government’s discussion paper.

The Government has published a detailed summary of these consultations, as well as an independent audit of the consultations, both are available at www.fahcsia.gov.au/indigenous.

More information on new support for families, children and communities across the Northern Territory can be found in the “Policy Statement” at www.fahcsia.gov.au/indigenous.

The Government is committed to working in partnership with Aboriginal people in the implementation of all these new measures. The first Australian Early Childhood Development Index released in December 2009 has found that children in the Northern Territory are by far the most vulnerable on all development indicators. The Government is committed to turning this around.

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

**Statements**

Mrs **IRWIN** (Fowler) (8.31 pm)—Tonight I speak as Chair of the Standing Committee on Petitions. Members may know that the committee has begun a new inquiry into the work of the committee. This is a review of the arrangements for petitions that have been put in place in this, the 42nd Parliament. I will speak further about the inquiry shortly, but first I wish to refer to the recent significant changes to petitioning the House of Representatives. Prominent among these has been the creation of the Standing Committee on Petitions to consider all petitions to the House.

This has led to other changes. Among the most important is the high rate of ministerial responses to petitions. In former parliaments, responses were rare—and I should say they were very rare. For the years 1997-2007 it was common for there to be no responses in any given year or, at best, one per year. Now the overwhelming majority of petitions receive a response and they are also received within the current 90-day convention. I thank ministers for their quick responses. In addition, the committee also conducts hearings from time to time on the progress of concerns raised in some of the petitions, both with petitioners and the departments of ministers who respond to petitions. We are getting some follow-through after presentations through responses and public hearings. In the committee’s view this makes a difference to petitioners. They care about the fact that their petitions are posted on the committee’s website and they are most concerned that their petitions attract ministerial responses.

It is clear, then, that the creation of the committee has had an impact on the way that petitions figure in the life of the House. With this in mind, as the current parliament moves toward the end of its term, the Petitions Committee has resolved to conduct an in-
inquiry into arrangements for petitions. Terms of reference for the inquiry require the committee to investigate the role and operations of the committee, and the standing and sessional orders which affect petitions, some of which were put in place to underwrite the new arrangements. Among other things, the inquiry may consider whether the standing and sessional orders that support present arrangements should be amended and, if so, in what form.

There are a number of other areas that may be considered. A key question running throughout is the degree to which present arrangements allow petitions to be an effective means for the public to express its concerns to the House and for proper regard and respect for freedom of speech to be maintained. Considering this question will allow the committee to arrive at an accurate assessment of current arrangements and to consider an advantageous, sustainable balance between openness on the one hand and due care on the other.

Such issues are also engaged by the committee’s recently completed inquiry into electronic petitions. If at a future point the House chooses to accept electronic petitions as the committee recommends, this could result in more business for the Petitions Committee. Considering these developments, we can say that arrangements for petitions to the House of Representatives are undergoing renewal and possibly expansion, and that there is potential for petitions to become an increasingly important part of the relationship between the House and the public.

So it is especially important that members of the public and members of the House contribute to the present inquiry. The committee is interested to hear about the impact of the current arrangements for petitions and ideas for ways in which it could be better done in the future. Because this year is likely to be a very busy one, we have set a due date for submissions of 11 March. This will give the committee a chance to make a thorough inquiry and report to the House before other things—or, I should say, more pressing things—consume our attention. In the committee’s view, this is an important opportunity to review arrangements and, if necessary, recommend what needs to be put in place for the commencement of the next parliament.

COMMITTEES

Corporations and Financial Services Committee Report

Mr RIPOLL (Oxley) (8.36 pm)—On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present the committee’s report entitled Statutory oversight of the Australian Securities and Investments Commission, together with evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Mr RIPOLL—I am pleased to speak to the February 2010 report of the Parliamentary Joint Committee on Corporations and Financial Services on the statutory oversight of ASIC and the report on the 2008-09 annual reports of bodies established under the ASIC Act.

I would like to firstly thank the secretariat for their assistance in preparing these reports and I thank ASIC officials for their continuing cooperation with the committee. The ASIC oversight report covers a number of issues, including ASIC’s processes for handling complaints, credit regulation and frozen mortgage funds. The committee explored a recommendation ASIC issued in its 2009 report on financial products and services, for a professional standards board. ASIC’s failed One.Tel prosecutions and insolvency matters were also discussed.
In terms of complaint handling, the committee’s 2009 inquiry into financial products and services raised a number of concerns about ASIC’s investigative processes. Of particular interest to the committee was ASIC’s process of handling complaints received about misconduct and suspected legislative breaches. At the committee’s hearing on 25 November 2009, ASIC stated that complaints are addressed by 98 full-time employees and that they had met their target of turning around 70 per cent of complaints within 28 days during the last reporting period. The committee remains keen to learn more about ASIC’s capacity to receive and resolve complaints and will be carrying out a site visit to the ASIC complaints headquarters in Traralgon, Victoria in the first half of 2010. We are in the process of doing that. It is somewhat complicated trying to get a whole committee and ASIC officials to Traralgon, but we are certainly on our way to achieving it in our nominated time frame.

ASIC gained a number of additional responsibilities with the 2009 consumer credit reforms. These responsibilities include licensing consumer credit providers and being the national regulator of the new code. The committee has noted ASIC’s efforts to prepare for the legislation by 1 July this year; however, there is concern that this is a substantial task to add to ASIC’s existing workload. The committee will be seeking information from ASIC at future oversight hearings about how it is balancing its new responsibilities.

In terms of frozen mortgage funds, a freeze on redemptions from cash management trusts and mortgage funds continues. ASIC has reported that hardship payments have been made to some 2,293 applicants, yet frozen funds still amount to around $17 billion to $20 billion. The committee also heard that the freeze has restricted a fund’s ability to attract new investment. ASIC has been asked to provide the committee with updates on this at future oversight hearings.

In terms of the professional standards board—which I think was a key platform, certainly one of the 11 recommendations that the committee made during its recent inquiry—the committee’s 2009 report on financial products and services recommended the establishment of an independent professional standards board in conjunction with ASIC, to regulate financial advisers. The board would oversee nomenclature, competency and conduct standards for the industry. ASIC agreed with the recommendation but noted that the idea would require further investigation. The committee looks forward to being advised on how the proposal could be actioned in the future.

In terms of some criticism of ASIC-initiated court actions, recent events have led to criticism in the media and in the industry of ASIC’s prosecution processes. For example, at the conclusion of its case against two One.Tel directors, the New South Wales Supreme Court stated that ASIC had failed to prove any aspect of its case. The committee acknowledges that it is not realistic to assume that all such cases will be successful. Nevertheless, the recent events suggest that there is still room for improvement and that ASIC could do better in these areas. This matter will be further discussed with ASIC at future oversight hearings.

Finally, in terms of insolvency matters, ASIC is responsible for enforcing the provisions of the Corporations Act, including those pertaining to insolvency matters. The committee was interested in ASIC’s handling of complaints about the conduct of insolvency practitioners, and it continues to be so given that there is currently an inquiry by the Senate Economics References Committee into that very matter.
The committee also welcomes ASIC’s efforts to proactively identify for additional scrutiny directors who have been involved in multiple company failures. I thank the committee for its hard work not only in the previous inquiry but also in the workload for this year, including a restructure of the way that we will be dealing with oversight hearings. I look forward to the cooperative approach that this committee has enjoyed and the bipartisan manner in which all members have participated in the national interest. I thank all committee members for that.

Mr ROBERT (Fadden) (8.42 pm)—I rise to join the member for Oxley in thanking the Parliamentary Joint Committee on Corporations and Financial Services and, indeed, ASIC for their support in the inquiry into the statutory oversight of the Australian Securities and Investments Commission. Seven specific issues were raised with ASIC, including complaints handling, credit regulation, professional indemnity insurance, frozen mortgage funds, professional standards boards, ASIC-initiated court actions and, of course, insolvency matters. ASIC continues to perform its statutory oversight function well. ASIC is, of course, one of the great pillars of our financial services regime. Others are APRA, the independence of the Reserve Bank board and the ACCC. Any commentator can see that the nation withstood the global financial crisis particularly well, and it was due in part to the guidance of the four pillars—one of them being ASIC.

I wish to comment on four specific issues, starting with the frozen mortgage funds and cash management funds. In response to the unlimited bank guarantee, funds were being drained from mortgage funds and cash management funds into the perceived security of major banks, to the point where the majority of mortgage funds were frozen. In fact, funds worth $17.268 billion were frozen and continue to be frozen. ASIC has received 3,385 hardship applications, of which 81 per cent have been successful. About $67 million has been laid out. The committee will continue to receive updates on the frozen mortgage funds and the issue of hardship cases and the percentages of them being paid out.

As the chair of the committee, the member for Oxley, pointed out, one of the key recommendations of the committee is the establishment of a professional standards board. The committee was concerned about the collapse of Storm Financial, Opes Prime and others and that there was no overarching standards body that would decide the standards of financial planners and financial advisers. ASIC has agreed to the recommendation in principle, yet to date little action has occurred. The committee will look forward with interest in the coming months to ASIC scoping out exactly how a standards board would look and briefing the committee on their proposal and recommendations for such a board. We believe this recommendation to be of such importance that this issue needs to be raised to a high priority.

The media has shown some criticism of ASIC through a range of court initiated actions, including some failures of court initiated actions. The committee remains concerned about those, and of course there is always room for improvement. We note that ASIC will be coming back again to discuss further a range of these issues, their approach and where they are going.

With respect to insolvency in the 2008-09 financial year, 45 directors were banned. ASIC’s role, though, continues to be seen in a reactive form rather than a proactive form. The committee is looking forward to ASIC stepping up the proactive stance in looking at a range of directors who have been involved in multiple failures of corporations, working with them and, if need be, banning them from their functions.
The committee has done, I think, a very good job in providing oversight to ASIC for the 2009 financial year and in looking forward to the 2010 financial year. Again, let me join the member for Oxley in thanking the committee, the secretariat and ASIC for their hard work, diligence, cooperation and interest.

The DEPUTY SPEAKER (Ms JA Saffin)—The time allotted for statements on this report has expired. Does the member for Oxley wish to move a motion in connection with the report to enable it to be debated on a later occasion?

Mr RIPOLL (Oxley) (8.46 pm)—I move:

That the House take note of the report.

The DEPUTY SPEAKER—In accordance with standing order 39, the debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Corporations and Financial Services Committee

Report: Referral to Main Committee

Mr RIPOLL (Oxley) (8.46 pm)—by leave—I move:

That the order of the day be referred to the Main Committee for debate.

Question agreed to.

Corporations and Financial Services Committee

Report

Mr RIPOLL (Oxley) (8.47 pm)—On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present the committee’s report entitled Report on the 2008-09 annual reports of bodies established under the ASIC Act.

Ordered that the report be made a parliamentary paper.

Mr RIPOLL—Again, I want to thank the secretariat—both the outgoing secretariat and the new secretariat that we have this year—and all of the committee members for their diligent and hard work and their bipartisan approach to these matters. It is always a pleasure to chair a committee that operates in such a manner.

The report on annual reports examined, under section 243 of the ASIC Act 2001, the annual reports from a number of additional bodies established under the act. These include:

- the Auditing and Assurance Standards Board
- the Australian Accounting Standards Board
- the Companies Auditors and Liquidators Disciplinary Board
- the Corporations and Markets Advisory Committee
- the Financial Reporting Council, and
- the Takeovers Panel

The committee found no urgent matters that need to be addressed.

Work of the Committee

The committee appreciates the importance of ASIC’s work. It intends to give a greater strategic focus to its oversight hearings, with an increased number of hearings spread throughout 2010.

The view of the committee is that it can play a constructive role not only through oversight but by the use of oversight hearings to inform the parliament and the public about the work of ASIC and its ongoing role in maintaining good order of the Corporations Act in the business sector. I commend the report to the House.
Ms PARKE (Fremantle) (8.49 pm)—On behalf of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, I present the committee’s report entitled Inquiry into the operation of the Law Enforcement Integrity Commissioner Act 2006: interim report.

Ordered that the report be made a parliamentary paper.

Ms PARKE—I am very pleased to speak tonight to the tabling of the interim report of the Joint Standing Committee on the Australian Commission for Law Enforcement Integrity into the terms and operation of the Law Enforcement Integrity Commissioner Act 2006. As the committee chair, I will begin by thanking the deputy chair, Senator Johnston, and all my fellow committee members for their work on this inquiry. On behalf of the committee, I thank everyone who appeared before us or who made submissions to the inquiry—and especially those who took the time to do both.

Can I also, on behalf of the committee, thank the secretariat and support staff for their diligence, professionalism and hard work. I spoke last year in recognition of the great contribution made to the committee’s work and to the work of the parliament by the departing committee secretary, Jacqui Dewar. Can I take this opportunity to welcome the new committee secretary, Tim Wbling, who is continuing the national parliament’s tradition of very high quality public service in support of elected members like myself. I would also like to thank Shona Batge, who acted as committee secretary in the intervening period, and Robyn Clough, who has continued her valuable role as principal research officer throughout.

The review of the act that forms the legislative basis for the Australian Commission for Law Enforcement Integrity is timely, considering we are three years into the existence of this agency, and considering that it was always envisaged that the scope, powers and responsibilities of the commission and the commissioner, would be reviewed and adjusted as it developed. The review also provides the opportunity to consider ACLEI’s position and function with respect to the current policy environment and to ensure that the act enables the commissioner to respond to the challenges inherent in that environment. Examples include the heightened public expectation of government and government agencies when it comes to transparency and accountability in their operations and decision making and the imperative, at both the domestic and international level, to maintain law enforcement integrity arrangements and standards.

I have noted in the past the fact that one of ACLEI’s founding rationales is the particular vulnerability of law enforcement agencies to infiltration or corruption because of the areas in which they operate and the nature of their work—largely decentralised, with officers having a high degree of discretion and autonomy with frequent exposure to criminal elements. It is out of recognition of a similar level of corruption risk that this interim report recommends the immediate extension of ACLEI’s jurisdiction to include the Australian Customs and Border Protection Service. It has been noted, both by ACLEI and by the chief executive officer of Customs, that the intrinsic aspects of Customs work, essentially functioning as a law enforcement agency, make the agency a target for infiltration or corruption, especially by serious and organised crime.

Just as ACLEI was not established in response to any particular instance of corruption or any evidence of systemic integrity
shortcomings within the Australian Federal Police or the Australian Crime Commission, this recommendation to extend ACLEI’s scope is not born of any concern for the integrity or propriety of the current operation of the Customs and Border Protection Service per se. Indeed, the committee notes and commends the work undertaken by Customs to improve its internal integrity arrangements. Nevertheless, the committee believes that those existing processes will be complemented and strengthened by the addition of ACLEI’s external scrutiny and corruption prevention assistance.

The recommended immediate extension of ACLEI’s jurisdiction will have resource implications, so the committee further recommends that the government provide the necessary additional staff and funding for this purpose. There is significant evidence telling us that anticorruption and integrity systems and oversight should not wait for the malaise of corruption to break out but rather should be applied as part of a program and a culture of constant vigilance. That was the approach that gave rise to the creation of ACLEI in the first place and it is the same logic that recommends the extension of ACLEI’s scope to cover the Australian Customs and Border Protection Service.

A number of the further recommended changes to the act follow this essential logic—that prevention is always better than a cure—none more than the recommendation to include explicit corruption detection and prevention functions under section 15 of the act. These additions will remove any existing ambiguity about the role of the Law Enforcement Integrity Commissioner and will provide a clear legislative basis for the commissioner’s work in an area that the ACLEI committee considers central to a proactive and comprehensive approach to law enforcement integrity in Commonwealth agencies.

This interim report by the ACLEI committee on its review of the Law Enforcement Integrity Commissioner Act is an instalment in what has been a steady, judicious program of looking to see how the integrity commission and the work of the commissioner can be better framed and better supported. The committee’s final report on its review of the act will be presented to the House later this year. I commend the report to the House.

Mr CHESTER (Gippsland) (8.54 pm)—I rise to speak in relation to the interim report of the review of the Law Enforcement Integrity Commissioner Act. In doing so, I would like to acknowledge the work by the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, and the excellent work by the chair of the committee, who has just spoken, my parliamentary colleagues and the support staff. The interim report has come about because the committee agreed to a two-stage reporting process, with the final report to be tabled later this year. During its hearings, the committee received evidence which indicated that there may be gaps in the Commonwealth’s integrity systems and the committee also considered that there were several issues which, perhaps, required more immediate attention. I will refer to those issues shortly, but first I will give some background.

ACLEI was formed to provide oversight of the Commonwealth law enforcement agencies—the Australian Federal Police and the Australian Crime Commission. It is worth noting, as the previous speaker has, that ACLEI was not created because of any findings of misconduct or corruption in these agencies. That does not mean, of course, that corruption does not exist and this leads me to one of the key recommendations of the interim report, which relates to the need to broaden ACLEI’s area of responsibility to include the Australian Customs and Border Protection Service. I would like to refer to...
the comments made during the inquiry by the Integrity Commissioner, Mr Philip Moss, when he outlined what he believes are the inherent corruption risks for Customs, particularly in its law enforcement roles.

I stress again that just indicating that certain activities may have an inherent corruption risk is not to say that corruption is in fact occurring, is rife or is actually a problem. It is simply indicating that the activities being undertaken by such an agency, in this case the Australian Customs and Border Protection Service, may make it an attractive target for corrupt activities. This report is certainly not implying that Customs has a major problem with corruption, although some allegations have been made. The committee heard some evidence from a range of witnesses about the high corruption risk within the Customs service due to the nature of the work that is performed by that agency, and there have been some quite serious allegations made. The report does not comment on the veracity of those allegations.

I refer to Mr Moss’s comments, which are recorded in the report, in reference to Customs. These, perhaps, are the justification for why the committee has made its recommendation. Mr Moss has indicated that Customs: … is a decentralised agency with officers having a high degree of discretion and autonomy in those decentralised locations.

He also goes on to say that:

Customs and Border Protection would be attractive to organised crime—and, in saying ‘organised crime’, I also say to you ‘transnational organised crime’—who have an interest in breaching the border. So Customs is protecting the border and it is in the interests of crime, both national and transnational, to breach it. The other phenomenon that is occurring in this area is that Customs is pushing protection of the border offshore into countries where corruption is sometimes an accepted business practice. So, for those reasons and possibly others as well, I think that Customs and Border Protection would be well suited to inclusion in ACLEI’s jurisdiction.

That is certainly a strong statement by the Integrity Commissioner and it is reflected in the recommendations made by the committee to have the Australian Customs and Border Protection Service included under ACLEI’s jurisdiction on a whole-of-agency basis. The committee also supports the extension of ACLEI’s jurisdiction by means of regulation as a perhaps more timely measure than going down the legislative route. It would be anticipated that legislation would ultimately be required to prescribe Customs as a law enforcement agency within the LEIC Act.

I stress that, within the context of the report and the previous member’s comments, it would be anticipated that there would be a need for additional resources for ACLEI to properly take on such a new role if the government proceeds down the route which has been recommended. It is recommended that ACLEI will need to be fully and appropriately staffed and funded for the expanded role in detecting, preventing and investigating corruption in any agency, particularly one with the size and great complexity of the Customs Service.

In relation to the issue of whole-of-agency involvement I referred to earlier, the committee has received evidence that it is important for all staff within any agency brought within ACLEI’s areas of responsibility to be included within such a definition—that is, the area of responsibility should not be limited to just the law enforcement staff of a particular agency. It was the committee’s view that it would be a double standard if other staff were somehow excluded. People can be involved in a whole range of different responsibilities that may well be soft targets for some form of corrupt activity.

In the time that I have left, I would like to refer to ACLEI’s role in education and pre-
vention of corruption. The committee believes it is essential that ACLEI continues, and in fact expands, its role in corruption detection and prevention activities and that that role should be specifically included within the functions of the act. It is a recommendation in the interim report that I strongly endorse. By its nature, corruption can be very difficult to detect, and there are very complex issues, particularly in dealing with individuals who have a knowledge of the system. (Time expired)

The DEPUTY SPEAKER (Ms JA Saffin)—Does the member for Fremantle wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Ms PARKE (Fremantle) (9.00 pm)—I move:

That the House take note of the report.

The DEPUTY SPEAKER—In accordance with standing order 39, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting. Does the member for Fremantle wish to move a motion to refer the matter to the Main Committee?

Australian Commission for Law Enforcement Integrity Committee Report: Referral to Main Committee

Ms PARKE (Fremantle) (9.00 pm)—I move:

That the order of the day be referred to the Main Committee for debate.

Question agreed to.

DELEGATION REPORTS

Parliamentary Delegation to the 55th Annual Session of the NATO Parliamentary Assembly

Mr BEVIS (Brisbane) (9.00 pm)—Mr Speaker, I present the report of the Australian Parliamentary Delegation to the 55th Annual Session of the NATO Parliamentary Assembly, Edinburgh 14-17 November 2009, and seek leave to make a statement in connection with the report.

Leave granted.

Mr BEVIS—At the outset I want to place on record my thanks to a number of people whose support was essential in the conduct of this parliamentary delegation. I want to record the thanks from me and I know other members of the committee to Australia’s ambassador in Belgium, His Excellency Alan Thomas and especially to his military attaché, Colonel Michael Toohey. Colonel Toohey accompanied us while we were in Belgium with various briefings and he was simply excellent in the support that he provided to the committee. I also want to thank Terry Porter of the Australian High Commission in the UK, for the wonderful logistical support he provided to the committee, and also Richard Selth, the secretary of the committee, who accompanied the delegation.

At the outset I also want to place on record my thanks to the other members of the parliamentary delegation and, in particular, the member for McEwan, who is in the chamber today, whose participation and support both in private meetings and in the formal hearings of the NATO assembly were greatly appreciated by me and I know by other members.

The delegation’s principal purpose was to participate and attend the NATO assembly. Importantly, before we visited the NATO assembly we had the opportunity to go to NATO headquarters in Belgium. That was a critically important activity to be undertaken prior to the engagement at the NATO assembly, and the briefings that we received from both the secretariat and the military people involved in NATO placed the committee in a very good position to be able to engage more fully in the NATO assembly hearings. I also
should acknowledge the encouragement and support we received from the NATO secretariat. Their support and assistance made our engagement at the assembly, I think, much more effective than it might otherwise have been.

It also provided us with the opportunity to attend a number of important historical sites that are certainly relevant to the broad focus of our activity. We were in Belgium on Remembrance Day and we had the opportunity both on Remembrance Day on 11th of the 11th and on the evening before, on 10th of the 11th, to attend the services at Menin Gate in Ypres.

I want to acknowledge the honour that was given to the Australian delegation at both of those important ceremonies. Many Australians make the pilgrimage to Anzac Cove—and quite rightly so—but I think many Australians who have had the opportunity to attend a ceremony at Menin Gate, particularly on such an important occasion as Remembrance Day, 11th of the 11th, gain a true appreciation of the high regard with which Australia is held from the efforts of the men and women who served particularly but not only during World War I.

Our attendance at the North Atlantic assembly was a very useful occasion for us as Australian parliamentarians to engage in discussions with a broad range of parliamentary representatives from throughout the NATO countries. We were pleased and honoured that the president of NATO made special mention of the Australian parliamentary delegation’s involvement in the assembly.

We also had the opportunity to meet with the Dutch parliamentary delegation. That was especially important because, as most members of this House would know, the Australian forces in Afghanistan work alongside the Dutch, and indeed the Dutch have principal carriage for the area of operations in which the Australian troops are focused.

The Dutch parliament some time last year, I believe, made a decision that they would not continue with their deployment beyond a finishing date this year. It was clearly a matter of great interest to us, and the opportunity to talk to our Dutch colleagues was very useful from both sides of the table. The fact that the president of the assembly of NATO attended those discussions is also an indication that some importance was placed on that. I must say I had very mixed feelings about the news over the last few days that the Dutch government has fallen precisely on that issue.

Unlike many reports of this nature, this report does include a recommendation. It is, I believe, an important recommendation that the Australian parliament participate in NATO assemblies at least once every two years. These assemblies are actually conducted twice a year. It is a critical engagement in a world in which security threats are not geographically confined. (Time expired)

FRAN BAILEY (McEwen) (9.06 pm)—It is with great pleasure that I support this report by the parliamentary delegation that attended the 55th annual session of NATO’s parliamentary assembly in Edinburgh in November last year. I would firstly like to express my thanks to the member for Brisbane for his leadership of the delegation and to Mr Richard Selth for his assistance and organisation. As the member for Brisbane has said—but I too want to put it on the record—many people from DFAT and our embassies in both Belgium and the UK provided professional staff and briefings. I too want to particularly place on record my thanks to Dr Alan Thomas and Colonel Mick Toohey; and to Mr David Hobbs from the NATO Parliamentary Assembly’s secretariat.
I too believe that the decision to attend detailed briefings by the secretariat in Brussels before attending the NATO assembly in Edinburgh was the key to the success of our attendance as a nation with observer status. Not only did these meetings provide delegation members with an understanding of how the assembly would operate in both the committee stages and the general assembly but they demonstrated our keen interest as observers from a key contact country and reflected Australia’s expanded relationship with NATO. This was reinforced by the fact that the presence of our delegation was welcomed by the Chairman of the Defence and Security Committee and by the acknowledgement of the contribution Australia is making in Afghanistan by the incoming secretary-general, Mr Anders Rasmussen.

We were also honoured to have the President of the NATO Parliamentary Assembly, the Hon. John Tanner, chair our meeting with the full Dutch delegation. This was an important meeting. As the member for Brisbane also has alluded to, it was a forum in which we were able to speak openly and freely. The Dutch did express some degree of surprise at the bipartisan nature of the Australian delegation and at the fact that we were in complete agreement on our position. As the press has reported, the government of the Netherlands has fallen, reportedly because coalition members have disagreed on a request to extend the Dutch military mission in Afghanistan.

In listening to the debate in both the Defence and Security Committee and the environment committee, which I also attended, as well as the debate in the general assembly, I was impressed by its openness in relation to NATO’s commitment to Afghanistan and, importantly, to the security challenges of the 21st century, including the increasing problem of international piracy and how to build a more constructive relationship with Russia. While there was much discussion on strategic alliances—how they should be shaped in the future, developing NATO’s new Strategic Concept, the changing role of military power and the cost of casualties, which many delegates from member countries raised in both the committee and the assembly fora—there was an overwhelming acceptance that Afghanistan is NATO’s No. 1 priority. NATO will support the reconstruction and development of Afghanistan, strengthen the capacity of the Afghan National Security Forces and work to establishing a transition to Afghan led responsibility. In fact the new incoming secretary-general, Mr Rasmussen, told the general assembly that NATO’s mission in Afghanistan ends when the Afghans are capable of securing and running the country themselves.

I too want to place on the record the enormous privilege it was to attend Tyne Cot cemetery to see those thousands of young Australians recorded as having given their lives in those horrendous battles and to attend the service at the Menin Gate. I will never forget the sound of the bugles and the bagpipes and those thousands of red poppy petals fluttering down from the arched gateway and being picked up and carried off by the wind. For me that will always be a permanent reminder of the sacrifice that those young Australians made so that we might enjoy the democratic freedoms of this place. (Time expired)

**Parliamentary Delegation to the United States of America**

Mr SECKER (Barker) (9.11 pm)—I present the report of the Australian Parliamentary Delegation to the United States of America in September-October 2009. Between 26 September and 11 October 2009 I was honoured to be the deputy leader of the Australian Parliamentary Delegation to the United States, certainly one of the great allies that
are so important to this country. This was the first Australian parliamentary delegation to the United States since the inauguration of President Obama. In fact we had the privilege of being in the White House on the morning that it was announced that President Obama had won the Nobel Peace Prize. So it was an extraordinary visit in that regard—but more on that later. The visit was an opportunity to highlight the importance with which Australia regards its mature relationship with the United States and also an opportunity for delegates to examine United States innovations and approaches to a range of domestic and international policy challenges.

At the outset I would like to acknowledge and thank my fellow delegates for their contribution to the success of the trip. I can say in all honesty that we all worked very hard. The delegation was led by the President of the Senate, Senator John Hogg, who did a wonderful job, and included fellow members of this House the members for Cunningham, Werriwa, Hasluck, Herbert and Moore. The delegation was also accompanied by Mr Gerard Martin, senior adviser to the President of the Senate and now, I believe, in Prime Minister and Cabinet, and Dr Shona Batge, the delegation secretary from the Department of the Senate. They certainly were of great help to the delegation.

I thank the Department of Foreign Affairs and Trade and Austrade staff in Canberra and in the United States for their assistance in putting together a varied and interesting program for the delegation. Our two-week program took us to San Francisco, Detroit, New York and Washington for an array of meetings designed to help the delegation to meet a predetermined set of aims and objectives. The topics of our meetings were wide ranging, but some key themes quickly emerged. In San Francisco many of our discussions centred on research and technological developments relating to renewable energy and green initiatives. This included electric cars, meeting over the internet and a visit to Google.

In Detroit, our focus was on the future of the car manufacturing industry. The global financial crisis and changing consumer demands and expectations have combined to make a once strong industry vulnerable, and the delegation was interested in options for renewal and diversification in the region. In some ways it was probably the most depressing area that I have ever visited in my life to see how that once great city had fallen on hard times with 30 per cent unemployment and very high crime rates. I know that people there are working very hard to correct that situation.

In New York, the delegation’s meetings included discussions on climate change, education programs and recovery from the global financial crisis. Finally, in Washington, we were able to meet with members of congress. I had the privilege of meeting with Congressman Steve King, a Republican, and we had a planned meeting time of about 20 minutes which stretched out to about an hour and a half. I certainly had a wonderful meeting. I was very pleased that Congressman King was able to extend his time for that meeting. We also met with representatives from the United States Department of State and International Monetary Fund officials, among others. There was also an opportunity for each delegate to pursue individual meetings in areas of specific policy interest, and I would particularly like to thank staff at Australia’s embassy in Washington for facilitating these meetings.

On behalf of my fellow delegates, I acknowledge and thank all those individuals and organisations who generously made themselves available to meet with the dele-
PARLIAMENTARY (JUDICIAL MISBEHAVIOUR OR INCAPACITY) COMMISSION BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Kerr.

Mr KERR (Denison) (9.16 pm)—This bill will establish an independent commission to assist the parliament in the exercise of its powers to remove a federal justice in circumstances of proved misbehaviour or incapacity pursuant to section 72 of the Constitution. The commission established by the bill will provide a mechanism for the independent and impartial testing of complaints against federal judicial officers and reduce the potential for damaging and unfounded attacks on the federal judiciary. The House and the Senate retain their exclusive constitutional powers. The commission acts simply to inform the judgment and conscience of members and senators. It will remain open to the parliament to accept or reject any recommendation for the removal of a justice.

The bill should be read together with proposed new standing order, ‘Address for the removal of a federal justice’, published in the Notice Paper. This will ensure that the procedures in this bill are not triggered for trivial reasons. A member who, deliberately or recklessly, puts forward baseless allegations against a justice is guilty of serious contempt of the House. Any justice facing removal following an adverse report by the parliamentary commission will be permitted to address the House before any vote is taken.

The bill fills a vacuum. Currently, there is no process to deal with allegations against federal justices. The case of Justice Lionel Murphy in the early 1980s highlighted the need for there to be a clear and consistent method for dealing with any alleged misconduct by federal judges. Serious allegations were made against Justice Kirby during his term on the bench and but for their quick disproof parliament would again have been unready to deal with that controversy. If the federal judge regularly falling asleep or suffering failing mental health if they should decline well-intentioned entreaties to voluntarily retire.

The federal judiciary has expanded significantly in recent years and now includes a large number of federal judicial officers spanning the High Court, Federal Court, Federal Magistrates Court and Family Court. There are plans to establish a chapter III Military Court. There are currently 145 federal justices who have been appointed under the Constitution. As a consequence there is increased potential that the parliament will be called on to exercise its exclusive constitutional power to remove a federal judicial officer for misconduct or incapacity. Such occasions will be rare, but this bill is premised on the view that with the expansion in their number such occasions inevitably will arise and it is sensible to decide in advance how those matters will be dealt with so that there can be no suggestion that the process is biased for or against the interests of any particular justice.

The parliamentary commission has no independent powers to initiate removal procedures and no power to reprimand or dismiss justices. This is a conservative constitutional approach to ensure validity. There are grounds, such as those advanced by Quick and Garran, to support the view that the structure and language of chapter III of the Australian Constitution prevents the parliament giving such powers to any administrative or executive body because that would involve an impermissible interference with constitutionally protected judicial independence.
The bill details the powers of the commission to conduct an inquiry when a matter is referred to it by either the House or the Senate. It sets out the commission’s function to provide advice to the parliament as to whether or not in its opinion facts amounting to proved misbehaviour or incapacity exist as would warrant the removal of the judicial officer from office under section 72 of the Constitution.

The bill creates a number of offences relating to the commission’s proceedings and provides that chapter 2 of the Criminal Code will apply to these offences. Offences under the bill include unauthorised publication of evidence, the failure of witnesses to attend or produce documents, refusing to be sworn or give evidence, providing false or misleading evidence, destroying documents and other things, causing injury to witnesses, dismissing an employee for involvement at the commission, preventing witnesses from attending the commission or producing a document, bribery of a witness, fraud on a witness and contempt of the commission.

It is implausible that either the House or the Senate could deal with serious allegations against a justice without the assistance of a preliminary investigation by a body of the kind proposed by this measure. The parliament cannot delegate its ultimate constitutional responsibilities under section 72 to any other body but it is entitled to appoint suitable advisors and to empower those advisors to assist it to discharge its constitutional functions. That is what this bill provides for. Ad hoc processes are bound to be seen as unfair and risk unwarranted damage to the reputation of any judge or magistrate affected by them. The bill will establish a consistent, rule based method for reporting to the parliament by an evidence based process which is transparent, consistent and accountable.

The commission’s functions will provide transparency and impartiality to the process of the determination of claim of misconduct or incapacity against a federal judicial officer. I commend the bill to the House.

Bill read a first time.

The DEPUTY SPEAKER (Ms JA Saffin)—In accordance with standing order 41, the second reading will be made an order of the day for the next sitting.

WILD RIVERS (ENVIRONMENTAL MANAGEMENT) BILL 2010

Debate resumed from 8 February.

Second Reading

Mr ABBOTT (Warringah—Leader of the Opposition) (9.22 pm)—I move:

That this bill be now read a second time.

I am not accustomed to praising the Rudd government, but let me take this opportunity to say that probably one of the finest moments of the Rudd government so far was that day in February 2008 when it moved the historic apology to Aboriginal people. It was gracious and it was overdue. In his speech making the apology, the Prime Minister said:

…unless the great symbolism of reconciliation is accompanied by an even greater substance, it is little more than a clanging gong.

That phrase should reverberate through this parliament. I hope the Prime Minister is conscious of that phrase as he listens or his staff listen to this parliament this evening because this bill is an opportunity to provide an even greater substance to the important symbolism of reconciliation. This bill is an opportunity to overturn the Queensland Wild Rivers Act at least in respect of the rivers of Cape York. That Queensland Wild Rivers Act amounts to a smash-and-grab raid on the land rights of the Aboriginal people of Cape York.

