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SITTING DAYS—2010

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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. Archibald Ronald Bevis MP, Ms Sharon Leah Bird MP, Mr Steven Georganas MP, Mrs Margaret Ann May 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

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

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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

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Leader of the Opposition

Hon. Tony Abbott MP

Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition

Hon. Julie Bishop MP

Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals

Hon. Warren Truss MP

Shadow Minister for Resources and Energy and Leader of the Opposition in the Senate

Senator Hon. Nick Minchin

Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate

Senator Hon. Eric Abetz

Shadow Treasurer

Hon. Joe Hockey MP

Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House

Hon. Christopher Pyne MP

Shadow Minister for Infrastructure and Water

Hon. Ian Macfarlane MP

Shadow Attorney-General

Senator Hon. George Brandis SC

Shadow Minister for Defence

Senator Hon. David Johnston

Shadow Minister for Health and Ageing

Hon. Peter Dutton MP

Shadow Minister for Families, Housing and Human Services

Hon. Kevin Andrews MP

Shadow Minister for Climate Action, Environment and Heritage

Hon. Greg Hunt MP

Shadow Minister for Indigenous Affairs and Deputy Leader of The Nationals

Senator Hon. Nigel Scullion

Shadow Minister for Finance and Debt Reduction and Leader of the Nationals in the Senate

Senator Barnaby Joyce

Shadow Minister for Agriculture, Food Security, Fisheries and Forestry

Hon. John Cobb MP

Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities

Hon. Bruce Billson MP

Shadow Minister for Broadband, Communications and the Digital Economy

Hon. Tony Smith MP

Shadow Minister for Immigration and Citizenship

Mr Scott Morrison MP

Shadow Minister for Innovation, Industry, Science and Research

Mrs Sophie Mirabella MP

Chairman of the Coalition Policy Development Committee

Hon. Andrew Robb AO MP

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

Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport
Mr Steven Ciobo MP

Shadow Minister for Employment Participation, Apprenticeships and Training
Senator Mathias Cormann

Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women
Hon. Dr Sharman Stone MP

Shadow Minister for Justice and Customs
Mr Michael Keenan MP

Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence
Hon. Bob Baldwin MP

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Special Minister of State and Scrutiny of Government Waste
Senator Hon. Michael Ronaldson

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy
Senator Cory Bernardi

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

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets
Mr Mark Coulton MP

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

Shadow Parliamentary Secretary for Education and School Curriculum Standards
Senator Hon. Brett Mason

Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action
Senator Simon Birmingham

Shadow Parliamentary Secretary for Public Security and Policing
Mr Jason Wood MP

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing
Dr Andrew Southcott MP

Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector
Senator Mitch Fifield

Shadow Parliamentary Secretary for Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship
Senator Gary Humphries

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
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HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL 2010

First Reading

Bill and explanatory memorandum presented by Ms Roxon.

Bill read a first time.

Second Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (9.01 am)—I move:

That this bill be now read a second time.

This bill supports the implementation of the National Registration and Accreditation Scheme for health professions.

I am very proud to be standing here today introducing this legislation as this bill is a landmark reform for our health system.

With this bill, for the first time there will be a national system for the registration and accreditation of 10 health professions, bringing consistency and uniform standards to our health workforce.

Queensland, New South Wales and Victoria have already passed the bills which will put in place the national system. The ACT and Northern Territory have introduced their bills and South Australia, Tasmania and Western Australia are well advanced in their planning.

National registration has been a very long time coming. The previous government, with the current Leader of the Opposition as the Minister for Health and Ageing, identified this as a goal and then decided to sit on his hands. After years of blaming the states and territories for all the problems in the health system, he was unable to work with them to deliver this key health reform.

Just as he sat on the sidelines whilst 60 per cent of Australians suffered from a shortage of doctors, he dithered on this important workforce reform as well.

The Rudd government recognised that this goal was one that had stalled and needed pursuing. We immediately got to work with the states and territories, and in March 2008 signed an intergovernmental agreement to progress the national scheme.

We know that a national scheme could reduce red tape, increase standards and improve safety for the Australian community.

We also know that a national scheme will improve the mobility of the health workforce. It will stop health professionals from having to reregister every time they step across a state border, saving time, money and inconvenience. This, for example, will help boost locum support for rural doctors as doctors become freer to work across state boundaries.

On 3 November 2009, the Health Practitioner Regulation National Law Act 2009 (Queensland) received royal assent in the Queensland parliament.

The national law set out the framework for the scheme, covering registration of health practitioners and accreditation of health education and training, complaints, privacy and information sharing, and transitional arrangements.

The Commonwealth does not need to apply the act for national law; however, consequential and transitional amendments are required to the Health Insurance Act 1973 to ensure that medical practitioners continue to retain the same Medicare billing eligibility from 1 July 2010.

It also streamlines the extensive systems involved in registration and recognition of medical practitioners for Medicare purposes ensuring reduction of red tape and helps to
maintain the currency of the Health Insurance Act 1973 regulations and adequate access to Medicare rebates and retention of practitioners in Australia.

**Streamlining the recognition of doctors for Medicare purposes**

The current pathways to specialist, consultant physician and GP recognition in the Health Insurance Act 1973 necessitate communication exchange between Medicare Australia and relevant organisations, such as medical colleges, to ascertain Medicare eligibility.

These arrangements have been put in place because previously there was variation across states and territories for the recognition of specialist qualifications and general practice qualifications in the registration process.

The National Registration and Accreditation Scheme provides a nationally consistent means of identifying both specialists and GPs, and the mandatory requirement for continuing professional development in the scheme means that Medicare Australia is no longer required to monitor whether practitioners providing a Medicare rebateable service are meeting continuing professional development requirements.

It is essential that the extensive systems involved in registration and recognition of doctors for Medicare purposes are streamlined to ensure reduction of red tape, the currency of the health insurance regulations and the efficient access to Medicare rebates, as I have noted before.

The Health Insurance Act 1973 provides various pathways for recognising specialists, consultant physicians and general practitioners for Medicare purposes.

This bill provides an opportunity to streamline current specialist recognition processes under Commonwealth legislation.

This includes removing the current Vocational Register of General Practitioners, particularly now that the Medical Board of Australia has recommended that health ministers endorse general practice as a specialty for the medical profession.

I am aware that the Medical Board of Australia is soon to make decisions about the eligibility requirements for the general practitioner specialty register.

I can assure the House that this bill will not disadvantage medical practitioners that are currently registered in states and territories.

In particular, it will not disadvantage any GPs that are currently on the vocational register whether or not they have a fellowship of the Royal Australian College of General Practitioners or the Australian College of Remote and Rural Medicine.

Streamlining specialist recognition will also facilitate workforce mobility and access to Medicare for international medical graduates.

**Conclusion**

The National Registration and Accreditation Scheme for health professions will modernise the regulation of health professionals by creating a single regulatory environment.

By ending the duplication of effort, multiple standards and red tape caused by separate systems in each state and territory, we will have a more workable registration scheme for Australian patients and practitioners that also contributes to improving the safety of our health system for all Australians.

It provides the community with reassurance that health professionals across Australia will meet a common set of standards. Our health workforce will also benefit from the improved mobility the national scheme will offer.
I would like to extend my thanks to all of the professional groups who have constructively engaged in an incredibly complex task over the last four years—this includes the current state and territory health professional boards who have faced enormous change.

I would also like to recognise the expertise and hard work of the officials who have undertaken the work that is making a national registration a reality.

Lastly, I would like to acknowledge my ministerial colleagues around the country, who are all committed to a national scheme for the registration of health professionals and have put the national interest first in supporting this change.

I look forward to the national law being adopted in the remaining jurisdictions over the coming months and the implementation of the national registration and accreditation scheme for the first time in Australia.

This is an important piece of health reform work and I am very pleased to be commending it to the House.

Debate (on motion by Mr Andrews) adjourned.

ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.08 am)—I move:

That this bill be now read a second time.

General Introduction

Conflicts and turmoil in Afghanistan, the Middle East and Sri Lanka are driving a global surge in asylum seekers, with large numbers of displaced persons seeking resettlement in foreign countries.

Figures published by the United Nations High Commissioner for Refugees in its most recent Global Trends Report reveal that, at the end of 2008, there were some 42 million forcibly displaced people worldwide. This includes 15.2 million mandated refugees, 827,000 asylum-seekers (that is, pending cases) and 26 million internally displaced persons.

The report indicates that people seeking asylum in Australia reflects a worldwide trend driven by insecurity, persecution and conflict.

However, when looking for settlement in stable, democratic nations such as our own, asylum seekers often fall prey to people smugglers.

People smuggling is exploitative and dangerous. People smugglers are motivated by greed and work in sophisticated cross-border crime networks. They have little regard for the safety and security of those being smuggled, endangering their lives on unseaworthy and overcrowded boats.

In two tragic events last year, people smuggling ventures ended in the loss of life and serious injuries. It is nearly nine years since the tragic sinking on 19 October 2001 of SIEV X resulting in the deaths of 146 children, 142 women and 65 men.

People smuggling is a pernicious trade and the government has a comprehensive, hardline approach to combating the scourge of people smuggling.

The government is devoting unprecedented resources to protecting Australia’s borders and developing intelligence on people-smuggling syndicates. We are working cooperatively with Australia’s regional partners to disrupt people smuggling where those ventures originate overseas. And we are subjecting people smugglers to the full force of Australian law.
This bill will strengthen the Commonwealth’s anti-people smuggling legislative framework, supporting the government’s plan to combat people smuggling.

First, the bill will ensure that people smuggling is comprehensively criminalised in Australian law with tough penalties for the most serious forms of this crime.

In particular, the bill will amend the Criminal Code Act 1995 and the Migration Act 1958 to introduce a new offence of providing material support to people smuggling. The bill will also introduce a new aggravated offence in the Migration Act for people smuggling involving exploitation for danger of death or serious harm.

Second, the bill will amend the Telecommunications (Interception and Access) Act 1979, the Surveillance Devices Act 2004 and the Australian Security Intelligence Organisation Act 1979 to ensure appropriate tools are available to investigate people smuggling activities and enable law enforcement and national security agencies to play a greater role in support of whole of government efforts to address people smuggling and other serious threats to Australia’s territorial and border integrity.

New People Smuggling Offences

This bill will introduce new people smuggling offences.

New offence—Supporting the offence of people smuggling

Organised criminal syndicates depend on enablers and facilitators who play a vital role in supporting the criminal economy. Targeting those who organise, finance and provide other material support to people smuggling operations is an important element of a strong anti-people smuggling framework.

The bill will introduce a new offence of providing material support or resources for people smuggling activities. Such support or resources could include, but would not be limited to, property that is tangible or intangible, currency, monetary instruments or financial services, false documentation provided by corrupt officials, equipment, facilities or transportation.

The offence applies if a person is reckless as to whether the money or resources they provide will be used in, or to assist, a people-smuggling venture.

It will not apply to a person who pays smugglers to facilitate their own passage to Australia or who pays for a family member on that same venture that they are travelling on.

The government is determined to reinforce the message that people should use authorised migration processes in seeking asylum and migrating to Australia, and in supporting others to come here. People in Australia should not support the life-threatening business of people smuggling by providing finance or other assistance.

The maximum penalty for this offence is imprisonment for 10 years or 1,000 penalty units or both. This penalty reflects the gravity of supporting a person or organisation to engage in the serious, dangerous offence of people smuggling.

New Migration Act Offence – People-smuggling involving exploitation or danger of death or serious harm

The bill will also introduce a new aggravated offence in the Migration Act for people smuggling involving exploitation or danger of death or serious harm. The offence will apply to people-smuggling ventures to Australia. The Criminal Code already contains such an offence, which applies to people-smuggling ventures to foreign countries.

The offence will apply where a person, in committing an offence of people smuggling, endangers the life of the victim or risks seri-
ous harm to them. The offence will also apply where a person commits the offence of people smuggling either with the intention that the victim will be exploited after they enter Australia or if the victim is subjected to cruel, inhuman or degrading treatment.

The maximum penalty for this aggravated offence is imprisonment for 20 years or 2,000 penalty units or both.

**Mandatory minimum penalties**

Currently, the Migration Act contains mandatory minimum penalties for aggravated offences involving five or more persons. A minimum sentence of eight years imprisonment with a non-parole period of five years is prescribed for people smugglers who are repeat offenders. A minimum sentence of five years imprisonment with a non-parole period of three years is prescribed in any other case for these offences.

The use of mandatory minimum penalties reflects the seriousness of the activity being prosecuted. It allows the court to determine an appropriate penalty within the minimum and maximum set by parliament.

This bill extends the application of the higher mandatory minimum penalty to the new aggravated people-smuggling offence involving exploitation or danger of death or serious harm. Extending the higher minimum penalty for people-smuggling offences involving exploitation or danger of death or serious harm will reflect the very serious nature of this offence and the harm and danger caused to the victim.

The bill will also extend the application of the higher mandatory minimum penalty to persons who are convicted of multiple aggravated people-smuggling offences in the same hearing. Currently, the higher mandatory minimum penalty for repeat offenders only applies where a person has a previous people-smuggling conviction. The new provisions will ensure the mandatory minimum penalty can be applied where the people smuggler has organised numerous ventures over a period of time but is coming before the court for the first time in respect of those multiple charges.

**Harmonisation of Laws**

The legislative framework for criminalising people smuggling is contained in the Migration Act and the Criminal Code. Together, the legislation covers ventures entering Australia, through the Migration Act, and ventures entering foreign countries, through the Criminal Code, which also include those events that transit Australia. The bill will harmonise offences in both of those acts.

For example, the bill will provide greater alignment between the Criminal Code and the Migration Act offences by addressing an existing discrepancy which requires the prosecution to prove that a people smuggler obtained or intended to obtain a benefit when prosecuting a people-smuggling offence under the code. That is an element that is not required by the Migration Act.

As noted, the bill will also introduce the aggravated offence of people smuggling involving exploitation or danger of death or serious harm into the Migration Act. This offence will align with the existing offence in the Criminal Code relating to exploitation or danger of death or serious harm.

The amendments introduced by this bill will also restructure and retile the Migration Act provisions relating to people smuggling to ensure they are readily identifiable.

These amendments will also achieve greater clarity and consistency, improving the readability and application of the legislation.

Greater harmonisation across Commonwealth legislation will ensure the greatest and strongest possible framework for prose-
cutural and investigative action on people-smuggling activities.

**Better tools to investigate people-smuggling**

Consistent with the government’s national security strategy, the bill will amend the Interception Act, the Surveillance Devices Act and the ASIO Act to ensure that Australia’s law enforcement and intelligence agencies have the appropriate tools to combat people-smuggling.

The protection of Australia’s territorial and border integrity from serious threats such as people smuggling is critical to Australia’s national security. It is therefore appropriate that Australia’s national security agencies should be given greater flexibility to respond to people smuggling and other serious threats to our territorial and border integrity.

**ASIO powers to investigate serious border security threats**

The bill will amend the ASIO Act to enable the Australian Security Intelligence Organisation to use its capabilities to respond to serious threats to Australia’s territorial and border integrity, including people smuggling. This will support the government’s intelligence-led approach to combating people smuggling, and is consistent with the ‘all hazards’ approach to national security.

ASIO is currently limited to using its intelligence capability in relation to prescribed heads of security, which do not include border security threats. The amendments contained in the bill will enable ASIO to specifically use its capabilities to assist the whole-of-government effort in combating people smuggling and other serious threats to Australia’s territorial and border integrity.

**Interception and surveillance powers for people-smuggling offences**

The bill will also make consequential amendments to the Interception Act and the Surveillance Devices Act to ensure that investigative tools under both acts are available in relation to the new and amended people-smuggling offences. These tools are already available in relation to a range of serious people-smuggling offences in the Migration Act and the Criminal Code. Existing accountability and reporting mechanisms in those acts will continue to apply to these new powers.

**Amendment to the definition of ‘foreign intelligence’**

The bill amends the definition of ‘foreign intelligence’ in the Interception Act to align it with the concept of foreign intelligence that is currently contained in the Intelligence Services Act 2001 (ISA).

Currently the definition of ‘foreign intelligence’ in the Interception Act limits the collection of foreign intelligence to information relating to foreign governments and foreign political organisations where it is important to the defence of the Commonwealth or to the conduct of the Commonwealth’s international affairs.

This position no longer adequately reflects the contemporary threats to Australia’s national security interests. The amendments recognise that in an increasingly interconnected global community, activities such as people smuggling are usually undertaken by non-state actors, and will enable information about foreign individuals or groups operating without government support to be collected.

The bill also recognises the broader nature of the contemporary threat environment by allowing the collection of foreign intelligence about non-state actors where it is in the interests of Australia’s national security.
foreign relations or national economic well-being.

These amendments will ensure that there is consistency in the scope of functions undertaken by national security agencies. In practice, this will enhance the ability of national security agencies to collect intelligence about people-smuggling networks and other non-state actors threatening national security.

**Conclusion**

In conclusion, this bill bolsters the government’s hardline and comprehensive approach to combating people smuggling, by enhancing the Commonwealth’s anti-people-smuggling legislative framework.

The bill ensures that people-smuggling activities are consistently and comprehensively criminalised, with a new offence of providing material support for people smuggling.

The bill equips our law enforcement and national security agencies with effective investigative capabilities to detect and disrupt people smugglers.

It demonstrates the government’s commitment to addressing the serious nature of people-smuggling activities and to targeting those criminal groups who seek to organise, participate in and benefit from people-smuggling activities.

I commend this bill to the House.

Debate (on motion by Mr Andrews) adjourned.

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**Second Reading**

**Mr MARTIN FERGUSON** (Batman—Minister for Resources and Energy and Minister for Tourism) (9.24 am)—I move:

That this bill be now read a second time.

**Introduction**

The purpose of the bill is to repeal the Commonwealth Radioactive Waste Management Act 2005 and to put in place a proper process to establish a facility for managing, at a single site, radioactive waste arising from medical, industrial and research uses of radioactive material.

Australia has international obligations to properly manage its own radioactive waste.

This bill represents a responsible and long overdue approach for an issue that impacts on all Australian communities.

It provides procedural fairness—a right for people to be heard, as outlined in the bill—on decisions as to where a facility should be built.

At the same time the bill ensures that the Australian government has appropriate powers to make arrangements for the safe and secure management of radioactive waste generated, possessed or controlled by the Commonwealth.

The bill enables the Commonwealth to act in good faith and spirit with respect to the Site Nomination Deed entered into by the Northern Land Council, the Muckaty Aboriginal Land Trust and the Commonwealth in 2007.

**Radioactive Waste**

In terms of radioactive waste, Australia produces low-level and intermediate-level waste through its use of radioactive materials.

Low-level waste includes lightly contaminated laboratory waste, such as paper, plastic, glassware and protective clothing, con-
taminated soil, smoke detectors and emergency exit signs.

Intermediate-level waste arises from the production of nuclear medicines, from overseas reprocessing of spent research reactor fuel and from disused medical and industrial sources such as radiotherapy sources and soil moisture meters.

As can be seen the generation of low-level and intermediate-level radioactive waste is an unavoidable result of many worthwhile activities.

During the past 50 years, about 4,000 cubic metres of low-level and short-lived intermediate-level radioactive waste has accumulated in Australia. It is currently stored at interim facilities including a multitude of small stores located in suburban and regional areas across Australia.

By comparison, countries such as Britain and France annually produce around 25,000 cubic metres of low- and intermediate-level waste. But unlike the current situation in Australia, Britain and France dispose of such waste in purpose built repositories.

In addition to providing proper disposal of Australia’s low-level and short-lived intermediate-level radioactive waste, the facility to be established under this bill will also be suitable for storing the approximately 32 cubic metres of long-lived intermediate-level nuclear waste arising from reprocessing ANSTO’s spent research reactor fuel. This material will return to Australia from France and the United Kingdom in 2015 and 2016.

**Beneficial Uses of Radioactive Materials**

Radioactive materials have a variety of important uses in medicine, industry, agriculture, environment and sterilisation, as well as in our homes.

The Australian Nuclear Science and Technology Organisation (ANSTO) is a public research organisation responsible for delivering specialised advice, scientific services and products to government, industry, academia and other research organisations.

Nuclear medicine production is a core business of ANSTO, which provides around 85 per cent of the nuclear medicines to Australian hospitals to help doctors diagnose and treat a range of diseases including cancer.

Around 500,000 patients annually benefit from a radioisotope in medical procedures such as cancer diagnosis and treatment.

**Responsible management of radioactive waste**

However, accepting these benefits means also accepting the responsibility to safely manage resulting radioactive waste. The two must go hand in hand.

Australia also needs to comply with its international obligations to manage radioactive waste.

As a party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, we need to promote the consistent, safe and responsible management of radioactive waste.

We need a long-term solution to this unavoidable, but not unmanageable issue.

**National Radioactive Waste Management Bill 2010**

**Schedule 1**

Schedule 1 of the bill repeals the Commonwealth Radioactive Waste Management Act 2005 (the current Act) and amends the Administrative Decisions (Judicial Review) Act 1977 (the ADJR Act).

The repeal of the current act meets a 2007 ALP Platform commitment.
Key decisions under the current act are not susceptible to review under the ADJR Act.

Decisions under this bill will be reviewable.

Schedule 2

A site on Ngapa clan land at Muckaty Station in the Northern Territory has already been nominated and approved as a site under the current act.

The government will honour the Commonwealth’s existing commitments to the Ngapa traditional owners made by the previous government in 2007.

Accordingly, schedule 2 contains a saving provision to ensure that the site will remain an approved site.

Procedural fairness requirements will apply to any decision to select the site, as the site for a facility.

Part 2-Nomination of sites

The current act allows for the selection of a site for a facility only in the Northern Territory.

The bill will allow the minister to make a declaration allowing people to make voluntary, nationwide nominations.

However, in deciding whether to make a declaration, the minister must have regard to whether it is unlikely that a facility will be able to be constructed and operated on Aboriginal land that has been land nominated as a potential site under the bill.

The bill provides that a land council in the Northern Territory may nominate land as a potential site. Under the existing site nomination deed, the Northern Land Council is entitled to nominate other sites on Ngapa land. This provision will enable that entitlement to continue.

Importantly, procedural fairness requirements will apply to any decision to approve a potential site and to any decision to open the nationwide volunteer site-nomination process.

In accordance with the 2007 ALP platform, three sites on Defence land in the Northern Territory identified by the former government have been removed from further consideration as potential sites.

Part 3-Selecting the site for a facility

A decision to select a site should not be taken lightly.

Cautious and comprehensive evaluation is necessary to verify whether a site is suitable for a facility, to ensure the safe management of Australia’s radioactive waste and protection of people and the environment.

Flora and fauna samples need to be collected, meteorological and hydrological conditions must be evaluated and heritage investigations must take place, before selecting a site.

These activities have a minor impact on land but could lead to significant delays if they do not proceed as required.

Part 3 of the bill allows relevant persons to conduct activities for the purpose of selecting a site.

Certain state, territory and Commonwealth laws will not apply to activities under part 3 to the extent that they would regulate, hinder or prevent these activities.

Part 4-Acquisition or extinguishment of rights and interests

Part 4 of the bill allows the minister to select a site, as the site for a facility, and to identify land required for an access road to the site.

Procedural fairness requirements will apply to these decisions.

Part 4 of the bill allows for the acquisition or extinguishment of rights and interests in
relation to the selected site and land required for an access road.

Part 4 of the bill provides that the minister may establish a regional consultative committee, once a site has been selected for a facility.

The government is committed to ensuring community input and an open dialogue with regional interests on this important project.

**Part 5—Conducting activities in relation to selected site**

Part 5 of the bill authorises certain persons to conduct activities on the selected site for the purposes of constructing a facility.

In conducting these activities the Environment Protection and Biodiversity Conservation Act 1999, the Australian Radiation Protection and Nuclear Safety Act 1998 and the Nuclear Non-Proliferation (Safeguards) Act 1987 must be complied with.

However certain other state, territory and Commonwealth laws will not apply to activities under part 5 to the extent that they would regulate, hinder or prevent these activities.

**Part 6—Granting of rights and interest in land to original owners**

Part 6 of the bill preserves rules in the current act allowing the minister to grant certain acquired rights and interests, back to the original owners.

This refers to land that was nominated by a land council, before the opening of the nationwide volunteer site-nomination process.

**Part 7—Miscellaneous**

Under part 7 the bill provides for affected parties, if there are any, to be compensated on just terms, where land is acquired for a facility.

Full details of the measures in the bill are contained in the explanatory memorandum that has been circulated to honourable members.

I commend this bill to the House.

Debate (on motion by Mr Andrews) adjourned.

**FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2010**

**First Reading**

Bill and explanatory memorandum presented by Ms Kate Ellis.

Bill read a first time.

**Second Reading**

Ms KATE ELLIS (Adelaide—Minister for Early Childhood Education, Childcare and Youth and Minister for Sport) (9.36 am)—I move:

That this bill be now read a second time.

The Rudd government was elected with a strong vision for child care—for an affordable, accessible and high-quality sector, so that parents can participate confidently in the workforce and our children have positive, learning experiences.

We are delivering on this and on raising the quality of early childhood education and child care. In a historic agreement in December last year COAG announced that there will be one national quality framework.

This will include improved staff to child ratios so each child in care gets more individual time and attention; new qualification requirements so staff can better lead activities that help children learn and develop; and a new ratings system so parents will know the quality of care on offer and will be able to make the best decisions and informed choices for their families.

The new system will also mean that services only have to deal with one regulator, which will mean less paperwork and, importantly, more time to spend focusing on children.
Transparency and providing up-to-date information for parents and the sector has also been high on our agenda. We have established the Mychild website, which provides important information for parents and service providers through a searchable database of over 8,000 childcare services which includes information on fees, vacancies and services provided.

We are backing our commitment to child care with an investment of over $16 billion over four years. This is more than twice than was provided in the last four years of the Howard government, just to put it in context.

Through this bill we are continuing to make practical changes to support both childcare services and Australian families.

Throughout 2008 and 2009 all approved childcare services moved to a new system—the Child Care Management System—where services submit online reports before receiving childcare benefit payments.

In the instance where childcare services cannot submit their online report through circumstances outside their control, such as a natural disaster or emergency, the passage of this legislation will mean that we can continue to pay centres childcare benefit so that they continue to have cash flow in times of need.

We are also making improvements to the way in which services are required to provide families with statements that set out their fees and the childcare benefit that they have received. This will provide services with greater flexibility around how they issue statements, making it easier for services to meet their obligations and provide more accessible information to families on their childcare benefit.

This bill will also take further steps to protect families from disruption when operators decide to cease operating. Services that either transfer their operation or close will now be required to provide at least 42 days notice to the department, rather than the current requirement of at least 30 days. We know, of course, that this change will help families to make alternative arrangements in the unfortunate incidence where the childcare centre that their children attend ceases to operate.

We are also tidying up some areas of the legislation. In 2007 the previous government passed legislation to introduce the new Child Care Management System. As I touched on before, this system has been progressively introduced throughout 2008 and 2009.

Unfortunately, the legislation introduced in 2007 did not clarify legislative authority to recover overadvances of childcare benefit acquitted by some services before they transitioned from a three-monthly ‘payment in advance’ system to a new ‘payment in arrears’ system.

These amendments will confirm the original intent of the previous government’s legislation and provide for acquittals of advances and recovery of overadvance amounts.

The bill also makes it clear that where services are owed money from acquittals prior to transition that the Commonwealth now has the authority to pay this money to centres.

A further amendment will make discretionary the current mandatory suspension of a service’s childcare benefit approval when a service has been issued with 10 infringement notices in a 12-month period. This is in line with other suspension provisions for childcare benefit and takes into account the nature of some of the infringements and the impact on families of the withdrawal of their service’s childcare benefit approval.

These are all practical and welcome steps to help strengthen our childcare arrangements.
And they are yet another step by this government to improve the quality of child care and to better support Australian families.

I commend the bill to the House.

Debate (on motion by Mr Andrews) adjourned.

COMMITTEES
Public Works Committee

Report

Mr PRICE (Chifley) (9.41 am)—On behalf of the Parliamentary Standing Committee on Public Works, I present the 73rd annual report of the committee, for the year ending 31 December 2009.

Ordered that the report be made a parliamentary paper.

Mr PRICE—by leave—On behalf of the Parliamentary Standing Committee on Public Works, I present the committee’s 73rd annual report, for the year ending 31 December 2009. The committee is required under its act to report annually to parliament, and I am pleased to present this report of the committee’s proceedings during 2009.

The committee had a busy year in 2009, investigating 14 proposals with a combined cost of $3.3 billion. There was one proposal withdrawn from the committee’s consideration, and it is discussed in the report. There are some particular features of the committee’s work in 2009 that I would like to note.

The committee undertook an inquiry into a defence project in Tarin Kowt, Afghanistan, where members of the Defence Force are currently deployed. This is the first time the committee has considered works proposed for an operational deployment, and this demonstrates the capacity of the committee to undertake inquiries into sensitive projects. The committee would particularly like to thank the Department of Defence for its assistance in making the inquiry so successful.

At numerous times in the year, the committee asked agencies to submit further confidential cost estimates. The committee must have sufficient information to be confident that projects have been accurately costed and that they will be completed without cost overruns. Incomplete costings can cause significant delays in the inquiry process, and the committee looks forward to improved project costings in 2010.

The committee was also notified of 78 medium works in 2009, with a total cost of $425 million. The committee also implemented a new process of publication for medium works under an agreement with the Minister for Finance and Deregulation. The project title, agency name and date of notification of all medium works are published on the committee’s website. This is an important measure to increase accountability and transparency.

I would like to thank all members and senators for their work in 2009. I particularly commend our very professional committee secretariat which supports the committee’s work. I commend the report to the House.

Mr LINDSAY (Herbert) (9.44 am)—by leave—I would just like to confirm to the House that the Public Works Committee takes its work very seriously indeed and in fact holds those departments that come before the committee responsible. Where we detect anomalies, insufficient information and that projects have not been delivered as was presented to the committee, we follow up. It is a good process and committee members are very diligent in relation to that.

I would also like to draw the House’s attention to the great work of the committee secretary, James Catchpole, the inquiry secretary, Siobhan Leyne, and the other committee staff members. They do a fantastic job. Everything is always on time and everything is absolutely perfect. They should be com-
mended for the work that they do in supporting the committee members in our deliberations.

**APPROPRIATION BILL (No. 3) 2009-2010**

Report from Main Committee

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

Ordered that this bill be considered immediately.

**Third Reading**

**Mr COMBET** (Charlton—Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change) (9.46 am)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**APPROPRIATION BILL (No. 4) 2009-2010**

Report from Main Committee

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

Ordered that this bill be considered immediately.

Bill agreed to.

**Third Reading**

**Mr COMBET** (Charlton—Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change) (9.47 am)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**RUDDE GOVERNMENT**

Consideration of Senate Message

Message received from the Senate informing the House of a resolution of the Senate censuring the Government for its failure in the delivery of climate change programs and requesting the concurrence of the House.

**Mr COMBET** (Charlton—Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change) (9.48 am)—by leave—I move:

That consideration of the message be made an order of the day for the next sitting.

Question put.

The House divided. [9.53 am]

(The Deputy Speaker—Hon. BC Scott)

Ayes………… 74

Noes………… 60

Majority……… 14

AYES

Adams, D.G.H.  Albanese, A.N.

Bevis, A.R.  Bidgood, J.

Bird, S.  Bowen, C.

Bradbury, D.J.  Burke, A.E.

Burke, A.S.  Butler, M.C.

Byrne, A.M.  Campbell, J.

Champion, N.  Cheeseman, D.L.

Clare, J.D.  Collins, J.M.

Combet, G.  Crean, S.F.

D’Ath, Y.M.  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.  Gray, G.

Grierson, S.J.  Griffin, A.P.

Hale, D.F.  Hall, J.G. *

Hayes, C.P. *  Irwin, J.

Jackson, S.M.  Kerr, D.J.C.

King, C.F.  Livermore, K.F.

Macklin, J.L.  Marles, R.D.

McClelland, R.B.  McKew, M.

McMullan, R.F.  Melham, D.

Murphy, J.  Neumann, S.K.

Oakeshott, R.J.M.  Owens, J.

Parke, M.  Perrett, G.D.

Plibersek, T.  Price, L.R.S.

Raguse, B.B.  Rea, K.M.

Ripoll, B.F.  Saffin, J.A.
CHAMBER

Mr ANDREWS (Menzies) (9.59 am)—To recap, the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 has a number of objectives. Primary amongst them, as the title of the bill suggests, is the reinstatement of the Racial Discrimination Act to the legislation pertaining to the Northern Territory intervention. It also proposes to change the income management measures now in operation in 73 Indigenous communities in the Northern Territory.

The coalition believes this bill is flawed for a number of reasons. The government’s proposals purport to extend income management nationally, although in reality only to the Northern Territory at this time. However, there are a number of significant concerns. First, certain welfare recipients are excluded from income management, such as those on the age pension, disability support pension, widow allowance and veterans service pension. According to the Closing the gap report, there were 8,526 people on the age pension, disability support pension, widow allowance and veterans service pension. According to the Closing the gap report, there were 8,526 people on the age pension, disability support pension, widow allowance and veterans service pension.

Secondly, vulnerability in many instances will be determined by social workers and child protection workers. The experience of the states and territories suggests that this is a very inadequate system, with such workers being overly cautious because of legal ramifications. Indeed, a recent report by the Northern Territory Department of Health and Community Services raised serious practice issues relating to risk management, case management decisions and interagency collaboration. Moreover, this bill retreats from the clear evidence of widespread vulnerability of women and children in the Indigenous communities. Thirdly,
the ability of social workers to adequately service the whole of the Northern Territory is questionable. And, finally, the case-by-case approach will be more costly and less efficient than a universal approach.

The coalition is not necessarily opposed to the extension of income management, but it will not support an extension that amounts to a watering down of income management in Indigenous communities. Nor do we trust the government’s rhetoric about a national roll-out. The watered-down extension is limited to the Northern Territory. It is only after a future evaluation—in the next parliamentary term—that an extension might be considered and then by ministerial decree to limited areas, not necessarily to the whole of Australia as the government’s rhetoric would have it. This is significant in light of the government’s inability even to measure progress in the areas that the Prime Minister identified in his apology speech in this parliament in early 2008. Much of the progress that Mr Rudd claimed recently in closing the gap on Indigenous disadvantage had in fact occurred prior to his implementing any programs. For example, on preschool enrolment the Prime Minister said:

We are seeing the fastest preschool enrolment growth in remote communities, increasing by 31 per cent between 2005 and 2008.

In other words, changes that had occurred prior to the implementation of programs by this government. Let us take his words about school retention rates, on which the Prime Minister said:

Indigenous school retention rates from the start of high school to Year 12 have risen from 30.7 per cent in 1995 to 46.5 per cent in 2008.

As I recall, the period 1995 to late 2007 was a period when this side of the House was in government. Let us talk about Indigenous employment:

Between 2002 and 2008, the Indigenous employment rate rose from 48 per cent to 53.8 per cent.

Again, that is a measure of things which had occurred before the implementation of programs by this government. In other areas, the data is very mixed: a slight improvement in literacy and numeracy for years 3, 5 and 7 countered by a decline in year 9. As the Centre for Independent Studies concluded, there is ‘negligible improvement in student performance’. Even the claimed increase in Aboriginal life expectancy ‘is the result of having more reliable data, rather than the result of any real improvement on the ground’. Housing has been an abject failure. For example, only 15 houses have been completed under the National Partnership Agreement on Remote Indigenous Housing. The Prime Minister made no mention of his promise to establish a bipartisan commission under his leadership and that of the Leader of the Opposition to oversee Indigenous housing development. This is another broken, and now forgotten, promise. In other areas, the data relied upon was highly inadequate.

Overall, the report indicates that the government is a long way from achieving the targets that were set in 2008. The fact that the Prime Minister did not even meet his target to report on the first sitting day of each parliamentary year is an illustration of the problem. It is another case of Mr Rudd promising much and delivering little. In these circumstances, the coalition is not prepared to take Mr Rudd at his word. His government has promised much but delivered little. It is all talk and little action. The coalition will not stand by and allow the success of income management to be undermined by this government. We have suggested that the government split the bill, but that suggestion has been rejected. Accordingly, we will oppose this bill when it comes to a vote in this House.
Mr CRAIG THOMSON (Dobell) (10.06 am)—I rise to support the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. Australia needs welfare reform to protect the most vulnerable and to link welfare to school attendance, study and work. This government is introducing major welfare reforms to extend the clear benefits of income management to more vulnerable Australians. We want to start in the Northern Territory, but we want to be able to extend income management to other vulnerable Australians across the country. It is the case that our reforms will make sure that people’s welfare payments are spent on the essentials of life: food and rent, not alcohol and gambling.

There are now 16,000 people on compulsory income management in the Northern Territory. That compares with around 1,400 people who were on compulsory income management when we came to government. The number of people on income management in the Northern Territory with our reforms is estimated to be 20,000. This is all about personal responsibility and making sure that we do everything we possibly can to get children to school and to get young people engaged in work and training. We want to fight passive welfare and to link the payment of welfare to making sure that children go to school on a regular basis and that young people continue their studies and go to work. These arrangements do not apply at the moment.

The changes that we have proposed will make sure that income management can be rolled out in towns in the Northern Territory—Tennant Creek, Katherine and the suburbs of Alice Springs and Darwin—where there are significant and desperate circumstances for many people. There are many Australian families across Australia who could be really assisted by income management. The Australian government wants to extend income management to other disadvantaged regions across Australia after a comprehensive evaluation of the new reforms at the end of 2011.

The straight payment of welfare money to individuals and families has not achieved the social policy objectives we have set for the welfare system. We must act now to make the Northern Territory Emergency Response sustainable for the long term. This legislation before parliament will also make sure that the Northern Territory Emergency Response can be effective in the long term by enabling the reinstatement of the Racial Discrimination Act. It is critical that we have bipartisan support for this bill, so it was disappointing to hear the comments from the member for Menzies.

The Leader of the Opposition had previously said that he wanted to see income management extended to other welfare recipients, and that is exactly what this government’s reforms will do. The Leader of the Opposition has also said he wants the Northern Territory Emergency Response to become sustainable over the long term, and that is exactly what these reforms will do. We do need to have welfare reform to make sure that the Northern Territory Emergency Response is sustainable for the longer term and that the benefits of income management can be extended to other vulnerable Australians.

The legislation was introduced into parliament on 25 November 2009. It is currently subject to an inquiry by the Senate Standing Committee on Community Affairs, which will report next month. There are some changes to the scheme. Previously, the scheme applied in a blanket fashion across all welfare recipients. Under the proposed reforms it will apply to at-risk groups and be linked to specific social policy objectives like school attendance, learn-or-earn policies.
for school leavers and long-term unemployment. Age pensioners, disability support pensioners and veterans will be brought into compulsory income management where they are identified as being vulnerable by a Centrelink social worker. Families with at-risk children identified through the child protection system would also attract compulsory income management.

Those people who are compulsorily income managed will be supported to save money with new match-saving programs. There are also generous financial incentives for people who wish to volunteer for income management. These arrangements reflect the government’s view that income management can provide substantial benefits, particularly to vulnerable families. In addition to these reforms the Australian government will invest an additional $53 million in financial literacy support.

There has been strong support for the legislation and income management generally, and I will go to a few quotes from groups who support the approach the government is taking. Toby Hall from Mission Australia said:

…it’s probably a good thing that actually income management’s introduced, that it means that there’s a little bit of pressure to move off benefit and into work …

The Australian Human Rights Commission said that this legislation:

…will improve the measures that currently apply to individuals in prescribed communities in the Northern Territory.

Australian Human Rights Commissioner, Graeme Innes, said in a media release on 25 November 2009:

We particularly welcome the redesign of the income management measures to ensure they are non-discriminatory.

Aboriginal Medical Services Alliance Northern Territory, representing 26 Aboriginal community controlled health clinics and services across the Northern Territory, has urged all political parties to support the passage of this legislation:

What we are saying is pass this bill, allow Aboriginal Territorians to be treated equitably.

That was on 10 February this year. The manager of a supermarket in Yirrkala was quoted in the Northern Territory News as saying:

I can tell you first-hand that the income management is working extremely well. I am not speaking from an antidiscrimination point of view, but from a practical point of view. The people of the Yirrkala have seen a drop in gambling, less anti-social behaviour and I know first-hand more money is being spent on essentials.

Noel Pearson on 30 March 2009 in an ABC online story said:

The big surge in the amount of money being spent on food and clothing is … cause for great happiness on my part.

As part of the proposal there will be further evaluation before there is a national rollout. The government is committed to further evaluating the new amended income management scheme from the end of 2011. The new scheme will be rolled out across the Northern Territory from July 2010 if it is passed through this parliament. Future rollout elsewhere in Australia will be informed by evidence gained from this evaluation activity and by other objective criteria, including evidence of disadvantage in Australia and consideration of where income management would benefit individuals and families.

There is a compelling case in relation to the evidence to date on the benefits of income management in the Northern Territory.

I would now like to have a look at the summary of the government’s consultations between June and August 2009. The consultations involved thousands of people in all 73 Northern Territory Emergency Response communities as well as several other Northern Territory Aboriginal communities and
town camps between June and the end of August 2009. The vast majority of these people were consulted in over 500 tier 1 and tier 2 consultation meetings in the communities. There were also 11 tier 3 and 4 workshops with regional leaders and stakeholder organisations. A total of 277 people attended tier 3 and 4 workshops, 176 in tier 3 and 101 in tier 4. The majority of the participants were Indigenous people who were either nominated as individuals or selected by their community or organisation to speak on behalf of the community or organisation. The engagement process was independently overseen by the Cultural and Indigenous Research Centre Australia, whose report the government has publicly released on the FaHCSIA website.

Children, women, parents, families and older people were identified as groups who benefited most from income management. The most frequently identified benefits of income management for children included more money being spent on food, clothing and school related expenses. There are a number of comments that children were looking healthier because of a better diet. The school nutrition program was mentioned several times as contributing to this. A benefit of income management frequently identified by women was that there was less humbugging. In addition to the reduced incidence of humbugging, a frequently mentioned benefit of income management for parents and families was that it has enabled people to better manage their household budgeting, including planning for major items and utility expenses. Some men also said there were benefits for themselves and their families as a result of income management. These benefits included more and better food being eaten, improved budgeting, more money being spent on white goods and furniture, less money being spent on gambling and less humbugging. The most frequently identified benefits of income management for older people include the reduced incidence of humbugging, better health outcomes and less need for them to take responsibility for caring for grandchildren.

The Department of Families, Housing, Community Services and Indigenous Affairs had primary responsibility for the income management evaluation. The department developed the evaluation approach and methodology and managed the data collection process. The two main data sources for the evaluation were a client survey that collected quantitative data and focus groups of key stakeholders that collected qualitative data. The client survey involved face-to-face interviews with 76 income management clients in four community locations. The stakeholder focus groups involved 167 stakeholders, including community representatives from the same four locations and community sector and government employees from a wider range of locations. The data showed that there have been improvements in child wellbeing since the introduction of income management. More than half of the parents interviewed reported that their children are eating more, weighed more and were healthier. Three-quarters of people interviewed reported spending more on food and half reported buying more fruit and vegetables. More than half of the people interviewed reported that there was less gambling, less drinking and less harassment for money.

The interviews, conducted in three rounds, were part of a process of routine monitoring for the first 18 months of store licensing. This is in relation to the monitoring report of store licensing of 2009. The findings in this report are based on 66 community stores that have been licensed and include all three rounds of interviews and synthesis of all previous results. Operators of the 66 community stores were interviewed for the monitoring
report. Customer shopping habits have changed significantly in most stores, with 68.2 per cent of store operators reporting an increase in the amount of healthy food purchased. This includes items such as fruit and vegetables, dairy foods and meat. Community residents, particularly women, are telling store operators that they now have more control over their money and greater capacity to manage humbug.

Initial mistrust and confusion about income management has abated over time. Store operators are reporting that feedback is generally positive, especially from women, once people understand how it works. Community feedback on the Northern Territory Emergency Response research report in September 2008—the Cultural and Indigenous Research Centre Australia report—was commissioned by the Independent Northern Territory Emergency Response Review Board and is available on the website of FaHCSIA. Consultations were conducted in four communities between August and September 2008. The methodology used in each location varied and was developed in consultation with local partners. People caring for others—especially women who were caring for young children both older and younger women—larger families; and/or people with disabilities were the most positive about income management. Generally, women tended to be more positive than men; however, most people, even some who opposed the Emergency Response, recognised the positive impact of income management on children. Single men tended to be the least positive about income management, especially where they did not have childcare responsibilities.

Perception of the Emergency Response was driven by only a few of the Emergency Response initiatives, and in many cases the overall perception of the Emergency Response seemed to relate to income management. Positive perceptions of income management were mainly related to increases in food consumption, with children being the main beneficiaries; increased savings, which has enabled greater purchasing of household goods and ease in paying bills; and a reduction in family tension through reductions in humbugging. Apart from the positive comments about income management, positive feedback was also provided on the school nutrition program and improved stock in the community store.

The Central Land Council undertook research called Reviewing the Northern Territory Emergency Response: perspectives from six communities in Central Australia to document the experiences and opinions of Aboriginal people in Central Australia in relation to the Emergency Response. The research was undertaken from February to June 2008 with the assistance of local Aboriginal researchers. The research focused on the main measures implemented in the first year of the Northern Territory Emergency Response. This report can be found online. It is based on a detailed participation evaluation survey of 141 Aboriginal residents in these communities. The research conducted demonstrated the diversity of opinion around the Emergency Response measures across communities as well as amongst residents in a community.

Responses across survey participants were almost evenly divided between people in favour of and those opposed to income management. Gender and age were not significant factors in influencing people’s level of support; however, income type influenced people’s support for income management. People on a wage were most supportive of income management. Perceived advantages associated with income management included increased household expenditure on food and children, young men contributing to
family shopping and reductions in gambling and drinking.

This bill contains a range of measures, including amendments to the income management arrangements under the social security law, alcohol and pornography restrictions, and community store licensing arrangements under the Northern Territory National Emergency Act 2007 which are designed to improve the circumstances of families and to improve the circumstances of people living in remote, rural and regional communities. This is an important piece of legislation. It is legislation that deserves bipartisan support, and it is incredibly disappointing hearing the contribution from the member for Menzies. I commend this bill to the House.

Mr OAKESHOTT (Lyne) (10.21 am)—I rise to speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 having only 15 months ago given my first speech in this chamber and my first words were in local language. My first paragraph was about the continued lack of acknowledgement of country alongside the daily prayers in this chamber. I rise to represent, from a local perspective, the very large—in fact, majority—Indigenous population on the east coast of Australia that continues to be lost in the perception created through the political processes that all things Indigenous happen either in the Northern Territory or in Cape York. That is factually incorrect. The largest Indigenous populations in Australia live where most Australians want to live—that is, right along the eastern seaboard, the window between Sydney and Rockhampton or maybe a bit further north. That is where the vast majority of the issues arise, within a very complex regionalised and urbanised Indigenous population blended in with the challenges facing local, state and federal government dealing with very rapid urban development in the same window.

It would be nice if that were to start to appear on the radar of government and in the language of government. For example, I did not hear a single word in the Closing the Gap statements about this majority Indigenous population. We continue to see legislation come through this place—for example the Northern Territory National Emergency Response Bill 2007 put in place by the previous government—more because of a territory’s constitutional weakness than the factual trail of where the majority of people live and the complexities of this issue.

We continue to see both sides of the chamber wanting to get close to Noel Pearson in Cape York because of some perception that, if you are close to Noel Pearson, you have the voice of Aboriginal people in Australia. Noel Pearson does a great job for Cape York, but not for one minute should any of us as policymakers fall into the trap of thinking that Noel Pearson is the voice of all Aboriginal Australians. I ask government to consider its position in this continuous loop on reconciliation which focuses purely on the Northern Territory and Cape York. An awful lot else is going on in this country with regard to the Indigenous populations and it would be nice, if we are in an era of reconciliation, to acknowledge and support that.

I hope it is a sensible move to repeal laws that limit antidiscrimination laws. I understand the aims of changing the Northern Territory Emergency Response so that it no longer contravenes the Racial Discrimination Act as it has up to now on the grounds of treating a group of people differently based on their race. Whilst on that constitutional point, if we are serious we live in an era in which we need to reconsider that and perhaps even put it to a referendum about pulling out that constitutional reference to race. I live in a town with a bronze statue of Edmund Barton on our town green. He was a state member before becoming Australia’s
first Prime Minister. I often look at that statue and think that if he were to shake out of the bronze and suddenly wake up, I would hope he and other forefathers like Andrew Inglis Clark and Samuel Griffith would look around and think some of the words that they put together in that Constitution—when they were floating up the Hawkesbury River on the great weekend in which they formed the Constitution—were misplaced and there is work still to be done. I think the continued use of race as a Trojan Horse to get into areas such as the Northern Territory is deserving of some reflection at a referendum. We need to pull that out as we have pulled out other racially divided questions such as whether or not Aboriginal people can vote. I hope the government considers that.

I am not one to say that any law in this country should not have exceptions and I heard Michael Kirby make that point. If we are going to step around any law—let us look at discrimination laws in this case—we need to be very clear and open about defining the boundaries. We need to be very clear about defining the who, what, where and why questions. I do not think we did that in suspending the RDA in the way that was done in an effort to somehow protect the integrity of the emergency response. I do not think the boundaries that were set were clear; therefore, I think it was an abuse of power to suspend it in the way that the previous regime did.

So I hope—and I keep saying ‘hope’—that we are seeing change for the better, because what we are seeing is, if you like, a redefining of the Emergency Response by saying we are introducing special measures in accordance with article 1(4) of the International Convention on the Elimination of All Forms of Racial Discrimination, and that has been interpreted by Australian courts as having four elements:

- a special measure must confer a benefit on some or all members of a class
- the membership of the class must be based on race, colour, descent, or national or ethnic origin
- a special measure must be for the sole purpose of securing adequate advancement of the beneficiaries in order that they may enjoy and exercise equally with others human rights and freedoms, and
- the circumstances of the special measure must provide protection to the beneficiaries which is necessary in order that they may enjoy and exercise human rights and freedoms equally with others.

I note that in the Minister for Families, Housing, Community Services and Indigenous Affairs’ second reading speech she assured us all:

The government believes that all—Emergency Response measures in the Northern Territory—are either special measures under the Racial Discrimination Act or non-discriminatory and therefore consistent with the Racial Discrimination Act.

So there is an attempt to redefine, and redefine for the better.

I hope—again I come back to that word ‘hope’—that this means that delivery of services in practice on the ground in the town camps and the many locations where the Emergency Response is taking place now starts to place a bit more respect on the individuals involved and on the very point of a Racial Discrimination Act in the first place. But we watch and we wait to see whether that is true, because I do not think any of us in this place can judge whether, with this changing from a suspension of the Racial Discrimination Act to a redefinition that these are now ‘special measures’, it is somehow in the best interests of Northern Territory communities to have the Emergency Response and therefore redefine the act. We
need to see in practice how government is going to deliver this redefinition on the ground. I hope it is for the better, and I hope the keyword of ‘respect’ is involved in the future on the ground in regard to the activities in a weaker link, constitutionally, in the Northern Territory, which has an inability compared to the states to, if you like, defend its patch.

I might just make reference to some of the other commentary, because I think it is worth putting on the record some of the comments that have been made by others. The repeal of the laws on the RDA has been generally welcomed, and I acknowledge that. I hope it is for the better. The Australian Human Rights Commission’s Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, has said that this would ‘send an important message that the government was genuine in its commitment to reset the relationship with Indigenous Australians.’ This change has also been publicly supported by the Law Council of Australia and a range of community sector organisations, such as ACOSS, the Australian Council of Social Service.

Whilst welcoming the reinstatement of the operation of the RDA—and I think this is a similar point to the one I just made—some have argued that the Emergency Response and income management provisions in the bill will continue to have a discriminatory impact on those affected. I put on the record a joint statement on income management from ACOSS and 11 other community sector organisations that have argued:

... the extension of income management will indirectly discriminate against Indigenous Australians in disadvantaged areas across the country, who are likely to be disproportionately affected by the policy.

The proposed changes will also discriminate against income support recipients across the country on the basis of income source, duration of income support and geography. Income managed individuals will have to use a card to purchase groceries and other essentials. This card reveals an individual’s income source to retailers and others and is likely to cause shame and discrimination, as it has to affected recipients in the Northern Territory.

I also put on the record that not all observers have welcomed the government’s objective of reinstating the operation of the RDA. From an ideological point of view, Howard government adviser David Moore has argued that this objective is ideological and puts at risk the effectiveness of the emergency response. So I just put that on the record to say there are a wide range of views on this topic.

Getting onto the issue of welfare reform, I would have preferred it if this bill were split into two. It implies in the very heading that this is entirely an Aboriginal issue. If we are serious about welfare reform in this country then welfare reform should be about those in need, all colours and all races, and we should be targeting those in need in lower socioeconomic communities and those who are welfare recipients who, in the eyes of government are doing the wrong thing. We should be doing all we can to assist them on an equal, fair and colourless basis. But to imply in the title of this bill that we are reinstating the RDA because there is an element of race attached in this—‘It is about Cape York and the Northern Territory, but we’re quarantining for everyone’—without being too confrontational, in my view, plays the race card. It plays the black card, and I think we have to get past that in policy development. I know the words and commitment of the Prime Minister are sound on that, but too often we still see it, and once again we see it here. So if we are going to expand an income management regime that is targeted at all and is about trying to make sure welfare goes to the right purposes—groceries, healthy meals and healthy families—then let us make sure
that it is for everyone in this country moving forward.

I do not want to sound too down about it all, because I am going to support the legislation, but I continue to make this point: sure, we as policy makers have to do what we can about the *Samson and Delilah* culture of Australia in the dusty outback communities of the Northern Territory, WA and Far North Queensland, but what we also have to do is look at the facts. The facts are that there are enormous complexities and challenges facing the majority of the Indigenous populations and Indigenous nations of this country. The facts say quite clearly that more than 50 per cent of the individuals in question live in a window on the east coast of Australia roughly between, as I have said before, Sydney and Rockhampton.