The Queensland Wild Rivers Act is the result of a deal between the green activists of Brisbane and the Beattie and the Bligh Labor
governments of Queensland. I am in favour of environmental preservation and there is not the slightest suggestion that the Indigenous stewards of the land of Cape York were in any mood to damage the environment of Cape York, an environment which they have magnificently supervised for generations and generations. I suspect that the last thing that the green grassroots of Brisbane would want is to see the rights of Aboriginal people supposedly trumped by green votes in Brisbane, but that is the result of the deal that was done between the Bligh and Beattie Labor governments and the activists in Queensland. This is a shameful deal which this bill seeks to overturn. I do not believe anyone in his or her right mind wanted to see this deal done; nevertheless, it is what happened. I think it is incumbent on this parliament to do its best to overturn something which has had such serious consequences for the economic development of Cape York.

There are two great impediments to true reconciliation. The first is the absence of a decent education, particularly for Aboriginal people living in remote areas. The second, most relevant to tonight’s discussion, is the absence of economic opportunities for Aboriginal people living in remote areas. There are two great problems with the legislation which this bill seeks to overturn. The first problem is that there was not the slightest skerrick of consultation between the Aboriginal people of Cape York and the Queensland government before these wild rivers declarations were made. The second is that these declarations add a heavy burden of additional bureaucracy to any Aboriginal people seeking to turn their land from a spiritual into an economic asset. I think it is marvellous that Aboriginal people should have rights to land, but if those rights do not include the right to use their land for productive purposes it is not a real right; it is not the kind of right that the average Australian would take for granted. I do not expect the government to necessarily embrace my bill in its current form, but I do think something needs to be done about this issue and it will not be ignored in this parliament. (Time expired)

Mr LINDSAY (Herbert) (9.27 pm)—I represent a very large Indigenous community on Palm Island in my electorate. More than most in this place I know the tremendous disadvantage that is suffered by our Indigenous brothers and sisters. I know what the actions or the non-actions of government can do to these people. I am absolutely appalled by the Queensland wild rivers legislation, which takes away the opportunities that Indigenous Australians have on the Cape. I have always said there are three things which Indigenous Australia needs to embrace and those are the three Ls—respect for law and order and governance; leadership and the will to follow that leadership; and land ownership. On Palm Island, which operates as a Soviet style collective, nobody can own the land—nobody can have their own home or their own piece of Australia, they cannot borrow against their assets because they do not have assets, they cannot build a business and they cannot invest; therefore, employment does not flow and disadvantage continues. If this does not change, Palm Island will be the same in 100 years as it is today.

That is why I rise to support the Wild Rivers (Environmental Management) Bill 2010 of the Leader of the Opposition tonight. He seeks to have this parliament overturn one of the most unfair pieces of legislation that acts against the interests of Indigenous Australia. It is very important that Indigenous Australia has job opportunities. By closing up and locking up the country, as is proposed by the Bligh government, this is what occurs. I am deeply supportive of the opposition leader’s bill.
The SPEAKER—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

ADJOURNMENT
The SPEAKER—Order! It being 9.30 pm, I propose the question:
That the House do now adjourn.

Maranoa Electorate: Roads
Mr BRUCE SCOTT (Maranoa) (9.30 pm)—I rise tonight to express my great disappointment with this Labor government—specifically the attitude of the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Albanese, towards the very important Warrego Highway in my electorate. Last week I was reading Queensland Country Life, which is a very popular paper in my electorate of Maranoa, and to my great dismay I read an article that says that this Labor minister does not deem the Warrego Highway in Southern Queensland to be of any importance to Labor’s so-called nation building. Despite my frequent correspondence with this Labor government, my submission to Infrastructure Australia, my frequent calls for an urgent upgrade—and in this chamber and in person to the minister—and my tabling of a petition with more than 5,000 signatures calling for a vital upgrade, the people of Maranoa will have to wait at least four years for this road to even make it onto this Rudd Labor government’s notepad.

This is a Labor Party that, when it came to government, inherited a $20 billion surplus. There was no net debt, and Prime Minister Rudd had $20 billion in his piggy bank. Then we saw him throwing it around as if it was just Monopoly money, and now this Labor government finds itself with projected net debt that will peak at some $153 billion by 2014. What infuriates me most is that the net interest bill on Labor’s $153 billion debt will reach $9 billion per year by 2015. Nine billion dollars in interest payments could pay for a full upgrade of the Warrego Highway almost 20 times over. Just one month’s interest payment on the debt that this government has created could fund a full upgrade to this vital transport link. Just one month’s interest payment by 2015 would fund a full upgrade of the Warrego Highway.

This Labor transport minister claims the Warrego Highway is not a priority in terms of freight, traffic volumes and safety concerns, yet this highway was ranked fourth in the 20 worst state roads and AusLink network national highways for 2005 and 2008. The Howard government recognised its need for constant upgrade and maintenance. We recognised that it was a vital link in the transport systems between Darwin and Brisbane. In our 11 years of government, I secured funding for the construction of the Oakey bypass, the realignment of the highway west of Dalby to avoid flood-prone areas of the highway, the upgrade of the Cecil Plains turn-off, the upgrade of the highway between Dalby and Bowenville and the widening of the highway between Morven and Mitchell to allow access for type 2 road trains right through to Mitchell. During the 2007 election campaign, we committed some $128 million for an upgrade between Oakey and Mitchell. These works would have started by mid-2008, almost two years ago. Now this Rudd Labor government has committed $55 million as an election commitment, and these works have only just begun. I think the first $5 million is due to be approved for work construction within the next month.

Last year the Rudd government increased the road user charge for trucks. This was in cooperation with the trucking industry, with the expectation that the money generated from the increase would fund rest stops
across the nation. Despite the Warrego Highway being the only main road in and out of Roma, which is home to the largest cattle saleyards in the Southern Hemisphere, this city-centric government has not constructed any of these rest stops on the more-than-800-kilometre stretch between Brisbane and Charleville along the Warrego Highway.

The fledgling development of the Surat coal basin, the slow death of Queensland Rail’s grain and cattle trains and the drought’s impact on the cattle industry has seen the volume of heavy traffic on the Warrego Highway increase rapidly and radically over the last few years, but this traffic highway is only going to get worse. The opening of the Cooper Basin, the growth of resources exploitation in the Galilee Basin and the Surat Basin and the increase in tourists to rural Queensland will only serve to make this highway busier and ultimately more dangerous. It cannot go four years without attention from the minister. More people will die unless this Labor government acts to address the safety concerns and the upgrade of the Warrego Highway.

Infrastructure
Petrie Electorate: Community Safety
ThinkUKnow Initiative
Internet Content

Mrs D’ATH (Petrie) (9.34 pm)—Tonight I wish to speak on community safety, but before I do I have to make a few comments about what the member for Maranoa has just said. The reality is that the Rudd government has delivered more investment in infrastructure in the first two years of this government than the Howard government did over 11 years. We are investing in ports, rail, roads, schools, health and broadband. Every one of these areas was neglected by the Howard government. I recommend to the member for Maranoa that he go back and have a good look at the history of the Howard government and what was actually done in that time. If it were not for the actions of this government in relation to the global financial crisis, stepping up and doing what it needed to do to invest in infrastructure for both the short term and the long term for this economy, what we would see under the opposition if they were in charge would be long-term high unemployment. That is what they would have given this country.

But tonight I want to talk about community safety and once again show what this government is doing for our local communities. Last Friday, 19 February, I had the opportunity to be with the Minister for Home Affairs, the Hon. Brendan O’Connor, who came to the electorate of Petrie—specifically to the Redcliffe Peninsula—to announce a commitment that we made in 2007 and that I advocated strongly, which was the delivery of CCTV cameras and improved lighting for my local community. What this $1 million in funding to the Moreton Bay Regional Council under the project to deliver the Safer Suburbs Plan has delivered is benefits not just for my electorate but also for the electorates of Longman and Dickson. We are going to see improvements in CCTV and lighting in Settlement Cove at Redcliffe, at Strathpine CBD for the first time ever, at Kalowen Park at Kippa-Ring, at Caboolture CBD, at Deception Bay foreshore and at Bribie Island Bridge. This is a great investment by the Rudd government into my local community and those at Pine Rivers and Caboolture.

This is important: we have an obligation to provide safe areas where we have free public access for our community. These areas in my electorate are certainly well used by families, and by providing better lighting and more security with cameras, families are going to be able to spend more and longer time each day at these beautiful areas that are free to the public. They are great not only for
community activities but also for healthy activities like swimming and playing in the park—things that we want people to do. We want people young and old to exercise and we need to make sure that these public areas are actually safe.

In addition to these areas, I applaud the Minister for Home Affairs, who on the same day made the announcement about the ThinkUKnow initiative. This is a very important initiative; this is a way that parents, teachers and carers can learn more about how we keep our young people safe. This is an interactive program available on the ThinkUKnow website that will allow schools, community organisations and families to access information, resources and free presentations to assist in how we can educate our children.

The reality is that our kids are accessing the internet at a much younger age. I know that even grades 1 and 2 children access the internet not just socially at home but as part of their school activities and as part of their homework. Many schools, state and private, are now setting up homework intranet sites so that children can access their homework electronically. These websites can sometimes make available a link that the children can hit and it takes them to a public website that can have access to other material. We need to educate our children and also their parents, teachers and carers about how we can make these environments safe for them.

That is why I also support what the Minister for Broadband, Communications and the Digital Economy is doing with these filters. It is not about putting restrictions on people and it is not about saying that you do not have the right to look at what you want to on an internet site. The reality is that if we do not think this material is suitable for our TVs—cable or free-to-air—and if we do not think they are suitable for our bookshops then we should not give our children access. (Time expired)

**Donor Conception Support Group of Australia**

**Mr IRONS** (Swan) (9.40 pm)—Today the parliament was visited by members of the Donor Conception Support Group of Australia. I have recently become the patron of this organisation and pass on the sincere thanks of the Donor Conception Support Group to my colleagues who attended the presentation they gave. Particular thanks should go to Senator Trish Crossin, who arranged the briefing and facilitated the event.

Members and senators from across the political spectrum attended and had many questions to ask the presenters, who ranged from being IVF children who are now adults to IVF parents and sperm donors.

The Donor Conception Support Group provides support for: (1) people considering using donor conception; (2) people undergoing treatment; (3) parents of donor offspring; and, (4) donor-conceived people. Representatives came to parliament today to officially present a petition calling for an inquiry into donor conception practices. The group are also trying to achieve a national register, and I hope in the short time I have that I will be able to convey their argument with a clarity that does them justice.

The group were represented by four donor parents, one donor and two donor-conceived persons. Each had their own reasons for being here today and I want to read out some of their comments so that the House can hear their stories and consider their arguments.

Damien Adams, who was a donor-conceived child, said:

After having children of my own I came to realise what my conception had truly deprived me of. I had lost my kinship, my heritage, my identity and my health history. This realisation was crushing, depressing and immensely painful.
Geraldine Hewitt, another IVF child, and daughter of Leonie, said:

My biological father; my donor—his donor code is JAX. In 1982, he began donating to the Royal Hospital for Women in Paddington, Sydney. He continued to do so for the next three years. During the course of his association with the hospital, four babies were born; 1 boy and 3 girls. I am one of those babies. All of us were born in 1983. I have no further information about my half-siblings. We all turn 27 this year.

From what remains of our donor’s records, I can tell you that he was blonde, blue eyed, five foot eight, Caucasian and had 0 positive blood. The hospital social worker once made an offhanded remark that he had a very unusual surname. That’s about all that remains, in terms of information, that could identify him. They made sure to destroy his date of birth, his first name and his contact details at the time of donation.

Leonie Hewitt, an IVF parent said:

We discovered a few years ago that our son’s donor had donated to two different clinics in two different states. Kerion my son has a total of 29 half siblings that we know of. A national register should be able to prevent this happening again.

The quotes I have just read highlight a number of concerns. Firstly, and most importantly, the people I met today believe in the right of every person to know who their biological family is. As Senator Murray pointed out back in 2003, this is supported by United Nations conventions. Article 8.1 of the 1989 United Nations Convention on the Rights of the Child, to which Australia is a signatory, states:

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Article 8.2 goes on to say:

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

This need was acknowledged by this government back in November during the apology to the forgotten Australians when it granted funding to CLAN to help forgotten Australians retrace their family trees.

The Donor Conception Support Group would argue that this should also extend to their members, and it is this belief that is behind their call to establish a national register so that offspring can find the pathway back to their biological parents. The idea of a national register needs an inquiry—either a House of Representatives or a Senate inquiry. Considering the electoral cycle I would suggest that a Senate inquiry would be more practical.

Secondly, the people I met today believe that the current system is dangerously unregulated. From what I have heard there appears to be very little overall accountability for the donation industry as a whole. The group believe it is this lack of regulation that can lead to incidences like that described by Leonie, who found out her son has a total of 29 half siblings conceived across two states. With sperm donors from across the world there needs to be better regulation.

In closing, IVF children have the right to know their medical backgrounds, they have the right to know who their siblings are and they should have the right to contact their donor parent. The support group tells me that only five per cent of donors have been hesitant about a register, and for reasons that can be overcome. This argument will rage and the emotions will run strongly on this issue, but I personally support this register and call on the government to at least get an inquiry underway.

**International Mother Language Day**

Greek Language Education

Mr GEORGANAS (Hindmarsh) (9.45 pm)—I rise to speak in support of the United Nations International Mother Language Day
and to talk about the importance of including the Greek language in Australia’s national schools curriculum. Last Sunday, 21 February 2010, marked the United Nations Educational, Scientific and Cultural Organisation’s International Mother Language Day. The purpose of International Mother Language Day is to promote linguistic and cultural diversity and multilingualism.

The benefits of a multilingual society cannot be understated. We know that improved language ability increases Australia’s ability to engage with the world through trade, education, employment and culture. The Australian government has already demonstrated its commitment to language education by providing $62.4 million in funding over four years for the National Asian Languages and Studies in Schools Program. This program will equip students to participate in an increasingly globalised world, where language will provide the tools to transcend social, political and economic borders.

More than five million Australians already speak a language other than English, with the top five languages other than English being Greek, Italian, Cantonese, Arabic and Mandarin. Growing up with Greek parents, I was fortunate to become bilingual at a very early age. We always spoke both English and Greek at home, and it was clear to me then, as it is now, that learning a language is not just about speaking and writing in different sounds and words; it is about lessons in history, culture, music, food and family as well. My ability to speak Greek has opened many doors for me both personally and professionally and it has enriched my life immeasurably. The Greek language has also been passed on to my sons, who are third generation Greek Australians. They learned their Greek both at home and at the bilingual school they attended, St George College. St George College is situated in Adelaide’s western suburbs and it offers students a wonderful opportunity to study Greek language, from reception right up to year 12, immersing them in the same culture which many my age just took for granted at home.

Encouraging schools to adopt early and continuous language education in our schools will not only provide an opportunity for Australians from every background to preserve and maintain their personal heritage but also open doors to other worlds they may never have considered. It is timely that, while the Australian Curriculum, Assessment and Reporting Authority is devising a ‘shape paper’ for phase 2 of its national curriculum, which is due to be released in mid-2010 for consultation, I speak in favour of the implementation of the Greek language as one of the languages to be offered nationally.

In terms of significance, Greeks and Greek Cypriots are the seventh largest ethnic group in Australia, with more than 365,000 Australians identifying Greek ancestry in the 2006 census and more than 250,000 Australians speaking Greek at home. Of those 365,000, I have 10,000 in my electorate of Hindmarsh. Greek not only is a widely spoken community language in Australia but also enjoys historical significance as the language of great intellectuals and the most revered religious figures. We can count among them such minds as Plato, Aristotle, Homer and Hippocrates. The New Testament of the Bible was written in Greek. More than five per cent of the English words are borrowed from Greek directly and about 25 per cent were borrowed indirectly.

The Greek community in Australia offers a broad and organised support base for the continuation of Greek language education in Australia, together with the government of Greece, which continues its longstanding support for Greek education in Australia. I therefore commend to the Australian Curriculum and Reporting Authority the inclu-
vision of Greek as a language in the national schools curriculum, and I look forward to the release of the so-called ‘shape paper’ from ACARA in mid-2010, which will frame the discussion for languages education in Australia.

I would also like to congratulate the wonderful teachers in my electorate who are committed to teaching Greek—people like Peter Photakis, Mr Frazis and the principal of St George College, George Panagopoulos.

(Time expired)

Cowan Electorate: Education

Mr SIMPKINS (Cowan) (9.50 pm)—I like going to schools in Cowan because that is where I get to see so much potential in one place. I get to see the boys and girls in Cowan who could one day achieve great things for our nation, our state of Western Australia and our local community. In this land of opportunity, if young people want to work hard they can achieve great success. It may be international success, it could be national success or it may be realising their potential that sees them become good citizens and good family members. They can achieve maximum success if they are encouraged by their parents through good attitudes and examples, because that will ensure that the child has a good and receptive approach to their own education. Our teachers can then provide the children with formal education, the building block upon which life-long success is based.

I know how seriously teachers take their responsibilities, and the level of dedication is always clear. Today I would like to speak about Alinjarra Primary School in Alexander Heights, about how this school is already the biggest influence for a great future in the suburb and about what it is doing to make it even better. The school opened in 1988, and in 2010 it has more than 350 students from kindergarten to year 6. The school is led by Principal Lesley Meyers, and Lesley is assisted by deputies Andrew Schmidt and Janese McDougall. The leadership team has informed me that in 2010 they are focused on taking the school into the community and also bringing the community into the school.

Firstly, I understand that after forming a school choir in 2009, with their choir master at the school for just one day a week, they are planning some big events for later this year, with performances at the Burswood entertainment precinct and at the very big Karrinyup Shopping Centre. Having heard the choir in 2009, I look forward to them making their mark in 2010, and further afield than Alexander Heights, although I know a lot of local residents are looking forward to the forthcoming and highly regarded ANZAC assembly at the school as well as the community carols event at the school at Christmas time.

I would also say that the year 3 and year 5 NAPLAN results are consistently above the state average. I think this reflects favourably not only on staff but also on the greater school community, including parents and the children of course. I met a number of students towards the end of last year and they struck me as highly motivated, creative and, not surprisingly, well behaved young people. My contact with the students concerned how elections are run and my visit took place during their school leaders’ election campaign. I understand that 24 of the year 6 students have now taken up leadership roles in 2010, as a result of the elections that took place late in 2009.

It is worth stating that Alexander Heights is a good suburb. In my view, it is overwhelmingly a suburb where parents and children are motivated to achieve their potentials and make the most of what they have got. This is a place of authenticity, a place where the people are keeping it real. It is
therefore a good foundation upon which a school can build a positive educational culture. In the case of Alinjarra Primary School, they are building successful outcomes, beginning with their early childhood area. I understand that the school’s outstanding teachers have achieved a strong reputation for excellence with Edith Cowan University, who are now seeking to come to the school and observe their teachers at work. This school celebrates its diversity. Alinjarra is highly active in their Harmony Day Celebrations, as well as NAIDOC and Education Week. Their efforts have seen Alinjarra Primary School featured on several occasions in the local newspapers and also on Channel 9’s Weather Watch program.

Pushing the work of the students beyond Alexander Heights, I would also refer to the art specialist Val Brooks, who is capitalising on her quality program by holding an art exhibition at Kingsway shopping centre later in the year. Beyond the academic achievements and the success in art and the performing arts, I would also mention pastoral care, another strength that is so much part of Alinjarra Primary School’s success. In particular, for the last two years the school’s chaplain has been Diane Norris. A highly positive influence in the school, Diane complements the school’s emphasis on educating and supporting the whole child.

It is easy to be positive about Alinjarra Primary School. Happy and positive children are a sign of a school heading in the right direction. It is also important to realise that when the staff and the parents start this next generation off on the right path, those children will be better able to achieve their great potential. For their success and the work they are doing, I congratulate Principal Lesley Meyers, her staff, the students and the parents of Alinjarra Primary School.

### Immigration

Mr Danby (Melbourne Ports) (9.54 pm)—In the inquiry currently being conducted by the Joint Standing Committee on Migration, which I chair, it is quite clear to me that some common-sense changes are needed to how our immigration process treats disability. In a huge immigration program like Australia has there are always ways of tweaking and improving the system, as the government has recently done with its changes to the skilled migration program.

I now turn to some remarks made in the online publication, the National Times, by Mr William Bourke, who announced he is going to launch a new single-issue political party to campaign for cuts to immigration. I welcome that because it will enable the Australian people to voice their opinion about this issue. I confidently predict that Mr Bourke’s party will sink without trace as most single-issue parties do. His arguments in the National Times seem to mark him as a left-wing anti-immigration lobby, as opposed to the right-wing anti-immigration lobby represented by Pauline Hanson. In an aside, it is somewhat ironic that this arch critic of immigration imagines that she can just emigrate to the United Kingdom. I am not sure why she thinks that or what value she will contribute there. Returning to Mr Bourke’s article, he says, striking a populist note, that immigration benefits only ‘property developers and media moguls’. This is of course nonsense. Immigration benefits the whole community. It stimulates economic growth and employment. It brings in much-needed skills. It enriches our culture and makes our cities more attractive to tourism. In economic terms, immigration is one of Australia’s greatest assets. It may be said that we used to ride on the sheep’s back; today we ride on the migrant’s back. I will return to that issue in a minute.
Further in the article Mr Bourke strikes a green note, blaming population growth for ‘dead river systems, near permanent water shortages and increasing pollution’. Once again, this is nonsense. Australia is not short of water. Our current water problems are the result of generations of waste and neglect of our water resources, aggravated by the current drought. The solution is to stop wasting water, particularly in irrigation but also in our cities. The state and federal governments are currently undertaking plans to do that. Does Mr Bourke not know that Melbourne’s water consumption has been cut by 25 per cent over the past 15 years? It is now at the same level it was in 1982, despite urban growth of nearly a million people in that time. Mr Bourke also blames immigration for the loss of farmland, for traffic gridlock and urban congestion, and for the loss of open spaces for our children. All our social ills are apparently caused by population growth fuelled by immigration. I wonder if Mr Bourke has ever been outside Australia.

Australia has a population density of three people per square kilometre. Even Victoria, our most densely populated state, has only 62 people per square kilometre. The Netherlands—one of the most important countries in Europe—has 400. I am not advocating that we aim for a Dutch population density; I am saying that Australia is a thinly populated country even by the standards of the developed world let alone by the standards of our region. Our social and environmental problems have not been caused by excessive immigration. They have been caused by wasteful use of our water and other resources, lack of urban planning, short-sighted decision making, excessive reliance on the motor car and neglect of investment, particularly in urban infrastructure.

I conclude by saying that one of the things that I find most astonishing about the anti-immigration lobby is their failure to address the issues of the economic benefit of the government’s current skilled migration program. Figures that are uncontested and are in the budget papers show that in 2008-09 the current composition of principally skilled migration delivered a benefit to the tax base of $800 million in the first year, and in the 20th year that immigration delivered $1,800 million net benefit to the tax base after the cost of the Humanitarian Program and family reunion. If you looked at that one year of immigration, there is $20 billion of net benefit to the Australian people.

How do these people imagine that we are going to pay for the ageing population of Australia as the baby boomers move into retirement without skilled immigrants coming to this country? They have no plan. They have no vision. It is important to address the issues of urban infrastructure, saving water and better public transport. These are all legitimate issues. To say that the current skilled migration program is not contributing to Australia’s benefit is very short term; it does not look at the whole picture and certainly does not address the uncontested issues of the economic benefit of the program, as it is currently constituted to Australia.

Question agreed to.

House adjourned at 9.52 pm
Monday, 22 February 2010

The DEPUTY SPEAKER (Ms AE Burke) took the chair at 4.13 pm.

STATEMENTS BY MEMBERS

La Trobe Electorate: Berwick Primary School

Mr WOOD (La Trobe) (4.13 pm)—I wish to talk about the Berwick Primary School, which relocated at the end of 2003 after more than 100 years at its former site on Peel Street. I had the great honour and privilege of being present at the opening of the new school on Fairholme Boulevard by former principal Dick Bartley, along with former member for La Trobe Mr Bob Charles. In term 1 of 2004, Berwick Primary School’s enrolment was 596. In just six years it has grown to 777. This increase in enrolments of almost 200 students since the relocation demonstrates how vital Berwick Primary School is to the local community. When Berwick Primary School was allocated $2 million for a multipurpose room under the Building the Education Revolution program, they were initially delighted to have the funding injection to improve facilities for their students. The multipurpose room was not exactly what the school needed, or wanted, but Berwick Primary School was grateful nonetheless. However, since that time, they have been let down by red tape, buck passing and a lack of communication from the state and federal education departments.

Berwick Primary School has been unable to find out basic information from the departments such as the cost of the project. The multipurpose room has been independently quoted at $750,000. That means a project has been overfunded by $1.25 million. Berwick Primary School would like to use the surplus funding for the companion project, a gymnasium to accommodate the school’s 770 students. The school’s current gym was designed and constructed in such a way that the gym could be extended to full size when funds permitted. The extension of the gym has always been the school’s goal. Plans have been prepared and the project could be completed well within ER timelines. An extension to the school’s gym would accommodate the needs of one of Australia’s fastest-growing electorates. It could also be used as an emergency rendezvous point for students in the event of a bushfire.

I wrote to the Minister for Education on 24 June last year when the school contacted me about their concerns, and again on 1 December. The school has been badly let down by Minister Gillard. In question time on 3 February this year when I asked her a question, her response, in part, was:

If there is some issue the principals would like to raise with a government that cares about education, obviously we always stand ready to work through issues.

For schools such as Berwick Lodge Primary School, Berwick Primary School, Oatlands Primary School and Belgrave South Primary School, this program has been an absolute and total failure. These schools need a lot better from a minister who says she cares when in fact she is letting education down in my electorate.

Petrie Electorate: Parliamentary Education

Mrs D’ATH (Petrie) (4.16 pm)—I rise to say that the schools in my electorate of Petrie are certainly grateful for their halls and new resource centres. But what I wish to talk about in the brief time I have is the Parliamentary Education Office. I would like to pass on my gratitude and that of the schools in my electorate to Ruth Barney from the PEO, who came to my elec-
torate last Thursday and Friday and ran Parliament Alive in Petrie. We had two full days, and eight sessions were run in which we did a role-play of parliament with local school students. Over seven schools participated and over 650 students went through those role-plays over the two days.

I can say to this House that the feedback from those teachers and schools was overwhelming. These are schools and students who do not get the opportunity to send classes of students down to Canberra each year and consequently miss out on the opportunity of having a better understanding of how the parliamentary process works. Bringing these role-plays to our schools directly and allowing these students to participate certainly helps them in their studies in government but also helps them to understand what the roles of government, parliament and members of parliament are. Certainly the feedback from the teachers was that they are hoping we can do a lot more of these role-plays, and I hope to be doing those directly with the school classes and talking with them throughout the year as they study government throughout the term.

Most of the students who participated in the program are in grades 6 and 7, but we also had a class of year 10 students from St John Fisher College. Also attending were Humpybong State School, Prince of Peace Lutheran College, Southern Cross Catholic College, Aspley East State School, Scarborough State School and Kippa-Ring State School. I would also like to thank Aspley East State School and Scarborough State School for hosting these events in their school halls. Of course, these events would not be able to happen if we did not have venues and if we did not have the support of these schools in holding these events. There were many students from other schools coming and going throughout the day, and these schools were very accommodating in supporting that program.

Once again, I thank the PEO for running this program. I encourage members who have not had the Parliament Alive program come to their electorates to do so. It is one that truly benefits young people in understanding how decisions we make here in Parliament House can affect them, their homes and their families on a day-to-day basis. (Time expired)

**Solar Energy**

**Dr Jensen** (Tangney) (4.19 pm)—This government’s towering incompetence is causing enormous damage to hardworking small business people, who are also working families, in my electorate. One such company is Austech Solar, a company which installs solar panels, about which there has been much grossly undeserved self-congratulation by this government. The company is suffering because of business undertaken on the understanding that this government could be trusted. This company is now finding out just how wrong that is. In order to ascertain the precise situation in relation to moneys owing by this financially delinquent and uncaring government, the company had a statement prepared and they found that total rebates due and payable by the federal government to Key Factors/Austech Solar is $3.144 million. This is an enormous debt burden for a company of that size to carry, and not surprisingly this company is approaching the financial brink. I have been told that the CEO and company:

… appreciate the very few payments that have come through the SHCP, however, there are still many installations still delayed and waiting to be processed and paid to Austech Solar.

The running of our company has been very difficult as there are too many expenses to pay, supply is being held up in the wharf, there are employees resigning due to lack of payment and staff are very
close to being unemployed, which of that we are currently employing over 50 full time staff plus contractors.

Austech Solar is finding it very difficult to function due to the lack of payments owed to our company, every week we are processing 60 or more applications valued at $8000.00 each ($480,000.00) or more and yet only receiving very petty amounts not even enough to pay my staff wages not including the mass amounts of expenses incurred by a premium solar company trying to cater for over 2000 clients who’s rebates are ending very shortly.

He continues:

We are facing great risk only at the cost of SHCP’s actions of not delivering and paying what is due to Austech Solar moreover the lack of support from the DEWHA. Our company has advised you and the department of the troubles faced and made aware of the expenses and risk’s involved with insufficient payments made by DEWHA.

This is a disgrace. The failure of this government to make these payments just shows how its ministers have no idea how businesses are run.

Blaxland Electorate: Schools

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (4.22 pm)—It is easy to see the infrastructure that is rolling out in schools across the country. Every primary school, big and small, is now a construction site. In Blaxland it means more than $114 million for new classrooms, libraries, halls and science centres. But not much is known about the money being invested in literacy and numeracy and helping children in our most disadvantaged schools. Many of these schools are in my electorate. Two weeks ago the Deputy Prime Minister announced the Smarter Schools National Partnerships. I looked at the figures for my electorate the other day. I could not believe what I saw: $63 million for 32 public schools and $16 million for 10 Catholic and independent schools. Schools in Blaxland have never received this much funding or this sort of investment from a federal government. All up, 42 schools in my electorate will receive more than $80 million for literacy, numeracy and extra teachers.

To put this in perspective, this is about 10 per cent of the Smarter Schools funding for the whole of New South Wales being invested in one electorate. I hasten to add that Blaxland is not often considered a marginal seat. This is funding not based on margin but based on need. It will fund extra classroom teachers so primary school classes can break into smaller groups and practise reading, writing and maths. It will fund extra personalised assistance in literacy and numeracy for children who fall behind and it will pay our best teachers more to come and work in places like Blaxland. This is the real education revolution. This is the engine behind the My School website and inside the classrooms that we are building, putting money and resources where they are needed most and in the places that they are needed most. It is what we have to do if we are serious about making sure that postcodes do not determine opportunity, because they do at the moment.

Today unemployment in Blaxland is about 10 per cent—double the national average. Teenage full-time unemployment is a chronic 45.2 per cent. We are being hit hard by the global recession. That is why I ran a jobs expo in Bankstown 10 days ago. Six and a half thousand people turned up, 1,500 squeezed through the door in the first half-hour and 500 went home with a job. The important point here is that I asked employers that day why unemployment in Bankstown is so high, and they all said the same thing: the lack of literacy and numeracy skills. This is what entrenches social disadvantage and why this funding is so important. Will
it eliminate disadvantage? No, of course not, but it will change the lives of many children in Bankstown and Cabramatta and the suburbs in between. This would never have happened under the Liberal Party.

After two years, the most obvious achievement of the government has been stopping Australia going into recession. That has saved thousands of jobs. But perhaps in years to come the greatest legacy of these two years will be the investment we are now making in education, where it is needed most, and the difference it will make to the lives of so many. **(Time expired)**

**Greenway Electorate: Water**

*Mrs MARKUS* (Greenway) (4.25 pm)—I rise to bring to the attention of the House the significance of the Blue Mountains and Hawkesbury region. Residents and businesses, people who choose to live and/or work in this region, choose to do so because of its environment, because of the significance of the environment, because of the lifestyle. It is important to residents and those who work in this community that the environment and lifestyle that they enjoy is protected. The Hawkesbury-Nepean River runs through my community, along with numerous other rivers and streams that feed into it from the World Heritage listed Blue Mountains National Park. The coalition government has a strong record of protecting and promoting sustainable waterways, including those in the Blue Mountains and Hawkesbury regions, with up to $132.5 million worth committed in 2007 from the Australian Government Water Fund for a proposal that would have significantly improved the health of the Hawkesbury and Nepean rivers.

In my community there are many waterways and rivers of vital importance to the community, including the major Nepean and Hawkesbury rivers but also the Macdonald River, the Grose River, the Colo River and of course Wollemi Creek, which feed into them. Flowing down from the World Heritage listed Blue Mountains National Park, there are many other rivers of importance, such as the Coxs River, the Capertee River and Wolgan River, which should never be forgotten, to ensure they too remain sustainable and protected. Whilst Labor have been in government, there have been many offers to other states—for example, $1 billion to the Victorian government. However, we have seen little of this in the Hawkesbury-Nepean and Blue Mountains region.

The Hawkesbury-Nepean River system, which receives inflows from the Blue Mountains rivers, is Sydney’s food bowl and it needs assistance to improve the health of the river. Significant economic activity depends on the catchment. Agriculture in the region has an annual farm gate value of over $1 billion. Eggs, poultry, fresh vegetables, flowers and fruit are supplied to Sydney markets. The rivers also support oyster and prawn farming, extensive horse breeding and a turf industry. All rely on the health of the river. The Hawkesbury-Nepean is a catchment of national significance. It supplies 97 per cent of metropolitan Sydney’s potable water and supports the generation of 70 per cent of Sydney’s income.

The Rudd Labor government needs to acknowledge the commitment provided by the previous, coalition government and ensure that the health of the Hawkesbury-Nepean River is not forgotten. It is imperative that the Labor government consider all significant water systems and take action not only to protect the livelihood of those living in the Hawkesbury and Blue Mountains region but also to secure a sustainable future for our environment and water systems. I am also pleased today to confirm to the people of the Hawkesbury and Blue Mountains region that the coalition’s— **(Time expired)**

MAIN COMMITTEE
Corio Electorate: Building the Education Revolution Program

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (4.28 pm)—In my electorate there is a business called Ezyshades Australia. It is a Geelong based business that builds shade structures and awnings for both commercial and domestic use. The business started 10 years ago and by early 2009 was well established in Gregory Avenue, Newtown, and providing jobs for six people. But by then the global financial crisis had sapped consumer confidence. Businesses stopped spending and for Ezyshades the situation became desperate. Managing Director Sam Melia said that by April last year the phones had stopped ringing. The business went from receiving dozens of inquiries a day to just one or two. Mr Melia said that they could see that the business was in real trouble and they were looking at laying off staff. And then, around that time, the Rudd government’s economic stimulus package started to have an effect. It started to turn things around for Ezyshades—in particular, the spending in schools announced in Building the Education Revolution.

In my electorate of Corio, more than $102 million has been committed to school improvements through the BER funding. More than 60 building projects are underway, are about to be started or have almost finished. Building the Education Revolution funding gave many schools the means to create sun smart playground areas—shady, cool play spaces that keep children active but out of the midday sun. For Ezyshades it was the money spent on playground upgrades that made the difference. There was immediate demand for shade structures for schoolyards across Geelong, south-west Victoria and Melbourne. This has kept Ezyshades in work for the past nine months. It has provided a steady stream of work while confidence has returned to other sectors of the economy. It has safeguarded the jobs of six employees and created work for additional casual employees. Quite simply, Mr Melia says that the stimulus strategy saved his business—no question. He says, ‘Without the stimulus strategy, Ezyshades would not be operating today.’

In the midst of the malarky spread by the opposition, they would have us believe the stimulus spending was a wasteful exercise, but here is a clear example of how it has successfully saved and created regional jobs, not just the six or so jobs at this company. There are other spin-offs to consider, such as the suppliers, the engineering work and the specialist trades. Ezyshades has also been supplying awnings to a Bendigo business that has been installing shade structures in playgrounds in that city. This is just one example but it is not a one-off. Every electorate across Australia would have stories such as this.

This is an example of how federal government investment in infrastructure has given small businesses a boost when they needed it most. Small businesses are the engine room of the Australian economy. This is a great example of government policy keeping that engine turning and, in this case, just in the nick of time.

Deputy Clerk of the House of Representatives
McMillan Electorate: Bunyip Auditorium

Mr BROADBENT (McMillan) (4.31 pm)—The member for Corio should look closely at how much he is being ripped off by the Victorian state government with the whole stimulus package with regard to education. However, I would like to congratulate David Elder on his appointment to that most senior position. Such an appointment is a historic moment in the
history of the parliament, and I join with others in the parliament who have congratulated him in the other chamber.

On Sunday there was the magnificent opening of the beautiful Bunyip Auditorium. It is an absolutely fantastic and amazing facility. The local community supplied $1.25 million, the federal government supplied $400,000 and the state supplied $500,000 out of the Community Support Fund. But who opened it? The state minister. I go back to when Kel Anderson, former Mayor and councillor of the area and a great stalwart for Bunyip, dreamed of having a building like this. I remember Peter Knights and Michael Tuck playing in the old tin shed at Bunyip. The basketball court had one foot between the line on the side and the actual wall. But that is where they played; that is where they had all their activity. Importantly, the people like Kel Anderson, Kath Helvie, Bill Pearson and Max Padley, a former league footballer who lives in that area, had a dream. But I reckon they never would have dreamed that such a facility—which we would not have minded the minister being at to open—would be built at Bunyip. They have done a magnificent job.

There was a prostitution though of the protocol. If the local people supply $1.25 million through their council, through their endeavours, through their local banks and through their fundraising, how is it then that the federal and state governments come in, put their hand up and say: ‘Look at us. Look at us. Look at me. Look at me. How wonderful are we?’ They put in $400,000 and $500,000, which is not their money. All the local money was people’s hard-earned dollars, out of their rates and out of their community commitment to this magnificent building. I am one and I have had enough.

I was annoyed with our governments on Sunday because they did not stand up and acknowledge properly the local people for their input. It is time we had a bit of integrity about it ourselves, about what we claim to be the heroes of. The Minister for Community Development, Lily D’Ambrosio—and she is a fine lady I know—came. The state or federal government should not come in and claim the applause for what the local people have done. Enough is enough. All cheers to Bill Pearson for the magnificent job he did on Sunday and the magnificent job he did at putting that building together.

Adelaide Electorate: Timothy Braund

Ms KATE ELLIS (Adelaide—Minister for Early Childhood Education, Childcare and Youth and Minister for Sport) (4.34 pm)—I rise today to acknowledge and celebrate the achievements of a remarkable young man who resides in Wayville, in the electorate of Adelaide. At the young age of 17, Mr Timothy Braund has an impressive list of achievements that would rival a lifetime of achievements by many other Australians. Like Timothy, there are many young people who make a significant contribution to the community both in my electorate and right around Australia. These contributions from young people often go without the recognition they deserve. I am pleased to highlight just one of the very many examples of young people who are out there making a fantastic contribution to Australia each and every day.

Timothy Braund has devoted all of his spare time to undertaking voluntary work in the local community by promoting, informing and contributing to youth programs through various local councils in the electorate of Adelaide. His involvement in the City of Burnside’s Battle of the Bands for 2009 contributed to this event being regarded as the youth event of the year in South Australia. A particular passion of Timothy’s is also the need for greater support for
those who are vulnerable and disenfranchised in the community. It has been this passion which has encouraged him to dedicate his time and effort to working with the Mental Illness Fellowship of South Australia. This passion has also led to him being asked to present an education program in local high schools to de-stigmatise mental health issues amongst young people, which is something that I think many young people would benefit from.

Timothy has put endless hours into raising awareness of the plight of marginalised groups, with an emphasis on the disadvantaged. He has also completed the youth mental health first aid course and certification in child safe environments and reporting child abuse and neglect in the interest of further supporting the needs of young people. Not only has Timothy put others first in supporting fellow young people in his community but he is also passionate about protecting the rights and freedoms of all Australians, which is what motivated Timothy to become an Air Force cadet, stationed at the Keswick Barracks. Timothy was promoted to leading cadet in 2009. His persistence in the face of adversity is all the more moving, given his own hearing disability, which, whilst providing challenges, has not stopped him from helping others.

After this litany of remarkable achievements, it is not surprising that Timothy is the Young Australian Citizen of the Year for the City of Unley in 2010 and the Young Citizen of the Year for South Australia this year. To top it all off, he has been nominated for the Channel 9 Adelaide Airport Community Leadership Award and the RAA Driving Force Leadership Award. These nominations are fitting acknowledgments of the selfless work that Timothy does. I congratulate him on all of his achievements and wish him well in the future. (Time expired)

Gippsland Electorate: Bushfire

Mr CHESTER (Gippsland) (4.37 pm)—I rise to pay tribute to the people of Gippsland, who have rallied to show their support for Black Saturday bushfire victims and their families on the occasion of the one-year anniversary of the tragedy. The recovery of my community has been nothing short of heroic over the past 12 months and there are many positive stories to tell. I stress that there is still a long way to go and governments will need to support the community in the years ahead, but the 12-month anniversary provides several examples of the community remaining united and determined to move forward.

As Victorians gathered to reflect on the tragedy, there were three events in Gippsland which stood out for me. The most public event was the ecumenical service attended by several hundred people at the Monash University auditorium in Churchill. In gathering to pay tribute to the 11 victims, the community sent a message to their families and their friends that they will be here to support them for the long haul of recovery that lies ahead. Those who perished on Black Saturday in Gippsland were Alan and Miros Jacobs and their son, Luke; Martin Schultz; Colin and David Gibson; Trudy Martin; Annette Leatham; Fred and Scott Frendo; and Nathan Charles. The service was primarily organised by the Latrobe City Council to recognise those individuals and it struck the right chord with the community. It was reflective and respectful of the deceased but filled with hope for the future.

The resilience of our community has certainly been tested, but we have risen from the ashes. It is on that theme that I pay tribute also to the Traralgon South community, particularly the local CFA members, for their efforts in establishing a permanent memorial for bushfire victims and their families. The ‘Phoenix Rising from the Ashes’ sculpture was unveiled on 7 February before a crowd of about 100 local residents. It is always risky to single out individu-
als for praise, but it was an outstanding community effort to establish this memorial. I do admire the efforts of Benn Frederiksen, who designed the phoenix, and Wayne Simmons, who got the job of installation and presentation of the finished product. It is a magnificent reminder of the tragedy and the hardships that have been endured, but it also fills your heart with hope and promise for the future.

There is one other event that I would like to mention. Six students from the Traralgon Secondary College decided that they wanted to do something themselves to honour the bushfire victims. The students attended the Snowy River Campus of the School for Student Leadership in the aftermath of the bushfires last year. During their nine-week stay at the Marlo school, the students were required to develop what is called a community leadership program. That involves taking back something that they have learnt from the school camp and making a contribution within their own community.

On Saturday, I helped to unveil the memorial garden that the students have created at Traralgon South under their community leadership program. At a time when young people receive a lot of negative press, it was a pleasure to be on hand with the students to congratulate them, their families, their friends and the local businesses which contributed by sponsoring the garden’s development. I would like to publicly congratulate Abigail Livingstone, Grace McLachlan, Hayley Batchelor, Ben Wass, Ema Rasmussen and Ashley Chappel for their outstanding efforts on behalf of their community. They had the empathy, the respect and the compassion to want to do something to support our bushfire affected communities. They had the energy and the enthusiasm to pursue their project, and they had the determination and the resilience to actually finish the project. I congratulate all the students for demonstrating the type of leadership we want to instil in young people right across Australia.

Deputy Clerk of the House of Representatives

Mr SIDEBOTTOM (Braddon) (4.40 pm)—Congratulations to David Elder on his appointment as Deputy Clerk of the House. I have worked with David over a number of years and really value his advice. I congratulate him very much.

I want to talk about pyrethrum and, whilst I am talking about pyrethrum, I would like to talk about Botanical Resources Australia, which is a major manufacturer of pyrethrum extraction oil and pellets in my electorate, based at Ulverstone. Madam Deputy Speaker, I do not know whether you know that pyrethrum is the most widely used botanical or natural insecticide in the world. It is now the insecticide of choice for the environmentally conscious 21st century. Indeed, it was first recorded as a natural insecticide in the Zhou dynasty, some 2,000 years ago.

Forty per cent of the world’s pyrethrum supply is grown in Tasmania, with a harvest area which has increased from 1,000 hectares in 2007 to 2,000 hectares in 2010. If the expansion plans for Botanical Resources Australia go ahead—and I am fairly confident that they will, after visiting them last week—they hope to have something like 4,000 hectares under cultivation by 2013. Last week I was hosted by Matt Greenhill and Brian Chung at the manufacturing centre in Ulverstone, which is in the Forth Valley, not far from my village of Forth, a beautiful area. They are looking to expand particularly the extraction side of their business as it becomes and continues to be enhanced as a world leader in the production of pyrethrum.
BRA, or Botanical Resources Australia, harvest some 8,000 tonnes of pyrethrum flowers in an average year. Pyrethrum is a natural insecticide extracted from the white pyrethrum daisy, which is a member of the chrysanthemum family. Pyrethrum is produced by the plant as its own protection against insect attack and is contained in millions of small oil glands in the outside of the seed coat in the flower’s head. Importantly, pyrethrum is very different from many synthetic insecticides in that, particularly, it is photosensitive—that is, it will break down in UV light into harmless substances.

I congratulate Botanical Resources Australia and thank them very much for hosting me. I look forward to the expansion of their business and thank them very much for the employment opportunities they offer to so many people in my region and in Tasmania as a whole. *(Time expired)*

**The DEPUTY SPEAKER (Ms AE Burke)—**In accordance with the resolution agreed to in the House previously, the time for members’ constituency statements has concluded.

**APPROPRIATION BILL (No. 3) 2009-2010**

Cognate bill:

**APPROPRIATION BILL (No. 4) 2009-2010**

Second Reading

Debate resumed from 11 February, on motion by **Dr Emerson**:

That this bill be now read a second time.

**Mr LAURIE FERGUSON** (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) *(4.44 pm)*—On the last occasion of the debate on Appropriation Bill (No. 3) 2009-2010 and the cognate bill I referred to the confusion of the shadow finance spokesperson regarding millions, trillions and billions, but it has not stopped there. He has thought out loud that he might vote with the government with regard to private health insurance. But I am more concerned about the recent comments he made regarding foreign aid, where he criticised the government for allocating money towards offsetting global food prices, basically using the usual pathetic line: ‘Look after people at home.’

As Damien Kingsbury noted in the *Age*, the biggest food and health problem in this country is overeating. Unfortunately, Senator Joyce’s comments were not too timely. They came soon after events in Haiti and in the context of recent events in the Sudan, which culminated over the last year in the forced movement of 350,000 people and massive international appeals by Oxfam, which led to the British government, as part of its aid program, in the past month allocating $70 million in an aid package. Most of that money, $58 million, is to be used by UN agencies and NGOs to provide emergency water, sanitation, health care and shelter in the Sudan. The comments also came at a time when figures came out of India and the United States regarding the major contribution from the food sector to current inflationary pressures. For whatever reason, whether it is because of the way in which crops are now being used for biofuel, whether it is because of the purchase by India, China and other countries of huge tracts of land in Africa and other parts of the world that are too impoverished for their own food production or whether it is because of the ascent in fuel prices, they are major factors in food price movements and of course combined will, in a massive way, hurt people in the underdeveloped world, through malnutrition and the general standard of living. So his comments attacking assistance to avoid massive food price increases were very untimely, very inhumane.
but, unfortunately, typical of some loud thinking that the opposition leader had to slap down a few days later. It might actually be the thought within the opposition, but, of course, the Leader of the Opposition had to publicly move against him.

Regarding the budget and appropriations, I want to turn to another subject. In an otherwise impressive contribution, the member for Bradfield used part of his maiden speech in this parliament to put up an image of huge attacks on local government in northern Sydney and, more particularly, in his electorate. He said that the state government essentially was moving to bring in draconian legislation and that the increased controls over local government planning in Sydney were the worst thing since the reign of terror after the French Revolution or Nazi Germany. The state government in New South Wales is doing something about public housing; it is overdue and extremely necessary. The reality is that the federal government has put significant requirements upon the New South Wales government with regard to social housing. I note that in NCOSS News some of the restrictions that have been placed on the state government with regard to public housing—and, I should say, very necessary public housing—including the fact that 75 per cent of the projects must be completed by December, at least 50 per cent of the new dwellings are to be provided to homeless Australians or those at risk of such and a significant proportion of new housing is to be transferred to community housing providers. That overall program of $1.76 billion is, as I said, very necessary.

In Sydney we are seeing a wider problem—that is, the western, the south-western and the far western suburbs of Sydney are being asked to carry the full burden of density increases in our state. Some councils are cooperative with community responsibility, cooperative with the needs of the city in the long term, cooperative with the growing population of the city, while other councils, usually in very leafy suburbs, usually in suburbs with high-income workers, are essentially saying to the rest of the city, ‘Get stuffed.’ I, for one, strongly support the intervention by the federal government to ensure some equity in this matter. State opposition members in New South Wales are conducting a relentless campaign against public housing throughout the city. I live in an area that, in the 1960s, was essentially made up of public housing. Obviously, the nature of the tenants at that stage was very different from what it is today. We spent so much money on public housing at that stage that people who were low-income workers actually got into commission houses. But these days it is basically people on social welfare, people with very clear problems, single parents, disabled people and people with addictions. We have seen a campaign by opposition members in New South Wales of denigration, of attack, of marginalisation in opposing public housing ventures.

The reality is that, whilst it is easy to go to people in a street or a suburb and say, ‘Your house price is going to be repressed by these people living near you,’ if we are really talking about responsibility and countering social problems the worst thing that we can do is say that in large parts of Sydney there cannot be public housing, that it is not allowed, and basically push people into huge reservoirs that feed off each other’s social problems and poverty. That is the solution that the opposition are basically moving towards. They use the simplistic and materialistic pressure, which people will often find very appealing, of saying, ‘We won’t have higher densities of housing. Auburn, Granville, Parramatta, Penrith, Campbelltown and Liverpool should be basically forced to take 15- or 20-storey high buildings whilst these other councils, particularly in the northern suburbs, basically don’t pull their weight.’
However, the truth is that the measures are not as draconian as they speculate. In reality, whilst the chief executive of Housing New South Wales will have the ultimate say in these projects, local councils will have to be consulted as to immediate neighbours and be provided with the designs of these projects within 21 days. What we are seeing here is a very unfortunate campaign. It is against the public interest. It is a recipe, as I say, for reservations of poverty. It is a recipe for social problems. It is a recipe for increased incarceration of people from these areas. Basically, the opposition position is totally irresponsible.

Mr BRUCE SCOTT (Maranoa) (4.51 pm)—This afternoon I rise to speak on the Appropriation Bill (No. 3) 2009-2010 and cognate bill, and I am forced to speak on the Carbon Pollution Reduction Scheme Bill 2010 that the government brought before the House without notice. The manager of government business came into the House and guillotined a very important debate for both sides of the House. I have to speak in this place for those people who have no voice. I want to use this opportunity of the debate on the appropriation bills to talk about the Carbon Pollution Reduction Scheme Bill as it was brought forward by the Labor government. The member for Gippsland and I are wondering right now where it has gone since we were here last. Where has it gone? Has it disappear into the ether or is it really going to come forward again in the upper house?

It was last year that my inbox, along with the inboxes of many of my coalition colleagues, was literally inundated with thousands and thousands of emails calling on me, as the member for Maranoa, and many of us in the opposition to stand up to the Labor government in relation to their plan to put a new tax on everything. That was meant to be the solution to carbon pollution and emissions as they saw it. As they saw it, that would help reduce the temperature of the planet. But it was nothing more, as the Australian public rightly knew, than a great big new tax. It would have hit families and households. It would have hit family budgets. Of course, we all know that it would have done very little, if anything, for the global environment. We told the Australian people the truth: it was a tax that would be imposed by the government, managed by an international finance and trading system and would have little significance in reducing carbon emissions.

Our Prime Minister, the people’s prime minister, who was elected at the last federal election, planned before parliament rose at the end of last year to ram through this Labor legislation so that he could take it to Copenhagen. He was so desperate to have this piece of paper in his hand to wave around when he arrived in Copenhagen, Denmark. He was going to be a world leader and he was going to negotiate for the world to follow him and the model that he had got through the Australian parliament and which would now be law.

But thankfully the coalition and the crossbench senators prevented the Prime Minister from doing just that. And of course we all know what the outcome of Copenhagen was: pretty much nothing. It was a great big talkfest costing millions and millions of dollars of Australian taxpayers’ money. Were we surprised on this side of the House? No, we were not, because we had a Prime Minister and a Labor government that would not listen to the voice of the people or to rational debate.

The Prime Minister was also hell-bent on impressing the President of the United States. He really gave no consideration to Australian families or Australian businesses. He was far more interested in impressing the global leaders and the President of the United States and in stepping onto the world stage. He was not worried about families out there struggling with a
mortgage and high grocery prices. He wanted to be on the global stage with a piece of legislation that had passed—thankfully, it did not pass—both houses and had become law. He was willing to sacrifice jobs and he was also willing to allow families to be hit with an increase of up to 25 per cent in household electricity bills.

The Prime Minister was willing for mining jobs in Central Queensland to be lost, because that is the net effect of what would have happened. He was also willing for dairy farmers in the southern downs in my electorate of Maranoa to be hit with the extra costs—and these are figures by ABARE; they are not figures by the coalition or another independent think tank. As the member for Gippsland would also be aware, if the ETS had passed it would have hit dairy farmers, based on ABARE figures, with an additional $9,000 cost per dairy farmer.

Mr Chester—No compensation.

Mr BRUCE SCOTT—And with no compensation and no capacity for the dairy farmer to pass it on because they are at the end of the line. They are at the primary stage of production. Dairy farmers, like so many farmers in Australia, buy everything retail and sell everything wholesale. So this would have been just another impost on the costs of production. Of course, the ETS was just another way for this government to raise revenue to compensate for its mis-management of our economy.

What I find most concerning is that we have a Prime Minister who gazes across the seas for clues on how to govern our nation. He does not look inward across our nation. He does not take his cue from the people he is meant to lead—the Australian people. It is no wonder that Australians are angry and that we are seeing that anger being reflected in the polls. We have a Prime Minister who was voted into government by the people who thought that he would have had their best interests at heart, yet he is still prepared to sacrifice 126,000 jobs in regional Australia for his giant new tax, a tax which would have done very little for the environment here in Australia or around the world. That was the net result: 126,000 jobs lost in regional Australia—in seats like Gippsland, Riverina, Farrer, Indi, Murray and my own electorate of Maranoa. And these were figures from Treasury! They were the sorts of numbers of jobs that would have been lost. Of course, as the member for Gippsland knows, with every job there is a family. There is a family to feed. There are children. But that would have been the net number of jobs, based on figures from Treasury, that regional Australia alone would have lost as a result of this great big new tax.

We can talk a lot about the impact on businesses but I just want to focus a little longer on households and how they would have been worse off. Households would have been worse off because there was not going to be compensation for every household for the increased costs of living. For the increased cost of electricity—which was well documented, I might say, by the government—that would have affected every household. Some would have received some compensation, but what about the aged-care facilities, as the member for Gippsland would know? Would they have been compensated for the increased cost of living that would have been an impost on the aged-care facilities which care for some of the most vulnerable in our community and which do a magnificent job? Their costs would have risen without an offset in compensation and without an increased payment for their recurrent funding.

There are some 900,000 small businesses in Australia. There has never been any mention of how small businesses would be compensated. Small businesses, not multinational businesses, are the engine room of our economy. We all have small businesses in our electorates.
They are in the suburbs, in the cities and out in the country. There is no compensation for small businesses to pay for the increased cost of electricity for everything they produce.

The Prime Minister himself has admitted that in the first two years of the ETS there would be a 19 per cent increase in the cost of electricity. Some 19,000 jobs would be lost in the mining industry alone in the next 10 years and 45,000 jobs would be lost in the energy-intensive industries. Queensland, with its coal industry, is an energy state. In my electorate of Maranoa we have the Surat Basin. To the north, the electorates of Flynn, Capricornia and Dawson would all be affected by the emissions trading scheme put forward by the Labor government. Thankfully, the scheme has been defeated in the upper house—twice. Unfortunately, in the lower house the opposition cannot muster the numbers or get those on the other side with any courage to come across and vote with the opposition. The member for Flynn, a representative from the Labor Party, has a large proportion of the Bowen Basin in his seat and jobs that are dependent on the coal industry. And what about the member for Dawson? Where has he been? Dawson has a coal export terminal with a massive number of jobs. Often the workers who live there fly in and out to jobs west of Mackay. It is the same in Gladstone, Emerald, Blackwater Bluff, Tjuringa, Capella, Tieri and Middlemount. All those towns are very much dependent on the viability of the coal industry.

But where is the member for Dawson? Where is the member for Capricornia? Where is the member for Flynn? Do they have the courage to come across to our side of the House and say: ‘Prime Minister, we think we’ve got this wrong. We’d better vote for the people we represent in this place. We want to represent the working families who’d be affected by the ETS.’ No, they blindly follow the Prime Minister. I know that at the next federal election, which is coming up sometime this year, those working families will be able to make judgments on those from the other side of the House who do not have the courage to stand up for the jobs and families that will be affected if the Senate ever passes this flawed legislation, which is nothing more than the introduction of a great big new tax on everything.

As I said earlier, the ETS would not only cost jobs; it would also cost families. Labor’s ETS would cost Australian families something like $120 billion over the next 10 years. I spoke a moment ago about compensation, but it would have been dependent on the government legislating to bring forward that compensation. We have seen how this government sometimes handles those issues when it comes to the delivery of a promise being converted into legislation and law. Families have no guarantee that they are going to be compensated adequately. They are relying on a Prime Minister and a government which says one thing prior to an election but delivers something else after the election.

Mr Deputy Speaker Schultz, I, like you, represent a regional seat. I know that the emissions trading scheme proposed by this Labor government would have had a huge and negative impact on my electorate of Maranoa. I have almost the entire Surat coal basin in my electorate. Xstrata are proposing new coal mines for the Wandoan area, which is almost in my electorate, and within the next three to four years they plan, obviously if a coalition government—which will not bring in the great big new tax that the Labor Party is proposing—is elected to export 30 million tonnes of coal from their Wandoan coal leases. Then there is coal seam methane gas. British Gas, Arrow Energy, Queensland Gas Co., Origin Energy and Santos are all energy companies that are tapping into the coal seam to extract the coal seam methane gas and they
will be sending that to Gladstone to convert into liquefied natural gas for export to markets overseas.

When they are competing for the same market with countries which do not have the threat of a great big new tax overhanging their production and the cost structures of their industries, we have to ask ourselves whether this will ever be a viable proposition. Something like 15,000 jobs are going to be generated by the coal seam methane industry in Maranoa during both the construction phase and the ongoing production of LNG out of Gladstone. Gladstone is of course in the seat of Flynn. More jobs have been put at risk by the member for Flynn. He did not have the courage to come to this side of the House and stick up for the potential jobs that would have delivered wealth to Gladstone and the working families who live there.

There is also the Galilee Basin, which is east of Barcaldine and out near Jericho and is in fact a larger resource than the Surat coal basin. Two major companies are looking at the development of that—Gina Rinehart, from Western Australia, with one lease and Clive Palmer with his leases. Once again, there are more jobs, but jobs will be at risk if there is a great big new tax impacting on the coal industry and the viability of those leases, which are some 500 kilometres from the port at Mackay. When you have to carry coal that distance every kilometre adds another cost and you have to compete with other countries that do not have that huge transport component. These mines, and these jobs, may never be developed if this government is ever able to pass this flawed legislation and introduce a great big new tax that would impact on the viability of potential mines like those in the Galilee Basin or the Surat coal basin.

But this is not just about local jobs; it is about wealth for the nation. When people have jobs they pay income tax, so the Commonwealth also benefits and the economy grows. But, as we know, this government really has no idea about managing the economy let alone understanding of how their great big new tax would impact on the mining sector and on my electorate of Maranoa. Maranoa is not only a huge agriculturally based economy but a growing base for the production of energy from coal and for the production of alternative and renewable energy. Right out in the west of my electorate is the Cooper Basin, a huge resource in a very remote part of Australia. It feeds into the Moomba oil and gas fields, which pump gas into Adelaide, Sydney, Melbourne and Mount Isa. Not once did we hear any concern from the Labor Party about those resources, which are so essential to driving the energy needs of our major capital cities, and the costs that would be imposed on the production of the gas and oil wells in the outback of my electorate.

But thankfully there is the opposition—the Liberal and National parties and the crossbench senators as well. We have given the people of Australia a very clear choice. We have a direct action plan that will put a carrot out there to encourage energy companies to put in technology that will reduce their carbon emissions. But we do not have a stick and we do not have a great big new tax. One of those energy companies in my electorate is the Tarong Power Station. Already they are looking at how they can utilise algal research—new technology that would be able to capture carbon at the point of burning it and convert it, through synthesis and other processes, into algal oil and protein meal. So companies are looking for ways to deal with carbon, but what we have is a great carrot to encourage companies or businesses to apply for money in a competitive process to allow them to reduce their carbon footprint. That would become a credit in terms of carbon accounting here in Australia. The company will invest in
the new technologies. They will have a carrot in the form of some grant money from the Commonwealth government.

The alternative is quite clear. We heard from the Labor Party throughout last year and again when we were denied the opportunity to speak in the House. The Leader of the House used the guillotine and denied opposition members their right to speak when the bill was before the House of Representatives. Our direct action plan is something that I believe all Australians understand. It is simple. It is not a great big tax. It is a carrot. It is encouraging new technology and it will not hurt families. It will be good for Australia and I put to the Main Committee this afternoon that this is an alternative to Labor’s great big new tax. *(Time expired)*

**Ms VAMVAKINOU** (Calwell) *(5.11 pm)*—It is always a pleasure to follow the member for Maranoa. I rise today to speak on Appropriation Bill (No. 3) 2009-2010 and Appropriation Bill (No. 4) 2009-2010 and to congratulate the government on its ongoing commitment to assuring Australia’s immediate economic wellbeing while at the same time building for our country’s domestic and international future. That is very important. While I respect the fact that the honourable member for Maranoa has a view about the government, the reality is that people in the electorate—and no doubt in his electorate, as in my electorate—are very concerned about the economic stability and the economic future of this country, because an economic future that is bleak or that runs the risk of going the way that a lot of other economies in the Western world appear to be going would be detrimental to the daily lives of all Australians, in particular my constituents and, I am sure, the member’s constituents as well. That is why I am very pleased to be speaking to appropriation bills Nos 3 and 4.

As I have said, we are all aware that the recent period of global economic meltdown has affected all major economies. Despite the instability and uncertainty, whichever way you want to cut it the reality is that Australia has come out of this period in a very strong position. That cannot be denied under any circumstances. However, while we are in a strong position, we are not in the clear yet. That is also a truth. The people in my electorate are relieved that their jobs and their homes have weathered the economic storm that has brought near disaster to countries around the world.

We will all be aware of the great difficulties that my place of birth, Greece, finds itself in. I think most of us are reading on a daily basis of the trouble that the Greek economy is in, and not only the Greek economy but also other economies in Europe—the Spanish, the Portuguese, the Irish and the Italian. We almost have to hold our collective breath knowing that, if something is not done to assist those economies, further financial problems are afoot. Not only would that affect the Europeans but it could have an impact on the rest of the world. I think that my constituents see that and are relieved that the Australian economy has managed to pull through in relatively good stead, and of course that has an immediate impact on their daily lives.

This round of appropriations that I am speaking to today continues that trend of sensible, confident and far-sighted financial management that this government has put in place, and that is probably the best way to describe it. Our attitude and our management of the economy have been sensible, confident and very far-sighted. These bills seek to appropriate authority from the parliament for additional expenditure of money from the Consolidated Revenue Fund in order to meet requirements that have arisen since the last budget. The total additional appropriation being sought through these bills is over $2 billion. Today I want to take the time
to focus on a number of elements of this round of appropriations that I feel deserve praise because they have an immediate impact not only on the country nationally but also on my electorate.

I recognise and welcome the fact that this round will be directed towards our important nation-building agenda and will continue the practical measures that this government has committed to in order to ensure we can all take practical action to reduce our collective and individual impact on the environment. Importantly for my electorate of Calwell, in speaking to this round of appropriations I am afforded the opportunity to recognise how the national agenda has very real and very positive local outcomes. My electorate is located, as I have said many times before, in Melbourne’s north and has a substantial manufacturing sector. Many of the people of Calwell are from low-income households and are extremely vulnerable to the uncertainties of the market. Of course I watched with concern, as they did, as a number of factories and businesses closed in the face of the global financial crisis.

As the threat of a global financial crisis reared, we all watched trade exposed companies who had to turn long-term employees out off their jobs. While the Rudd government stemmed that tide with its economic stimulus package, the impact of the slowdown on some of our trading partners is still being felt, and I referred to some of those at the beginning of my speech. That is why I want to welcome the $40 million in additional funding for the General Employee Entitlements and Redundancy Scheme, or the GEERS program, as it is known. As a government we have responsibility at a national level to do the best we can to help businesses and companies grow, but sometimes the best endeavours of local industry may succumb to international commercial pressures. Government has a responsibility to support vulnerable workers when this situation arises. In appropriating this funding for GEERS, the Rudd government is displaying its capacity to balance macroeconomic management with compassion and consideration for working Australians.

I also welcome the $45.2 million appropriation to fund the government’s response to the H1N1 influenza virus. Calwell, I am proud to say, is home to the Commonwealth Serum Laboratories, Australia’s leading biopharmaceutical company. CSL is the only commercial manufacturer of influenza vaccines in the Southern Hemisphere and has been contracted by the government, as we all know, to supply 21 million doses of the H1N1 vaccine. CSL employs over 1,600 people across its Broadmeadows and Parkville sites. CSL is one of the companies that is keeping Australia at the international forefront of research and development. This appropriation is complemented by $26 million to purchase the H1N1 influenza vaccine and support the associated clinical trials.

As Chair of the Parliamentary Standing Committee on Industry, Science and Innovation, I am particularly aware of the necessity for the government to remain focused on research, development and innovation. This is important for the development of our innovation capacity, but it is also important because Australia’s medical research sector leads the way in important medical research. And, of course, that important medical research that we led the way in also leads in the end to life-saving treatments and vaccines. The H1N1 vaccine is very much a case where Australia is at the forefront of its development. As proof of how highly regarded Australia is internationally for its scientific and medical advances, I can give an example from when I was in Greece last July while that country was coming to terms with the first of its
swine flu cases. Like a lot of other countries it was not prepared for the onslaught of swine flu or H1N1.

I was interested because, in the few days I was there, it was in fact to Australia that the Greek media and even the Greek politicians continuously referred when talking about the development of a vaccine. It makes you stop and realise just how highly regarded we are. Not only are we highly regarded internationally but we are also relied upon, and of course we want to be able to develop that capacity. We are proud of that, we want to develop it and we want to be out there at the cutting edge where we have been on many occasions. In order to do that, governments have to be serious about funding and providing money for research and development. This government does that and it does it as part of a central theme of its agenda as a government.

Speaking on the H1N1 virus—because I have spoken to a lot of my constituents, as I am sure a lot of other members have also—I want to take the opportunity to raise some concerns about the general public’s attitude towards the H1N1 virus and in particular their attitude towards the vaccine. As I said, I do not have the figures for how many people have been vaccinated, but I get the feeling just from talking to people that not as many as we would have expected have actually taken up the opportunity to get themselves vaccinated. In speaking to many of my constituents, I get the sense there is a bit of complacency around. A lot of people feel that the virus is not as deadly as was initially thought. So I want to take this opportunity to remind the House that vaccination generally, let alone the H1N1 vaccination, is a significant factor in protecting our community from viruses that have a history of killing people. Medical and scientific research has benefited our community. In Australia in particular, our medical and scientific integrity is second to none. We should be proud of our doctors and scientists and we have every reason to be confident in their work. So I want to say to people out there who might feel a little apprehensive about it that being vaccinated in Australia is as good as they are ever going to get anywhere in terms of the confidence we can have in our medical and scientific research.

That is why I want to support the Minister for Health and Ageing, the Hon. Nicola Roxon, and support her call for a vaccination against the pandemic flu. It is important to remember that those amongst us who are most vulnerable need to be vaccinated and the most vulnerable are children. In the case of H1N1, the vulnerable are also the elderly, pregnant women and people who are in contact with the general public on a day-to-day basis. Receiving the backing of the Australian Medical Association, the minister’s call serves to demonstrate that the government is willing to show leadership on an issue no less important than the health and wellbeing of all Australians. This is a government that is not willing to take the risk of Australians dying unnecessarily of infectious diseases as a result of not having made the vaccine available. This is a government which has taken all necessary steps by way of prevention to ensure that we are spared the pressures of a pandemic flu on our public health system.

Australians have to be aware that the precautionary measures taken by the government reflect the reality of the pandemic flu. With 37,196 cases verified and 5,000 people hospitalised, the Australian newspaper reported last month that Westmead Hospital in New South Wales had to cancel elective surgery for several weeks in response to the H1N1 virus. It is important to note that one-third of all people in intensive care with the virus were from at-risk groups. It
is really incumbent upon all of us not to be complacent about this issue and to not assume there is nothing to worry about.

Appropriation Bill (No. 4) 2009-10 proposes an additional appropriation of $12 million for the Department of Infrastructure, Transport, Regional Development and Local Government. This amount will go towards the establishment of a local government reform fund to help councils manage their infrastructure and to plan for their future needs. It will also provide funding under the Regional And Local Community Infrastructure Program to support investment in community infrastructure for very important things such as libraries, community centres, sportsgrounds and environmental infrastructure.