We have to start to crack some of the stereotypes that are promoted into mainstream culture and we have to start to put together an evidence trail based on facts. The facts are that we need to spend more time and more effort working on those complexities around regionalised and urbanised communities where wealth is right in the face, where growth is right in the face, where issues around alcohol and abuse are right in the face, and where the added challenge of being forgotten and lost in an urbanised or regionalised setting is also a very easy one for us all to forget about.

I will continue to badger government about the Middleton Streets of South Kempsey, about the Purfleets of Taree and about what remain many of the forgotten, complex communities that deserve to have similar, if not more attention than we currently see. As we enter into a welcome new era of reconciliation there is a danger of these streets and communities remaining forgotten in some effort to paint a picture that government is fixing the outback Aboriginal communities in Australia today.

I will not oppose this. I will sit with the government, mainly because we are starting to see some direction on the RDA and some respect for the law—something that I would have thought was a no-brainer for every member of this chamber, but it seems that it is not. I hope that we do see this redefinition of the RDA as being a special measure now, rather than a suspension, one that makes a difference in practice and starts to put some meat on the bone of issues such as self-determination, some meat on the bone for issues around the apology, such as respect, and some meat on the bone around really wanting, being willing and doing the heavy lifting in and around the issue of closing the gap and reconciliation in Australia today.

**Mr BIDGOOD (Dawson)** (10.39 am)—I rise to speak in favour of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. I acknowledge what the member for Lyne has said: these are very difficult circumstances. When you have desperate situations and you look at outcomes and the history of what has actually happened, you do have to come up with urgent and exceptional emergency measures to deal with the current situation. For the people of Dawson and for the people across Australia I would say that nobody likes overt government intervention into the very way they live their personal everyday lives. But sometimes there are exceptional circumstances which require government to take urgent and exceptional measures to deal with the current situation. For the people of Dawson and for the people across Australia I would say that nobody likes overt government intervention into the very way they live their personal everyday lives. But sometimes there are exceptional circumstances which require government to take urgent and exceptional measures such as these.

The basic intent of this act is to meet many commitments by the government to the needs of people, not just in the Northern Territory and Queensland. But, as the member for Lyne has rightly said: ‘Are all people...
equal? Are all people treated the same?’ This act seeks to reinstate the Racial Discrimination Act and its application to the Northern Territory Emergency Response, to retain the benefits of the welfare reform and to extend the benefits of income management to the wider community.

It also provides a stronger legislative basis for the current Northern Territory Emergency Response measures and lays the foundations for sustainable development across remote communities in the Northern Territory. It demonstrates our commitment to sustained long-term action in the Northern Territory, working in partnership with Indigenous Australians to develop and drive policies and programs to help close the gap. At the end of the day, the role of government is to help and improve the lives of everyday people wherever they are and wherever they are in this great country. There are clearly statistical reasons that show we have to close the gap—for example, some people’s health is more severely affected than others. We are seeking to address these issues through this act.

On a national scale, this bill also tackles the entrenched cycle of passive welfare through a new system of income management and incentives to support people moving from welfare to personal responsibility and independence. That is the whole purpose—to make people independent and self-sufficient.

The bill reflects the government’s determination to put children and families at the centre of our welfare reform agenda. I do not think there would be anyone in this place who would argue that we must look after the children; they are defenceless, whoever they may be and in whichever community they may be. We need to address those issues very clearly in this legislation.

There are, obviously, a number of controversial issues here. I do not believe that anybody takes these measures lightly; they would rather the situation that people be self-determined and self-sufficient. But as I said earlier, sometimes desperate situations require an urgent emergency response. There were key points in limiting the antidiscrimination laws. In 2008 the government promised it would lift the suspension of the Racial Discrimination Act, and this bill gives effect to that commitment. The exceptions that will be repealed are the provisions that suspend the operation of the RDA and the Northern Territory antidiscrimination laws in relation to the NTER and related legislation, and also the Queensland antidiscrimination laws in relation to the Queensland Family Responsibilities Commission and the Cape York welfare reform trial. Also the Queensland government has been consulted about the repeal of the provisions that related to the Cape York welfare reform trial.

The Northern Territory government has been advised of the range of measures included in this bill. Northern Territory officials have been closely involved in the development of the amendments to alcohol restrictions. Minister Macklin has briefed the Chief Minister on the proposed changes to the income management arrangements in the Northern Territory. The repeals will take effect from the end of 31 December 2010. This time frame will allow the redesignated NTER measures, which will be implemented from 1 July 2010, to be rolled out.

This legislation will enable a non-discriminatory income management model that targets categories of people who have been identified as at risk of exceptional disadvantage. The legislation will specify that this new scheme of income management will come into effect from 1 July 2010. It will be rolled out on an area-by-area basis across the Northern Territory. There will be a 12-month transition period, which will be completed by the end of June 2011. Initially, income man-
agement will be extended to all of the Northern Territory and will be rolled out on an area-by-area basis, in the same way that existing income management schemes were rolled out in 2007. The new scheme of income management will commence across the Northern Territory in urban, regional and remote areas—as a first step in a future national rollout of income management to disadvantaged regions.

The operation of the new scheme of income management in the Northern Territory will be carefully evaluated. The first evaluation progress report is expected in 2011-12. The other income management trials currently underway in Western Australia and Queensland will continue to be evaluated. Future rollout elsewhere in Australia will be informed by the evidence gained from this evaluation activity. That is a key point: it is the evidence of what actually happens that counts here. There has to be a true, honest evaluation of everything that is done. Future implementation will also be informed by other criteria, including the evidence of disadvantage in Australia and consideration of where income management could benefit individuals and families. The Northern Territory has been chosen as a site for initial implementation based on the persistence of high levels of disadvantage and the existence of BasicsCard and income management infrastructure.

The groups that will be subject to income management under the new model are disengaged youth, long-term welfare payment recipients, vulnerable welfare payment recipients, people referred for income management by the Northern Territory Child Protection Authority and people who voluntarily opt in to income management. With respect to disengaged youth, this refers to people aged 15 to 24 who have been in receipt of youth allowance, Newstart allowance or special benefit or parenting payments for 13 weeks in the past 26 weeks.

As to pathways for exemption for disengaged youth, exemptions will be determined by assessment against objective criteria, including that a person can demonstrate personal responsibility, life skills and social inclusion behaviour for themselves and their children. The exemption criteria are: (a) parents—for example, parenting payment recipients—with demonstrated parental responsibility of school-aged children. This is demonstrated by regular attendance at school—no more than five unauthorised absences per school term for the last two terms. Parents also need to pass a Centrelink financial and housing stability assessment. With respect to parents of children under compulsory school age, there needs to be evidence of responsible parenting, such as regular attendance at playgroups or other early childhood activity or evidence of regular participation in child health checks, combined with an up-to-date immunisation record. Parents also need to pass a Centrelink financial and housing stability assessment. The second criteria (b) is for non-parents—that is, Newstart or youth allowance recipients. There needs to be evidence of work or study—that is, people have worked 26 weeks in the last 52 weeks for at least 15 hours a week at the minimum wage; and, for study, people are studying full time. Part-time study would not qualify.

The second point in this legislation is the long-term welfare recipients—people aged 25 and above, and younger than age pension age, who have been in receipt of the following payments for 52 weeks in the last 104 weeks: youth allowance, Newstart allowance, special benefit or parenting payments. People in this category will also be asked to seek exemption from income management. For parents and non-parents, the pathways to
exemption will be the same as those for those in the disengaged youth category.

The third point is the referral for income management by child protection authorities in the Northern Territory of persons in receipt of the following payments: all social security pensions and benefits, including Austudy, Abstudy, where payment includes living allowance; and DVA service pension. We will be seeking to enter into a bilateral agreement with the Northern Territory government to enable referral by Northern Territory child protection workers. This will be based on the current Western Australia trial but will be tailored to the Northern Territory situation and modified to reflect some lessons learned so far from Western Australia. As to pathways for exemption for child protection referrals, exit will be determined by the Northern Territory child protection workers, although people can seek a review of the decision to apply income management.

A fourth key point is referral of vulnerable welfare payment recipients for income management by Centrelink social workers. People could be referred for reasons including vulnerability to financial crisis, domestic violence, economic abuse and homelessness—for example, people living in the long grass. The relevant payments for this measure are the same as those for the child protection measure. In regard to pathways for exemption for vulnerable welfare payment recipients, exit will be determined by Centrelink social workers, although people could seek a review of the decision to apply income management.

A fifth point is voluntary opt-in to income management. There will be people who would like to opt in. The relevant payments for this measure are the same as those for child protection. No exemption is required for this measure, as people can opt out of voluntary income management after 13 weeks.

People on CDEP on receipt of income support will be subject to income management once they meet the criteria set out above. CDEP activities do not count as paid work. People who are on grandfathered CDEP wages until 30 June 2011 will not be income managed, as they are technically employed.

Currently, there are around 15,000 people being income managed. We estimate that approximately 18,000 people will be compulsorily income managed under the proposals, with approximately 5,000 people covered in the under-25 category and 30,000 people in the 25 years or greater category and the long-term unemployed category. Other key statistics include that an extra 28 per cent will be from the urban areas, around 5,000 people; four per cent from rural areas, 1,000 people; and 68 per cent from remote areas, 12,000 people. Of these, 4,500 are in Darwin. Obviously these are estimates and further work will be done on these figures. In addition to the 18,000, approximately 2,000 people may also volunteer. Referrals by Northern Territory child protection staff are likely to be approximately 100 per year.

The welfare system has historically been providing essential support for individuals in need. It was particularly targeted at ensuring that women and children had access to the necessities of life. Governments have a responsibility to ensure that income support is directed to meeting essential needs, particularly where recipients are vulnerable or unable to fend for themselves. That is a good role for government. A range of sources for these issues include the Report on the Northern Territory emergency response redesign consultations and a report by the Australian Institute of Health and Welfare. This report has shown that income management is prov-
ing to be an effective tool for improving access to food for children and providing financial security for vulnerable people, and in some of the most disadvantaged circumstances in Australia. That is a good thing. There is evidence to prove it is highly beneficial. These sources indicate that there is a growing acceptance of income management but that people felt hurt and ashamed by the way income management was introduced with little consultation and did not understand why it only applied to Aboriginal people. Income management can act as a circuit-breaker, helping to stabilise the home environment for people by ensuring the basics of life are met.

There is considerable evidence that indicates a range of negative outcomes for people with early and/or long-term dependence on income support, including poor social and health outcomes, financial vulnerability and risky use of alcohol as well as the risk of long-term exclusion and the intergenerational transmission of a welfare dependency. Unemployment payments are intended to be short-term solutions, not a way of life. In line with the government’s policy of earn or learn, income management will provide young people with a tool to help them use these payments responsibly and to save for the future. Those who are engaged in paid work and/or substantial study and those who exercise financial and parental responsibility in relation to their dependent children will be exempted on the basis that they do not require the additional support income management provides.

In conclusion, this is what government is about: helping people who are less fortunate due to exceptional circumstances. The circumstances being addressed here are truly desperate and truly exceptional. We look at the evidence and we look at the history of what has happened and we have to be honest with ourselves as a government and say when things are good and when things are not good. We need to address the tough areas. These are exceptional measures of intervention into the everyday lives of people who are struggling, but the evidence shows that there has been an improvement and that there are benefits. With this in mind, I endorse the bill before the House today.

Mr TUCKEY (O’Connor) (10.58 am)—The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 has merits and demerits, more particularly demerits. Notwithstanding the proven benefits of the Howard government’s Northern Territory emergency initiative—the clearly defined benefits and the endorsement by some Indigenous people, some of the most recognised and respected spokesmen—this legislation is designed above all else to weaken those earlier successful provisions. I am advised by our leadership that, notwithstanding our efforts to have the bill split and therefore maintain the best of the past, the minister’s office has arrogantly refused our solution to provide the best in the future—in other words, only she knows best. I am not really sure where she got her experience from.

I come to this House with a long experience of association with Aboriginal people and can count some of them amongst my best friends. I draw to the attention of the House that prior to 1967, when this parliament gained for the first time any right to legislate in any way for Aboriginal people, their circumstances were much better than they are today. I can draw on my own experience of arriving in the town of Carnarvon in 1958 to observe town residents of Indigenous background in employment, one of whom having the position of third in charge of an over 600-mile road construction program by the state main roads department. I knew well those who operated, with great
skill, the machinery that was constructing that road. I can talk closely of my friend who owned his own taxi and drank with me more times in a week than many others as we discussed the prospects of the various horses we trained.

Out on the properties the people who chose to stay on their lands— notwithstanding that white man had leased that to pastoralists—also had employment. It was itinerant, they were a labour pool but they had every right they had before that property was made a pastoral property to go out and hunt and gather, as had been their sole source of sustenance before white man came along. There is a lot of talk about how much they got paid. I cashed their cheques when they came to town and they seemed to be at the hourly rate applicable on the award, but of course only when work was available. There was no help from Canberra and they did not need it. They were skilled horsemen and they were skilled in pastoral activities. That is what existed before this parliament got involved. I might add that there was no grog on the pastoral properties and there were considerable limitations on who could obtain it in the city or the townships.

Here we are looking at some of the issues arising. As I say, the Minister for Families, Housing, Community Services and Indigenous Affairs does not philosophically believe in this legislation and is attempting to water it down. In that process she is excluding certain welfare recipients, such as those on the age pension, disability support pension, widow allowance and veterans service pension. In every group there are people who do not need to be told how to spend their money. In the Indigenous group there is one remaining cultural fact—that, notwithstanding the ability of some people to separate themselves from a lot of tribal law and things of that nature, wherever these people reside there is the responsibility to share. Those circumstances are not surprising. As a hunting and gathering community, it was difficult with the limited tools available to spear or trap a kangaroo. If one family member or one tribal member was successful, the obligation was that the food would be shared by everyone in the group.

Many of those people I have just mentioned, who had full-time, skilled employment and who were paid by cheque in the early days, would bring those cheques to my hotel to cash them in. We used to have a large amount of cash available on a Thursday and there had to be a substantial number of small denomination notes. It was patently obvious why they wanted small denomination notes. These were people who mixed in the general society of Carnarvon with full-time employment and families. They had rental—or sometimes privately owned—housing and some owned their own trucks and worked as contractors. But when they were confronted by certain relatives who knew they had just cashed their cheque they were still culturally obliged to give them something. Knowing the responsibility they had to their own family, they deliberately carried small denomination notes to meet that obligation. That obligation is probably best epitomised by a woman residing in Perth who won a lotto prize of, I think, $800,000 that disappeared in a month. She was in serious trouble because she was a welfare recipient. The welfare authorities believed that now that she had $800,000 she should not need the support of the taxpayer and they pursued her. When they asked her where all the money had gone she said: ‘I’ve got a lot of relatives. They all came around and asked and I was obliged to give.’

In those circumstances why would we not provide protection to pensioners or the other persons I have already named from having access to cash? They would be unable to respond to the requests or the demands of other
people in their community to give them that money. It deteriorates to the lowest level when that elderly person is threatened with or receives physical violence to ensure they hand the money over. The protection is easy. The intervention provided it because they did not have to have money. They could say: ‘I’m sorry, you’ve come to me for money to buy grog, drugs and pornography but I haven’t got any. I can go down to the community store and get you some food with my entitlement if that’s what you want, but I cannot get cash because the new rules deny me access to that in any serious quantity.’

Why would we exclude pensioners, veterans and others from that protection? And what is wrong with it? The administrative difficulties have been overcome and the system was working. In terms of the removal of the Racial Discrimination Act provisions that applied to the NTER, I think that is a good idea. There are other people who should be operating under the same system. I believe, from reading, that if this were America and you were unemployed, your original financial assistance would come from your contributions whilst you were working, under the green card provisions, where your employer contributes to the social security pool. But when that runs out, if you have not regained employment, you go on sustenance. You get approval certificates—or whatever their present administrative arrangement is—to buy food, pay your rent and buy the necessities of life. That is a good idea, and I think it should be applied universally.

When I go to the explanatory memorandum, I read that the new scheme of income management will commence across the Northern Territory—not universally, but it does say ‘in urban, regional and remote areas’. I thought I read elsewhere that there might be about 70 of them. That will be the first step in a future national rollout of income management for disadvantaged regions. We are also advised in the explanatory memorandum that:

The other income management trials currently underway in Western Australia and Queensland will also continue to be evaluated.

This legislation typically applies, notwithstanding that reference to ‘urban’, to remote communities. Yet a matter that occurred in the town of Narrogin was drawn to my attention by the then police regional superintendent: an Indigenous child of about age seven was arrested for the umpteenth time. This child’s sin was breaking into houses to get food. Why did he need food? When the authorities visited the house where his parents resided, there was not one item of food inside that household. The welfare payment to the parents, who had a number of children, was $700 a week. There was no food in the house. In fact, the kid was guilty on another occasion of breaking into premises to find somewhere to sleep—presumably because he was too afeard to sleep at home. Why is that family not included? It is because they happen to live in a community of probably 5,000 or 6,000 people in the great southern area of Western Australia, considered to be civilisation, I guess. It is outrageous, and yet to this day those circumstances have not been addressed.

This is what we are talking about. Why would there be any watering down? If there are measures within this legislation to improve aspects of it, and the coalition admits there are, then good. But why was it necessary to exclude people such as I named where, in an Indigenous society, they needed that protection? If someone offers to beat you up, and you are young and physically able, you might be able to deal with that threat. But if you are an age pensioner and some younger and very fit person threatens to beat you up—and I have seen them do it, just to take their glass of beer off them—why should you not have the excuse ‘I haven’t got
any money’ and let them know it? Of course, it has been the women in the communities who have been most supportive of these interventions.

It is not uncommon from a racial aspect to apply these types of provisions, and I think they should be extended widely. We now have all of the mechanisms and the technology for a credit card. Instead of posting cash entitlement to persons on welfare, more particularly in vulnerable areas, they get a credit card and it is just like Visa, Mastercard or anything else; it is a Commonwealth department. If a person goes over their entitlement, it gets bounced and they do not get the goods. But of course it is up to the store owner to make it very, very clear, and of course they have a legal responsibility not to include prohibited goods. But if there is no cash there is no pressure, and the capacity to purchase drugs, pornography and other things is considerably limited. So there is good reason for the coalition to request, as they have, that this bill be split. Let us get on with dealing with the good bits.

There are other aspects of this legislation; for example, it refers to land leases and other matters. I have always held the view that land rights to Aboriginal communities should be tradeable commodities. They should be freehold, leasehold or whatever is applicable in the wider community.

In one breath I am told that these people have this inviolate association with the land and that we the legislators cannot trust them to deal with it. I have had examples of people granted land from farming properties but no money for livestock or machinery. I have an example of a pastoral property being bought on their behalf and the government agency negotiating to have all the cattle removed from it, which was the only value of the property, because they did not think they would be able to handle it but would then have some land in which to receive their sit-down money. That is the sort of thing we do in this place. I think those circumstances arose under a Liberal government, so I am not picking on one side or the other.

This particular reference gives me the opportunity to talk about housing. Because of the redistribution, I have Aboriginal communities in my electorate who live closer to Alice Springs than they do, for instance, to the town of Kalgoorlie, where I was speaking to them on a phone hook-up the other day. I have had a longstanding view that, if we use tilt-up concrete technology, people in remote communities could build their own houses without having to do two or three years apprenticeship or anything else. I know how to do it and I have offered time and again—if someone is prepared to buy some building materials, which are limited—to help them construct and learn how to apply that technology. The principal requirement is to have available some coarse, washed sand, which occurs in creek beds even in the driest of areas. These houses would be durable and, in my view, designed to their desires. When I was speaking to this remote community, the spokesman said to me: ‘When can you come? That is exactly the sort of house we like.’ And it was my view that they could each be constructed completely for under $50,000. He said: ‘The last house they built for us cost $500,000, and nobody wants to live in it. More particularly, you cannot live in it at night-time. We don’t want all the mechanical bits. We don’t want the air conditioner and we don’t want the electric heater, because they break down and they just cause us grief.’ If houses were properly designed—with a wide covered breezeway, accommodation on one side, in a rectangular form, the other services on the other side, provision for an open fire—those people would find that more to their liking and more practical.
We have this view that, unless they have a McMansion—a European style house—it is racial discrimination. But they do not want them. In those societies, they want something that is comfortable for their lifestyle. And they can build it themselves. And they can learn very quickly. Don’t anyone tell me they cannot learn. I know they can. I have seen them perform at the highest level in all sorts of skills, including as linesmen in the local electricity authority. That sort of housing should be built. I hope I am personally closer to demonstrating that to the Australian people and to the department. People get a thrill out of ownership and they should have the opportunity of it.

Mr TREvor (Flynn) (11.18 am)—I thank the member for O’Connor for his worthy contribution. I rise today to speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. The bill will introduce changes, in my opinion, that are fundamental to the fight against the unacceptably high level of disadvantage in remote communities and town camps in the Northern Territory. This, I believe, will be achieved through a number of amendments in this bill. The first and foremost is the repeal of provisions that limit the application of the Racial Discrimination Act 1975 and state and territory antidiscrimination laws in relation to the Northern Territory Emergency Response and associated measures. In addition to this, the amendments include the redesign of core measures of the Northern Territory Emergency Response to improve and strengthen them so they are sustainable in the long term and are more clearly ‘special measures’ within the terms of the Racial Discrimination Act.

Another fundamental component of the amendments in this bill is the introduction of a new model of income management, to be used in selected locations throughout Australia, in relation to people who meet objective criteria. The bill represents a very positive step for the future of disadvantaged remote communities and town camps in the Northern Territory. Our government recognises the need to continually address this unacceptably high level of disadvantage and through this bill will ensure long-term action is taken to address it.

Our government’s commitment to addressing this issue is clear in our acceptance of the three overarching recommendations of the 2008 Northern Territory Emergency Response Review Board report. This report, in conjunction with a very extensive consultation process with Indigenous people in communities affected by the Northern Territory Emergency Response in town camps has allowed our government to make informed decisions about the changes that need to be made to best address the issues affecting these disadvantaged communities and town camps. Eight of the existing Northern Territory Emergency Response measures were discussed in this consultation process: income management, alcohol restrictions, pornography restrictions, five-year leases, community stores licensing, controls on the use of publicly funded computers, law enforcement powers and business management area powers. The consultations were unprecedented in scale and conducted intensively over more than three months, with a total of more than 500 meetings being held. The legislation today has been developed taking into account the views expressed in these meetings by the Indigenous people in communities affected by the Northern Territory Emergency Response and the recommendations of the 2008 Northern Territory Emergency Response Review Board report.

The first and foremost step towards a better situation in the remote communities and town camps in the Northern Territory is to reinstate the operation of the Racial Dis-
crimination Act 1975 and state and territory antidiscrimination laws in relation to the Northern Territory Emergency Response and associated measures. In 2008, our government made a commitment to do this and through this bill we are honouring that commitment. This is also consistent with the recommendations from the 2008 report that government actions affecting the Aboriginal communities should respect Australia’s human rights obligations and conform to the Racial Discrimination Act 1975. Consistent with our government’s commitment and this recommendation, the amendments in this bill will repeal the provisions that limit the application of the Racial Discrimination Act and state and territory antidiscrimination laws in relation to the Northern Territory Emergency Response and associated measures.

This is also consistent with pressure imposed on the government by the United Nations High Commissioner for Human Rights Special Rapporteur, James Anaya, who when reporting at the end of an August 2009 visit to Australia argued in the *Statement of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples*:

... any special measure that infringes on the basic rights of Indigenous peoples must be narrowly tailored, proportional, and necessary to achieve the legitimate objectives being pursued. In my view, the Northern Territory Emergency Response is not. In my opinion, as currently configured and carried out, the Emergency Response is incompatible with Australia’s obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, treaties to which Australia is a party, as well as incompatible with the Declaration on the Rights of Indigenous Peoples, to which Australia has affirmed its support.

As this statement shows, our government must repeal the provisions that limit the application of the Racial Discrimination Act 1975 and state and territory antidiscrimination laws in relation to the Northern Territory Emergency Response and associated measures in order to fulfil our international obligations and ensure that Indigenous Australians are not disadvantaged any further.

It seems irrational that legislation which is supposed to remove disadvantage does so by suspending antidiscrimination laws. We made a commitment to Australia to repeal these limitations on antidiscrimination laws to ensure the people affected by them are not put at any further disadvantage. Although the immediate aims of the Northern Territory Emergency Response measures were to protect children and to make communities safe, in the longer term they were designed to create a better future for Aboriginal communities in the Northern Territory. In order to commit to this intention, antidiscrimination laws must be reinstated. Our government must put in place measures to remove the high level of disadvantage present in remote communities and town camps in the Northern Territory and work towards a more sustainable future of long-term action on this issue.

Another step towards this sustainable future is the repeal and replacement of current income management measures. A new model of income management will be established by this bill to be used in selected locations throughout Australia for people who meet objective criteria. It will commence in the Northern Territory but will eventually be extended to other vulnerable Australians across the country. The operation of the scheme in the Northern Territory will be carefully evaluated before the national rollout.

We as a government understand that there are many families across Australia who could be assisted by income management. It is an initiative that has the potential not only
to improve their lives but to break the cycle of passive welfare. For many families across this country, it represents a potential circuit-breaker that will help stabilise the whole environment by ensuring the basics of life are met. It is also important to remember that it is designed to be a non-discriminatory measure. It has been purposely designed to act as a beneficial tool and not as a punitive intervention. This is evident in the matched savings and incentive payments for opting in. It aims to target categories of people that have been identified as at risk of severe disadvantage. The target groups include disengaged youth, long-term welfare payment recipients, vulnerable welfare repayment recipients, people referred for income management by the Northern Territory child protection authority and people who voluntarily opt in to income management.

Our government is committed to progressively reforming the welfare system to foster individual responsibility and to provide a platform for people to move up and out of welfare dependence. Welfare should not be a destination or a way of life. By targeting these disadvantaged groups, we can have the most impact on curbing welfare dependence and encouraging them to demonstrate responsibility, such as responsible parenting, personal initiative through participation in education and training or personal money management and saving. It will also encourage these groups to learn important life skills and socially inclusive behaviour for themselves and their children. We as a government must ensure that we do everything we possibly can to get children to school and to get young people engaged in work and training. In order to combat passive welfare, we must link the payment of welfare to making sure that children go to school regularly and that they continue their studies and go on to work.

In addition to promoting these positive behaviour and lifestyle changes for the affected groups, the management of welfare payments will see numerous other benefits for them. It should be remembered that the welfare system has historically been about providing essential support for individuals in need and that it has been and will remain the government’s responsibility to ensure that income support is directed to meeting essential needs, particularly in cases such as those of the people in these groups, where recipients are vulnerable or unable to fend for themselves. A range of sources have suggested that income management is an effective tool to improve the conditions of children by increasing their access to food, clothing and school related expenses, and to provide financial security for vulnerable people in some of the most disadvantaged circumstances in Australia.

The reforms introduced by this bill will ensure that people’s welfare payments are spent on the essentials of life such as food and rent, not on alcohol and gambling. Alcohol has long been a scourge across remote Australia. Its misuse continues to be a threat to the safety of Aboriginal women, children and the elderly. It is one of the most serious issues facing Indigenous people in the Northern Territory. Through the extensive consultations that have been conducted, it has become apparent that many communities want the existing strong restrictions to remain in place but the current one-size-fits-all approach may not be the most effective way to minimise alcohol harm. The solution our government has provided is to retain the existing alcohol restrictions, but to work with the Northern Territory government to implement locally negotiated alcohol management plans which meet a number of criteria. By implementing tailored negotiated management plans, the specific factors in each community can be evaluated and taken into
consideration to ensure the most effective and appropriate plan is formed to suit the community and result in the best outcome.

I implore those opposite to see the logic in the amendments present in this bill. We have the opportunity here, today, through this bill, to improve the lives of countless Australians and to make permanent changes to their way of life. It is the very reason why we are all here. By implementing these changes, the cycle of welfare dependency can be broken and the shackles of oppression lifted. We can, I believe, empower a huge number of people to take more personal responsibility, to have the advantages of reinforcement for positive behaviour and encouragement for self-improvement. We can give children the opportunity to grow up healthy and receive consistent education. It is not just about supporting the people in these disadvantaged communities, it is about encouraging them to seek out and learn ways and habits to help support themselves. We as their government have the power and through this bill the opportunity to do so. Opposing it is nothing but a blunt disregard for their wellbeing and the wellbeing of future generations born into situations in which they will require government support.

We as a government are determined and absolutely committed to placing children and families at the forefront of our welfare reform agenda. They are the focus, and through focusing on them we can break the cycle of passive welfare. It cannot be denied that the changes in this bill represent a better future for the disadvantaged people in remote communities and town camps. Its royal assent is the only sensible step in improving their lives. It is for these reasons that this bill has my complete support, and I commend it to the House.

Mr LINDSAY (Herbert) (11.34 am)—You know, Mr Deputy Speaker, sometimes there is a feeling that members on both sides of the House have a common purpose, a common goal, a common aim. In relation to Indigenous Australia I think that feeling does exist in the House today. That is a good thing. There is some difference of opinion, as there always will be, on what to do and how to do it, but generally I think all of us want to do what we can to ensure a better lot in life for our first Australians. But then we get the points of difference.

Before I go on to that, I might say that late last year I went to Mornington Island, which is an Indigenous community in the Gulf of Carpentaria. I was talking to an old fellow on the island and I said, ‘What has been the most significant thing that has been done on the island in the last decade?’ He said, ‘That is easy. We banned alcohol.’ I said, ‘How has that improved things?’ He said: ‘Well, we now see women and children in the supermarket buying fruit and vegetables, proper food. The kids are going to school being fed properly. It is an absolutely wonderful outcome and we are all proud of it.’ The other side of the coin as it relates to the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 is that the do-gooders would argue that it is racially discriminatory to ban alcohol. So the community and the parliament have to face this dilemma: does the Racial Discrimination Act apply to everybody, does it apply in part or does it not apply? Of course, the answer is that the world is not black and white; the world is shades of grey. For those Indigenous communities that have taken the step to ban alcohol it has been a wonderful outcome for them.

I am also privileged to have been to Warburton, which is a very remote Indigenous community. If you are at Uluru and you continue to drive west over the NT-WA border you come to Warburton. From memory, it is
about 600 kilometres from Kalgoorlie, very isolated. It is another community that has banned alcohol. Do you know what they have done in that community? It is an inspiration to go there. Nobody wrecks the houses. The community is clean and tidy. The kids go to school, with one exception, which I will explain in a minute. The community has its own council. It runs itself. It runs all of the services in the community: water supply, electricity and so on. It even runs its own airline. It does it successfully and it does it in a financially responsible way. It has its own business. It produces some amazing glass art. You would not think in the middle of the desert in Western Australia you would find an Aboriginal community producing first-class glass art, but it does. It is a wonderful example of how you can get a successful Indigenous community. The downside, which I referred to earlier, is the cultural element in getting kids to school. When young Aboriginal men reach a certain age it is not culturally appropriate to be seen to be going to school, because they should be out with the older men doing Indigenous stuff on the land. That has to change. I know it will be hard in that community and other Indigenous communities, but it has to change.

Where I am coming from is that different communities should be subject to different rules in the interests of those communities. The bill looks at doing something about reinstating the Racial Discrimination Act. What it actually does is water down some really good initiatives of the former government in the Northern Territory. Fair people would recognise that those initiatives worked well. While the bill leaves open the opportunity to extend these provisions across the country in the future, in reality that is probably not going to happen, and it should. A community like Palm Island in my electorate, a community of about 4,000 Indigenous Australians—out of sight, out of mind, off the coast—would really benefit from the provisions in this bill today.

Mr Perrett—Well don’t vote against it.

Mr Lindsay—Thank you, member for Moreton. If one sees good things happening in Indigenous communities it really is important to apply them universally across Australia. I call on the government to think very deeply about extending this immediately to all Indigenous communities in Australia. Sure, Western Australia, Queensland and the Northern Territory would be the biggest beneficiaries, having the largest Indigenous communities in the country. But there is no reason why it cannot be extended to Redfern in Sydney, for example. You could make a proper case for that. In my contribution to this debate I wanted to point out the benefits of having different policies for different communities but also the benefits of having nationwide policies. I ask the government to seriously consider immediately extending the operation of this to all Indigenous communities in Australia. I thank the House.

Mr Perrett (Moreton) (11.41 am)—I rise to speak in support of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. Deputy Speaker, you would well know from your time in the chair that MPs stand in this chamber and speak for lots of reasons. Normally it is because they are passionate about the particular piece of legislation in front of them. Particularly if they are in a marginal electorate, members speak to inform the electorate about a particular government policy or initiative. I normally speak on something that I am going to send out to community groups to inform them about a government initiative or a member might speak because they are part of a committee, so they have knowledge of the subject matter and wish to make a con-
tribution. Occasionally a member might get a tap on the shoulder from the whip, saying, ‘This might be something that you’re interested in.’

I have not prepared my speech on this matter for any of those reasons. I am speaking on this topic because it is something that I feel I have to do. This particular piece of legislation is a difficult piece of legislation for me personally, but it is something that I feel I have to speak on. It would be cowardly to retreat from a difficult topic like this. I know it would be of concern to some people in my electorate, but it has wider ramifications. As far as legislation goes, this is a pretty tough bill for the Rudd government and for the ALP, I would suggest—and, as I said, for me personally—not because it is complicated or hard to understand but because of the competing rights that are at play, competing rights that have been touched on by those opposite.

I was quite saddened to see that the opposition’s position is to oppose, oppose, oppose. ‘Oppose first and think later’ seems to be the guiding policy of those opposite, which is not a great way to work in a democracy. But a few of their speakers have touched on some of the competing interests. As we know, on the one hand, Australians have the right to spend their money however they choose, as long as they are not breaking any laws. You can collect beer coasters, stamps or cassettes and CDs, which is how I invested all my money. Investing in cassettes was not very wise, as it turned out. They did not turn out to be the boon that I thought they would be back in the seventies and eighties. In fact you can barely even play them now. But Australians have a right to spend their money however they choose, as long as they are not breaking any laws. I think we accept that as a first principle.

On the other hand, vulnerable Australians, like all Australians, also have a duty to put a roof over their kids’ heads. They have a duty to put food on the table for their families. That is the other fundamental right which we are balancing here. It is, as any lawyer or person with any common sense would tell you, a legal right and legal obligation to look after our families, so when these rights are competing with each other the government must act to help the vulnerable find the right balance. That is what this bill endeavours to achieve. That is what I mean about it being a difficult matter for me personally. There is the welfare expectation that I grew up with and that many people in the Labor Party have embraced, and we are now changing that assumption. I will come to that by looking at some of the Aboriginal and Torres Strait Islander data later in this speech, because that informs the speech and why I am here today to address the legislation.

Income management arrangements were put in place in the Northern Territory by the Howard government, as acknowledged by some of the earlier speakers, as part of the Northern Territory Emergency Response. I think most political observers know that there was an element of political expediency, perhaps crossbred with good intentions and guided by election night considerations, when it came to the Northern Territory Emergency Response. There was an element of ‘red dirt Tampa’, you might call it, but I would like to think that Minister Brough was guided by the best of intentions. He certainly seems to have shown good intentions since then.

However, the Rudd government believes that the arrangements put in place by the Howard government could be better targeted. This bill removes the income management arrangement in the Northern Territory and extends the arrangements to selected disadvantaged regions throughout Australia to
provide greater protection for people and their children. It will apply to disengaged youth, long-term welfare payment recipients and people assessed as vulnerable. Voluntary income management will also be available to all welfare recipients living in the Northern Territory. If that is something that they want to embrace—if that is a process that they felt worked for their households or communities—they can still voluntarily embrace income management.

These measures will make sure that welfare payments are spent on food and rent, not excessively on alcohol, gambling, drugs or the like. Welfare is supposed to support families and communities; it is supposed to empower the vulnerable, not create a cycle of dependency. I am not speaking as a wowser—I am familiar with alcohol and I am familiar with gambling—but I think we would all agree that welfare was never meant to be a permanent solution for most people. On occasions it can be the only way that society can support people. However, welfare is useless if it is not used to help people send their children to school, to get children educated and to get young people working or learning. My partner has worked in child protection for over 20 years. That and my having been a teacher are my experiences. In terms of what I have seen, I know that the state is not a great parent. The state is not even a great wage earner. The state stepping in is the last measure before someone hits rock bottom. For all the wonderful social workers that I have met and that are friends, they would still accept that a parent or carer connected to the child is the best person to care. The state is a very poor parent.

Obviously, we need to break the cycle of passive welfare dependence, and this bill links the payment of welfare to making sure that children go to school regularly, continue their studies and go on to productive work. Let us look at some of the data, particularly for Aboriginal and Torres Strait Islanders. I turn to a speech that the Prime Minister gave in this chamber on 11 February: his Closing the Gap speech. Some of the data that is touched on in his speech we are familiar with now. When we came to government, the initial estimation of the gap between Indigenous and non-Indigenous life expectancy was put at 17 years. Seventeen years is horrible. Now, with the better data that we have, it is suggested that it is only 11½ years for men and 9.7 years for women. I am loath to use the term ‘only 11½ years’; 11½ years is a long time, and if that is an average then there are still some pockets of horror spread throughout Australia.

I remember it was just over two years ago that I made my first speech in this chamber, and in that speech I talked about a lot of the kids I went to school with, grew up with, played football with. I look at those football photographs now—the beauty of Facebook is that you get to see those photos from your youth that you normally would only pull out of an old, dusty box; now they put them up to embarrass me, I am sure—and see the number of people who are missing. They are mainly Indigenous—they are mainly Murris—who are missing from those photographs. When you look at those gaps and think of 11½ years age difference, you realise what it means that three-quarters of your Aboriginal friends are going to be dead before they get to 65. I used to think 65 was old; now it seems quite young. A dashing 65 I can imagine. I look at those photographs and see personally what it means to have that gap and how it plays out in communities. My home town is one of them, but I am sure it plays out all across Australia.

When I look at those photographs, I am quite compelled to realise why we need to do better as a nation and a government to really make a difference. The apology was great, but the Closing the Gap activities make me...
particularly proud of the Rudd government because we are changing lives and saving lives. According to the data I have looked at, Indigenous children in Western Australia, South Australia and the Northern Territory are 3.6 times more likely to die before they reach the age of five and only 47.4 per cent of Indigenous young people had obtained year 12 or equivalent in 2006. The employment gap between Indigenous and non-Indigenous Australians aged between 15 and 64 is 21 percentage points. When employment data comes out and we get hot and heavy over a 0.5, 0.6 or one percentage point change, can you imagine having a 21 per cent point gap in employment? Connected with that data are the sadness, alienation and poor life choices that come with not having the dignity of work.

In 2008, the gap in child mortality meant that 205 out of any 100,000 Indigenous children died before reaching the age of five. When you read this data it just flows off the page and, unless you are an accountant, probably your eyes glaze over. But 205 out of 100,000 is about two in 1,000 or one in 500 for those who are mathematically challenged like me. I have two kids so, when I think of those two in 1,000, I find it horrible. Indigenous children are twice as likely to die before reaching the age of five than white fella kids are.

I cannot finish that list of sad stories without pointing out some of the good things that are happening, not just the better data that can bridge some of that gap but I also want to particularly mention a great leader in the Queensland education community, Dr Chris Sarra who came very close to being an Australian of the Year. I was lucky enough to go to teachers college with him. He is achieving great results with the Stronger Smarter Leadership program. His ‘clear and high expectations’ philosophy is changing kids’ lives and producing remarkable results in the 44 schools that have signed up to it.

The last aspect I want to touch on using ATSI data is child protection. The rate of Indigenous children on care and protection orders is eight times the rate for non-Indigenous children. Of the 35,000 kids on care and protection orders, about 4,400 of them are Aboriginal and Torres Strait Islander children. For out-of-home care—children who have been removed—the rate is nine times the rate for non-Indigenous children. Those are horrible sets of data. That is why any level of unease that I felt about the idea of income management has been well and truly put to rest by what we are achieving, the ongoing consultation that the Rudd government has carried out with remote communities and the willingness of this government to respond to their needs appropriately. In practice it is a tool to benefit the whole community, not to punish individuals and I look forward to the new scheme getting under way from 1 July this year.

The Australian Institute of Health and Welfare report shows that income management is an effective way to ensure that children have food on the table and to provide vulnerable and disadvantaged Australians with greater financial security, but those trapped in long-term welfare dependence, alcohol abuse and gambling addiction are on a long and difficult road to freedom. Income management will not solve all these issues, but it can provide the circuit-breaker some people need to begin to turn things around at home. It is estimated that these income management reforms will help around 20,000 families in the Northern Territory alone.

This bill also reinstates the Racial Discrimination Act 1975 and the Northern Territory Anti-Discrimination laws in relation to the Northern Territory Emergency Response and Queensland anti-discrimination laws in
relation to the Queensland Family Responsibilities Commission and the Cape York welfare reform trial. Despite the success of income management so far if it is not implemented fairly and equitably for Indigenous and non-Indigenous people, it will only serve to create shame and hurt in the long term. This is not about race or colour, instead it is about providing assistance to the many Australian families in disadvantaged regions. That is why the Rudd government committed to lift the suspension of the Racial Discrimination Act and why we are delivering on that commitment in this legislation. It is also why the opposition should support this legislation. I ask them to think about it and consider it rather than oppose it as a first principle. They should support this legislation to extend welfare reform to other welfare recipients and ensure the emergency response is sustainable.

This bill will also better target alcohol restrictions to tackle alcohol abuse across remote Australia. Alcohol controls are required to help counter the abuse that affects too many women, children and elderly people especially. This bill retains the existing alcohol restrictions, but rather than imposing blanket restrictions across Indigenous areas in the Northern Territory, restrictions will be tailored to specific regions. These restrictions will be based on evidence about alcohol related harm in the community, community consultation about the effectiveness of restrictions and consideration of proposed alternatives. This bill will also keep the existing restrictions on prohibited material including the possession and supply of sexually explicit and violent films, computer games and publications. Government consultation has yielded a lot of support for the contribution of these restrictions. However, people in proscribed areas will be able to apply to the minister to have the restrictions applying in their community lifted. The minister will need to consider the wellbeing of the people in the community and, if the lifting of restrictions is harmful, the declaration may be revoked.

This bill also includes measures to improve food security in remote Indigenous communities. A healthy diet and a healthy start to the day can do so much to improve education. The bill improves the licensing arrangements for community stores by extending the scope to cover shops that are a key source of food, drink and other grocery items for an Indigenous community. It modifies the range of assessable matters under the scheme, incorporating in legislation specific responsibilities of store owners and store managers and requiring owners of licensed community stores, where those owners are incorporated under the Northern Territory Associations Act, to become registered under the Commonwealth act. These measures will help develop local community stores as key partners in our efforts to improve the health and wellbeing of remote communities.

The government will continue to assess income management and will evaluate these reforms at the end of 2011 before extending the income management to other disadvantaged regions. These reforms go hand in glove with the Rudd government’s efforts towards closing the gap to improve Indigenous health, housing, life expectancy and education. I think that as a nation it is important that we get the balance right. We do not take on this legislation lightly. It is done with community consultation and with the proper balancing process in mind in terms of saving lives and changing lives around.

I think every Australian who has thought about the history of this nation would know that that shameful scar that is 220-odd years old has to be nurtured and supported as much as possible for it to heal properly. The Indigenous community has endured so much
that I think that it is right that we get meaningful engagement and meaningful changes to lives, giving people the opportunities to access work that leads to dignity and an opportunity to leave something for their children. I think that if we can get that balance right—and this legislation goes a long way towards doing that—we might be able to have more Indigenous Australians, both Aborigines and Torres Strait Islanders, representing their communities and stepping up, and maybe we will do what we can to make sure that some of the 150 MPs in this House will be Aborigines and Torres Strait Islanders—and maybe also in the Senate, but I think the House of Representatives' record is not quite as good as the Senate's, so we need to make sure that we create as many opportunities as—(Time expired)

Dr STONE (Murray) (12.02 pm)—I rise to speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. The bill will amend several acts relating to the income management arrangements under the social security law and the Northern Territory Emergency Response. This very important Northern Territory Emergency Response, of course, was introduced by the Howard government when we had the most shocking reports of child neglect and abuse, when it was quite clear that no nation could continue to tolerate what was, for young Indigenous Australians but also for Indigenous families and communities, a reign of terror, abuse, shortened life expectancies and Third World conditions.

So I was shocked to hear the member for Moreton describe our Northern Territory Emergency Response as 'red dirt *Tampa*' and say that in fact it was political expediency which had driven us to bring about this very substantial set of measures which collectively are called the Northern Territory Emergency Response. I say: shame on the member for Moreton! I hope there are not too many others on the other side who share his political response to what is in fact a horrendous situation in Indigenous communities throughout Australia but, in particular, in the more remote parts of the country.

Unfortunately, a lot of the issues are or were as a result of being out of sight and out of mind. One of the issues which the Howard government tackled was the fact that, although there were public roads going through many Indigenous communities, access to these towns—their shops, fuel outlets and so on—was restricted very much according to who was given permission to travel through. So you did not have the grey nomads pulling off the track, dropping in to some of these tiny little outstations or bigger Indigenous settlements, so there was no collective understanding in Australia of just how shocking a lot of the infrastructure neglect was or of the conditions of the men, women and children living in such dire poverty and distress in many of these places. We, of course, attempted to do something about the fact that these places were too often out of sight and out of mind due to those extraordinary restrictions on access for all Australians.

I will never forget the scare campaign that was run by the member for Lingiari, who suggested that, in our trying to make these places more visible to the rest of Australia, all we were trying to do was allow Australians to trample on Indigenous sacred places. When I was in the Northern Territory in some of these small towns and settlements myself, I had respected elderly people saying to me, ‘Is it true that the Howard government is trying to open up our most sacred places for trampling by people who might come on through?’ I was able to assure them that that was ridiculous. It was in fact the political expediency and the desperate attempts of a then opposition party to smear the efforts of
the minister of the day and, indeed, the coalition government, which was trying to do something urgently about the devastating and unacceptable conditions in Northern Australia.

Let me say that we as an opposition support the income management regime, which we put in place, where we tried to make sure that what income is received by men and women in these remote communities goes to food, clothing and essentials for families to survive and is not begged, borrowed or otherwise moved out of the pockets of the recipients to those who might gamble or drink away that income. These measures, unfortunately, are to be watered down in this legislation. Likewise, the very important measures we put in place in relation to restricting alcohol across many Indigenous communities are also to be watered down, as is the prohibition of certain materials, particularly pornography, which is a blight in a lot of these communities, where teenagers and even younger children spend their days confronted with the most inappropriate and vicious pornographic material, to the point where some think that it is normal and what life is really about. Unfortunately, again, this legislation waters down our prohibitions related to pornographic material in these communities.

Certainly, we were and are most concerned about the nutritional value of products sold in community stores. We introduced a community stores licensing scheme. This legislation aims to extend that licensing to improve and clarify the operation of that scheme. We would commend anything that does that. But I am certainly concerned that anything that Labor talks about rarely ends up in practical action.

For example, let me go back to the income management regime which we put in place because we knew that ‘humbugging’, as it is often called in Northern Australia, was rampant and rife. Women, particularly, were powerless in being able to keep income paid to them—often as welfare—so children were suffering without adequate nutrition, clothing and shelter. We established a model of income management that meant the vast majority of Indigenous recipients in Indigenous communities were helped to better manage their incomes through this income management process.

Unfortunately now the Labor government is going to exclude people on age pension, disability support pension, widow allowance and veterans service pensions from income management. The Indigenous recipients who receive those pensions are the ones who are most vulnerable to having that income stripped away from them by others in the communities, who are often desperate as drug dependent or alcohol dependent individuals. These amendments provide no improvement to what are currently the circumstances.

The Labor government has not done the work that had to be done in terms of financial literacy and helping the communities to manage their alcohol and drug dependency, which leads to this terrible misuse of what moneys are in the community. All it has done is to remove some who were being protected from the categories which will now be under income management. I think this is an extraordinarily narrow-minded and, indeed, irresponsible response to a very serious problem.

The scheme does intend to operate as a tool to support disengaged youth and vulnerable individuals. The explanatory memorandum provides no evidence of how that further protection of youth and others would be provided with, say, counselling or other additional support. All we know is that, due to this legislation, in the future certain welfare recipients will be excluded from income
management: those who have been, up to this date, helped by having some income management support.

Even more worrying for us though is the fact that the vulnerability test of who should or should not have income management will be determined by social workers and child protection workers in Northern Australia. Let me read from the Australian newspaper on 18 February this year—just a few days ago. Let me tell you about just how effective and efficient the Northern Territory welfare workers, social workers and child protection workers are in dealing with the problems of Indigenous Australia. We have, for example, the former federal intervention chairwoman and retired Children’s Court magistrate, Sue Gordon, saying:

... the NT government must answer questions about what had happened to children whose cases had been "written off" and not investigated.

because—

The report identified 785 cases for which a child protection investigation was due but had not yet begun, including 345 at one office alone. ... Despite a 69 per cent increase in notifications last year,—

of children at risk and in need in families needing investigation and support, despite that 69 per cent increase—

no extra workers were put on, ... the intake team had been relying on fewer than five workers instead of the usual eight. This had led to huge backlogs, rapid turnover and a highly inexperienced team.

They were trying to work with Aboriginal families and Aboriginal children and, quite frankly, this newspaper report is about the complete failure of the system of investigating and recommending in relation to vulnerable children in the Northern Territory.

And here we have this government saying that they are now going to subject those who should be placed into the income management stream to decisions made by social workers and child protection workers who apparently are magically going to appear. I would expect them to first deal with the 785 cases which have not yet even been commenced before they get stuck into this other work, which is quite unnecessary if you continued with the regime which the Howard government put in place. It delivered some protection, at last, for families, and particularly women, who needed some cash to go to their community store and buy food to put on the table in these remote places or to buy clothing or other essentials of life.

Again, this is an example of the Labor Party being totally unable to deal with realities and practicalities. It is great on spin, but when it comes to actually administering a program—and we have seen an horrific example of this in recent times with the insulation installation program—this government is totally unable to deliver practical measures, because either it does not know what is happening on the ground or it does not have administrative capability. We, as the coalition government, understood that you not only have to have the right policies but they have to be delivered efficiently and effectively.

Let me move on to the second area of great concern in relation to the watering down of measures that we put in place under the Northern Territory emergency regime, and that is the business of alcohol. As we know, there is a scourge of alcohol addiction and domestic violence abuse is associated with that addiction. There are lives being destroyed as a result of alcohol consumption and the violence and unemployment associated with alcohol dependency.

There is also the tragic circumstance of foetal alcohol syndrome, where the unborn is disabled as a consequence of the mother drinking during the pregnancy. It is even more tragic if the little baby born is female.
and alcohol has been consumed in the first trimester, as she may carry for her future children the foetal alcohol syndrome. This means that the intellectual and physical disabilities are passed on to yet another generation—even if that little girl never consumes alcohol during her entire life.

I particularly want to commend the women of the Western Australian town of Fitzroy Crossing. They were determined to save their town from the scourge of alcohol abuse, domestic violence and foetal alcohol syndrome. After 13 suicides in 13 months, they courageously decided that they had to put their foot down and say that enough was enough. They had the support of some strong men in their community. They knew that they had to stop alcohol consumption in their town and they had to educate and support women and men to understand what was happening as a result of alcohol abuse in their community. They in fact produced a film, *Yajilarra*, which was launched by Governor-General Quentin Bryce exactly one year ago and was shown at the United Nations in New York City on 4 March 2009. It was seen as a breakthrough for Indigenous women, empowered to deal with a very difficult problem.

The government’s amendments mean that in Northern Territory Indigenous communities the restriction on alcohol in the future will not apply universally. The government is saying that community restrictions will be:

... tailored to the circumstances of each area following consideration, on a case by case basis, of evidence about alcohol-related harm in each community, community consultation about the effectiveness of restrictions, and consideration of whether alternative restrictions, including alcohol management plans, are appropriate— as an alternative to what we did, which was to restrict the bringing of alcohol into these communities—often at enormous profit to bootleggers profiteering from the dependency in these communities. So instead of communities being freed from the boot loads of grog brought in by the runners—making enormous profits at their expense—these communities have to argue their case. You can imagine that there will initially be, as there was in Fitzroy Crossing, a lot of concern from those who are alcohol dependent, particularly the men, arguing that there should be no restrictions. Why should communities have to argue to have a restriction on alcohol when, through what we currently have in place, women and children are protected? For the first time, some of the barbwire enclosures are being brought down from around the older people’s dwellings, because they are not attacked at night in the way they were before through alcohol-fuelled fury, especially when the latest van of grog had arrived the day or the night before.

I think this watering down of alcohol restrictions in these communities is absolutely unconscionable. Time and time again we have seen how very difficult it is for those in a community—and it is usually the women—to take up the case and try and defeat the much more powerful elements in their community, typically the men, to try to bring about a change in alcohol access. But this is what this legislation will do. It means that in the future, instead of there being a restriction, the people who are the victims of alcohol abuse will have to get out there and argue for assistance and support—and that is not good enough.

I also have to say that it is very, very disconcerting and concerning that pornography will no longer be automatically excluded from a lot of these settlements. Instead—a little like the alcohol watering-down amendments in this legislation—we are told:

Where requested by, or on behalf of people ordinarily resident in a prescribed area, the Minister may remove existing restrictions on the posses-
sion and supply of prohibited pornographic and very violent material.

So, again, those who profit from the sale of this ‘pornographic and very violent’ material simply have to make a request of the minister to have the restrictions lifted. The explanatory memorandum goes on to say:

Before making a declaration to remove restrictions, the Minister or delegate must have regard to evidence about the well-being of, and the views of, the people living in the prescribed area.

But why should these people have to try to argue against some of the most powerful elements in their community who are demanding that pornography and violent material be once again let loose on their youths and their children? What community would want that material to be reintroduced when we know that the sexual abuse and the grooming of Indigenous children has reached epidemic proportions? We know that the Northern Territory government cannot cope with the number of referrals to the Territory government for help for children who are being neglected or are in danger of abuse; yet here we have the watering down of legislation which was giving protection to families and taking off the television screens and the pay-TV channels—churning away in the corner of the shelter—the most disgusting pornography and violent material.

You just have to ask: what is this government up to? Who is it pandering to? Why does it not understand that the most important thing is the well-being of Indigenous Australians? They have suffered extraordinarily in the last 250 years. We need only read the statistics to remind ourselves of the Indigenous infant mortality rates, the morbidity, the violence and the experience of diseases which have virtually been eliminated from mainstream Australia. (Time expired)

Mr TURNOUR (Leichhardt) (12.22 pm)—I rise today to support the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. I think that everybody in this House, whether they are Liberal, National, Independent or Labor, genuinely wants to see improvements in the lives of Indigenous people. They genuinely want to see that happen. Similarly, the Greens, Labor, Liberals, Nationals and Independents in the Senate want to see improvements in the lives of Indigenous people. The government is genuinely looking for bipartisan support for this legislation. I am genuine about that too.

I represent many Indigenous people, including the unique Indigenous communities in the Torres Strait. I want to work with opposition members, as I know Minister Macklin and the Prime Minister are, on striving to improve the lives of Aboriginal and Torres Strait Islander peoples. This legislation is part of that. It is about making the Northern Territory emergency response sustainable in the longer term. It is also about looking at the real benefits that legislation has provided to some of the more disadvantaged in Indigenous communities and applying and transferring those benefits to some of the other more disadvantaged parts of Australia. It does not matter whether you are Indigenous or non-Indigenous, there are people who will benefit from reforms in the welfare system.

This legislation has at its core a move to make welfare reforms more sustainable in the longer term and to enable those reforms to be applied to disadvantaged communities across Australia. I appeal to the better angels in the opposition to not turn this into a partisan debate. I heard some inflammatory statements from the previous speaker. I gather that has been the theme in some of the speeches we have heard from the opposition.
in relation to this. We should not be playing partisan politics with the lives of young children and the lives of some of the most vulnerable in our community. We should look to work together to build a better nation for them and for all Australians. That is what is at the core of this legislation.

I support this legislation, which is designed to ensure those who are the most vulnerable in our community, particularly children and those struggling with addictions and substance abuse, get the help they need through income management. I will talk further about alcohol and some other parts of this bill. This is a historic reform that will change the way that welfare is delivered in this country. We need bipartisan support to get these reforms through and I ask the opposition to support this legislation. Let us put the politics away and get this legislation through because it will make a big difference to the lives of some of the most vulnerable in our community, particularly kids from disadvantage backgrounds.

This legislation is about tackling the effects of passive welfare on the most vulnerable in the community. Age pensioners, disability support pensioners and veterans will be brought onto compulsory income management where they are identified as being vulnerable by a Centrelink social worker. Families with at-risk children who are identified through the child protection system will also attract compulsory income management. It is the case that our reforms will make sure that people’s welfare payments are spent on the essentials of life—food and rent, not alcohol and gambling.

We want to fight passive welfare and to link the payment of welfare to making sure that children go to school on a regular basis and that they continue their studies and go on to work. The fact is that every child deserves to be given the opportunity of a decent education. The responsibility for ensuring that they get that start in life does not just depend on the quality of the education system, although that is critically important and that is why, through our Building the Education Revolution program, we are investing in new infrastructure and in improvements at low-SES schools to try to support and lift standards. If we are going to make a difference to the educational outcomes of young children in disadvantaged communities, whether Indigenous or non-Indigenous, we need to support welfare reform. We need to support this legislation, which will enable income management to be more sustainable over the longer term and also enable it to be applied to other disadvantaged communities in this country, beyond disadvantaged Indigenous communities.

Welfare reform will play a critical role in breaking the cycle of welfare dependency. If people can get a decent education, they are more likely to get a decent job. Statistics overwhelmingly show that. Arrangements to protect the children of welfare recipients and ensure that they get the benefits of these payments do not exist at the moment, so everyone in this parliament should support and welcome these long-overdue reforms. These reforms will also provide a way out of income management for those who are doing the right thing.

The arguments being put forward by the other side are about the Northern Territory emergency response. A blanket approach to welfare quarantining went on as a result of that response. In the end, if you want to move people beyond welfare and enable them to raise and manage their family independently, they need to learn to manage their own finances. This legislation provides funding to provide that support. It also provides incentives for people who may be outside of this to get involved in income management. Importantly, why should parents and others...
who are unemployed but who are doing the right thing, who are undertaking training and who are getting their kids to school, be subjected to a blanket approach to the way they manage their family? If we really want them to transition to real work, to an existence beyond welfare, we need to support them in that process. Part of that is enabling people who are doing the right thing to move to a system where they can manage their own incomes.

Support and incentives to enable people to transition to this state are important parts of this legislation. It will ensure that income management is non-discriminatory because those in non-Indigenous communities can also benefit from income management. We are reinstating the Racial Discrimination Act as a result of these reforms. I have communities in my electorate of Leichhardt who are currently experiencing income management through a different process, which I will talk about later. Although the problems being faced in Indigenous communities are statistically worse than in other parts of the country, it is important that we recognise that there are people in non-Indigenous communities who would also benefit from income management. This legislation allows us to look at those communities on a case-by-case basis and move these income management reforms across to those communities.

Having a blanket approach in effect provides no incentives for people to do the right thing and change their behaviour, and move away from income management. Having an approach based around discrimination is not the way that this country should operate. This legislation will enable income management to be rolled out over time to vulnerable communities across Australia. But, initially, it will be trialled and evaluated in the Northern Territory. There are 16,000 people now on compulsory income management in the Northern Territory. That compares to around 1,400 people who were on compulsory income management when we came to government. The opposition were in government for 12 years. They have been talking about us rolling back their reforms. They had 1,400 people on compulsory income management when they left government. We now have 16,000, and with these reforms that number is expected to increase in the Northern Territory because it will allow people in non-Indigenous communities who would benefit from these reforms to also experience income management.

The change we have proposed will make sure that income management can be rolled out in towns in the Northern Territory such as Tennant Creek and Katherine and the suburbs of Alice Springs and Darwin, where we have significant and desperate circumstances for many, many people. The Australian government wants to extend income management to other disadvantaged regions across Australia after a comprehensive evaluation of the new reforms at the end of 2011. I am sure there are communities in my own electorate of Leichhardt who would benefit from income management beyond those involved in the Cape York Welfare Reform trials currently underway. I will talk about these in more detail later, but evaluation of these trials and another trial in Western Australia will also inform the rollout of these welfare reforms in other parts of Australia.

The straight payment of welfare money to individuals and families has not achieved the social policy objectives when the original welfare system was set up and that is why we are looking to introduce these reforms. These reforms are based on extensive evaluation of the Northern Territory Emergency Response. In the second half of last year, the consultations involved thousands of people in all 73 Northern Territory Emergency Response communities as well as several other Northern Territory Aboriginal communities and
town camps between June and the end of August 2009. The engagement process was independently overseen by the Cultural and Indigenous Research Centre Australia and the government has publicly released their report on the FaHCSIA website. So these reforms are based on significant consultation with Indigenous people in the Northern Territory.

Children, women, parents, families and older people were identified as groups who benefited most from income management. The most frequently identified benefits of income management for children included more money being spent on food, clothing and school related expenses. There were a number of comments that children were looking healthier because of a better diet. A benefit of income management frequently identified by women was that there is less humbugging—there were fewer people pestering them for money. In addition to the reduced incidence of humbugging, a frequently mentioned benefit of income management for parents and families was that it has enabled people to better manage their household budgeting, including planning for major items and utility expenses. Men also said there were benefits for themselves and their families as a result of income management. These benefits included more and better food being eaten, improved budgeting and more money being spent on whitegoods, furniture and other household items. There was less money being spent on gambling, alcohol, humbugging and other abuses. The most frequently identified benefits of income management for older people included the reduced incidence of humbugging, better health outcomes and less need for them to take responsibility for caring for grandchildren.

They are some of the overall outcomes that have resulted from extensive consultations with communities across the Northern Territory. We all recognise there are benefits from income management. I know there have been people who, ideologically, are opposed to the reforms that the former government put in place and were supported by this government. There are people who are concerned about our decision to continue with welfare quarantining and other approaches to support families, the young and the elderly in the Northern Territory in living a healthier and better life. The reality is that we have gone out and consulted broadly with those affected and the overwhelming advice which came back—and there has been a report published on this—is that the benefits are clearly seen.

The Department of Families, Housing, Community Services and Indigenous Affairs had primary responsibility for some detailed evaluation of income management. The department developed their evaluation approach and methodology, and managed the data collection process. The two main data sources for the evaluation were a client survey that collected quantitative data and focus groups of key stakeholders that collected qualitative data. The client survey involved face-to-face interviews with 76 income management clients in four community locations. The stakeholder focus groups involved 167 stakeholders, including community representatives from the same four locations, and community sector and government employees from a wide range of locations. There has been a lot of consultation and a lot of evaluation of the benefits of income management.

The data showed that there had been improvements in child wellbeing since the introduction of income management. Of the parents interviewed, 62.5 per cent reported that their children were eating more, 57.4 per cent reported that their children weighed more and 52.1 per cent reported that their children were healthier. Three-quarters of people interviewed reported spending more
on food—75.3 per cent—with 50 per cent buying more fruit and vegetables. More than half—63.3 per cent—of the people interviewed reported there was less gambling, 60.9 per cent reported that there was less drinking and 52.1 per cent reported that there was less harassment for money. Clearly, there have been benefits from the Northern Territory Emergency Response. We recognise that. We want to make this more sustainable in the longer term. I again appeal to the opposition to take a bipartisan approach to reforms and improvements in the lives of Indigenous people and to those more vulnerable in the community. There is not a great deal of politics to be made out of this; we genuinely want to improve the lives of Aboriginal and Torres Strait Islander people and those more vulnerable in the community. We need to work together on this.

The Leader of the Opposition has said that he wants to see income management extended to other welfare recipients. That is exactly what this government reform will do. The Leader of the Opposition has also said that he wants to see the Northern Territory Emergency Response become sustainable over the longer term. That is exactly what these reforms will do. We do need to have welfare reform to make sure the Northern Territory Emergency Response is sustainable for the longer term and the benefits of income management can be extended to other more vulnerable Australians. I say to those opposite, particularly the Leader of the Opposition, that the reality is that the reforms in this legislation bring into line the Northern Territory Emergency Response similar to the Cape York Welfare Reform trials and to the alcohol management plans. The reforms in this legislation—if you are effectively arguing against them—are from the model that Noel Pearson has brought forward for Cape York. They bring into line, in a much similar way, the reforms that are going on in Cape York at this time.

If the Leader of the Opposition thinks that Noel Pearson is a fantastic man who has great ideas, he should look seriously at this legislation. It does not enforce a blanket approach; it ensures that people are doing the right thing, that people can move to managing their own income and that communities can work together to develop models that best suit them, particularly when it comes to issues around alcohol management. It keeps in place the alcohol restrictions but it says to communities, ‘You can develop your own individual alcohol management plans.’ That is what the Beattie Labor government did in Queensland in partnership with Noel Pearson and the Cape York organisations, going back many, many years. And the former member up there was very critical of this approach. But we did not take a blanket approach in Queensland—we looked to work with Indigenous communities and that was what we will continue to do.

I think it is important to go into a little detail about the welfare reform process that is going on in Cape York and the trials there that Mr Pearson and the Cape York Institute have developed and that have been picked up by the Rudd government. We are working in partnership with them, the Queensland government and the four communities of Aurukun, Coen, Hope Vale and Mossman Gorge. As I have said, they do not apply our welfare quarantining in the blanket way it happened in the Northern Territory. The trials in Cape York are about working with communities to re-establish community norms. If income management is imposed on individuals and
families then it is in response to an intervention already made by the Family Responsibilities Commission—and I will refer to it as the FRC—established under the Cape York welfare reform trials.

The FRC applies to Aboriginal and non-Aboriginal community members who are welfare recipients and reside in or have lived in one of the four trial communities for three months since 1 July 2008. The FRC will be notified if: a person’s child is absent from school three times in a school term without a reasonable excuse; a person has a child of school age who is not enrolled in school without lawful excuse; a person is the subject of a child safety report; a person is convicted of an offence in the magistrate’s court; or a person breaches his or her tenancy agreement. The FRC has appointed local commissioners who are respected community elders, thereby rebuilding authority within the community. The FRC is made up of community elders and Commissioner David Glasgow, a former magistrate who chairs the hearings. The Cape York welfare reforms aim to address passive dependency on welfare and rebuild social norms in the community. There are 24 local commissioners across the four communities.

We are not introducing blanket income management in Cape York Peninsula as was done in the Northern Territory because we want it to be sustainable over the longer term. We put in place a Family Responsibilities Commission that can work with community elders when people are not sending their children to school, when they are having problems with their tenancy, when they are in trouble with the law or when they have problems with substance abuse. They can have a roundtable with the elders and the Family Responsibilities Commission. Then, if they do not change their ways, if they do not get their kids to school, there is an opportunity for them to be directed into income management. That, I think, is a good process. It is a process that was developed by the Cape York Institute and Noel Pearson and we are working in partnership in the rollout of that.

I cannot see how that differs greatly from some of the ideas that are encapsulated in this legislation, but all we are hearing from the opposition is a partisan attack on a roll-back of the Northern Territory emergency response. I could stand here and criticise and complain about the potential political nature of the way that was introduced, but if we want to move beyond that then we need to put those issues behind us and work in a bipartisan way.

I could go on and talk in more detail about the Family Responsibilities Commission and welfare reform in Cape York, but the benefits are there. I have some statistics. In Aurukun, we have seen attendance at school pick up in the second term of 2009 to 63.2 per cent from 37.9 per cent in the second term of 2008. In Mossman Gorge, similarly, we have had an increase from 60.9 per cent in term 2 of 2008 to 81.6 per cent. Genuine benefits have flowed from welfare reform. We need to embrace it, we need to ensure that this legislation gets through and that benefits can flow not only to Indigenous people but over time to non-Indigenous people and disadvantaged communities.

I do not have time to talk about alcohol management plans but let me assure people that the model that is being proposed in this legislation is similar to that developed by the Cape York organisations led by Noel Pearson. The opposition should seriously consider taking a bipartisan approach to this legislation and working with the government, because everybody in this place wants to improve the lives of Aboriginal and Torres Strait Islander people. *(Time expired)*
Mr GEORGANAS (Hindmarsh) (12.42 pm)—The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 will see the fulfilment of yet another election promise given prior to the 2007 general election. It should be a bill that is above politics but, unfortunately, here today we have seen that that is not the case. We have seen the other side try to politicise it and make out to be big political spin what should be a bill for the betterment of our Indigenous population and something that we should all be agreeing to.

We have seen a steady rollout of actions by this government that realise our commitments made to the Australian public prior to the last federal election. We are here again to address yet another one. We were elected to repeal the limitation placed on the Racial Discrimination Act 1975. It was a commitment we made prior to the last election and we are delivering on that here today. With this bill we honour this pledge made to the Australian public.

For far too long Indigenous people in the Northern Territory have been victims of racial discrimination, half-hearted reform, flawed social welfare and a health system that has often failed to address their specific and often very urgent needs. I will not go through figures and facts—we heard them all earlier from the member for Moreton. Those figures are still shocking, even though they have improved slightly. The Rudd government is determined to fix at least some of this situation by introducing this landmark change to the social welfare system. This will provide income management welfare and payments to Australia’s many isolated and disadvantaged regions. Actions housed within this bill include the start of giving tools to disadvantaged Australians particularly to help improve their family situations and to help them make stronger futures for themselves.

Amending the Northern Territory National Emergency Response Act 2007 and reinstating the Racial Discrimination Act will help us achieve the right outcomes for Indigenous people, who have long been victims of politicking. We remember the blatant scare campaigns of the past: TV advertisements claiming that native title would cause Perth residents to lose their backyards and underground campaigns warning that some part of Australia would somehow secede and become an independent Aboriginal nation-state. That was not that long ago; it was in 1996. Aboriginal Australians have too long been used within politics, mainstream and marginal, as a threat to elicit reactionary behaviour from those who are too easily deceived—and that must stop; it must cease. The issues underlying the place of Aboriginal Australians in this nation’s history, present and future, are far too important to be a simple vote-grabbing exercise.

The reforms contained in this bill are set up to help disadvantaged people by managing their individual situations, by making incremental changes to their situations and by developing the suite of requisites necessary for them to take maximum advantage of opportunities to climb out of welfare dependence. The replacement of the previous government’s social security income management arrangements is designed to be a productive tool, not a punitive measure. The combined elements of this bill are a result of sensitive planning between several government departments and, most importantly, extensive consultations with the Indigenous people whose communities will be affected. As we heard earlier, they involve income management, restrictions in alcohol and pornography, five-year leases, community store licensing, controls on the use of publicly funded computers, law enforcement and
business management. I am very pleased to see that the bill will continue the ongoing commitment to build the best practice model for the operation of community stores.

As part of an inquiry of the House Standing Committee on Health and Ageing, which I chair, we visited some communities together with the member for Parkes, who is sitting in this chamber. We saw what a role the community stores play in respect of the produce that they have and the prices that they charge. They have a big influence on towns. We heard stories from Indigenous communities in which they said it was cheaper to go down to the petrol station and get a bucket of chips for $2 than to buy fresh eggs or to buy something from the stores because their prices were so high. So I am very pleased that that initiative is an ongoing commitment of this government.

We have to do better—and we can do better. We so desperately need to do better, and we can start with the reinstatement of the Racial Discrimination Act and, if necessary, policies and programs under its special measures provision. We need to do whatever is required, whatever we can do, to help people with limited financial literacy manage their money and, consequently, manage their lives much better. Income management has genuine benefits, particularly to children, women, older people and families in these communities. It has been shown that, through the good management of income, more money is being spent on food, clothing and school related expenses, and less money is being spent on alcohol, gambling, drugs and tobacco or cigarettes, with this money now directed into savings towards large-scale, essential household goods like fridges, washing machines and other things that we in the cities take for granted.

The routine of hopelessness is being replaced with constructive help that gives people increased opportunity to have positive effects on their personal lives. But the pattern still exists in far too many cases. The pattern of alcohol misuse and abuse continues to be a threat to the safety of Aboriginal women, children and the elderly and is one of the most serious issues facing Aboriginal people in the Northern Territory. An estimated 4,500 children of school age in the Northern Territory—almost exclusively Indigenous children—are still not receiving adequate education. On this point, the law enforcement powers of the Australian Crime Commission will be adjusted so that they can make use of the special powers under the NTER for the benefit of Indigenous victims of crime. One very important point needs to be made here. The NTER cannot achieve the necessary long-term outcomes if the Racial Discrimination Act is suspended. It needs to be reinstated and the benefits of income management need to be extended to the broader community.

This is no loosely designed amendment. It has been carefully and sensitively planned through consultation with the A-G’s Department, the Australian Government Solicitor, the Department of Education, Employment and Workplace Relations and the Treasury. Most important, of course, is that it has been planned in consultation with the people who it will affect—that is, the Indigenous communities. The new income management scheme will come into effect from 1 July 2010. It will be rolled out on an area-by-area basis across the Northern Territory and completed by 2011. There will also be a 12-month transition period and its success will be closely checked, with the first evaluation expected in 2011-2012. The results of that evaluation, together with income management trials already underway in WA and Queensland, will go a long way to deciding future rollouts across Australia. The Northern
Territory has been chosen for this groundbreaking initiative for good reason. That reason is that it already has a BasicsCard and an income management infrastructure in place. But, most importantly, it desperately needs this scheme. The high levels of disadvantage continue and they have to be corrected now. This amendment to the social security legislation is an important step in making that correction, and it cannot come soon enough.

Mr HALE (Solomon) (12.51 pm)—I rise to support the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. In 2008 the government promised it would lift the suspension of the Racial Discrimination Act, and this bill gives effect to that commitment. The exemptions that will be repealed are the provisions that suspend the operation of the Racial Discrimination Act and the Northern Territory anti-discrimination laws in relation to the Northern Territory emergency response and related legislation. The Northern Territory government has been advised of the range of measures included in this bill. Northern Territory officials have been closely involved in the development of the amendments to the alcohol restrictions, and Minister Macklin has briefed the Chief Minister on the proposed changes to the income management arrangements in the Northern Territory. The repeals will take effect from the end of 31 December 2010. The time frame will allow the redesigned NTER measures, which will be implemented from 1 July 2010, to be rolled out.

Reinstating the rights under the Racial Discrimination Act of Territory Indigenous people is something I am very proud that our government is in the process of doing. An example of the importance of this measure was reported in an article in the Koori Mail: Aboriginal Medical Service Alliance NT CEO John Paterson told a hearing in Darwin that 40,000 Aboriginal people in those communities currently had fewer legal and civil rights than any other Australians.

John was reported as saying that ‘the already poor health of Aboriginal Territorians will worsen unless the Racial Discrimination Act is reinstated immediately in NTER communities’.

This legislation will enable a non-discriminatory income management model that targets categories of people that have been identified as being at risk of exceptional disadvantage. The legislation will specify that this new scheme of income management will come into effect from 1 July 2010. It will be rolled out on an area-by-area basis across the Northern Territory. There will be a 12-month transition period which will be completed by the end of June 2011. Initially, income management will be extended to all of the Northern Territory and will be rolled out on an area-by-area basis, the same way that the existing income management scheme was rolled out in 2007. The new scheme of income management will commence across the Northern Territory in urban, regional and remote areas as a first step in the future national rollout of income management to disadvantaged regions.

The operation of the new scheme of income management in the Northern Territory will be carefully evaluated. The first evaluation progress report is expected in 2011-12. The other income management trials currently underway in Western Australia and Queensland will continue to be evaluated as well. Future rollout elsewhere in Australia will be informed by the evidence gained from the evaluation activity. Future implementation will also be informed by other criteria, including evidence of disadvantage in Australia and consideration of where income management could benefit individuals and families. The Northern Territory has been chosen as the site for initial implemen-
tation based on the persistence of high levels of disadvantage and the existence of BasicsCards and income management infrastructure.

The groups that will be subject to income management under the new model are disengaged youth, long-term welfare payment recipients, vulnerable welfare payment recipients, people referred to for income management by the Northern Territory child protection authority and people who voluntarily opt into income management. Let me look at some of those initially on a case-by-case basis, the first one being disengaged youth. These are people aged between 15 and 24 who have been in receipt of the following payments for 13 weeks of the last 26 weeks: youth allowance, Newstart allowance, special benefit or parenting payment. There are pathways for exemptions for disengaged youth. This is an important thing we need to realise—some people, while disadvantaged, are still doing the right things in regard to how they are spending their money. I am a firm believer that anyone receiving a parenting payment is receiving it because they have a child in their care and they need to be spending this money to look after that child. I think that is the sort of thing that this bill is there to address—making sure that children are being looked after properly by people who are receiving taxpayers’ money for that purpose. Exemptions will be determined by assessment against objective criteria, including that a person can demonstrate personal responsibility, life skills or socially inclusive behaviour for themselves and their children.

School-age children come under part B of the parenting allowance, which requires regular attendance at school. There must be no more than five unauthorised absences per school term for the last two terms. Parents also need to pass a Centrelink financial and housing stability assessment. Parents of children under compulsory school age need to show evidence of responsible parenting such as regular attendance at playgroups or other early childhood activities or evidence of regular participation in child health checks, combined with an up-to-date immunisation record.

I will turn to part B, non-parents—for example, Newstart and youth allowance recipients. They must show evidence of work or study. In regard to work, people must have worked 26 weeks in the last 52 weeks or at least 15 hours a week at the minimum wage. In regard to study, people must be studying full time. Part-time study would not qualify. Long-term welfare recipients are defined as people aged 25 and above but younger than the pension age who have been in receipt of the following payments for 52 weeks of the last 104 weeks: youth allowance, Newstart allowance, special benefit or parenting payments. There are pathways for exemption for long-term welfare recipients. People in this category will also be able to seek exemption from income management. In the case of parents, the pathway will be the same as for those in the disengaged youth category. For non-parents, the pathway will be the same as for the disengaged youth category as well.

I will turn to referral for income management by child protection authorities in the Northern Territory. This applies to all social security pensions and benefits, including Austudy, Abstudy where the payment includes living allowance, and DVA service pensions.

Australia needs welfare reform to protect the most vulnerable and to link welfare to school attendance, study and work. We want to start in the Northern Territory but we want to be able to extend income management to other vulnerable Australians across the country. Our reforms will make sure that people’s welfare payments are spent on the essentials
of life: food and rent, not alcohol and gambling.

There are now 16,000 people on compulsory income management in the Northern Territory. That compares with around 1,400 people who were on compulsory income management when we came to government. The number of people on income management in the Northern Territory with our reforms is estimated to be 20,000.

This is all about personal responsibility and making sure that we do everything we possibly can to get children to school and young people engaged in work and training. We want to fight passive welfare and link the payment of welfare to making sure that children go to school on a regular basis and that young people continue their studies or go to work. These arrangements do not apply at the moment. The changes that we have proposed will make sure that income management can be rolled out in towns in the Northern Territory—Tennant Creek, Katherine and the suburbs of Alice Springs and Darwin—where there are significant and desperate circumstances for many people.

There are many Australian families across Australia who could be really assisted by income management. The Australian government wants to extend income management to other disadvantaged regions across Australia after a comprehensive evaluation of the new reforms at the end of 2011.

This is an important piece of legislation because it goes to the heart of the discussion that we have had over a number of years regarding Aboriginal disadvantage. It goes to the heart of the Closing the Gap programs that have been put in place by previous governments and picked up by our government, including on the disadvantage in health and education outcomes for Indigenous people against those of non-Indigenous people.

This bill goes to the very heart of reconciliation with regard to the apology. For Indigenous people in this country the suspension of the RDA is probably the most hurtful thing that has happened to them. They have put up with a lot of injustices over a long period of time—over 200 years of Indigenous injustice and Indigenous people not being treated well in this country—but the suspension of the Racial Discrimination Act is probably the lowest point that we have ever hit, regardless of the reasons that it was put in place. I know at the time the government of the day saw that there was a need for an emergency response in the Northern Territory, and the RDA was suspended. We understand that but we are moving on from that. For true reconciliation with Indigenous Australia and a real effort from this parliament for Indigenous people, we need to make sure that this piece of legislation is supported and that it goes through this House into the Senate so that it reinstates the Racial Discrimination Act. I commend the bill to the House.

Mr DREYFUS (Isaacs) (1.03 pm)—I rise in support of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. I add my voice to those of other speakers in this debate who have pointed out the immense importance of this legislation receiving bipartisan support. The reason it is important that it receives bipartisan support is to try to avoid something that has been endemic in government administration of matters concerning the Aboriginal community in Australia for very many decades—that is, the stop-start approach that has been taken by successive Australian governments, sometimes within the term of particular governments—as was the case for the former government, which stopped and started in a number of respects in relation to Aboriginal affairs in our country—but particularly between governments.

CHAMBER
The reason it is important that a stop-start approach is to be avoided is that continuity in administration is vital—something that shows to the Aboriginal and Torres Strait Islander community of our country that there is some consistency, something upon which Aboriginal people and Torres Strait Islander people can plan their lives, so they can rely on the government programs, rely on the continuity of government programs and rely on a continuity of government approach. That can only be achieved if there is some consistency and, in turn, that is why the government is looking for support from the opposition for this legislation.

I would suggest that the government is entitled to look for support on a bipartisan basis for this legislation because one of the primary steps that is being taken by this bill is continuing a regime of income management in the Northern Territory, which of course was the focus of the extraordinary so-called intervention launched by the former government in June of 2007. Because it continues income management, it warrants the support of those opposite. Of course it is the case that the income management is to be now implemented on a modified basis but, nevertheless, one of the core measures that form part of the former government’s policy in June of 2007 and following is to be maintained. I will come back later to the ways in which the income management regime as it was adopted by the former government is to be modified if this legislation is passed, but the core of this bill demonstrates that the income management regime is to be continued.

One can point to statements made by the present Leader of the Opposition, the member for Warringah, before he became Leader of the Opposition, as to the importance of the extra steps that have been taken on behalf of the Aboriginal community of the Northern Territory becoming sustainable over the longer term. I am paraphrasing there, but that is in essence what the Leader of the Opposition has called for. The reforms that are contained in this legislation do just that. They make sustainable over the longer term important elements of the policy introduced by the former government—in this case, the important element of income management. It is of course the case that the government’s proposal here is to extend income management to a national basis so as to ensure that its benefits can be extended to other vulnerable Australians, but that does not in any sense take away from the need for continuity of the policies that were introduced in June 2007 by the former government, and that is what this bill is endeavouring to do.

I want to concentrate in particular on the way in which this bill reinstates the Racial Discrimination Act, because one of the most criticised aspects of the legislation introduced by the former government in 2007 was the way in which it excluded the operation of the Racial Discrimination Act 1975. The criticism was expressed by very, very many groups, by very many individuals and by many representative bodies across Australia, and it was well-founded criticism. It was criticism that was accepted by the Australian Labor Party in opposition. We gave a commitment at the last election that we would reinstate the Racial Discrimination Act in all respects in its effect on legislation operating in the Northern Territory, and that is what this bill does. I am very pleased that legislation has been introduced to ensure that the Racial Discrimination Act of the Commonwealth is to now apply. I would suggest that it is utterly unacceptable that in 2007, 2008, 2009, let alone 2010, our country should legislate to exclude the operation of a very important piece of Commonwealth legislation, namely the Racial Discrimination Act.

The statements made in 2007 were so widespread that it is difficult to know which would be the most apt to quote from, but I
will perhaps start with a submission made to the Senate Standing Committee on Legal and Constitutional Affairs’ inquiry into the former government’s legislation. The submission was made by the Law Council of Australia, a body that I am proud to have been a director of for some five years. Back in 2007, it said to the Senate standing committee:

The Law Council considers the inclusion in legislation proposed to be enacted by the Australian Parliament in 2007 of a provision specifically excluding the operation of the RDA to be utterly unacceptable. Such an extraordinary development places Australia in direct and unashamed contravention of its obligations under relevant international instruments, most relevantly the United Nations Charter and the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”).

The Law Council then went on to explain why it was that it was unacceptable that the legislation being introduced for the Northern Territory should be exempted from the Racial Discrimination Act. What has occurred since, of course, is that the government, having come to office with a commitment to reinstate the operation of the Racial Discrimination Act, has conducted a lengthy inquiry. The Northern Territory Emergency Response Review Board, which reported in October 2008 with its self-titled report, *Report of the NTER Review Board*, drew attention to the very great concern that had been expressed in the some 60 or 70 communities that it visited about the exemption of the legislation applying to the Northern Territory from the Racial Discrimination Act. That concern was followed by a great deal of criticism from UN bodies and the UN special rapporteur in 2009.

It is worth quoting, because it brings down to a personal level the criticisms that had been expressed to the NTER Review Board when it was conducting its very lengthy consultation through 2008. The review board said the following:

Criticisms of the Intervention have tended to focus on the explicit exclusion of the Racial Discrimination Act 1975 (RDA) and the Northern Territory Anti-Discrimination Act—
in the Howard government legislation. They went on to say—
The two key measures identified as having possibly breached the RDA were income management and the compulsory acquisition of land under five-year leases.

Not surprisingly, there was a convergence among official commentaries and submissions to the Board around the fundamental principle of international human rights law that different classes of rights cannot be traded off against each other. This principle is captured in article 5 of the Vienna Declaration on Human Rights (1993). It is important to note that criticisms over the exclusion of the RDA do not simply reflect an ‘academic’ debate. Throughout the Board’s community visits and consultations with various organisations and representatives, it was made abundantly clear that people in Aboriginal communities felt humiliated and shamed by the imposition of measures that marked them out as less worthy of the legislative protections afforded other Australians.

These concerns were most palpable in the context of comments and submissions relating to the compulsory acquisition of land—
and so on. The review board left no doubt about the importance of reinstating the operation of the Racial Discrimination Act and made a direct recommendation to this effect: that government action affecting Aboriginal communities must respect Australia’s human rights obligations and conform to the Racial Discrimination Act 1975.

Throughout the course of the consultation that was conducted through 2009 very similar sentiments were expressed in community after community, that there was a sense of shame and humiliation and resistance to the
notion that it was necessary to provide an exclusion of the operation of the Racial Discrimination Act. It ought to be no surprise that, on the government’s announcement at the end of November last year that the Racial Discrimination Act was to be reinstated, that was very directly and widely welcomed by a range of representative bodies, individuals and groups across Australia.

I had meant to also record the very severe criticism that was made of the exemption from the Racial Discrimination Act by Mr James Anaya, the special rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, who raised concerns when he visited Australia in the second part of last year. He issued a statement in which he expressed concern about the exemption. This was a general report he was making about Australia. He said:

Of particular concern is the Northern Territory Emergency Response, which by the Government’s own account is an extraordinary measure, especially in its income management regime, imposition of compulsory leases, and community-wide bans on alcohol consumption and pornography. These measures overtly discriminate against aboriginal peoples, infringe their right of self-determination and stigmatise already stigmatised communities.

As currently configured and carried out, the Emergency Response is incompatible with Australia’s obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, treaties to which Australia is a party, as well as incompatible with the Declaration on the Rights of Indigenous Peoples ... The special rapporteur urged the government to act swiftly to reinstate the protections of the Racial Discrimination Act in regard to the Indigenous peoples of the Northern Territory.

A range of other UN bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, all drew attention to and directly criticised the exception of the former government’s legislation from the provisions of the Racial Discrimination Act. It therefore was to be expected that, when the government announced at the end of November last year that the Racial Discrimination Act was to be reinstated, that announcement would be welcomed by, amongst others, the Law Institute of Victoria. I should mention that the Senate Standing Committee on Community Affairs is presently conducting an inquiry into this bill and has received a very large number of submissions which it is presently considering and conducting hearings about. I have looked at a number of those submissions and I note, for example, the Law Institute of Victoria welcoming the action of the government to reinstate the Racial Discrimination Act, the statement by the Law Council of Australia welcoming the government’s decision to reinstate the Racial Discrimination Act, and indeed the submission made to that Senate committee by the Australian Human Rights Commission, which welcomes the government’s decision to reinstate the provisions of the Racial Discrimination Act.

I should note that, while those bodies have welcomed the reinstatement of the Racial Discrimination Act, they express continuing concerns about some of the legislative techniques that have been adopted. But the importance of this bill is the reinstatement of the Racial Discrimination Act to restore Australia to the position that it should occupy. We should never, ever again—and I trust that it will not occur again—put this country in a position where it is seen by the international community to be saying that there is some situation in Australia in respect of which in-
ternational human rights norms, the human rights protections that are contained in the Racial Discrimination Act, are not to apply.

There is a great deal of care that has been taken by the government in devising the provisions not merely to reinstate the Racial Discrimination Act but to continue with the measures which will be regarded as special measures, such as the income management regime. In that regard it is worth noting the very detailed comments that the Australian Human Rights Commission has made, in its public submission to the Senate standing committee which is presently conducting an inquiry into this bill, about the proposals that have been put forward by the Greens in relation to reinstatement of the Racial Discrimination Act. The Greens have put forward a bill which deals with similar subject matter to the bill that is now before the House. They have adopted a different approach, which is to provide both for the reinstatement of the Racial Discrimination Act and also to include what is known as a notwithstanding clause, which is something that the Human Rights Commission and others had called for. The Greens bill allows for reinstatement of the Racial Discrimination Act immediately on proclamation of the bill. The adoption of that framework has led the Australian Human Rights Commission to comment that they are very concerned that adopting an approach which says that all acts done under legislation governing an aspect of the administration of Aboriginal affairs are to constitute special measures will lead to great difficulty.

The Social Justice Commissioner has already observed in his report of 2007 that it is not possible for the entire legislation to be a special measure. In its submission to the Senate committee the Australian Human Right Commission noted:

This is because a number of the measures in the legislation are not a proportionate response to the problems they seek to address and were introduced without community consent. While the Commission supports the change in legislative language away from special measures being ‘deemed’, the Commission does not accept the characterisation of the legislation as a whole as a special measure.

The Human Rights Commission has a further criticism of the Greens’ approach to this area. It comments:

…the Greens’ Bill does not include a redesign of the individual NTER measures to be compliant with the RDA. While it leaves individual measures open to legal challenge under the RDA, the Commission suggests that Parliament should seek to make the NTER compliant with the RDA, rather than leave it to individuals to challenge aspects that may be discriminatory.

(Time expired)

Debate interrupted.

PERSONAL EXPLANATIONS

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (1.23 pm)—Madam Deputy Speaker, I wish to make a personal explanation.

The DEPUTY SPEAKER (Ms S Bird)—Does the minister claim to have been misrepresented?

Mr ALBANESE—Yes.

The DEPUTY SPEAKER—Please proceed.

Mr ALBANESE—Last night a very misleading report aired on Channel 9 News in Brisbane which suggested that the Rudd Labor government supports building the Goodna Bypass. I was subsequently misrepresented by the member for Ryan in this House. I want to make it clear that, as long as the Rudd Labor government holds office, the Goodna Bypass will never be built. One of my first actions as minister was to meet with the Queensland minister for roads in December 2007 to stop this project. The min-
ister and I agreed that work on this project would cease and the funding would be repri-
oritised for the upgrading of the Ipswich Mo-
torway. That is exactly what has happened. We are now investing more than $2.5 billion
to upgrade the existing Ipswich Motorway. This work is running ahead of schedule and
putting thousands of Australians to work.

SOCIAL SECURITY AND OTHER
LEGISLATION AMENDMENT
(WELFARE REFORM AND
REINSTATEMENT OF RACIAL
DISCRIMINATION ACT) BILL 2009

Second Reading

Debate resumed.

Ms LIVERMORE (Capricornia) (1.24
pm)—It feels great to be here today as part
of a government that has introduced this very
important piece of legislation, the Social Se-
curity and Other Legislation Amendment
(Welfare Reform and Reinstatement of Ra-
cial Discrimination Act) Bill 2009. This bill
will amend several acts relating to the in-
come management arrangements and the
Northern Territory Emergency Response. Importantly, it implements a government
commitment to reinstate the operation of the
Racial Discrimination Act 1975 in relation to
the Northern Territory National Emergency
Response Act 2007 and other relevant legis-
lation. The suspension of the Racial Dis-
 crimination Act, allowed for under previous
legislation, will be lifted from 31 December
2010. Similarly, the previous changes to the
Queensland anti-discrimination laws in rela-
tion to Queensland’s Family Responsibilities
Commission will also cease to have effect
from 31 December 2010.

The income management arrangements in-
troduced in this bill are therefore designed to
be non-discriminatory for the purposes of the
Racial Discrimination Act. In other words,
income management can now be used in se-
lected disadvantaged communities across
Australia as a tool to support communities
under pressure and build a protective envi-
ronment for people at risk of disadvantage
and their children. These measures will no
longer be limited to Indigenous people living
in remote parts of the Northern Territory,
which was always discriminatory; rather,
these measures will apply to people on cer-
tain Centrelink benefits right across Austra-
ia—Indigenous and non-Indigenous alike.

A great deal of work has gone into the de-
sign of this bill and the measures contained
within it. It is chiefly the result of the 2008
review of the emergency response and exten-
sive consultations with Indigenous people in
the Northern Territory. The consultations
involved thousands of people in all 73
Northern Territory emergency response communi-
cities as well as several other North-
ern Territory Aboriginal communities and
town camps between June and the end of
August 2009. The majority of participants in
the consultation meetings were Indigenous
people who either nominated as individuals
or were selected by their community or or-
ganisation to speak on behalf of the commu-
nity or organisation. The engagement process
was independently overseen by the Cultural
and Indigenous Research Centre of Australia,
and the government has publicly released
their report on the FaHCSIA website.

It came out very clearly in these consulta-
tions that children, women, parents, families
and older people were identified as groups
who benefited the most from income man-
agement. The most frequently identified
benefits of income management for children
included more money being spent on food,
clothing and school related expenses. There
were a number of comments also that chil-
dren were looking healthier because of a bet-
ter diet. The school nutrition program was
mentioned several times as contributing to
this.
A frequently mentioned benefit of income management for parents and families was that it has enabled people to better manage their household budgeting, including planning for major items and utility expenses. People reported that more and better food is being eaten, there is improved budgeting, more money is being spent on white goods and furniture and less money is being spent on gambling. The most frequently identified benefits of income management for older people included better health outcomes and less need for them to take responsibility for caring for grandchildren.

Another part of the emergency response was the licensing of community stores. Improving food security in remote Indigenous communities is a key component of the government’s Closing the Gap agenda. Licensing the stores is the other side of the coin when it comes to income management, so consulting with the operators of the stores gives a fuller picture of the effects of income management. Income management obviously means there is more money for people to spend on food and items in the stores, so it is important to find out how that was actually seen from the other side of the counter by the operators of the stores.

The interviews, conducted in three rounds, were part of a process of routine monitoring of the first 18 months of store licensing. The findings in the 2009 monitoring report are based on 66 community stores that have been licensed. The interviews found, among other things, that customer shopping habits have changed significantly in most stores, with 68.2 per cent of store operators reporting an increase in the amount of healthy food purchased. This includes items such as fruit and vegetables as well as dairy foods and meat.

Responses suggest that sales of some goods, such as cigarettes, are unchanged. Community residents, particularly women, are telling store operators that they now have more control over their money, with greater capacity to avoid humbugging. Initial mistrust and confusion about income management has abated over time. Store operators are reporting that feedback is generally positive, especially from women, once people understand how it works. Most operators reported that people had a good understanding of income management, with perhaps the older people having the most difficulty in adjusting to those changes.

Consistent with the feedback received through the community consultations and the work with licensed stores, analysis of Centrelink data shows that during the first two years of income management around 65 per cent of income managed money was spent in stores that trade primarily in food. All of this data reinforces the government’s view that income management should be seen not as a punitive measure confined to Indigenous communities but rather as the basis for major welfare reform that can deliver similar benefits, particularly in the lives of children, right across the country.

It is clear from the outline that I have given of the extensive consultation that happened across the Northern Territory that the government has listened to Indigenous communities who have been living with the emergency response measures for more than two years. In this bill we have sought to fulfil our commitments with respect to the Racial Discrimination Act and to come up with a way that extends the income management component of the emergency response for the benefit of other Australians.

I note that there has been good support for the bill from some key groups. In its submission to the Senate Community Affairs Legislation Committee, the Australian Human Rights Commission welcomed our intention to reinstate the Racial Discrimination Act
and to redesign identified Northern Territory Emergency Response measures so that they are non-discriminatory and respect human rights. Their submission said:

The Commission notes that, overall, while the proposed changes to the NTER do not address all the concerns of the Commission, they will improve the measures that currently apply to individuals in prescribed communities in the Northern Territory.

... the Commission welcomes the following proposed measures included in the Bills—and listed a number of points, as follows:

- Lifting of the suspension of the RDA for the NTER legislation
- Redesigning the income management measures so that they are not applied on a racially discriminatory basis
- Redesigning the income management measures so that disability support pensions or age pensions are no longer being automatically income managed, unless the recipient is determined to be a vulnerable welfare payment recipient.

They also noted that—

- Including provisions to enable affected individuals to apply for an exemption from income management where their circumstances so warrant as well as options for individuals to voluntarily participate in income management where they desire—are positive changes. Their other points were:
  - Enabling a shift from the blanket imposition of alcohol bans to restrictions that are tailored to the needs of communities
  - Clarifying the objectives of five-year leases; and committing to move to voluntary leases through negotiations in good faith where requested
  - Providing greater transparency in the community store licensing scheme.

There was also support from the Aboriginal Medical Services Alliance Northern Territory. The alliance represents 26 health services across Northern Territory communities. It called for the passage of this legislation, arguing that we should pass this bill and allow Aboriginal Territorians to be treated equitably.

Some have proposed that we reinstate the Racial Discrimination Act without making changes to the Northern Territory Emergency Response. The Australian Human Rights Commission expressly rejects this approach, arguing that legislation should:

... make the NTER compliant with the RDA, rather than leave it to individuals to challenge aspects that may be discriminatory.

The government’s legislation provides for the reinstatement of the Racial Discrimination Act and the reconfiguration of measures to comply with the act, as called for by the Australian Human Rights Commission; the UN rapporteur on the situation of Indigenous peoples; and the independent review of the Northern Territory Emergency Response, led by Peter Yu.

Central to this bill are the changes to income management, as well as the important reinstatement of the Racial Discrimination Act. The government is proposing some improvements to the income management model after listening to the many communities in the Northern Territory. As I have said repeatedly, we want it to comply with the provisions of the Racial Discrimination Act. That is fundamental to us. We also know from the experiences that so many Indigenous Territorians shared with the consultation teams that income management can have real benefits for families and right throughout communities. We want to take away the inequity of the current scheme of income management and instead see it as a tool for supporting struggling families and disadvantaged communities.

When meeting after meeting throughout the Northern Territory was told of better
school attendance rates, less money spent on grog and gambling, and more money spent on fresh food, why wouldn’t the government want to give this a go in other parts of Australia. Therefore the new scheme will be non-discriminatory and will commence across the Northern Territory as the first step in a national rollout of income management in disadvantaged regions. The rollout in the Northern Territory will begin in July 2010. There will be a national evaluation of the income management scheme at the end of 2011 before it is rolled out to other Australian disadvantaged regions.

There are some changes to the scheme. Previously the scheme applied in a blanket fashion across all welfare recipients. Under these proposed reforms it will instead apply to at-risk groups and be linked to specific social policy objectives like school attendance, the ‘learn or earn’ policy for school leavers and addressing long-term unemployment. For example, under this legislation income management will apply to young people aged from 15 to 24 who have been in receipt of youth allowance, Newstart, special benefit or parenting payment for 13 weeks in the last 26 weeks. To gain exemption from income management, a young person receiving one of those payments will need to demonstrate to Centrelink evidence of work or study or, if they are a parent, that their children are attending school regularly and that they are in stable housing.

Long-term welfare recipients aged over 25 will be subject to similar requirements and will have similar pathways to exemption from income management. In a significant change, age pensioners, disability support pensioners and veterans will no longer be covered by compulsory income management unless they are identified as vulnerable or at risk, for example, through involvement with the child protection system or for other reasons determined by the appropriately qualified staff at Centrelink.

Those people who are compulsorily income managed will be supported to save money with a new matched savings program. There are also generous financial incentives for people who wish to volunteer for income management. These arrangements reflect the government’s view that income management can provide substantial benefits particularly to vulnerable families and they are in no way intended as a punishment, as some have claimed. In addition to these reforms, the Australian government will invest an additional $53 million in financial literacy support, to help those people who find it difficult to control their finances—giving people education, power and control over their finances and over their lives.

This is a huge change that will take time to implement. To make sure that we get it right, the new scheme of income management will commence across the Northern Territory as a first step. Following an assessment of that trial, the government will look to a future national rollout of income management to disadvantaged regions more broadly, which could include places in Central Queensland such as Rockhampton.

These are major welfare reforms which we believe can extend the clear benefits of income management to more vulnerable families—and there are plenty of those in places like Rockhampton and Mount Morgan in my electorate. It is the case, and we know this from the Northern Territory experience, that our reforms will make sure people’s welfare payments are spent on the essentials of life, like food and rent, and not on alcohol and gambling.

This is about creating a system that promotes people taking personal responsibility, that helps people to take control of their budgets and their lives, and that is all about
making sure that we do everything we possibly can to get children to school and to get young people engaged in work and training. The opposition talks a lot about those things, but this bill actually puts in place welfare reforms that will give people meaningful support and incentives to make those changes in their lives.

Through this reform the government is sending a clear message to welfare recipients that there are incentives for responsible behaviour. If you are in full-time study, if you have a sustained pattern of workforce participation, if you can demonstrate proper care and education of your children, you will not be subject to income management. But if you need the additional assistance that income management has been proven to provide then it will be part of the welfare system.

We want to fight passive welfare and to link the payment of welfare to making sure that children go to school on a regular basis, that they continue their studies and that they go on to work and make a meaningful contribution to our society and have productive lives. I will be watching the rollout of this reform in the Northern Territory very closely to see what difference it makes to communities there. I know that there is great interest in including Rockhampton and surrounding communities in the income management scheme as soon as the program spreads beyond the Northern Territory. I believe that we are a region that could benefit from this reform and I will push for us to be included at the earliest possible opportunity.

Coming back to where I started, at the heart of this legislation is the reinstatement of the Racial Discrimination Act. It is an important part of the government’s commitment to a new relationship with Indigenous Australians. It is a commitment that is also being given practical effect through the ‘closing the gap’ agenda and especially through efforts in the Northern Territory. For example, since coming to office, the Australian government has delivered, throughout the Northern Territory, extra police, safe homes, creches, school nutrition programs, new stores and store upgrades, child health checks and follow-up surgery. Over 2,000 CDEP positions have been converted into properly paid jobs with superannuation and entitlements.

All of these changes complement the government’s ‘closing the gap’ strategy, which is delivering unprecedented investment in early childhood development, education, health, housing, jobs and remote service delivery to the Northern Territory. As an additional example, parents are also getting extra support for their children through funding for creches in remote communities in the Northern Territory that previously had little or no access to early childhood programs for children less than five years of age. Early intervention services, which draw on kinship ties of Aboriginal people to build strong families and protect children, are being established in Alice Springs under the Alice Springs Transformation Plan.

None of us in the House is under any illusions about the enormity of the challenges that we face. Closing the gap will take a long time and it demands perseverance from all of us. We see it as a national priority and we encourage all Australians to find ways to acknowledge and support the many unsung heroes in our community who are supporting families and children every day to close the gap and to build a future where we all feel valued and included.

Mr ZAPPIA (Makin) (1.42 pm)—I rise to speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and, in doing so, say that this bill reinstates the Racial Discrimination Act provisions into the Northern Territory National
Emergency Response Act 2007. It ensures that measures under the Northern Territory Emergency Response and Cape York welfare reform trials remain consistent with the Racial Discrimination Act and state and territory antidiscrimination laws.

It also changes a number of measures to improve aspects of the operation of the Northern Territory Emergency Response and it extends income management to other regions throughout Australia. I think that is an important aspect of this bill because, from my understanding and experience, it is the case that if you are going to apply this process to one part of Australia there are undoubtedly other places where the same provisions should apply. In fact, I am well aware of places within my own state of South Australia where one could argue that this kind of intervention is also warranted if it is going to occur in the Northern Territory.

The Northern Territory National Emergency Response Bill was brought in by the Howard government in August 2007. It was a drastic measure brought in as a response to what some would describe as a crisis situation within some communities. The special measures introduced were: income management whereby 50 per cent of welfare moneys are quarantined and controlled through the use of a basics card, five-year leases whereby the government compulsorily takes over people’s land on leases, alcohol restrictions imposing large fines for possessing alcohol in restricted areas, licensing of community stores, establishment of government business managers in each community, pornography restrictions, control over publicly funded computers, and other law enforcement measures.

The initial provisions were clearly targeted at Aboriginal people and were only possible because of the suspension of the provisions of the Racial Discrimination Act. Suspension of the Racial Discrimination Act is generally acceptable if the suspension results in improvements to the lives of those affected. It was argued at the time that such would be the case. The Rudd government, consistent with 2007 election promises, has lifted the provisions suspending compliance with the Racial Discrimination Act. It has also made other changes which are expected to improve the administration and outcomes of the Northern Territory Emergency Response. Those changes were made after review of the effectiveness of the initial Northern Territory Emergency Response actions and after extensive community consultations.

Since European settlement of Australia, Aboriginal people have been disadvantaged and marginalised. Their way of life was disrupted and they have struggled to adjust to their changed environment. The integration of Aboriginal culture with European culture has proven to be extremely difficult and filled with tragedy and suffering. Hindsight is a wonderful thing but it is clear that many early actions, from the time of European settlement through to the latter part of the 20th century, caused long-lasting scars and barriers, which are still causing widespread grief amongst Aboriginal people.

It is a regrettable aspect of Australia’s history that it was not until 1962 that Aboriginal people were given the full right to vote. In that respect, it is interesting that they were given the right to vote but it was illegal to encourage them to go and enrol. I am not quite sure how the two went hand in hand. It was after the referendum in 1967, which was overwhelmingly supported by Australians, that they were able to fully participate in Australian society. They were included in the census and the federal government was able to make laws relating to them. Full participation, however, requires much more than legal rights; it requires the necessary support to
enable real opportunity for Aboriginal people to participate in Australian society.

We can legislate to make discrimination illegal, but breaking down discrimination is far more dependent on a change of mindset within people. Only then will true equality apply. Regardless of whether Aboriginal people live in country areas or urban areas, the majority of them continue to be marginalised. It is my view that over the past 40 years governments of all persuasions have made serious attempts to improve the lives of Aboriginal and Torres Strait Islander people. Considerable effort and resources have been committed by governments over the years. Improvements have undoubtedly been made in some areas but, regrettably, those improvements have not been commensurate with the magnitude of the resources committed and the magnitude of the issues that still confront us. Those serious social problems were identified in the Little children are sacred report of the Northern Territory and ultimately led to the Howard government’s Northern Territory Emergency Response.

I have lived almost all my life in metropolitan Adelaide but I have, nevertheless, had considerable experience associating with and responding to many of the issues that Aboriginal people in metropolitan areas—certainly in Adelaide—face. In fact, in my time as mayor there were a number of initiatives that the City of Salisbury embarked upon in order to try and respond to many of those social urban issues of Aboriginal people. I say that because I want to make it absolutely clear that, whilst this bill in essence focuses on people in remote parts of Australia, the reality is that Aboriginal people, whether they be in remote or metropolitan parts of Australia, are nevertheless very much marginalised.