I would like to report that in December last year—in fact, on 16 December—I was very, very pleased to officiate on behalf of the minister for infrastructure in the sod turning for the Craigieburn Library and Learning Centre in my electorate. I cannot overstate the value of this facility to my community. I have spoken before about the dynamic role played in my community by the existing Hume Global Learning Centre based in Broadmeadows; in fact, this is Broadmeadows’s first ever library. So we are very proud of it, but we are proud of it because it is an extraordinary state-of-the-art facility. The new facility in Craigieburn, just up the road from Broadmeadows—a high-growth corridor with lots of young families, where infrastructure is struggling to keep up with the number of people moving into the electorate and into Craigieburn—will extend the valuable cultural, educational and social networks of the Hume Global Learning Centre to that growth corridor.

Facilities such as these in my electorate, including the learning centre, community sporting facilities, parks and halls, have been supported all over the nation through the government’s Regional and Local Community Infrastructure Fund. I cannot overstate the value of that fund to the broader community at a local level. It is these small and not-so-small projects that make a genuine difference to the lives of local residents. All you have to do is ask a community that has outgrown a cramped and outdated library, as is the case in Craigieburn. Quaint as the old library might be, as nostalgic as we all were over more or less waving it goodbye, you cannot understand the stress that is placed on a community by cramped and outdated facilities. We also cannot underestimate the impact of old netball courts or the lack of available netball courts for young women who love to play netball. Netball is a very popular sport amongst young women, certainly in my electorate. In Craigieburn, which is very much a sporting community, netball and other sports are very popular. Of course, in order to play them effectively, you have to have the right facilities.

So the federal government is supporting local government in providing these basic but vital facilities through its nation building. I am very pleased that my electorate is a recipient of this kind of support. Community infrastructure, we all know, is very much reliant on strong and vibrant local government that works effectively in partnership with the federal government, as is the case now. This is a very important appropriation for my community.

Last Wednesday—unfortunately, I was here, so I could not attend—marked the official opening of the Broadmeadows Primary School and early years centre, and the Hume Central Secondary College in my electorate, in Broadmeadows. Both schools were opened by the Premier of Victoria, John Brumby, and the Minister for Education, Bronwyn Pike. Today I would like to note the great achievement represented by these schools. They are fantastic new buildings that are a real credit to the innovative thinking and sheer hard work of the school
community—the students, teachers and parents and of course, most of all, the school community leaders. I appreciate the enormous amount of work and foresight that was put into the planning and design of the new school as well as the complex processes of consultation and negotiation. This was all a result of a significant state government investment in local schools of about $30 million, which is complemented by the federal government’s $142 million investment in Building the Education Revolution in my electorate.

So a significant amount of money has gone into Calwell, into building our schools, and in this case the beneficiaries have been many of our public primary and secondary schools. I know that in my electorate over the next five years a transformation of our entire school system will take place, and that can only be to the benefit of the young people who study there.

The federal government has also invested over $142 million in my electorate, with over $125 million of that money spent on 116 projects in 58 schools as part of Building the Education Revolution. The federal government has been pleased to work with schools within my electorate through projects such as the Smarter Schools National Partnerships initiative and the National School Pride Program. These appropriation bills and the overall government stimulus package have provided significant money to my electorate. We can now look forward to a future in which the local education sector will be strengthened, in particular in our local public schools, which, of course, is crucial to the future hopes and aspirations of our local young people. We can also look to a future where our local jobs are secured through the government’s industry packages and where the everyday lives of my constituents continue to be strongly supported by the Rudd Labor government acting in the national interest at a very local level.

Mrs Vale (Hughes) (5.31 pm)—I rise to speak on Appropriation Bill (No. 3) 2009-2010 and Appropriation Bill (No. 4) 2009-2010. I also welcome this opportunity to address the parliament through this Main Committee regarding my concerns about the Rudd government’s emissions trading scheme legislation which passed through the House two weeks ago and is now before the Senate. On that occasion I was unable to join in the debate because the debate was gagged. I do welcome this opportunity to express my concerns and share them with my constituents. That legislation was entitled the Carbon Pollution Reduction Scheme, and as the debate was gagged before I was able to speak, this opportunity is important to me and my constituents because not only will it impose a higher tax on the people and the families of Australia, particularly the families in my electorate of Hughes, but also because I am very concerned that the very basis of this legislation—the global climate model managed by the CSIRO and the Bureau of Meteorology—has now been shown to be structurally unsound.

I spoke on the Carbon Pollution Reduction Scheme legislation late last year and I refer my constituents and other interested persons to my speech on 28 October, which is located on my website, www.dannavale.com. In that speech I said that this legislation was a fraud upon the people of Australia and that I was utterly opposed to it. Since then this legislation has also been seen for what it really is: it is a contrived piece of wedge politics by a self-serving, morally bankrupt Rudd Labor government. The people of Australia have shown that they are sick of such selfish, political manoeuvring, and on their behalf I invite the Rudd Labor government to get serious instead of tricky spin politics. Specifically, it is high time that the Rudd government began to deal with the hard evidence-based scientific facts that are already before
them. I specifically refer to two very important peer reviewed scientific research papers that provide clear and irrefutable evidence that the global climate model jointly managed by the CSIRO and the Bureau of Meteorology is structurally unsound.

These Carbon Pollution Reduction Scheme bills are actually grounded on this global climate model. Again, I take the time to point out that the Carbon Pollution Reduction Scheme and its associated bills—or the very title of these bills—should cause alarm amongst educated Australians because they will know that carbon dioxide is not a pollutant but it is a vital fertiliser. I was amused the other week to hear the member for Rankin expose an unusual ignorance about this important life-giving compound. He expressed his amusement at my description of carbon dioxide as a potent fertiliser and, up to now, a free fertiliser at that. The horticulturists of Australia will read his disparaging comments with their own collective bemusement as they pump life-giving carbon dioxide into their greenhouses to promote vigorous plant growth to provide food for their fellow Australians. Carbon itself is the building block of everything that lives on our planet; indeed, nothing lives without it. Yet the Rudd Labor government continues to try to deceive the people of Australia by maintaining the unscientific claim that life-giving carbon is a pollutant.

Wikipedia proclaims:
Carbon forms the backbone of biology for all life on earth.
A doubling of the concentration of CO2 in the atmosphere will take around a century and, as well as causing a free 20 to 50 percent increase in food production depending on the crop type and local conditions, it will also lead to an anthropological greening of the planet earth by promoting more vigorous growth of vegetation in natural landscapes.

However, the title of the emissions trading scheme legislation is only the first thing that concerns me about this legislation. More importantly, I also hold very real concerns about the scientific premise upon which these bills are based. This House, the scientific community and the people of Australia should be made aware that the global climate model from our scientists at the CSIRO and the Bureau of Meteorology, upon which Garnaut relied to produce his report to the government, has since been shown to be structurally unsound and its conclusions are therefore seriously flawed.

As I have foreshadowed earlier, I have two peer reviewed scientific research papers that provide clear and apparently irrefutable evidence that the global climate model jointly managed by the CSIRO and the Bureau of Meteorology is structurally unsound. The lead authors were Garth Paltridge and Frank Wentz respectively. Both these papers state explicitly in plain English that their real world observations flatly contradict two key speculative underlying theories on which the joint CSIRO-Bureau of Meteorology global climate model is based. The pre-eminence of observations over theories is a cornerstone of science. Accordingly, these now disproved theories should already have been expunged from the joint CSIRO-Bureau of Meteorology global climate model.

What I do not have today, pursuant to my request in my letter of 14 December to Senator the Hon. Kim Carr, Minister for Innovation, Industry, Science and Research, is two written, testable hard science rebuttals to these two research papers by Paltridge and Wentz. In my letter of 14 December, I concluded by saying
Since the cited papers explicitly contradict key underlying theories on which the joint CSIRO/BoM GCM is based, I expect the rebuttals will be to hand and anticipate receiving copies early in the New Year and well before the CPRS Bills are reintroduced.

Unless and until the CSIRO and Bureau of Meteorology provide two written, testable hard science rebuttals to these two research papers, their joint global climate model is structurally unsound and its forecasts are exaggerated and misleading. In consequence, the recommendations in the Garnaut report are rubbish recommendations based on disproved science and the Carbon Pollution Reduction Scheme is an unmitigated disaster for Australia.

The Rudd government has shown its utter disregard for the wellbeing of ordinary Australians by proceeding with the Carbon Pollution Reduction Scheme bills without first holding the CSIRO and the Bureau of Meteorology to account and insisting that they either provide these two rebuttals or fix their global climate model and provide updated forecasts. The CPRS will impose great hardship and extra costs on my constituents and on the people of Australia. The Rudd government has clearly put the second term ambitions of the Labor Party first and the welfare of the people of Australia a distant second. Unsubstantiated and half-baked disparagement of these two empirical discoveries appears to be sufficient for the Rudd government, but it is not acceptable for the Abbott opposition, nor for the people of Australia, nor for the wider scientific community.

For members of the scientific community—and for all those who are interested—the two empirical discoveries are reported in the following peer reviewed scientific research papers.

Paltridge et al were published in the *Journal of Theoretical and Applied Climatology*, volume 98, Nos 3 to 4, pages 351 to 359, February 2009, and were published online on 26 February 2009. The title of their research paper is ‘Trends in middle- and upper-level tropospheric humidity from NCEP reanalysis data’ by Garth Paltridge, Albert Arking and Michael Pook, February 2009.

Wentz et al were published in the journal *Science*, Volume 317, pages 233 to 235, 13 July 2007, and were published online on 31 May 2007. The title of their research paper is ‘How much more rain will global warming bring?’ by Frank J Wentz, Lucrezia Ricciardulli, Kyle Hilburn and Carl Mears, May 2007.

Once the joint CSIRO-Bureau of Meteorology global climate model is made compliant with the empirical discoveries reported in these two papers, it will forecast an increase in global temperature of 0.2 degrees Celsius to 0.5 degrees Celsius for a doubling of CO2. Compliance with just one of these empirical discoveries, even without the other, will lead to a forecast of under one degree Celsius. A doubling of CO2 in isolation—that is, without any consequential changes in the atmosphere—will cause a temperature increase of around 0.8 degrees Celsius.

The major global climate models, including the joint CSIRO-Bureau of Meteorology global climate model, use now-disproved speculative theories about consequential changes in the atmosphere to provide massive positive feedback, which amplifies the 0.8 degrees Celsius by factors of four to over eight, and so predict temperature increases of three degrees Celsius to over six degrees Celsius for a doubling of CO2.

In particular, the major global climate models are based on two speculative theories: first, that the amount of water vapour in the upper troposphere increases as CO2 and temperature increases, whereas Paltridge discovered that, in the real world, the amount of water vapour in the upper troposphere decreases; and, second, that evaporation increases by about 1.7 per cent
Evaporation is extremely important in keeping the earth cool. Oceans cover around 71 per cent of the earth’s surface and provide around 86 per cent of the evaporative cooling. If there were no evaporative cooling and we had to rely almost entirely on greenhouse gas affected by radiative cooling, the average global temperature, instead of being around 15 degrees Celsius, would be around 67 degrees Celsius. So if you want to warm up the virtual world on your computer screen, this is very easily accomplished. All you have to do is follow the example set by the CSIRO and constrain virtual evaporation.

I do not have—and very few members in this place have—any background in science, and for this reason we are understandably cautious. However, we must not allow ourselves to be intimidated. Those of us in government must make every effort possible to ensure that the advice presented by a group of scientists does not mislead the people of Australia. In this instance, the science speaks clearly and eloquently and makes plain to all of us the fact that the joint CSIRO-Bureau of Meteorology global climate model is structurally flawed.

I will now read an extract from the research paper by Garth Paltridge and his colleagues. ‘Water vapor feedback in climate models is positive mainly because of their roughly constant relative humidity (that is, increasing specific humidity) in the mid-to-upper troposphere as the planet warms. Negative trends in specific humidity as found in the National Centers for Environmental Prediction, or NCEP, data would imply that long-term water vapor feedback is negative—that it would reduce rather than amplify the response of the climate system to external forcing such as that from increasing atmospheric CO2.’

I have asked that the CSIRO and the Bureau of Meteorology provide a written, testable, hard-science rebuttal to this empirical discovery made by Garth Paltridge and his colleagues, but so far they have failed to do so. Garth Paltridge and his colleagues published their empirical discovery in February 2009. An ethical scientific organisation would be expected to have made its computer-created virtual world—that is, its global climate model—compliant with this discovery about what happens in the real world well before the end of 2009.

I will now read an extract from the research paper by Frank Wentz and his colleagues.

Climate models and satellite observations both indicate the total amount of water in the atmosphere will increase substantially due to global warming at a rate of 7% K$^{-1}$—seven per cent per one degree kelvin.

However, the climate models predict global precipitation will increase at a much slower rate of 1-3% K$^{-1}$. A recent analysis of satellite observations does not support this prediction of a muted response of precipitation to global warming. Rather, the observations suggest that precipitation and total atmospheric water have increased at about the same rate over the last two decades.

For the information of members, a degree kelvin is equal to a degree Celsius, and global evaporation must equal global precipitation over time scales longer than a month.

Again, I have asked the CSIRO and the Bureau of Meteorology to provide written, testable, hard-science rebuttals to this empirical discovery by Frank Wentz and his colleagues. But, again, they have failed, so far, to do so. Frank Wentz and his colleagues published their empirical discovery in May 2007. An ethical scientific organisation would be expected to have
made its computer-created virtual world—that is, its global climate model—compliant with this discovery about what happens in the real world well before the end of 2007. Since returning from his abortive trip to Copenhagen, Prime Minister Rudd seems to have become, silently, almost a closet climate sceptic. Prime Minister Rudd must put the welfare of the people of Australia ahead of Labor’s now-faltering ambitions for a second term and admit that, but for the intervention of the coalition, his disgraceful government would have enthusiastically and triumphantly led the people of Australia into an unmitigated disaster in Copenhagen.

The government has grounded its emissions trading legislation on the global model managed by a team of scientists at the CSIRO and the Bureau of Meteorology. This was made clear when, on 2 February this year, the Prime Minister felt the need to hide behind the scientists when he said:

We accept what the Bureau of Meteorology in Australia has said. We accept also what the Australian Chief Scientist has said.

The Prime Minister and his entire government can no longer hide behind the scientists. It was not a scientist but the Rudd government that decided to introduce the CPRS bills without first insisting on the rebuttals to the Paltridge and Wentz empirical discoveries. With that decision, the Rudd government stepped into the open and exposed its politically driven determination to proceed with the CPRS no matter what the science says or how clearly it says it. That decision was made by the Prime Minister, and he will be rightly held accountable to the people of Australia. Truth is the daughter of time.

The Australian recently reported what Australia’s Chief Scientist, Professor Penny Sackett, said as follows:

Professor Sackett said climate change was a scientific reality but there was a need for absolute openness and rigour in the presentation of evidence, including recognition of which aspects of climate change science were imprecise and required further research.

I could not agree more. But a climate change of 0.2 degrees to 0.5 degrees Celsius is vastly different from the three degrees to over six degrees being forecast by the structurally unsound global climate models of the CSIRO and Bureau of Meteorology.

So where is the response from the CSIRO and the Bureau of Meteorology to the empirical evidence now presented by the Paltridge and Wentz papers? Where is the ‘absolute openness’, I ask Professor Sackett? Where is the ‘rigour’? How long do we have to wait—or does the deafening silence mean that the usual ethical practice of two of our leading and respected scientific organisations has been compromised by their political masters? If this is so, the scientific community as a whole will be devalued by such a manifest lack of professional ethics, and the people of Australia will be defrauded, just as I have suggested. Sadly, unless and until the scientists of the CSIRO and the Bureau of Meteorology produce testable, hard-science rebuttals to these two scientific papers, the respect and the high regard with which these two prestigious organisations have been held in the past within the world’s scientific community will be seriously constrained.

I cannot and do not accept this dishonest legislation presented by the emissions trading bills. I do not support the immoral massive tax that it will impose upon the people of Australia on just about everything on the pretence of helping our environment. I do not support that legislation because it will do absolutely nothing for our environment. It has no mechanisms to do so. I do not support this legislation because it was based on science that has now been
shown to be unsound and seriously flawed and, as such, that legislation will present a monumental fraud upon the people of Australia, and I will have no part in it.

Ms COLLINS (Franklin) (5.49 pm)—I rise tonight in support of Appropriation Bill (No. 3) 2009-2010 and Appropriation Bill (No. 4) 2009-2010. I would like to talk about some of the economic activity that is happening in my electorate of Franklin. Of course, I am referring here primarily to the economic stimulus package and the money that is coming into my electorate. I was at a school, at a breakfast club, last week and, after the breakfast club, one of the school association members was so excited about the works going on at the school that she wanted to show me the latest update and she took me around the school and showed me the works that were underway there.

It is the same for every single primary school in my electorate that I visit. The school community, the parents, the children and the teachers are all saying that this investment in our schools is long overdue and that it is needed. But, more than that, when I talk to the contractors and work men and women on site at these schools they all say that the stimulus package supported jobs during the global financial crisis and they are all saying that it is helping the Tasmanian economy.

I have been going along to some of the projects. I went to a stimulus housing project just last week where there were six units on one site in one of the suburbs in my electorate. The contractor there told me that there were 20 jobs involved in building just those six units. We are getting at least 23 social housing units built in my electorate. It is a very significant investment in my electorate. We are expecting 23 social housing units in stage 1 and 88 in stage 2, with over $29 million being invested in Franklin’s social housing through the economic stimulus package.

We are seeing improvements around the schools from the National School Pride Program. There are many schools that have already completed some of those maintenance works. We also have defence housing. We have quite a few black spots in my electorate and as you drive down through the south of the electorate through Kingston and Huonville, as I did last week, you come across the projects and you can see the vast improvements that are being made to our roads as you go through.

We also have the community infrastructure projects. It was my great delight just last night, with the Minister for Infrastructure, Transport, Regional Development and Local Government and the captain of the Australian cricket team, Ricky Ponting, to turn on the lights at Bellerive Oval which are being funded by our community infrastructure program through the economic stimulus package. These lights would not have happened without this federal government stimulus package. The state government is also funding half of the lights. The four towers are 56 metres high. People may have watched on TV the spectacle at Bellerive last night. It was indeed a great game. I certainly enjoyed the spectacle, and the lights added to the event. Not only that but they have also secured for Hobart and for Tasmanians future international matches which may not have happened had the lights not been installed. Not only were there 50 local jobs involved in erecting the light towers at Bellerive Oval but there are ongoing jobs with the economy from those games continuing to be played at Bellerive in cricket seasons to come. It was a great delight. I would like to congratulate the Tasmanian Cricket Association, the Australian cricket captain, Ricky Ponting, the state government and the federal minister for coming down and participating in that great event last night. It was certainly a great day.
for the punters at Bellerive Oval. It was a sold-out match. It was sold out two days beforehand. It was great to see that.

Also through our economic stimulus plan we have received $6.4 million for a trade training centre—which was an election commitment—in the Huon Valley in my electorate. It will be built at Huonville. Again, I was talking to local residents just last week and some of them were as yet unaware that the trade training centre was going to be built and they were absolutely thrilled that locals will be able to progress past year 10 in their local community. It has been a great project in my electorate.

We also have some election commitments that are being delivered on this week. I was very pleased to turn the sod on two election commitments in my electorate. One of those was the Kingston bypass, which Minister Albanese, the state minister and I turned a sod on just last evening. The Kingston bypass is a $41.5 million project, $15 million of which is coming from the federal government and the remainder from the state government. We are expecting that the Kingston bypass will be finished towards the end of 2012. We had a lot of locals at that announcement yesterday. In particular, I would like to mention the Kingston Bypass Action Group, who have been active in the local community and have been talking about this project in the community for some time. But it has only come to fruition since the Rudd Labor government delivered on their election commitment. There had been 12 years of talk and inaction by the Liberal Party and it was great to be there to see the state government, the local council and the Rudd government working together to actually deliver on this election commitment. I know the residents of Kingston, Blackmans Bay and the channel area are going to be really thrilled that this work is underway. I look forward to its completion towards the end of 2012 or early 2013. I think it will be 2.2 kilometres, but they have to build bridges, underpasses and overpasses, so it is quite a short timeframe for such a project.

Early last week it was my privilege to also turn the sod on the GP superclinic which is being built in conjunction with the state government’s integrated care centre at Clarence in my electorate, just near my office in fact. The Parliamentary Secretary for Health, the member for Port Adelaide, came down to my electorate and I would like to thank him for doing that sod turning with me and the state minister for health. We are in the process of talking to local residents to make them aware that the GP superclinic is underway. We have certainly done a lot of consultation on the GP superclinic. The state minister and I conducted a community consultation. The state government has also been in many discussions with professionals and clinicians in relation to the services that will be at the GP superclinic and the integrated care centre. It is $5.5 million from the Rudd government for the superclinic and some $12 million from the state government for the integrated care centre, which will be co-located on site. So it is an $18 million investment in the local community, taking health services out to the local community so that the local residents in the area can come and access their health needs very close by indeed.

Just before Christmas I was at the opening of a local community centre. This was delivering on an election commitment, involving some $156,000 for the redevelopment of the community centre at Dennes Point. That redevelopment was made in conjunction with local council—again, the Kingborough council—and building is now complete. We have seen a lot of new services delivered to the local community of Dennes Point on Bruny Island in my electorate, which is certainly one of the beautiful places of the world. At Dennes Point the com-
Community centre now has an art gallery, a restaurant—and I understand that is up and running now; local residents have been emailing me little updates about what is happening at the centre—and I certainly look forward to returning there at some point to see all of that activity underway.

I have also delivered on the $10,000 promised for our local Rokeby Cricket Club. I went to see some of their practices over the summer at the Rokeby High School. They were practising in their new nets and it was fantastic to see. I am also in some discussions about the Huon Valley water scheme, which was another election commitment, with our new southern regional water board. I hope to be talking to them next week in relation to the Huon Valley water scheme. Work is underway already on the $10.5 million stage 1 of the south-east Tasmania recycled water scheme, which is another election commitment that I have delivered on in the electorate of Franklin.

As can be seen, the theme here is that the Rudd government has made election commitments in the electorate of Franklin. We have delivered on all of those. We have our trade training centre coming. We have our economic stimulus happening. What we have is a huge investment, unseen before in the electorate of Franklin, that is being relished by the local community and is employing local residents. Without this investment we would be in a much direr situation when it comes to employment in the electorate. I have been calling on the Liberal Party, who are saying that the economic stimulus package should be wound back, to say exactly which projects in the electorate of Franklin they intend to scrap. The Leader of the Opposition, the member for Warringah, has been quite vocal in saying that he thinks the NBN is a waste of money. So I hope for the sake of the residents of Tasmania the NBN is not going to be scrapped should the Liberal Party actually win the next federal election.

There are a whole range of activities going on in southern Tasmania and in my electorate, and we have seen even the state Liberal opposition leader say that he supports the economic stimulus package and that he is at odds with his federal colleagues over it. In fact, he has been on the record writing to support projects that are being funded under the economic stimulus package. It is quite interesting that all the local senators in southern Tasmania are silent in relation to the economic stimulus package. They are not saying which projects will be wound back. They are not talking about scrapping the NBN. In fact, all you get from them is silence because they are too afraid to tell the people of Franklin what they will actually do should they win the next federal election. But what I have done is delivered on our election commitments. I am delivering on the economic stimulus package in the electorate of Franklin. The Rudd government is employing local Tasmanians because of these projects and I know that the residents in my electorate are very pleased that these election commitments are being delivered on and that the economic stimulus package is reaching the residents of Franklin.

Ms BURKE (Chisholm) (6.00 pm)—I rise in support of the Appropriation Bill (No. 3) 2009-2010 and the Appropriation Bill (No. 4) 2009-2010. I was elected to the parliament as the member for Chisholm in 1998—and it is a bit scary that this year marks 12 years in this place. During my nine years in opposition, many meritorious projects in my electorate were continually denied funding. There was not one funding announcement by the Howard government in my electorate. Indeed, the coalition did not even announce many projects they would fund under their own candidates. So it is an absolute joy to be part of a government
when something is finally happening in my electorate—and I am still skipping around in a state of exuberance when I get to go to things that have been announced and are happening in my electorate. I have always found this situation a bit odd, because I thought the Liberal Party would consider Chisholm to be a marginal seat and would want to take it back at some stage. But I have had nine years in the wilderness and things are now finally happening—and it is a terrific place to be.

In my electorate, projects are underway and funding has been committed to a number of key infrastructure, educational and environmental initiatives. These projects are worth highlighting as they reflect the Rudd government’s unprecedented commitment to local communities across Australia. The appropriation bills before the House include funding for the Regional and Local Community Infrastructure Program, which was set up by this government to support investment in community infrastructure such as libraries, community centres, sports grounds and environmental infrastructure. The Rudd government is taking a refreshing approach to infrastructure investment after the coalition’s failure in this area during its 11 years in power.

The whole concept of community infrastructure is of significance and importance to suburban electorates such as my seat of Chisholm, which incorporates many of Melbourne’s eastern and south-eastern suburbs. I have often said in this place that the suburbs are ignored. The people who live in the suburbs often disappear off the map, because they are not a regional area or a region in crisis. But they are where the majority of Australians choose to live. They are where most of our community activity happens. I think it is a bit sad that the suburbs are denigrated and ignored, but I am very proud to represent a purely suburban electorate and the people who live there. I think the suburbs are great. As I said, they are where most Australians choose to live. And quality community infrastructure is of vital importance because of that. Most of my electorate do not want to have to travel into town or to other suburbs to do their activities on the weekend, so having vital community infrastructure where they live is important.

The community infrastructure program has allowed local government to get on with the job of addressing their infrastructure backlogs and delivering quality facilities to their communities. The $800 million invested as part of the program equates to the largest one-off commitment to local infrastructure in Australian history. It reflects the Rudd government’s steadfast commitment to improving community facilities across Australia. My electorate encompasses two fantastic local government bodies: the City of Monash and the City of Whitehorse. I would like to congratulate Charlotte Baines, who has recently been elected as Mayor of the City of Monash, and Bill Pemberton, who has been elected as Mayor of the City of Whitehorse. Both Monash and Whitehorse have benefited from the government’s community infrastructure funding—sharing in the $800 million announced last year—and both councils are very forward-thinking in their own projects and in funding them. I commend them for their ongoing support of infrastructure and their local communities.

Whitehorse council has received $2.5 million from the Rudd government to develop Wembley Park Sports Precinct. The project is well underway. It is not far from my house, and I drive past the new developments. We are very much looking forward to having a new soccer pavilion, along with the refurbishment of an existing grandstand and change room. Soccer, world football, is a sport that has increasing participation in this area. The soccer club had
outgrown its rooms and there were no facilities for women, whose involvement is growing and growing. These facilities will make a huge difference to the club. There has been a steady increase in membership at the club, which is associated with the facilities. The project has been welcomed by the Whitehorse sporting community. It will provide improved facilities for Whitehorse and the eastern suburbs more generally.

Whitehorse has also received funding for several smaller scale projects. Last year, I had the pleasure of joining representatives from the Whitehorse City Council at the opening of the Victoria Rose sensory play space in Box Hill. This is an absolutely delightful project. The government provided $35,000 for this project, which is aimed at children aged between three and 10 years and caters for those with developmental delays and disabilities. I want to commend Biala, the fantastic organisation which is next to this play space and had a great deal to do with it. Like many of our organisations, it developed through the support of individuals who saw that children with developmental delays and disability need their own specific play areas and play based education where they and their families can come and feel that they are getting the one-on-one care that they need. The rose garden that has been built will be of terrific benefit to them and to the wider community.

The Box Hill community also welcomed $154,000 in funding for the refurbishment of the historic Box Hill town hall, which included money for replacing the roof, redecorating and exterior painting. I hope that somewhere along the line we might be able to get some money for the redevelopment of the Box Hill aquatic centre that the Whitehorse City Council has just announced. I commend the council for taking the step of redeveloping the pool. Water spaces are very difficult and costly to replace. The aquatic centre is getting to the age where the debate was about whether to close it or maintain it. The council has made the tough and expensive decision to maintain and support the facility, and I want to commend them for that. I have long been an advocate for ensuring that the centre is open to all. I will declare that I am a member of the centre and was in the pool just yesterday afternoon. It is a great pool, on Surrey Drive, but it is getting a bit old and tired. As my child was madly getting her stroke ready for her swim meet on Friday and we were going through the painstaking exercise of making sure her dive was not too deep for the start of the race, we were appreciating the facility but hoping it will improve. I commend Whitehorse City Council for that. We will see if I can get some additional funding at a federal level.

Meanwhile, Monash City Council has also been awarded funding for a number of projects that will be of immense benefit to my constituents. Four million dollars is going towards the new Batesford Reserve youth and community hub, which will co-locate community service providers in a new purpose-built facility. The project will deliver a centralised and supportive youth facility and will contain a number of community service providers to cater for high-needs residents of the community. A number of neighbourhood house programs as well as education and training programs and community health services will be co-located in the facility. This is a project that Monash council has been working towards for a number of years, and it is only now, with the financial support of the Rudd government, that this dream is being realised. I had the absolute pleasure of being at the first turning of the sod at the opening of the redevelopment last week. I am still sporting the ink on my hands from the hand prints I have dedicated to an artwork, a ‘house of hands’. I would like to commend the artist for his great vision and work but I really do want to know how to get off the ink. This is an exciting
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project which will support the Ashwood community and surrounding suburbs. I also want to commend the numerous community groups which are a vital part of this project.

Just recently I attended the opening of the new Oakleigh pool and recreation centre, to which the Rudd government contributed $200,000. This federal funding was used to upgrade facilities at the recreation centre, including off-street parking, landscaping and walking paths. I would again like to commend both Monash council and the Victorian government for their efforts in redeveloping the Oakleigh pool. It has been transformed into a fantastic facility that will serve the community for a long time to come. Projects like this highlight the importance of community infrastructure. I would also like to commend the community campaigners who made sure that the pool stayed open. It was through their actions that Oakleigh still has its historic outdoor pool and diving platform. If you want to have a good weekend get on down to Oakleigh and jump off the 10-metre diving board. It was through community action that the pool is now being maintained, and we are very grateful for that.

Monash council is also involved in a project being managed by the neighbouring Boroondara Council, the Gardiner’s Creek Trail project, to which the government has committed $2.5 million. This project will link several of Melbourne’s inner eastern suburbs through a continuous shared pathway between Box Hill South and the Main Yarra Trail in Hawthorn. The funding will see the construction of about 1.5 kilometres of a new three-metre wide path, which will be used by both pedestrians and cyclists. I am proud that the government is building these important community infrastructure projects in Chisholm. This bike path will enable cyclists to go under Warrigal Road.

For people who know Melbourne, Warrigal Road is incredibly busy and nowadays cyclists have to stop at one part of a bike track, get off, cross a very busy road and go on. As I have watched my child do it with her father on occasion, I am looking forward very much to her having an underpath to ride on, and people will literally be able to ride from the outer suburbs all the way into town on this great bike path.

Each project has helped to support jobs during this time of economic uncertainty. More importantly, each project is a high value investment in the future of my electorate supporting the local community for many years to come. The Batesford Reserve facility will create 71 new local jobs, and that is a terrific thing for our community.

This unprecedented funding for local projects was of course a key component of the Nation Building Economic Stimulus Plan, a package that has effectively steered Australia away from recession and kept unemployment at low levels. This is a point worth emphasising: Australia is the only major advanced economy not to enter into recession. We have the lowest debt and deficit and one of the world’s lowest unemployment rates. These statistics highlight the strength of the Australian economy and clearly indicate the government’s stimulus plan has worked. The stimulus has cushioned Australia from the worst effects of the global recession, facilitated economic growth and, in doing so, has made our economy the envy of the Western world.

A key component of the economic stimulus plan has been our unprecedented investment in education infrastructure. The Building the Education Revolution program is the largest school modernisation program in Australia’s history and is benefiting every school across the country, including those schools in my electorate of Chisholm. The government is investing over $82 million upgrading facilities across Chisholm’s 46 schools. Given the age of the electorate,
many of these schools are getting to their groaning use-by-date and need much updating and improvement, and it has come at a great time for many of these schools.

I have received an overwhelmingly positive response from school communities about this project: teachers, parents and principals are all ecstatic about the government pumping millions of dollars into the schools to ensure teachers and students are teaching and learning in modern facilities. It is gratifying to be part of a government that places education at the top of its agenda and is delivering real improvements to school communities across Australia, particularly into primary schools that often go unrecognised and unrewarded. Despite what the opposition might suggest, the BER project is money well spent, is money that is going towards improving our education facilities and is undoubtedly a good thing.

Recently I visited one of my local schools Kingswood College to inspect the exciting new works that are taking place there. Kingswood has used its National School Pride money for landscaping and beautification works through its central courtyard area while construction of a new multipurpose hall is well underway through the Primary Schools for the 21st Century program.

Kingswood is also benefiting from a trade training centre with close to a million dollars in funding allowing the school to upgrade existing hospitality facilities to industry standards. Kingswood College works in conjunction with the William Angliss catering college to deliver a very high standard of hospitality and catering training. This is a terrific benefit not just to the school but to the wider community who will be able to use these facilities after hours and on weekends. This will allow students to train in a simulated workplace and help equip them with the skills they need to effectively and competitively participate in the hospitality industry. Kingswood is just one example of how this government’s focus on education is leading to improved facilities and outcomes in our schools.

Last week I also had the pleasure of visiting St Mary Magdalen’s school in Chadstone, a small Catholic community that struggles to make ends meet. Again, the ageing infrastructure of the building needed some help, so it was an absolute delight to go there the other day with Senator Mark Arbib and find on site four apprentices being trained and utilised on this facility; four kids who are going to go on and have great careers because they were given the opportunity on this building site. It is amazing that four tradies, four apprentices, were at the one site, and it was a wonderful day to be there.

The education revolution goes beyond investing in infrastructure in our primary and secondary schools: importantly, for my electorate, which is home to several high-quality universities and TAFEs, it extends to reforming the higher education sector, including increased investment in infrastructure. The government has committed $5.4 billion over four years to higher education and innovative reform. This massive injection of funds will help achieve the aim of increasing by 40 per cent the numbers of 25- to 34-year-olds to hold bachelor level qualifications or above by 2025.

The government recently announced that Monash University, with its Clayton campus in my electorate, will receive over $111 million in research grants aimed at driving excellence, collaboration and diversity—vital elements for Australian prosperity. This is in addition to the massive $2.8 million investment being delivered in higher education infrastructure across Australia; $89.9 million is going to Monash University to construct the New Horizons centre
which will see the Clayton innovation precinct as the most significant technology innovative hub in the Southern Hemisphere.

Last week, which was rather busy, I was at Monash University and had the absolute pleasure of meeting Professor Elizabeth Blackburn, Australia’s Nobel laureate, who was recognised last year for her work in biomedicine. We were opening the new biomedical facility at Monash. Again, we had contributed to the funding of this phenomenal new centre where 500 scientific researchers are going to be housed together in the facility. The collaboration was just amazing. I was a little daunted at being one of the speakers amongst so many medical scientists and PhDs—my little Arts with honours from Monash seemed to pale into insignificance in the room I was in. But, again, it is a phenomenal achievement. There is great work happening within my electorate.