I note that the Parliamentary Secretary for International Development Assistance, Mr McMullan, is sitting at the table today. He might recall that he visited the city of Salisbury when I was mayor. He was the shadow spokesman on Indigenous affairs for the Australian Labor Party and he addressed a forum which I hosted within the city. It was a forum which preceded the screening of the film Rabbit-Proof Fence, a wonderful film, which again exposes some of the history and scars that lie behind the issues that we still need to resolve and address.

It is my opinion that it is not Aboriginal culture that is the problem, as some would say, but rather the conditions under which Aboriginal people live. It is therefore the causes of the social problems, more so than the consequences, that need to be addressed. In that respect, I welcome and support the measures committed to by the Rudd government and outlined by the Prime Minister in this House on 11 February in his second ‘Closing the gap’ statement.

The provisions of this bill are an improvement on the Howard government’s original bill and adopt some, although not all, of the principles recommended by the Australian Human Rights Commission in response to that bill. Under the existing Howard government scheme, amounts diverted from a person subject to income management are placed into a special management account for that individual. The management account is used for the payment of expenses associated with priority goods and services. Those subject to income management may use the BasicsCard to access their income managed money at approved stores and businesses using the EFTPOS system. Amounts diverted under income management vary depending on the category of income management being applied. Any remaining amount in an individual’s management account is refunded to that person when they are no longer subject to income management.
Under the proposed Rudd government scheme, some people will have 50 per cent of their regular payments and 100 per cent of lump-sum payments quarantined in a separate account that may only be used for the purchase of the essentials of life, such as food, clothes and rent: people aged 15 to 24 who have been in receipt of youth allowance, Newstart allowance, special benefits or parenting payment for more than 13 weeks in the first 26 weeks; people aged 25 or over who have been in long-term receipt of specified payments, including Newstart allowance and parenting payments; people referred for income management by child protection authorities; and people assessed by Centrelink social workers as requiring income management due to vulnerability to financial crisis, domestic violence or economic abuse.

I am well aware that the scheme has not been without its critics. Many of those critics are people and organisations whom I respect, such as Dr Gawarrin Gumana, who is a Yolngu elder; former Prime Minister Malcolm Fraser; Professor Larissa Behrendt, who is the director of Jumbunna House of Indigenous Learning at the University of Technology in Sydney; Mr Rex Wild QC, co-author of the Little children are sacred report; Alastair Nicholson, a former Chief Justice of the Family Court; Greg Thompson, who is the Anglican Bishop of the Northern Territory; Professor Mick Dodson, who, as we all know, was the Australian of the Year for 2009; Justice Elizabeth Evatt; Julian Burnside QC, a human rights advocate; David Ross, who is the director of the Central Land Council; Professor Patrick Dodson; the National Aboriginal and Torres Strait Islander Ecumenical Commission, National Council of Churches; and Sir William Deane, former Governor-General of Australia. All of these people have made comments and contributed to the publication of a book entitled This Is What We Said. It is a book which responds to the Northern Territory Emergency Response and, in particular, to the public consultation that was carried out by the government to try to assess how well that response was working.

One of the contributors to that book was Irene Fisher, the CEO of Sunrise Health Service in Katherine. Irene said:

Income management shames those who live under it and takes us back to the days of the mission. It sets Aboriginal people apart from their fellow Australians.

I also want to quote from one of the people interviewed in the compilation of the book. He is a resident of the Bagot community in Darwin in the Northern Territory. He said:

Because it is wrong in what they are doing because…I mean this goes back to, I am sorry, but back in the time when you had Native Affairs where the government was overruling people and then you’ve got it, it is now 40 years down the track now, 50 years down the track. I was there in Native Affair times and if anybody remembers Native Affairs time, and this is exactly what they are doing to us now.

Those are some of the sentiments of the people who contributed to that book.

Last Friday, I met with a number of people who approached me about this very legislation. Those people included three people from the Sisters of St Joseph—Margaret Kenny, Margaret Lamb and Michele Madigan—and two Aboriginal people: Kaurna elder Dr Alitya Rigney, whom I know from Adelaide, and Pilawuk White. Pilawuk is from Peppimenarti, near Daly River. She travelled from Darwin to be at the meeting. They told me that they were very concerned that, whilst there had been some public consultation about the Northern Territory Emergency Response and this new legislation, they believed that the consultation did not go far enough. They said to me that, whilst they accept that there were some 76 people interviewed and that there were, I understand, a
number of focus groups—in fact some 176 stakeholders attended focus group meetings in four locations—the fact of the matter is that there are some 73 different communities within the Northern Territory and not all of those people had their views sought. In fact, they believe that the advice that has been presented to the government is not advice which necessarily reflects the views of all people in the Northern Territory of Aboriginal culture.

They are clearly asking for this legislation to be amended, and I will come back to that in just a moment. I want to quote from part of what was said when the book *This Is What We Said* was launched by Christine Fejo-King, an Aboriginal woman from the Northern Territory. Her father was a Larakia man and her mother is a Warrumungu woman. Her skin name is Napaljarri. In launching the book, she said:

*We are gravely concerned as social workers who believe in and work toward human rights and social justice, that the rights of our peoples have been and continue to be violated ...*  
*By deploying the army and police against our peoples, using the cover of concerns about sexual abuse of Aboriginal children, we believe a political agenda was served, against which the human rights and social justice of our peoples came a sad second. How would you our fellow Australians feel if this action had been carried out against you and your communities, because the statistics, the imperial evidence that governments rely so heavily upon, shows that the sexual abuse of non-indigenous children is relative to that of Aboriginal children.*

I quote that because, in my view, that sums up much of the sentiment which was presented to me last week by these five women, all of whom have firsthand experience in dealing with Aboriginal people in the Northern Territory.

I say to the House, having listened to those people and having had my own personal experience in dealing with Aboriginal issues over many years, that I support this bill because I believe that it is a genuine attempt, made after many years of attempts by governments, to improve the lives and the lot of Aboriginal people in this country. Primarily it is my view that, if we are ever going to provide the real support that Aboriginal people need, we need to begin by addressing the causes of the symptoms that we are trying to address through this bill—causes such as education, health outcomes, housing and employment. That is where our focus should be. We are doing that, through the statement on closing the gap made by the Prime Minister only a week or so ago, which I alluded to earlier. By addressing those very causes, we will get the best outcomes for Aboriginal people in this country.

I am aware that the bill is still subject to a degree of criticism, but I say to those people who have any criticism to make of it: give the government time to implement these measures to address both the causes of and the responses to the issues that we are confronted with. Once we have been able to do that, we will, in time, be able to make a much better judgment as to whether or not this bill is appropriate.

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

QUESTIONS WITHOUT NOTICE

Home Insulation Program

Mrs MOYLAN (2.00 pm)—My question is to the Prime Minister. I refer the Prime Minister to widowed disability pensioner Jenny Anderson of Cordalba, who had insulation installed in September last year and was left with foil hanging out of her ceiling. When she rang the government hotline she
was informed that the installers had not lodged her details and, as a result, the work could not be assessed. Prime Minister, how long does Jenny Anderson have to wait to have a safety inspection in her roof? Will she be given priority?

Mr Rudd—I thank the honourable member for Pearce for her question. I know the honourable member well and I have not known her to exaggerate facts in the past; therefore, I take what she said at face value. As she describes it, that situation is unacceptable and the government through the relevant minister will attend to it.

Health

Mrs D’Ath (2.01 pm)—My question is to the Prime Minister. Can the Prime Minister update the House on the challenges facing the Australian health system? What action has the government already taken and why is there a need for further reforms?

Mr Rudd—I thank the honourable member for her question because, as we know in this place, there are huge challenges on the Australian health and hospital system. If we look at what is happening with the ageing of our population and the fact that we are going to have a huge increase in the expenditure which will be necessary on those over 65 in the future, we face fundamental challenges for how we deal with this as a nation going forward.

One of the reports produced recently by the government predicts a sevenfold increase in overall expenditure on health for those over the age of 65. Furthermore, those over the age of 65 will increase as a proportion of our total population from something like 13 per cent of our population today to something like 23 or 24 per cent of our population by mid-century. That is the challenge. Furthermore, it is a challenge for budgets, both federal and state. What we have seen is the increased outlays by state governments on health averaging some 11 per cent across the nation in recent years but their own-source revenue rising by only four per cent over that same period of time, producing a widening fiscal gap between the demands on the system and the states’ capacity to fund the expansion of the hospital system as is necessary.

The third part of what I would say in response to the honourable member’s question is that, when you look specifically at the action the government has taken so far, you will see we are seeking to lay the foundations for the future expansion of our health and hospital system. Firstly, what we have done in just two years in office, through the Minister for Health and Ageing, is to increase the funding by the Australian government to the public hospital system by 50 per cent. That stands in contrast to the $1 billion ripped out of that system by the Leader of the Opposition when he was health minister for four years. Secondly, the Australian government has increased the number of GP training places by 35 per cent, whereas the Leader of the Opposition when he was health minister for four years froze the number of GP training places. Thirdly, this government has increased the number of nurse training places. The Leader of the Opposition when he was health minister did nothing to address what was then described as a shortfall of 6,000 nurses in the system. Fourthly, this government has made a direct investment of $3.75 billion into the direct services provided by our emergency departments. That contrasts with a zero direct investment of dollars by the Leader of the Opposition when he was health minister. No. 5: we have invested some $600 million already directly into elective surgery, providing an additional 60,000 elective surgery procedures across the country, which stands in contrast to a zero investment by the Leader of the Opposition when he was health minister. We are rolling
out 36 GP superclinics across the nation. Eight are now either fully or partially operational and the remainder have contracts signed. That contrasts with zero GP superclinics rolled out by those opposite. That is what we have been doing so far, but it all comes back to how we fund and finance this for the future. The decision by those opposite to continue to block the government’s measures and announced policy on PHI goes to the heart of our ability to provide finance for our hospital system for the future. Some $2 billion across the forward estimates lies caught up in an arrangement in the Senate whereby the Leader of the Opposition is standing by the principle that the least salaried Australians should subsidise the private health insurance costs of someone on $200,000 and $300,000 salary a year, like the Leader of the Opposition and me—that someone on $30,000 a year should be cross-subsidising the private health insurance premium rebate for someone on $200,000 to $300,000 a year. That is what is at stake here because it is the working people of this country who present to accident and emergency and who queue up at public hospitals in order to be on elective surgery waiting lists who need that investment. That is why health and hospital reform for the future is absolutely necessary. We have made a strong start through the existing allocation of $64 billion to the system under the Minister for Health and Ageing.

Those opposite, it seems, have one solution for the ageing of our population. I see what the Leader of the Opposition has had to say about that again in recent days: to increase the age pension to 70. That is his response to the ageing of the population—make people work to the age of 70. In contrast, we have brought about the single largest reform to the age pension system in the country’s history. On top of that, we have invested $64 billion into the public hospital system of the nation, and this government intends to get on with the business of building better health and better hospitals for the future.

**Home Insulation Program**

Mr ROBERT (2.07 pm)—My question is to the Prime Minister. Yesterday Tony and Maria Harvey of Allpro Insulation in my electorate of Fadden were forced to lay off 13 staff and now have half a million dollars worth of stock and vehicles lying idle. Every time they have attempted to call the hotline telephone number for retrenched workers, the line has been engaged. When will the Prime Minister ensure his actions to fix this dire situation match the government’s rhetoric?

Mr RUDD—I thank the member for Fadden for his question. I know him less well than the member for Pearce; nonetheless I will take what he has said at face value. If any individual seeking to contact the government on these matters cannot get through, that is unacceptable. The government therefore must lift its game to make that happen, and we intend to do so.

On the question of those who run insulation businesses—and the honourable member referred to one business in particular in his question—I had the opportunity today in front of Parliament House to speak to a number of businesses that had come here to protest over the decisions taken by the government. I spent some time speaking with representatives of four companies. They may be with us in the public gallery; I am uncertain whether that is the case. It was important to hear from them first-hand their experiences. The bottom line is, as I said yesterday in my remarks in a press conference, as Prime Minister of the country I fully accept responsibility for the government’s decisions whether they are, firstly, popular decisions or unpopular decisions; secondly, good deci-
sions or bad decisions; or, thirdly, programs which are implemented with perfect success or those which are not—and that extends, of course, to this program.

Insulation workers were at the heart of the matters which were raised with me by those four owners of insulation companies today. The Insulation Council of Australia and New Zealand has estimated as of 18 February that the closure of the program would result in 6,000 people losing their jobs. Many of these people are good, honest workers whose jobs have been disrupted because of a small number of shonky operators.

The government therefore offers a commitment to those workers as follows: (1) each worker will receive support to retain their current job through the transition phase before the new Renewable Energy Bonus Scheme begins, this support will be provided through assistance to businesses to retain workers through the transition phase in either work or training; (2) in addition, the government will assist displaced insulation workers to find alternative jobs with other employers in other industries, which assistance will be provided through priority employment coordinators, dedicated insulation coordination officers and the resources of the Job Services Australia network; (3) where appropriate employment opportunities are not available, the government will ensure that a relevant training place is available to displaced insulation workers to help those workers transition to more permanent employment in the future, given that the Home Insulation Program was designed as a temporary program.

The $41.2 million insulation worker adjustment package will be funded through an allocation of $11.5 million from the Jobs Fund and $29.7 million from the Productivity Places Program and other existing training programs. The government will continue to assess the number of workers displaced by the early termination of the Home Insulation Program and will make adjustments to this package as required.

One of the other key concerns raised with me by the owners of the companies whom I met earlier today in front of Parliament House was the continuation of the Renewable Energy Bonus Scheme in the future. Their question to me was: when can we transition to that scheme? The government has indicated that we would have it up and running by 1 June, and in the case of certain firms it may be possible to do so earlier. I am certain that the owners of those businesses—and I say this in response to the honourable member for Fadden—would be concerned to have heard statements I believe to have been made by representatives of the opposition, including the shadow Treasurer, who have declined to provide bipartisan support for the continuation of that scheme in the future.

Mr Hockey—You screwed up the last one—why wouldn’t you do it again?

Mr Rudd—Mr Speaker, I listen very carefully to the interjections by those opposite, and they confirm exactly the point I was making. The Leader of the Opposition and the shadow Treasurer are, on the one hand, out there reflecting concern about the jobs impact of a program and, in the same breath, walking the other side of the street and providing no support for the continuation of a revised program in the future. I think the shadow Treasurer exceeded his brief, but he has done so eloquently today.

In response to the member for Fadden’s question—that is, the contents of the government’s proposed insulation worker adjustment package—as I said in the conclusion of my remarks before, we stand ready to make other appropriate adjustments as necessary. The government will not walk away...
from its responsibilities to the workers of Australia.

Private Health Insurance

Mr CRAIG THOMSON (2.13 pm)—My question is to the Minister for Health and Ageing. What was the outcome of the latest private health insurance premium round and what are the latest statistics on private health insurance?

Ms ROXON—I thank the member for Dobell for his question. Obviously he, like all members of the House, is interested in the issue of private health insurance. It is a particularly timely question, given that the other place has just voted against the first of the private health insurance rebate measures. The opposition have blown a $2 billion hole in the budget and have no health policies of any substance to put forward to the public. We are committed to making sure that private health insurance is affordable for low- and middle-income earners. This year I used my powers under the Private Health Insurance Act to ask for resubmissions from more than half of the health funds, as their proposed increases were too high. This has resulted in lower rebates for 75 per cent of private health members, some 8.5 million people.

Mr Hockey—Six per cent!

Mr Rudd interjecting—

Mr Dutton—Don’t trust her figures, Kevin.

Ms ROXON—It is interesting to hear the shadow Treasurer and the shadow health minister yelling out from the other side of the House, because the announced increase of 5.78 per cent that I made yesterday—an increase is never good news for families—was a smaller increase than it would have been. For all of the hollering from those opposite I do need to advise them that when their dear leader was the health minister the average increase under Mr Abbott was 6.44 per cent. I think, to be fair to the Leader of the Opposition, we should acknowledge that his average was 6.44 per cent but the average over the last five years of the coalition was 6.63 per cent. So he did have a slightly better average, but it is still significantly higher.

The truth is no-one ever wants these premiums to go up. The obligation of the government that we take far more seriously than those opposite ever did is to make sure that the increases are kept to the absolute minimum that is necessary. The approach that the Leader of the Opposition took when he was the health minister was just a simple tick and flick: they asked, he gave and the premiums went up. I did wonder whether we were being a bit unfair to the Leader of the Opposition, because he was no doubt pretty busy working out what he was going to do with several thousand golf balls that he paid $6,000 for!

Mr Randall interjecting—

Ms ROXON—The member for Canning is asking if he could have one of the golf balls. Unfortunately, I do need to advise the House that my department has told me some 2,700 of these golf balls are stored in a warehouse. I think, although the member for Canning is a golf fan, I am prepared to offer him some balls if he wants some!

Opposition members interjecting—
The **SPEAKER**—Order! The minister will continue with her response and bring it to an early conclusion, I hope.

**Ms ROXON**—I confess I do not have this on good authority, but I understand that his application for membership of the Surfers Paradise Golf Club is still pending. I wish him good luck. But in all seriousness, I was very concerned to hear the member for Dickson out spruiking that any increase in the premiums was an outrage. He was asked on radio this morning what premium increase he would have approved. His response, at least initially, was quite a sensible one. He said, ‘I would allow a reasonable amount.’ Fair enough. But he was asked what that reasonable amount would be, and he said, ‘Well, uh, I can’t put a figure on it.’ So he is happy to go out and criticise us for an increase which is smaller than was projected by the industry and the media and was smaller than the record of the leader that he operates under, but he actually has no figure to put forward himself.

The facts are very clear: since we have come into government an extra 474,000 people have taken out private hospital cover and coverage has increased to 44.7 per cent, which is the highest level of coverage since 2001. The facts are very clear: private health insurers are enjoying growing membership; the government has acted to keep premium rises to a minimum and the Liberals simply stand for premium-hike free-for-alls. As the shadow Treasurer said, he would not want to intervene in a free market and wants to sell off Medibank. Of course, they also stand for rebates for millionaires. It is not a very good record. I am happy to offer these golf balls to the member if he would like some.

**Minister for the Environment, Heritage and the Arts**

**Mr WOOD** (2.18 pm)—My question is to the Prime Minister. How does the Prime Minister explain to a single mum like Ms Kerri Borg, who was retrenched on Friday night along with 80 of her workmates at the insulation firm NECO, why her job has now gone yet your incompetent minister still gets to keep his job?

**Mr RUDD**—I thank the honourable member for his question. I also draw his attention to the range of measures that I outlined earlier in my response to the member for Fadden, because they go directly to the question of the detail of the government’s insulation worker adjustment package. In response to the honourable member’s question I would add two points. That is that the employment generated from this scheme would not have existed if the original policies recommended by those opposite were adhered to by the House; there would have been no such program. Secondly, I also note from the comments of the shadow Treasurer that he provides no such guarantee for the continuation of this program in the future. So, therefore, I say to the honourable member, if he is being fair dinkum about the employment impacts, to consider carefully the implications of the statement made by the shadow Treasurer today, which refused to provide any support for the continuation of this program through the Renewable Energy Bonus Scheme in the future. That is the core element of each and every one of the industry representatives’ concerns as reflected to me in my discussions with them earlier today.

**Mrs Mirabella**—Makes you look like a stubborn little nerd!

The **SPEAKER**—The member for Indi is warned.

**Rural and Regional Health Services**

**Mr TREVOR** (2.20 pm)—My question is to the Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery. What is the government doing to
ensure Australians living in rural and regional communities have access to the best possible health care and how is this an improvement on past approaches?

Mr SNOWDON—I thank my friend the member for Flynn for his question. We all know his commitment to his communities and his understanding of issues to do with delivery of health services to people who live in rural and regional Australia. The issue of health services to rural and regional Australia is at the forefront of the government’s mind. That is why I was fortunate enough to be appointed the first minister in this parliament for Indigenous health and rural and regional health, and I thank the Prime Minister for that appointment. I want to make some observations about the importance of addressing health services in regional Australia.

Opposition members interjecting

Mr Dutton interjecting

The SPEAKER—Order! The member for Dickson is warned.

Mr SNOWDON—You just grab hold of Tony’s balls. I have one for you.

The SPEAKER—Order! The minister will ignore interjections and address his remarks through the chair.

Mr SNOWDON—Last week I visited the north-western New South Wales town of Walgett where I had the very great fortune to spend time with Dr Vlad Matic whose practice was awarded the Royal Australian College of General Practitioners 2009 National General Practice of the Year award, a very important—

Mr Pyne—On a point of order, Mr Speaker. The minister’s supposedly amusing aside was in very bad taste. I assumed you would ask him to withdraw it. I now ask you to ask him to withdraw the rather bad taste aside.

The SPEAKER—My difficulty was that I was trying to get the member for Dickson to cease interjecting at the time of the remark. I did see a prop produced. I did advise the minister to get back to his question.

Mr SNOWDON—Mr Speaker, I am happy to withdraw my remark.

The SPEAKER—The minister has withdrawn and will respond to the question.

Mr SNOWDON—As I visit rural and remote parts of Australia, as I have been doing over the last few months, talking to rural practitioners and other health professionals, it is very clear that a key issue confronting the delivery of health services in the bush is workforce, workforce, workforce.

Mr Abbott interjecting—

Mr SNOWDON—An unfortunate aside from the Leader of the Opposition is that they did not freeze GP training places, but they did. We need to understand that whilst we have been going around listening we have also been producing. In 2009-10, we are investing $700 million in targeted rural health programs, a 45 per cent increase in funding of rural programs compared to that provided by the previous Minister for Health and Ageing and now Leader of the Opposition.

This government has introduced a $134.4 million package of incentives and reforms. This encouragement is based on the simple principle that the more remote you go, the better the reward. As a result of this proposal and changes that will come in on 1 July, 500 communities and 2,400 general practitioners will be entitled to these new benefits. I have three examples. In the electorate of Eden-Monaro there are relocation grants of $30,000, retention payments after six months of $4,000 and after five years $18,000. In the electorate of Parkes—in Walgett where I was last week—relocation grants are $60,000, retention payments are $5,500 after six
months and $47,000 after five years. In my
own electorate of Lingiari—the wonderful
town of Borroloola—relocation grants are
$120,000, retention payments are $8,000
after six months and $47,000 after three
years. In addition, we have introduced a rural
locum support program providing locum
support placements to enable rural GPs to
take time off at the same time providing ur-
ban doctors with additional training opportu-
nities to undertake locum exchange.

We have lifted the number of GP training
places by 35 per cent to 800—training places
that were frozen at 600 by the Leader of the
Opposition. We have invested $1.1 billion in
Health Workforce Australia which was estab-
lished for clinical training, the biggest Com-
monwealth commitment to the health work-
force. The government is also investing in a
series of rural education initiatives through
rural health departments of universities and
rural clinical schools, boosting funding by
$10.9 million. As well as that, we are invest-
ing capital through the National Rural and
Remote Health Infrastructure Program. I
know this is of great interest to the members
opposite because they are all applying for
it—they are encouraging people in their elec-
torates to apply for it. The difference is that
whilst we have been going around talking we
have also been taking action. The contrast
between the positions adopted by this gov-
ernment and the policies introduced by Mr
Abbott when he was the Minister for Health
and Ageing are there for all to see. The con-
trast could not be greater.

Opposition members interjecting

Mr SNOWDON—The issuing of golf
balls as a way of inducing people into the
rural workforce is no answer. What it dem-
onstrates is that a vacuum exists between
their ears.

Home Insulation Program

Mr TUCKEY (2.28 pm)—My question is
to the Prime Minister. I refer the Prime Min-
ister to Mr Mark Anderson in my electorate
whose insulation business has operated for
16 years with a permanent workforce of 15
people and now has no prospective work on
the books. Prime Minister, is it a fact that
such employers must pay redundant staff all
their entitlements upon dismissal? Will such
redundant employees have to expend these
redundancy entitlements as provided in exist-
ing regulations prior to receiving the assis-
tance the Prime Minister has identified to-
day?

Mr RUDD—I thank the member for
O’Connor for his question, as he raises the
legitimate interests of a firm which has been
affected by the government’s decision to
cancel the Home Insulation Program. I
would also, in response to the member for
O’Connor’s question, draw his attention to
the contents of the answer that I delivered
earlier to the member for Fadden and re-
ferred to also in my answer to the member
for La Trobe.

The second point I would make to the
member for O’Connor is that he refers to, I
am sure, a good firm that has been in the
business, I think he said, for 16 years—is
that correct? This program, the Home Insula-
tion Program, has been in existence for about
one year prior to its cancellation. So I would
simply draw the honourable member’s atten-
tion to the fact that what has happened with
that particular program, and the one which is
envisaged to be introduced by 1 June this
year, represents significant enhancements to
the pre-existing business flows of firms
which existed within this industry.

I can also say in response to the honour-
able member’s question that the normal pro-
visions of Australia’s industrial relations law
will prevail in the case of each firm under
these circumstances. But I draw his attention in particular to those provisions which are contained in the government’s insulation worker adjustment package, which I outlined earlier today.

Pensions and Benefits

Mr DREYFUS (2.30 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. What will be the benefits of the government’s proposed changes to the student income support system?

Ms GILLARD—I thank the member for Isaacs for his question, and I know that he is concerned about proper provision of support for students wanting to attend university. The Senate as yet has not reached the student income support bill, so there is still time for the Leader of the Opposition to personally consider this question and personally consider how Liberal senators should vote on this bill in the next debate. I am asking the Leader of the Opposition to consider the following: that this legislation is necessary so that over 150,000 university students who receive youth allowance, Abstudy or Austudy are able to receive a new annual start-up scholarship worth $2,254 when the scheme is in full operation.

This bill is necessary so the parental income test will be raised so that families with two children studying away from home can earn more than $140,000 per year before their allowance is cut completely. Students who choose to move to study may be eligible for an additional relocation scholarship worth $4,000 in the first year. This bill is also necessary so that, from 1 July 2012, students will be able to earn up $400 a fortnight, an increased amount, without having their payments reduced. This bill is necessary so that the age of independence will progressively be reduced from 25 to 22 years of age. That measure itself will see an estimated 6,700 new recipients of the independent rate of youth allowance.

I would ask the Leader of the Opposition to consider the fact that every vice-chancellor of every Australian university, on the merits of this proposal, is asking him to pass the bill; that the National Union of Students is asking him to pass the bill; that every education minister in every state and territory, including the minister who serves in the Liberal government in Western Australia, is asking him to pass the bill.

Opposition members interjecting—

Ms GILLARD—The opposition is yelling out and has on the media said, ‘Why don’t you split the bill?’ There is a quick answer to that, and perhaps the shadow Treasurer might like to listen to it: splitting the bill would cost over a billion dollars. The position that was announced by Senator Fiona Nash on Sky News, splitting the bill, would cost more than a billion dollars. That is because the splitting of the bill has all the beneficial measures enacted but has none of the savings measures enacted.

Opposition members interjecting—

Ms GILLARD—Showing how bored they are by economics and how unreal their economic credibility is in the modern age, they are saying, ‘Take it off the pink batts program.’ Of course, we are talking about a permanent change to student income support that would cost more than a billion dollars.

What I am saying to the Leader of the Opposition is: please reconsider your position. But if the Leader of the Opposition does not do that then I would at least ask the Leader of the Opposition to do this. I fear that this playing of politics with students is going to end in a very cruel, cruel joke. I fear that what is going to happen here is that the Liberal Party will play politics with this, will block our measures and will create the illu-
sion that it is prepared to invest a billion dollars extra in student income support and then, when we come to the next election and the opposition is required to produce its figures and costings under the Charter of Budget Honesty, that $1 billion extra investment will melt away. A cruel joke will be played on Australian students: holding out the prospect of an extra billion dollars now, and that billion dollars being snatched away at the election. I would say to the members of the Liberal Party and the National Party who have been genuinely concerned about this matter—and I know that there are some: imagine the position you will be in at the next election if you defeat this legislation, stop students getting money and pretend you are going to give them an extra billion dollars and then at the next election you do not actually come forth with that billion dollars. Imagine the fury of your local constituents then. I ask the Leader of the Opposition to reconsider and to pass this bill. That is what people who care about education are asking him to do, and there is still time.

The SPEAKER—The Prime Minister.

Opposition members—Hear, hear!

The SPEAKER—I mean the Leader of the Opposition. I knew it was going to be one of those days! The Leader of the Opposition has the call. I suppose I am predicting where it is going! Anyway, the Leader of the Opposition has the call.

Home Insulation Program

Mr Abbott (2.36 pm)—I am not getting ahead of myself, even if others are. My question is to the Prime Minister—the current Prime Minister. I refer the Prime Minister to his department’s annual report, which states that his department was ‘instrumental in developing’ the $4 billion Energy Efficient Homes Package. I ask: now that the Prime Minister has accepted responsibility for the home insulation scandal, can he explain the role of his own department in the scheme’s failure?

Mr Rudd—I thank the honourable member for his question. First of all there was a government task force established in 2008 involving multiple agencies in the government to develop a national energy efficiency strategy. That was concluded by about September 2008. It, in fact, recommended to the government a range of programs worth some $2.9 billion. In developing this recommendation, the task force highlighted the cost-effectiveness of ceiling insulation relative to other household energy efficiency measures such as appliance upgrading and double glazing.

As the honourable member will know, when the government considered a range of measures to support the economy in early 2009 this was one of them. The government’s consideration of it was based on that earlier work of the national energy efficiency strategy, in which my own and other departments were engaged.

In further response to the honourable member’s question, the relevant cabinet committee was presented with proposals concerning this program based on that earlier work. I also say that the overall scope of the program was defined through the Office of the Coordinator-General. Furthermore, the specific implementation of the program and risk assessment associated with it was then delegated to the minister and the Department of the Environment, Heritage and the Arts. I am happy to take any further questions on that matter.

Pensions and Benefits

Mr Cheeseman (2.38 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and the Minister for Social Inclusion. What are the consequences for students of the coa-
Division’s continuing refusal to pass the student income support legislation?

Ms GILLARD—I thank the member for Corangamite for his question. I know that, like me, he is concerned that the students we are talking about, who are missing out on scholarships, missing out on relocation scholarships and missing out on youth allowance, are real people. They are real Australians, young Australians, who want to go to university to improve their life chances and life prospects.

I would say to the Leader of the Opposition that he needs to consider the circumstances of these individual Australians. I know that the member for Corangamite is concerned about the circumstance of Wilfred Hawkins. Wilfred Hawkins is a hardworking student living in Geelong, presumably in the electorate of Corio or the electorate of Corangamite. Wilfred Hawkins will be studying science at Melbourne university this year, but if the Leader of the Opposition does not ask his senators—indeed, instruct his senators—to pass our bill Wilfred Hawkins will miss out on the new $4,000 relocation scholarship and student start-up scholarship worth $1,434 next year and $2,254 after that—a real human being who is going to be hurt by the conduct of the Leader of the Opposition.

What will the Leader of the Opposition say to Rachel Durant from the University of Technology? Rachel is president of the Students’ Association. She will potentially benefit from the changes to the personal income test and the new scholarships once the legislation is passed.

Or what would the Leader of the Opposition say to one of my very own constituents: Tonia Bassett. Tonia Bassett’s daughter has to move to Queensland to go to university. Centrelink has advised her that her daughter will benefit from higher youth allowance and new scholarships once the legislation has passed. These are three young Australians who will not get these extra benefits unless the Leader of the Opposition acts and says to his senators that his senators must pass this bill.

Opposition members interjecting—

Ms GILLARD—Of course, as I have raised these individual examples, opposition members, including the shadow minister for education, have called out, ‘Split the bill’. Let me explain it to them one more time: if we split the bill as indicated by Senator Nash on Sky TV, that will pass all the beneficial measures and none of the savings. That is not a one-off cost; that creates an ongoing cost to the student income support system of more than a billion dollars.

I can see the shadow Treasurer is now thinking about this, and I ask him to think this: if his members raise expectations in their electorates that the coalition, despite a track record in government of never having reformed student income support, in opposition is going to invest a billion dollars more in student income support, then I ask the Leader of the Opposition and I ask the shadow Treasurer: are they absolutely guaranteeing they will make good on that promise at the election? That is that the first entry the shadow Treasurer will put in his Charter of Budget Honesty will not be on health, it will not be on tax cuts, it will not be on infrastructure expenditure and it will not be on anything else—the first billion dollars off the top of expenditure he chooses to make at the election will be into student income support. And if there is any chance that the answer to that question is ‘no’—and I think we all know that the answer is going to be no—then it is cruel and it is wrong to hold up paying these benefits to students on the basis that you stand for them getting an extra billion
dollars only to let them down in the election campaign.

There are members of the backbench who have some goodwill on this matter; some of them have individually come to my office for briefings and to talk to me about it, and I accept that they are genuinely concerned. I accept that they were genuinely concerned on the transition matter and we acted on those concerns—the legislation has been amended to address the transition matter that was raised by members opposite, as well as by members of the government, by student organisations and by the education community. That change has been made. Once again I ask those members of the opposition of goodwill: how are they going to feel if they reject this legislation now and they do not produce the billion dollars in the election campaign? What will you say to your constituents if that happens? Think about it, and if you think you are not promising that billion dollars then the right thing now is to pass this bill.

I urge the Leader of the Opposition to reconsider this question. I urge him to genuinely reconsider it. This is not a question of politics; this is a question of actually getting money into the hands of students. I ask the Leader of the Opposition to consider it and I ask the members of the backbench who are full of goodwill: how are they going to feel if they reject this legislation now and they do not produce the billion dollars in the election campaign? What will you say to your constituents if that happens? Think about it, and if you think you are not promising that billion dollars then the right thing now is to pass this bill.

Mr HUNT (2.45 pm)—My question is to the Prime Minister. I refer the Prime Minister to the comments of the South Australian Coordinator-General, Mr Rod Hook, that safety concerns regarding the home insulation program were raised as early as a year ago, in February 2009, including during direct discussions with the Commonwealth Coordinator-General, a deputy secretary in the Prime Minister’s own department. When was the Prime Minister or his office first made aware of the South Australian Coordinator-General’s concerns about safety under the Home Insulation Program?

Mr RUDD—I thank the honourable member for Flinders for his question. In terms of those specific remarks he referred to by the South Australian Coordinator-General, I am unaware of them.

Opposition members interjecting—

Mr RUDD—I am simply saying that I am unaware of them. In response to the honourable member’s question I would say that, as far as the risks associated with the implementation of this program were concerned, firstly, with regard to the cabinet’s deliberations on this matter, in the early part of 2009 an initial risk assessment was done for the cabinet; and, secondly, once a decision was taken, the implementation of the program was then provided to the Minister for the Environment, Heritage and the Arts and the department. The minister, I think, during the course of yesterday and the day before answered a range of questions concerning the risk assessments with which he was presented, both by Minter Ellison and other sources, and the minister’s response to each of those recommendations which came to him from his officers was based on that risk assessment.

Mr Hunt—Mr Speaker, I would ask on a point of order whether the Prime Minister will ask his office to check whether they had been consulted.

The SPEAKER—The member for Flinders will resume his seat. We have had the

Home Insulation Program

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Mr Hunt—Mr Speaker, I would ask on a point of order whether the Prime Minister will ask his office to check whether they had been consulted.

The SPEAKER—The member for Flinders will resume his seat. We have had the
discussion about supplementaries and he knows my response.

Mortgages

Mr SIDEBOTTOM (2.47 pm)—My question is to the Treasurer. Treasurer, what have been the recent developments in home loan funding for smaller Australian lenders?

Mr SWAN—I thank the member for Braddon for his question. Last November I directed the Australian Office of Financial Management to invest up to $8 billion in high-quality, AAA-rated residential mortgage backed securities to further support competition in Australia’s home loan market. Many smaller lenders rely heavily on RMBS to fund their lending by packaging home loans into these securities and borrowing against them. Members would know that the government had previously announced an initial $8 billion in RMBS in late 2008. And just a few weeks ago, I announced a fresh boost to competition, with three non-bank lenders and two smaller banks allocated up to $3.4 billion in year-long pipeline funding for our second $8 billion investment.

The government’s support has been critical to preserving the infrastructure of this very important market which many smaller bank and non-bank lenders depend on to fund their home loans. Last week we saw the evidence of this, with AMP reducing its basic variable interest rate for new home loans by a full 10 basis points and attributing the cut directly to the government’s action. In fact, AMP’s chief executive, Craig Dunn, wrote to me to say:

… this reduction in interest rates has only been possible because of the improvement to the securitisation markets flowing on from the Government’s support.

There is a long way to go yet, but there is no doubt that we have seen some encouraging signs that our support is helping confidence among private investors in RMBS.

Of the $13.2 billion in Australian RMBS issuance in which the AOFM has taken a stake, some 39 per cent of nearly $5.2 billion has been private capital. Mr Dunn in his letter to me said:

… we are also hopeful that we will be further able to reduce our rates in the coming months, as we gear up our operations in light of ongoing improvements in the securitisation market.

In fact, last week, Reserve Bank assistant governor Guy Debelle confirmed that:

… RMBS is again beginning to provide a competitive source of funding, particularly for the regional banks … and non-bank lenders …

It is clear that the government’s direct investment of up to $16 billion in the RMBS market is enabling smaller lenders to lend at competitive interest rates and to maintain a higher level of lending than would otherwise have been possible. But, of course, the global financial crisis has created significant challenges for competition in our domestic banking market. We know that we cannot overcome these overnight, but I think Australians appreciate that we are working hard to support more competition in the banking sector—because, by supporting smaller Australian lenders, our investments are helping place more competition on big banks and downward pressure on mortgage rates.

But we have had some commentary today by the shadow finance minister about levels of debt and about levels of interest rates. The shadow finance minister got himself in another one of his famous tangles this morning—after being released from the ‘witness protection program’, where they have had him for over a week. This morning he actually invented a new economic concept called ‘net debt gross, public and private’. That is a bit like a new winter sport—NRL, AFL and NBL all played at Rod Laver Oval with a ball in the middle. He does not have a clue about what he is talking about. This morning
the shadow Treasurer was asked by a journalist:

Have you heard the term ‘net debt gross, public and private’?

Mr Hockey laughs:

Well, I did today.

Things are getting to a pretty sad state when the shadow Treasurer cannot explain what the shadow finance minister is talking about. Fair dinkum; it is a case of dumb and dumber!

It is not really humorous because the shadow finance minister has an impact: when he speaks many people think he knows what he is talking about. This morning he repeated what was rejected last week by the Reserve Bank governor. He repeated his claim that somehow Australia might default. This is a very serious and irresponsible thing for a shadow finance minister to say. This was the question from the journalist, ‘How serious is the problem?’—the question being debt. This is what Joyce said:

I stand by my belief that if you go on that path, that’s quite evident. If you continue on that trajectory, you are going to get to a point of reckoning. Quite obviously you will get to a point of reckoning.

This is the point that was rejected by the Reserve Bank governor last week. On 19 February, when he was questioned about the previous statements from the shadow finance minister, this is what the Reserve Bank governor had to say:

People in positions of authority and responsibility certainly must be wary of the way they speak. … I think one has to be careful of inadvertently giving false impressions, to be sure.

Joyce went on to say a whole lot of other ridiculous, stupid and damaging things about debt. He went on to talk about private debt and made all sorts of outrageous claims. There is one thing that we must all be aware of: his claims about private debt are a complete condemnation of the record of everybody sitting on the other side. This is the case: he said that he was concerned about what was happening with foreign debt.

Think about this: between 1996 and 2007, the Liberals presided over a doubling in net foreign debt. Under the Liberals, net foreign debt rose from $192 billion in March 1996 to $589 billion in December 2007. In fact, net debt is smaller today under this government than it was when those opposite were in government. What we have here is scaremongering. Consider this: between 1996 and 2007, the Liberals left the nation with a 440 per cent increase in credit card debt, a 280 per cent increase in household debt and a 270 per cent increase in corporate debt. They are out of their depth, they do not know what they are talking about and they are a risk to the economic future of this nation.

Rail Infrastructure

Mr WINDSOR (2.55 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. The minister would recall announcing on 12 December 2008 an amount of $290 million as part of the infrastructure stimulus package to go towards funding a new rail alignment through the Liverpool Range, on the boundary of the New England and Hunter electorates. Could the minister update the House on the spending of that stimulus money and the status of the project?

Mr ALBANESE—I thank the member for New England for his question. I do indeed recall being very proud that day as the government intervened to cushion the impact of the global financial crisis on the Australian economy and on jobs. Part of that was the $1.2 billion that we injected into the Australian Rail Track Corporation—$580 million of that was allocated to the Hunter region. Indeed, at least one of the loop lines
that we announced on that day has already been completed.

With regard to the Liverpool Range, I am aware that the member for New England has a keen and legitimate interest in this issue. As I advised the House in October last year, the ARTC is undertaking this project in close consultation with industry. This is a very complex engineering exercise, and last week the ARTC and industry agreed to undertake further geotechnical investigations to narrow down the alignment options. Those options will be narrowed down to three from the existing six and then the ARTC will go to industry to ask them for their views as to which alignment should occur. That concept assessment report will go to industry by the middle of this year for consideration.

Industry, of course, has an important role to play in this. We fund the ARTC, but the ARTC receives funds from the access fees from private industry. Hence, they not only get the clear benefits but also have a role to play in financing. This will lead to a major increase in productivity once the alignment is chosen. In this regard, there is a fundamental issue of whether you tunnel or whether you go around some of the landscape there. Once those issues are resolved and after we go back to the industry in the middle of 2010, the next step towards construction can commence. I thank the member for his question and I indicate to him, as he knows, that I will keep him fully informed of how this important project proceeds.

**Budget**

**Ms LIVERMORE** (2.58 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. Minister, what support is the government providing to families and pensioners and why is certainty important to these Australians?

**Ms MACKLIN**—I thank the member for Capricornia for her question. She certainly does understand what the government has done and continues to do for both pensioners and families, as we help them with their cost of living pressures. We have already delivered very significant reforms, particularly for pensioners. We have delivered much needed support for more than three million Australian pensioners. It is this government that are going to introduce Australia’s first national paid parental leave scheme—a scheme that will certainly help mums and dad, and their babies. This government also believe that it is very important to target family support like the family tax benefit and the baby bonus.

These are very significant reforms that we have delivered in our two years in government after 12 years of inaction on these very important issues from the former government. Those opposite refused to do anything to increase the pension for 12 long years, even though they knew that pensioners were doing it tough. They also refused to introduce a paid parental leave scheme. We know what the Leader of the Opposition has had to say about that—that paid parental leave would be introduced over his dead body.

It is becoming very difficult to keep up with the policies of those opposite. Earlier this month we had a lot of confusion on one day when Mr Abbott seemed to backflip on his opposition to a paid parental leave scheme only then to flip over again later in the day. There was a front page splash in the *Sydney Morning Herald* saying that he was about to develop a policy—no costings, no detail, but nevertheless he was apparently going to have a policy. Within hours of that being on the front page of the *Herald* he was desperately back-peddling, saying that the paper had jumped the gun.
Today we see more policy confusion from the Leader of the Opposition. Once again in the *Herald*, they seem to have a copy of a very secret plan that would see older Australians working longer to pay for welfare payments to high-income families. This is a shadow cabinet proposal from the member for Warringah:

If a universal family tax benefit payment needs to be fully funded it could be done by further increasing the retirement age.

We already know from the Leader of the Opposition’s book that he wants to increase the retirement age to 70 and the good thing about today is that we now know why. We now know why it is that he wants to see the age pension age increased to 70, because he is saying that under a future Liberal government pensioners would have to work longer so that welfare payments could be paid to high-income families. That would mean that those higher income families would get $4,800 per child per year and that would be paid for by making older Australians work until they are 70. That is the policy of the Leader of the Opposition.

We now know that the Leader of the Opposition is a very serious risk to older Australians. You might think that this is a policy, but instead of that being a clear direction for the Leader of the Opposition we had a comment from a spokesperson saying that no final decisions have been made.

Dr Emerson—it might be 75.

Ms MACKLIN—it might be 75. That was not in the book. The hard thing for pensioners is that they do not know what is going to come out of this Leader of the Opposition. What is the latest policy thought bubble that he is going to come up with? I just say to the Leader of the Opposition: it is time to come clean with the pensioners of Australia and tell them what your secret plans really are for them.

**Home Insulation Program**

Mr ABBOTT (3.03 pm)—My question is to the Prime Minister. Now that the Prime Minister has accepted responsibility for the home insulation scandal, will the government compensate businesses involved in the scheme that have lost tens of thousands or perhaps hundreds of thousands of dollars as a result of relying on his government’s word?

Mr RUDD—I thank the Leader of the Opposition for his question. As the Leader of the Opposition would be aware, when the government announced the cancellation of the program last Friday the minister in his statement indicated that the government would be prepared to provide—or to consider providing—transitional assistance to affected firms. The second point I would say in response to the Leader of the Opposition is that the government accepts fully the direct consequences which flow from its decision on the firms out there in the economy producing these services and in some cases manufacturing the goods as well. Therefore, the challenge for us is to work through the detail of transitional assistance as it would most appropriately apply to firms in different circumstances. I am advised by the minister that he will be meeting with representatives of the industry in the immediate period. I understand further that representatives of the industry whom I met earlier today, one of whom was just now in the press gallery, will be meeting also with the Minister for Employment and Workplace Relations later in the day as well.

The government, as I indicated in my answer earlier today, has indicated its preparedness to assist with workers who have been displaced by this scheme. But I would say again to the Leader of the Opposition that what industry is saying loud and clear is that they want a renewable energy bonus scheme in the future. That is what they want—
continuity of work. We have cancelled this program in order to deal with the safety and security matters which have been raised, and we have indicated our intention to commence a new scheme. However, those opposite, when talking about the interests of businesses or of workers, have to reflect upon what the shadow Treasurer said only today when he refused to provide any level of bipartisan support for such a future scheme. That goes to the heart of the provision of future employment and it goes to the heart of the future work for firms concerned. I say to those opposite that, if they are going to express concerns for businesses and for workers, at least their position on this should be consistent.

National Security

Mr KERR (3.06 pm)—My question is to the Minister for Foreign Affairs. What is the government doing to foster better cooperation in response to international terrorism?

Mr STEPHEN SMITH—I thank the member for his question. International cooperation to counter and stare down international terrorism is of course not just very important; it is absolutely essential, and the white paper published yesterday makes that clear. It makes it clear that the threat to Australia and the international community is ever-present, ongoing and, regrettably, will be a permanent feature of life for the period to come. It is also clear that the threat is evolving.

As a consequence of good international cooperation, Australia already has entered into 14 formal memorandums of understanding, MOUs, on counterterrorism. They are— not in alphabetical order—with Indonesia, the Philippines, Malaysia, Cambodia, Thailand, Brunei, Fiji, Papua New Guinea, East Timor, India, Pakistan, Afghanistan, Turkey and Bangladesh. Members should not assume that the list will end there. As I said, regrettably this will be a feature for some time.

The white paper makes it clear that the threat is evolving. We have had some success through international cooperation against al-Qaeda in Afghanistan and Pakistan. We have also had tremendous success against Jemaah Islamiyah, particularly in Indonesia. But we also know, as a result of security and threat assessments shared by like-minded countries, that the al-Qaeda threat is spreading potentially to Yemen and also to Somalia. As a consequence, we need to ensure that our international cooperation not only persists but also evolves to cover these threats, as we have seen in the case of Yemen and the recent London international conference, and as we have seen in the case of Somalia and the international cooperation for activity off the coast of Somalia that is putting international transport at risk.

Importantly, international cooperation also goes to the sharing of intelligence, the use of data—particularly data relating to known terrorists or terror suspects, or people who are regarded as risks in this context—and also the sharing of technology. We have seen in recent times the United Kingdom, the United States and the European Union move to enhancing the visa applications that they have, requiring biometric data to be included with visa applications. Yesterday in the white paper the government announced that we would move in the first stage to 10 overseas countries where we would, in cooperation with the British—utilising their facilities, their resources and their collection centres—introduce biometric requirements so far as visas are concerned; that is, fingerprints, facial scanning and facial screening. This is a sensible risk minimisation procedure to introduce. I do not think it will end there. Just as we have seen the United States and the United Kingdom introduce it, as we see the
first phase of our introduction, it will not end there.

Ms Julie Bishop interjecting—

Mr STEPHEN SMITH—I made the point yesterday that the government is not proposing—as the shadow minister for foreign affairs in her interjection asks me to do—to list the 10 countries where this will be introduced until such time as the processes have occurred. There are very obvious and sensible reasons, which go to immigration processes and national security, why that should be the case. I see that the shadow minister said in a press release that we should name them because ‘the longer this speculation continues, the greater the potential for offence among some of our key diplomatic and trading partners’. I made it clear yesterday: no-one should assume which countries might be on or off the list, and no-one should assume that there will be, either already occurring or in the future, diplomatic efforts to make sure that nation-states understand precisely what we are doing and the reasons for it.

As the Minister for Immigration and Citizenship has made clear, there are a range of factors as to why a particular country might be chosen in the first stage. One obviously goes to national security, another goes to minimisation of risk and the other obviously goes to where the collection centres that the British hold might be available for use. So people should not assume one way or the other or think that they know more than they do. There are risks associated with the approach adopted by the Deputy Leader of the Opposition and the opposition on this matter. There are risks associated in naming those countries before the processes are ready and available, and the government is not proposing to accept or take those risks.

I take at face value the remarks of the Deputy Leader of the Opposition. She just happens to be wrong on this point and does not appreciate the fundamental risks involved. I was much more disappointed yesterday with reckless and irresponsible comments from the other side which sought to make the point that there was no risk here that needed to be confronted. The statements by Senator Birmingham could only be described as reckless and irresponsible. I am surprised that the Leader of the Opposition has not disavowed them. I have to say that I was very disappointed this morning when I saw the Leader of the Opposition essentially say that the white paper on the international threat from terrorism was a distraction and had been overstated. I am very disappointed that the Leader of the Opposition should say that. When he was asked, at his doorstep, what the basis was for saying that, he referred to a newspaper report. He referred to his daily newspaper clips.

There are very grave risks involved in national security areas in relying upon newspaper clippings rather than the professional and expert advice that we get from the intelligence community and our security officials. There are very grave risks in relying on newspaper reports. The Leader of the Opposition has been offered a briefing on this by officials, including the Director-General of ASIO. My very strong advice to the Leader of the Opposition is that he might want to take that up and rely upon objective, detailed expert advice rather than his newspaper clips.

Home Insulation Program

Mr ABBOTT (3.13 pm)—My question is to the Prime Minister. Now that the Prime Minister has accepted personal responsibility for the scandal around the home insulation program, which has been suspended with the immediate loss of at least 6,000 jobs, to clarify the Prime Minister’s earlier answer today I ask: does the Prime Minister guarantee that
all these workers will continue to receive their existing wages from their existing employers? If not, how will he ensure that they are not harmed by the scheme’s collapse?

Mr RUDD—I thank the Leader of the Opposition for his question, and I say what I said earlier in question time today—

Mr Laming—No worker will be worse off!

The SPEAKER—The member for Bowman is warned!

Mr RUDD—that as Prime Minister I accept full responsibility for government programs—those programs which are judged by the community to be successful and those which are judged not to be successful. Where mistakes are made, our responsibility is to deal with those mistakes rather than to pretend that they do not exist or to push responsibility elsewhere.

The second thing I would say in response to the honourable member’s question is as follows. I outlined before the government’s commitment in relation to each worker. That was part of the insulation worker adjustment package. Let me recap that for his information. The government’s commitment is that each worker will receive one of three things. Each worker will receive support to retain their current job through the transition phase before the new renewable energy bonus program begins. This support will be provided through assistance to business to retain workers through the transition phase in either work or training. Or, secondly, the government will assist displaced insulation workers to find alternative jobs with other employers in other industries. This assistance will be provided through priority employment coordinators, dedicated insulation coordination officers and the resources of the Job Services Australia network. Or, thirdly, where appropriate employment opportunities are not available, the government will ensure that a relevant training place is available to displaced insulation workers.

That is our response to the problems which have arisen with the implementation of this program. I think some in this chamber would find the position of the Leader of the Opposition to be ironic. He is the former minister for industrial relations and one of the, shall I say, strongest advocates of Work Choices in the past and in the future—a system of industrial relations that had something to say about basic conditions, including redundancy payments. Can I say that the Leader of the Opposition should reflect on the consistency of his position on the broader protection of workers’ rights.

**Emissions Trading Scheme**

Mr BEVIS (3.16 pm)—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change. Why is an emissions trading scheme the most economically responsible way to combat climate change?

Mr COMBET—I thank the member for Brisbane for his question. The Carbon Pollution Reduction Scheme legislation is in the Senate and facing obstructionism and delay yet again from the opposition. It is timely to remind the House how important it is that we pass this legislation, given the threat that climate change represents to our environment and our economy. The simple fact of the matter is that if we want to reduce carbon pollution at the lowest cost to the economy then we need an emissions trading scheme.

That is why Reserve Bank board member Mr Warwick McKibbin as recently as last week said, ‘You need to get a carbon price into the economy.’ It is also why Peter Shergold, who headed up the Howard government’s own emissions trading task group, said yesterday on ABC Radio National:

… the most effective way to drive change, we know, is when you’ve got a clear price signal.
It is widely accepted by all reputable economic commentators that emissions trading is the best mechanism for reducing emissions. The coalition have turned their backs on an economically responsible approach to this issue. We know their direct action plan will not work; emissions will increase. It will cost more. It will have a greater fiscal impact than they have stated. It will make taxpayers pay, not the emitters of carbon pollution. All the costs will be on the budget, with no compensation to pensioners or households. It is also unfunded. You can understand, to return to Mr McKibbin’s interview, why he has said that he is not a big fan of the coalition’s direct action approach. The coalition have no credibility on this issue. Their policy is economically irresponsible. It is environmentally unworkable and, as we know, the sceptics in the coalition are running the show. We know that the Leader of the Opposition says that the climate science is ‘crap’. We know the opposition in the Senate thinks it is all a left-wing conspiracy. Today, again, they are instituting delaying tactics. Senator Abetz is well known on this issue—for thinking that weeds pose a greater challenge than climate change. He now wants to refer this off to another committee of inquiry, which will, I think, take us to the 16th inquiry into how we should deal with climate change. It is all delay; it is all obstructionism. It is economic irresponsibility from that side. It is environmentally unworkable. With such an important reform, where we need the certainty for the business community about how a carbon price is to be achieved, and it is clearly in the national interest, it is time for the opposition to seriously rethink their position and to support this legislation in the Senate.