Deakin University with its Burwood campus residing in my electorate has been awarded $20.2 million in research grants which will encourage its brightest students to continue to higher education. Under the Howard government we saw funding ripped away from the higher education sector. The Rudd government, on the other hand, is committed to supporting higher education research and I am delighted this funding is being delivered to my electorate.

The two TAFES that reside in Chisholm—the Chadstone campus of GippsTAFE, and Box Hill TAFE—are also undergoing dramatic improvements. The Prime Minister and the Deputy Prime Minister both visited my electorate last year to announce over $16 million in funding for GippsTAFE. This is unprecedented. The GippsTAFE looked like it came out of the ark. My dad, who trained there, said he did not think it had changed since he did his electrical apprenticeship. This funding will allow GippsTAFE’s Chadstone campus to develop state-of-the-art training facilities to supply training and services for the energy and telecommunications industries. The new facility will have untold benefits for students at the centre as well as for the relevant industries in Victoria.

Box Hill TAFE has received funding for numerous projects, all of which will lead to improved outcomes from what is considered one of Australia’s pre-eminent TAFE institutions. Perhaps the most significant project is the $2.7 million green skills hub, which will support the provision of training courses in the sustainables sector. This project will incorporate several green focused initiatives and training facilities for the development of students’ green trade skills. This project not only reflects the government’s commitment to investing in the higher education sector; it is also an apt example of our focus on reskilling Australians for a more sustainable and greener economy.

The government understands that climate change poses an immense threat to Australia’s way of life. Investing in green skills now is an important step in preparing Australia for the inevitable shift to a sustainable green economy. Projects such as this green skills hub are important to this transition. However, the government also understands that an emissions trading scheme is the only way of making the shift to a sustainable economy in a manner that will serve Australia’s long-term interests. Chisholm is one of the most highly educated electorates in the country and my constituents want real action on climate change. Without doubt the No. 1 issue that comes through in my electorate is people wanting direct action now on climate change. They know too well that the opposition’s climate change policy is a short-term political fix, a climate con job designed purely to get the coalition to the election. The government, on the other hand, has Australia’s long-term economic and environmental future in mind. So a
project such as the green skills hub is most welcome and will have environmental benefit. Ultimately there must be a cap on carbon pollution to combat climate change, and the Carbon Pollution Reduction Scheme does just that.

I have spoken today about a number of projects taking place in my electorate—projects that are investing in community infrastructure, delivering for our schools and higher education institutions and having a positive impact on the environment. What these projects are also doing is helping to keep our economy strong by investing in the infrastructure we need for the future. These projects are being delivered by a forward-thinking government committed to policies that are in Australia’s long-term interests. Before I conclude I want to thank the member for Lyons for assisting me by swapping his spot. I do appreciate that. The joys of combining speaking and being in the chair sometimes cause a bit of difficulty so I do want to say thank you. I commend the bills to the House.

The DEPUTY SPEAKER (Mr S Sidebottom)—Thank you for your contribution. I call the very generous member for Lyons.

Mr ADAMS (Lyons) (6.19 pm)—Thank you, Mr Deputy Speaker. It is always a pleasure to be in the Main Committee when you are in the chair. In the two appropriation bills we are debating there is funding for the Local Government Reform Fund of $12.5 million—$0.5 million in Appropriation Bill (No. 3) 2009-2010 and $12 million in Appropriation Bill (No. 4) 2009-2010. The previously noted figure of $165 million in appropriation bill No. 4 included amounts that have been previously appropriated under various mechanisms including appropriation bill No. 1 and the new federal financial framework appropriation arrangements.

The total of $167 million dollars includes amounts which have been previously provided and the details are as follows: $14.9 million has been reclassified from administrated expenses in Appropriation Act (No. 1) to make payments direct to local government for the East Kimberley Development Package; $18.3 million has been reclassified from payments which were to be made under the Federal Financial Relations Act 2009 to direct payments to local government for various Nation Building Program Roads to Recovery projects; and $10 million, which was unspent last financial year due to delays in the negotiations of funding arrangements, is proposed for the Regional and Local Community Infrastructure Program, which is a great program. These additional appropriations are fully offset by savings against the original appropriations and estimates and thus will not lead to additional expenditure.

Once again, the government has proved itself to be responsive to local needs. Through the stimulus package, it has enabled many local communities to achieve goals that they could only dream about during the period of the last government. Some of the programs funded in my electorate have allowed country communities to upgrade small facilities so they can be used again properly after they struggled to find funds to put on a new roof or to put up a kitchen to make morning teas for a pensioner group. The upgrade of a walking path from one council facility to another allows the bringing together and mixing of social groups, and a health benefit of course. They may only be small items in the scheme of things but to many it gives a lot of pleasure, a chance to assimilate and a chance to involve themselves more in the communities in which they live.

One that I was prepared particularly pleased about was the sound shell that has been built in New Norfolk, the gateway to the Derwent Valley. I was invited to open this during Australia Day. A part of the opening ceremony was a concert provided by the Derwent Valley Con-
cert Band. The band shows what a community can do. It was born in the New Norfolk High school and became a community band as many of the young players left school and had nowhere else to play. I would say it was because of the local dedication of Layton Hodgetts, OAM, who used to teach music at New Norfolk High, that the band existed at all. Although he has been recognised as a Tasmanian Local Hero of the Year in 2009, nothing can really acknowledge the amazing work and dedication of this man whose life’s work has been to ensure his community has an outlet for their talent.

The Derwent Valley Concert Band Inc has been in existence since 1993 and is based in the beautiful town of New Norfolk, 30 kilometres from Hobart and nesting on the banks of the Derwent River. The band was established because of the perceived need for a local band to cater for musicians of all ages in the New Norfolk community and the wider Derwent Valley. Since the inauguration concert in October 1993 at New Norfolk, the Derwent Valley Concert Band has grown into a very active and versatile community band. At present it has over 50 regular players whose ages range from 15 to over 70. The Derwent Valley Concert Band now consists of the senior band, the development band, the stage band and the marching band with rehearsals held every Wednesday at the band’s room in New Norfolk in a friendly and congenial atmosphere.

The DVCB has an extensive repertoire and performs regularly in the local and surrounding communities at a wide range of celebrations and ceremonies, such as Australia Day, Government House open day, Kempton Festival, Derwent Valley festival, the Taste of Ogilvie, the Anzac Day march and service, the Hobart Christmas Pageant and the Derwent Valley Carols by Candlelight. The DVCB also performs major public concerts each year in both Hobart and New Norfolk, often joined by other bands from the Hobart area. The band presents on average more than 20 performances each year, including competing in the state band championships.

The Derwent Valley Concert Band is one of Australia’s most highly acclaimed, widely travelled and successful community bands. It was the winner of the state band championships in 1998, 1999, 2000, 2001, 2002, 2003, 2007 and 2009. It was also the winner of the open B grade concert band section at the Australian National Band Championships in 2000. The band has travelled to Japan, Canada, Austria, France, Belgium, Italy, Germany, Switzerland, the Czech Republic, Sweden, Denmark and China. That included playing at the wedding of Princess Mary in Denmark. They are all remarkable achievements for this band from a small town in the middle of Tasmania.

The council sought the building of this soundshell really as a thank you to the band so they have a good public area from which to continue their amazing story. It will allow many other activities to be planned in the beautiful Tynwald Park in which it sits. It is one small addition to a community that is making the most of its talents.

Another community which has benefited from the infrastructure package is that of Kentish Council, not far from your seat, Mr Deputy Speaker Sidebottom. This was funding for a well-loved building that badly needed renovation. The council’s funding went into removing asbestos from internal walls, the kitchen and toilet; upgrading in line with fire regulations; sanding and sealing the floor; upgrading the kitchen and lining out the old storeroom, which has a roller door, to separate the youth drop-in room and the kitchen so both can be used independently of each other; replacing backboards and hoops; and building a disabled toilet. This will make the old Green Hall a useable building again—although we might have to change the
name to the Blue Hall, because the cladding is blue. But that could be a problem because it is well known in the community as the Green Hall—something for the council to consider in the future. I think the whole renovation came to $150,000, which was amazing considering the asbestos removal was quite difficult and had to be carefully done, then replaced and sealed. Once again, a community has breathed new life into an almost dead asset and now has great plans to make use of it. In the process, a number of jobs were created, and those people are now working on other community developed projects. Those dollars are going round in the community, as they should.

There is also the funding for schools, which is allowing many old country schools to renew a hall, re-equip a classroom, upgrade a sports field or a playground—a program that not only is doing great work for these small schools but also brings local contractors into the schools to see where their children are being taught and makes them more a part of the school community. In some way the latter is proving to be a greater asset to the schools than the work they came to do. I have always been keen to develop the social capital of a community, as that is the way you can develop innovative ideas.

I was particularly pleased to see that my old school at Cressy had put in for and received funds for the kindergarten upgrade as well as a complete redevelopment of the school hall and gym. This hall has been the centre of many community events, including the annual trout festival, the trout expo. They are also in receipt of funds to develop their science laboratory. When the Deputy Prime Minister visited last year she took time to visit this school and hear of the proposed developments. Both she and I were very impressed with the plans and the whole feeling of the school.

Cressy District High School is a farm school in Cressy, which is a small town of around 650 people that is 35 kilometres south of Launceston. It has classes from kindergarten to grade 10 and also a birth to four-year program. Approximately 360 students attend the school, with 185 in the secondary sector and 175 in the primary area. Cressy District High School is truly a community school. They have numerous partnerships with the community and their students benefit from belonging to a well-ordered, purposeful community. Close cooperation between parents and teachers is encouraged because they recognise that home and school share a common purpose—the academic progress and the personal development of each individual child.

They provide some significant programs like the Duke of Edinburgh’s Award, the No Dole Program of the Beacon Foundation, the Flexible Farm Program, the Individualised Learning Program, Esk Band, the Buddies mentoring program, sheep and cattle judging teams, the traineeship and apprenticeship pathways program, and the Active After-school Communities program. Their vision is for students to grow to become unique individuals of integrity, able to make sound and positive judgments and decisions about their future. In their school community strong values exist around personalised learning, a sense of community, appreciating individual uniqueness, positive relationships and a commitment to improvement. The school’s motto is: reach upward.

This school has a proud history, having been established in 1863. It has been in continual use since then. Its fortunes have been mixed, but today it is seen as one of Tasmania’s top country schools. It fared well in the literacy and numeracy tests, which is a great credit to its principal, Annette Hollingsworth, and her team.
So the general infrastructure package has been of enormous benefit and has assisted in stimulating the economy in country areas because of the way the funding has been delivered. The Prime Minister announced 14 months ago the $42 billion Nation Building and Jobs Plan to cushion the economy from the worst effects of the global recession. The plan was developed as the global financial crisis took hold and the full extent became clear to government. The plan built on the earlier Australian government Economic Security Strategy and nation-building packages. At that time, world policy makers were confronted with a crisis that threatened to engulf the global economy. Without intervention by government it is estimated that the economy would have contracted. The unemployment rate was predicted to rise to 8¼ per cent, meaning hundreds of thousands of Australians were at risk of losing their jobs, creating a vicious downward spiral in our economy.

The plan was a bold and decisive strategy to arrest the downturn in the economy, cushion Australia from the global recession and build lasting infrastructure for Australia’s future. It brought federal, state and local governments together, along with the businesses, unions and community organisations, in a common effort to protect Australian jobs, businesses and communities.

Today the implementation of the plan is well advanced and its results are visible to all. Australia is now the third fastest growing economy of the 33 International Monetary Fund advanced economies. We are one of the three economies not to fall into a technical recession and we also have the lowest level of government debt, approximately 10 per cent of GDP. This compares with an average of about 93 per cent of gross domestic product for major advanced economies.

The difference between what Australia was facing and what we have achieved is stark. Without stimulus, the economy would have contracted in each of the past four quarters, shrinking by two per cent over the past year and plunging Australia into recession. Unemployment is expected to peak at around 1½ per cent lower than in the absence of the stimulus and we know that it has now fallen to 5.3 per cent. Treasury estimates that overall the government stimulus will support around 200,000 jobs.

Through Australians working together, and with financial stimulus working hand in hand with monetary policy, the Australian economy has been able to weather the storm of the global recession. Only a few weeks ago I read from the latest economic figures that the economy is better off by $7 billion, so the government’s approach has been vindicated, despite all the opposition’s ranting about the government’s ‘big spend’ and voting against the stimulus package when it was before the parliament.

Out in country areas, particularly in places like Tasmania where small towns have often been forgotten in the past, this strategy has delivered, through councils and through local community groups and through schools, and everybody has been able to take part in developing the economy, creating new jobs and allowing youngsters who have just left school to stay in their regions. Every time I see a new house being built in one of my country towns I know that this government is working and doing the right thing. I have seen the stimulus working. To me, this means new thinking, helping the communities help themselves, getting them to think beyond their boundaries and applying the can-do attitude. Somebody has bothered to look outside the city limits and has said, ‘You are valuable to our economy too.’
Government intervention into the economy allows this thinking to happen. The old conservative attitude of 'let the market run its course' gets into the 'survival of the fittest' mode and people are then competing for small amounts of nothing and squabbling over the outcomes. To allow everybody an amount of money to help them develop their communities means that those who want to will make it go much further. But it will not leave out those who are not as adventurous. I want to keep on going and helping those communities that are not as innovative to be more so and to do more, while encouraging the go-ahead ones to seize all their opportunities and create all the jobs, to build all those houses and to grow their schools and their communities. Under this government we have those opportunities, and I hope we still have them after this year. That is what I will be fighting for at the next election, to show communities what real government is about, not what we went through for 12 years.

The DEPUTY SPEAKER (Mr S Sidebottom)—Thanks for your contribution. The debate is interrupted in accordance with standing order 192. The debate is adjourned, and the resumption of the debate will be made an order of the day for the next sitting.

STATEMENTS BY MEMBERS

Forgotten Australians

Dr JENSEN (Tangney) (6.39 pm)—In November 2009 I made an apology speech in relation to Australian children in institutions. I outlined the terrible harm done to a constituent of mine, Sandra Pollard. She and other children were physically abused, raped, starved and used as human guinea pigs in a vaccination program. It was later shown that these vaccinations were given despite authorities knowing that there was a possible contamination with simian virus 40. This appalling treatment of vulnerable children was the subject of many inquiries, but Mr and Mrs Pollard are very concerned that, after all these inquiries, no-one in any government has ever been called to account for this disgraceful lack of supervision or protection of these poor children. If the Prime Minister were genuine and sincere about his apology, he would call for a full inquiry to find out why those charged with looking after these children's welfare have never been identified and made to answer for their total neglect, incompetence and lack of compassion for these children.

Commemoration of the Bombing of Darwin

Mr ZAPPIA (Makin) (6.40 pm)—On 19 February, I attended a commemorative service for the bombing of Darwin, organised by the Salisbury RSL. It was held at the Cross of Sacrifice memorial site in Salisbury. The bombing of Darwin by Japanese aircraft during World War II commenced at 9.58 am on 19 February 1942. At the end of the first of two separate raids, which lasted over an hour, more than 240 Australians had been killed, hundreds more had been injured and Darwin was left in ruins with property and buildings demolished. Twenty military aircraft were destroyed and eight ships were sunk. Over the next 21 months, Darwin and other areas of the Northern Territory endured more than 80 air raids, with attacks also at Townsville, Katherine, Wyndham, Derby, Broome and Port Hedland.

Sixty-eight years later, the Darwin bombings fade into history, but, for the families and friends of those killed or injured, I have no doubt that the memory lives with them. I take this opportunity to commend the Salisbury RSL, which organised again this year what has now become an annual service. In particular, I acknowledge the untiring work of Mick Lennon, who, with the support of RSL president David Kernes and Padre Trevor Rogers, officiated at
what was a very dignified service. I also acknowledge the many people who placed wreaths, including a representative of Nick Champion MP; the state Minister for Families and Communities, Jennifer Rankine; Tom Howells, from the NSA; Frank Post, a former Darwin defender; Vietnam veteran Ian Le Raye; Gloria Dean, from the Australian Red Cross; Brenz Kriewaldt, from the RAAF Association; Royal Engineer Allan Weeks; Pam Price, from the Legacy widows; Salisbury councillors Betty Gill and Brian Goodall; and Chris McDonald, on behalf of the Salisbury traders.

**Petition: Marriage**

Mr RANDALL (Canning) (6.41 pm)—Mr Deputy Speaker, I present a petition on behalf of Canning residents and Western Australians regarding the foundations of marriage. The petition has been considered by the Standing Committee on Petitions and certified in accordance with the standing orders. I welcome this opportunity to say a few words about the nature of the petition and share the sentiments of the signatories in response to the Marriage Equality Amendment Bill, introduced in the Senate by Senator Hanson-Young last year. The signatories have entered this debate, and today I table their petition opposing the amendment to the definition of marriage.

The petitioners confirm that the definition of marriage is a union between one man and one woman to the exclusion of all others, voluntarily entered into for life. The petitioners state their strong belief that such unions are the foundation on which society stands. The petition says:

To alter the definition of marriage to include same-sex “marriage”, as proposed by the Marriage Equality Amendment Bill, would be to change the very structure of society to the detriment of all, especially children.

This petition contains 277 signatures. Let me take this opportunity to commend the organisers of the petition and those who widely circulated it throughout Canning. They have taken the opportunity to put their views on record and have played a vital role in that democratic process. I therefore present the petition on behalf of the signatories.

*The petition read as follows—*

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

RETAIN THE DEFINITION OF MARRIAGE BETWEEN MAN AND WOMAN

We, the undersigned citizens draw to the attention of the House of Representatives assembled, that the definition of marriage as “a union between one man and one woman to the exclusion of all others, voluntarily entered into for life” is the foundation upon which our families are built and on which our society stands. To alter the definition of marriage to include same-sex “marriage”, as proposed by the Marriage Equality Amendment Bill, would be to change the very structure of society to the detriment of all, especially children.

We, the undersigned citizens therefore request that the Marriage Equality Amendment Bill 2009, be opposed.

from 277 citizens

Petition received.

**Blair Electorate: Bundamba State Secondary College**

Mr NEUMANN (Blair) (6.43 pm)—On 15 February 2010, I attended the student leaders induction ceremony at my old high school, Bundamba State Secondary College. Bundamba
State Secondary College is getting $200,000 as part of the BER School Pride money, which it is using for a library security system, a new master key system, a new multipurpose area, new covered concrete pathways and 82 new computers under the Digital Education Revolution. I want to congratulate college captains Rhiannon Hutchison and Adam Pirie, vice-captains Natasha Urselmann and Shannon Griffiths and also the student council president, Penny Redshaw. Interestingly enough, all members of the student council were female.

I went back to the school. As I walked in, they all cheered. I thought, ‘I’ve become very popular since I left this school,’ but walking in behind me was Israel Folau, the Brisbane Broncos, Queensland and Australian back, and he got lots of cheers. I said to Kathy Blinks, the wonderful school principal of the 800-student school, that she was very popular but even she had to defer to Israel Folau—and to Vicki Wilson, the Queensland netball and Australian legend, who was also present. Congratulations to Vicki and Israel and all the school leaders at Bundamba State Secondary College.

Kingsway Rockets

Mr SIMPKINS (Cowan) (6.44 pm)—On Sunday, 21 February 2010 I visited the Kingsway Junior Football Club registration day. The Kingsway Rockets provide boys and girls from the Landsdale, Darch and Madeley suburbs an opportunity to play Australian football. I understand that between 450 and 500 young people have registered, with 200 just for the Auskick program for five- to eight-year-olds. I know that there will be teams for year 4s and year 5s, a team for 11-year-olds, a team for 12-year-olds, two teams for 13-year-olds and teams for 14-, 15- and 17-year-olds. A strong club, the Kingsway Rockets are in their 11th year. I pay tribute to the strong support provided by the Kingsway Football Club, the senior club. I also met the senior club’s president, Jayson Bennett. In speaking to members of both clubs, it was clear to me what a strong relationship the senior and junior clubs have. The committee of the Kingsway Rockets is led by President Gavin Oliphant. The vice-president is David Blake. Ian Brotherton is the junior vice-president, Jon Carter is the secretary, Ray Buscall is the registrar, Sharon Southall is the treasurer and Craig Nylander is the coaches’ coordinator. Beyond those main positions, there are a great many people helping with the day-to-day running of the club, including coaches, managers and volunteers who have been getting the job done over several years. The oval at Kingsway Sporting Complex is undergoing some modifications and, when it is completed, I understand that it will be able to host visiting AFL clubs for training sessions. It is a big oval, the same size as Subiaco, and lights will make it an excellent and much sought after ground.

I quickly gained the impression that the Kingsway Rockets are going well and have an even greater future ahead of them. The benefits in health and fitness for local young people cannot, however, be achieved without dedicated volunteers. I therefore thank Gavin Oliphant and his dedicated team of volunteers, past and present, for adding great value to the community. (Time expired)

Ms Alison Lawrence

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (6.46 pm)—I would like to acknowledge Alison Lawrence for the contribution she made to the Australian Labor Party and regional Western Australia. Alison was a determined woman who recently lost her battle with breast cancer, on 11 November 2009, aged 54. I am indebted to Jodie Lynch for her help with these remarks.
Alison was an extraordinary woman. She fought her battle with cancer in the same way that she lived: with strength, determination and courage. Alison was a tremendous advocate for the Labor Party and the labour movement, and some would even call her a Labor ambassador. Alison gave commitment, knowledge, time and energy to the Australian Labor Party for close to 30 years. She did not miss a campaign in the Kimberley, undeterred by harsh weather or by travelling to polling booths hundreds of kilometres away from her home. Alison truly was the heart and soul of the campaign team. Everybody in this parliament would appreciate the dedication and energy that it takes to get through a campaign. Alison could be relied upon to do mail-outs, to doorknock, to set up booths, to close booths and to scrutineer the vote.

Alison was a rare gem. Alison was passionate. Her passions did not stop with the Australian Labor Party. She embraced the arts, history and social action groups in regional Western Australia. In recognition of Alison’s dedication to Broome Senior High School, the school will rename its library in her honour. Alison’s love and commitment to the preservation of history took her to the front line. Alison successfully campaigned to stop the demolition of the original Geraldton Town Hall, which today is a regional art gallery. The Kimberley was a fortunate beneficiary of Alison’s passion as she launched herself into WA’s first professional regional theatre company in Broome in the early 1990s, making a huge contribution to community art events such as the Fringe and Shinju Matsuri. At the time she died, Alison was an active member of the Australian Labor Party’s Broome branch, Broome Historical Society and her local church. Her positions in the local Broome branch of the Australian Labor Party were numerous and most recently included membership officer. Alison played a wonderful part in the community of Northern Australia. (Time expired)

Immigration: Klue Family

Mr SLIPPER (Fisher) (6.47 pm)—I want to applaud the fact that visas were given to the Klue family, formerly from South Africa, who live in Buderim. Jannie and Amanda and their children, Jan-Sari and Pieter-Nic, arrived here from South Africa in December 2007 and set about setting up a new life for themselves, free of the concerns of a land plagued by crime, where they had lived in a home behind razor wire and with CCTV cameras. They bought a business here and worked hard to make that business a success. Their children were enrolled in a local school. They became very active in the local community. They were working seven days a week in their business and they attained very great community support. They have proven themselves to be a stable and sensible family, a very much admired part of the Buderim community. They very much wanted to stay in Australia and they had aspirations for their children, but, unfortunately, due to a visa application mix-up, the family found themselves facing a forced return to South Africa. It was an issue that I and the community took up. My wife, Inge, became very much involved as well. A 457 visa has now been issued, which will give them the opportunity to make a new life permanently in Australia in due course.

I want to applaud this exercise of people power. I want to applaud the local community for getting behind the Klue family, who will, in due course, make very good Australians. They very much wanted a future for their children. They were victims because their visa application was mixed up by an immigration agent they were dealing with. But, given the fact that the matter was considered by the Minister for Immigration and Citizenship, Senator Chris Evans, a very sensible decision has been reached which gives this wonderful family the opportunity
for a permanent life in Australia. This is a very sensible outcome and one which I applaud.  
(Time expired)

Mr Jim Hennessy

Mr BRADBURY (Lindsay) (6.49 pm)—I rise to take note of the passing of Jim Hennessy. Jim was a dedicated trade unionist and a passionate advocate for the rights of working people. He was an active member of the Lindsay Your Rights at Work committee and campaigned to defeat the former Howard government’s Work Choices laws at the last election.

Jim emigrated from the United Kingdom with his family. He was a painter and decorator by trade but, to those who knew him, Jim could do practically anything. After living his early years in a South London commission estate, Jim rose above the adversity of those beginnings and went on to become a man with passion for his community and a deep commitment to helping others. Even in retirement, Jim continued to make a contribution by volunteering at Governor Phillip Nursing Home and as a driver of Penrith council’s community bus.

Jim had a love and deep understanding of his adopted country. He was a keen explorer of Australia, was a dab hand at the didgeridoo and had a knack for finding the nearest yabby hole. With his sharp mind and rich network of contacts, Jim was never afraid to give you his opinion or to put you in touch with the right person. With his generosity of spirit he was a man you could always turn to.

Jim is survived by his wife, Sheila, children Peter and Tracey and his grandchildren. I know he will be remembered as a man who lived his life with great vigour and passion, and he has a place in the hearts of many in our local community.

Mr IRONS (Swan) (6.50 pm)—I too feel very comfortable in this committee room when you are in the chair, Mr Deputy Speaker Sidebottom, to support the member for Lyons and his compliments to you as well. I also understand your affection for the great game of the Australian Football League. We just heard the member for Cowan talk about his visit to the Kingsway Junior Football Club. In my role as the director of junior development at the Perth Football Club in the Western Australian Football League I spent some time with junior clubs in my district on the weekend because their registration day was yesterday.

I just want to quickly mention the junior clubs in my district, which are: Manning, Redcliffe, Lynwood/Ferndale, South Perth, Victoria Park, Belmont, Queens Park, Thornlie, Maddington, Gosnells, Huntingdale and Kenwick. They are a great group and fine teams in my electorate and also within the Perth district. I would also like to congratulate them all and wish them all the best for the coming season. To all the umpires, officials, volunteers, parents and families who get involved with the junior sporting days, without their involvement there would be no competition, and the work that they do in the community is undervalued sometimes. I forgot to mention the coaches as well. They set the standards for the kids to play to, the standards of the games and the standards of the parents. I think that the work they do for the community is fantastic.  
(Time expired)

Grafton Country Music

Ms SAFFIN (Page) (6.52 pm)—As a fan of country music I would like to congratulate several established and up-and-coming exponents of the genre who have done the City of Grafton proud recently. The hugely talented Troy Cassar-Daley picked up six Golden Guitars...
at the 38th Country Music Awards of Australia in Tamworth. That took his career tally to 20 Golden Guitars and four ARIA music industry awards, which is not a bad effort for a boy who started out playing in a band called Little Eagle in the pubs and clubs of the Clarence Valley in northern New South Wales. I know that his Mum, Irene Daley, and old band mate, Andrew Hegedus, who is now managing Aboriginal housing across the North Coast, are very proud of Troy’s achievements as a recording artist and prominent Australian.

Troy shared the award for Vocal Collaboration of the Year with The McClymonts—sisters Brooke, Samantha and Mollie—who also hail from Grafton and who hosted this year’s awards. Samantha joked that there must be something in the Clarence Valley water because Grafton musicians dominated the prestigious talent competitions. Former south Graftonian Luke Austen took out the Toyota Star Maker competition, winning a recording deal, video clip and 12 months use of a car. A local, Aaron Bolton, was a finalist in the Road to Tamworth competition and budding instrumentalist Tullara Connors, of Ramornie, won the right to perform on the final day of the festival. All this has led to the suggestion that Grafton should stage an annual country concert, perhaps at Easter, with its home-grown stars returning to perform. I will be buying tickets for that show. (Time expired)

Forgotten Australians

Mr IRONS (Swan) (6.54 pm)—I take this opportunity to mention that, following on from the Forgotten Australians apology, this Thursday in Perth there will be an apology from the British High Commissioner to the UK migrants, who were also known as the Lost Innocents, who were transported by the British government to Australia. Out of the 7,500, most ended up in Western Australia, and we cannot forget that they went through an institutional life, as many of the Forgotten Australians did.

I would like to make members in this chamber aware that, hopefully, I will be attending the apology on Thursday. It is a big step in the right direction for many people. It is a road to recovery, after the suffering they have gone through. Also, we cannot forget the migrants from Malta who came out at that time, under the program of the British and Australian governments.

The DEPUTY SPEAKER (Mr S Sidebottom)—Order! In accordance with standing order 193, the time for constituency statements has concluded.

PRIVATE MEMBERS’ BUSINESS

World Wetlands Day 2010

Debate resumed, on motion by Ms Saffin:

That the House:

(1) notes the:

(a) theme for World Wetlands Day 2010 is Wetlands, Biodiversity and Climate Change;
(b) threat to wetlands from climate change and human activity and the role of wetlands in climate change mitigation and adaptation; and
(c) valuable work of WetlandCare Australia and other non-government organisations in supporting communities to protect and repair wetlands;

(2) acknowledges that wetlands and healthy rivers are a priority under the Government’s Caring for Our Country program and the 10 year Water for the Future plan; and

MAIN COMMITTEE
(3) requests the Government to consider, on a case by case basis, initiatives such as those adopted by the Lismore City Council and Richmond Council in Page, to develop wastewater treatment facilities that process sewerage and wastewater and create healthy wetlands.

Ms Saffin (Page) (6.55 pm)—I was fortunate on World Wetlands Day in 2010—the theme of which was ‘Wetlands, biodiversity and climate change’—to attend the opening of the exhibition and awards ceremony of the WetlandCare Australia National Art and Photography Competition, held here in Canberra on Monday, 8 February at CSIRO’s Discovery Centre.

WetlandCare Australia is a wonderful national organisation based in Ballina, which is in my electorate. This is a very beautiful coastal city and one that is impacted on by climate change and by extreme weather events. The competition received over 650 entries from all over Australia. As I have said in this place before, some of my local residents won an award in that competition of 650 entries.

The General Manager of WetlandCare Australia, Nicci Carter, in a letter to me, said, among other things:

This competition plays a crucial role, through the touring exhibition and media coverage, in raising awareness across Australia, highlighting the important role wetlands play in our lives and how we are so intrinsically connected to the environment around us.

So true. I have seen the joy, as we all have, of the farmers when the rains come and the inland wetland areas come to life. I have seen that directly. Wetlands are not just coastal areas, as we often think.

I would like to give a few examples of what WetlandCare Australia are doing in my seat of Page. WetlandCare are currently working to protect threatened Bush Stone curlews in the Glenugie-Pillar valley region and are also conducting a fox-baiting program to protect the birds by working closely with local landowners. They are also working to protect the barking owl habitat in the upper and lower Clarence through cat’s claw creeper removal and biocontrol. Cat’s claw is a big problem in my area. In Bungawalbin they are undertaking salvinia biocontrol, through salvinia weevil release and also cat’s claw biocontrol. Wetland Care Australia are fencing off waterways and wetlands from lantana and groundsel for biodiversity conservation.

In conjunction with the local area, the Jali Land Council and Cabbage Tree Island Public School WetlandCare have coordinated bush regeneration, interpretive signage and a wetland walkway. There is really important work in my area on acid sulfate soil remediation works. The acid scald in the Tuckean Swamp has been significantly reduced due to the work of WetlandCare Australia. This helps all the fishermen in our area enormously.

I also note that the primary legislative and policy responsibility for managing wetlands is with state and territory governments. Farmers and landowners manage the wetlands on their land and manage it very well. The Australian government, through the department, is the administrative authority for the Ramsar Convention on Wetlands of International Importance. The Australian government, on this matter, works with state and territory governments through the Natural Resource Management Ministerial Council in implementing the Environment Protection and Biodiversity Conservation Act 1999. There are 65 Ramsar wetlands and there are 900 nationally important wetlands.
The other part of the private member’s motion that I want to give some attention to is the treatment of sewage through sewage treatment plants—people often confuse ‘sewage’ and ‘sewerage’—and by creating wetlands. In my seat there are two councils, Richmond Valley Council and Lismore City Council, which have sewage treatment plants that use wetlands. Wetlands are remarkable filters; they reduce the carbon footprint and they do not use a lot of energy because they are not using a lot of electricity. I have seen them in action, and they are a very efficient and friendly way to treat the sewage. Lismore City Council has said:

The current sewage treatment plant at South Lismore is an old trickling filter plant with a 12 hectare wetland system for final polishing of the effluent.

It goes on to say:
The results we achieve at this plant are as good, if not better, than the modern designed plants that utilise high energy consumption. Outlet pollutant concentrations at the South Lismore Treatment Plant are meeting or exceeding the performance of the modern—

‘modern’ means fully mechanised—

East Lismore Sewage Treatment Plant.

(Time expired)

Mr CHESTER (Gippsland) (7.00 pm)—Like you, Mr Deputy Speaker Adams, I was enjoying the member for Page’s contribution so much, and I am pleased you let it last a little bit longer. I think it is an important motion that the member for Page brings to the House tonight, in particular her references to the threat to wetlands from human activity and the role of wetlands in our community. Coming from the electorate of Gippsland, I am very interested in issues relating to World Wetlands Day and to the Ramsar listing of wetlands in particular. I know that World Wetlands Day was first celebrated in 1997 and recognises the Convention on Wetlands of International Importance, which was signed on 2 February 1971 in the Iranian city of Ramsar.

From a Gippsland perspective, where we have Ramsar-listed wetlands associated with the Gippsland Lakes, we are very concerned about the threats to the lake system of human activities, particularly further up in the catchment. While the Gippsland Lakes are a very large system of inland waters, they are actually impacted on by an enormous catchment area. What is of great concern to the people of Gippsland at the moment is the issue of further diversions of fresh water from Gippsland via the Thomson River to Melbourne. There is a message that Gippslanders have taken to the state Labor government which relates to a recent decision to take another 10 billion litres of environmental flows from the Thomson River to water the gardens of Melbourne. The health of the Gippsland Lakes system is critical to our $200 million tourism industry, and the state government is fully aware that this decision will have negative impacts on a variety of species throughout the catchment and also in the Gippsland Lakes themselves.

It is an issue that I have taken up with the federal environment minister, hoping he may have some capacity to act under the Environment Protection and Biodiversity Conservation Act 1999. The minister has responded to my representations, indicating that he was seeking further information from the Victorian Department of Sustainability and Environment about the proposed diversion and seeking greater detail about any measures that would be undertaken to mitigate the impacts on the Australian grayling, which is a threatened fish species, as
well as information on the timing of any diversions and any possible impacts to the Gippsland Lakes Ramsar site. I am disappointed that it has taken several months for the minister even to seek further information from his state counterpart, and we are yet to have any response from the minister about whether he is going to take any action at all to protect the Ramsar listed wetlands of the Gippsland Lakes.

I would also like to address the motion’s reference to the activities of communities and non-government organisations to protect and repair wetlands. As the previous speaker, the member for Page, indicated, it really highlights the role that communities play in protecting and enhancing our environment. The member for Page referred to farmers and landowners and their role as custodians of our wetlands, which may not necessarily be understood by people in the cities, who might not get to see the activities on the ground which occur in many of our regional communities.

It is in that vein that I refer to the people who volunteer through the Landcare network. Last year we recognised 20 years of service of the Landcare network throughout Australia. There are more than 100,000 volunteers rolling up their sleeves every weekend anywhere you go in regional Australia. You can find them out there doing revegetation work, erosion control and pest animal control in particular—a whole range of programs which have marked benefits for our wetlands and the natural environment generally.

I have a concern that I have raised directly with the Minister for Agriculture, Fisheries and Forestry regarding the future funding arrangements for Landcare facilitation. It is an issue that the minister is very much aware of: he has had petitions land on his desk and he has had many representations from groups, including the Victorian Landcare network, which have raised concerns about the federal government’s Caring for our Country business plan. The Victorian Landcare network wrote to the minister in August last year and indicated that there were 142 Landcare support staff on the ground to support Landcare groups in Victoria during 2007-08 and what bothers me is that they fear the number is likely to drop to 35 by the end of 2009.

The minister has responded to those concerns to some extent. He has put out media statements indicating that the government would fund 56 facilitators around Australia, but I would suggest that, when we are talking about 100,000 volunteers involved in practical environmental work, 56 facilitators is simply not enough. It is a major concern right throughout regional Australia. It affects regional communities and it also affects the future health of the environment—in particular, the health of wetlands and the catchment areas that serve them. I acknowledge the member’s good intentions in bringing this motion to the House and I support her in the work she is doing in relation to her own electorate, but I urge the government to continue to look at ways of taking direct and practical environmental action rather than indulging in lofty words on this particular topic.

Mr GEORGANAS (Hindmarsh) (7.05 pm)—I rise in support of this motion and congratulate the member for Page for bringing such an important motion to the House. The theme for World Wetlands Day 2010 is ‘wetlands, biodiversity and climate change’. One could speak at great length on the importance of wetlands for the sustenance of life—life that is wholly dependent on the wetlands, life that largely relies on the wetlands and life that seasonally or occasionally uses such sites for intermittent purposes. The inter-reliance of myriad species of flora and fauna on wetlands and the natural processes that exist in them, each reliant on the others, is epic. Their beauty makes iconic images that exemplify the best of our largely arid
landscape, images that we hold dear in our minds of Australia in its pristine condition. Be they current images of Kakadu, occasional images of Lake Eyre or 19th century images of the Murray River and its billabongs, such images are held dear by many, if not most, Australians with a sense of wonder and pride.

Most of eastern Australia’s waterways are regulated in one way or another and many surviving wetlands are reliant on regulated allocations of water for their survival. The Chowilla Floodplain, adjacent to the Murray River on the South Australia-Victoria border, is one such wetland. The Chowilla Floodplain is especially reliant on flooding, as saline groundwater will lay waste to the entire region without sufficient quantities of freshwater flooding over the ground and keeping the saline watertable down. If we allow the salt to rise, this land will not only lose its forest but become a lifeless hellhole. This is one of the great arguments in support of the Rudd government’s water buyback scheme—a government scheme for delivering more water to keep alive the rivers and their surrounding lands and all that rely on them. The other great argument in support of quarantining more water for non-commercial uses is soil acidification, a truly toxic and hellish outcome that threatens much more than the local area and populations.

To sustain our wetlands and flood-reliant forests and to keep the devastating chemical processes at bay, the government has purchased over 600 gigalitres of water entitlements to date. This is most welcome, and we have only spent one-third of funds budgeted for this purpose. The previous government’s target of 500 gigalitres of environmental water has already been well exceeded. The often cited target of 1,500 gigalitres, which just happens to be the highest of three arbitrary volumes inquired into by COAG around 2002, may also be exceeded by this one program. With other measures specifically concerned with metering on-farm irrigation systems and off-farm transmission infrastructure, the old 1,500-gigalitre target will most likely be well exceeded by this government, achieving in just a few years more than what the previous government ever dreamt of doing in over a decade in government.

The motion before us mentions the waste water treatment facilities of Lismore City Council and Richmond Valley Council, which the member for Page has mentioned. The use of treated waste water is gaining greater and wider attention and is resulting in the unlocking of substantial volumes of water for irrigation and environmental purposes. The great majority of waste water is generated in metropolitan areas, where the land for such ponds is at a premium and would more likely be used for stormwater harvesting. Nevertheless, in the case of Adelaide, an increasing proportion of waste water is being recycled through the McLaren Vale waste water irrigation system and the Bolivar waste water treatment plant’s piping of treated waste water to the northern market gardens and orchard districts around Virginia. These are excellent examples of what is possible in the vicinity of a large metropolitan area.

The member for Makin is here in the room with us. He had quite a bit to do in his former role as Mayor of the City of Salisbury in ensuring that wetlands were created in that area. The newest investment in that area, in my own electorate at Glenelg, is the Park Lands Recycled Water Pipeline Project, opened last month in Adelaide’s parklands, which I supported while a member of the opposition. I was very pleased to see that it was funded to the tune of over $30 million by the Rudd Labor government as soon as it came into office.

It is absolutely vital that each of us, in our own part of this country, treats water as a precious gift. We can be in metropolitan areas where stormwater harvesting and waste water re-
cycling are priorities or in peri-metropolitan or more regional areas where land is available for pond treatment facilities such as in Lismore and Richmond council areas. Irrespective of that, we need to appreciate the value of the water we have—it's value is increasing year by year. I commend this motion to the House.

Mr IRONS (Swan) (7.10 pm)—I rise this evening to speak to the motion on World Wetlands Day 2010. I congratulate the member for Page for putting this motion forward and other members for their contributions to the debate. I spoke about World Wetlands Day during the last sitting week. I also spoke about the Canning Wetlands in my electorate of Swan. Yesterday I was down at the Canning Wetlands. I spent some of the morning clearing weeds with the Wilson Wetlands Action Group near the Wilson Lagoon which, unfortunately, looks like being overrun with Hydrocotyle, which is a weed ranked at about No. 57 on the noxious weeds list in Australia.

I was lucky enough to get down there a bit earlier than the action group. They have an elevated hide beside the lagoon. I was able to spend 15 minutes watching the birdlife down there, which is just fantastic. It was like watching National Geographic on pay television. It was a great experience and the peace was only broken by the state 20 kilometres seniors walking championship, which was not that noisy because there were only two competitors. I congratulate the winner; the other competitor had to drop out halfway through with an injury, so it was a fait accompli. Wilson Lagoon is a great area which gets a lot of community use.

Russell Gorton, who won the Canning Citizen of the Year award, was there with his mother. Two other volunteers, Rose and Ash, also attended to help clear weeds in the area. This volunteer group meet once a fortnight to eradicate weeds around the wetlands—there is no shortage of weeds. They are one of 17 volunteer groups in this area and are to be congratulated for all the work they do for the local ecology.

Back to the weed: I thank the Parliamentary Library for providing some additional information on this matter. The weed’s specific name is Hydrocotyle ranunculoides and it is native to the Americas. It has become more widespread in Europe as a result of being introduced as an aquarium and garden pond plant that became naturalised. To date it has only been found in the Perth region of Western Australia, principally in the Canning River. According to the government website Weeds in Australia:

This vigorous weed has the potential to spread to other waterways in other temperate regions. It is a potential weed of all freshwater environments, being an aggressive invader of marshes, wetlands, waterways and the edges of still and slow-moving water.

The Centre for Ecology and Hydrology in the United Kingdom has said that there are a number of varying methods used to control these weeds. Mechanical control is to cut with weed cutting buckets or bolts and remove the plant physically. A chemical control option is herbicides containing glyphosate, which can work well on this weed. The glyphosate products should be used through a low-volume apparatus to apply a low volume of concentrated herbicide to the leaf surface in order for any control to be achieved. There are also several methods of environmental control, but none gives a complete solution. Providing shading by planting trees assists as Hydrocotyle does not establish well in shaded areas. Providing shade in WA can be a challenge on its own because of our great lifestyle and plenty of sun.

Biological control options include a weevil called Listronotus elongatus, which has been demonstrated to feed exclusively on Hydrocotyle in Argentina. Following collection of the
weevil on this plant, further work on this agent is planned in the UK. The adult weevil feeds on the leaves by scraping away the leaf surface and forming discrete holes, some of which become infected by unidentified pathogens. The adult females lay eggs in the base of the petiole and the larvae develop and burrow down into the stolon. Preliminary observations indicate that the larval damage is restricted to the stolon around the base of each petiole, possibly allowing other larvae to occupy neighbouring petiole or stolon sections. But we must make sure that this is a real solution and not go ahead with something that is going to cause damage to the local environment.

In conclusion, I thank the member for bringing the matter of World Wetlands Day before the House. However, the government must not just do the talking but also take action. The NRM group has had its funding cut by half since the Rudd government came in, which has seen a loss of employment and a loss of projects in the local wetlands area. So I urge the government to reinstate funding to the NRM. I also again congratulate all the volunteer groups who work in the Canning regional area.

Mr ZAPPIA (Makin) (7.16 pm)—I welcome the opportunity to speak in support of the motion by the member for Page on World Wetlands Day. Between 1997 and 2007 I served as a member of the Salisbury council. During that time Salisbury council became a world leader in constructing man-made wetlands and using them to collect stormwater, cleanse it and then store it underground for use as it was required later. It was the result of the collective work of many people over three decades. The work is continuing today and the city of Salisbury now has some 36 wetlands covering around 260 hectares. Noticeably, the regeneration of the local ecosystem has been enhanced because of those wetlands. Statistics on some of the changes we have seen in recent years include: 173 species of birds, including 24 species of migratory waders, have been observed; 37 native aquatic invertebrate groups have been spotted; and seven native reptile species, seven native mammal species, five native fish species and four native frog species have been seen. That is just an example of the return to nature in habitat that had previously disappeared. Mr Deputy Speaker Adams, you would be familiar with the Salisbury wetlands because I recall that some years ago you visited the wetlands as a member of parliament and saw precisely some of the things I might refer to in a moment.

It is interesting that in the lead-up to the 2010 South Australian state election and in the face of a long drought period a swag of political converts to wetlands development as a source of water supply have emerged. People who previously knew nothing and did nothing about stormwater harvesting have seen the political opportunity and, out of nowhere, have become advocates of and experts in the process. Such has been the case with the state election announcement by the Liberal Party in South Australia that, if elected on 20 March, the Liberals will spend millions of dollars on further filtering harvested stormwater so that it can be used for human purposes. The policy is seriously flawed, it is illogical and it highlights the Liberals’ lack of understanding of this issue. In summary, the Liberal policy of mechanically filtering wetlands water and distributing it through the mains water system is financially wasteful. It will drive up water prices for those using wetlands water for non-human purposes. It will add financial cost to industry. It will discourage investment in water harvesting schemes by councils and it will deprive councils of a very valuable income source in the future.

I will go through those points in the time that I have. It is financially wasteful because it is simply unnecessary. More than 50 per cent of the household water used by homeowners is
used for non-human purposes. Around 50 per cent of all water used in the Adelaide metropolitan area is used for non-human purposes. So you do not need to filter water to the level that needs to be done when it is going to be used by humans. It will also force up the price of water for three obvious reasons: firstly, the cost of the treatment has to be factored into the price; secondly, once the water is put into the mains system there will only be one price that can apply and that is the mains water price; and, thirdly, it will reduce competition in the marketplace for sourcing your water, which is applying right now.

The policy will disadvantaged schools, sports clubs and industry. They are all major users for whom even a small increase in water price will make a significant difference. I recently had to intervene on behalf of a sports club which wanted to access stormwater to irrigate its facility because if it could not get access to that water the sports club was going to become unviable. The classic industry case is Michell Wool. On Parafield Airport, Salisbury council has developed a major wetland, and it was developed specifically to ensure that Michell Wool could access stormwater at a much cheaper price than mains water in order to ensure the industry remained viable. I see only today in the Advertiser that the Australian Industry Group is raising its concerns about the future of water prices. Again, doing what the Liberals propose is certainly going to make it more difficult for industry to have access to water that is fit for purpose but has not been treated to the extent that they want.

Pumping additional water through the mains is also not a smart option at all. The additional pressure that would be applied to the pipe system would require a major upgrade of the current infrastructure. Again, this is something which I am sure has not been factored in by the Liberals. In summary, the Liberals’ policy is poorly thought through, it will drive up water prices and it will discourage wetlands development in South Australia.

The DEPUTY SPEAKER (Hon. DGH Adams)—Order! The time for this debate is expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Pregnancy and Infant Loss Remembrance Day

Debate resumed, on motion by Mrs Gash:

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 Official Pregnancy and Infant Loss Remembrance Day; and
(3) recognises the efforts of Nicole Ballinger in promoting the official adoption of this day by Australia.

Mrs GASH (Gilmore) (7.21 pm)—The death of a child at any age is an emotionally debilitating family event, especially for the mother. Equally devastating is infant loss through miscarriage, stillbirth or other perinatal events. The grief felt can be profound and, as part of the healing process, acknowledging the event and confronting the grief provides enormous relief. The impact is probably more extensive than the statistics suggest. In Australia, perinatal
deaths are something like 4.7 per thousand. In the United States it is just below eight per thousand. In terms of the impact of the event, you need to factor in fathers, grandparents, aunts, uncles and even friends and workplace colleagues. For all intents and purposes, this is post-traumatic stress disorder, whose widespread effects are well documented within the veterans community.

There is a growing acceptance in Australia to adopt 15 October as the official day to acknowledge pregnancy and infant loss. It is already widely accepted unofficially in Australia. The United States and Canada recognise this day officially and in late 2008, Shelley Hancock, of the New South Wales parliament, moved in favour of calling on their government to consider adopting the date in the state’s calendar. I believe there are moves afoot in other legislatures in Australia to adopt this date within their jurisdictions.

What has brought me to move this motion was one of my constituents, Nicole Ballinger, who has experienced multiple miscarriages, and Nicole and Richard are here in the chamber tonight. Nicole came to me because she wanted something done. After the first miscarriage, she and her husband tried a number of remedies. She met regularly with a grief counsellor and complied with the suggestions that were given. She and her husband named the baby, planted a tree in the baby’s honour, wrote a memorial and made other gestures of grief. They did that with each subsequent loss, but the black dog of depression stayed with her.

The 18th century psychologist GH Lewes said that the only cure for grief is action. With that view, Nicole resolved that depression was not going to beat her. She continued her research in an attempt to overcome the blight. Like most Australians, she turned to the net and soon found people on a blog site with shared experiences. Although she participated only a couple of times each week, she soon found that the process was cathartic. She found that the intensity of her grief was lessening. She found that in the course of about eight months she was blogging, and she was coming out of the process at a much faster rate than the previous 3½ years since her first miscarriage.

I asked Nicole to journalise her experience so that I could relay her story to the House. With time constraints I cannot do her story the justice it deserves, but I would like to quote just a single paragraph as a way of emphasising the clinical value of having an official day of acknowledgement. This is what she wrote:

So what made the difference?

Certainly part of it was the passing of time as well, as the fifth miscarriage had not occurred in the meantime. I’m also convinced that I began to heal through identification with others and the normalisation of my trauma.

I shared my story with those on the blog board and was overwhelmed by the amount of care and empathy that I was given. Then other people joined the board, some of whom were in the throes of fresh raw grief having just lost their baby. So I began giving these women what I could, sharing my own experience and hope, encouraging them to ‘hang in there’ because some of them even expressed suicidal tendencies.

Nicole and her husband went on to launch an information based website with both professional and lay contributions, and she has approached her state and federal members of parliament.

This proposal for a pregnancy and infant loss remembrance day is not just a sentimental gesture; there are clinical and therapeutic benefits to be had, and that is why I am calling on
the government to support the community and formally adopt this date as a gazetted day of remembrance. How many women out there are confronting a miscarriage, thinking they are alone, when they do not have to be? This day will help reinforce the assurance that theirs is a shared experience, and, like Nicole, who blogged with other women, the sharing of the experience will help rescue them from the depression that inevitably grips the victim.

Eleanor Roosevelt once said, ‘Happiness is not a goal; it is a by-product.’ Nicole has found a way of moving forward. It may not be the way that some choose, but this government can assist the process by raising awareness through the declaration of such a day. I commend the motion to the House, and I thank Nicole and Richard for being here tonight.

Mr SIDEBOTTOM (Braddon) (7.26 pm)—Thank you to Joanna for presenting this motion to the House, and in particular to Nicole and Richard—thank you for being here and thank you for doing what you are doing. This is personally difficult for me as well, but I suppose I want to demonstrate the importance of what you are doing, because there are so many people that have been affected by pregnancy loss, stillbirths and child death soon after birth. Some of the facts that have been presented by Nicole and Richard—you mentioned that men feel it deeply as well—are that in the developed world one in three pregnancies ends in loss, one in four women have lost a baby, one in 2,000 babies die not long after birth, one in every 48 babies is stillborn and 500,000 miscarriages take place every year. One in three women in Australia in their thirties who have given birth have also had a miscarriage. So it is something that a lot of people experience. In many cases they remain silent about it, but it is very useful for people to be able to share their experiences with each other and to know that you are not alone in your grief, and that it continues for much longer than you think.

On 4 February 1984, my wife, Bronwyn, and I lost our son Christopher, who was born premature. There was no support at all. When Bronwyn was brought in in early labour, there was no attempt to fly her to Hobart for intensive care. There was no humidicrib; it was removed. We were basically told little. Christopher was born. We spent time with Christopher. He was alive and we held him. In our ignorance, we did not know what was happening. We were told little. Christopher was taken away and we never heard what happened, how he died. Unfortunately, Christopher had an IUD lodged in him as an embryo. We were not advised that that could have been removed earlier. But anyway he was born with that. We were told he was infected. He looked beautiful, irrespective of me, and he died soon after, about an hour after. I remember it being about 2.30 in the morning; as I was leaving, in grief, they ran after me in the corridor and asked me to sign a death certificate.

The next day I came to see Bron. They had taken her out of the maternity area and had her in the general ward. She did not understand what had happened. We left together. There was no counselling or referral to anyone. We buried Christopher alone. We were told we could not have children again. Gracefully and mercifully, we were told that Bron could go on an IVF program. When she did finally front up for it they said, ‘We cannot help you because you’re pregnant.’ This was in 1986, so we lived with this from 1984 to 1986. Our son Julian was born on 26 June 1986. He looked just like Christopher, so I know what Christopher would have looked like as he grew up. Our other beautiful son William was born on 6 May 1988.

I will support this motion any way I can. We had no support. Others will have support and do now, which is terrific. Thank you for the terrific job you are doing and thank you for helping me remember.
Dr STONE (Murray) (7.31 pm)—This sort of motion reminds us how human we as politicians, constituents and clerks are. The loss of a baby is so profound. None of us should ever forget the sorrow of others or our own personal loss. I commend Joanna Gash, the member for Gilmore, for putting this motion to us in the House and for bringing with her Nicole Ballinger, her partner and friends. Through Nicole we can perhaps do something more, and that is officially recognise Pregnancy and Infant Loss Remembrance Day, like they do in the United States and Canada.

The previous speaker, the member for Braddon, and the member for Gilmore have reminded us how often there is a miscarriage, stillbirth or death of a baby shortly after birth. There is an extraordinary number. In Australia perhaps 15 to 20 per cent of babies are miscarried, for example—and that is of known pregnancies. Of course, there are probably many more.

Just as Sid has said, many decades ago it was a case of: ‘Forget it. You have lost the baby, yes, but go home. Get on with your life. Perhaps you have other children to think about. Certainly, do not expect much more from the health sector, for example.’ There was no encouragement of photos, flowers, a service or the naming of the child. No doubt that led to more grief and a wondering if the mother and father—and perhaps the brothers, sisters and grandparents—were the only ones who really cared. This official Pregnancy and Infant Loss Remembrance Day would give the whole community the sense that we all do care about those babies, those little boys and girls, who did not start life or whose life ended too soon.

I think of my own daughter, who had a series of miscarriages. We had the joy of thinking that the first ultrasound would give us the gender of the baby, but instead there was no heartbeat. It was very sad. But, as we have said, the family together can grieve, can think of that loss and can think about the potential joy of other children or about the joy of others who are already born.

It is very important, for example, in relation to paid parental leave policy, which the Labor Party has identified as commencing in 2011, that there is recognition of a stillborn baby and that the parents will be eligible for paid parental leave. I think that is a very important and humane thing to do. Certainly the coalition will echo that sentiment or that need because, of course, parents who have lost a baby deserve, should have and would need that parental leave just as if the baby had survived.

So I think this is a most important policy area. I want to say too that we should be thinking about families where babies have been lost in other countries where, clearly, too often the women have not had sufficient maternal health care, and where babies are more likely to be lost because of problems with nutrition or war or violence or extraordinary catastrophe. I understand there are 65,000 pregnancies and 7,000 babies due to be born in Haiti in the coming month or so, and those mothers and those babies will have an extraordinary time surviving.

We as a country should grieve the loss of our own babies and those of others. We should understand that in some sectors of the community there is more likely to be a loss than in others, and I am thinking of Indigenous women in our community. We have got to make sure that we do all we can to support families and mothers in those circumstances. There is no doubt that grieving together, identifying your loss and having the community understand your loss must help in that grieving process. I again commend Nicole and the Ballingers for promoting the official adoption of this day in Australia. I certainly commend this motion to the House. It
is one humane thing that we can do in Australia when too often in this parliament we do not think of humanity but, instead, contest. This is about humanity and loving one another, and I certainly add my weight to commending this motion to the House.

Mr BRADBURY (Lindsay) (7.36 pm)—I also commend the member for Gilmore for bringing this motion before the House. I am very pleased to be able to speak in support of it. Last year I watched one of my best friends carry a small white coffin in his arms. It was the funeral for his daughter who, days before, had died in utero. He was carrying her out of the church for her final farewell. There was not a dry eye to be found in the church. It was one of the saddest, one of the most moving funerals I have ever attended. She had been the subject of much anticipation, of the excitement of expectant parents and their friends and families.

In January 2009 my wife and our four children had visited our close friends whilst on holidays in Brisbane. We exchanged stories about their hopes for their child and our experiences as young parents. We inspected the nursery. There was such anticipation. But the long lifetime full of rich memories that we envisaged would be ahead of this as yet unborn child would never be realised.

The small white coffin carried in a grieving father’s arms was a heart-wrenching scene. As a person brought up in the Catholic tradition, a funeral in even the most difficult circumstances is a time for celebrating the life of the deceased. But it is not until you attend the funeral of a life that has barely had time to be lived that you realise the depth of the loss that families faced with this reality confront. As my grandfather, who survived one of his own children, once confided in me, ‘There is no greater loss you can feel than attending the funeral of one of your children.’

In Australia in 2007 there were 1,676 deaths of babies at some stage during pregnancy and a further 856 deaths of babies within the first 28 days of life. Each of these deaths represents an enormous tragedy and a grief that we all wish no-one should ever experience. To lose a child, particularly a child who has died at the very beginning of his or her life, is a wound which does not heal for parents, although the hope, the prospect and perhaps even the eventuality of having other children can help parents to again look forward in their lives.

The Pregnancy and Infant Loss Remembrance Day is a day that seeks to recognise the pain and the suffering of those parents who have lost a baby. In the United States of America 15 October is observed as Pregnancy and Infant Loss Remembrance Day. For families who have experienced the loss of a baby this day provides a chance to acknowledge the grief of millions of parents and remember and honour the babies lost. People are invited to light a candle at 7.00 pm on 15 October no matter where they are in the world and keep it burning for an hour to create a wave of light across the globe in memory of the babies lost to us.

For my good friends who lost their daughter last year, Pregnancy and Infant Loss Remembrance Day has represented a way to connect with others who have experienced the same grief. My friends recently wrote to me, and I will read their words into the Hansard:

The day we found out our daughter had no heartbeat and had died in utero, a piece of ourselves also died. Our hearts broken. Our dreams shattered. Our lives changed forever. We became part of a select, far too often ignored and hidden community of bereaved parents. Each of us struggling to put our lives back together, to integrate the death of our children into something resembling a normal existence. Every phone call, every message, or simple gesture recognising our daughter as part of our new lives help us move forward in our grief. Last year, we participated in our first IPIL Day and Walk to Remem-
ber. Friends, family, and the greater community all coming together to remember and honour the far too many babies’ lives lost. IPIL Day enabled us to feel the love and support of our wider community again. Words can do so little to soothe the pain that a parent feels at the loss of a baby, but Pregnancy and Infant Loss Remembrance Day provides a way to share that loss and know that others are walking down the same path. I would like to express my support for this motion and for this remembrance day. There are thousands of parents out there each year who suffer the loss of a baby, and they should know that they are not alone.

**The DEPUTY SPEAKER (Hon. DGH Adams)**—The time allocated for this debate has expired. The debate is adjourned and resumption of the debate will be made an order of the day for the next sitting.

**Electronic Gaming Machines**

Debate resumed, on motion by **Mr Champion**:

That the House:

(1) supports the Productivity Commission’s recommendation to:

(a) lower the maximum bet limit per button push from $10.00 to $1.00 on electronic gaming machines;

(b) lower the cash input limit on electronic gaming machines; and

(c) implement by 2016, a universal pre commitment system for electronic gaming machines;

(2) notes the observations of Productivity Commission Chairman Mr Gary Banks that ‘despite progress since our last report 10 years ago, there is considerably more that governments can do to make gaming machines a safer recreational pursuit.’; and

(3) calls on State governments and the gaming industry to support the implementation of the Productivity Commission’s recommendations.

**Mr CHAMPION (Wakefield) (7.41 pm)**—I will just say that I think the member for Brad- don gave a very moving speech on the previous motion and does this House proud when he shows such passion for an issue.

In addressing the issues around addiction to electronic gambling machines and what we do about it, a problem that I have talked about many times, the first place we have to start is to ask: is there a problem? There are many ways of answering that question. One place you can go is the key points of the draft report by the Productivity Commission, which talk about the numbers of gamblers, the percentages, the ratios and all the rest of it. Or you can go to some of the headlines that have been around, like the one in the *Herald Sun* on 26 January 2010 which reported that ‘Victorians spend $1.36 bil in six months on pokies’. Or there is the article from the *Daily Mercury* on 18 January 2010 titled ‘Mackay blows $60.8m on pokies’, or an article from 23 January 2010 titled ‘Wollongong’s $131m pokie habit’, or an article from the *Northern Star* on 22 February this year where the headline is ‘Rise in women addicted to pokies’. There are a lot of headlines, a lot of statistics and a lot of ratios which talk about the problem.

I was looking on the internet and, interestingly enough, in *That’s Life*, which is a popular magazine which tells people’s stories, there is an article about Pat Burns, 68, of Mitcham, Victoria. She talks about how her son died and then about how a pokies addiction developed as a result of that. There are a couple of paragraphs that I think are fitting. She says:

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**MAIN COMMITTEE**
Sitting in front of the machine, relief washed through me. All I had to think about was hitting the buttons. Before long, I was out of money, so I went back for another $50. Then another. Later I realised I’d put through a couple of hundred dollars. *It’s just a bit of fun*, I reasoned. However, over the next few months, I found myself at the club more and more. The pokies were proving irresistible. *That’s my pay for the week gone*, I thought at the ATM one night. But I dismissed it, shuffling back to my favourite machine.

Pat Burns in this article goes through her journey with poker machines. She talks about how, in the end, she wound up spending about $60,000 over five years. Eventually she sought help and got it. She talks about her struggles in beating the addiction. She says:

> Over the next two years I clawed my way out of debt, scrimping and sacrificing to get back in the black. But the lure of pokies remained. Especially on the anniversaries of Darren and Mum’s deaths. But with the help of David—

her husband—

and Vera—

her counsellor—

I got through it.

We can see from these personal testimonies that often people have problems when they go into poker machine venues. Often they are dealing with grief, depression or some other issue. It starts out very innocently, as a bit of escapism through gambling on these machines, but what eventually happens is a very bad addiction for some individuals.

The commission’s recommendation, which I talk about in this motion, will undoubtedly help people. It will help people in a couple of different ways. Firstly, it will stop them losing so much money. Reducing bet limits from $10 a spin to $1 a spin will ultimately lower the amount of money that can be gambled per hour, and I think that will lower the amount of damage people can do while they are in the thrall of these machines. Likewise, I think the provision for self-exclusion through mandatory self-exclusion systems can do a great deal of help for those recovering from gambling addictions, for those people who realise they have a problem and who want to seek help. It helps them deal with the irresistible lure of these machines. I have spoken about this many times before. These machines are just so addictive. It is very hard to get off them once you are on them and it is very, very easy to develop a problem, even though that problem might be overlaid by other personal problems. I commend this motion to the House. I hope to see a positive response from the government.

**Mr Laming** (Bowman) (7.47 pm)—Problem gambling is such a complex issue that clinicians, social workers and a number of professions have worked on it for generations now and we are no closer to a solution. In my five minutes today I want to focus on the medical and caring side of problem gambling, to look very briefly at the terms of reference and whether the Productivity Commission addressed them, and finally to make some ACT related points, because obviously we are in a territory where there is predominantly community gambling, and that gives it a very different profile to other states.

We have been working on the medical model with everything from SSRIs to opiate antagonists as medical treatments. You work your way through peer support and self-help groups and banning lists so that you do not enter areas of gambling. But still we are a long, long way...
from a solution. That is why the terms of reference were developed and the Productivity Commission addressed this very important issue. I want to make one very clear point, and that is that we have a range of different gambling challenges within the private betting sphere and the one that is of greatest concern to me is what is called the hyperlink machines—the multi-level jackpot systems that have multiple near miss outcomes. That is one small subcategory of betting machines that is of enormous concern to me. It has not been addressed in this report, as far as I am aware. These machines are extremely damaging and are positively playing on some of the most addictive elements of gambling. What are those elements? They have been listed in DSM-IV. They have also been developed in a number of studies in the United States, but in essence it is the preoccupation and the thoughts about gambling that never go away. It is the fact that through tolerance—or toleration, as the Americans say—more and more gambling is needed to obtain the same rush. It is the irritability and the withdrawals, the sense that without gambling life is not complete. It is the need for escape, where the subject gambles to get away from the troubles of the day. It is chasing, where once one loses one feels the need to bet again to win those losses back. It is lying to hide the extent of one’s gambling. It is a loss of control where you unsuccessfully attempt to reduce gambling, and then of course there are illegal acts where one will actually break the law to obtain the money to gamble. It is the loss of and risking of significant relationships with family and those to whom you are close, be it relationships, jobs or other connections. Finally, there is the bailout, where you turn to family and friends for help. Effectively, have five out of 10 of those and you are a problem gambler.

Just to take a snapshot in the ACT, around $170 million is turned over every year in gambling. It is important to say that it is all community gambling here in the ACT. There are no private establishments like pubs that allow gambling. In those 5,200 machines we have about the lowest machine take of any state or territory at around $35,000 per machine. I think those who are operating in the ACT would be at pains to say that, as much of that money goes back into the community, we need to find a very, very careful balance between that money going back to the community and setting up enormously expensive transitionals such as trying to change hardware or even reprogram machines at mind-numbing cost to do something as simple as changing the maximum bet limit. Such button changes would be extraordinarily expensive to undertake. The turnover of the machines is, I think, in the order of every eight to 10 years, so the clubs certainly cannot wait for new machines to be installed. That is of concern to those who are operating community gambling establishments in the ACT.

The money does some really important things around the community, and we tend to forget that. We do not want to see a system where we have completely impotent increases in signs in establishments where it turns into something like Parramatta Road, and you end up ignoring all of the signs. In the end one element has to be small, affordable changes with the technology itself—and I have named one, the hyperlink machines. I know there is one company that holds the patent for them and it would be very, very disturbed to have that subcategory of machine banned. However, were that to be done, you would be addressing potentially 70 to 80 per cent of problem gambling because it is that machine category that is most damaging to problem gamblers. Another point to make is that community gambling is far less aggressively marketed than private gambling, from which every additional dollar gambled goes to the establishment. That is a far cry from community gambling.
In summary, we are hitting as hard as we can on medical solutions. We are looking at community support for problem gamblers. We know in the end that, no matter what card or identification system is introduced, problem gamblers will go to extraordinary steps to bypass them. I support some of the recommendations of the Productivity Commission but acknowledge that the one I support most strongly, which is the most damaging of all, is the recommendation for hyperlink machines. They should be the focus of this reform.

Mr HAYES (Werriwa) (7.52 pm)—I thank the member for Wakefield for bringing this matter before us. Last year, I spoke about the Wests Leagues Club, of which I am the patron, which contributes in excess of $1 million annually into sport for the local community. In addition to that they have provided financial assistance to more than 100 hundred local athletes so that they could compete in various state, national and international events. That is just one club supporting junior sport across the south-west of Sydney.

Today I rise again to speak in relation to some of the positive aspects of clubs and what they contribute to the community. Clearly this contribution is support that they provide through a consequence of their revenue stream. Also, I acknowledge that gambling is one of those streams. In New South Wales, particularly in areas with a high concentration of families, we have seen the development of clubs in our communities and we know that they provide a range of services to the community. They are extremely popular with locals because they provide quality and affordable services at a community based level.

From my experience the clubs in my region are not typical venues, they are community hubs. In fact, I am advised that 96 per cent of clubs in New South Wales provide and maintain sporting facilities such as golf courses, bowls and sporting fields, gyms, swimming pools, et cetera. Clubs across New South Wales pay for football jerseys, subsidise player insurance, provide volunteers for coaching, provide referees’ fees, contribute buses and drivers and also provide a safe venue for people to meet and socialise. It should be said that, without this assistance from clubs, many of these services simply would not be provided in our communities. I have seen firsthand the support and assistance provided by the clubs in my region, which has allowed a lot of kids to participate in team events, and the same clubs continue to contribute millions of dollars each year to vital community services, seniors groups, community facilities, schools and charitable organisations.

I would like to make it very clear at this point that, whilst I have focused on the positive impact that clubs have in our communities, I understand that gambling excessively causes havoc to a person’s life and certainly to the social, emotional and financial aspects. Ultimately this problem may lead to the loss of relationships, homes, health and careers, may cause depression and stress, and very much be the ruination of a person’s life.

However, not everyone who gambles is a problem gambler. In the main, people should be free to choose for themselves whether they want to play gaming machines or not. But it must be said that problem gambling is a major health issue in Australia, and for that reason we certainly need policies that strike a balance between the sizeable benefits that accrue from recreational gambling and the significant harm that it causes some people and their families. Gambling is therefore an important issue for the community, and the government must consider both its positive and negative impacts when identifying and developing community outcomes and producing long-term community plans.
I note that this motion refers to one of the 40-plus draft recommendations of the Productivity Commission, and that is to lower the maximum bet on gaming machines from $10 to $1. I understand that the Productivity Commission has suggested in its draft report of October 2009 that a number of its recommendations should be subject to further research and not be immediately implemented. I understand that this is because there is no guarantee that the commission’s proposals would actually reduce problem gambling and they accept that a disturbance of the revenue base would have a significant consequential effect on the ability of clubs to provide various community services. But we must remember that one of the functions of government is to make decisions that set the direction for promoting the social, cultural, environmental and economic wellbeing of our communities. Therefore, we must develop healthy policies in relation to gambling harm minimisation.