The legislation, it needs to be borne in mind, reflects the agreement that was reached between the government and the coalition just several months ago, and we know that many senators, members of the coalition, support the legislation and support the deal. The Leader of the Opposition has made the point in fairly recent times about the importance of the Liberal Party allowing people to follow their consciences and vote in favour of what they believe. Here is an opportunity: support the CPRS in the Senate. Let us make this important reform and do what is necessary environmentally and what is responsible economically.

Home Insulation Program

Mr ABBOTT (3.20 pm)—My question is to the Prime Minister. Now that the Prime Minister has accepted personal responsibility for the home insulation scandal, can he tell us by what date the inspections of the 48,000 homes insulated with foil, and potentially electrified as a result of his failed Home Insulation Program, will be completed?

Mr RUDD—I thank the honourable member for his question. In answering his question, I will begin by adding to an earlier answer which, I think, was asked by the member for Pearce concerning inquiries from the general public. The advice I have just been provided with by Centrelink, via the Minister for the Environment, Heritage and the Arts, is that up to 2 pm today, 24 February, there have been 568 calls from the public with six calls abandoned and an average speed of answer of 14 seconds. We will seek to update members with further data on that. For the further information of those opposite, on the question of calls from employees, the number of calls to 2.30 pm was 3,124, with 68 calls abandoned and an average speed of answer of 76 seconds. As the minister has already advised me, we will seek to improve that in the manner I stated earlier today in response to the question from the member for Pearce.
The first part of my answer, just then, went to the public’s legitimate concern about ceiling insulation. I also draw the honourable member’s attention to the arrangements which the government has put in place. Let me just go through them. Firstly, the government has said that, for houses which have had insulation installed under the Home Insulation Program, we are prepared to check as many as necessary. The government will expand its current targeted risk based audit and inspection program to 15 per cent of homes with non-foil insulation installed under the Home Insulation Program.

Secondly, I say to the honourable member that, when it comes to the execution of those inspections, the arrangements are along the following lines. If households have had insulation installed under the Home Insulation Program and they have concerns and their original installer has qualified for reregistration under the program, in the first instance it will be recommended that that installer check that work. If, however, the consumer or the householder objects to that then of course the government would step in and provide an inspection by another party, not that original installer. That is the second point I make in response to the honourable member’s question.

The third point is that when it comes to the reregistration of installers, all installers, in order to participate in this program, will be required to reregister. They will need to show evidence of meeting the training and skills requirements stipulated by the minister as well as to provide certified quality assurance and occupational health and safety plans.

The other thing I would say in response to the honourable member’s question relates to the industry as it existed before. Many concerns have been raised about the relative connection between foil insulation, in particular, and household safety and, more broadly, between insulation and household safety. Prior to the implementation of this program—this is for the information of honourable members—I am advised that the average number of annual installations in the retrofitted insulation industry was between 65,000 and 75,000 a year. I am further advised that, under those circumstances, in the year 2008 there were some 83 fires in three states—New South Wales, Victoria and Queensland. That was prior to the implementation of this program. I draw the honourable member’s attention to the data provided by the minister earlier this week. With more than one million households being currently installed, 87 fires have been linked to the installation of insulation under the Home Insulation Program. Those are the facts as I have been advised and as have been presented. We will therefore continue with the implementation of the inspection regime which the honourable Leader of the Opposition has asked me to detail.

RUDD GOVERNMENT
Suspension of Standing and Sessional Orders

Mr ABBOTT (Warringah—Leader of the Opposition) (3.25 pm)—I seek leave to move a motion of censure on the Prime Minister.

Leave not granted.

Mr ABBOTT—I move:
That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately:

That the House:
(1) notes that the
(a) Minister for the Environment has failed repeatedly to answer vital questions regarding when he was warned of critical safety flaws inherent in his Home Insulation Program; and
(b) Prime Minister has failed to require the Minister for the Environment to provide...
(2) acknowledges that the Senate has censured the Rudd Government for its failings, including in connection with the Home Insulation Program, but that the Government has suppressed debate on the Senate resolution in the House; and

(3) censures the Prime Minister and Government for failing in their responsibilities in the management of this program, for their failure to provide information reasonably sought in the House and for failing to abide by the doctrine of ministerial responsibility that is the bedrock of our Westminster system.

What we saw from the Prime Minister today was a Peter Beattie moment. The Prime Minister may not be much of a Queenslander, but he has learned this much from the former Queensland Premier: when your government has got it seriously wrong, you say, ‘Yes, we created the mess and here I am—I will fix the mess.’ In fact, if it were not for the fact that he probably would have drowned in the attempt, I half-expected to see the Prime Minister in a fish tank with the sharks—so much has he stolen today’s tactic from the former Premier of Queensland.

Today the Prime Minister has said—drawn right from the Peter Beattie playbook—’The government has to lift its game.’ This is the government which has left 48,000 homes potentially electrified. This is the government which has a program that installed dodgy insulation in 240,000 homes across the country. This is the government which has suspended a program and left at least 6,000 workers without the guarantee of employment and 7,000 businesses without the guarantee of business. This is the government whose program has led to four deaths. And what does the Prime Minister say? He says, ‘The government will lift its game.’ This is a government which is so determined to lift its game that the same minister—the same allegedly first-class minister who created this disaster and these tragedies—has been left in place.

You cannot trust a government to lift its game when it leaves in place the minister who is responsible for this disaster and this tragedy. I ask the people of Australia to weigh what the Prime Minister has done today. He has said that all the workers involved in this scheme will either keep their jobs or keep their wages, but he has not said how. He has said that all the businesses which were involved in the scheme will continue or will be compensated, but he has not said how. He has said that all the 240,000 houses that might have been badly insulated—in particular, all the 48,000 houses with foil insulation that is potentially electrified—will be inspected and fixed, but he has not said how and he cannot say when.

What, essentially, we have from this Prime Minister is a big ‘trust me’. That is what we have had. But why would you trust this government, which have created the problem, to solve the problem, especially when they have shown so little remorse, so little contrition, so little human emotion that they refuse to apologise and they refuse to remove the minister who is responsible for this disastrous and tragic program? I hate to say this of the Prime Minister, but the secretary of the Department of the Environment and Heritage at least had the decency to apologise for this disaster, and she has shown more compassion, more decency and more human understanding than the minister and the Prime Minister, two members of this parliament who have demonstrated by their conduct throughout this business that they just do not get it. They just do not understand the scale of the disaster for which they are responsible.
Where are we left now? Plainly, the Prime Minister has decided that the minister for the environment is indispensable. Plainly, he has decided that the minister for the environment is so politically important for the government that he cannot possibly be sacked, no matter how deep and desperate his incompetence. So what we have had is the Prime Minister say, ‘I take personal responsibility for this,’ because the Prime Minister is the only person in the government who cannot be sacked. But as a result of all of this the government has sustained serious damage. The people now understand the true nature of the Rudd government. It is a government that cannot deliver. It is a government which tried to deliver one million home insulations and in fact has got at least a quarter of them monumentally wrong. This is a government which could not even deliver free insulation, let alone run the country. They could not even give these batts away successfully, let alone run the country.

This is also a government which does not listen. We had all sorts of blather, all sorts of equivocation. It is no wonder the Prime Minister is called by members of the public ‘Prime Minister Blah Blah’. Anyone listening to the Prime Minister’s explanation today would know exactly why attendees at the community cabinet in Victoria the other day were so disappointed. This is a government which does not listen. We know the Prime Minister will not properly disclose or admit that the government received repeated warnings that this was a scheme that would lead to disaster. This government was too arrogant and too out of touch to listen to the people who know what they are doing in this sector and who for years had avoided the kinds of problems which are now endemic in homes across Australia.

It is a government which cannot be trusted with money. We know from none other than the finance minister himself that they did not care about the disasters that were taking place in 240,000 ceilings across Australia. They could not be bothered with dotting i’s and crossing t’s. They just had to shovel the money out in order to avoid a recession. We all know that not only was this a monumental waste of money but it was a terrible tragedy for workers, for families and for the 240,000 households throughout this country who do not know whether their house is safe, who do not know whether they can enter their roof.

It is a government that cannot be trusted to keep its word. Here are thousands of workers and thousands of businesses which made life-changing decisions, which invested tens—sometimes hundreds—of thousands of dollars of their money on the word of this government. They now know that if it ever suits the political convenience of this government to scrap its word, to walk away from its commitments, it will do it. This is a government and a Prime Minister who simply cannot be trusted.

But above all else what we have learnt from this is that this is a government that has no integrity. This is a government which has torn up its own code of ministerial conduct, which is no longer worth the paper that it is written on. Let me just read a definition of ministerial accountability from the Prime Minister. He said:

Ministerial accountability means … that–that they should be responsible to the Parliament for their actions … be responsible for the operation of their department as well … And that is a core principle of Westminster and a core principle, I believe, of restoring Westminster.

That is what he said in opposition. That is what he has completely abandoned in government. This was a politician who built his career demanding the resignation of ministers who had done nothing wrong, let alone
potentially damage the lives of 240,000 people. Then he said:
As a member of this parliament, I cannot understand how ministers can stand at this dispatch box and seek to exonerate themselves of responsibility for the damage they have done to the good name of this country.
Well, his minister has not damaged the good name of this country. He has damaged the lives and the welfare of 240,000 Australians. He should be sacked and the government should be censured.

Ms JULIE BISHOP (Curtin) (3.35 pm)—I second the motion. After weeks of the controversy that has engulfed the Minister for the Environment, Heritage and the Arts in one of the worst public policy scandals that many seasoned political operatives have ever seen in this country—worse than anyone can recall in decades—we have a Commonwealth program failure that has no peer in the memory of political commentators. This government’s program is a scandal that has resulted in 240,000 homes considered to have dodgy insulation; 48,000 homes considered to be at risk; 6,000 people out of a job; about a thousand homes considered to be live, considered to be electrified at present; 165 house fires, according to the most recent emergency services report; and four tragic deaths of young men and boys.

After weeks of this controversy, yesterday the Prime Minister said that he was responsible for this disastrous program. He said he accepted responsibility for the failings of this program. But those who know this Prime Minister, those who have watched this Prime Minister over the last two years, know what he was actually saying. He was not accepting responsibility for this program. We know he actually does not believe it is his responsibility. It is not because he is a noble person. It is not because he is a man of conscience. It is not because he was graciously trying to take the rap for the minister for the environment.

It is not because he is contrite for what has happened. It is not because he wants to say sorry to the families of those four boys. It is because he is thumbing his nose at the Australian people. He is saying: ‘I’m the Prime Minister. I’ve taken responsibility. So what? What are you going to do about it?’ That is what he said to the Australian people yesterday. He is thumbing his nose at the Australian people.

Such is the arrogance of this Prime Minister that he thinks he can get away with it. He thinks he can get away with a program like this, which has cost lives, has put thousands of homes and people at risk and has cost thousands of dollars of taxpayers’ money already. And they want to throw more after this disastrous scheme. He thinks he can get away with this, one of the most incompetent and scandalous examples of maladministration that this country has seen. This parliament must censure the Prime Minister and the government for the comprehensive failure of a government policy, with such devastating consequences.

What many Australians will find as disturbing and as offensive as the government’s failings are the double standards and sheer hypocrisy of this Prime Minister. When he was seeking election to the high office of Prime Minister before the 2007 election, he claimed he would usher in a new era of ministerial accountability. He said to the media:
I am determined to re-establish a functioning Westminster system in this country along those two principles—that is ministerial responsibility and the independence of the public service.

He has now demonstrated a contumelious disregard for the Westminster system of ministerial responsibility by refusing to hold the minister for the environment responsible for a program that has left thousands of Australians negatively affected. They have lost jobs. Businesses have lost work. They are
left with unused stock and vehicles. People are worried sick that their home has been subjected to shoddy insulation that will result in a house fire—maybe not this year, but what about next year or the year after? Electricians are refusing to become involved in this scheme. Where are the assessors who are going to give people the peace of mind that they need to be assured that they are safe in their homes? There have been 165 house fires. Who would leave their home if they knew that one of those shoddy installers had been there but the government had not yet assessed the risk? People are worried sick. They cannot sleep. Yet the Prime Minister ignores their concerns.

Mr Speaker, remember the fanfare about this Prime Minister’s code of ministerial conduct? He said:

The Australian people are entitled to expect the highest standards of behaviour from their elected representatives in general and Ministers in particular.

He said:

Ministers must accept the full implications of the principle of ministerial responsibility. They will be required to answer for the consequences of their decisions and actions …

This Prime Minister and this minister must answer for the consequences of their decisions and actions. We censure the Prime Minister. (Time expired)

Mr Rudd (Griffith—Prime Minister) (3.41 pm)—As I said earlier in question time today, it is important that we deal with the serious matters which have arisen as a consequence of the government’s decision to cancel the Home Insulation Program. What I have sought to do in the parliament today is to go through a range of those measures, which go to, firstly, assistance for insulation workers; secondly, possible assistance for business; and, thirdly, a checking process for homes where insulation has been installed. The government’s information service has received a number of telephone calls on all of these practical matters.

I say in response to the honourable members who have moved this motion that the critical thing when it comes to dealing with industrial safety is to make sure that you engage in the most effective measures possible to try and reduce risk. In Australia each year we suffer more than 300 deaths in industrial accidents. Each one of those deaths is one too many. I am advised, for example, that between 2000 and 2008 there were something like four deaths in the home insulation and retrofitting industry, and they are four deaths too many. The four young lives which have been lost so far are four deaths too many. The 138,000 industrial accidents and injuries that we have each year in this country are 138,000 too many, as are all forms of other industrial accidents, including those that occur when people undertake do-it-yourself repairs to their homes. I was speaking to various members about the deaths which occur each year from do-it-yourself repairs, and I am advised some 50 die each year in Australia from those sorts of accidents. Any loss or injury which occurs through industrial accidents is to be regretted by all members of this place. Therefore, we must act appropriately to ensure that we minimise risk in all workplaces.

When it comes to assistance to insulation workers, the government today has outlined a large number of quite specific measures. The Deputy Leader of the Opposition asked: what does it mean when you accept responsibility and then do nothing? I simply say to the Deputy Leader of the Opposition that following the statement I made yesterday was a detailed statement concerning the 6,000-plus workers who work in the home insulation industry, a number of whom I had a conversation with earlier today. What we put out today in terms of the content of the
isolation worker adjustment package is a
direct response to us acknowledging our re-
sponsibility in terms of the decision to dis-
continue the Home Insulation Program. The
Deputy Leader of the Opposition asks the
question: what does it mean to accept re-
sponsibility? I believe all leaders of govern-
ment, if they are accountable for the entire
programs of their government, should as a
matter of principle publicly acknowledge
that fact and say that they are answerable to
the parliament and the people at large for the
things that go right, the things that go wrong,
the good news, the bad news and, therefore,
those things that need to be changed.

Based on that and the statement I made
yesterday and consistent with earlier state-
ments made by the minister, we advance the
specific assistance for insulation workers
package which was outlined. Further, the
Leader of the Opposition says that the meas-
ures announced by me today are non-
specific. In response to what he has said let
me again, for the benefit of the House and
for those listening to the debate, go through
the measures.

Mrs Bronwyn Bishop interjecting—

The SPEAKER—Order! The Prime Min-
ister will be heard in silence.

Mr RUDD—The government’s commit-
ment is that each worker will receive support
to retain their current job through the transi-
tion phase before the Renewable Energy Bo-
nus Program begins. This support will be
provided through assistance for businesses to
retain workers through the transition phase in
either work or training. I say to the Leader of
the Opposition: what is non-specific about
that?

I think that those opposite appear to be
disappointed by the nature of the specific
response which the government has provided
to the workers who have been affected by the
government’s decision. Secondly, I say that
the other part of what the government has
announced today as part of its $41.2 million
isolation workers adjustment package is as
follows. The government would assist dis-
placed isolation workers in finding alterna-
tive jobs with other employers in other in-
dustries. This assistance will be provided
through priority employment coordinators,
dedicated isolation coordination officers
and resources to the Job Services Australia
network.

Mr Abbott interjecting—

Mr RUDD—The Leader of the Opposi-
tion interjects again, ‘Name them’ and ‘What
is all that about?’ I simply say in response to
the Leader of the Opposition’s question: if he
looked at the detail of the government’s
Compact with Retrenched Workers, the spe-
cific provisions which flow from that also
apply to the workers who have been affected
in this industry. He asked specifically about
isolation employment coordinators; I draw
his attention to the $1.5 million which will
be dedicated to the 25 locations which we
intend to fund to assist with those individual
workers who have been affected by this pro-
gram.

The third measure which I outlined today
was that which flows from an inability to
secure either the first or the second measures
that I referred to above—that is, where ap-
propriate employment opportunities are not
available, the government will ensure that a
relevant training place is available to dis-
placed isolation workers. That is to help
those workers transition to more permanent
employment in the future, given that the
Home Insulation Program itself was de-
signed as a temporary program. If the Leader
of the Opposition is asking for further speci-
cicity on that, I draw his attention to these
points. They are as follows: the government
has announced 7,000 training places for insu-
lation workers; 2,000 apprenticeship access
places; 2,000 places in the language, literacy and numeracy program; and 3,000 further training places to retrain insulation workers in alternative industries.

Mr Pyne interjecting—

Mr Rudd—The member for Sturt interjects, ‘Why is it relevant to have a language and literacy program?’ The member for Sturt should be familiar with the fact that many who work in this industry report back from many who have been employers in this industry in terms of securing long-term transition into a permanent job, and they say they would benefit specifically from that program. That is why we are doing it.

The Leader of the Opposition asked for details on each of the three elements that I have announced today. They are the details and I provide them to him for his information. I also draw the attention of the Leader of the Opposition to the following. This concerns the incidence of fires which have occurred in this sector over a period of time. I also draw the honourable member’s attention to the fact that in 2008, against an industry that at that stage was rolling out something in the vicinity of 50,000 to 75,000 retrofitted insulations each year, the number of fires was, I am advised, something in the order of 83. The number of fires that we have had reported to us concerning the current program relate to something between 80 and 90. That is against an overall insulation rate of some one million plus across the Australian nation. Therefore, what I am saying is that, on the question of risk associated with industry, it existed before. I also say that that risk also needs to be appropriately managed in the future. That is the point that I draw to the attention of those opposite.

I also say to the Leader of the Opposition that the question that was posed by him and the Deputy Leader of the Opposition concerning the doctrine of ministerial account-

ability goes to the question of ministers, firstly, appropriately informing themselves of risk management as associated with the implementation of a government program and, secondly, taking departmental advice and acting on it in terms of the best way to mitigate that risk. I have listened very carefully to what the minister for the environment has said about his actions on this matter and, based on the evidence before me, I can simply say that the minister has (1) sought to apprise himself of those risks and (2) has acted in accordance of the advice which has been provided by his department in terms of the management of that risk.

I also draw to the attention of the Leader of the Opposition the following. The minister’s actions resulted in, firstly, the first national skills requirements for installation contractors; secondly, the department work with state and territory governments and registered training organisations to put the first accredited training course for installers in place; and, thirdly, for the first time, the Commonwealth program brought in new OH&S standards by requiring that every person installing ceiling insulation had conducted OHS training evidenced by an OHS induction card. These are three standards or measures which did not exist under the previous government in relation to this entire industry. They are the specific measures which the minister implemented in order to respond to the advice provided to him by his department.

I conclude where I began. The government accepts responsibility for the implementation of the program. I furthermore say in response to the Leader of the Opposition that that is why we have announced today specific measures concerning the workforce. The government intends to get on with the job. (Time expired)

Question put:
That the motion (Mr Abbott’s) be agreed to.

The House divided. [3.55 pm]

(The Speaker—Mr Harry Jenkins)

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<tr>
<th>AYES</th>
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AYES

- 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.
- Haase, B.W.
- Hawke, A.
- Hockey, J.B.
- Hunt, G.A.
- Jensen, D.
- Keenan, M.
- Ley, S.P.
- Macfarlane, I.E.
- May, M.A.
- Morrison, S.J.
- O’Dwyer, K.
- Ramsey, R.
- Robb, A.
- Ruddock, P.M.
- Scott, B.C.
- Slipper, P.N.
- Somlyay, A.M.
- Stone, S.N.
- Tuckey, C.W.
- Vale, D.S.
- Wood, J.
- 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.
- Macklin, J.L.
- McClelland, R.B.
- McMullan, R.F.
- Murphy, J.
- Neumann, S.K.
- Owens, J.
- Perrett, G.D.
- Price, L.R.S.
- Rea, K.M.
- Roxon, N.L.
- Saffin, J.A.
- Sidebottom, S.
- Snowden, W.E.
- Swan, W.M.
- Tanner, L.
- Thomson, K.J.
- Turnour, J.P.
- Zappia, A.

* denotes teller

Question negatived.

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

Mr Hunt—On a point of order, I ask whether the Prime Minister will be returning to give information as to whether his office did receive information from the Coordinator-General.

The SPEAKER—There is no point of order.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.58 pm)—Documents are tabled in accordance with the list circulated to honourable members earlier today. Details of
the documents will be recorded in the *Votes and Proceedings*. I move:

That the House take note of the following documents:

Innovation Australia—Report for 2008-09.

Ministerial statements—Ensuring access to Australia’s National Archives—Senator the Hon. Joe Ludwig, Special Minister of State—23 February 2010.

Treaties—Bilateral—

Explanatory statement—2010 No. 1—


Text, together with national interest analysis—


Debate (on motion by Mr Hartsuyker) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Higher Education

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

The failure of the government to ensure equal access to higher education for all Australians.

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

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

Mr PYNE (Sturt) (3.59 pm)—The coalition is in favour of equal access to higher education for all Australians, including rural and regional Australians, and we are in favour of the new Commonwealth scholarships, but we are opposed to disadvantaging rural and regional Australians. The minister has handcuffed the new Commonwealth scholarships to denying rural and regional Australians access to youth allowance, and we cannot support this and will not support it. The minister is holding students hostage so that she can satiate her own ego at getting a win over the opposition. It is juvenile, it is pathetic, it is sad and it is what we have come to expect from the Minister for Education. If she really cared about students, she would do more than just point-score: she would pick up the phone, she would offer to talk, we would sit down and we would negotiate. But she has not. I have offered and she refuses.

This minister is a failed minister. She has failed to deliver computers in schools; she has failed to deliver trade training centres; she has failed to deliver childcare centres; she has failed to avoid blow-outs, waste and mismanagement in the memorial school halls program; and she has failed to deliver new Commonwealth scholarships. And now she has failed to deliver reforms to youth allowance. Her crowning achievement for which she hopes to be remembered is that she has established a website, My School. I have a feeling that she will go the same way as the other ministers whose crowning achievements have been websites—GroceryWatch and Fuelwatch.

This minister owes students, particularly in rural and regional Australia, an explanation for why she could have passed this legislation last year and why no student should be waiting on their scholarships or their youth allowance, but instead, in insisting on handcuffing the Commonwealth scholarships
to the youth allowance reforms, she has denied students the opportunity to receive scholarships and new youth allowance.

This bill hurts rural and regional Australians, and let me explain why. To satisfy the work participation test to access the independent rate of youth allowance, students in rural and regional Australia will need to work 30 hours a week for 18 months in a two-year period in order to qualify—in order to meet the work participation test. Where on earth in country Australia are rural and regional Australians going to find that kind of work?

Our side of the House truly represents rural and regional Australia. The vast majority of seats in rural and regional Australia are held by the coalition, and we have a large representation of members from country Australia. They understand that rural and regional young people will not be able to get those kinds of jobs, which means they will either have to leave home to qualify for the independent rate—so defeating the purpose of the independent rate of youth allowance and the purpose of trying to get country people to go to university and go back to the country to work—or simply not go to university.

Students from country Australia are already a disadvantaged group of people when it comes to higher education. They are underrepresented at universities. This is only going to make the situation much worse, and their parents—the parents of young Australians in the country—know this and have been contacting our members by email, by phone, by visits, through rallies and through letters, saying, ‘Stand up for rural and regional Australia.’ But this minister turns a hard face to those Australians and says: ‘We’re not going to change. We want to get a tactical win over the opposition. We want to make them back down.’ Well, Minister, the livelihoods of Australians and their higher education dreams are much more important than your eggshell-like ego, and I can tell you that we are going to stand up for rural and regional Australia and we are going to split the bill in the Senate. We are going to move to split the bill so that Commonwealth scholarships can be paid and so that youth allowance can be dealt with as a reform on its own.

Do not just take my word for it, Minister. Your own Labor Party chair of the Education and Training Committee in Victoria, Geoff Howard from Ballarat, said of the changes in his introduction to a report that they handed down last year:

… the Committee … is concerned that the specific circumstances of rural and regional young people still have not been adequately addressed. Already, many such students defer their studies to meet eligibility criteria for income support and this route to financial independence is set to become even more difficult under the new system.

He went on to say:

… the Committee believes that the removal of the main workforce participation route will have a disastrous effect on young people in rural and regional areas—

and that the changes—

… will have a detrimental impact on many students who deferred their studies during 2009 in order to work and earn sufficient money to be eligible for Youth Allowance.

There are others who understand what is really going on in country Australia, like the Isolated Children’s Parents Association, who wrote to the minister saying:

Where will some students residing in rural and remote Australia find full time jobs for a two-year period? The short answer is they won’t.

The Country Education Foundation of Australia, representing 38 local education foundations across rural Australia, wrote again to the minister saying:

Anyone who has spent any time in rural communities will understand that for the vast majority,
providing part time or full time jobs for unskilled youth in the numbers required will be impossible. Impossible, Minister. ‘Anybody who has spent any time in rural Australia would know,’ is what the Country Education Foundation of Australia said.

But, of course, the minister does not spend any time in country Australia. She simply takes the advice of her department in the same way as she did on trade training centres, on computers in schools, on the memorial school halls and on the childcare centres, because this minister is incapable of actually delivering a program or a reform. Even the My School website collapsed on the first day, and the minister tried to convince people that eight per cent of the Australian population had tried to access it between 1 am and 7 am. It was an absolutely ludicrous claim from a minister who is becoming a laughing-stock in education.

It is not just the Labor Party in Victoria that has criticised and damned the government’s plans, or the Isolated Children’s Parents’ Association or the Country Education Foundation of Australia; it is average individual Australians in country areas. Even today, Karen emailed me, saying:

The 2008 group will become eligible under the current independence test scheme in about six weeks, and to change it now seems grossly unfair. They have been waiting for an outcome for nearly 18 months now. All the best in sticking to your points and getting a better deal for rural and remote students.

People know that this side of the House understands and cares about rural Australia and they know that the minister does not.

The bill is retrospective as well in its effect. Over 25,000 young people have had the goalposts moved on them during their gap year. The minister simply says to those people: ‘Stiff cheese—you’re going to miss out. We’re going to go ahead with our youth allowance reforms regardless.’ Not only is she holding a gun to rural and regional Australians, saying, ‘You won’t get your Commonwealth scholarships unless the coalition supports us,’ she is also saying to those people in their gap year—those at least 25,000 who still miss out—‘Stiff cheese; we’re not doing anything for you. The plans you made for higher education and the reason you took an 18-month gap year so you could qualify for the youth allowance, we’re just going to change that.’ It is a fundamental principle of law and regulation that if someone relies on the laws or regulations at the time, they should be able to rely on those laws into the future. They should not have the goalposts changed on them in the middle of that reliance.

The coalition has moved amendments in good faith to fix these problems. We moved them last year and the government rejected them. The Senate passed them, they came back and the government rejected them again. That is why we are in this position where in February—almost March—tens of thousands of students have been made worse off by the government and its intransigence, and the minister who refuses to negotiate.

We have moved the amendment to begin the new program on 1 January 2011. That amendment would remove the retrospectivity from the bill and mean that no-one in their current gap year would be worse off as a consequence of the government’s changes. The government rejects that. We have moved amendments to make pathways for rural and regional students to get to higher education; to change the thresholds to put them back in the position they would have been in if these youth allowance reforms had not been proposed. In other words, to return the work participation test to 15 hours rather than 30 hours, which will mean they will be able to access the independent rate of youth allow-
The minister likes to blather on about some idea that came up in a Senate committee, which she insists, in true Comical Ali mode, is somehow the opposition’s policy. The media do not buy it and the public know it is not true. We have actually proposed as part of our amendments a $696 million savings measure by reducing the start-up scholarships from $2,255 to $1,000: new scholarships and new money—not taking money away from students but money they have never received before. That $696 million savings measure would pay for all of the amendments that the opposition has proposed. Our amendments are revenue neutral; they punch no hole in the government’s budget. If the government rejects them, then they are the ones who are punching a hole in their own budget bottom line and they will wear it.

We will move all those amendments again in the Senate, but we will also move amendments to split the bill into the new Commonwealth scholarships bill and the youth allowance reforms. We warned the minister in May last year and throughout last year that linking the new Commonwealth scholarships—handcuffing the Commonwealth scholarships to the youth allowance reforms—would meet with disaster, and that is exactly what has happened. Either today or tomorrow we will move to split the bill, and I hope we will have the support of Senator Xenophon, Senator Fielding and the Greens. We are negotiating with them because they have already all indicated that they believe the bill should be split.

It will then be in the government’s court to decide whether young Australians get paid the new Commonwealth scholarships, because that split bill will come back to the House of Representatives and that is going to be the true test for the Minister for Education, Employment and Workplace Relations. That is when the iron will really hit the fire; that is when she is going to have to decide. The acid will be on her to decide whether young Australians should get those new Commonwealth scholarships or whether she will rip them away from them.

The split bill will be supported by the coalition in the Senate and then we will deal with our amendments to the youth allowance reforms, because we believe our amendments put rural and regional Australians in a position where they will have a pathway to university which the government is currently denying them. We will unhandcuff the two measures and we will not allow the government to hold students hostage to the minister’s ego. We will propose our savings measures again so that the changes are revenue neutral. If the government opposes splitting the bill, and if the government insists the bill be kept together, then it will be the government that is playing politics.

Let me finish with Lisa, of Shepparton, who also emailed me just today:

Well done in standing firm on youth allowance. Everyone seems to have forgotten what this is all about. We have lost the mechanism used by thousands of country students to get a tertiary education. The sliding scale of the proposed arrangements means a pittance for all but the poorest students. Certainly those students should be catered for, but the reality is that most of the doctors, nurses, accountants, teachers and lawyers who service regional Australia will come from the ranks of ordinary middle-class people, who now face an uphill battle to keep kids at uni at an average annual cost of $20,000 a year.

Lisa has summed it up entirely. The government’s reforms are going to disadvantage and hurt rural and regional Australians. We will not support them in their current measures. We will support the new Commonwealth scholarships and we will split the bill.
If the government insists on keeping them together, with the support of the Senate we will vote them down and it will be on the minister’s head.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (4.14 pm)—What I am going to seek to do in my reply is take the politics out of this debate and introduce some very, very simple facts.

Opposition members interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for Sturt was heard in silence.

Ms GILLARD—I do note that the shadow minister was heard in silence. For those who are genuine about this debate, as opposed to those who want to interject with their politics, I will make some facts clear. The facts are these. We inherited a youth allowance system that saw the participation rates of country students go backwards whilst money was being paid to students living at home in metropolitan Australia in families earning $200,000 and $300,000 a year. It was not right. We were advised by Denise Bradley, as part of the Bradley reform process for higher education, to fix this inequity. We introduced legislation at the time of the budget last year to do just that.

I freely acknowledge that the legislation in its original form caused great anxiety for students caught in the transition—that is, students who had already proceeded on a gap year before the date of the budget and who were seeing that their arrangements would be disrupted by the new rules. I freely acknowledge that. So we went on a process of consultation, and I note that the Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water, who is at the table with me—a member who represents regional Australia—was one of the members on this side of the House who was involved. I note that the member for Cunningham, sitting in the House at the moment, was certainly involved, as were the members for Ballarat and Bendigo. They came and spoke to me and said that we needed to address this. At the same time, I freely acknowledge that there were coalition members who raised this issue with me and there were senators who raised this with me.

I understand that that was an issue causing anxiety in rural and regional Australia, and the bill has been amended. We firstly amended it for students who would have made their arrangements to go on a gap year and who need to move away from home in order to study. We amended it. Then, in the course of Senate negotiations involving the Greens and Senator Xenophon, we amended it further. Now the transition arrangements for the students who were on the old rules—those who had made their arrangements before the date of the May budget—have been expanded to gap year students who live at home with families with an income of less than $150,000. So let us just acknowledge this. Yes, there was a problem with the transition. The bill has been amended—

Opposition members—But not fixed.

Ms GILLARD—I did not yell out at the shadow minister, so I would be thankful if those opposite would actually listen—and, if they want to come and put a view to me, I would be very happy to hear it. The bill has been amended so that students who would have made their arrangements before the announcements in the May budget and who need to move away from home to study have had their arrangements fixed. Now, the present version of the bill fixes arrangements for students who do not need to move away from home to study but who live with families with incomes of less than $150,000 a year. So transition has been fixed, apart from
a class of students who live at home in families earning more than $150,000 a year. If the central concern of the opposition is for families with incomes of more than $150,000 with students living at home, they should clearly say that. But that is not rural and regional kids—we know that. That is not kids from lower income backgrounds—we know that. So that is the bill before the parliament.

In terms of looking at the bill before the parliament, I note that today’s Sydney Morning Herald had an editorial entitled ‘It’s time to retreat on student grants’. I freely acknowledge that this editorial is not uncritical of me. It is critical of me for the first piece of legislation I brought into the parliament, and I will wear that criticism.

Mr Pyne interjecting—

The DEPUTY SPEAKER—The member for Sturt is warned.

Ms GILLARD—I would direct members who are seriously interested—as opposed to members, like the member for Sturt, who are clearly so interested in playing politics that they cannot sit and listen—to this editorial, because I think it makes some powerful points to members of the opposition. It is not uncritical of me. It is not uncritical of the original version of the legislation. Acknowledging that it has now been amended and saying to the opposition, ‘It’s time to retreat on student grants’, the editorial says:

The government, amid a storm of criticism from student representatives, saw reason and amended its plans. That, surely, should have been enough—but the opposition, having had one victory, will not let go. The changes are not enough, it says. It wants to split the measure so the government’s more generous allowance goes through, while the savings measures are held up. This is simply irresponsible. In pursuit of this dubious objective, the opposition and its allies are willing to hold students hostage as a new academic year approaches. They should back down.

They are the words of the editors of the Sydney Morning Herald. But we then look to who else is calling on the opposition to pass this bill.

Opposition members interjecting—

Ms GILLARD—Maybe opposition members can laugh at that editorial, but should they really laugh? And should they really diminish the contribution of the 39 vice-chancellors around the country, including those vice-chancellors who lead institutions in rural and regional areas? Those vice-chancellors are not saying to the opposition, ‘Pass the bill because it is not split and there is pressure on you’ or anything like that; those vice-chancellors are saying to the opposition, ‘Pass the bill because, as a matter of substance, it has the merits right.’ That is what those 39 vice-chancellors around the country are saying.

I would ask the opposition to take seriously the advice of people who lead universities and deal with students every day. I would also ask the opposition to seriously think about the contribution made by state education ministers around the country, including the minister who serves for the Liberal government in Western Australia. Can she be dismissed as a Labor stooge? Can she be dismissed as a fool? She is a person serving in a Liberal government and she is saying to the opposition, ‘Pass this bill.’

In his contribution, the shadow minister deliberately distorted, yet again, the propositions in this bill. I assume he actually understands this and that he does this deliberately, but maybe he does not understand it. When he speaks, he constantly assumes that the only way someone can get youth allowance is by qualifying as independent. That is simply not right. The force of our changes is that students do not have to go and show themselves to be independent. The force of our changes is that they can be assessed, includ-
ing country students, on their parental income.

Let us look at these changes together. When kids are assessed on their parental income rather than on their own, the age of independence is going to be progressively reduced from 25 to 22. So, in full operation, we are talking about the eligibility of kids who have left high school and gone to university and who are 22 years of age or less. We are talking about assessing them on their parental income. We have made the parental income test generous enough so if a family earns $140,000 a year but has two students who need to move away from home in order to study they will qualify for youth allowance. Once they qualify for any youth allowance, they will qualify for our student start-up scholarships and our relocation scholarships—$4,000 in the first year if they need to move.

We are making the parental income the prime way of qualifying for youth allowance for students who are 22 years old or younger. We believe that is a fairer system rather than requiring students to take a gap year in order to try and qualify, which is what happens now. Members of the opposition know that that is what happens now, and it is what leads to the distortions where students who have done a bit of work then go and live at home in $300,000 a year households and get a full youth allowance. I note opposition members shaking their heads, but they are the facts—demonstrably the facts. It actually happens.

This scheme: 150,000 scholarships; a new parental income test; relocation scholarships—$4,000 in the first year; age of independence coming down; and the amount a student can earn in income from a part-time job going up before they start having youth allowance taken away from them. That is the scheme and no-one in the opposition, when they are thinking about these questions, should fall for the distorted view that the shadow minister has put today. What he has put today, as a matter of fact, is simply not right.

The opposition say: ‘We have got an amendment. The amendment’s all okay. Split the bill. All that will be fine.’ The opposition have had many amendments, but the most recently articulated amendment from the opposition is that the scholarships start and the new parental means test starts—so the more generous means test starts—but the changes to independence allowance do not. That means you get all the expenditure measures and none of the savings measures. The consequence of that is that you spend a billion dollars more on youth allowance.

When I rose to my feet in question time today, people made cracks like, ‘Take it out of the stimulus package.’ Anybody knows we are talking about permanent recurrent expenditure that will be in the forward estimates in two years time, four years time, six years time, eight years time, 10 years time. On the forward estimates, we are talking about an additional expenditure of a billion dollars. The government are not agreeing to an additional expenditure of a billion dollars. I note they are the same members of the previous Howard government who never once, in 12 long years, woke up and said to themselves, ‘Gee, I know, today’s the day to spend an extra billion dollars on students.’ It never happened, not in 12 years. Why should anybody believe that they are serious about it now?

I am challenging the opposition in two ways. I am challenging them to seriously think about voting for this legislation, but I am certainly laying down this challenge to the shadow minister: if he is going to defeat this bill, promising students an extra billion dollars of expenditure then, as a matter of
good conscience, he must say that at the next election his political party will contest that election promising an extra billion dollars in student income support. If he cannot verify that his political party will put an extra billion dollars into student income support then everybody knows this is just playing politics—it is not anything more or anything less.

We have been here before with the shadow minister for education, the member for Sturt. We were here at the end of 2008 when, ironically, to stop the national curriculum, the shadow minister for education refused to pass the funding bill for schools, and it looked like schools were going to be in chaos in 2009—not enough money to open their doors. He was threatening to do that. This matter is a direct replay because all the education stakeholders of significance are on our side, just as they were on our side during that school funding debate. In that school funding debate about national curriculum, which will be delivered next Monday, the then Leader of the Opposition, the member for Wentworth, pulled the shadow minister into line and said: ‘This is ridiculous. Pass this bill.’ I am calling on the Leader of the Opposition to do just that: pull this shadow minister into line and pass this bill.

This is too important for the continued politics of the opposition. I have actually written to the opposition and said that if they have amendments that are fiscally prudent and meet the test of equity then I am more than happy to sit down, talk about them and negotiate with them. If the price of getting this legislation through is to satisfy the member for Sturt’s political face by having a meeting with him so he can put out a press release saying, ‘I went and told her,’ then, of course, I am willing to meet with the shadow minister. But, of course, what we have asked the opposition at every point is to be fiscally prudent and pass the test of equity. After all these months in between, they still have not written an amendment that passes that test. If the opposition are serious then I say that the Leader of the Opposition should respond to my correspondence asking for a fiscally prudent, equitable amendment. If they do not do that then it is all about their cheap politics.

(Time expired)

Mr TRUSS (Wide Bay—Leader of the Nationals) (4.29 pm)—We are only days away from the time when university students are about to begin their studies for 2010. Some students have already begun their courses. But there are tens of thousands—perhaps hundreds of thousands—of students who do not know where their income support is going to come from for the year ahead. They do not know whether they should start their studies or not. They do not know whether a university degree is to be an elusive dream for them. They have worked a gap year and abided by the rules that were in place when they started the gap year. They took the advice of Centrelink and school councillors and did what they were told was the right way to qualify for income support for their university education. Now the time has come and they do not know whether they will qualify for the income support that they need.

The government can fix this problem today. The legislation for the new scholarships can be separated from the rest of the legislation. There will be an opportunity to vote on that in the Senate and the House of Representatives. The government can support that and wipe away all of the uncertainty and concern that the students of Australia are currently facing. They can deal with the legislation in a day and give people the confidence that they need. They can give them the opportunity to commence their education with the confidence that they may be able to afford to pay the bills.
There is enormous uncertainty and concern amongst students about this issue. Earlier today we heard the Prime Minister convulsing about a definition of ministerial responsibility and all sorts of changes to the way in which we might hold a minister accountable for his failure to responsibly deliver a program. Surely, under any definition of ministerial responsibility, the minister with responsibility for this issue should fix it. She should take responsibility, rather than walking away, and fix the problem.

Dr Kelly—She did.

Mr TRUSS—Yes, she did walk away but she can fix the problem. She can deal with the issues, take ministerial responsibility and do the job that she is supposed to do. Instead, there is another new version of ministerial responsibility, which is that the ministerial responsibility for not addressing this issue actually rests with the opposition leader or with the opposition spokesman. Somehow or other they are responsible for the failure of the government to deal with this issue in a proper and effective way. The fact is that ministerial responsibility rests with the minister and fixing the problem that the government has created rests with the government. It does not rest with the shadow minister or with the opposition. If she wants to accept her responsibility as a minister she can do it today and she can sweep away the worries and concerns of students across the nation.

Last year, against the advice that the minister had received, the government abolished the Commonwealth Education Costs Scholarships and the Commonwealth Accommodation Scholarships. That was vital support for students, in particular those from rural and regional areas. It enabled some of them to make the significant step of going to a capital city or a large provincial city and undertaking university education. The reality was that that income gave them the confidence to start. Others had chosen the gap year route, had worked their way through it and were ready to study away from home at university.

You would know well from your electorate, Mr Deputy Speaker Scott, that people in remote areas have only one-third the chance of getting a university degree that people who live in the cities have. I ask the minister in the context of her role as Minister for Social Inclusion to include the people of rural and remote areas in the education dream. Minister, If anyone is serious about social justice, social equity and social inclusion in this nation then they cannot regard that figure as acceptable.

We must work to find ways of supporting people making the significant change in their lives of opening a new home far away from families, friends and support groups to give themselves and their families a better chance in life and to bring back their professional skills to their rural towns. They can train to be doctors, lawyers, accountants or engineers and come back to the regional communities to help build up the skills in those towns. You cannot do that unless you get can get a fair go at an education. The reality is that the government is not prepared to put in place mechanisms which give rural and regional students a fair go.

All of this arose, the government told us, because they were concerned that some wealthy families in cities were able to qualify for the independent youth allowance. I acknowledge that there were deficiencies in the old scheme and it is reasonable that they should be corrected, but you do not have to get rid of the entire scheme for everybody in order to deliver those reforms. We are prepared to make those changes. We will support those kinds of constructive changes to the youth allowance scheme, but do not introduce a 30-hour work test which you know
no student in regional Australia can ever pass.

They are no jobs in regional communities that offer the 30 hours a week for 18 months needed for them to qualify. The work that comes up in regional communities is generally seasonal. They may work 60 hours a week for a few months, earn the qualifying amount of money and then be able to receive a university education. The government is ruling out this option. There were a few jobs around in regional Australia over the last few months installing batts in ceilings but they did not last very long. They may have paid quite a bit of money for a short-term program of that nature and enabled students to qualify, but the program is gone and the opportunity for those people to work to qualify for the independent youth allowance has gone with it.

Mr Deputy Speaker, you and many other members, particularly in regional areas, have heard hundreds of stories of students who have been left in the lurch by the government’s failure to address the independent youth allowance question. There are many stories from people who are concerned about where this scheme has gone. The government talks about having an education revolution, but it is not an education revolution when you deny people an opportunity to go to university. Leisha, from Geraldton, wrote last month to say that she had studied hard to get an acceptable score for university in Perth. She took a gap year in 2009 and worked full-time to try to qualify for the youth allowance and live in an expensive city. Now she faces taking on a full-time job while studying in an effort to make ends meet.

I got an email from Michael of Gladstone, who did try the full-time job route while he was at university in Brisbane. He could not manage that workload and do his studies as well. He decided to take a gap year to try to earn sufficient money so that he would be able to complete his university studies. Roz, a parent and a drought-stricken primary producer near Toowoomba, wrote desperately seeking action and information for her daughter about what was going to apply. She said: ‘I need an urgent reply as she has only nine days to make a decision about whether she is going to defer, and she needs to know what the possibilities are.’ That was months ago and the government still has not given these people an answer. The Isolated Children’s Parents Association and the Country Education Foundation wrote repeatedly to the minister to make it clear that the work test she was proposing would simply deny access to every student from regional areas who wanted to qualify. That is not fair. That is not the way to deal with an issue of this nature.

The minister now has an opportunity to correct those problems. She will have an opportunity to split the legislation to enable the scholarships to go forward, to enable students to commence their academic year. Is she going to vote against her own Commonwealth scholarships? Is she going to vote against what she has been proposing? Michael from Gladstone called it ‘terrible legislation’. Now it can be fixed. Will the minister finally give some level of belated certainty to students and their parents? The ball is in the government’s court. There is ministerial responsibility on the line. It is not the opposition’s fault, it is not the opposition spokesman’s fault; it is the government’s fault, because the government has failed—

(Time expired)

Ms BIRD (Cunningham) (4.39 pm)—I want to take the opportunity to talk in this debate because, as members would appreciate, the University of Wollongong sits in my electorate. It is a university that is actively engaged in supporting young people from
rural and regional New South Wales and, indeed, from across the country, to attend university. I regularly go over to International House, where many of them stay whilst they are studying, and meet with them and talk about the issues they are facing.

What are we actually dealing with here? Let us look at a little bit of history in this area. Students used to be able to qualify as independent at a much younger age than they currently can. At the moment, they have to be 25. Any parent will tell you that it is a challenge for a young person to have to ask you, up to the age of 25, to support them. They are in the transition to adulthood and they want to be quite independent. How did that become the case? Let us remember how we got to the age of 25 as the age for independence. The previous government consistently raised the age that a young person had to be before they could qualify for the independent rate to start with. These young people then thought: ‘I don’t want to be a burden on mum and dad. What are my options? What am I going to do? The only loophole is if I go out and get a job, put off my university study, delay my life for a year or two, and try to get a job and earn an income so that I can qualify as independent.’ That is how we got to the position that those on the other side are supposedly so concerned about now. They created the situation in the first place.

It was an inequity that had serious educational effects, because we know that when young people delay the opportunity to take up their studies—not from choice but because they feel they have to take up employment—there is a significant risk that they will not actually go back to university. That is why the other bit of history is important in this debate. What is that? During the 12 years of the previous government, the number of regional and rural students participating in tertiary education was going down. For all their fear and concern for these students, what were they doing? Absolutely nothing.

At this point in time we have before us the Bradley review that in effect pinged this problem well and truly. There was also the situation, which the Deputy Prime Minister has talked about, where very well to do families, often with businesses, said to their own kids: ‘This is a nice way we can go. Why don’t I put you on in the family business and you can work for a year or two and then you will qualify?’ Do not shake your head, because I know people who did it. The reality is that there were people who were not in regional or remote areas who actually took an opportunity to get their children to qualify for this payment when they were earning $200,000 or $300,000 a year.

The Bradley review has quite rightly said that we should target these payments to make sure that those who most need them get them. What are we doing? Firstly, we are increasing the parental income level so that more of those young people are not forced to make that decision in the first place. Their family income will allow them to qualify for youth allowance where, under the previous government, it did not. That is what caused them to make those difficult decisions about delaying the commencement of their studies.

Secondly, we are decreasing the age, from 25 to 22, at which young people can qualify on their own independent income allowance. When you put those issues in context and look at the problems we are trying to address, which were created under the previous government, it baffles me that we have yelling and outrage from the other side about what we are trying to do to support these rural and regional students. At the end of the day, where we are now is that there were some legitimate issues, as the Deputy Prime Minister indicated, that some from the other
side of the House and some from this side of
the House raised around the transitional ar-
rangements through the bill.

We had that conversation. We now have a
range of amendments that the Deputy Prime
Minister has agreed to—four significant
ones. I indicate to the Leader of the Nation-
als, who was talking about the 30 hours per
week requirement, that there is an averaging
provision in those amendments to address
that issue. There is a review process. There is
a task force in place to keep a record of how
that is progressing and to raise transitional
issues that may come up along the way.

There is also the $20 million Rural Tertiary
Hardship Fund. In bringing this bill before
the House again, the Deputy Prime Minister
takes into consideration the sensible
amendments that needed to be made to make
that transition work.

It is absolutely true that this is a matter of
public importance. Why is it a matter of pub-
lic importance? Because these young people
start uni on Monday. Let’s just have a look at
how many we have: 150,000 university stu-
dents who receive youth allowance, Abstudy
or Austudy who are waiting to receive their
$2,254 start-up scholarship. They can get
that—if the legislation is passed through this
parliament. The parental income test will be
raised, so that families with two children
studying away from home can earn more
than $140,000 before their allowance is cut
completely—if this legislation passes this
House. There are students who choose to
move to study who may be eligible for an
additional relocation scholarship worth
$4,000 in the first year of their study plus a
subsequent $1,000 for each year after that—
only if this legislation passes. From 1 July
2012, if this legislation is passed, students
will be able to earn up to $400 a fortnight—
that is up from the current $236 level—
without having their payment reduced. Fi-
nally—the point that I made before—the age
of independence will reduce progressively
from 25 to 22 by 2012. That will see an es-
timated 7,600 new recipients of the inde-
pendent rate of allowance—if the legislation
passes this parliament. There are many, many
students looking at commencing their uni-
versity studies next week. Their families and
their university communities are waiting to
see the outcome of this legislation. They are
anxious about how their financial arrange-
ments are going to be coordinated. That is
why this is a matter of public importance
today.

I also want to make the point, which the
Deputy Prime Minister has already made,
that there is almost universal agreement that
this needs to be passed. What do I mean by
‘universal agreement’? I mean the fact that
every state and territory education minister,
including the Liberal education minister in
Western Australia—an education minister
whom I would have thought would have a
very good understanding of the issues of ru-
ral and regional students—is saying to the
opposition: ‘You have made your point.
Amendments have been put in place. Get on
with passing the legislation.’ Every univer-
sity group—and we have seen the 39 vice-
chancellors—across the country is saying:
‘The reality, for the best interests of the stu-
dents that we are seeing commence their
studies next week, is that this bill, and the
amendments that were sensibly put in place,
meets all the requirements. Get on with pass-
ing it.’ On top of that, we see the Australian
Greens and Senator Xenophon in the Senate
saying: ‘We agree that the amendments that
are being put in place are sensible and rea-
sonable. Get on with passing the bill.’ I could
go on and point out that every Independent
other than Senator Fielding, I understand, in
this parliament has said: ‘We had concerns.
We went to the government. We have looked
at the amendments. They are sensible. They
So how did we end up here today? I am sad to say that I believe it is simply and purely because the shadow minister does not know when to stop punching. He does not know when to say: ‘This is a good outcome. In the interests of the country rather than my politics, get on with passing the bill.’

Ms MARINO (Forrest) (4.49 pm)—I am very pleased to speak on this matter of public importance, because I am one of those regional members who has repeatedly made representations to the minister directly and here in this House on behalf of students in my electorate. One question the minister and the other members who have spoken here today has failed to answer is: where will students who have to use that 30 hours of work a week to qualify for youth allowance actually get a job? That is a really core issue for those of us who represent rural and regional students. Those families are saying to us that that is the very issue. It is the very issue behind most of the phone calls and emails: where will students who need to qualify for youth allowance using the 30 hours of work a week provision actually be able to find a job?

Dr Kelly—It is 30 hours on average.

Ms MARINO—Even so, where do young people find 30 hours of work a week, average, in my electorate? There are small towns in my electorate. Where do young people in Brunswick, Pemberton, Donnybrook or Harvey find an average of 30 hours of work a week in an 18-month period? That is the question that has not been answered. That is the question that people in my electorate want answered, because for them that is often the only pathway to qualify for youth allowance. It is often the only way so many young people have qualified previously. They are very seriously concerned about this, and I am very genuine in standing up here representing the issues that affect my rural and regional students and their families. This is a very important issue.

I notice that it took a lot of representation. We have seen that the Country Education Foundation and the Isolated Children’s Parents Association have been very concerned about the government’s changes. They are all well aware of them because, like me, they actually live in a rural or regional area and they know that you cannot find 30 hours of work a week, average, in 18 months. They know that, like I do, because that is where we live and work. As has been said in this House, we on this side of the parliament actually represent the majority of regional areas and students in those areas, so we certainly know.

One of the things the Minister for Education said was that parents who have two children at university and who are earning $140,000 will qualify for youth allowance. I understand that the member for Riverina—and I have a piece of paper provided by the member for Riverina—has checked that on the website calculator and that it would actually amount to $2.80 per fortnight per child.

I look at the retrospectivity in this bill and I look at those young people who last year did a gap year. They took advice from their school careers advisers and they took advice from Centrelink and they did the 12 months of gap year on the understanding that they would be able to qualify for youth allowance. Now we know that only 5,000 of those, under the changes that the government has proposed, will actually be able to claim youth allowance, while there are at least 25,000 young people who completed that gap year in the full belief that they would qualify for youth allowance. They are from the same
families who are saying to us, ‘Our children
cannot afford to go on to university.’

So it is very important that people, like me
and others, who have made representations
on this issue do so, because we have to rep-
resent the issues that concern those young
people. We have offered to split this bill. We
have offered to pass the Commonwealth
Scholarships and we will continue to stand
up for rural and regional students in this par-
liament.

Mr WINDSOR (New England) (4.54
pm)—This is an issue that has been revolv-
ing in the parliament for many months now. I
think a number of points have been scored
by both sides in the politics of this issue, but
it is becoming a very serious issue for a lot
of people—parents and young people out
there who are trying to make decisions about
their futures. I would just like to make a plea
on their behalf that, if there is a way in which
both sides can make some adjustments to get
this legislation through in one shape or an-
other so that there is some certainty for those
young people in the next month, we make
every effort to do so.

This is a classic issue where it is very easy
to develop political fear, and I have heard
some of it today, particularly from the
Leader of the National Party. He was essen-
tially talking about the old legislation that
has since been amended. That is all very nice
from the perspective of scoring political
points, but it frightens people in the elector-
ates that we all represent here today. I would
not suggest that the legislation which the
Minister for Education has put before the
parliament is perfect, but the Independents
and others, I know, took some of their retro-
spective issues to the minister, and there
have been adjustments. The minister talked
through those adjustments concerning the
gap students and the $150,000 figure—that
is, that students living at home in families
with incomes greater than $150,000 will
miss out. I do not think anyone would com-
plain about that arrangement for gap year
students in those circumstances.

There are some very important points
here. I know the government plays the in-
come card and the opposition plays the inde-
pendence test card, but I would implore both
of them to look closely at what individual
families will actually access under the new
arrangements. There are still issues, Minister,
in relation to those country kids who have no
choice but to leave home. That is a valid is-
sue that needs to be addressed, but some of
the claims that are being made on the other
side of the chamber—about young people
not getting anything if they do not qualify
under the youth allowance independence
test—are nonsense. You need to look at the
numbers, work through the family income
with the individual, look at the circumstances
of the student start-up scholarships and the
Commonwealth scholarships and put the
numbers together. There are numerous ex-
amples and, if I have time, I will work
through some.

We have to make assumptions here, of
course. We will assume two children living
away from home—one in year 1 and the
other a continuing student. Based on a family
income of $60,000, the youth allowance for
that family would be $25,316. Based on a
family income of $80,000, the youth allow-
ance, including the start-up scholarships et
cetera, would be $21,327. For that family,
based on an income of $100,000—the previ-
ous scheme would have cut out much ear-
lier—youth allowance would be $17,338. I
know there have been some issues about
what the minister said concerning the
$140,000 figure, but in a family with an in-
come of $138,000 and two students, one in
year 1 and the other in year 2, student 1
would get $6,250—I do not think that has
changed—and student 2 would get $3,250,
plus the nominal youth allowance amount. Anyone gaining one dollar of youth allowance will access the scholarships, so the system is different.

It seems to me that the coalition wants the best of the old system and the best of the new system and is saying, ‘Hang what’s in the middle.’ What we have to do is look very closely at what this means to parents and students, not to politicians. This is a critical time for those people. I would urge senators, particularly Senator Fielding, to have a close look at this and to work through some examples. I had talks with Steve Fielding last year about possible ways to assist this legislation to get through the parliament—to get both sides to agree. It is not perfect and it probably never will be, but there are parts of it that are better than the old scheme—much better. There is still the issue, Minister—and, as I said, it is a legitimate issue—of country kids who are going to find great difficulty getting that 30 hours a week. I know there are some averaging provisions now, but it still leaves a gap. I understand that most of those kids will access youth allowance through their family incomes, but there is a group of students who are still going to find it difficult—students who cannot live at home, who have no university next door and who will have to leave home both to find work and to go to university. I think that is the grey area that really needs some consideration. If negotiation can take place in that area, I think it would be appreciated. (Time expired)

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE REFORM AND REINSTATEMENT OF RACIAL DISCRIMINATION ACT) BILL 2009

Second Reading

Debate resumed.

Mr ZAPPIA (Makin) (5.00 pm)—In concluding my remarks in respect of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 can I say that I know the minister is committed to closing the gap between Indigenous and non-Indigenous Australians, and I commend her for the work she has already undertaken to date in respect of doing just that. But I simply point out to the minister that, from my discussions with members of the Aboriginal community and the concerns that they have expressed to me, this is a measure that should be closely monitored—and I am sure it will be—and regularly evaluated so as to ensure that there are not any unforeseen negative consequences. It is one of those measures that I am sure we will all learn from in years to come. To some extent I expect there will be a degree of trial and error as you go with it. For those reasons I think it is one of those measures that needs to be closely monitored. Having said all that, as I said earlier on in my speech on this matter, I believe, given that it is being undertaken in conjunction with all the steps associated with closing the gap, it is a measure that is worth supporting, and I commend the bill to the House.

Mr CHAMPION (Wakefield) (5.01 pm)—The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 is a very important bill for the House to consider, and I certainly join with the member for Makin in supporting it. This bill irons out the harshness of the previous government’s Northern Territory Emergency Response. It irons out all the nastiness of it. Secondly, and most importantly, I think it launches a quiet revolution in our attitudes to social security and welfare. This quiet revolution, which has gone on largely beneath the radar of the media and to some extent the community, really does reflect the values of this government and the values of the great
majority of hardworking Australians. It is a
tremendously important bill and the minister
should be commended for bringing it before
the House. It is far reaching and will have a
great positive effect on all of Australia’s
communities, in particular its poorest com-
munities.

I would like for a moment to talk about
ironing out the harshness of the previous
government’s Emergency Response. It is not
unreasonable for everybody to expect equal
treatment before the law, and it is not unre-
asonable for citizens to expect equal treatment
from their government. This is important
both for the people who have been affected
by the previous government’s measures—
those people who were affected by the laws
that were implemented through the suspen-
sion of the Racial Discrimination Act—and
for those who were not affected by those
laws but perhaps should have been. That is
important because we do not want to set up a
double standard for the people. We do not
want to set up a situation where a set of rules
applies to one group of people but not to an-
other. It is tremendously important that rules
apply fairly and consistently across the
board. It is a very Australian notion. To
maintain the suspension of the Racial Dis-
crimination Act would be both unfair and
unsustainable. So I commend the minister for
taking the action that she has.

In terms of income management, there are
often a lot of reactionary headlines whenever
welfare is discussed within the community—
often some rather intemperate calls for harsh
acts or measures to toughen up on people. In
my experience, most people want a better
life for themselves and an even better life for
their kids. Recently we had a jobs expo run
by Centrelink at the Playford Civic Centre in
the heart of my electorate in Elizabeth. Be-
fore it was opened there was a line-up. There
was a line-up to get into a jobs expo. Once
you got in, it was like going to the Royal
Adelaide Show. All of the stores were full.
All of the corridors were packed. You could
not move in the place. There were 2,500
people through in no time at all. There was a
queue five deep in front of the jobs board.
That is a tremendous sign that working-class
communities, communities that have been
damaged by previous recessions and dam-
aged by intergenerational unemployment,
want to work. That is what they want to do.
They want to do work. Often they just need
the opportunity. I would like to thank Annie
White from Elizabeth Centrelink for helping
to organise that event and also Pippa Webb,
their local employment coordinator. They are
doing great work on the ground. I did think
to myself what good might have been done if
we had done a jobs expo during boom times.
We might have done a lot of good, and we
might not have been behind the eight ball so
much.

Most people want to work. Often they do
not get the chance. Sometimes they fall into
a cycle of hopelessness and despair, and
other issues begin to intrude on their lives—
injury and ill health, poor decision making,
poor budgeting, poor lifestyle choices, bad
behaviour, lawlessness, antisocial behaviour,
homelessness, domestic violence, drug abuse
and that sort of thing. Often it only takes one
damaged person or one damaged family to
disrupt a street, a school or a community.
Often not much gets done about such behav-
iour, tragically. The local community
watches, sometimes aghast, often powerless
to intervene. Often there are only sporadic,
incoherent or inconsistent interventions from
the three levels of government.

Under the previous government we had
big cash payments for baby bonuses and the
like, which came without any obligations.
We are talking about $4,000 in one hit going
to families which were on very low incomes
and had very low earning capabilities. Often
the money was spent responsibly. I met
many people who spent it responsibly. But we heard plenty of stories about when it was not, when it was spent on drugs or given to boyfriends. Sometimes people were fleeced out of it or they made poor choices. That offended many of the hardworking families in my electorate. It made people quite anxious about the integrity of the social security system. This bill begins to put the government’s values and the community’s values back into social security. In that respect it really does represent a great leap forward. It says that if you are on the wrong track, if you are making the wrong choices, if you have lost hope, if you are letting your kids down or if you are vulnerable then the community, through the government, has both a right and an obligation to intervene.

This bill will send a consistent message to the entire community that if you get social security you have an obligation to be a good citizen and a good person, to have good values, to seek help if you are in trouble, to try and get work, to make sure your kids go to school, to make sure they are fed and safe and to make sure that you are, as best you can, making the right choices. These are pretty basic Australian values, but for too long they have been absent from the social security system. This bill is probably one of the most important bills to come before this parliament. I think it really will change Australia and, in particular, some of the communities I represent, communities which for too long have really worried about the integrity of the social security system and the open-ended and sometimes valueless assistance people get and which wanted the system to respond. Today the minister and the government have responded to that desire.

Ms MACKLIN (Jagajaga—Minister for Families, Housing, Community Services and Indigenous Affairs) (5.09 pm)—in reply—I thank all of the members who have contributed to this debate, particularly the member for Wakefield. His contribution right at the end of the debate really encapsulated what this bill is all about. The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 is a very significant piece of legislation. It is landmark reform to the social security system. I know that the member for Wakefield, in representing his constituency, understands that this can help us work with people who are not only very disadvantaged but often very disengaged to really confront the difficulties that they find themselves in. The principles behind this legislation really do go to the heart of what we are on about. It is about doing everything we possibly can to see people engaged in work, caring for their children, participating in their communities and, above all else, being responsible citizens, being responsible for their children and making sure that the purpose of the welfare system is honoured.

The bill provides that from 1 July 2010 we will see a new scheme of income management rolled out, in the first instance, in the Northern Territory. This will be a first step in seeing it rolled out to other disadvantaged regions across the country. Very importantly, this scheme is designed to be non-discriminatory and is targeted at individuals at risk. The new arrangements will replace the current scheme of income management that applies only in prescribed Northern Territory Indigenous communities. This bill places income management on a new and now sustainable basis. The proposed scheme will extend the benefits of income management right across the Northern Territory. This is a very significant change and one that has been some time coming. We want to see the benefits of income management extended to people who live in the towns and cities of Darwin, Alice Springs, Tennant Creek, Katherine and, of course, those parts of the
Northern Territory where it has not applied to date.

When we came to government there were only around 1,400 people on income management in the Northern Territory. But, as a result of our government’s commitment to continuing and maintaining the Northern Territory Emergency Response, the present income management scheme now applies to around 16,000 income support recipients in the 73 prescribed communities. The new scheme is estimated to apply to around 20,000 income support recipients in the Northern Territory, who as a result of this legislation are going to see the benefits of income management. The scheme will apply to a number of different groups of income support recipients, all of whom are at risk of social and economic disengagement—to income support recipients under the age of 25, to the long-term unemployed, to long-term recipients of parenting payment, to people who are assessed as vulnerable by Centrelink social workers, to those parents on income support who are referred by child protection authorities and also to those who seek access to voluntary income management.

One of the important changes in this bill is that it also provides a pathway out of income management for those who show that they do want to engage and be responsible, particularly for their children and for seeking work. The pathways are designed to provide incentives for those who are engaging in study or employment and, similarly, for parents who are able to demonstrate responsible parenting, particularly to make sure that we provide an incentive for parents to get their children to school.

There will be access to financial counseling, and money management services will be available to those who want to improve their budgeting skills. There will be a matched savings incentive introduced to encourage people on compulsory income management to establish savings. Those on voluntary income management will have access to an incentive payment to remain in the scheme and to access the benefits of income management. The reforms help to tackle the very destructive intergenerational cycle of passive welfare. This really is fundamental to what we are on about. The reforms are entirely focused on providing assistance to those members of our society who are the most vulnerable and at risk. They are, particularly, children.

The government has embarked on these very significant welfare reforms because the direct payment of all welfare moneys to individuals is not in many circumstances meeting the objectives that I think we as a society have set for our welfare system. It is the case—I agree with the member for Wakefield and I think most Australians take the view—that welfare money should be spent on the essentials of life, particularly when it is available for children. The essentials are things like food, rent, other essential bills and school uniforms. I think it is the case that the Australian people think that our children deserve no less than this.

This bill also contains a very important commitment that the government made to introduce legislation so that the Racial Discrimination Act and the state and territory antidiscrimination laws apply to the Northern Territory Emergency Response and to the Cape York welfare reform trial. Once the Racial Discrimination Act is reinstated, all of the Northern Territory Emergency Response measures will be subject to the requirements of the Racial Discrimination Act and must comply with its provisions. The bill makes a number of changes to the other Northern Territory Emergency Response measures, including restrictions on alcohol and prohibited material and the community stores licensing scheme, so that these measures are im-
proved, made more sustainable and are more clearly special measures.

It will be necessary to make sure that there is an effective transition to the redesigned measures before the Racial Discrimination Act exemption is lifted. The new income management scheme is designed to be non-discriminatory. The Racial Discrimination Act will apply to the new income management scheme from 1 July 2010, when it is introduced. The Racial Discrimination Act suspension in relation to existing Northern Territory Emergency Response measures will be lifted on 31 December 2010 to enable an effective transition to the new arrangements. These changes complement the government’s focus on closing the gap; as the member for Makin emphasised, we are delivering unprecedented action and investment in education, health, housing, jobs and remote service delivery, with all of these areas receiving a very significant increase in investment.

All of these changes in the Northern Territory follow very extensive consultations with Indigenous Australians. These consultations were unprecedented in their scale and in their intensity. They were conducted in around 500 meetings over a series of months. The key message that we received from Indigenous people in these consultations is that they really want to accept a greater level of both personal and community responsibility, and the reforms contained in this legislation really respond to those calls.

I am concerned that the opposition has signalled that they intend to vote against this bill today. I hope that they will reconsider that position, because these reforms that we are proposing make the Northern Territory Emergency Response sustainable. They extend income management beyond the original 73 prescribed communities. The reforms provide very strong incentives to those on income support to engage and participate in study, training, employment and responsible parenting. They will extend the number of people benefiting from income management. They maintain and improve the other core measures of the Northern Territory Emergency Response, and the reforms bring the Northern Territory Emergency Response legislation into compliance with the Racial Discrimination Act. A failure to support this bill would put all of this at risk. More importantly, it would place at risk the lives of innumerable women and children as well as those other people who are disengaged in the Northern Territory in the first instance—people who are at risk from poor nutrition, financial exploitation or the effects of alcohol abuse. I call on all members opposite to give serious reconsideration to their position. I commend the bill to the House.

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

The House divided. [5.24 pm]
(The Deputy Speaker—Hon. BC Scott)

| Ayes | 78 |
| Noes | 52 |
| Majority | 26 |

AYES

Adams, D.G.H. Albanese, A.N.
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. Eliis, K.
Emerson, C.A. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
Georganas, S. George, J.
Gibbons, S.W. Gray, G.
Grierson, S.J. Griffin, A.P.
Chamber

Hale, D.F.  
Hayes, C.P. *  
Jackson, S.M.  
Kerr, D.J.C.  
Livermore, K.F.  
Marles, R.D.  
McKew, M.  
Melham, D.  
Neumann, S.K.  
Oakeshott, R.J.M.  
Parke, M.  
Plibersek, T.  
Raguse, B.B.  
Ripoll, B.F.  
Saffin, J.A.  
Sidebottom, S.  
Snowdon, W.E.  
Swan, W.M.  
Tanner, L.  
Thomson, K.J.  
Turnour, J.P.  
Windsor, A.H.C.  

Hall, J.G. *  
Irwin, J.  
Kelly, M.J.  
King, C.F.  
Macklin, J.L.  
McClendon, R.B.  
McMullan, R.F.  
Murphy, J.  
O’Connor, B.P.  
Owens, J.  
Perrett, G.D.  
Price, L.R.S.  
Rea, K.M.  
Roxon, N.L.  
Shorten, W.R.  
Smith, S.F.  
Sullivan, J.  
Symon, M.  
Thomson, C.  
Trevor, C.  
Vanvakinou, M.  
Zappa, A.  

Andrews, K.J.  
Baldwin, R.C.  
Bishop, B.K.  
Briggs, J.E.  
Chester, D.  
Dutton, P.C.  
Fletcher, P.  
Gash, J.  
Haase, B.W.  
Hawke, A.  
Hockey, J.B.  
Jensen, D.  
Keenan, M.  
Ley, S.P.  
Macfarlane, I.E.  
May, M.A.  
Morrison, S.J.  
O’Dwyer, K.  
Ramsey, R.  
Robb, A.  
Schultz, A.  
Slipper, P.N.  
Somlyay, A.M.  
Stone, S.N.  
Tuckey, C.W.  
Washer, M.J.  

Bill read a second time.  
Message from the Governor-General recommending appropriation announced.  

Third Reading  
Ms MACKLIN (Jagajaga—Minister for Families, Housing, Community Services and Indigenous Affairs) (5.30 pm)—by leave—I move:  
That this bill be now read a third time.  
Question agreed to.  
Bill read a third time.  

AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009  
Report from Main Committee  
Bill returned from Main Committee without amendment; certified copy of the bill presented.  
Ordered that this bill be considered immediately.  
Bill agreed to.  

Third Reading  
Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.32 pm)—by leave—I move:  
That this bill be now read a third time.  
Question agreed to.  
Bill read a third time.  

AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS) BILL 2009  
Report from Main Committee  
Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of the bill presented.  
Ordered that this bill be considered immediately.  
Bill agreed to.

* denotes teller  
Question agreed to.

CHAMBER
Third Reading

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.33 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

BUSINESS

Rearrangement

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.33 pm)—I move:
That order of the day No. 2, government business, be postponed until a later hour this day.
Question agreed to.

HEALTH INSURANCE AMENDMENT (COMPLIANCE) BILL 2009

Consideration of Senate Message

Consideration resumed from 26 November 2009.

Senate’s amendments—

(1) Clause 2, page 1 (lines 7 and 8), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Commencement information</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement Date/ Details</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table
   The day on which this Act receives the Royal Assent.

2. Schedule 1
   1 January 2010.

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

(10) Page 19 (after line 16), at the end of the bill, add:

Schedule 2—Amendment relating to disallowance of medical services items

Health Insurance Act 1973

1 At the end of section 4

Add:

(3) If an item in a table of medical services prescribed in accordance with subsection (1) is disallowed under section 42 of the Legislative Instruments Act 2003, the corresponding item, if any, in the previous regulations is taken to apply in place of the disallowed item from the time of disallowance.

(4) In subsection (3):

- corresponding item means:
  (a) the item in the previous regulations with the same item number; or
  (b) if no item satisfies paragraph (a)—the item in the previous regulations covering the same medical services; as the disallowed item.

previous regulations means the regulations that were in force immediately prior to the commencement of the disallowed item.
2 Application

The amendment made by this Schedule applies in relation to any disallowance after 26 October 2009 of an item in a table of medical services prescribed in accordance with subsection 4(1) of the Health Insurance Act 1973.

The DEPUTY SPEAKER (Hon. BC Scott) (5.34 pm)—Before the House considers the Senate message insisting on its amendments to the Health Insurance Amendment (Compliance) Bill 2009 disagreed to by the House on 24 November 2009, I remind the House that it was then informed of constitutional questions raised by these amendments. In short, the view has been taken that the amendments, if enacted, would result in an increase in an appropriation and there is doubt that the Senate may proceed in these circumstances by way of amendment because of section 53 of the Constitution. Copies of the Deputy Speaker’s statement of 24 November 2009 are on the table.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.35 pm)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent the Minister for Human Services moving an amendment to the Health Insurance Amendment (Compliance) Bill 2009 during the consideration of the Senate’s message insisting upon its amendments to the bill.

Question agreed to.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.35 pm)—I indicate to the House that the government proposes that the House insist on disagreeing to amendments Nos 1 and 10 disagreed to by the House and insisted on by the Senate and that an unrelated amendment be made to the bill. A motion to suspend so much of the standing and sessional orders as would prevent the unrelated amendment being moved has just been agreed to by the House. I suggest, therefore, that it may suit the convenience of the House to first consider Senate amendments Nos 1 and 10 and then the unrelated amendment which I will move.

The DEPUTY SPEAKER (Hon. BC Scott)—Member for Dickson, is there an agreement that the minister proceed with the motion as proposed?

Mr Dutton—Yes, Mr Deputy Speaker.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.38 pm)—I move:

That the House insists on disagreeing to amendments Nos 1 and 10 insisted on by the Senate.

It is important that I outline to the House why this Health Insurance Amendment (Compliance) Bill 2009 is so important. This bill aims to protect the integrity of Medicare, which had an expenditure of $14 billion in the year 2008-09, and also enhances Medicare Australia’s compliance program. The bill will enable Medicare Australia to give notice requiring the production of documents to a practitioner or another person who has control of the documents to substantiate an amount of Medicare benefit paid in respect of a professional service. Practitioners may be liable for a financial penalty where the amount paid in respect of the service cannot be substantiated and is above a specified threshold.

Last year the government agreed to those amendments moved by the Senate which relate to this bill. The government did not agree with amendments (1) and (10) and our position has not changed. Amendments (1) and (10) are not related to the compliance bill. The amendments have no substantial relationship with the bill and are clearly a
stunt. The government have engaged with the opposition in good faith on the amendments that are related to the bill and have been happy to support the amendments that have risen from these negotiations. I recognise the good faith in which the opposition entered into those negotiations and I think, in fairness, the opposition would recognise the good faith in which the government responded. However, the government will not be supporting a political stunt from the opposition pretending to the Australian public that they are in a position to cover up their reckless acts in the Senate. We have a responsibility to manage the budget in a sustainable way that provides for the best outcome for the taxpayer. This amendment could hinder the government’s exercise of that duty.

By way of background, everyone knows improvements in technology have made cataract procedures quicker and less expensive. In the 2009 budget, the government sought to adjust cataract expenditure because, as a government, we wanted to ensure that the benefits of technological investments were passed on to the taxpayer. Ophthalmologists disagreed with the extent of the change and after extensive negotiations we have agreed to a 12 per cent cut on cataract MBS items, effective from 1 February 2010, a freeze on indexation of cataract items until November 2011 and a review of the items on the MBS under the new MBS quality framework process. This compromise maintains $47 million of the proposed $98 million saved at a time when health spending represents a going pressure on government budget. A review of all the relevant items will enable a more detailed assessment of the appropriate fees to apply in the future.

I am pleased to hear that the opposition have supported the new rebate levels. These amendments are intended to take effect retrospectively from 26 October 2009. They are clearly intended to have the effect of increasing the Medicare Benefit Schedule fee for items disallowed by the Senate on 28 October 2009. The amendments would increase spending from a standing appropriation for Medicare payments and would have the effect of appropriating money. The government have legal advice that these amendments fail to comply with sections 53 and 56 of the Constitution and are therefore unconstitutional. According to the longstanding practice of governments, the Minister for Health and Ageing does not intend to release the government’s legal advice. We do intend to reject this amendment.

As I say, we—my office and the office of the former shadow minister for Human Services—have sat down with the opposition. I know that the current shadow minister for Human Services is aware of the issues and these have been worked through in a mature and sensible way. Amendments which relate to this bill have been agreed to by the government and the opposition and have passed the Senate and will pass the House. But amendments which the opposition move which do not relate to this bill are completely unacceptable to the government. We did not accept them in the Senate; we will not accept them in the House. They are unconstitutional. Therefore, having supported the government’s compromise on cataracts, I would appeal to the opposition to, just as we have negotiated in good faith on the issues that are related to this bill, now drop their insistence that these amendments which relate to cataracts but do not relate to this bill in any way, shape or form be pressed upon this House. They should be rejected in this House and the opposition should get behind this very important legislation—and not block it—which not only protects the integrity of Medicare and taxpayers but also protects those doctors doing the right thing. It also enables Medicare to take appropriate action
against doctors doing the wrong thing to protect—(Time expired)

Mr DUTTON (Dickson) (5.43 pm)—I thank the minister for his contribution. It is the case that there has been consultation between the shadow minister’s office and the Minister for Health and Ageing’s office on these issues over a period of time. The coalition support proper measures being put in place to investigate and to enforce the law as it pertains to doctors. That is not in dispute. As I understand the minister’s contribution and the way in which the amendment is put, the coalition, on that understanding, have no issue with that. But we certainly do have an issue with the government’s recalcitrance in relation to the amendments which have been moved by the coalition on behalf of those Australians who need cataract surgery and whom this government robbed of hundreds of dollars for their own political purposes. That is why we opposed this government’s harsh cut to the rebate and we facilitated on behalf of those patients discussions between the government and the ophthalmologists so that we could arrive at a better outcome.

It was regrettable that the government forced the coalition into a position where we needed to put amendments to this Health Insurance Amendment (Compliance) Bill 2009, and our stance has not changed in relation to these amendments. We do believe, like the Senate, that the government should support the coalition. Of course, that will not be the case, because this is an ideological attack that is present not just in this debate but in so many that the government is conducting at the moment. We will continue to deal with this matter both in this House and in the other place. We will be insisting on a certain course in the other place. We do not seek to frustrate the intent of what this bill is trying to deliver, but it is important that the minister’s actions not be repeated.

There is no guarantee that the minister could not again move unilaterally, post this change, in relation to the item number and in relation to the rebate that was the subject of debate on the issue of cataract surgery. That has been the consistent position of the coalition and it will remain so. We believed, like the crossbench senators, that it was completely unjustifiable for the government to announce a 50 per cent cut to the Medicare rebate in relation to cataract surgery. It was the case through the course of a number of months that the government were unable to substantiate any reason as to why they had invoked that cut, and in the end they negotiated an outcome with the ophthalmologists which was a cut of just over 10 per cent.

The real issue now for patients, particularly for older Australians, who have had cataract surgery is that those people have paid out-of-pocket expenses that they should not have had to. The minister has had the opportunity to put in place a regime which would compensate those patients, many of whom are on lower incomes, most of whom are of an older age and need that support but have been denied it by this government. That is why the coalition will continue to stand up for older Australians who require cataract surgery. It is why we had the opportunity to put in place a regime which would compensate those patients, many of whom are on lower incomes, most of whom are of an older age and need that support but have been denied it by this government.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (5.47 pm)—I welcome the shadow minister’s assurance that he does not seek to frustrate the passage of this Health Insurance Amendment (Compliance) Bill 2009. However, I am concerned that the rest of his contribution indicates that the opposition do seek to frustrate the passage of this bill. In fairness, I
would say that there has been very good engagement between the government and the opposition on this bill. There has been very good engagement with the former shadow minister for human services, Senator Scullion, and I know that the current shadow minister for human services has continued in that vein, because I think the government and the opposition agree that this bill is important.

The government and the opposition agree that it is important that the integrity of Medicare Australia’s operations be protected. The government and the opposition agree that those doctors doing the right thing should be protected and those doctors doing the wrong thing should not be protected, and that this bill is important in enabling the government to deal appropriately with that very, very small number of doctors who seek to do the wrong thing through their interaction with Medicare. But what the shadow minister for health has done and what the opposition have done is to apply to this bill amendments which (a) are unconstitutional, (b) are totally unrelated to this bill and (c) undermine the negotiations between the government and the opposition on the cataract measure, which is completely separate to this bill.

If the shadow minister for health really, seriously, wants to be taken at his word that he does not seek to frustrate the passage of this bill then he should drop the opposition’s insistence on these amendments in this place and in the other place—and he should let this bill pass. If he wants to continue to quarrel about cataracts, that is his right, but he should do so in relation to legislation which is relevant. He should do in forums of the House which are relevant and not seek to frustrate the passage of what is an important bill, a bill which otherwise enjoys the support of the government and the opposition. He should drop the political stunt and get out of the way of the government seeking to implement a very important measure.

Mr OAKESHOTT (Lyne) (5.50 pm)—Having only just been informed of this move by the coalition and the Senate, I cannot help but agree with the minister in the chamber. I am a local member with a large number of constituents who need cataract surgery, and it is a life-changing event for many of them. This dispute, which has been going since post the budget last year, has been an incredibly fractious one and a difficult one in the lives of many people. It has been frustrating for many of the ophthalmologists involved, frustrating for many of the patients involved and frustrating for the parliamentary processes involved because of the continued disagreement that we see over this issue.

I am of a view to support the coalition in regard to the issue of cataract surgery. The cost of the surgery should not make individuals decide not to undertake it. It is, as I say, a life-changing moment for many people. However, this is not the time and this is not the moment. Quite clearly, in the legal advice that has come through, this amendment has no substantial relationship to the health insurance bill. There are other forms of the House for that. I am happy to talk with the shadow minister for health about those forms of the House—private members bills or notices of motion. I am happy to co-sponsor or do whatever it takes to continue to raise awareness of this issue.

It is an issue on which I was, up until about 10 minutes ago, under the impression that a negotiated agreement had been reached, even though it was not satisfactory. I thought it was broadly accepted by all parties. Obviously it is not. Therefore, if the issue is going to continue to be raised by other members of this House, I am all ears and all eyes in regard to how we can even
further improve access to surgery for patients in areas such as mine. My electorate is of a lower socioeconomic status, and therefore surgery being too expensive can quite often simply mean not having it at all, and that is not a result anyone wants.

However, in regard to the point the minister is making, I think I share his view. Yes, we all have a right to bang on about any issue we want, and I will continue to bang on about cataract surgery in my area, as I am sure others will continue, quite rightly, to bang on about this issue in their electorates—but at the right time and at the right moment. The legal advice is quite clear. There is no substantial relationship. Therefore, I would hope we can get on with the job of passing the Health Insurance Amendment (Compliance) Bill 2009 and continue to argue the toss on cataract surgery at another time, in another format and hopefully get the government to listen at the right moment, either in this House or out of it.

Question put:
That the motion (Mr Bowen’s) be agreed to.

The House divided. [5.58 pm]
(The Deputy Speaker—Mr PD Secker)

Ayes............ 78
Noes............. 56
Majority........ 22

AYES
Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bidgood, J.
Bird, S. Bowen, C.
Bradbury, D.J. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Campbell, J.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. 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. Georginas, S.
George, J. Gibbons, S.W.
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.
Macklin, J.L. McKeon, R.
McMullan, R.F. Melham, D.
Murphy, J. Neumann, S.K.
O’Connor, B.P. Oakeshott, R.J.M.
Owens, J. Parke, M.
Perrett, G.D. Plibersek, T.
Price, L.R.S. Raguse, B.B.
Rea, K.M. Ripoll, B.F.
Roxon, N.L. Saffin, J.A.
Shorten, W.R. Sidebottom, S.
Smith, S.F. Snowdon, W.E.
Sullivan, J. Swan, W.M.
Symon, M. Tanner, L.
Thomson, C. Turnour, J.P.
Trevor, C. Vamvakoumi, M.

NOES
Andrews, K.J. Bailey, F.E.
Baldwin, R.C. Billson, B.F.
Bishop, B.K. Bishop, J.I.
Briggs, J.E. Broadbent, R.
Chester, D. Ciobo, S.M.
Cobb, J.K. Coulton, M.
Dutton, P.C. Farmer, P.F.
Fletcher, P. Forrest, J.A.
Gash, J. Georgiou, P.
Haase, B.W. Hartsuyker, L.
Hawke, A. Hawker, D.P.M.
Hockey, J.B. Hull, K.E. *
Hunt, G.A. Jensen, D.
Johnson, M.A. * Keenan, M.
Laming, A. Ley, S.P.
Lindsay, P.J. Macfarlane, I.E.
Marino, N.B. May, M.A.
Mirabella, S. Morrison, S.J.
Moylan, J.E. O’Dwyer, K
Pyne, C. Ramirez, R.
Robb, A. Robert, S.R.
Ruddock, P.M. Schultz, A.
Scott, B.C. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Truss, W.E. Tuckey, C.W.
Vale, D.S. Washer, M.J.
Windsor, A.H.C. Wood, J.
* denotes teller

Question agreed to.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (6.03 pm)—I move:

(1) Clause 2, page 1 (lines 7 and 8), omit the clause, substitute:

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

This is a very straightforward amendment. The passage of this bill has been delayed in the Senate. The original bill had a commencement date of 1 January 2010. Clearly, that is not now possible unless the legislation were to be retrospective, which the government does not believe is appropriate. Accordingly, this amendment changes the commencement date to the day after it receives royal consent.

Also, I have tabled some very minor and technical amendments to the explanatory memorandum which correct small errors. Subsection 129AEB(5) deals with the application of a 50 per cent increase to the penalty in certain circumstances, including when the total amount of the previous debts is more than $30,000. The EM incorrectly states that the threshold is $2,500, which is corrected in the amendment I have handed forward.

As I said in my earlier remarks, there has been very good engagement between the government and the opposition on this bill, both with the former shadow minister for human services, Senator Scullion, and the current shadow minister for human services, the member for Menzies. I acknowledge that and I acknowledge the good faith in which these matters have been discussed between the government and the opposition.

Mr ANDREWS (Menzies) (6.04 pm)—I indicate to the government that the opposition will not be opposing this amendment, contrary to information provided to the minister. I am informed that Senator Scullion had not been informed about it and neither had I. The minister at the table informed me about it just briefly before the previous division came on. I have looked at the matters and, as I said, we will not be opposing the amendment.

Question agreed to.

CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010

Second Reading

Debate resumed from 4 February, on motion by Mr Brendan O’Connor:

That this bill be now read a second time.

Mr KEENAN (Stirling) (6.05 pm)—I rise to speak on the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010. This bill aims to strengthen the existing child sex tourism offence regime and makes amendments to child sex offences committed outside of Australia. The bill also introduces new offences for steps leading up to actual sexual activity with a child. The bill aims, amongst other things, to ensure that behaviour involving sexual offences against children committed by Australians within Australia is also criminalised when committed by Australians overseas.

In 1994 the Commonwealth enacted a suite of new criminal offences targeting Australians who engaged in the sexual abuse of children overseas, sometimes referred to as ‘child sex tourism’. The introduction of these offences fulfilled Australia’s international and moral obligations to protect children internationally from sexual exploitation. In
2005 the former coalition government enacted a range of offences directed at the use of a carriage service, such as the internet or mobile phone, for the sexual exploitation of children. This action was taken in response to the increasing use by offenders of new technical tools such as the internet to engage in this heinous activity.

This bill will implement a range of reforms to the 1994 and 2005 offence regimes to ensure that they remain effective and continue to meet the needs of law enforcement agencies in combating contemporary offending. The reality we face today is that rapidly changing technologies and the anonymity provided by the internet has resulted in an unprecedented opportunity for child sex offenders. The coalition broadly supports these reforms and new offences which strengthen the current system so that sexual exploitation is comprehensively covered, whether committed online or through other devices such as mobile phones or through the mail.

Specifically, this bill aims to strengthen the existing child sex tourism offence regime. It introduces new offences for dealing in child pornography and child abuse material overseas. It introduces new offences for using a postal service for child sex related activity. It enhances the coverage of offences for using a carriage service for sexual activity with a child or for child pornography or child abuse material. It also makes minor consequential amendments to ensure existing law enforcement powers are available to combat Commonwealth child sex related offences, and it introduces a new scheme to provide for the forfeiture of child pornography and child abuse materials and items containing such material.

The bill’s explanatory memorandum notes that part 1 of schedule 1 will repeal the existing child sex tourism offence regime in the Crimes Act and move the provisions to the Criminal Code. It also aims to strengthen the child sex tourism offence regime by introducing new offences for steps preceding actual sexual activity with a child, improving the operation of existing offences for sexual intercourse or other sexual activity with a young person where the defendant is in a position of trust or authority in relation to that young person. Part 1 of schedule 1 will also introduce new offences for Australians dealing in child pornography and child abuse material overseas.

Commonwealth, state and territory offences criminalise dealings in child pornography and child abuse material within Australia and through the internet. However, there are currently no offences applying extraterritorially to dealings in such material by Australians overseas. Accordingly, part 1 will introduce new offences for possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside of Australia. The purpose of the amendments in part 1 is to ensure that all behaviour relating to sexual offences against children by Australians within Australia which are covered by state and territory offences is also criminalised when committed by Australians overseas.

Part 2 of schedule 1 will introduce new offences for using the postal or a similar service for child sex related activity. While there is a general offence of using a postal service to menace, harass or cause offence, carrying a maximum penalty of two years imprisonment, there are currently no specific offences for using a postal service for child sex related activity. This has led to inconsistencies in how child sex related activity using a carriage service and comparable activity using a postal service is treated. Accordingly, part 2 will introduce a comprehensive...
suite of offences that criminalises the use of a postal service mirroring existing and proposed carriage service offences and penalties.

Part 2 of schedule 1 will enhance the coverage of offences for using a carriage service—for example, the internet—for child pornography or child abuse material or for sexual activity with children. In 2005, new offences for using a carriage service for child pornography or child abuse material or for grooming or procuring a child for sexual activity were inserted into the Criminal Code. Part 2 will extend and improve the operation of these existing offences. It will also introduce new offences for using a carriage service for indecent communications with a child or for sexual activity with a child.

Part 3 of schedule 1 will make minor consequential amendments to ensure existing law enforcement powers are available to combat all Commonwealth child sex related offences. Part 3 will make minor consequential amendments to the Australian Crime Commission Act 2002, the Crimes Act, the Surveillance Devices Act 2004 and the Telecommunications (Interception and Access) Act 1979. These amendments will ensure that law enforcement agencies are able to use existing powers applicable to existing offences for the investigation of the proposed new offences.

The purpose of schedule 1 is to introduce a comprehensive scheme for the forfeiture of child pornography or child abuse material or articles containing material derived from, or used in connection with, the commission of a Commonwealth child sex offence. Currently there is no specific Commonwealth scheme for dealing with child pornography or child abuse material that is seized or otherwise obtained by law enforcement in the course of their investigating activities. Material or offences will be able to be forfeited through a notice scheme administered by the Australian Federal Police or, where appropriate, a state or territory police force. Disputed forfeiture matters will be dealt with by a court. A court would also be able to determine forfeiture applications brought by the Commonwealth Director of Public Prosecutions either following a conviction or an acquittal or in purely civil proceedings.

I want to talk just briefly about the role of the Australian Federal Police in combating online child exploitation. I think it is important at this point for us to acknowledge that the Australian Federal Police’s child protection operations team performs an investigative and coordination role within Australia for multijurisdictional and international online child sex exploitation matters. These matters include those from Australian state and territory police, government and non-government organisations—including internet service providers and internet content hosts—the Virtual Global Taskforce, international law enforcement agencies, Interpol and members of the public.

The AFP investigate online child exploitation which occurs using a telecommunications service such as the internet or a mobile phone. The types of offences investigated include accessing, sending or uploading child exploitation and abuse material. Grooming and procuring of children over the internet is also investigated by the AFP. This is when an adult has made online contact with a child under the age of 16 with the intention of facilitating a sexual relationship. AFP investigations may also focus on internet sites carrying child abuse material and operating from an internet service provider in Australia. In cases where the site content is not hosted within Australia, the matter is referred to overseas law enforcement agencies. The coalition applauds the hard work that the Australian Federal Police do at a
federal level and also at an international level to combat those who seek to harm the most innocent and vulnerable within our society.

I also want to say a brief word about sentencing guidelines across Australia. State and territory sentencing guidelines differ very significantly in relation to child pornography offences. In June last year this issue was raised by my predecessor in this portfolio, the member for Farrer, who spoke in this House about the inconsistencies in sentencing for child pornography offences in the differing state and territory jurisdictions.

There have been a number of disturbing reports in the media about the perceived leniency of sentences for child pornography offences. One notable example is the case of the Queen v Nigel Keith Saddler, where Judge Berman commented on the inadequacy of the maximum penalty for child pornography offences under section 91H(3) of the Crimes Act 1900 in New South Wales. When sentencing Saddler, Judge Berman made a number of comments about the serious nature of child pornography offences and the need—which I think would be endorsed by most in the community—for harsh sentences for these offences, saying that this was:

… not only so that judges do what they can to reduce the demand for such appalling acts of cruelty, but also to mark in a very real way the community’s horror at such treatment of entirely innocent and defenceless children.

Judge Berman also went on to say:

Of course the consequences of possession of child pornography go beyond the harm caused to those children involved in its production. The use by an offender of child pornography has the effect of weakening the otherwise very strong idea that children need to be protected from sexual exploitation. Further the use by a person of child pornography for sexual gratification can lead to a situation where the person himself moves beyond being merely a viewer of child pornography to become an abuser of children.

In New South Wales, the penalty for sexual conduct with a child under the age of consent is a maximum of seven years, in Queensland it is 20 years and in the Northern Territory it is 20 to 25 years imprisonment. Notably, maximum penalties also differ greatly for state and territory offences in relation to the production of child pornography or child abuse material. In New South Wales, Victoria and Queensland the maximum penalty for producing child pornography material is 10 years, in Tasmania the maximum is 21 years and in the ACT the maximum penalty is only five years imprisonment for such offences.

These inconsistencies need to be addressed, and I think everyone in the community expects them to act as a deterrent for these heinous and hideous crimes.

In June 2008, my colleague in the Senate Senator Bernardi introduced a private senator’s bill, the Crimes Legislation Amendment (Enhanced Child Protection from Predatory Tourism Offences) Bill 2008, which did not receive government support. The government—I think quite remarkably—would not allow Senator Bernardi’s bill to be debated. I just want to remind this House of what the provisions of that bill were. The main provisions of the bill included the creation of new grooming, procuring and preparatory offences, which filled a gap in the current legislation. The purpose of those measures was ‘to give law enforcement agencies and prosecutors the mandate to take action’ before a child was actually harmed. So if there is a paedophile out there grooming a child then the authorities could step in and take appropriate action before that child is harmed. The bill also introduced a new offence making it illegal for Australian citizens and residents to possess, distribute, obtain or control child pornography or child abuse material while overseas, as this behaviour is currently outlawed only in Australia. The intention was to fill the gap where a foreign
country was unable or unwilling to prosecute persons engaged in child sex tourism of-
fences or where the country has no specific
laws to deal with those offences. Senator
Bernardi’s bill also included the forfeiture of
child pornography and child abuse material.
It should be noted that these provisions have
been included in the bill that we are debating
here today and, as we see by the drafting of
Senator Bernardi’s bill of two years ago,
these issues have been of concern to the op-
position for some time.

This bill has been referred to the Senate
Legal and Constitutional Affairs Legislation
Committee, which is due to report on the bill
by 15 March. The coalition, of course, sup-
ports this bill in principle. However, we re-
serve the right to make amendments pending
the outcome of the Senate committee’s in-
quiry. Importantly, I want to recognise and
thank the hardworking members of our state
and federal police forces around the country.
I particularly single out the Australian Fed-
eral Police’s High Tech Crime Centre. They
work in conjunction with our international
partners in the Virtual Global Taskforce,
which painstakingly traces these criminals
using web recognition tools, Google and spe-
cialised software in what is a truly interna-
tional effort to crack down on the trade in
these deplorable images.

At this point there is no effective techno-
logical solution that removes the need for
these officers to sit and look through every
image that is found on a seized hard drive.
Sadly for some of these officers who have
been involved in this particular task force,
they have observed the same children over
many years suffering continual abuse. Some-
times, through various software tools, they
are able to identify locations, identify victims
and arrest their abusers. I think everyone in
the House will recognise that, while all po-
lice officers do a difficult job, these police
officers are remarkable people who should
be recognised for their continual efforts to
-crack down on this disgusting trade. The
House should recognise that they are doing a
particularly difficult job in what is, of course,
a very difficult area of law enforcement.

Whilst Australia has a strong framework
in place to criminalise online child sexual
exploitation, the new offences and reforms
contained within this bill will ensure that the
offences capture contemporary offending.
The opposition strongly believes that protect-
ing children from this sort of disgraceful
predatory sexual behaviour should be a pri-
ority for every government and endorses any
measures this parliament will take to crack
down on this truly horrendous crime.

Mr HAYES (Werriwa) (6.23 pm)—It will
probably not take many members in this
House by surprise that I tend to speak a lot
on law enforcement based legislation. That is
partly because, prior to coming here, I had
pretty extensive involvement with law en-
forcement through the Police Federation of
Australia. And it probably has more than a
little to do with the fact that my father was a
police officer with the New South Wales po-
lice.

I have always been very passionate about
ensuring that our police, those people who
take on that brave role and protect our com-
munity, have the necessary tools and the
necessary legislative support to ensure that
they can do that role on our behalf. I ac-
knowledge that many of the activities they
participate in are often very dangerous. They
experience things that we, thank God, never
will, and they do that as part of their normal
daily lives. They are prepared to take those
risks on as part of their normal daily lives.

When it comes to the Crimes Legislation
Amendment (Sexual Offences Against Chil-
dren) Bill 2010 I have to say that I feel a bit
perplexed about it. I say that—being a parent
and now, happily, a grandparent of three—
because this does not seem to reflect the society that we all grew up in. I know that is not quite the case; we all know that there were various issues in the deep past at various religious organisations and other happenings which occurred and which are now being reported. But I have to say that child sex offences are something that I just cannot understand. I cannot understand the motive and I cannot understand why this would be attractive for people to get involved with. However, I do understand from my police colleagues that this is something which is a scourge on our modern society.

It is something that is not dissipating and it is not something that police are able to detect in advance and protect children from at the moment—it is something that is highly reactive. I congratulate the member for Stirling and his recognition of the police, particularly the AFP and their High Tech Crime Centre, which I have had the opportunity to visit as a member of the parliamentary committee with oversight of the Australian Crime Commission. I see what those officers do, and I have to say that it is a job that I do not know how people do: to assume identities and to enter into conversations with such vile people. They do this to investigate to get convictions, obviously, but they do that very clearly with a view to try and protect children.

The Minister for Ageing, who is at the table, is a former Queensland police officer. It was only last year that the Queensland police were successful in conjunction with the Netherlands police, I think, in tracking down a very prolific child pornography gang. Not only did they do that, they were actually able to ensure the release of a little girl who was held by the perpetrators of those offences for about 18 months. That was a sterling bit of police work and it shows what happens when people of goodwill can get together. That is why we should actually support our police; it is not just what they do out on the roads and what they do in their more publicly recognised work, it is what they do in being able to achieve those sorts of results. It is something for which we are entirely indebted to them.

For those of us who are parents, there is nothing that we want more than to ensure that our kids are safe. It is not just for the younger members of parliament, who still have that pleasure ahead of them, but also for the people that we represent as members of parliament. When we talk about families we are actually talking about the nurturing qualities of a family that wants to bring their children up, go to their football matches, ensure that they get their proper education and go to university or go into the trades. From a grandparent’s point of view, and the relationship that I have with my kids, that it is a whole-of-life task. You never actually lose contact with your children and it continues in relation to your grandchildren.

We want the best for our young people coming up, and that is one of the reasons I find this such a difficult bill to speak on. It is a very easy bill to support, but we are reflecting on a society where we need these laws to deal with something in society now that strikes me as anathema to the society that I grew up in. Maybe we have been shielded from various things as we have grown up because of the love and care of our parents—that has had more impact on some more fortunate people in society than others—but one of the things that we just cannot do is simply allow society to take care of this itself. For far too long we have seen what we read in the history books, and what is occurring in some of those closeted religious areas.

One of the things that really brings this to a head for me is a 70-year-old bloke who is a member of the forgotten generation. He came down here for the Prime Minister’s
apology not all that long ago. This bloke is from my electorate and he told me how he came here from England. He went to a facility in Perth and, regrettably for him, that is where he was first sexually assaulted. I suppose that these things have been in society for some time and have probably been kept in the back room and out of the public arena. But these are things that I think are so vile—that anybody exercising authority can actually use their standing over a child in such a way.

It is apparent to me that there is a growing sexualisation within society. Children are now exposed to more sexual imagery through advertising, mass media, television, magazines, gaming, the internet et cetera. In my opinion, with this increasingly sexualised culture comes a new danger for children and, clearly, challenges for parents. The sexual exploitation of children is distressing for the families involved and devastating for the victims, the children. It has such a far-reaching impact on those kids. That is why I mentioned my colleague from the electorate. He tells me that his stutter commenced when he was first assaulted in the orphanage in Perth when he was 17 years old, and he is still stuttering now. This man obviously has long-term issues as a result. That is an example of the dynamics of crimes of this nature perpetrated on children.

I was talking with the member for Hindmarsh, and one of the things that he and I are both involved in is White Ribbon Day—men standing up against violence against women and children. One of the things that we regularly quote is that one in three women will report domestic violence against them. Very importantly for this debate, one in five women over a generation is likely to be sexually assaulted. In my own situation—referring to my mother, my wife, my daughter and my two grand-daughters—that means that, within those three generations of women, one of them is likely to experience sexual assault. If everyone can personalise it in those terms, amongst our loved ones, they can see this is an extraordinary situation impacting on our society.

This bill is really about looking after kids and looking after their welfare. As I said earlier, it aims to strengthen the existing offence regime to reflect more appropriately the changed and ever-changing circumstances of sexual violence that we now see being perpetrated against children. Effectively what we are doing is ensuring that our laws keep pace with the rapidly changing technology.

I would like to take a little time now to speak about some of the details of the bill which I consider go a long way to providing additional protection for our children. Presently, the Commonwealth offences regime criminalises child sexual exploitation committed by Australians overseas—more commonly known as child sex tourism—and offences occurring through a carriage service such as the internet or mobile phones. This bill seeks to strengthen the existing child sex tourism offences regime by simplifying the structure of the existing offences, raising penalties and introducing several new offences, including one I believe is very important—that being a new aggravated offence where the offender is in a position of trust or where the child victim has a mental impairment.

The bill will also introduce new offences criminalising dealings in child pornography and child abuse material overseas, ensuring that Australians engaging in such behaviour outside Australia can be prosecuted in this country. I believe that these improvements will bring our approach to people committing these offences overseas in line with the way we approach those offences domestically in this country and ensure that Australians are subject to consistent sanctions.
whether those vile acts are perpetrated on children outside the country or within the bounds of our jurisdiction.

These proposed reforms are very much supported and advocated by the child protection agencies and organisations that work for the protection of children. As the minister indicated in his second reading speech, child protection organisations such as Save the Children and Child Wise, when consulted about these proposed reforms last year, both indicated that these changes would definitely strengthen our capacity to prosecute child sex offenders. Child Wise said that this would ‘see Australia again being a leader in international best practice in relation to legislation and policing of child sex tourism’. That is something we probably should not just hang our hat on, because we will be making more and more changes to this style of legislation as technology changes.

As I said, the intent of this legislation is to ensure that we can keep pace with changing technology and to ensure that people who are using technologies—for example, the internet—to perpetrate crimes against children not only can be policed but also can be brought to justice. Clearly, the internet is a wonderful instrument. It is a great way for kids to learn. In fact, we are in the process of a very significant rollout of computers across the nation. It is something that can impact on the learning skills of all our kids. However, whilst the internet is a great learning tool and it is fun, it also has the capacity to be used by others with less-than-good intentions.

Children learn from an early age how to use a computer. My grandson, Nathaniel, at age eight has far more computer skills now than I am ever likely to acquire. When I need things downloaded, he can certainly find his way around the net to get what I need. But he is eight years old, and the trouble with being so skilful at eight years old is that when their curiosity kicks in they can do just about everything. Unfortunately, there will always be somebody out there on the internet waiting to prey on children. That is what parents really have to guard against.

I have acknowledged the good role of the police in this regard. Having spent a bit of time with the police, particularly with the high tech crime operations unit in Canberra, and having seen how they work in conjunction with their state and territory colleagues, I applaud their work. I think their job is very difficult. Being a police officer is one of the few occupations where you get to see the best and the very, very worst aspects of society, and police need to take it all in their stride. Once again, I congratulate and applaud police officers for what they do in a raft of things, particularly for the way they are aggressively pursuing perpetrators of these crimes against children.

To combat these emerging opportunities presented by technological advances, the bill will introduce two new internet offences: raising penalties for internet child pornography and child abuse material offences, including through the introduction of a new aggravated offence directed at online child pornography networks; and new network offences of exposing children to indecent material and engaging in sexual activity with a child over the internet—in other words, actually using the internet as the vehicle for perpetrating the offence on the child. These necessary reforms will ensure that the regime is sufficiently strengthened to assist in prosecuting this modern day offending.

I encourage parents to remember the dangers of the internet. Through Minister Conroy’s portfolio, we have looked at internet filters. These are things that should not be left on the shelf until something occurs, after which parents make proper use of them. These are things that have been introduced
for a very good reason. For parents, and people like me who are less than skilled on the computer, there is no excuse not to ensure a child—in our case, our grandson—only does on the computer what they have been allowed to do.

The bill introduces a suite of new offences directed at the use of the post service for child sex related activity such as the distribution of child pornography or grooming or procuring a child. Whilst we have concentrated on internet offences, regrettably snail mail is still being used as a vehicle for these crimes. These new offences will mirror the online offences and ensure that consistent treatment of offenders occurs whether the offence is by internet or the postal service. The bill also makes minor consequential amendments to several acts, including the Australian Crime Commission Act 2002 and the Crimes Act 1914, and will ensure that existing law enforcement powers are available to combat Commonwealth child sex offences, including new offences inserted by the bill.