It is also important that we appreciate that the clubs in New South Wales provide 10,000 jobs. In my own region, at last count, I think there were a tad over 3,000 people employed in these clubs. Those jobs go to supporting local families. Clearly, the draft recommendations of the Productivity Commission to lower bets and to commit to a system that would require people to precommit their bets will be effective measures but they will require a greater degree of investment and also research into their implications for staff. We must strike a proper balance, and we must acknowledge what clubs contribute to our community.

(Time expired)

Mr SIMPKINS (Cowan) (7.57 pm)—I thank the member for Wakefield for bringing this motion before the chamber. It is at least the second motion that he has brought forward on gambling. I also recall that I had an opportunity to speak before on this matter.

I do not understand these sorts of addictions. I saw this problem during a rare walk through Crown Casino in Melbourne when I was there several years ago. I saw it at certain licensed clubs within New South Wales when I was on rowing trips many aeons ago. I also saw it during a visit to Wrest Point Hotel Casino when I was in the Army, back in 1990. I felt dreadful when I lost $20, and I realised then that I did not have a problem with gambling. But you see people who seem to spend a lot of time locked to their favourite machine and also a lot of money going into those things. I appreciate what is going on. I appreciate the member for Wakefield’s pursuit of this issue. A lot of people clearly cannot help themselves, and I think that is a tragedy.

I recall one day—and this is not specifically about poker machines—talking to a local newsagent in the electorate of Cowan. He told me about a time when the lotto bonus was $30 million and a number of people came into the newsagency, paid off their minimum loan repayment to Dun and Bradstreet through the newsagent but saved the majority of their money to buy lotto tickets.

This is one of the problems to do with gambling: that some people out there who, for whatever reason, have such a sense of hopelessness in their lives that they feel that it is only through luck—the pursuit of the life-changing gambling win—that the circumstances of their adversity can be alleviated. Maybe that is something to do with what is going on in the casinos and licensed clubs around the country where people plough in many dollar coins. They are significant dollars by the time you roll them all in together. It is a terrible thing that people surrender themselves to luck. I think we here would all agree, those of us who have worked hard to get to this place, that destiny, if anything, is in the palms of our hands and is generated by hard work. It is a tragedy that there are people out there who feel that is not the way to
go—that they must rely on risking their future by ploughing coins into a machine or by some other form of gambling. As a member from Western Australia, I say that it is a great thing that we have these gaming machines restricted to the casino at Burswood. It is not ingrained into our society as much as it is elsewhere, as we heard from the member for Werriwa.

I struggle to understand how this is a recreational pursuit. It does not seem interesting to me to sit in front of a machine and hear it whirr and crank; to hear the bells and whistles going off. It is not that interesting to me but the reality is that there are a lot of people who do not have a gambling problem but think that is recreation. Provided they can live within their limits we should not be trying to restrict them. I endorse the member for Wakefield’s position on this motion. If you are happy to sit in front of a machine, and that is the right of every Australian citizen, then you can surely get entertainment out of pushing a button where it does not cost you $10 a time. I think it is a tragedy that people are addicted and we can at least make some small moves to limit the damage for those who do have a problem.

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

Global Food and Water Security

Debate resumed, on motion by Mr Ripoll:

That the House:

(1) notes that:
(a) global food prices have risen 83 per cent since 2005;
(b) the World Bank’s 2008 Agriculture for Development report predicts global cereal production must increase by 50 per cent and meat production by 85 per cent between 2000 and 2030 to meet demand;
(c) Australia has recently suffered some of the worst droughts on record, increasing water scarcity and affecting our local crops and produce;
(d) many Organisation for Economic Co-operation and Development countries have diverted large proportions of crops to biofuel production; and
(e) foreign aid to agriculture fell from 18 per cent of total aid 30 years ago, to 3.5 per cent in 2004; and

(2) supports:
(a) positive initiatives by the current Government to address climate change;
(b) policies, projects and programs that deliver long term solutions for water security; and
(c) the Government’s commitment to tackle the impact of rising food prices and shortages by addressing the root causes of global food security.

Mr RIPOLL (Oxley) (8.02 pm)—Global food security represents one of the greatest challenges that the international community faces. It is arguable that we have a responsibility to raise, debate and address these issues as a regional leader and a stable, developed nation-state. Over one-sixth of the global population, about one billion people, is now classified as undernourished according to the Food and Agriculture Organisation, the UN body responsible for monitoring the international food situation. The effects of undernourishment are well documented. Undernourishment leads to lower energy and concentration levels, susceptibility to disease resulting from weaker immune systems, and lower life expectancy for its sufferers—
and this happens to many people in the world. Afflicted individuals are also not able to work at their full capacity, they have drops in productivity, and their yields and capacity to work are of course much, much lower. This leads to a drop in the overall economy of the nation or region and, as productivity falls, so does their standard of living. Lower consumption rates lead also to job losses, and drops in income lead to poorer families, making it even harder for them to afford to buy good-quality food, even if it is available.

There are gross inequities in the distribution of hungry people around the world. While ideally no man, woman or child should go hungry, it is deceiving to see the levels at which some states and areas are suffering. This is an emerging complication of the food security crisis that will play out in the next century. It is one we must face and address. Even with one-sixth of the global population starving there are still adequate cereal and food supplies to ensure that each person is fully nourished. The reason many of these people, often from the most disadvantaged areas on the planet, are unable to access food is simply cost. The spike in prices is largely attributable to the failure of global food production to keep pace with growing demand.

The world’s population is projected to increase from the current 6½ billion people to nearly 9.2 billion people by 2050 and anyone who has read the Intergenerational report in Australia will understand the significant challenges that we face not only here but also at a global level. Global food production will need to rise by some 70 per cent to meet this challenge, incorporating the growing use of biofuels as oil prices rise, to further complicate matters. This will need to be concentrated in sub-Saharan Africa and South America, where the only tracts of high-yield, sustainable and suitable farm lands are available.

The effects of the global financial crisis were not limited to the people of Australia, householders or financial institutions. The poorest people in the world have frequently been priced out of the market, with few options available to them due to the decline of subsistence agriculture. Biosecurity is also a serious threat to global food security. The vast plethora of edible fauna is largely ignored in favour of a small variety of engineered and chemically fuelled high-yield crops. These are corn, wheat, soy beans and rice. As tastes narrow and markets boom, the varieties of these staple products grow less diverse. The refined crops of today are mostly hybrids and increasingly susceptible to crop blights and other diseases that can threaten yields. By diversifying crop production, we can insure ourselves against this threat.

The most typical challenge for ensuring food supplies is something I believe the opposition is struggling to come to terms with—that is, some of the dangers of climate change that are with us today. Global temperature rises will contract food production, dropping yields from current levels while demand rises across a variety of geographical areas. The greatest decline is likeliest to occur where there is the greatest demand and need, such as places like Latin America, Asia and Africa. It is important that we address and consider these challenges concurrently to stave off ecological disaster.

AusAID also does a crucial job in providing funds and guidance to impoverished communities across the world, giving them the means to help themselves and their people. For example, in May 2009, the federal government announced a four-year $464-million global food security initiative, which aims to do a number of things in countries from Africa to Asia, across the continent and the Pacific as well, that are affected by global food security. There is certainly much more that can be done.
I also want to link this motion that I have put forward to what I think is a growing problem in Australia. It is about crop diversity and it is about food security even within Australia, because I think these matters are all linked. One of the biggest problems that we have in Australia is type 2 diabetes, which is linked directly to our diet. There is clear evidence that over the past 30 years our diets have shrunk to a very small base and that people’s lifestyle choices and what they eat are getting narrower and narrower. Our diets are now mostly filled with fructose and sucrose, high in fat and high in salt. There is very, very little diversity in all of that, and people’s lifestyles, particularly exercise, have not kept pace. We need to have a close look at what we can do to improve that. It is one of the biggest challenges that this country and the world will face, with type 2 diabetes causing so many problems for our health budgets as well. (Time expired)

Mr BRUCE SCOTT (Maranoa) (8.07 pm)—I rise tonight to support in principle this motion on global food and water security put forward by the member for Oxley. This motion was obviously written before the climate change summit in Copenhagen last year, so I will forgive my colleague for his vain hope that there would be some significant outcome from that talkfest. However, I do acknowledge that the United Nations have on their agenda the issue of global food security.

We are very much on the verge of a global food crisis, if we are not already in the midst of it. Last year, rising food prices were the basis of violent riots in Haiti, the Ivory Coast, Cameroon and Senegal. At the moment, global food production cannot meet global demands. This is the challenge that we face: trying to feed an increasing global population so as to avoid riots, which could tragically lead ultimately to war. We are trying to do this in the face of rapidly diminishing arable farming lands. By 2050, most of the world will be urbanised. By 2025, there will be around 30 megacities with populations of more than 10 million each. To feed the population in these megacities and the projected global population of around nine billion people by 2050, food production will have to increase by 70 per cent globally. By 2030, global demand for meat will increase by around 80 per cent. There will be more mouths to feed but fewer farmers to meet the challenge.

In Australia it is expected that we will have a population of around 35 million by 2050. Our farmers contribute to feeding over 60 million people a day, so we are not only well placed to feed ourselves but we are also in a position to feed the world. To do this we must ensure that our farmers are given enough support from government, consumers and industry. Yet at the moment farmers across the nation are facing their biggest challenge: encroachment on their land by urbanisation and mining. More than 80 per cent of Queensland’s land is in some way affected by resources exploration, exploitation or excavation. For the past few years farmers have suffered uncertainty in the face of the mining giant, but they have certainly not laid down without a fight and I have been with them in this fight. They have strongly and rightly called for the assurance that the state’s prime agricultural lands will be protected from the threat of urbanisation and mining.

I support my colleague when he calls on the House to support policies, projects and programs that deliver long-term solutions for food security as a means of reducing poverty and achieving sustainable development. However, we cannot help others if we do not help ourselves. That is why it is important that we find the right balance between protecting our productive agricultural lands and harnessing our fossil fuel resources. I was pleased to learn that
recently the Queensland government has finally listened to the concerns of the state’s producers and our vital food and fibre producers. It has released a policy and planning framework discussion paper on conserving and managing Queensland’s strategic cropping land. This has been a long time coming. I have been calling for progress like this since I organised and hosted a ‘meeting of the minds’ forum between farmers and mining groups almost two years ago in my electorate of Maranoa.

Nevertheless, I welcome this paper, as have many of the farming community groups in Queensland, and I will certainly be putting a submission to the strategy. I agree with the paper on the strategic cropping land proposal when it says that they have to ‘protect such land from those developments that would lead to its permanent alienation or diminished productivity’. With only two per cent of Queensland classified as cropping land, I do not think it is a big task to ask the Queensland government to ensure our prime arable lands can continue to provide a vital source of food and fibre for the state, the nation and the world. We protect national parks; we protect the Barrier Reef; it is time that we protected our prime agricultural food resource: arable lands in this country, not just in the state of Queensland.

We must also make sure that our governments and our parliament are open to the highly supportive and new technologies which increase our yield, and I read a disturbing newspaper article recently which talked of some of Australia’s top chefs signing to an anti-GM agreement last year. The author rightly pointed out that these chefs are in a privileged position of being able to access some of Australia’s finest organically grown foods, yet across the ocean there are more than a billion undernourished people—(Time expired)

The DEPUTY SPEAKER (Hon. DS Vale)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Proposed House Appropriations and Administrative Committee

Debate resumed, on motion by Mr Hawker:

That the House adopt the following standing order, to appear between standing orders 216 and 217:

House Appropriations and Administrative Committee

(a) A House Appropriations and Administrative Committee shall be appointed to:

(i) consider estimates of the funding required for the operation of the Department of the House of Representatives each year;
(ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, the committee’s estimates of amounts for inclusion in appropriation and supply bills for the Department of the House of Representatives;
(iii) consider proposals for changes to the administration of the Department of the House of Representatives or variations to services provided by the Department;
(iv) consider and report to the Speaker on any other matters of finance or services as may be referred to it by the Speaker;
(v) consider and report to the House on any other matters of finance or services as may be referred to it by the House.

(vi) make an annual report to the House on its operations; and

(vii) consider the administration and funding of security measures affecting the House and advise the Speaker and the House as appropriate.
(b) When conferring with the Senate Standing Committee on Appropriations and Staffing, the House Appropriations and Administrative Committee may:

(i) consider estimates of the funding required for the operation of the Department of Parliamentary Services each year; and

(ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, estimates of amounts for inclusion in appropriation and supply bills for the Department of Parliamentary Services.

(c) The committee shall consist of nine members: the Speaker as Chair, and eight other members.

(d) The committee shall be assisted by the Clerk, Serjeant at Arms and officers of the Department of the House of Representatives appropriate to any matters under consideration.

Mr HAWKER (Wannon) (8.13 pm)—I will come back to the details of the motion in a minute but I just wanted to start by saying that this motion has come about from a serious concern about the growing imbalance between the powers of the executive and the powers of the parliaments, and in particular, in this case, the House of Representatives. I would like to start by thanking my good friend the member for Chisholm and Deputy Speaker for agreeing to second this motion and for showing bipartisan support.

In recent years it has become painfully obvious that the parliament itself is struggling with relatively declining resources to carry out its responsibilities to safeguard our great democracy. Democracies depend on oversight by effective parliaments. Parliaments must be independent from the government and must have the resources to scrutinise the government through legislation, spending and policy making. But in our parliament, by any measure, at the same time parliament is feeling the squeeze, the resources available to government have increased, whether it be in the form of extra ministerial staff, increased use of consultants or the growth in the size of ministerial departments. In other words, the power balance between parliament and the executive is tilting heavily towards the executive. In time this risks, I think, the whole future of our democratic processes.

How has this come about? This imbalance has been in many ways exacerbated by requirements set out by the Department of Finance and Deregulation to have efficiency dividends across the whole of departments. What happens in practice is that the department of finance demands that all departments have an efficiency dividend of, say, one per cent per annum and, while some megadepartments may well be able to absorb this, there is no doubt that smaller departments like the House of Representatives are finding it increasingly difficult. When you add the fact that in recent years the parliament has had to fund significant extra amounts for security, this has further eaten into the budgets available to run the parliament.

It is significant that similar concerns were raised in a recent report by the Joint Standing Committee of Public Accounts and Audit tabled in 2008 which recommended a commission to recommend funding levels for the parliamentary departments in each budget. I notice that the government has responded recently by ‘noting’ that report, but I feel that is not good enough and it has to be taken further. I might also add that I feel I am in a fairly unique position in putting this motion forward because I will not be contesting the next election but I have had the privilege of having been the Speaker in the 41st Parliament. So, together with the President of the Senate, I am well aware of what is required to run the parliament with the three departments—the House of Representatives, the Senate and the Department of Parlia-
mentary Services—recognising that we were operating with a combined budget of around $170 million.

It is also significant, I think, that having been fortunate to be a member since 1983 I have seen the changes that have impacted on the parliament in this relative balance between the executive and the parliament. There is no question—no question at all—that the executive have become considerably more powerful at the expense of the parliament. I will just give one example to illustrate this. In the eight years since 2000-01, Treasury’s budget has increased by over 100 per cent to $146 million for operating, while over the same period the budget for the House of Representatives has increased by just 11 per cent to $22 million. Recent governments have also seen ministerial staff and Public Service numbers grow while parliamentary staff have been cut. Likewise, if you look at extra inquiries such as royal commissions organised by governments the costs of those is substantial compared with the excellent work that parliamentary committees can do at significantly less cost. I might add that parliamentary committees do some excellent work, but it is becoming increasingly difficult, given that the budget has been squeezed and resources available to committees have been steadily reduced in real terms.

Clearly I believe greater financial autonomy, together with enhanced management and scrutiny, is a desirable reform for Australia’s parliamentary administration. There is no more important power for a parliament than control over its resources. Since Federation in 1901, the delivery of services to parliament and members of parliament by the immediate parliamentary service and the greater public sector has been shaped historically by administrative convenience rather than fulfilment of an overall design. Reforming funding arrangements to achieve greater financial autonomy for the parliament would give due recognition to the independent status of the Australian parliament under the Constitution. Over recent years the demands on politicians have increased. The number of issues and bills before parliament have consistently risen. The number of bills passed by the House of Representatives rose in the past decade by approximately 20 per cent to total 205 in 2009.

The Australian parliament has achieved some improvements in administrative autonomy and strengthening the Parliamentary Service in the past decade. This reform reflects the principle that an independent parliament requires a strong and independent Parliamentary Service. Not only should the administration of a parliament be on a sound and independent footing, but so too should the parliament be assured of financial independence within a sound accountability framework. The experiences of other parliaments with similar constitutional frameworks and parliamentary traditions to Australia demonstrate that greater budgetary and financial freedom do not mean that the executive is ignored. The examples of Canada, New Zealand and the United Kingdom—and those are obviously the national parliaments with whom Australia has the most in common—indicate that financial autonomy can be achieved effectively with an appropriate body of parliamentarians being responsible for developing the parliamentary budget, while at the same time avoiding any adverse impacts on executive responsibilities.

I know that members on both sides of the chamber are becoming increasingly concerned about this whole issue, and that is why I have put forward this motion which, as I said, talks about changing the standing orders so that a House appropriations and administrative committee can be set up. Such a committee could be appointed to look at the estimates for funding
requirements for the operation of the Department of the House of Representatives. It would then work through the Speaker so that he could present to the House the requirements for transmission to the Department of Finance and Deregulation. Obviously this committee could consider other proposals that might be required on administration and deal with the Speaker on any other matter required. It would also talk about the importance of dealing with the Senate Standing Committee on Appropriations and Staffing, looking at the question of funding for the Department of Parliamentary Services. Such a committee could be set up with, say, nine members: with the Speaker as the chair and eight other members. Clearly, the Clerk, the Sergeant-at-Arms and other officers of the Department of the House of Representatives would be there to assist.

We have seen what has been happening over the last few years. It is clear that the time has come for some action. As will be demonstrated, this debate is not a partisan issue. It is something for both sides to take seriously. I believe, as has been stated, that this motion will continue to be debated, and I would certainly encourage members from both sides to become involved, to look at this matter very seriously and to consider what other parliaments, such as Canada or the UK, are doing and the benefits from having that autonomy. I believe that this motion is one first step. It cannot be left to lie on the table. I certainly urge all members to support it, and let us continue its progress and change the whole way the parliament is funded so that we put it on a much more sound basis and redress what I see as that growing imbalance between the executive and the parliament.

Ms BURKE (Chisholm) (8.22 pm)—I welcome and second the motion before the House tonight. I think it demonstrates the essence of this motion that an opposition member and a government member are putting forward something on behalf of the parliament. The general public sees question time and thinks that is what parliament is—that it is the ferociousness of two parliamentary parties going at each other. What they fail to see is the parliament: the building that we are standing in, the institution that we all hold near and dear. So much of what we actually do in this place, most particularly through the committee work, is of a bipartisan nature.

This motion before us today would continue that solid framework of distinguishing between executive government and parliament. Then there would be a great divide, and there should be, because the parliament is the institution and it will stand. Regardless of elections, regardless of parties, it will be here. But it can only be here if it is appropriately resourced. If those resources are open to greater scrutiny—and I think that the motion before us, instead of taking away scrutiny, actually gives greater scrutiny—a committee will be allowed to be there and that committee can then be reviewed by the media, by external individuals and, most appropriately, by the Auditor-General.

In a paper that the member for Wannon presented at the Presiding Officers and Clerks Conference in Perth in July 2006, he concluded:
The relationship between the Parliament and the Executive depends on the mutual respect which accompanies the principle of separation of powers within Australia’s constitutional framework. Improving the funding and accountability framework for Parliament, should contribute to enhanced standing of Parliament and its Members.
The motion before us is to improve that relationship—to say that the parliament has some destiny over its own funding model.
There has been a Senate Appropriations and Staffing Committee on the books for some time, and its website states:

Standing order 19 provides for the appointment of a Standing Committee on Appropriations and Staffing to inquire into:

a. proposals for the annual estimates and the additional estimates for the Senate;

b. proposals to vary the staff structure of the Senate, and staffing and recruitment policies; and

c. such other matters as are referred to it by the Senate.

So there is a committee of this nature that currently operates in the Senate. When this Senate committee was established, it was recommended that the House do the same thing, but sadly, as is the way of these things, we have never adopted such a committee. It would be there as a standing committee to establish the estimates for the House to use.

Those of us who have been here long enough would remember that there used to be five parliamentary departments, which then came down to three. If you want a brief history of previous attempts to amalgamate the administration of the Commonwealth, you can go back as far as 1910. That was when the desire to rationalise departments and actually have some structure about how the departments should be funded was first expressed. Then we go to the Great Depression, when the government established an inquiry under the control of an inspector of the Public Service Board. Australia is well serviced by independent statutory authorities such as the Public Service Board and the Auditor-General. These things stand separate from executive government. This committee would stand separate from executive government, saying, ‘This is how we’re establishing the finances of the parliament as an institution in its own right,’ and could not be prorogued by any government of the day.

Committees like this, as the member for Wannon indicated, are very common around the world, particularly in countries with parliaments with which we align ourselves and affiliate ourselves most closely, such as the UK. They have a very powerful House of Commons Commission. It is chaired by the Speaker and contains the Leader of the House and other senior members. It operates by consensus. It provides estimates for the House of Commons. The Treasury has no formal control over the estimates. The House of Commons has one budget for costs relating to MPs, one budget for staff and admin costs and a budget it shares with the House of Lords. The commission is established under an act of parliament, and similar independence is accorded to the House of Lords. So in the UK such a system is already in place. In Canada there is the Board of Internal Economy, consisting of the Speaker, two ministers, the Leader of the Opposition or their nominees, and other MPs, with an equal balance between government and non-government members. It is established under an act of parliament. It establishes the annual budget for the House of Commons. It has high-level, ultimate authority in administration.

That is what this motion is getting at: there are actually greater levels of administration and greater levels of accountability. This House has a long tradition of formal and informal consultation with members about matters of administration. POITAG, whether or not you like it, has a long tradition of providing for MPs’ and senators’ input on ICT matters in the parliament. We are not devoid of input into administration. The Parliamentary Education Advisory Committee, which is chaired by the Deputy Speaker and has all parties represented, looks at the great work of the Parliamentary Education Office. We have input into that; we have input into their budgetary process. The House committees obviously have a long history as sound-
ing boards and consultation mechanisms on a wide range of matters and of advising the Pres-iding Officers on a range of things. Indeed, various House committees have actually recom-mended establishing a committee such as the one in the motion before us tonight. The Joint Standing Committee on the Parliamentary Library, as established under the standing orders, has a long and proud tradition of advising Presiding Officers on the operation of the Parlia-mentary Library, with input and feedback direct to the library. Again, it is a bipartisan com-mittee. The Liaison Committee of Chairs and Deputy Chairs is again a strictly bipartisan committee. It has informal mechanisms for people to provide information back to the Presid-ing Officers about how committees work—how the financing of those committees works, how the staffing of those committees works.

We need greater accountability, not less. Every time we talk about the staffing and financ-ing of the parliament, the press and individuals are out there saying, ‘Well, it’s pollies’ perks.’ This is actually about saying that we should have greater accountability, greater autonomy and greater recognition of openness in the parliament. We as parliamentarians should be able to say, ‘This is our financing budget,’ not have it imposed by the government of the day. It is about recognising the value of the parliament and the work that the parliament does. I com-mend the motion to the House.

The DEPUTY SPEAKER (Hon. DS Vale)—I thank the member for Chisholm for her con-trIBUTION. The time allotted for this debate has now expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Debate resumed from 8 February.

The DEPUTY SPEAKER (Hon. DS Vale)—The question is:

That grievances be noted.

Home Insulation Program

Mrs MIRABELLA (Indi) (8.30 pm)—I rise this evening to speak on issues of concern to my electorate, particularly how government policy action or inaction has adversely impacted on various groups within my electorate. Often country people do not complain. They put up and endure and try to do their best, but then it gets to the absolutely ridiculous point where they can do nothing but speak out against what has happened. We have seen this over several government programs, but I would like to begin today with the Home Insulation Program.

We have heard in the parliament today how the mismanagement and utter incompetence by this government—by the Minister for the Environment, Heritage and the Arts and by the Prime Minister, who refuses to hold the minister accountable for his actions—has left thou-sands of Australians unsure about the safety of their own homes. We saw the sudden decision last week to halt the Home Insulation Program, without any industry consultation. This is in spite of at least 20 warnings spread over several months this year and last year. There was no consultation with the industry or any reasonable or well-thought out transitional arrange-ments. The whole industry has been thrown into complete disarray. Just as hastily as this poorly managed program was put together, the decision was made to halt the program.

Halting the program will see thousands of Australians out of work and individual employ-ers and companies losing tens of thousands of dollars, totalling millions of dollars. It will have an impact on not just the insulation industry but the supply industries as well. We will

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probably, sadly, see significant levels of debt default by those servicing this program as well. All this is happening against the background of thousands of homes remaining unchecked and homeowners remaining unsafe in their own homes. I have had many constituents contact me about their concerns, about being safe in their own home and about being approached by dodgy operators.

The latest casualties are these businesses. I received an email only yesterday from a hard-working small business man in my electorate who geared up to service local people under this program. I will read just a select extract from the email. It states:

Can Peter Garrett tell me what to do with my staff (4) that will probably have to be put off. I spent $1,500 in retraining them all last Monday/Tuesday for the latest changes to the system …

This program was supposed to last until December this year. We have $12,000 of stock, two extra vehicles, two trailers, equipment …

The government still owes me over $8,000 in top-up payments for work completed in October, $6,000 in manual claims for work completed in December-January plus any other claims we have made and now I am told I will have to wait 6 weeks for anything I have not claimed because they shut the claims website down with no notice and sent emails telling everyone they had until Friday to manual claim or they will not get paid. My BAS will be due next Friday and, because I will not be able to pay, the government will charge me 14% interest. Do I get 14% off them for what they owe us?

And there are hundreds of operators like that, I am sure, right around the country.

I wanted to read those words because they are from a real person in the real world, not on some foreign planet of unaccountability and unreality with heads stuck in the sand. This is from the real world of people who have taken risks to run a business and to employ local people in rural and regional Victoria. Until the Prime Minister actually understands the human and economic scale of this mismanaged program, the more people will suffer. Until he appreciates the responsibility he has as Prime Minister to hold his minister accountable and to provide some answers and some solutions, not a political quick-fix to fix the disaster that was months in the making, then local people will continue to suffer economically as well as in other ways.

In what other ways are small businesses suffering in my electorate? They are suffering through the government’s new industrial relations laws that were supposed to simplify everything. They were supposed to make it easier for employers and employees to understand where they stood. But it has had the opposite effect in my electorate.

There is an example where local people in my electorate, both the employer and the employee, have been left worse off under the new legislation, and it is the case of the Bright newsagency. Mr Brian King from the Bright Newsagency spoke with my office this afternoon to explain his particular problem and frustration at the employment restrictions that have been imposed on him and his business as a result of Labor’s misnamed Fair Work Act. Brian employs a number of school-age children who work for him, obviously after school, for a couple of hours during the week. He has had to tell these employees that he can no longer offer them work after school.

In the country we try to instil the work ethic in our young people, whether it is working after school, on weekends, helping out on the farm, or helping out in the family business. All of a sudden these young people are confronted with the reality that they have lost their job. It is not because they have done it badly, not because they have done it unsafely, not because they
have done something illegal in the workplace, but because the government has decided that those sorts of arrangements do not suit them. They do not have the flexibility and the link into real workplaces, into small business, to understand how small-business operates and the needs of local communities, small regional communities, and their particular employment needs.

So we see the government enacting legislation, removing the ability from the small-business owner to make decisions about his business, imposing legislation on this particular employer, making it difficult for him not only to employ local people and local young people but making the best arrangements for his business. This is at a time when the federal government is telling young people that they have to work longer and earn more if they are to qualify for the independent rate of youth allowance. It makes it absolutely impossible for employers to maximise their flexibility particularly in the country. So the result of this is that a lot of young people will not be able to do after-school work. Obviously this has left these young people and their parents very upset and with a sour taste in their mouths and a lot of local businesses uncertain about their capacity to offer employment.

But where else do we see uncertainty in the workplace? We see it in the recent decision by the industrial tribunal to order the reinstatement of a sacked worker from an employer just across the border in New South Wales, from Norske Skog, ordering the payment of $16,000 of compensation. This has left many local businesses absolutely dumbfounded. What we have here is a decision that has created a very dangerous precedent. The decision by the industrial tribunal to overturn the sacking and to pay compensation was not based on the facts or circumstances of the workplace; it was based on the personal circumstances of the employee and had nothing to do with events that took place at the employer’s worksite.

From this sort of judgement businesses are now expected to know the private and intimate details their employees including what mortgage they have and what level of education they have. These were factors cited by the tribunal, and the fact that the employee breached workplace OH&S regulations on several occasions was overridden. What kind of message does the government send out with this sort of decision? If you do not go to school, if you have a large mortgage, and if you do not act responsibly, you will not be subject to workplace rules. That is not good enough. We need certainty for employees and employers in the workplace. (Time expired)

**Stimulus Package**

Mr BEVIS (Brisbane) (8.40 pm)—I want to take the opportunity in this debate to place on the record my appreciation for the efforts of the Rudd Labor government in its achievements in the last two years that have had a real and direct benefit to the people of Brisbane and in my electorate. Throughout the nation we have seen a massive program of investment in our schools, particularly our primary schools. I think it has been the largest single investment in primary school education in living memory, and it is long overdue. Primary education was always the poor cousin when it came to educational resourcing. That has been a problem for many, many decades. Within my electorate, as within other electorates around the country, virtually every primary school now has a project. Many of them are well advanced and all of them are under way.

At Windsor State School work is well advanced on three new classrooms and on a new assembly hall. The new assembly hall at Petrie Terrace State School is virtually finished and nearly ready to open. I know that, for a lot of these schools, the local parents, communities
and teachers involved have actually spent many, many years in the planning of these activities, hoping that one day they would be able to raise the funds, but always the targets seemed to move further away from them. I am reminded of the situation at Newmarket State School where, not just for years but for decades, the goal of the parent body had been to build a good quality assembly hall. Although they had been toiling away in their efforts for that over decades, it was not until this government was elected that they found the financial support and can now embark upon that project.

Other schools, like New Farm State School, which is a very small geographical site in an inner city area, have managed to get a purpose built facility. Like a number of schools in my electorate, because this government understood that it was important for local schools, parents and teachers to be involved in the decision making, they actually have a purpose designed facility that acknowledges the unique nature of the site, which is going to provide a wonderful resource for the school and for the community for many, many years to come. As with a number of these projects involving assembly halls they will involve a lot of community groups in the use of those facilities. It is a pity although a fact that the opposition voted against the funding of all of these buildings, I think from memory, on five separate occasions. It is even more alarming when you consider that this funding was part of a stimulus package adopted by the Rudd government to combat the global financial crisis.

When you look at the comments of the Leader of the Opposition of less than two weeks ago in this parliament you can understand how some on the other side got it so wrong. Less than two weeks ago the Leader of the Opposition said that, instead of adopting the policies that have seen Australia as the only advanced economy escape the recession, we should have adopted the approach that New Zealand had taken. That is an interesting example to look at because, in New Zealand, they went into recession for five successive quarters. Even now their economy is between two and a half and three per cent smaller than it was before the global financial crisis began.

It may have escaped the Leader of the Opposition’s attention here in Australia but New Zealand actually went into serious decline during the global financial crisis because of a range of factors. The amazing thing about this is that the comparison with Australia has not escaped the consideration of the Prime Minister of New Zealand. The Prime Minister of New Zealand has actually acknowledged the fact that Australia has done exceedingly well and recently said that he hoped that they would be able to catch up to Australia economically by 2025. Yet here we have the Australian Leader of the Opposition, the person who would be Prime Minister of Australia, arguing that we should have followed the prescriptions that led to that outcome in New Zealand.

The development of educational facilities in Brisbane as part of the Rudd government’s program has not been limited to primary schools. I have had the pleasure of visiting the Aviation High School at Hendra, which is about to officially open its new trades training centre—one of a number of trades training centres that the government has funded. That is a unique facility, as the name suggests. It is a school that is tailored to the aviation industry. It works very closely with the aviation industry in the development of programs across a wide range of skill sets that are needed within that industry. They now have a state-of-the-art trades training centre courtesy of this federal government’s commitments.
A number of important infrastructure programs that have been part of the government’s stimulus package also deal with the social agenda and needs of Australians in less well-off positions. I refer particularly to the investment this government is making in social housing, some of which was part of that stimulus package. At the end of last year I visited the construction site at Newstead where 95 new apartments are being built by the Brisbane Housing Company. The Rudd government is providing $6.2 million towards this project and it is going to substantially boost affordable housing in an inner city area that greatly needs that assistance. I am happy to say I was there along with the Minister for Housing Tanya Plibersek and the Treasurer Wayne Swan, and local state member Grace Grace. There is a commitment from the Queensland Labor government as well to these projects.

I have also had the pleasure of visiting the Defence Housing estates that have been built as part of the ongoing activity but, also, as part of the stimulus package. There are some 101 new defence dwellings as part of the new stimulus package that are being built in and around Brisbane. In fact, they were amongst the very first new projects that were up and running after the stimulus package was announced. I do not think anyone in this parliament would object to or deny the importance of providing quality housing for our defence families. Yet, amazingly, as I have said in this parliament on a number of occasions, whilst those opposite say they support these measures they actually voted against them. It will be interesting later this year in fact to have a look at some of the electorate newsletters of those who sit on the opposition benches to see how many want to claim credit for local school buildings which they voted against, or the defence housing project that they voted against but which, nonetheless, is going ahead.

Just last Friday, I also had the pleasure of attending the launch of an Australia-wide rollout of a program to assist young children, teachers and parents to navigate the internet in safety. The program is called ThinkUKnow and it was launched by the Minister for Home Affairs Brendan O’Connor and also by the Australian Federal Police Commissioner Tony Negus. By pure coincidence, and I have to confess it is pure coincidence—I would like to claim credit for it but I cannot—the launch took place at Ithaca Creek State School in my electorate, which is important not simply because it is in my electorate but it happens to be my old primary school. So I am a regular visitor to the school, as you might imagine. The parents there were really excited to know that their school was the first school to be involved in this national rollout that is intended to make sure that at home and at school children have a better understanding of things to be cautious of, aware of, on the internet, to avoid the potential dangers of threats that are out there. As police commissioner Tony Negus reminded us, in the last year alone the AFP charged more than 100 Australians for use of the internet in improper ways targeting young children. That was just the AFP jurisdiction; it does not take account of all of the states. This is a problem and the government has adopted a number of strategies to deal with it, but I am particularly pleased that this educative program is rolling out with the cooperation and strong support of the private sector, in particular, Microsoft and Microsoft MSN.