Finally, the bill will introduce a new scheme to allow for forfeiture of pornography or child abuse material, or articles containing such material derived from or used in the commission of a Commonwealth child sex offence. Regrettably, whilst these offences take some time to proceed through the courts, it is only if there is a successful prosecution that the actual offending material is removed. Given the length of court time to secure convictions, I find it incredible that this material stays out there until a successful prosecution is obtained. The whole object of this bill is to protect children and prevent child abuse. This must always be a national priority. This piece of legislation is timely. It follows some horrific events of the last week in respect of young children. (Time expired)

Ms LEY (Farrer) (6.43 pm)—I appreciate the opportunity to speak on the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010. I congratulate the member for Stirling for his initial response to the bill and I echo all the remarks that he made. I know that he will continue to see this as a very important area for the coalition to pay great attention to.

This is a very important bill for the protection of children—probably one of the most important bills, I think, we will see in the House this year. I would like to reflect on some parts of the bill that I think are particularly important and particularly useful, and also discuss generally the problem of online child exploitation and the difficulties that we face as legislators, members of the community, judges and juries et cetera in combating an increasingly prevalent crime. It is important therefore that we continue to amend our existing legislation to keep pace with changing technology and recognise that as methods of communication and identification and abuse of children become easier with the different technological tools available we continue to catch up as legislators.

Generally, this bill makes amendments relating to sexual offences against children, including child sex offences outside Australia and child sex offences involving postal or similar services or carriage services, which I think for all intents and purposes means the internet. It strengthens the child sex tourism offence regime by introducing new offences for steps preceding actual sexual activity with a child, improving the operation of existing offences for sexual intercourse or other sexual activity with a child and by introducing new sexual activity offences directed at aggravated conduct, persistent sexual abuse and sexual activity with a young person where the defendant is in a position of trust or authority.
The bill introduces new offences for Australians dealing in child pornography and child abuse material overseas. Commonwealth, state and territory offences criminalise dealings in child pornography and child abuse material; however there are currently no offences applying extraterritorially to dealings in such material by Australians overseas. This bill will introduce new offences for possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia. It will ensure that all behaviour relating to sexual offences against children by Australians within Australia, which is covered by state and territory offences, is also criminalised when committed by Australians overseas.

It will introduce new offences for using a postal or similar service for child sex related activity, as the member for Werriwa pointed out. Snail mail is still used to distribute abusive material and there is no particular offence targeted at the general postal services. It will enhance the coverage of offences for using a carriage service—the internet—for child pornography or child abuse material or for sexual activity with children. So it will strengthen an existing regime that we saw really begin in Australia in 2005.

I will look at some of the new offences in the bill and talk about why I think they are a good thing. There are new aggravated offences—and they will apply in the part of the bill that relates to sexual activity with children—where the defendant is in a position of trust or authority in relation to the child or the child is otherwise under the care, supervision or authority of the person. Unfortunately, Australians are not limited to taking advantage of positions of trust at home; they may also travel to foreign countries and take up positions as teachers, aid workers, sports coaches and church workers. Offenders may take advantage of being in an environment where they understand that effective criminal laws are not there and they may take advantage of the role that they are in. That should rightly be seen as an aggravated offence, as should an offence which takes place where a child has a mental impairment.

There is a new persistent sexual abuse offence. This relates to the fact that courts have faced difficulties in prosecuting where there is evidence of a chain of events but it is not clear when exactly the events took place and the witness, often a child, is supposed to remember individual occasions—which is clearly not possible. Just as other domestic sexual offences are committed by Australians overseas, it is not inconceivable that Australians may engage in persistent sexual abuse of children overseas. The amendments in this part of the bill will introduce that new offence of persistent sexual abuse of a child overseas. It is based largely on a model that was recommended by the then Model Criminal Law Officers Committee in its 1995 report on sexual offences against a person.

There is a new offence of abuse of a young person where the offender is in a position of trust or authority, and it is similar to the previous example except that it applies where the young person is between 16 and 18 years of age. Normally they would not come under the children’s sexual abuse provisions because the age of consent under Commonwealth law is 16, but it is widely recognised that there are certain relationships where there is significant potential for an imbalance of power. Therefore there should be an appropriate offence for where the child is between 16 and 18 years old.

One of the most important provisions of this bill is a new grooming and procuring offence. Existing child sex tourism offences prohibit engaging in sexual intercourse or sexual conduct with a child or inducing a child to engage in such conduct. Those child sex tourism changes to the law came, I be-
lieve, in 1994, but the existing regime does not criminalise behaviour that leads up to the actual sexual activity with a child. It is frequently the case that offenders target specific children for the purpose of grooming the child to engage in sexual activity or procuring the child for sexual activity. For example, that might be an offender building a relationship of trust and then seeking later on to sexualise that relationship with explicit activities via webcam or posting images online to the child.

One thing that is very important to note is that the initial relationship building does not have to involve obscene content for it to be considered grooming. It could just be what appears to be an innocent chat online but is far from innocent. It is important that we recognise that we need to target the grooming and preparation activities in the very early stages. By enacting extraterritorial offences for grooming or procuring a child in or outside Australia for sexual activity overseas, we will comprehensively criminalise this kind of conduct, and it puts us on par with our international counterparts.

Related to the offence of grooming and procuring is the new preparatory offence. Under the existing child sex tourism regime a person who organises for others to engage in child sex tourism, such as a child sex tour operator, would be captured by benefiting and encouraging offences. While these offences allow police to adopt an interventionist approach, they are not directed at conduct where the person is planning their own participation in child sex tourism. So it is not clear that such preparatory activity would be captured by the existing offences.

Offences involved in child sex tourism are of a particularly serious nature. They result in devastating consequences for the child and the victims. Evidence of a person’s intent to travel overseas to sexually abuse children often comes to the attention of law enforcement agencies while the offender is still in Australia. Law enforcement should not have to wait until the offender is at the airport with the tickets or on the plane and heading overseas to a jurisdiction that does not have the stringent laws that we do and then rely on an Australia-led operation to intercept their activities. It is critical that we focus on prevention rather than just addressing the conduct after the fact. It will go much further towards protecting children in other countries from this behaviour. So this bill introduces a new offence of preparing for or planning a child sex tourism offence.

I would like to give some examples of how the new provisions around sexual activity with a child outside Australia would work in practice. These examples come directly from the explanatory memorandum, which I think is extremely well written and certainly does capture the intent of this parliament not just to legislate for a specific, supposedly obscene act at a given point in time that takes place overseas and is very hard to prove later in a court of law but to make legislation that surrounds the entire activity and sounds a very strong warning bell to those who would seek to travel overseas to become involved in sexual activity with children. One of the examples given in the explanatory memorandum concerns an offence where somebody could be charged even though they are not actually the participant. It states:

Person A travels to Thailand and while in Thailand, commits an act of a sexual nature … on a person under 16.

Person A travels to Thailand and while in Thailand, submits to an act of a sexual nature … committed by Person B in front of a person under 16.

Person A travels to Thailand and while in Thailand, engages in sexual intercourse with Person B (another adult) in front of a person under 16.

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Those offences would be captured by this new legislation. It would include people who involve themselves in these types of activities whether there may be voyeurism, there may be the presence of other people in the room, whether there may be children who appear to be incidental in what is going on but they are not. These new offences will catch all of that and allow Australians who carry on those activities overseas to be prosecuted.

The bill introduces a couple of new offences, including the offence of benefiting from offences. The explanatory memorandum states:

The purpose of the offence is to specifically target the organisers and promoters of child sex tourism. The section will make it an offence for a person to engage in conduct, whether in Australia or overseas, with the intention of benefiting (whether financially or otherwise) from an offence against this Division. The offence is only made out if the conduct is reasonably capable of resulting in that person benefiting from an offence against this Division.

An example would be a person receiving money in return for organising another person’s travel to a foreign country.

The other offence introduced in the bill, which has already been mentioned, is encouraging. An example would be where a person places an advertisement in a newspaper advertising the provision of assistance to persons to travel outside Australia in order to engage in child sex tourism. A person who advertises an offer to assist somebody else to travel outside Australia will still be guilty of the offence, even if the person did not ultimately travel to the foreign country and engage in sexual activity with a child.

Preparing to commit offences concerns preparatory activities before the offence takes place. For example, a person is in Australia and they use the internet to research and collect information about the child sex tourism industry in a particular destination. The person contacts child sex tour operators and asks if they can organise the supply of a child under 16, and the person books flights and accommodation for that destination but they have not left the country. They are still committing an offence.

Advances in technology and the expansion of the internet have led to an increased incidence of strategic child sex offending; that is, offenders have become increasingly sophisticated in their networking activities and they are more able to access information about where to go, who to meet, who to ask for, what language to use, what codes to use—without explicitly expressing the thing that they are there to do. Offenders are much more able to organise their participation in child sex tourism from their own home in Australia, but the offence they are intending to engage in will still be a child sex tourism offence applying to their conduct outside Australia. Again, it is a preparatory offence and it is important that law enforcement agencies have the opportunity to stop that person travelling in the first place.

The bill strengthens offences involving child pornography material or child abuse material overseas. I should note that although the words ‘child pornography’ are used in this bill, members of the Virtual Global Taskforce, including our AFP and our fabulous task forces in each state, including Argos in Queensland, CEOPC in Britain and Interpol, prefer the term ‘online child sexual abuse’. It is understandable why that would be the case.

This bill introduces a new division into the Criminal Code which contains a suite of offences directed at dealings with child pornography and child abuse material overseas. As the law stands, an Australian could travel overseas, make or purchase child pornography or child abuse material and escape pun-
ishment, even though the same behaviour, if committed in Australia or over the internet, would be a serious criminal offence. If that material were intercepted at Customs on the person’s way back into Australia it would certainly be an offence, but material is not always intercepted. Of course, if the video of the abuse is made in another country then it exists only virtually; there is no hard copy on a DVD to be transported or to be intercepted at Customs. At the moment, that breaks no law of Australia and it is important that we correct that anomaly.

This bill is principally concerned with child sex tourism. As those who have visited our neighbours in developing countries and who understand the situation in those countries know, thousands of Australians travel overseas every year to sexually abuse children. I can recall the first visit I made to Cambodia. I was standing at the baggage carousel and noticed a video that AusAID had produced. It was an excellent video, and it was right in your face. It simply said to those who were collecting their baggage, ‘If you have come to Cambodia to sexually abuse children, these are the penalties you will face.’ We had existing laws at that time and we are updating those laws. That was a very strong message. During the course of that visit, I went to the temples and the ruins at Angkor Wat—as tourists do—and saw a line-up of middle-aged European men talking to small Cambodian children. You did not have to be Einstein to work out what the conversation and the exchange of money was about. Of course, the poverty that so many of these nations face often means that families feel there is no escape. It is very, very important that this parliament acts to protect children and, as I said earlier, sound a very strong warning to those who would seek to carry out these activities that it is going to get tougher and tougher and that the laws are stronger and stronger.

In discussing with members of the Virtual Global Taskforce the problem of online child exploitation across the world, in seeing the work that they do and in talking to researchers, psychologists and members of the FBI, questions come up. The member for Werriwa reflected very well on some of these questions relating to the state of modern society and what is actually going on. There is a dearth of research in this area and very little knowledge about why the phenomenon of online child abuse is exploding at the rate that it is.

Everyone who is involved in it will describe it in those terms. One FBI investigator said, ‘We can step out anywhere, anytime and arrest somebody for having abusive images of children on their computer.’ His words were, ‘It’s like shooting fish in a barrel.’ Someone from the British Met said to me, ‘It’s a snowstorm out there, and it’s only getting worse.’ I spoke to researchers, and the question that they grapple with is whether viewing child abuse images online—bad enough as that is, because there is a child who has been abused to make the image—encourages the actual physical abuse. No-one actually knows the answer to that. Members of CEOPC in Britain told me that some of the worst offenders were not people who viewed those images online—or, at least, they viewed very low grade images rather than the more violent and disgusting ones.

Do strong penalties provide a deterrent? I seriously doubt it. In most states in the USA the jail term for one image of child abuse on a computer is five years. There are examples where somebody with four images has received a 20-year jail sentence. If you look at the offender rates, they are certainly not going down. One thing that the psychologists will tell us about everybody who engages in this practice is that they never think they are going to be caught. They are very unlikely to
be deterred to the extent that we would like them to be. So the answer is not stronger jail sentences. It might be in part, and I certainly think that the jail sentences we are handing out at the moment across Australia are not sufficient and are not sending the right message back into society. Quite aggressive and successful defences are mounted for many of the cases that come before the courts.

We do need to understand the problem a great deal better. I believe that the proclivity to find children sexually attractive is something that has been with society for a long time. There are stories of how somebody may have spent 10 years grooming a child from the opposite end of Europe without ever actually meeting them because the facility was not there. Well, with the internet, the facility certainly is there. Not only that, but there is a community of likeminded people who are happy to normalise the behaviour, talk about it online and encourage it, to the extent where we as legislators, members of parliament and members of the community are greatly worried and need to take action. I commend the bill to the House.

Ms VAMVAKINOU (Calwell) (7.03 pm)—It is a pleasure to follow the member for Farrer and my colleague the member for Werriwa in speaking to the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010. I rise this evening to speak in support of this bill. I would like to take this opportunity initially to welcome the efforts of the Minister for Home Affairs, the Hon. Brendan O’Connor, for introducing this very important piece of legislation to the House.

The bill before us is important, because not only does it recognise the need to protect children from all forms of sexual exploitation and abuse; it also identifies the rapidly changing circumstances and media through which these crimes occur. This bill serves to strengthen our commitment to enforcing existing mechanisms that serve to prevent the sexual exploitation and abuse of children, and in doing so it most certainly strengthens Australia’s international legal obligations towards the ratification of the UN Convention on the Rights of the Child, which legally obliges all states to protect the rights of children at both the national and international levels. The legislation before us carries on from a fine tradition as far back as the Keating Labor government’s introduction of an extensive legal framework against child abuse. I am very pleased that this government has not only seen fit but is very willing to assume its national and international responsibility through a strengthening of the Commonwealth child sex related laws.

This issue is of particular importance to Australia. We are located in a region where many neighbouring countries are home to large numbers of children growing up in circumstances of dire poverty and disadvantage, and as such we have a very important role to play in effectively tackling sexual crimes against children, which are primarily built on the exploitation of the most weak and the most vulnerable. Indeed, the member for Farrer talked just a little while ago about her experiences in Cambodia, and I am sure that we all find that most repulsive and unacceptable.

That is why the new offences introduced in this bill are of great importance in tackling this very difficult and disturbing issue. As there are currently no offences applying extraterritorially to Australians dealing in child pornography and child abuse materials overseas, the introduction of the new offences outlined in the bill serves to close the gaps within existing legislation. Any Australian possessing, controlling, producing, distributing or obtaining child pornography or child abuse material anywhere and at any time is subject to Australian Commonwealth law.
The proposed reforms to the existing child sex tourism regime are of great importance because they ensure that Australians who commit crimes overseas will remain subject to our Commonwealth laws. By making specific reference to procuring and grooming a child overseas for sexual activity, this bill ensures that our federal law enforcement agencies are able to tackle effectively all avenues through which the child sex tourism industry attempts to operate. This issue lies at the heart of our national judicial framework, because not only does it serve to perform the normal functions of law that operate within Australia but it is specifically designed to address issues of the particular vulnerability of those which it is designed to protect. Our society, like others around the world, will be judged on the basis of what we do to protect our most vulnerable. As the line of reasoning goes, ‘The test of morality of a society is what it does to its children.’

The introduction of this bill is, as I said, a reflection of the federal government’s responsiveness to the position and attitude of the Australian public towards this issue. There is an intrinsic demand amongst all Australians that the government take all appropriate measures against the sexual abuse and exploitation of children, wherever it may occur. It is hard to imagine that, not so long ago, talk about the issue of child sex abuse was virtually non-existent. This silence was not a reflection of any absence of child sex related crimes but merely something that was not strong in the public discourse. It was only when a legitimate focus by the public on the issue of child sex abuse was able to be translated into the political realm that government initiatives, such as the one on which I am speaking and on which other honourable members have spoken before me in this House, have come about. It was only after this government initiative that legislative instruments aimed at protecting our most vulnerable were introduced into the Commonwealth’s judicial framework.

As Associate Adjunct Professor of Psychology Dr BJ Cling, of St John’s University in New York, said:

By the early twenty-first century, the issue of child sexual abuse has become a legitimate focus of professional attention …

She goes on to say that:

… the systematic study of psychological trauma … depends on the support of a political movement

As such, this bill is a reflection of the political will of this government to ensure that the protection of children against sexual exploitation and abuse remains a legitimate focus of both public and professional attention. It says to the people of Australia: it does happen, it does matter and it is of interest. It says to the perpetrators of such horrendous crimes that the Australian government and its people will continue to strive to ensure that there remains no sanctuary anywhere in the world from which crimes against the world’s most weak and vulnerable can be committed. The reforms outlined in this bill are tough precisely because they serve to be just and fair to the children whom they are designed to protect. It says to these criminals: if you partake in the devastating act of sexual exploitation and abuse of children, you will be subject to the maximum penalties that are available under the law.

We know that the widespread use of modern technology serves as a basis for our nation’s development into the future, but unfortunately the widespread accessibility of the internet and other forms of information and communication technologies also means that, where there is a market, those technologies can be exploited for criminal purposes. As sexual crimes against children have become a widespread form of criminal activity, the reforms introduced in this bill serve to reflect
the multifaceted nature of these crimes. As such, through these reforms, the Australian government aims to employ a full range of mechanisms aimed both at strengthening the existing instruments in place to keep up with technological advances and at introducing new ones as a comprehensive measure against child sexual offences in areas of Commonwealth responsibility.

Non-governmental child protection organisations have long pressed for reforms to be introduced. As Minister O’Connor has already outlined, the Save the Children organisation noted, during a broad consultation process on these proposed reforms, that the measures introduced in this bill would:

... definitely strengthen Australia’s capacity to prosecute would be child sex offenders.

Adding to Save the Children’s assessment, Child Wise also lent its support to measures that would see Australia:

... be the leaders in international best practice in relation to the legislation and policing of child sex tourism.

In a world where social upheavals are common and environmental disasters, such as the catastrophic earthquake visited on Haiti in January of this year, are becoming more prevalent, the breakdown in the social order has a disastrous effect on children first and foremost. Releasing a new report, Anne Veneman, Executive Director of the United Nations child welfare agency, UNICEF, also confirmed the view that mass displacement and the breakdown of the social and economic order increase the vulnerability of children, who ‘are at high risk of being separated from their families and more vulnerable to sexual and other abuse, including trafficking and abduction’. These findings are underscored by the Haitian communications minister, who recently acknowledged that, with his government’s priority focused on food and shelter, stories of sexual assaults in makeshift encampments would remain unaddressed.

That is why the responsibility falls upon countries such as Australia to strictly enforce laws against child sexual abuse and exploitation in order to deny child sexual predators a haven from which to procure or groom a child overseas for sexual activity or to prepare or plan for sexual activity with a child overseas. As we send aid abroad to assist nations to rebuild and recover from tumultuous events, we need to ensure that we are also investing in protecting those who are most vulnerable to such chaos and disorder.

I would like to end on the following note. Our children inhabit a world which we help manage, a world that offers them a wealth of opportunity, yet a world in which the preservation of their innocence rests on our ability to help create a better and safer world for them. That is why the introduction of legislative amendments such as these goes to the heart of what we here in the House, as elected representatives, aim to provide for Australia and for the world’s children. Keeping our children safe from predatory sexual behaviour through legislative instruments such as the one before us today serves to do just that. I commend the bill to the House.

Mrs MIRABELLA (Indi) (7.13 pm)—I rise to support the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 this evening in the House. It is a bill that aims to strengthen the existing child sex tourism offence regime and makes amendments to child sex offences committed outside Australia. The coalition will always support any measures that increase penalties for those who commit sexual offences against children. Anyone who preys on children, no matter where those children live in the world, deserves to feel the full weight of the law. Let’s make it clear: any Australian who engages in that sort of behaviour while
overseas represents an ongoing threat to Australian children on their return home. It is therefore in the interests of all Australian families to crack down on these people and to ensure that they do not find refuge in the laws of other nations, some of which have softer laws in this regard.

We face many challenges in the changing world. The World Wide Web, while a wonderful innovation in communications that has been touched upon by other speakers, does provide pitfalls for children and, unfortunately, opportunities for those who prey on children. Social networking on the internet continues to grow very rapidly, and avenues for inappropriate contact with children have opened up at a similar pace. We hear stories of unfortunate contact between these adults and some of the underage children on which they prey. We almost get daily stories in the media about them. It is no different elsewhere in the world. Governments all over this planet face challenges in ensuring that laws keep pace with changing trends.

It was back in 2005 that the coalition government included offences for using a carriage service, such as internet or mobile phone, for child sex related activities, including it in division 4 of the Criminal Code. It was the coalition that created the NetAlert program, which offered a free internet filtering scheme for all Australian households. This actually allowed parents greater control over their children’s internet activities. This is an area of great concern for parents. They want to take on the responsibilities of parenting and want to have the tools to help them do so. Many obviously are not as technologically savvy as their much younger offspring, but this at least gave them an opportunity and an empowerment to do something about it. It was NetAlert that the Rudd government, in its wisdom, decided to scrap in favour of its Big Brother style mandatory filtering system, which has drawn an enormous amount of criticism from industry and across the community—and across, I must say, a diversity of organisations and community groups.

While I do strongly support this bill in principle, I know the shadow minister has flagged some issues in relation to the practical application of the new child sex offences outside Australia. This government does not have a very good record when it comes to matching rhetoric with practical results. So I certainly hope that this bill is going to be more than just window-dressing and that it will be able to have a practical application. I do find it somewhat ironic that we are looking to crack down on offences committed outside Australia, when I do not believe we do enough to combat offences committed right here in Australia.

It is my very strong view that we do need to strengthen sentences for those who commit crimes against children, particularly those who commit paedophilia. We only tend to discuss this issue when it makes front-page news or when there is some particularly gory story. Last year in this place I raised the case of convicted paedophile Dennis Ferguson, who was at the time forced to move out of his latest abode. I noted that it was only a matter of time before we once again saw an outraged local community, concerned mums and dads and grandparents, holding placards and rallying against having Mr Ferguson as a neighbour. Each time this happens we see public opinion divide into two camps. The much larger one believes that this repeat offender ought not to be living in any community with children—understandably, certainly not theirs. The smaller camp decries vigilantism and claims that this person has a right to live in the community, having done his so-called time.

I believe we need to stop for a moment and look at the concept of what it means to have done his so-called time. What does our
society consider to be an appropriate sentence to fit the crime of sexually penetrating—but let us call it what it really is, of raping—a small child or three children? The offensive example of Dennis Ferguson is a case in point. This particular fellow planned his crime while doing time in Long Bay jail for a range of offences that included various assaults on children and indecent assaults on females. When he was released from jail he and his partner tracked down a fellow inmate’s three young children aged six, seven and eight. He abducted them from their home in Sydney and flew them to Brisbane, where he held them prisoner and repeatedly raped them until the police arrived some days later. The judge in Ferguson’s trial said that the chances of rehabilitation were zero, but he was sentenced to just 14 years—14 years for a crime so premeditated and so vile, a crime that no doubt imposed a life sentence on those most vulnerable victims, those three small children.

Sadly this is not a one-off case. We appear to have a somewhat double standard when it comes to sexual offences. If they are perpetrated against an adult without their consent, it is an aggressive act and very serious business. If they are perpetrated against a child, it is that less talked about child molestation thing, the thing that so many people feel uncomfortable about discussing. The focus seems to shift to the sexual deviancy of the perpetrator and away from victim. While it is difficult to get a clear understanding of the sentencing of child rape vis-a-vis adult rape, as many jurisdictions classify them all as sexual offences, there is evidence that we do not afford our children the same level of sentencing protection as we do adults.

The Victorian Sentencing Advisory Council provides statistical information on sentencing. It found that in Victoria from 2006-07 to 2007-08 the average effective sentence term for cases with sexual penetration of a child aged 10 to 16 was just 1.9 years for a single offence. It was just 3.3 years if the child was younger than 10. In fact, if there had been up to 10 sexual offences committed against the child, those averages rose to just 4.8 years and 5.2 years. The median length of imprisonment for rape of an adult was five years, with sentences varying from two to 20 years. I am not for one moment arguing that one crime is less heinous than the other—they are both abhorrent. But I do believe that we have a very special duty of care to protect the most vulnerable in our community and the most innocent, and children are on top of my list.

When I rose in parliament last year to raise this issue I pointed out that it is not something that people like to talk about, because it is disturbing and distasteful. I am very pleased, though, that attitudes in recent years have changed and there are more people prepared to talk about it. I pay tribute to a lot of the victims who, although it is a very painful process for them, have assumed a public advocacy role on this issue. When we look at it from an economic position, it is estimated that child abuse costs our nation about $4 billion a year. The social price we pay, of course, is much higher and impossible to estimate. Women who have been abused as children have considerably higher risks of experiencing sexual violence in their adult lives than the rest of us—54 per cent compared to 26 per cent for all women. Perhaps the most disturbing aspect is that the sexual offences that come to the attention of police are only a small proportion of the sexual offences that actually occur in the community.

It is appropriate and important that the government strengthens laws in relation to child sex offences committed by Australians overseas and I support this bill, which aims to do that. I am glad that the bill also introduces new offences for the steps leading up
to actual sexual activity with a child. It is all the better if we can raise convictions for predatory behaviour before actual offences occur. As a lawyer in a former life, I am all too familiar with the ability of someone who the average person in the street would consider guilty to escape a conviction through the clever advocacy of a lawyer. By tightening these laws, including those relating to activity that leads to a heinous crime against a child, we are closing some of those loopholes.

At the same time, I strongly believe that tougher sentences right across the board in relation to child sex offences need to be looked at. We have seen in all sorts of criminal areas that, where the penalty is rather light, the disincentive does not exist to deter people from behaviour that we consider socially unacceptable. We need to have tougher sentences. This is not just some populist view. This is the desire of so many parents, grandparents and others out there in the community. They do not believe that sentencing is tough enough, particularly in the area of child sex offences. I believe the way we view the crime of paedophilia needs to be rethought. The terminology we use to describe crimes against children needs to be stronger. As I said last year, the outrage we feel as a community should not be confined to when a paedophile moves into our neighbourhood; it needs to be ongoing and vigilant. I also believe that the concepts of trust, protection and love within a family need to be reinforced in our society and that the value of children and good parenting needs to be underscored and supported.

Many related issues, such as the premature sexualisation of children, are also a concern. That is a growing issue that we need to address as a society. While lingerie is being targeted at four-year-olds and highly sexualised imagery is being used to sell all sorts of things to the tween market, we really need to look at how the old ‘sex sells’ adage is being applied to children. This is a disturbing and terrible trend. We need to be more vigilant and, as a society, care more about the impacts that is having on younger and younger children, particularly girls. Paedophilia and its associated industries and activities are not an easy issue with a quick fix but a problem that we have started to acknowledge, that we need to acknowledge and that we need to discuss more openly.

I am glad that the federal government is moving to strengthen the existing regime in relation to child sex offences committed overseas and I commend the bill to the House. I sincerely hope that it will lead to the conviction of those who prey on children and, in that way, make our local communities safer and save some of our children from the life-changing negative impacts of having their freedom, liberty and innocence taken away from them. But, let us be honest, it is just the tip of the iceberg when dealing with this issue. I once again would like to take this opportunity to call on all governments around the country to take a closer look at their laws and to take steps in relation to child sex offences. They have vast departments and many lawyers working for them. They need to do the hard work to ensure that sentencing laws in relation to child sex offences more appropriately fit the crime and more appropriately reflect community attitudes. Perhaps this is one of those areas where lawyers, particularly those who work for government, could put aside their obsession with the so-called rights of criminals and perpetrators and think for once to bias their work in favour of that very vulnerable, innocent group in society, children.

The protection of our children is absolutely the highest responsibility we have as legislators. That may not make the front-page news. That may not be what drives many ambitious politicians. But children are
the future of this nation. If we let them down in this very basic way we are not worthy of the office that we hold. I look forward to continuing to work for and support the strengthening of our laws on this issue.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being nearly 7.30 pm, I propose the question:

That the House do now adjourn.

Higher Education

Mr OAKESHOTT (Lyne) (7.30 pm)—I rise to report that earlier this week some key education and community development stakeholders within the mid-North Coast region and I met with the office of the Deputy Prime Minister and the education minister to inform them that one of the councils in our region, via a new group called the Port Macquarie Education and Skills Forum, which is a meeting place for all education providers on the mid-North Coast, has adopted the government’s targets to increase the number of 25- to 35-year-olds on the New South Wales mid-North Coast having a bachelor’s degree from 11 per cent, which is incredibly low, to 40 per cent by 2025. Whilst the government’s target is ambitious, our target as a region is even more ambitious, but I think it is a bold and welcome move by our region to embrace that target.

There are currently 1,604 residents in this age bracket in the Mid North Coast region with a bachelor’s degree or higher. These figures are considerably lower than state and national averages and lower than regions in northern New South Wales that do have a substantial university campus. The population in this age bracket in the mid-North Coast region is 14,270; so, assuming a zero growth rate in that age group, the region would need to attain a total of 5,708 graduates in order to achieve the federal government’s target by 2025. This requires the provision of 7,135 university places given the national attrition rate of 20 per cent. This equates to approximately 500 enrolments every year between now and 2025, and that is assuming our population does not increase—we are one of the growth areas of Australia, let alone New South Wales.

It was these statistics that were the basis of our meeting. The Port Macquarie-Hastings Council general manager, the economic development manager and the business analyst, along with the institute director of the North Coast Institute of TAFE, attended the meeting, presenting the minister with the opportunity for the government to enter into a formal process with the council in an effort to increase the access to higher education in all discipline areas that are linked to the regional demands on the mid-North Coast. From a regional perspective, we are serious about this. We are serious about increasing the aspiration for education in our region and we think we are starting to see some results on that front. We acknowledge the work that has been done through the Bradley review and the changes to university funding that we are seeing from the government. That is starting to get universities talking to our region, but to keep it coordinated and sustainable we need to form that relationship with government. I hope they take up the offer to formalise that process.

For everyone in this place who does not know the mid-North Coast well, the gap we are talking about is essentially half of Tasmania. It is a population the equivalent of half of Tasmania’s with a geography the equivalent of the entire eastern third of Tasmania. There would be political blood on the floor if there were not a university presence of significance on the east coast of Tasmania, but that is what we are talking about for my region. We are surrounded by campuses at
Newcastle, Armidale and Coffs Harbour, but for local students to seriously access tertiary education and for that aspiration for education to genuinely develop—for these bold targets of government, which are being accepted by regions such as ours, to be met—we have to go hard on this topic pretty soon. That is where I hope formalising an agreement with our region, which is up for the challenge, is one that the government accepts. A little bit of resourcing goes with that, but I think from that we will both bear great results for the future of this country.

Pensions and Benefits

Mr CHAMPION (Wakefield) (7.34 pm)—I congratulate the member for Lyne on such a good speech; it is good to hear his local community responding so well to the challenges of getting more people into higher education. I also want to talk about higher education—in particular the fact that the opposition is currently blocking a very fair package of income support and scholarships for students. The Leader of the Opposition is very good at shooting his mouth off and going too far; the Abbott habit, generally, is shooting the mouth off, going a step too far and not backing anything up with detail or evidence. So it is with youth allowance. We have a fellow out there talking it up, talking big, but in reality he is jeopardising the income and the scholarships of 150,000 students. If they continue to block these measures, 25,000 students will miss out on an increase in support and a further 75,000 will miss out on a higher part payment or receiving youth allowance as a dependent.

We have 150,000 students who will miss out on start-up scholarships unless the bill is passed. There will be no relocation scholarships, no start-up scholarships, no help for the bush, no help for poor families and no help for low-income students. I remember going to university from a country town—Kapunda. I remember travelling every day to get to my campus in the northern suburbs of Adelaide. I know how difficult it is for students at that time. You do not have much money. You do not have many resources, and you need everything that you can get. What we find here is the opposition blocking support for the sons and daughters of shop assistants and council workers in places like Clare, Whyalla, Port Pirie, Mount Gambier and Port Augusta. We see them blocking the support of sons and daughters in places like Gawler, Elizabeth and Port Noarlunga. We see the sons and daughters of people on very modest incomes who need the support of the government. We see all of that good work being blocked by the opposition and by the Leader of the Opposition.

The Leader of the Opposition is playing the macho man, the big man on campus, to satisfy this rabble opposite, the do nothing opposition. These people have not proposed any amendments to this package—they have not proposed anything constructive. They cannot add up and they do not offer costed policies. All they do is block genuine assistance for 150,000 students across the country, delaying it at a very important time, the start of their university studies. The memory in 150,000 students’ minds and in their families’ minds will be that this Liberal opposition blocked support for them at a critical time in their lives.

This is an opposition that cannot listen—or do not listen—to 39 vice-chancellors or to Professor Denise Bradley who said that the previous system was desperately unfair. They do not listen to the Greens or to Senator Xenophon who is always a good judge of what is fair. They do not listen to 150,000 students and they do not even listen to their own frontbench. The Leader of the Opposition does not even listen to the former shadow education minister, Tony Smith, who
said about the old system, the system under the Howard government:
… it has become too easy for students from affluent backgrounds to qualify and too difficult for students from modest backgrounds …
Then he went on to say:
It particularly disadvantages many students—particularly those from the country—who have to leave home to study …
That was the first response from the opposition, the true response. Now they are just playing politics, engaging in a bit of malarky, opposition for opposition’s sake, do nothing opposition. They are pretending to be a government-in-exile. They are trying to talk themselves up and 150,000 students are paying the price because of it.

**Gilmore Electorate: Employment**

**Mrs GASH** (Gilmore) (7.39 pm)—To many the steelworks at Port Kembla near Wollongong is a positive symbol of the economic fortunes of the Illawarra. Yet the term Illawarra is rather fluid, sometimes including the Shoalhaven and Wingecarribee yet at other times excluding them from the equation. I can point to many examples of the Shoalhaven missing out, such as when the government is handing out cash to what they describe as the Illawarra. I missed out on being invited to Kevin Rudd’s Illawarra jobs summit on that basis and perhaps on the fact that I would be the only Liberal politician attending. So let me talk about the Illawarra in the context of the Prime Minister’s jobs summit descriptor.

About 25 years ago, the Port Kembla Steelworks directly employed about 23,000 people. That figure did not include the hundreds of thousands of downstream jobs that were organic to the steelworks. The steelworks formed the hub of the region’s fortunes and the union movement reigned supreme. Their influence spread into all aspects of the local political scene and it seemed they had a say in everything that went on. Their reputation for militancy was renowned throughout Australia and the steelworks industry was, to some extent, hostage to it. The now defunct Federated Iron Workers Union dominated Illawarra’s industrial landscape. It has now morphed into the CFMEU. The steelworks now employ about a tenth of their 1980s workforce. Many, if not all of the Illawarra’s politicians past and present are beholden to the union movement. The union mentored them, financed them, supported them and in the end they owned them.

The Illawarra has been under the control of Labor and the unions for over half a century thanks largely to a union culture that thrived in a heavy industry setting. But heavy industry in the Illawarra has been in decline since the heady days of the last century and, until the introduction of the fair work legislation last year, the union movement had also been in decline. But now they have been thrown a lifeline. The Illawarra in the 21st century has changed and is looking for direction, a direction that is not being provided by its Labor politicians. They are living in the past and are bereft of ideas to manage the change that sits in their collective laps. Just look at the state of New South Wales after 15 years of Labor. They continue to rely on a political culture that has reached its use-by date.

The latest employment figures for the Illawarra succinctly illustrate the political inertia under which the Illawarra labours. Job data released just last week shows a rise in the unemployment rate in the Illawarra from 6.3 per cent in December to 7.6 per cent. In contrast, the average unemployment rate for New South Wales fell from 5.9 per cent to 5.6 per cent. In December 2009, the *Illawarra Mercury* ran an opinion piece by Sue Baker-Finch which started:

Unemployment in the Illawarra has nudged 10 per cent this year—
and remains well above the national figures. No-one would disagree that the region needs more jobs.

Despite the fact that the Illawarra is represented by Labor at both the federal and state levels, how can it be that the region is defying the state and national employment trends? A number of Illawarra state Labor politicians hold or have held ministerial portfolios, yet the unemployment rate continues to defy gravity. Two of the Illawarra’s sacked councils were Labor dominated yet the unemployment rate continued to defy gravity.

To give credit where credit is due, the Illawarra has had some fine representatives and they have done good work for the Illawarra. I have even dealt with some fantastic union organisers, but they were not into power politics—they were genuinely interested in their members. But times have changed and the culture that grew around the steelworks is well and truly behind us. The Illawarra needs to move on and again signs are emerging that, at least in some sectors, this is happening but in a small way. For this to occur it cannot be handicapped by outdated notions of industrial relations which need to be consigned to the past. People have a right to work. Far too much power and influence is still wielded by the trade union movement which is not justified.

The Illawarra Business Chamber said last week that what was needed was a dedicated economic development unit to drive the change. I support that idea because I have seen the concept work well elsewhere. Shoalhaven City Council has a very good economic development unit. We also had a very good area consultative committee that achieved quite a great deal in its time. Unfortunately, the government saw fit to pull the plug and now there is a vacuum as the newly installed RDAs struggle to find their feet.

There is absolutely no doubt in my mind that small business will create the jobs growth we need in the areas like the Illawarra. People demand and have a right to work, but it cannot work in an environment controlled by vested political interests of people who have outworn their welcome.

I say all this because Gilmore is being pushed up into the Illawarra and I will be contesting the seat. The Illawarra, struggling with change, needs encouragement, flexibility, cooperation and entrepreneurship. A perfect illustration of the need to break out and let go of the forces that hold the Illawarra back was presented by BlueScope Steel’s Managing Director and CEO, Paul O’Malley, in a statement last week. He said:

… the co-generation plant planned for the Port Kembla Steelworks depends on the Federal Government’s carbon tax … and the company’s ability to reinvest in co-generation and will depend on the costs it has to pay. — (Time expired)

Deakin Electorate: Infrastructure

Mr SYMON (Deakin) (7.44 pm)—I would like to make the House aware of the completion of another important project in the suburb of Croydon in my electorate of Deakin. The last time I spoke in the House on local projects was to mark the completion of the Springvale Road Rail Separation. This $140 million project, jointly funded with an $80 million federal Labor election commitment, in just six short months of construction has transformed the worst congestion spot in Melbourne with the complete separation of road and rail—a project that we saw the Liberal Party attempt to pull the funding from in this very place on 1 June last year after more than a decade of promising and then failing to deliver anything at all to solve the problem. We now have a smooth, uncongested section of road thanks to the Rudd government, which ended years of false promises by the Liberals to fix this project. All the stunts and the fingers of blame pointed at the
state government came to what? Zero; zip; nothing—no work and no practical solution for Springvale Road in 12 long years of the Howard Liberal government.

Today I want to talk about another project that, although not on the massive scale of fixing Springvale Road, is very important for the suburb of Croydon at the eastern end of my electorate. On Friday, 19 February, I attended the official opening of the newly refurbished Keystone Hall, a community facility that is used primarily by the Croydon Little Athletics and the Croydon U3A. This was yet another election commitment made by Labor in 2007 that has now been delivered. In total, $306,000 was invested in this project to refurbish the local hall, Keystone Hall, with new toilets, a kitchen, office space and a refurbishment of the exterior and paths. The balance of the funds, aside from the $150,000 of federal funds, was a contribution from Maroondah City Council of $150,000 and a further $6,000 from the town park committee.

On the day, I met with members of the Croydon Little Athletics and the U3A, and they were very enthusiastic about their new facilities and rooms. Croydon Little Aths has been operating since 1969 and, with 300-plus members, provides an important opportunity for boys and girls to train, race and compete in athletics. The committee members and other volunteers give their time to provide this opportunity for the children in Croydon and the surrounding areas. I know these new facilities will be put to good use, and I commend this project and the impact it will have. U3A Croydon has its office space in Keystone Hall, and volunteers make sure the office is open and available for residents to drop in for a cup of tea and find out all about the courses, events and activities provided by U3A. The volunteers and committee members that I met with were also very pleased about moving into their freshly updated hall.

This project was delivered in partnership with the Maroondah City Council, and I want to personally thank the council for co-contributing to the funding of this project. I especially note the support of the current Mayor of Maroondah, Alex Makin; the previous Mayor of Maroondah, Peter Gurr; and the mayor prior to that, Tony Dib.

This project is just one of the many projects in the Croydon area that are underway or completed at the moment. On Thursday, 18 February, I visited the Croydon campus of Swinburne TAFE to view the progress of the new green trades school, which has been fully funded by a $10 million grant from the Rudd government. The Minister for Employment Participation, Mark Arbib, was there to inspect the progress, and we were both impressed with the new building and the facilities that will soon be available for local students to learn the green trades we so desperately need in the construction industry. Learning these skills will provide a fantastic career for any young student, and this new facility will enable many more students to gain these trade skills and enhance their future employment prospects.

Another local project in Croydon is the popular outdoor Croydon Memorial Pool. It was only a few years ago that the decision was made by the then council to close this pool, but the local community organised, fought and won a grassroots campaign to save their pool. The Rudd government, as part of a 2007 election commitment, provided $200,000 of funding to install a new filtration plant so that the pool could continue to provide a valuable service to the local community. Not only Croydon but many surrounding suburbs benefit, because 50-metre outdoor pools are getting harder and harder to find right across Melbourne.

The Croydon Leisure and Aquatic Centre has received $400,000 in funding—again
following on from a 2007 Labor election commitment—to install a backwash filtration plant that has the effect of saving over four million litres of drinking water every year. And $295,000 of funding has been provided to the Maroondah City Council as the major part of a $351,000 project at the Dorset Golf Club in Croydon. This work, a joint project of the federal government and Maroondah City Council through the Community Infrastructure Program, will increase the size of the community facilities and install new environmentally friendly amenities. This project will install solar panels to generate electricity for use by the course and install a new water tank and more water-sensitive facilities to help reduce the amount of water the course uses. A new driving range is also included and will be very much welcomed by all those that use the course, whilst the new, larger community facilities will help the course to continue the contributions it makes to that community. (Time expired)

Green Loans Program

Mr LAMING (Bowman) (7.49 pm)—I never intend to ascribe to incompetence what can be perfectly explained by a lack of attention to detail. As I speak about the green loans—which have barely been able to be brought to this chamber by virtue of the culture of incompetence that has been witnessed from the environment department over the last month—I speak on behalf of the now 4,000 to 5,000 Australian sole operators, small business people, working Australians and young people who have come back from overseas to participate in the green loans scheme. I appeal to this minister, to the Prime Minister and to this administration to have some compassion for the plight of our green assessors.

It was all so shiny, attractive and seductive in 2007, when a then smiling Prime Minister Rudd promised 200,000 interest-free green loans around the country. Of course, it was rolled out in that first year with very few suspicions of the impending train wreck that was only a year away. The first warning that we would have a glut of assessors was when a DEEWR divisional head decided to completely deregulate training. Somewhere within that department a decision has been made to allow not 1,500 assessors, as was promised in Senate estimates in 2008, but an order of magnitude more, 11,000 assessors now fighting, queuing and hoping for a career under this new collapsed scheme.

We know about the Albanian pyramid schemes, but I say to those on the other side: this is a tragedy of monumental proportions orchestrated purely by the Rudd administration. What we have in the rescue job that was Minister Garrett’s action to suspend the green assessments last week is a capping of assessors at 5,000, with the other 4,000 to 5,000 of them thrown on the scrap heap, praying that, like the insulation equivalent, they will be given some structural readjustment package. I wonder what this Stalinistic, centrist Rudd government, which does not understand how much damage is wrought when you do this to Australian working families, is planning to do next week, when for the first time assessors will be speaking out.

One places faith in a sovereign state that when it promises a three- to four-year program it will not collapse in 12 months. And you hope that when you are promised 200,000 interest-free green loans they will not grind out at 1,500 and then be suspended. And you hope that when you are told you can hope for an income as an assessor based on doing 10 or 20 assessments per week that it will not be changed to three per week.

Full-time assessors are now looking at being part-time workers—underemployment of massive proportions. At the same time, what
we saw in the last week as a minister tried harder to defend his own job than the jobs of assessors—or even harder than his efforts to reduce greenhouse gas emissions, which this is all about—was a complete wipe-out of green loans altogether. There are hundreds, if not thousands, of households waiting on those assessment reports that never came from his department; they have no hope of applying for a green loan. We have states in this country that had state funded programs doing just the same thing, and then when this federal scheme was rolled out over the top the only additional benefit of getting a federal home assessment was some behavioural modification and the chance at an interest-free green loan. That has all been ripped away.

I just want to appeal to the minister, because I know he is a person of integrity, to answer some questions for the Australian people. In my electorate there are 60 of these assessors and there are 4½ thousand of them who paid their registration to ABSA with some hope that they would get something back for their $650. They paid insurance totalling over $1,000. This is 10,000 people who were hoping they would have a future at least for a year. And now we have had this dribbled out with a cap of 15,000 assessments per week: it is a naked attempt to run this scheme through to the next election so that there is no criticism of Minister Garrett. (Time expired)

Banks Electorate: Chinese Lunar New Year

Mr MELHAM (Banks) (7.54 pm)—Kung hei fat choi, which loosely translates to, ‘Congratulations and be prosperous’.

On 6 February this year I attended the official opening of the lunar New Year celebrations conducted by Hurstville council. Unfortunately, I missed the celebrations at Bankstown as they were held at the same time, although I have attended in previous years. Hurstville council held a series of events for the community, including the Hong Kong Film Festival and a photo exhibition. On 18 February I attended the lunar New Year celebrations conducted by Kogarah council.

There are different versions of the story behind the development of the Chinese zodiac, but all the versions are based around a race called by an emperor to determine the animals to be represented. The cunning rat hitched a ride on the back of the ox and crossed the winning line first. The rat was followed in order by the ox, tiger, rabbit, dragon, snake, horse, ram, monkey, rooster, dog and pig. According to the Chinese zodiac, you take on the characteristics of the animal associated with the year of your birth, but those characteristics are also influenced by what time of day you were born, what fixed element you belong to—water, metal, wood, fire and earth—as well as the influence of yin and yang.
This year is the Year of the Tiger, the third sign of the Chinese zodiac cycle. People born in the Year of the Tiger are said to be courageous, daring, confident and natural leaders. However, they can be unpredictable and tempestuous, and sometimes territorial and possessive. 2010 is the year of the metal tiger, with metal bringing additional strength and determination.

Lunar New Year is regarded as the most important of all Chinese holidays. Chinese New Year starts with the new moon on the first day of the New Year and ends on the full moon 15 days later. In China it is also called the spring festival, as the lunar New Year falls when winter is ending and spring is beginning. What originally began as a Chinese festival has now expanded to include the broader Australian community. Almost everyone celebrates lunar New Year in their own way. Chinese New Year ends with the lantern festival, where people hang decorated lanterns in temples and carry lanterns to an evening parade under the light of the full moon.

These celebrations are important to many of my constituents. Based on the 2006 census, currently in the seat of Banks there are 10,741 people with at least one parent born in China, 5,819 people with at least one parent born in Vietnam and 368 people who were born in the Republic of Korea. In the redistributed seat of Banks, which will be the seat for the next election, there will be 25,482 people with a parent born in China. As you can see, that is just short of an extra 15,000 people with a link to China. There will be 1,797 with a parent born in Vietnam and 533 people born in the Republic of Korea. Almost 19 per cent of people in the new electorate of Banks speak a Chinese language, Vietnamese or Korean at home.

For the record, I was born in 1954, which was the Year of the Horse. I am looking forward to representing the additional constituents who will come into the electorate of Banks—some 40,000 in all—and 50,000 from the old electorate in terms of voting numbers. The seat will have about 144,000.

Already I have been working through the new council—Kogarah council—and the larger area of Hurstville council, and I have found it very different to the electorate I currently represent, which is more Bankstown based. So, I am looking forward with excitement to the experiences that I will have with the new constituents from a vastly different area to the current constituents that I represent. It shows me that migration has been good to this country, diversity has been good to this country and multiculturalism has been good to this country. We are a richer country and we are a better country for it.
• exposure to illegal and inappropriate content;
• inappropriate social and health behaviours in an online environment (e.g. technology addiction, online promotion of anorexia, drug usage, underage drinking and smoking);
• identity theft; and
• breaches of privacy.

(iii) Australian and international responses to current cyber-safety threats (education, filtering, regulation, enforcement) their effectiveness and costs to stakeholders, including business;

(iv) opportunities for cooperation across Australian stakeholders and with international stakeholders in dealing with cyber-safety issues;

(v) the need to ensure that the opportunities presented by, and economic benefits of, new technologies are maximised;

(vi) examining ways to support schools to change their culture to reduce the incidence and harmful effects of cyber-bullying including by:

• increasing awareness of cyber-safety good practice;
• encouraging schools to work with the broader school community, especially parents, to develop consistent, whole school approaches; and
• analysing best practice approaches to training and professional development programs and resources that are available to enable school staff to effectively respond to cyber-bullying; and

(vii) analysing information on achieving and continuing world's best practice safeguards; and

(b) such other matters relating to cyber-safety referred by the Minister for Broadband, Communications and the Digital Economy or either House.

(2) That the committee consist of 12 members, 4 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips and one Member from the independent Members, 3 Senators to be nominated by the Leader of the Government in the Senate, and 2 Senators to be nominated by the Leader of the Opposition in the Senate or by any minority group or groups or independent Senator or independent Senators.

(3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(4) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(5) That the committee elect a Government member as its chair.

(6) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

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

(8) That 3 members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

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

(11) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

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

(13) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(14) That the committee or any subcommittee may conduct proceedings at any place it sees fit.

(15) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(16) That the committee may report from time to time but that it present its final report no later than 11 February 2011.

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

(18) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Mr Garrett to present a Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes.

Dr Kelly to move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of a Centre for Accelerator Science and extensions to other facilities for the Australian Nuclear Science and Technology Organisation at Lucas Heights, NSW.
CONSTITUENCY STATEMENTS

Ovarian Cancer Awareness Day

Ms MARINO (Forrest) (9.30 am)—Today is Ovarian Cancer Awareness Day. Over one year, ovarian cancer can affect the lives of 1,500 women. That is a considerable issue, when 92 women have died of ovarian cancer in Western Australia. Of the number of women who are diagnosed, 75 per cent will struggle to live beyond five years of their diagnoses. However, if the cancer is detected early, the majority of these women will survive and that is why awareness and early detection are so very important.

The Ovarian Cancer Australia Support Group is a national not-for-profit organisation that not only seeks to provide support networks for those affected and their families but also aims to promote awareness of ovarian cancer and, most importantly, promote its symptoms. The National Breast and Ovarian Cancer Centre explained that, prior to the commencement of their campaign, 61 per cent of women incorrectly believed that an abnormal pap smear test may be a sign of ovarian cancer. Post the campaign, only 16 per cent of women still believe that a pap smear test could detect ovarian cancer. Prior to the commencement of the campaign, 48 per cent of women surveyed were aware that feeling full or bloated can be a sign of ovarian cancer. This increased to 71 per cent of women, post the campaign. The number of women who are now aware that back pain can be a symptom of ovarian cancer increased from 33 per cent to 61 per cent. These are key messages for women and key symptoms that they should not ignore.

These statistics show just how important campaigns that promote the symptoms of ovarian cancer are. Women need to be aware of the condition, especially women of a certain age. Like most cancers the risk of ovarian cancer increases with age. About nine out of 10 cases occur in women over the age of 40. They may have had few or no pregnancies. They may never have taken the contraceptive pill. They may have endometriosis and/or a history of cancer in the family, especially ovarian, bowel, breast or uterine cancers.

It is for these reasons that I am wearing the teal coloured ribbon today. I am sure there are women not only in this parliament but right throughout Australia who, like me, are encouraging every woman to consider the symptoms and make very good decisions. If you do not like the first decision that you get from your doctor and you feel as though you have symptoms that need a second opinion, then get it. (Time expired)

Richmond Electorate: Education

Mrs ELLIOT (Richmond—Minister for Ageing) (9.33 am)—I am very pleased today to speak about the Rudd government’s major investment in education in the electorate of Richmond and what a difference it is making to local students and families. Recently, Southern Cross University’s new Gold Coast Campus, at the Gold Coast airport, was opened. It was wonderful to have the Deputy Prime Minister at the opening. Of course, the Rudd government contributed more than $7.7 million for the foundation building for this new university campus. The campus will support students studying courses in business, tourism, law, health and allied health, and by 2012 the campus will be home to about 2,000 students and more than
130 staff. That is great news for families on the North Coast and on the southern Gold Coast. It is wonderful that have this new campus. What is also great in the electorate of Richmond is that 90 local schools are receiving funding under the National School Pride Program, 80 primary schools are receiving new infrastructure under the Primary Schools for the 21st Century program and three new science and language centres are being constructed.

The Rudd government is making an investment of more than $110 million in the schools within the Richmond electorate. Right across the electorate, from as far south as Lennox Head and up to Tweed Heads, we are seeing this investment in our schools. I was very pleased recently to be at the Tweed Heads primary school with the Deputy Prime Minister to hear first-hand from them about the major improvements that are occurring there. Great change is happening at that school. Construction is imminent on $2.35 million worth of work on a new school hall and a covered outdoor learning area. The school is also undergoing $125,000 worth of refurbishments, which is great news. It is great news for the local students there and, indeed, throughout the electorate with all this major investment in education. Of course, it is also great news for local businesses. It is an investment in our local economy and local infrastructure. It was great at Tweed Heads primary to speak to principal Jacqui McAllum and the school captains and vice captains, who enthusiastically showed the Deputy Prime Minister and me their wonderful plans for this new hall. They are very excited about it. What a difference it will make to their learning environment. It is great to see firsthand how the Rudd government’s major investment in education is assisting so many students right across the North Coast.