The people of Brisbane have also benefited through the support that this government has provided to welfare groups. The Red Hill Paddington Community Centre—now known as Communify—received $1.2 million to assist in the provision of services for mental health. That is an important area too often neglected. Just last week, the Open Doors Youth Service in Fortitude Valley received $230,900 for their program to help combat binge drinking. Binge
drinking, sadly, is an issue throughout Australia and I am very pleased that the Open Doors Youth Service has received funding to enable them to address that with local clubs and communities, particularly in the Fortitude Valley and surrounding suburbs. This is but a very brief account of a number of initiatives that this government has taken in the last two years and the real benefit it has provided to the people of Brisbane.

**Sewage Treatment**

Mr BROADBENT (McMillan) (8.50 pm)—Madam Deputy Speaker Burke, long before your time, in 1990 the member for Brisbane, who has just spoken, came into this House with me. During my maiden speech I mentioned that I was a product of sewage. It was suggested to me by the member at the time that I would fit into the parliament pretty well if that were the case. There are few of us left from 1990 but, importantly, waste water was something that was part of my considerations going right back to 1990.

It was only 10 years ago in one of my stints out of this House that I decided that my father-in-law, who so loved game fishing off Bermagui—which he had done in his younger days for many years with his friend, Trevor Hardy, who had passed on—that along with my two brothers-in-law, Chris and Rod, we decided to take him back to Bermagui and just have four or five days there. For those who have been to Bermagui, it is a magnificent spot and is beauty personified. The waters are rich with fish and there are great people there.

We went back and did the reminiscing tour. We had a lot of fun in the pub that night. A lady named Colleen served us at the table and in conversation with her she said that her husband, Daryl, was in the bar and would love somebody to go fishing with him the next day. We thought that we would probably not feel too good the next day but would go fishing with Daryl. Those of us who could make it went fishing with Daryl the next day. As we went out of the gap out of Bermagui and then further out into the ocean and further and further out until the GPS stopped where we were going to fish, I looked around and we were surrounded by slimy, greenie, sludgy, mucky stuff. I asked Daryl: ‘What’s this? We are out here in the pristine ocean. What is this all about?’ He said: ‘That’s Sydney sewage.’ I said: ‘Are you telling me in your beautiful boat that we are fishing in Sydney sewage?’ He said: ‘Yeh, that’s Sydney sewage that comes out and then comes back in towards Bermagui with the currents.’

I have always dreamed that ocean outfalls would be ended once I entered the parliament in 1990 as it would be a matter of just making a decision with the ministers of the day, whoever they were, and that Bob Hawke or Paul Keating would come on side immediately and say, ‘Here’s the money.’

Time has moved on since then and we still have ocean outfalls and we are still doing nothing about it and this 2010. I think enough is enough. I think the time has come when this nation is old enough, wealthy enough and prepared enough to end ocean outfalls across this country. Am I asking too much? I do not think so.

In the process of recycling water I have always seen the ocean outfalls as capturing a resource, not getting rid of our rubbish. It is estimated that 450 million litres a day are poured into the ocean at Gunnamatta in Victoria alone, not to mention the scale across the rest of the nation. There are recycling schemes that you as a Victorian, Madam Deputy Speaker, would know where class A recycled water is used in vegetable growing market gardens. However, more can be achieved. While I was on the Pakenham Sewerage Authority, we were one of the
first to supply water to a turf farm nearby that is still being supplied today. So, I was one of the early recyclers. When I was on the Mornington Peninsula Water Board it was the same.

There are 21 million people in Australia so we assume that at least 15 million of these people discharge their sewage into the ocean. The average amount of waste water per day per person is approximately 200 litres. That is all waste out of the house not just sewage waste. Therefore we have 3,000 million litres of waste water per day running into the ocean and the required cost of treating and distributing three billion litres of water per day.

The Carrum treatment plant, as you would know, Madam Deputy Speaker Burke, is about to be upgraded to class A standard, at a cost which will reach $500 million. That means 400 million litres of water per day will be treated to class A standard for a capital cost of $500 million. The existing class A recycled water plant at Carrum treats approximately 15 million litres per day. The cost to construct the plant was $30 million, and then there was 60 kilometres of pipeline. This is a capital cost of $2 per litre of water for treatment and distribution. Do not hold me to these figures, because they were given to me by a water engineer friend, and they are general. Therefore, the provision of three billion litres of water per day would cost $6 billion in capital works to construct treatment plants and distribution networks, plus piping, across the nation. There would also be the additional costs of operating the treatment plants and the distribution networks. A very approximate figure for that would be $300 million per year, or $60 million a week. It would change this nation from a net polluter of our oceans to a net receiver of a resource. Singapore was able to achieve this in 2½ years, because there was presidential will right down the line.

Not only is there the issue of recycled water; there is also the issue of capturing storm water wherever possible in our cities, which I have not even gone into today. I have also not talked about what is really important to me, which is that we have made a mistake in refusing to develop north Australia and the water resources that are available to us there. One day I will be in this place when Gary Gray will do a complete turnaround and look to the north for that resource—but I will go into that at another time. Singapore ceased being a net importer of water in 2½ years. Up until that time, Singapore’s bilateral negotiations with Malaysia were over water. There is now no mention of water in their negotiations, because they had a direct will to change that.

The plan that I put before the parliament tonight is one which says: ‘Can we stop pouring dirty rotten sewage into our oceans? We can clean up the oceans around this country. We can make a decision to reuse that water at a cost of $6 billion to begin with.’ How many times have we heard governments in this place say, ‘We’re throwing $10 billion at that and $20 billion at this, and this is what it will cost’? Why can’t we as a nation have a capital works program like the Snowy River scheme? Why can’t we have a program that captures the vision of every family and every child in every school in Australia that says: ‘We believe that we are able to do this as a nation and, as a nation, we are not going to pollute the waters off our shores. We are not going to have fishing fields with rotten sludge across the top of the water that stinks. We are going to reuse the capacity of the ocean outfalls not only for fertiliser but also for fresh water—water that can regenerate our streams. We can have that water as a resource.’

It is not too much to ask to end ocean outfalls in Australia. I actually believe that one day, before I leave this place, Sydney town will, for the first time in 222 years, not pollute the wa-
ters outside Sydney and that Melbourne will not have ocean outfalls pouring pollution into the sea. We will be a country that leads the world in water reuse. Wouldn’t it be fantastic if, like Singapore, we were able to say, ‘No, we as a nation have decided that we are not going to pollute our oceans’? We have said to tourist cruise ships: ‘Don’t throw your rubbish into the ocean, as you’ve been doing for years. Bring it back to shore and we’ll process it onshore.’ Why can’t we say to the whole nation: ‘We’re not going to have ocean outfalls. We’re going to reuse that water. This is Australia. Water is important to us. And each city can be self-sufficient with the water that pours onto it by reusing the storm water—just the storm water. Each city can be independent without ocean outfalls’? The ocean outfalls could be used every day to reinvigorate the parks and the gardens that have been destroyed by the last 12 years of drought.

Is it wrong to have a vision for what the nation can be? We fight over plans and purposes that might go right or wrong for a government. Why can’t we have a vision for Australia that is greater than one, two or three parliaments? It is $600 million dollars a year for 10 years.

(Time expired)

Foreign Aid

Mr MURPHY (Lowe) (9.00 pm)—This evening I speak about the social challenges that face our global community and reflect on the efforts of both the Rudd government and members of my electorate of Lowe, who work towards positive solutions for a sustainable and prosperous future. In stark contrast, I would like to raise my alarm at the recent comments made by the opposition finance minister, Senator Barnaby Joyce, who questioned the value of Australia’s foreign aid. The chief political correspondent with the Sydney Morning Herald, Phillip Coorey, said that the opposition finance minister ‘advanced an argument for paring back aid levels to pay off debt and fund Coalition election promises’. In a report by the Age’s chief political correspondent, Michelle Grattan, the Executive Director of Oxfam Australia, Andrew Hewett, is reported as saying:

Senator Joyce’s comments were worrying and disappointing.

Meanwhile, Tim Costello, the Chief Executive Officer of World Vision, was quoted as saying:

It’s not just right, it’s in our self interest … I would say to Senator Joyce that it was this region that helped keep us out of recession during the global financial crisis by buying our [commodities].

Many of my constituents in Lowe have worked tirelessly to assist those less fortunate both in our local community and through international aid programs. They are supportive of the Rudd government’s foreign aid initiatives.

This evening, my friend and colleague the member for Oxley also his raised concern about global food and water security through a private member’s motion. The member for Oxley moved a motion noting that global food prices have risen 83 per cent since 2005 and foreign aid to agriculture fell from 18 per cent of total aid 30 thirty years ago to 3.5 per cent in 2004. He also noted that Australia has recently suffered some of the worst droughts on record, increasing water scarcity and affecting our local crops and produce. Further, the member for Oxley moved that the House:

(2) supports:

(a) positive initiatives by the current Government to address climate change;

(b) policies, projects and programs that deliver long term solutions for water security; and
I support the motion and commend the member for Oxley for raising this very important issue tonight.

While the opposition finance minister looks to take an axe to our foreign aid budget, the Rudd government remains focused on the challenges at hand, implementing programs and initiatives that endeavour to improve and secure living standards for our less fortunate neighbours. While the opposition looks to use the topic of foreign aid as a political football, the clock is ticking for governments around the world to meet the 2015 deadline for achieving the Millennium Development Goals. Many of my constituents support those goals. With a number of ambitious yet achievable objects, world leaders have committed themselves to halving the scourge of poverty by 2015.

Whilst much has been achieved since the Millennium Development Goals were announced in 2000, the global community is currently faced with three great crises that threaten not only to reverse our achievements thus far but also to increase the number of men, women and children who are trapped by poverty. We have just experienced the worst global recession since the Great Depression, we are faced with the existential threat posed by climate change and we are currently experiencing a global food crisis which has resulted in global food prices increasing by 83 per cent since 2005. The potentially destructive impacts posed by these crises may seem overwhelming; however, we cannot allow ourselves to lose sight of the commitment that leaders around the world made in 2000. If anything, the times in which we live should make us more determined, more committed and more focused to achieve these important goals. The challenges we face make it easy to believe that there is nothing we can do to address starvation and the broader issue of poverty in the developing world. This misguided sense of futility is not worthy of this government. Indeed, it is not worthy of any member of this parliament. We can and must work as members of the international community to bring an end to the global food crisis.

If action is not taken, food prices will continue to rise. Families in Bangladesh are already spending half a day’s pay on a small bag of rice. Whilst Australians are fortunate not to live in poverty of the kind that is experienced by families in Bangladesh, we too have observed an increase in food prices as a result of a long and protracted drought. Given that the world’s population is expected to grow from 6.2 billion today to 9.5 billion by 2050 and global demand for food is predicted to double by 2030, it is imperative that our attention is focused on food and water shortages and that they are urgently addressed.

Therefore, addressing the global food crisis requires international action on climate change, and I refer to a recent report from the Edmund Rice Centre for Justice and Community Education in my electorate of Lowe, which is a small non-government organisation:

Droughts and floods are affecting harvests. Destruction of crops from natural disasters in Bangladesh and Burma, and severe drought in Australia, has reduced food supply … Worldwide, an area of fertile soil the size of Ukraine is lost every year because of drought, deforestation and climate instability.

It is very clear from the Edmund Rice Centre’s report that climate change and the global food crisis are interrelated challenges that require interrelated responses.

We also cannot ignore the role of the global financial crisis. The world’s poorest have been the most affected by the global financial crisis, a crisis which has merely exacerbated the
problems caused by the food crisis. Whilst developed economies such as Australia have acted swiftly to stimulate their economies, the same cannot be said of developing countries that simply do not have the financial capacity to do so. For this reason, developed economies such as Australia should continue to provide resources for local communities in developing economies to develop programs and infrastructure that simultaneously stimulate local economies and provide some improvement in the food crisis.

I note that the work of the Australian Centre for International Agricultural Research, which sends agriculture experts to developing nations such as East Timor, where they help to establish programs, will enable local communities to feed their own populations. We must also continue to tear down destructive trade barriers such as farm subsidies, which disproportionately favour rich countries over those most in need. I am delighted that our trade minister, the Hon. Simon Crean, continues to play a very major role here and internationally in working relentlessly and tirelessly to help bring about a global trade agreement as part of the Doha Round of trade negotiations. I recently attended a meeting with the head of the WTO, Mr Pascal Lamy, who paid a magnificent tribute to Mr Crean by telling those gathered that ‘If there were 153 Australias, the Doha Round would have been completed in 18 months. Well done, Simon.’

We have now passed the halfway mark to achieve the Millennium Development Goals. These challenges posed by the global food crisis and global warming should not distract us in our efforts to halve world poverty by 2015. These challenges provide us with the perfect opportunity to take action and achieve the change we need to meet this ambitious yet vitally important goal. Many constituents in my electorate have raised this matter with me and the issue of global aid more broadly. Last year, I met with representatives from the Micah Challenge as part of the 2009 Voices for Justice gathering held here in Canberra. The representatives presented me with over 100 letters calling for greater federal government assistance to developing countries through our foreign aid program. The facts they presented are alarming. According to the World Bank, almost 1.4 billion people live in extreme poverty. The World Health Organisation estimates that each year 9.7 million children die before reaching the age of five. It is also estimated that, as a consequence of the global financial crisis, 400,000 more infants will die each year between now and 2015.

The gap between the developed and the developing world is far too great when it comes to quality-of-life indicators. Imagine if we were born in a developing nation where infant mortality rates are high, where health and education systems struggle to provide even the most basic of services and where people are forced to live on US$1 a day. It is easy to think that because poverty has always existed there is little that we can do to address this alarming situation. It is easy to think that because the problems in other countries have no bearing on Australia we should not worry about them. However, as Mr Tim Costello pointed out, it is not only the right thing to do, it would also benefit our nation to ensure our neighbours are prosperous too.

The disadvantage, poverty and suffering experienced by far too many people in far too many countries cannot be ignored. Developed countries and, more specifically, the leaders of developed countries have an obligation to implement measures to address global poverty. We have an obligation to make poverty history. One practical way in which the federal government can do this is through foreign aid. The Rudd government remains committed to an aid target of 0.5 per cent of gross national income by 2015. For the future sustainability of coun-
tries less fortunate than Australia, I hope the opposition does not change its position on supporting aid for those countries. *(Time expired)*

**Home Insulation Program**

**Green Loans Program**

**Dr JENSEN** (Tangney) *(9.10 pm)*—I wish to address my remarks to one of the most costly and incompetently handled programs it has been my misfortune to witnesses since becoming a member of parliament. I refer of course to the ill fated, maladministered, poorly thought out ‘splash of green cash’ policy of providing funding for roof insulation and the associated Green Loans Program. Talk about a reverse Midas! The Prime Minister and the Minister for the Environment, Heritage and the Arts have turned an idea into a fiasco of astronomical proportions, including the appalling tragedy of four deaths and nearly 100 house fires. And the biggest tragedy of all is that it need not have happened. The Rudd Labor government was warned time and time again about the pitfalls and dangers of the scheme. Probably the most incredible aspect of the warnings was how accurate they were.

The *Australian* newspaper outlined what was contained in the Minter Ellison report delivered to the government 10 months ago. The risk assessment report warned of house fires and property damage by dodgy installers, substandard batts and a department ill-equipped to roll out such a massive program. It also warned that lax controls could lead to fraud and criminal behaviour, inflated charges and ineligible people accessing the program. This assessment was incredibly accurate, and anyone reading it would have seen that there would be real problems if the program were not properly and professionally implemented.

My office was contacted a couple of weeks ago by the owner of a medium-sized business in my electorate which was installing solar panels. Instead of the promised four-week payment time, some of his accounts have been outstanding for 10 to 12 weeks. He is owed about $3 million and he is struggling to remain in business. He says that since before Christmas his assessors have been unable to efficiently book assessments onto the Green Loans calendar. The manager tried ringing the Green Loans office, only to be cut off after sitting on hold for an hour. Due to the hold-up he was unable to assess the validity of the assessments and pay his assessors, who are now unable to work as they are not getting paid. As 90 per cent of all assessments are not in the Green Loans calendar, he is unable to invoice the government, creating serious financial problems for the company. Here is a businessman providing a valuable service and employing 15 staff who is being let down at every turn by the incompetent, arrogant and uncaring Rudd Labor government.

We also spoke about a constituent, Ray Walter, and his wife who have a disabled son. They thought it would be a good idea to apply for a green loan to get solar panels on the roof. Their house was duly assessed last October but they have heard nothing since. They had to cancel the installation contract once because the assessment report had not been received, and it looked as if they were going to have to do it again. But fortunately my office, with assistance from a ministerial staff member, was able to get the ball rolling, and a report arrived in my office by email a day or two before the installation was due to take place.

So who is responsible for this massive meltdown and what should be done? Belatedly, the minister has taken action, but even that has had detrimental consequences for the industry that the minister and the Prime Minister were gleefully using to promote their own green creden-
tials. The only reason this action was taken is that the government is under pressure and being made to look bad. Never mind the devastation for working families who have lost homes or loved ones. Never mind the financial ruin companies face because of this scandal. The only trigger for something being done is that the government is looking bad. So, in all this sorry mess, who is ultimately to be held responsible?

There are already reports that various department heads will come under intense scrutiny and must shoulder some of the blame. I believe that should only be the case if they made no attempt to warn the government that there were problems with the scheme. However, if these officers did convey concerns, or perhaps did not because they were worried about repercussions, then they should not be too severely dealt with. The scrutiny needs to go much higher. So is the minister ultimately responsible or was he just basically doing what he was told? The Sydney Morning Herald was talking about ‘Rudd’s insulation plan’ in February last year. Interestingly, even in a pretty supportive article, we see the caveat by a businessman in the industry that a massive expansion would lead to a flood of inexperienced operators who would rip consumers off by providing shoddy services.

So the question is: who should resign, given the terrible consequences of this government’s actions or, should I say, inaction? I found the answer in the Hansard of 7 December 2006. A Labor member of parliament was criticising the then Prime Minister over refusing to accept responsibility for his government’s actions. Here are some of the things that this member had to say:

Our alternative vision is for an Australia in which we have a strong economy based on market principles but also a fair go for all Australian families … He explained that this will happen because the Labor Party has:

… a different vision … which will make their lives more liveable on the ground.

The similarity between then and now is brought into sharp relief as this member continued:

But this debate is also about a new style of leadership … it is the vehicle through which long-term change can in fact be thwarted in substitution for short-term political expediency … one increasingly characterised by short-term political survival. That, at the end of the day, is what this Prime Minister has become a past master of.

This Prime Minister is a clever politician. His talents, skills and abilities are so focused on the arts and crafts of immediate political survival that he has lost sight of the nation’s long-term needs, the nation’s long-term prosperity, the nation’s long-term sustainable security and the long-term fairness which is available to all Australian families … 95 per cent of this Prime Minister’s energy and time is spent on the art and craft of; ‘How do I get through to nine o’clock tomorrow morning?’ … But I have a message for him: the Australian people are starting to see through this. They are becoming very tired indeed of the politics of the short term—the politics of short-term expediency and opportunism.

That brings us to the matter of public importance before us today: the style of leadership that either accepts responsibility or instead always blames somebody else. You either accept responsibility or you take that course of action in which you play the blame game.

These words make it perfectly clear what the member was saying, that he supported a Prime Minister taking responsibility: ‘The buck stops with me,’ et cetera. He expressed quite unambiguous repugnance for leaders who seek to blame others for what is essentially their own actions. To quote him again:
The hallmark of this Prime Minister’s occupancy of the most important political office in the country is always that it is someone else’s fault, never his.

This member then asked the then Prime Minister: Prime Minister, why do you always take the credit for the good news in this country and why do you never take any responsibility for the bad news in this country?

He went on to say:

But when it comes to things that go radically wrong … and things that go radically wrong over which this government has absolute control … what is his answer to them? ‘Don’t look at me; I’m just the Prime Minister.’ That is his answer: ‘Don’t look at me; I’m just the guy in charge of the country. Don’t look at me. I have tens of thousands of public servants working for me. How could I ultimately be responsible for anything that goes wrong in this country?’

This member concluded:

… the Australian people are starting to see through this. They … want a new style of leadership which says, ‘I’ve got the guts to say, ‘The buck stops with me.’”

You may, or may not, be surprised to learn that the Labor member espousing these fine words and high ideals was none other than our current Prime Minister. The really big question now is: who in this Rudd Labor government does indeed have the guts to say, ‘The buck stops with me’?

Farming Sector Reform

Mr ADAMS (Lyons) (9.20 pm)—I wish to take up a grievance I have regarding an article in today’s Australian Financial Review by Alan Mitchell entitled ‘Farming sector thirsts for reform’. Actually, it is more of a pat on the back to Mr Mitchell for raising this issue. He starts the article by commenting on the National Farmers Federation dig at the federal government’s promised reform of drought assistance and then goes on to tell us:

The reform of drought relief is important, not just for farmers but for the wider economy—which is very true. I am in the process of putting to bed a committee report on the issue of agriculture and climate change, and I can assure you, Madam Deputy Speaker, that the community, from which we have had many views, also feels that there is a need for reforms on how the farming sector should be assisted.

Australia has faced some enormous changes in the last few years, and not all of them are down to climate change. But they have implications for change to productivity through technology, the influence of the marketplace on the types of crops grown and the overarching role of the WTO in regulating some of the trade excesses or unevenness in the market. Mitchell, in his article, states:

It takes 80 per cent of Australian broadacre farms to produce just 36 per cent of the sector’s total output. He then suggests:

The other 20 per cent of farms produce almost two-thirds of the output.

He goes on to say that the bigger farms are better protected against drought because, as the bigger of all industries are able to, they can measure their risks, and they can use sophisticated tools for financial planning by diversifying their enterprise mix and/or landholdings with efficient stocking and improvements to their natural resource base. They can weather some of the extremes, whereas the smaller farmers may get through some of what nature throws at them.
but are less able to deal with extremes delivered over time. They are obviously less able to remain productive as they do not have the flexibility of the big guys. They have neither the financial reserves nor the technology to shift direction, even if they are aware that they have to.

I am very much aware, after moving around the country, that change in the sector is hard because we still have grandfathers and fathers sitting at their tables with sons who are trying to encourage and manage change. It is a nice thought but it severely strains the ability of the younger generation to put change in place, and we have never done generational change in rural Australia very well.

So it is no surprise, as Mitchell states in his article:

The Productivity Commission last year concluded that the present drought assistance programs do not help farmers improve their self-reliance, preparedness and climate change management. In fact, some of them do the opposite. They can be ineffective and can encourage poor management practices, allowing inefficient farmers to remain on the land when perhaps, with a different sort of encouragement, there exit could be facilitated and managed socially while a review of the land potential can be undertaken. This review, by its very nature, should take into account the history of farming in this country. It has been our economic backbone and it has been a hedge in times of hardship; but, like everything else, it needs to reflect the changes that are going on in the rest of the world.

If this government can help manage this change while being also very aware of the social implications, it can take those rural communities with it—and I believe we can. By listening and reacting to their problems, hearing their ideas, innovations and very real solutions, I believe the fundamental change that is needed can occur. I only have to read the Tasmanian Country each week, where they expound the virtues of new crops being trialled—such as Uplands Spanish cocksfoot, which from the article appears to be a complementary ground cover with clover—or the commencement of the use of GPS units to maintain a controlled traffic environment that minimises unnecessary traffic movements on the farm. This allows farmers to plan for their property’s unique needs using yield maps to see management techniques can be improved. This shows that people in the rural sector are interested in change and what other people are doing—otherwise, the Tasmanian Country would not sell—and there is a need for a constant feed of information into the farming community, not just from the newspaper but also from other sources such as the website efarming.com.au and of course the Tasmanian Farmers and Graziers Association website, to name a couple.

Schools can play a role too. There are a number of farm schools in my electorate, including Hagley, Cressy and Sheffield, which are already using new farming techniques and learning how to drought proof. There are other schools and community groups developing kitchen gardens, where students are encouraged to grow their own food, harvest, prepare, cook and, finally, eat it. Everybody learns nutritional values and how to grow food, in a very historical way for our country. This leads to a greater understanding of where food comes from and how it is part of our lives. I believe it would be useful if many of the city schools did something like this as well. It would mean that their students would get some idea of the stresses and strains for those in the rural sector in making sure they get their ‘daily bread’ and milk. Milk does not just get into a carton by itself, and wheat has to be grown and baked into bread somewhere before it gets to a supermarket. Chips do not just come out a packet. We could
apply the same idea to our clothes. Understanding how fabric is made and how clothing is
designed and produced might lead our students to look for a career in design or fabric manu-
facturing, or even in the production of high-quality clothes.

As Alan Mitchell noted, the blueprint for change can come from this government, which
has more chance of doing so than the previous government, which, Mitchell said, ‘needed to
prop up the Nationals by keeping people in rural electorates, and by guarding against populist
independents’. Labor members in rural electorates have an opportunity to seek community
endorsement and approval of the many new ideas and directions, and I hope the various re-
ports and inquiries that are currently under way will allow them to take the findings and raise
them in their communities. We cannot do it without the assistance of local communities, who
put so much effort into coming up with new ideas and also into helping to ease the distress of
farmers who are not coping with change, not able to make decisions and not able to easily ask
for help.

Together we can go forward and make sure that there is a place in the world market for our
Australian farm produce, our technology and our skills to ensure that, whatever happens with
the climate or the economy, we have the tools and people to deal with it. It is not as though
our variable climate is particularly new. I have just been hearing about a book called
Droughts, Floods and Cyclones: El Ninos that shaped our colonial past. It was written by As-
sociate Professor Don Garden and put out by Australian Scholarly Publishing in 2009.

So today I wish to encourage everyone to take up change. I want to encourage all those
who are busily working, researching and developing new models, and all those engaged in
other rural activities to share the knowledge they have gleaned and what direction they think
we should go in. (Time expired)

The DEPUTY SPEAKER (Ms AE Burke)—Order! The time for the grievance debate
has expired. The debate is interrupted in accordance with standing order 192B. The debate is
adjourned, and the resumption of the debate will be made an order of the day for the next sit-
ting.

Main Committee adjourned at 9.30 pm
QUESTIONS IN WRITING

Australian Federal Police
(Question No. 1128)

Mr Wood asked the Minister for Home Affairs, in writing, on 25 November 2009:

(1) How many Australian Federal Police (AFP) officers (a) are working on irregular maritime arrivals (i) directly, or (ii) indirectly; and (b) have been diverted from (i) domestic, or (ii) international, duties to focus on irregular maritime arrivals.

(2) How has the AFP budget been increased to deal with asylum seekers, and from where has this funding been appropriated.

Mr Brendan O’Connor—The answer to the honourable member’s question is as follows:

(1) (a) As at 25 November 2009, there were 89 Australian Federal Police (AFP) officers working on people smuggling, including the investigation of irregular maritime arrivals.

(i) 17 AFP officers were working directly on irregular maritime arrivals.

(ii) 72 AFP officers were working indirectly on irregular maritime arrivals.

(b) The AFP has a flexible workforce and routinely moves resources around the organisation to address emerging crime types. As at 25 November 2009, 8 AFP officers had been diverted from domestic and international duties to focus on irregular maritime arrivals.

(2) From 1 July 2009, the Australian Federal Police (AFP) will receive a total of $48.4 million (over two to four years) in additional funding to combat the surge in people smuggling. Under this funding, enhancements are being made to Australian and foreign law enforcement through increased resource allocation and targeted training opportunities. These enhancements will further support regional cooperation to improve intelligence collection, investigational capability, legislative awareness and information exchange to disrupt people smuggling activity offshore.

This funding is comprised of the following five New Policy Initiatives (NPIs) which were approved by Cabinet for AFP People Smuggling measures within the region:

(a) Development of Regional Law Enforcement Capacity—$4 million over four years.

(b) Enhancing Australia’s approach to People Smuggling—$2.6 million over four years.

(c) Enhancing AFP Capability to Combat People Smuggling—$10.4 million over four years.

(d) Enhancing INP Capability—$15 million over four years.

(e) Enhancing AFP and Regional Capacity—$16.4 million over two years.

Small Business Payments
(Question No. 1145 to 1169)

Mr Ciobo asked the Prime Minister and other Ministers, in writing, on 26 November 2009:

Further to the Prime Minister’s answer to question Nos. 896 to 919 (Hansard, 15 September 2009, page 9687):

(1) From 1 July 2008 to 30 June 2009:

(a) how many and what percentage of payments made by the Minister’s department to small businesses were not made within (i) 30, and (ii) 60 days of receipt of the goods or services invoice; and

(b) what was the average time lapsed between invoice received and payments made by the Minister’s department to small businesses.
(2) From 1 July 2008 to 30 June 2009:

(a) how many and what percentage of small businesses claimed interest charges from the Minister’s department on accounts not paid within 30 days; and

(b) what was the total cost of interest paid to small businesses by the Minister’s department.

Dr Emerson—On behalf of all ministers, the answer to the honourable member’s question is as follows:

The Industry and Small Business Policy Division of the Department of Innovation, Industry, Science and Research conducts the Survey of Australian Government Payments to Small Business (Survey). This is an annual survey which covers each financial year.

Based on data available from the 2008-09 Survey, the following information is provided as an answer to part 1(a) of the question. The data provided is as it was reported by the Departments and Material Agencies in their responses to the Survey.

1 (a)

Table: Agencies ranked according to performance, % and number of invoices paid within various time periods.

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>&lt;30 days</th>
<th>31-44 days</th>
<th>45-60 days</th>
<th>&gt;60 days</th>
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<tbody>
<tr>
<td>Australian Office of Financial Management (within the Treasury portfolio)</td>
<td>100 111 0 0</td>
<td>% No % No</td>
<td>% No % No</td>
<td>% No % No</td>
</tr>
<tr>
<td>Innovation, Industry, Science and Research</td>
<td>99.7 43,976 0.2 105 0.1 33 0.1 27</td>
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<tr>
<td>Family Court of Australia (within the Attorney-General’s portfolio)</td>
<td>99.3 2,852 0.6 17 0 1 0 1</td>
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<td>National Blood Authority (within the Health and Ageing portfolio)</td>
<td>99.2 607 0.3 2 0 0 0.5 3</td>
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<tr>
<td>Resources, Energy and Tourism</td>
<td>98.9 1,462 0.5 8 0.1 2 0.5 7</td>
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<tr>
<td>Finance and Deregulation</td>
<td>98.3 15,357 1.1 174 0.2 39 0.3 47</td>
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<tr>
<td>Future Fund Management Agency (within the Finance and Deregulation portfolio)</td>
<td>97.7 297 0.3 1 0 0 2 6</td>
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<tr>
<td>Prime Minister and Cabinet</td>
<td>97.7 11,397 1.4 169 0.5 54 0.4 49</td>
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<tr>
<td>Australian Securities &amp; Investment Commission (within the Treasury portfolio)</td>
<td>97.5 18,335 1.1 211 0.6 116 0.8 150</td>
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<td>Defence Materiel Organisation (within the Defence portfolio)</td>
<td>97.5 207,355 1.5 3,251 0.4 777 0.6 1,300</td>
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<tr>
<td>Broadband, Communications and the Digital Economy</td>
<td>97.2 6,864 1.6 111 0.8 57 0.4 30</td>
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<td>Centrelink (within the Human Services portfolio)</td>
<td>97.1 108,359 1.5 1,640 0.6 627 0.8 909</td>
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<td>Australian Taxation Office (within the Treasury portfolio)</td>
<td>96.9 12,925 1.7 227 0.5 68 0.8 110</td>
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<td>Defence</td>
<td>96.9 1,304,549 2 27,193 0.5 6,863 0.5 7,225</td>
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QUESTIONS IN WRITING
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<tr>
<th>Department/Agency</th>
<th>&lt;30 days</th>
<th>31-44 days</th>
<th>45-60 days</th>
<th>&gt;60 days</th>
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<td>Australian Bureau of Statistics (within the Treasury portfolio)</td>
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<td>Australian Research Council (within the Innovation, Industry, Science and Research portfolio)</td>
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<td>2.3</td>
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<td>Infrastructure, Transport, Regional Development and Local Government</td>
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<td>Agriculture, Fisheries and Forestry</td>
<td>95.3</td>
<td>74,271</td>
<td>2.18</td>
<td>1,698</td>
</tr>
<tr>
<td>Human Services</td>
<td>95.3</td>
<td>55,374</td>
<td>2.8</td>
<td>1,636</td>
</tr>
<tr>
<td>National Archives of Australia (within the Prime Minister and Cabinet portfolio)</td>
<td>95.0</td>
<td>2,997</td>
<td>3.9</td>
<td>124</td>
</tr>
<tr>
<td>Foreign Affairs and Trade</td>
<td>94.9</td>
<td>6,207</td>
<td>2.3</td>
<td>152</td>
</tr>
<tr>
<td>Health and Ageing</td>
<td>93.6</td>
<td>28,820</td>
<td>3.9</td>
<td>1,196</td>
</tr>
<tr>
<td>Australian Trade Commission, AUSTRADE (within the Foreign Affairs and Trade portfolio)</td>
<td>93.2</td>
<td>3,257</td>
<td>3.3</td>
<td>116</td>
</tr>
<tr>
<td>Immigration and Citizenship</td>
<td>93.2</td>
<td>7,394</td>
<td>4.8</td>
<td>379</td>
</tr>
<tr>
<td>Australian Electoral Commission (within the Finance and Deregulation portfolio)</td>
<td>93.1</td>
<td>10,141</td>
<td>3.3</td>
<td>357</td>
</tr>
<tr>
<td>Australian Communications and Media Authority (within the Broadband, Communications and the Digital Economy portfolio)</td>
<td>92.7</td>
<td>5,128</td>
<td>7.3</td>
<td>403</td>
</tr>
<tr>
<td>National Capital Authority (within the Attorney-General’s portfolio)</td>
<td>92.5</td>
<td>939</td>
<td>4.2</td>
<td>43</td>
</tr>
<tr>
<td>Bureau of Meteorology (within Environment, Water, Heritage and the Arts)</td>
<td>90.7</td>
<td>22,958</td>
<td>7.3</td>
<td>1855</td>
</tr>
</tbody>
</table>

QUESTIONS IN WRITING
The whole-of-Government performance in terms of the total number of invoices received and paid on time has improved over the last two survey periods from 95.5% (2007-08) to 96.5% (2008-09).

The proportion of invoices paid over two weeks late for the whole-of-Government has decreased over the last two survey years, from 1.8% (2007-08) to 1.4% (2008-09).

(b) As data on average times between invoices and payments to small business are not provided to the Survey and agencies use different financial information management systems, responses calculated by individual agencies will not be comparable. However the response provided in 1(a) provides some indication of time lapsed between payments.

The use of government resources to develop a comparable set of answers outside the Survey does not justify the effort to calculate the average times, when authoritative information on the Government’s performance is available from the Survey.

(a) and (b) Only one agency reported receiving an invoice for interest on a late payment, for an amount of $30.27. It should be noted that:

- the late payment interest penalty element of the small business procurement policy commenced on 1 December 2008, half way through the Survey period; and
- it was restricted to new written contracts of up to $1 million (GST inclusive), negotiated from 1 December 2008.