These are major investments, but if it were up to the Liberal and National parties not one of these 90 local schools would have received this funding. They voted against the legislation in the parliament and they were against all of the schools in the electorate of Richmond getting specific funding that will improve their educational opportunities. It has been a major boost to local businesses with all the new infrastructure that is occurring, and it has been of great benefit to the local economy as well. The Building the Education Revolution program is making a huge difference right across the electorate. I have been very fortunate to attend many of the schools and to speak firsthand with students, teachers and families about the great difference the Rudd government’s education revolution is making in their lives. (Time expired)

Canning Electorate: Peel Region Reticulated Sewerage

Mr RANDALL (Canning) (9.36 am)—Populated areas of the Canning electorate remain without reticulated sewerage. The Peel region is a hypergrowth area, exceeding six per cent growth in some parts, yet thousands of homes rely on outdated and unreliable septic tanks that were always designed to be temporary. Thirteen Canning locations were listed for completion under the infill sewerage program between 2009 and 2016 at the cost of $35 million. But the deferment of the program indefinitely by the state government means that homes in Dawesville, Mandurah, Falcon, Ravenswood, Waroona and North Pinjarra have been shafted. I have recently surveyed residents in these affected areas and the response has been overwhelming—almost 300 responses, indicating they were appalled by the poor service and disappointed by broken promises. Most confirm that they would connect to deep sewerage immediately.

While there are concerns about the cost of the connection, most owners would gladly pay. Renters would lobby their landlords, which would not be a hard sell because deep sewerage improves the amenity of the area, allows for subdivision and adds to property values. Many
built and bought their homes on the promise that they would have sewerage years ago. No price is too high to pay for the health of the residents and the preservation of the World Heritage listed Peel-Yalgorup estuary and wetlands. Besides the obvious sewage run-off causing contamination of the waterways, a number of other concerns have emerged. Some report that the older septic tanks have become completely unreliable and were not designed to cope with modern washing machines and dishwashers. In fairness, some people said that they found septic tanks very efficient. That is great news, but there is always a risk. I call septic tanks ‘toxic’ tanks. They are time bombs. Many of the respondents said that their tanks were put in during the 1970s. In Waroona, some of the septic tanks date back to the 1930s. Reports of clogged and leaking tanks are common.

Most of the unsewered locations lie dangerously between the coast and the river. Tree roots cause interference and there are concerns about the watertable being so close to the surface. One constituent who used to work for a septic tank company confirmed just how far septic waste leaches into the groundwater. Septic tanks are expensive to pump. One in good condition costs about $600 a year to pump out. Mr Orohoe of Silver Sands said that his system relies on an electric pump which has failed twice in the last eight years; now he is on to his third. Mr Berry from Falcon sums up the situation well when he says:

The reality is that it is 2010 and if septic tanks were safe and healthy systems we would be installing them in new homes. Most are very old so leaks occur and we worry that you can smell the neighbour when it’s full.’

I will be writing to the Premier and the water minister seeking immediate action with a firm financial commitment to sewering the affected areas, providing residents with basic services that were promised years ago. (Time expired)

Cunningham Electorate: Mr Ted Tobin

Ms BIRD (Cunningham) (9.39 am)—I want to take the short time available to me in this chamber today to put on the record of this nation the passing of a marvellous Wollongong gentleman who will be sadly missed by many of us in the area. Mr Ted Tobin passed away in Wollongong on 8 February this year. He was 72 years of age.

The last time I saw Ted was at the opening of the new Headspace service in Wollongong and I had a chance to chat to him. My main connection and dealings with him were through his great commitment to mental health services for young people. He was very dedicated to the importance of dealing with youth anxiety and depression illnesses in particular. It was great to see him there on that occasion and to have the opportunity to talk to him about those issues.

He was a gentleman in the true sense of the word. He was one of those people who smiled when you met him, warmed your heart and made you feel good about the day. There was always a healthy dose of mischief in the twinkle in his eyes. He was very well regarded by local people; indeed, about 1,500 people attended his funeral.

Ted was probably most well-known across our community for the extensive service he had given to many organisations in the local area. He served for 13 years on Wollongong City Council and was chairman of the Illawarra County Council. He was also a fellow at the University of Wollongong. Ted was a strong supporter of sports in the Illawarra. He had been a young sportsman, but, sadly, at 29 he was diagnosed with a form of inflammatory arthritis
which results in a rigidity of the spine and he was forced to give up sport. What was so admirable was that he then translated his love of playing sport into making access and opportunities in sport available to others. That was reflected in much of his public service as well.

He was founding chairman of the Illawarra Academy of Sport and Beaton Park Leisure Centre and he served for 20 years on the board of the Illawarra Leagues Club, of which he was chairman for a decade. He served for 15 years on the Wollongong Sportsground Trust and was a director for nine years of City Coast Credit Union. He was also a member of the Vikings Rugby Club, the Wollongong Golf Club, the Wollongong Whales Winter Swimming Club, the Wollongong Hawks—Go the Hawks in the current competition!—and the Bondi Icebergs Club, and many others.

His service to the community was recognised by an award in the Order of Australia in 1995 and he was awarded the Queen’s Jubilee Medal in 1977 for his services to local government. On top of that he was a prolific fundraiser in the community for many excellent services. As you can see, he was a great loss to our community; but more importantly, he was a great contributor to our community in his life. My condolences go to Bev and his children at his sad passing.

Kalgoorlie Electorate: Cane Toads

Mr HAASE (Kalgoorlie) (9.42 am)—I rise today in this place to bring the attention of the House to the issue of cane toads across Australia. For some four years now I have backed a group called the Kimberley Toad Busters in Kununurra, led by Lee Scott-Virtue, who now have a band of some 5,000 volunteers who are picking up thousands of cane toads each weekend at the frontline. In her company over one weekend I picked up 240. We collectively picked up two and a half thousand that one night.

It is time something was done about putting real money behind genuine research that will find the solution to eradicate cane toads from the Australian landscape. We have tolerated them since 1935. The situation was quite obviously out of hand by 1940. They were brought across from Hawaii to solve the problem of the cane beetle—they did not do anything in that regard—and they got out of hand. It was a biological control that went mad, but nothing has been substantially done in this nation, and I mean substantially. Tens of millions of dollars are required to find a viral or biological solution to this pest.

We have spent millions of dollars on myxomatosis and on the calicivirus to control rabbits—a very damaging species that eat our pastures. We have every movement from primary schools to retirement villages concerned about the environment today, and rightly so. But no groundswell has been created to put funds at the pointy end of research to do something about the most insidious pest we have in Australia. This pest is destroying our native fauna at all levels. It is either competing with other desert rodents for beetles at night or it is killing crocodiles at the Top End, because one bite from a cane toad will discharge enough venom to kill that crocodile. We have found four-foot saltwater crocodiles dead with a cane toad in their mouth.

This insidious pest is attacking all aspects of our environment. It ought not be tolerated. With our present concern for the environment it is time we did something quite genuine, quite dinkum, and put the money into research. CSIRO have the science and they have the disci-
pline to do the job; they need the funds to carry out the job. I propose that this be adopted as a policy of government in the future.

**Lindsay Electorate: Local Business**

Mr BRADBURY (Lindsay) (9.45 am)—I wish to highlight the achievements of a number of successful local businesses that I have recently had the pleasure of visiting. The Hix Group employs 40 people across its six divisions, which include electrical, solar, plumbing and property maintenance. Lea and Ian Hicks, who own and operate the business, are leaders in the local community—not just because of their commitment to their business and to the local economy but also because of their passion for the things that make the Penrith area vibrant and dynamic and for their active participation in many grassroots and philanthropic causes.

I had the opportunity to visit the Hix Group with the Minister for Employment Participation. We met with three of their newest apprentices, who were employed under the Rudd government’s Apprentice Kickstart bonus. Lea and Ian have a longstanding commitment to investing in the skills of young people. With eight apprentices on their staff, they have long recognised the value of growing the skills base of their workforce and they are among our region’s strongest advocates of skills training for young people.

Lindsay Pie Making is an innovative local company that has been helping to put the Penrith region on the manufacturing map. Based at Emu Plains, Lindsay Pie Making was founded by Tom Lindsay, and, together with daughter and general manager, Danielle Lindsay-Wooldridge, they have taken out a host of industry awards for their Simple Simon pie-making equipment, including Innovation of the Year at the 2009 Foodservice Suppliers Association Australia Awards. They have received numerous other commendations for their entrepreneurship, their work in exports and their reputation as a high-quality employer.

I recently took the Parliamentary Secretary for Innovation and Industry with me on a visit to Lindsay Pie Making. It made me proud to show him the fantastic work that Lindsay Pie Making have been engaged in, which I think demonstrates the innovation and ingenuity that we have in our local community.

Autopak-Vetlab, based in St Marys, is an industry leader in developing formulas for crop production and animal health. Beginning their operations in 1967, Autopak-Vetlab is a significant local employer that has expanded over the decades to become a major manufacturer supplying primary producers right around the world.

During his recent visit to the Lindsay electorate, I was pleased to accompany the Parliamentary Secretary for Innovation and Industry to Autopak-Vetlab to meet with the managing director, Dr Paul Kearney, and his son, Peter, who serves as the group’s business manager. We were able to inspect the company’s new water purification system, which was installed with the help of a Re-tooling for Climate Change grant from the Rudd government. The new system will cut the company’s water use by 32 per cent and its energy consumption by 71 per cent, saving them money and allowing them to stay competitive as we move towards a low-carbon economy. They are a great local example of a company that has invested time and money in research to maintain their competitiveness. These three businesses are outstanding local examples of businesses that demonstrate innovation, enterprise and commitment to our local community.
A division having been called in the House of Representatives—

Sitting suspended from 9.49 am to 10.02 am

National Curriculum

Mrs MIRABELLA (Indi) (10.02 am)—I rise this morning to speak on the importance of a national curriculum not only for parents and schools but importantly for the continuity of a child’s education. That is why the coalition began the process to establish a national curriculum while in government. The particular aspect of the scheme I want to address this morning is the addition of languages in the national curriculum—obviously languages in addition to English. The Australian Curriculum, Assessment and Reporting Authority will be considering the inclusion of languages as part of the national curriculum. These languages should be languages other than English. If we accept this as a given, we then must decide how we choose what languages should be included.

There must be a balance between the languages that are deemed priority for the perceived current commercial needs of Australia and the well established community languages. Language is the key to comprehending not just the words but the ideas and the spirit of other cultures. To understand more than one language is to possess a key to alternative thought processes and concepts. I speak in support of Modern Greek as part of the national curriculum. To understand Modern Greek is not only to understand the language but enables the learning of the mind-set and culture that formed the basis of Western civilisation. Modern Greek is in the top five languages that we speak in Australia. It is taught right across the nation. If we are fair dinkum and want to succeed in the teaching of languages other than English, we should not set ourselves up to fail. To ignore the available social infrastructure and support for the teaching of Modern Greek is, I think, to undermine the very concept of including languages other than English in the national curriculum.

We need to use existing language resources and capital within Australia if we are to maximise the teaching and learning of other languages. I believe that including a significant community language, like Modern Greek, in the national curriculum will go a significant way to achieving this. Of course, the inclusion of Modern Greek in the national curriculum would not exclude the inclusion of other community languages. We have a richness and diversity of language and culture in Australia. We need to select those obvious benefits to be part of the national curriculum. There is great support for this right across Australia and right across communities and I look forward to positive development in this area.

Chifley Electorate: Mrs Martha Lynch

Mr PRICE (Chifley) (10.05 am)—To be a federal member and to be successful, we always depend on a variety of people and a variety of organisations. But, of course, our own party members are very important to our success. I want to speak about a few of them today. I am very pleased to say that last year, when I held my annual function, the Prime Minister presented a service award to Martha Lynch. Martha has been an integral part of my local community and the local ALP throughout my term. She was a founding member of Doonside branch and has worked tirelessly for them since 1968. We are not absolutely sure about how long she has been a member, but she recalls in her youth being involved with the ALP during the Ben Chifley era—which I would like to point out to honourable members predates me—as she grew up near his electorate. She has held all the positions that you can within a branch.
She has been a delegate to both federal electoral councils and state electoral councils and has served the Doonside branch tirelessly. Over and above that she has been very active in the local community. She has been a long-time member of the Doonside senior citizens and has been president of that organisation for the last eight years. She really is a wonderful example to us all, and Martha is 83 years young.

Sadly, I will also say that some of my good friends—who were also members of the party—have recently passed on. Most recent was Alf Randell, who was a St Marys institution until he moved up the coast. Alf and his wife, Billy, were tireless workers in St Marys and were particularly involved in the St Marys Community Arts and Crafts Centre. They were loyal supporters of me and people like Ron Mulock and others. I will sadly miss Alf. Carole Preston was a good friend and keen supporter. She was a member of my own branch. She was a mum who passed on, sadly, through breast cancer. Like a lot of people, she did not say much but was always there to help and always there to encourage. If worked needed to be done, she would be there. Dave Taylor was an old leftie but a member of my branch, and I had a tremendous relationship with Dave. His second marriage unfortunately broke down and he moved away from my electorate, but I was a constant recipient of advice about how the government should behave or how the opposition should behave. (Time expired)

Bowman Electorate: Queensland Economy

Mr LAMING (Bowman) (10.08 am)—There are a few great lessons to be learned in the running of economies. When it comes to economies, the economic bottom line should never be scrambled. What we have seen in Queensland, regrettably, is the creation of a new instrument that supersedes PPPs—that is, BOOTs. We have seen them in other states. Finally, this innovative program called BOOTs has led to investment in shiny new schools in Queensland. That seems quite innocuous. But in reality the economic figures behind these BOOTs are as secretive as the Middle Empire itself. It is almost impossible to get these figures out of the state government. Luckily, some of those figures came my way last week and they are quite alarming.

The first thing to remember is that building seven schools should cost around $300 million, and that is fair enough. But the agreement to build seven schools in Queensland may end up costing the taxpayer around $1.1 billion. If you did an analysis of that figure, over 30 years the repayment rate is in excess of 10 per cent per annum. The cost of money is about half that—the commercial rate for lending money to a sovereign state is the bank bill rate plus one per cent—so what you see here is a potentially huge skimming of future taxpayers’ money into the pockets of the private sector over three decades. I am not about to say that operating and cooperating with the private sector is a bad thing, but I make the point that, once a state economy is so bereft that it cannot even fund the building of schools economically and the only option available to it is a BOOT, it is quite sad, for the simple reason that the deal they strike can be quite ordinary.

I note there were four or five banks which initially looked at funding these BOOTs. All but one pulled out, and even that one refused to fully fund these seven schools. What we were left with was a major construction company to fill the void, to purchase the debt commercially and then effectively live off a 30-year stream of taxpayers’ money being directed as interest payments and profit straight into the private sector. To me that is a great tragedy. I reiterate that there is no great problem with funding infrastructure publicly through a BOOT, but, when
the economy is so weakened and so much debt is carried that a BOOT is the only option available, we will see what we have seen already with the Queensland government—they simply sell off public assets at the bottom of the market for the worst possible economic agreements and they build schools at enormous cost.

For every dollar with which these schools could have been built today, future Queenslanders will pay an extra $3.50 over 30 years. The children who are in those schools now will be paying off that debt for 30 years from today. *(Time expired)*

**Parramatta Electorate: Dinka Literacy Association**

Ms OWENS (Parramatta) (10.11 am)—On Saturday I attended a very special event at the Auburn town hall, the graduation of the Dinka language school class of 2009, 12 extraordinary Australians working hard to build a life in this country while keeping alive the culture of their homeland for themselves and their children. The Dinka Literacy Association does a great job in conducting a community language school in Auburn, Merrylands and Lidcombe. The Dinka language is the predominant language spoken in southern Sudan. Many arrivals in Australia from Sudan over the past decade are Dinka-speaking south Sudanese arriving under Australia’s refugee and humanitarian program after many years in refugee camps. The largest Sudanese community in Sydney lives around Blacktown, but there are also significant numbers in Lidcombe, Auburn, Granville, Merrylands, Guildford and Parramatta.

The Dinka language was banned by Khartoum during the civil war, so a person from the south wanting to get an education had to go to the north and learn Arabic. The Dinka language is an integral part of south Sudanese identity, yet many Dinka adults do not speak it well and are illiterate in it. The Dinka Literacy Association has given the Dinka language a new life in Australia. Last year, assisted by Auburn council, they launched a Dinka picture dictionary. There is also a Sudanese Dinka community radio program run out of Radio 2000 FM Burwood, which broadcasts across Sydney.

The graduation took place the day before 21 February. That is the day specified by the UN as International Mother Language Day; an international recognition of the centrality of language and culture and the very real benefits to a community and to family cohesion when a child can speak the language of its parents and grandparents. It is a day that I know well because my Bengali Australian community, who fought so hard to have 21 February recognised, have been kind enough to invite me into their celebrations each year. For them, 21 February is a significant and bloody day in the homeland’s fight for the right to speak their own language in their own land, and they are keen to spread the message of the importance of the day. This year I was proud to celebrate International Mother Language Day, albeit a day early, with one of our newest communities.

For me, there are very real benefits to our community when we have within it the sophisticated language skills that come through a diversity of cultures. By working to keep their first language alive for themselves and their children, the 12 students who graduated on Saturday are contributing not just to their own wellbeing but to the strength of our community. I know, from talking to many children of migrants, particularly those who came in the fifties and sixties—particularly Greeks and Italians, who have settled so well—of their regret at not learning the language of their parents, and I fervently hope that our newer migrants do better and that their children continue their work in keeping their languages alive in their new country.
Many of our south Sudanese Australians have suffered unimaginable loss of family, country and heritage and, for them, studying Dinka is also part of the healing process—a way to reclaim a very small but important part of what they have lost on the pathway that led them to us. I would like to acknowledge Santino Rang Yuot, the Chairman of the Dinka Literacy Association, and Joseph Aguok, the principal of the Dinka language school, for their wonderful work. *(Time expired)*

**AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009**

Cognate bill:  
**AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS) BILL 2009**

*Second Reading*

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

Mrs MIRABELLA (Indi) (10.15 am)—It is a great pleasure to rise today to support the Australian Astronomical Observatory Bill 2009 and the Australian Astronomical Observatory (Transitional Provisions) Bill 2009 as the shadow minister for innovation, industry, science and research. Australia does have a very proud history of achievement when it comes to the science of astronomy. Our unique geographical location affords us many advantages, and our collaboration with the worldwide scientific community has allowed us to play a pivotal role in the research and exploration of space. These bills are another small but significant step in our proud history.

It was back in 1969 that the Australian and United Kingdom governments entered into a treaty to operate a large optical telescope in Australia known as the Anglo-Australian Observatory. The observatory is currently operated by the Anglo-Australian Telescope Board, established by the Anglo-Australian Telescope Agreement Act 1970 and, of course, is funded by both governments. However, in 2005 the government of the United Kingdom decided to withdraw from its involvement in the observatory with effect from 1 July 2010. In November 2005, the then coalition government entered into a treaty with the government of the United Kingdom to give effect to this arrangement. These bills give effect to that treaty by dissolving the Anglo-Australian Telescope Board, transferring the assets to the Australian government, and establishing the Australian Astronomical Observatory as an Australian-owned and -operated facility within the Department of Innovation, Industry, Science and Research, obviously with effect from 1 July 2010. The facilities consist primarily of a national observatory located at Siding Spring Observatory, near Coonabarabran in New South Wales, and the headquarters and an instrumentation laboratory located at Epping, in Sydney.

While many Australians may be unaware of its existence, the Anglo-Australian Telescope is one of the finest telescopes in the world, making a prolific contribution to the study of space. Over the past decade, the AAO has pioneered the use of optical fibres in astronomy and currently leads the world in this work. These facilities are world class and internationally respected not only for scientific achievement and discoveries but also for the design and manufacture of cutting-edge astronomical instruments used throughout the world. A lot has been said about Australia being a clever country, but to have facilities and scientific skills of this standard is proof positive of the genuine drive of our nation and our achievements. I take this

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opportunity to recognise Professor Matthew Colless, the director of the AAO since January 2004, and, of course, his hard-working team. I know a lot of work has gone into the preparation for this transition.

The coalition has always supported and understood the importance of science and the role it plays in advancing our knowledge and our overall national prosperity. In entering into the 2005 treaty to secure the future of what will now be the Australian Astronomical Observatory, the then coalition government recognised not only the scientific value of the facilities and the work undertaken but also the importance of ensuring that the facilities and the science produced would continue to be maintained into the future.

It is essential that this government continues to provide the support necessary to maintain the facilities at a world-class level for the benefit of not only the scientific community but future generations. I am heartened that space science and astronomy are one of the government’s three superscience initiatives. I certainly hope that the funding flows directly to projects that will make a significant contribution to the science. But I have to say that I am a little wary, given the Rudd government’s track record of administering funding programs—and we have seen much discussion about that this week—but I will be keeping a watchful eye on how the funds flow and are used. Science is both a noble cause and a social and economic imperative but bureaucracy certainly is not. The last thing we want is valuable science dollars being wasted, instead of being used for the benefit of scientific endeavour.

The Australian Astronomical Observatory Bill 2009 provides that the Commonwealth may charge fees for things done in performing the functions conferred on the secretary. While there is a legitimate basis for recovering costs in relation to such things as the development and construction of instruments for external clients, it is very important that fees are not applied in any way which would undermine the quality of the science produced or the international standing of the facilities. Science should never be compromised by the political dictates of any particular government or policy. This is something that, as the shadow minister, I feel very strongly about.

On behalf of the coalition, I am pleased to commend this legislation to the House. I wish the team at the new Australian Astronomical Observatory, as it will be called from the middle of this year, all the very best with their future endeavours. I certainly hope to visit the facility at some stage in the near future and to be educated firsthand about some of the additional details of the work that is undertaken there.

Mr SYMON (Deakin) (10.21 am)—I rise to support the Australian Astronomical Observatory Bill 2009 and cognate bill. It is a pleasure to follow on from the member for Indi in this debate. The main bill establishes a new authority, the Australian Astronomical Observatory, whose purpose is to conduct world-class scientific research, using a large observatory in Australia, currently known as the Anglo-Australian Observatory. It has a long and proud history of cutting edge world-class research. The Anglo-Australian Observatory was opened 36 years ago, as a joint initiative, by the governments of Australia and the United Kingdom. Up to that stage, most of the world’s biggest observatories had been situated in the Northern Hemisphere. The establishment of a large observatory in the Southern Hemisphere was a great leap forward for Australian science. To this day, constant innovation has kept the observatory, which, for its mirror size, is still one of the top 25 in the world, at the cutting edge. Unfortunately, as we have already heard, the United Kingdom government has advised it will with-
draw its funding from the Anglo-Australian astronomical observatory from 1 July 2010. The United Kingdom government has been a partner in operating this research facility for over 35 years. We must commend it for its work, in partnership with Australia, in building one of the world’s finest observatories. The Rudd government is committed to fully funding this world-class facility when the United Kingdom withdraws its financial involvement.

Schedule 1 of the transition bill repeals the Anglo-Australian Observatory Telescope Agreement Act 1970, which will, in effect, dissolve the current Anglo-Australian Telescope Board, while schedule 2 of the transition bill provides transitional provisions transferring the role of the Anglo-Australian Observatory to the Australian Astronomical Observatory, which will be an entirely Australian entity.

The transition bill also provides for the smooth transfer of assets, liabilities, employees and other matters to the new organisation. The observatory’s employees will be transferred into the Department of Innovation, Industry, Science and Research under the provisions of the Public Service Act 1999, with full transfer of their terms and conditions and maintenance of their accrued entitlements. Obviously, with the date of 1 July 2010 fast approaching, these bills need to go through parliament so that the federal government can meet its obligations to have the funding and operating body in place.

This legislation reflects the supplementary agreement to the Anglo-Australian Observatory agreement, signed between the governments of Australia and the United Kingdom, that confirms the end of the funding from the UK as from 1 July 2010.

These bills enact the government’s commitment, announced in the 2009-10 budget, to fully fund the observatory and its activities. This is a great opportunity for Australian scientists to continue their leading-edge work under a new name, with 100 per cent Australian funding. Investments being made by the Rudd government, like this funding, help build Australia’s reputation as a centre of research and innovation. The Australian Astronomical Observatory Bill allocates an extra $20.9 million in funding across the forward estimates to continue the world-class work of the observatory. This includes a net increase in funding from the Australian government of $4.138 million for the current financial year. The bill establishes the Australian Astronomical Observatory within the Department of Innovation, Industry, Science and Research.

The observatory will have functions relating to astronomy and to operating Australia’s national observatory for optical astronomy, but it will also undertake research to develop and manufacture astronomical instruments—a very specialised field. The Australian Astronomical Observatory will provide support to the optical astronomy community in Australia, and a position of director of the Australian Astronomical Observatory will be created. The bill also establishes an advisory committee to provide independent expert advice on the performance of the astronomical functions, and this committee will play an important role in the management of the observatory and in setting its research goals.

The history of the Anglo-Australian Observatory is something all Australians should be proud of. The initial decision to construct and operate a telescope at Siding Spring dates back to 1967. The original agreement between Australia and the UK was signed at a government level back on 25 September 1969 and was to provide for the establishment and operation of a large optical telescope. This agreement was subsequently implemented by the Anglo-Australian Telescope Agreement Act 1970. The observatory, the largest optical observatory in
Australia, was built on Siding Spring Mountain near Coonabarabran in New South Wales and opened in 1974. The headquarters of the board and the instrumentation laboratory are both located at Epping in New South Wales. It was in 2001 that the UK government decided its involvement with the Anglo-Australian Telescope would end due to budget cutbacks in science, and then a supplementary agreement was signed between the governments of the UK and Australia in 2005 that provided for a reduced commitment from the UK, with a transfer to Australia of ownership and responsibility for the telescope to occur on 1 July 2010.

At a mirror width of 3.9 metres, the observatory is still, as I said, in the top 25 of observatories in the world for the width of the mirror. It is one of the biggest in the Southern Hemisphere. It was built—and we should remember this—so astronomers could explore in detail the skies of the Southern Hemisphere. Some of the most exciting regions of the sky can best be viewed from our part of the world. These include the centre of our own Milky Way galaxy and its nearest neighbours, the Magellanic cloud.

What should be noted about the observatory is the ability of scientists and researchers to continually innovate and develop new ways to maximise the output of the observatory, keeping it at the cutting edge of international observatories. The Anglo-Australian Observatory can be used in many different configurations, each requiring different instruments or detectors to collect and analyse the light received by the telescope. Most astronomers use charge coupled devices, CCDs, to collect data—although some of us might think CCD stands for something else. Although some of the following descriptions are reasonably technical, I think it is worth mentioning them so that members of the House and the Australian public can get a feel for the work of the Anglo-Australian Observatory. The CCDs, these highly sensitive solid-state devices, convert light into digital signals which are then collected and stored on computers for further analysis. And they are not all that foreign to most of us, because you will find a CCD inside every digital camera—obviously not of the same quality or standard as you will find in a very large telescope, but these days a charge coupled device is a very common item. I suppose in some ways that is due to the work done by large observatories and laboratories in making that type of equipment available for research use. It flows down to consumer use sooner or later.

Over the past decade the AAO has pioneered the use of optical fibres in astronomy and currently leads the world in this work. The latest of these instruments, the two-degree field facility, uses flexible optical fibres to collect the light from up to 400 faint stars or galaxies from a two-degree field of view. This instrument dramatically improves the efficiency of the observatory, which has traditionally observed one object at a time. It allows astronomers to carry out previously impractical observing projects.

The two-degree field galaxy redshift survey conducted in 2003 was referred to as ‘undoubtedly Australia’s largest contribution to astronomical research ever’, by cosmologist Carlos Frenk from the University of Durham in July 2003. At the completion of that survey, it was the biggest galaxy survey ever made in the world, producing a map showing the locations of more than 221,000 galaxies in outer space. When you consider that our galaxy, the Milky Way, contains somewhere between 100 billion to 400 billion stars and has a diameter of 100,000 light-years, producing a map of 221,000 galaxies is indeed a phenomenal accomplishment. The information in this map was then used to make the most precise estimates to date of the universe’s mass and density. The map was used to estimate the relative amounts
baryonic matter—which is normal matter—dark matter and the recently discovered dark energy.

Recent innovations at the Anglo-Australian Observatory have seen the upgrade of the two-degree field facility spectrograph to AA Omega, which enabled even more galaxies to be observed concurrently—up to 400 at once. Up to this point in time, over 300,000 galaxies have now been observed in this survey. In this survey, the Anglo-Australian Observatory is focusing on the most distant measurement of dark energy and will be the first in the world to do so. I certainly look forward to hearing the results of their ambitious scientific project.

Whilst discussing the activities of the Anglo-Australian Observatory, I would like to bring to the House’s attention some exciting new planetary discoveries. It was only in December last year that an international team of planet hunters found three new planets orbiting a star that is very similar to the sun, and it is nearby. To find them, the astronomers employed the Doppler wobble technique, which measures how stars are tugged around by the gravity of their planets, thus revealing much about planets. These three planets orbit the star 61 Virginis, which is virtually a twin of the sun and relatively nearby as far as stars go—it is only 27.8 light-years away from the earth. At this stage, it cannot be determined if these planets are rocky; however, it is estimated that they have masses ranging from 5.3 to 24.9 times that of the earth’s. Consider that Neptune in our solar system has a mass 17 times that of the earth’s. These discoveries point the way to the detection of potentially habitable worlds within a few decades or, who knows, maybe even within a few years. These planets were found by Australian, American and British astronomers using the Anglo-Australian Observatory in New South Wales and the WM Keck Observatory in Hawaii.

It must be noted that the Anglo-Australian Observatory is also one of the world’s top builders of astronomical instruments, which is a highly specialised field of technology. The AAO has built instruments for some of the leading observatories, including the European Southern Observatory’s Very Large Telescope array, and Japan’s Subaru telescope in Hawaii. AAO specialises in the building of multi-object spectrographs and associated mechanisms. The development of these instruments is important not only for Australia but for the world.

I would like to briefly mention the latest research of the Anglo-Australian Observatory—the HERMES high-resolution spectrograph project. Unravelling the complex formation history of our galaxy is the primary science driver for HERMES. This process of galactic archaeology involves finding groups of stars that were born together in the same cloud of gas and dust through their chemical abundances, a common fingerprint that uniquely identifies them. By measuring precise chemical abundances for a million stars, it should be possible to identify the clouds from which our own galaxy was formed. Combining this with estimates of the age of the stars and an analysis of their orbits around the galaxy will help to reveal a picture of the sequence of events that produced the Milky Way. This instrument should be available in 2012 for astronomers to continue working on the sequence of events that led to the production of our own galaxy, the Milky Way.

Whilst talking about matters astronomical, it would be remiss of me not to mention Australia’s bid for the Square Kilometre Array telescope. The SKA telescope is a $2 billion project and Australia is in competition with South Africa at the moment in the bidding process. The SKA telescope would be 50 times more sensitive and survey at 10,000 times the speed of current radio telescopes, with the ability to see back to the birth of the first stars and galaxies.
With the involvement of 17 countries, the SKA telescope is one of the largest and most ambitious international science projects ever devised.

If Australia wins the SKA, it will be a massive boost to our standing in international science and research and it will create many highly specialised jobs over the 50-year life of the project. Of course, with that will come other opportunities such as ICT projects and the implication for Australian industries across fibre optics, data storage, transport and many other areas.

In summary, these bills will establish the Australian Astronomical Observatory to ensure continuation of the world-class work of the Anglo-Australian Observatory. The Rudd government has made a commitment to fully fund the observatory and establish this fully Australian entity. I look forward to hearing about future innovation and research at the new observatory. I commend the bills to the House.

Dr JENSEN (Tangney) (10.35 am)—I rise to also speak on the Australian Astronomical Observatory (Transitional Provisions) Bill 2009. This bill provides transitional arrangements related to the proposed Australian Astronomical Observatory within the Department of Innovation, Industry, Science and Research. The opposition supports this bill. The minister in his second reading speech, among other issues, talked about the necessity to maintain transparency, accountability and continuity of corporate and Commonwealth responsibilities. It is on the issues related to transparency and accountability of Commonwealth responsibilities that I will be focusing.

The government wishes to embark on an emissions trading tax premised on transparency, accountability and accuracy of the scientific assumptions on climate change. The astronomical phenomenon most familiar to Australians would obviously be a solar eclipse. Every time there is an eclipse TV stations and other media warn people, especially children, not to look directly at the sun. This is very wise advice because to do so could cause permanent damage to the eyes. However, those providing the IPCC with its terms of reference took this advice too literally. Do not look at the sun—that is, assume that CO2 is the villain in this confected doomsday scenario of global warming and, whatever you do, do not consider the sun in your preordained discoveries.

It seems passing strange to anyone with a shred of common sense that, whilst reams of words are written about increased CO2 meaning basically a thicker doona around the planet, making it warmer, there is barely a mention made of what provides the heat that is trapped. To the average person in the street it might seem a tad strange not to consider the sun when looking at the climate. That person might think, ‘Gee, I would have thought the sun plays a pretty significant role in the weather and climate.’ In fact, the influence of the sun on the earth is as clear as night and day. The sun is one of the main reasons that life on earth is possible—that, and carbon dioxide of course. Our seasons are governed by the angle of the earth to the sun. Its influence is so central to human beings that whole belief systems have centred on the sun. Scientific consensus once had the earth as the centre of our solar system. But after sceptical thinkers were for centuries condemned, sometimes to death, for the heretical concept of a heliocentric system, it was finally acknowledged that the earth in fact revolved around the sun and that the sun was literally at the centre of our little bit of universe—hence the term ‘solar system’. As my eight-year-old son might say, ‘Der’.

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Woe betide anyone who suggests that the sun might be a major reason for changes in climate which have been happening over the past billions of years. Perhaps the observatory could be put to good use to produce the same evidence that many other professional and amateur observers of our heavens have acquired—that is, the influence of solar cycles on the earth’s climate. David Archibald wrote a fascinating monograph entitled Solar Cycle 24, which shows the direct correlation between solar activity and climatic changes. His work draws on previous research by Brunetti in 2003 and Friis-Christensen and Lassen in 1991. Archibald wrote:

These studies include correlations of the record of the ice ages with a Be10 record, which demonstrate that the Earth’s climate moves in sympathy, if not in lockstep, with solar activity.

All humans are aware that when the sun shines brighter we are warmer. But, of course, it is not just the obvious warming effect for which the sun is responsible. As Joseph D’Aleo explains in terms even the Prime Minister and various ministers should be able to comprehend, ‘an active sun is accompanied by increased ultraviolet radiation’. D’Aleo goes on to explain that an active sun ‘leads to less cosmic rays and a reduction in the amount of low-level—water droplet—cloudiness’. The article goes on to explain which data were used in the research and why. What a refreshingly different attitude to that displayed by senior figures in the IPCC, who have refused to release data, even when in breach of FOI laws in the UK, and whose processes make them unworthy of the title of ‘scientist’.

The significance of sunspots is fairly elementary. Periods of less solar activity—that is, fewer sunspots—mean colder periods on earth. D’Aleo says that it was believed the sun was virtually spotless in the Little Ice Age of the 1600’s. It was called the Maunder Minimum. Theodore Landscheidt, in New Little Ice Age Instead of Global Warming?, warned the decline could ‘continue in solar activity until a Maunder Minimum-like level was reached about 2030’. The Russians appear to agree. Khabibullo Abdusamatov, of the Russian Academy of Sciences, said that he and his colleagues had concluded that ‘a period of global cooling similar to the one seen in the late 17th century—when canals froze in the Netherlands and people had to leave their dwellings in Greenland—could start in 2012-2015 and reach its peak in 2055-2060’. The late Rhodes Fairbridge of Columbia University had found with the help of NASA and the Jet Propulsion Laboratory that every 179 years or so the sun embarks on a new cycle of orbits. One of the cooler periods in recent centuries was the Little Ice Age of the 17th century, when the Thames River in London froze over each winter. The next cool period, if the pattern holds, began in 1996, with the effects to be felt starting in 2010. Some predict three decades of severe cold.

So we can see how important astronomical observations are and how, if they are used in a true and proper service of scientific research, we could actually have real answers as to the primary drivers of the earth’s climate, instead of the self-serving antiscientific, fraudulent drivel that we have seen emanating from the IPCC. Speaking of ‘astronomical’, that will be the cost both in dollar terms and in the human toll of this disingenuous obsession with life-giving carbon dioxide. Apart from anything else, carbon based energy provides the cheapest and most reliable energy in the world. Look around at all the amazing achievements of mankind over the last few centuries. Very few of them would have been without the invention of forms of power generation which brought cheap energy, firstly, to the factories and, finally, to the masses. That is exemplified by the fact that virtually everything we use in modern life
relies on cheap, reliable power. The price of this virtual life force is what will be controlled by
the same people who brought you the subprime disaster. The quality of your lives will be con-
trolled by wealthy financiers in the US and Europe—a truly astronomical disaster, one easily
visible to the naked eye.

There is something that all members should consider, something with which I believe we
are all in agreement: we all desire clean water, clean air and a reduction in global birthrates.
Look at the nations that have the cleanest air, the cleanest water and the lowest birthrates.
They all have something in common: they are all affluent. In fact, there is a clear relationship
with these three desirable factors and per capita GDP: the higher the per capita GDP, the
cleaner the air, the cleaner the water and the lower the birthrate. Why get involved in a policy
that will reduce per capita GDP, with all the attendant environmental consequences that I have
already outlined, and with due diligence regarding, to quote the minister, ‘maintaining trans-
parency, accountability’ and so on?

Let’s have a look at some of the due diligence aspects in terms of climate change issues,
just about all of which relate to data compared with model outputs. Predictions made by the
IPCC for this century have all had temperatures going up, including when carbon dioxide
holds constant at year 2000 levels. The problem is that temperatures have gone down this cen-
tury. In fact, Phil Jones, the keeper of one of the major temperature data repositories, the Had-
ley Climate Research Unit, also the East Anglia Climate Research Unit, has acknowledged
latterly that there has been no statistically significant warming since 1995. Yet very single one
of the models predicted that temperatures would go up, even when carbon dioxide holds con-
stant—and we know carbon dioxide has increased.

If these global warming models are right and the atmosphere has not heated, where has that
heat gone? We have some idea of the energy budget. The new story is that the heat content
goes into the global ocean temperatures. The problem is that, since 2003, when the huge net-
work of ocean buoys known as the Argo network was launched—there are approximately
3,000 buoys, which dive 2,000 metres and then come up and transmit data—more data on the
oceans has been gathered than we have for all of human history. And what does the Argo net-
work show? It shows that there has been reduction or, at best, no increase in the heat content
of the oceans. So much for that one. We have also heard scare stories about the reducing Arc-
tic ice. Yes, the Arctic ice over the last 30 years has reduced. But why aren’t we hearing about
the increasing Antarctic ice?

Another prediction—and this is where observation is critical—of the models is that, in the
upper troposphere, approximately 10 kilometres up in tropical areas, there should be what is
known as a hot spot. That is predicted in all of the circulation models for well-mixed green-
house gases. So you would expect that, with more carbon dioxide, you would actually see this
hot spot. The problem is that, despite a lot of searching, no-one has found it. We are hearing
some quite bizarre theories as to why this is the case, including that wind shear and so on is
preventing the observation of this. As Jo Nova, one sceptic put it, and it is quite amusing:
‘That’s the first time I’ve ever heard of temperature measured by anemometers.’

We have also heard the story about sea levels. Sea levels have been rising since the end of
the last ice age, about 12,000 years ago. In fact, for most of that period it rose significantly
more quickly than it has been rising in the last century. In fact, over the last four years there
has been no rise in the sea level at all. We have heard the Great Barrier Reef scares. Ove
Hough-Guldberg keeps going on about bleaching events that we are going to see. He has predicted four or five major bleaching events for the Great Barrier Reef. Yet, a few months later, he had to say that either there was no bleaching or the reef has recovered a lot better than expected. Professor Peter Ridd, counter to what Ove Hough-Guldberg said, says that the Great Barrier Reef is ‘in bloody brilliant condition’.

Coral reefs have been around for hundreds of millions of years. We are talking about global average temperatures now of around 15 degrees Celsius. In that period there were global average temperatures of 22 degrees Celsius at certain periods and carbon dioxide concentrations more than 10 times what they are now, yet coral reefs lived through all of that. It is a piffling little amount of CO2 that we are adding to the atmosphere compared to what it has been historically—a piffling little amount even if you take the IPCC’s worst scare story on temperatures. The globe has been through far worse than that and coral reefs have lived through it. I do not think most people realise that carbon dioxide today is actually at extremely low levels. Look back to 280 parts per million—much less than about 180 parts per million—and you have no life on earth. The point is that the amount of carbon dioxide we have at the moment is certainly not unusual. Something some people do not realise, as far as carbon dioxide concentration is concerned, when people talk about the drivers of climate is that about 300 million years ago we had what was referred to as ‘snowball earth’—pretty much all of the earth was covered in snow and ice. And do you know what? The carbon dioxide concentration was more than 10 times what it is now.

I will finish off by speaking about another astronomical observatory, where we are putting in a bid against a South African consortium. It is what is known as the Square Kilometre Array. It is an astronomical telescope network that basically encompasses a square kilometre. It will be the largest area of radio telescope in the world. It is worth well over $1 billion. It will push various technologies. For instance, if you had to build it right now the computer technology that is available now would be incapable of doing it—the networking speeds are just not up there. Obviously, knowing Moore’s Law, among other laws, we know that computer technology will be there at that time.

The technical solution that Australia offers is significantly superior to that of South Africa, which is also in the bidding. I am somewhat concerned about what I have been hearing from sources in the diplomatic beltway, which is that South Africa is winning the political war on this one. It will be a significant defeat for Australia if we can put up a solution that is technically way superior but lose the bid because we have not prosecuted the international political battle adequately—because this is a multinational project. This is something that I ask the government to turn its mind to with alacrity and pursue with diligence. South Africa obviously has advantages, particularly in United Nations terms, with the Africa bloc, which makes our job that much harder. I am significantly concerned about what I am hearing through the diplomatic beltway so, as I said, I am really asking that the government turn its attention to this potential disaster for Australia.

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (10.53 am)—I would like to start by thanking the members for Indi, Deakin and Tangney for taking an interest in the Anglo-Australian Telescope, which on 1 July this year will become the Australian Astronomical Observatory by virtue of the two bills before the House today. Of course, this represents one of the most important pieces of scientific infrastructure that this country has.
In 2005 the governments of Australia and the United Kingdom agreed that on 1 July 2010 the Anglo-Australian Telescope Board, which for 35 years has governed the Anglo-Australian Observatory, based at Siding Spring near Coonabarabran in New South Wales, would be disbanded and the facilities and staff would come under exclusive Australian control.

I start by thanking the UK government for its involvement in this long and productive partnership. Australian and British astronomers have enjoyed a significant scientific advantage in being able to work closely as collaborators using the Anglo-Australian Telescope and the UK Schmidt Telescope at Siding Spring. I would also like to acknowledge the vision and foresight of those British scientists and politicians who in the late 1960s recognised the potential for a world-class Southern Hemisphere observatory and for collaborating with their Australian colleagues. The results have been very rewarding.

The Australian Astronomical Observatory Bill 2009 and its companion, the Australian Astronomical Observatory (Transitional Provisions) Bill 2009, implement the 2005 treaty obligation and will ensure that the observatory continues to provide an excellent research environment for Australia’s world-class astronomy community for years to come. The government has also provided the observatory with significant new funding of $20.9 million over four years, as announced in the 2009-10 budget.

Australia is taking over a truly remarkable institution. The observatory is making a significant contribution to our understanding of dark energy, the formation of galaxies and the properties of planetary systems around other stars. The observatory is also one of the world’s top builders of astronomical instruments, a highly specialised field of technology. It has built instruments for leading telescopes around the world. The Anglo-Australian Telescope, the AAO’s primary, four-metre diameter telescope, has been judged the most productive instrument of its class in the world. Indeed, the telescope continues to be one of the most useful telescopes of any size, a testament to the dedication of its management and staff over the years. There is no doubt that this outstanding observatory has helped both Australia and the UK become world leaders in the fields of astronomy, astrophysics and cosmology.

The AAO bill provides for the observatory’s new governance arrangements. It will be renamed the Australian Astronomical Observatory and established as a business unit of the Department of Innovation, Industry, Science and Research. The department will have new astronomical functions, which include operating Australia’s National Optical Astronomy Observatory and supporting the development and manufacture of astronomical observing instruments. The AAO bill provides for the observatory to have a director, who will be supported by an advisory committee. The AAO bill and the government’s related budget announcements are a significant win for science and for the vibrant regional community around Coonabarabran, which has hosted and supported this facility for nearly four decades.

The Australian Astronomical Observatory (Transitional Provisions) Bill is the companion bill to the Australian Astronomical Observatory Bill, which establishes the Australian Astronomical Observatory as the successor to the previous joint Australia-UK facility, the Anglo-Australian Observatory. The transitional provisions in the transitional bill wind up the Anglo-Australian Telescope Agreement Act 1970, thus disbanding the Anglo-Australian Telescope Board. The transitional bill also provides for the smooth transfer of business from the board to the Department of Innovation, Industry, Science and Research. This includes the transfer of current AAO staff to the department under the provisions of the Public Service Act 1999 and
the maintenance of all their accrued entitlements. These staff transfer provisions will allow the observatory to retain the expert and experienced staff who are so vital to the ongoing success of the observatory. The transitional bill will ensure that the observatory can continue its important work without interruption. I commend both the AAO Bill and the transitional bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

**AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS) BILL 2009**

*Second Reading*

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

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

Message from the Governor-General recommending appropriation announced.

**MINISTERIAL STATEMENTS**

*Indigenous Affairs*

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

That the House take note of the following document:

*Prime Minister’s report 2010—Closing the gap.*

**Mr JOHN COBB** (Calare) (11.00 am)—Aboriginal culture is quite obviously and undeniably part of the fabric of this country and is and always will be part of the enduring fabric of my electorate of Calare in western New South Wales. However, while the government continues to funnel funding and programs into Indigenous communities throughout western New South Wales, the Northern Territory and Queensland, the Indigenous people of my part of the world face many of the same hardships as those people in Queensland, the Northern Territory and elsewhere. They have the same problems, the same social issues and the same entrenched lifestyle factors that have caused the situation that we have today. But in every situation there are nuances; there is a need for flexibility and a need to target programs—and I hate using the word ‘programs’ in this situation—and ideas and to allow people to have flexibility within them.

The Wiradjuri people of western New South Wales have themselves taken steps to break down some of the cultural issues, but they have gone much further than that. Programs such as their language program travel to schools and educate younger generations with a positive influence. They are proud people, like anybody else, but what this does is regenerate pride in their own history and, hopefully, in what their future will be within Australia, particularly within my part of the world. The program is run by tribal elders, it is embraced by students and it has received numerous awards acknowledging just how much good it is doing in terms of people getting on with their lives and feeling good about themselves. The program is de-
vised by the Wiradjuri people themselves and is working to close the gap which has been spoken about today. A program like this one should be a benchmark and, unfortunately, I have to say that this program is probably the exception to the rule. A program needs to be versatile, it needs to be targeted, it needs to be flexible and it needs to be relevant to the region in which it is practised.

In the two years since Kevin Rudd’s much praised apology, the efforts to close the gap have in fact done little to acknowledge the culture of Indigenous people in my part of the world, the electorate of Calare, in western New South Wales, and even less to provide the communities with the power, the resources or the ability to help themselves to close that gap. I am not sure that I like the term ‘close the gap’. I think it is about being able to fit in within your community and getting on and having a productive life. However, we are using that expression.

There are few better examples of the mismanagement involved than in the failure of Kevin Rudd’s policies in the town of Wilcannia, in western New South Wales. According to the most recent census, around 50 per cent of the population identify themselves as Indigenous. In fact, it would be far, far higher than that. Wilcannia is one of several communities in the area serviced by a host of welfare and support programs. But they are all based somewhere else and Wilcannia is screaming out for a different solution. There are 55 agencies servicing the area and they are all fly in, fly out. They show up, they work and they leave. There is very little community ownership, no sense of connection to the people or the land and no empowering of the community to actually come to grips, deal with and target the program in the way that they would see fit.

As an illustration of the total lack of planning, there are four different employment agencies—in a town which officially has, I think, about 500 people in it—serving about 150 people. The scarce funding being put towards closing the gap in this area is quite obviously dramatically missing its mark. This is a case of putting people on the ground for the sake of having people there, for the sake of saying that there is actually a program.

This is one issue where I hate to bring politics in because if dealing with the problems of employment and the other issues surrounding our Indigenous community were easy then any government would have solved them a long time ago. So I am not trying to pretend this is an easy case. But when you have four employment agencies in a town this size and there are 55 different agencies flying in and out all the time, then it is obviously not targeted.

The general manager of the Central Darling Shire, based on Wilcannia, has seen the waste of resources. He summed it up best when he said, ‘The real issues aren’t heard in the shadow of a whiteboard during a 10-minute visit.’ And obviously they are not. If you sit around under gum trees for long enough then you might find out what will actually work and what might be done. It does not take 55 agencies and four different employment agencies to sit down and listen and come to that conclusion.

Most of these employers—who, I am sure, are well intentioned—work on 12-month contracts. We know that real solutions and progress take longer to develop and stick with than that. I do not like saying this, but the methods being employed by the current government are outdated. They do not work. We have known for ages that they do not work. The issues of Wilcannia are subtly, and in some cases not so subtly, very different to those of Ivanhoe, Cowra or Orange. The ‘one size fits all’ method does not work. We need people in the com-
munity to be trained. They need to be local, to be on hand and to have the conversation under the gum tree, whether it is on the Macquarie, on the Lachlan or out on the Darling.

With 70 per cent of funding going towards training and employment, surely there is room to make this happen. In the nine or 10 years or whatever that I have been around this place—and I have been out in the far west my whole life and thought I knew a bit—I have realised that being a member of parliament certainly does teach you a lot more about certain areas. Through being a parliamentarian I have certainly learnt more about the situation of our Indigenous people in the areas of employment, lifestyle and health than I ever knew before, and I do not pretend to be anything like an expert on it. But the one thing I have come to learn is that a job is worth a hell of a lot more than any social program that has ever been devised, because a job is the greatest social program that we can provide.

I bring this up because places like Wilcannia and Burke are not far, in effect, from places like Cobar, which has been through a bad time employment-wise in the last 18 months because of the mine but is on the way back up again. The fact that at a place like Cobar, for example, you can work in the mines and have 10 days on and 10 off, or four on and four off, certainly lends itself to the lifestyle of people who feel tied to their land because it is not far to travel a couple of hundred kilometres—it is no big deal—when you get four or more days off. I have been trying to support this for ages. I guess we got knocked on the head when there was the huge downturn in the copper industry, which is the lifeblood of Cobar. But it is now coming back, so I would love to see these programs funnelled in and saying, ‘What we can do is provide for you to travel to Cobar, work your four or five days—whatever the mine can work out with you—and then you have time off to return home.’ There is not much point doing training and employment programs where there are no jobs. Basically, that is the situation particularly in Wilcannia and also in places like Burke. But there is a way around it if we can have flexible programs that deal with the situation on the ground.

In Cowra and Orange, where there are jobs and opportunities, what the Aboriginal Employment Service have come up with is going to businesses and saying, ‘We can find someone to do that job if you’re willing to employ an Aboriginal person.’ That is a totally different situation, but it is a waste of time at Wilcannia. So we need to be flexible. Politics aside, we must be flexible and talk to the Wiradjuri people in that particular region and ask, ‘What’s going to work here?’ Never lose sight of the fact that a job is the main social program that everybody needs, whether you are a member of parliament or you are sitting on the banks of the Darling. That part does not change. This is one issue that should transcend politics. I hope and pray that, whether we are talking about Orange, Cowra, Burke or Wilcannia, we can look at it in a local sense, not in an Australian sense and not in the sense of: ‘How can we have a program so that we say we’ve got a program?’

Mr DEBUS (Macquarie) (11.11 am)—As the Prime Minister said in his ministerial statement on 11 February, Australians want to close the gap. In a survey by Reconciliation Australia, 91 per cent of non-Indigenous Australians and all the Indigenous people surveyed said that the relationship between the two peoples was important to this country. As the Prime Minister also said, it is 10 years ago this May when, to John Howard’s grim disapproval, a quarter of a million Australians walked across Sydney Harbour Bridge and three-quarters of a million people walked in other places around the country in support of reconciliation. I do remember saying at the time to Aboriginal people in my electorate who felt despondent about
the attacks of right-wing commentators on the idea of an apology and about John Howard’s obvious support for their attacks on what was disdainfully called ‘the black armband view of history’—I remember saying to them: ‘Don’t worry. The modern history of Australia is not on the side of those people. Those massive marches show which way the country wants to go.’ I think I was right.

Two years ago the Prime Minister made his formal apology in the parliament, particularly to the stolen generations, and that was news around the world—news that was good for Australia’s reputation. On 11 February, the Prime Minister indicated in his statement that we had achieved for the first time a bipartisan commitment to closing the gap in life opportunities between Aboriginal and non-Aboriginal Australians. We acknowledged at that time the failure of successive governments to provide adequate services to many Indigenous communities. We recognised that closing the gap would not take a few years but a few generations, and we showed that closing the gap was a national priority that should indeed be above partisan politics. I acknowledge the remarks of the member for Calare, who has preceded me, in that respect.

The subsequent national agreement between all the governments of Australia to make an investment of nearly $5 billion in Indigenous-specific national partnerships to change the circumstances of Aboriginal people in health, early childhood development, education and employment was made against background principles that are not so much newly understood—plenty of people have talked about them in various ways in the past—but principles that have never been so clearly articulated before as a matter of national government consensus. Governments must take responsibility for addressing past failures of policy. Aboriginal Australians must take responsibility for change in the lives of individuals, families and local communities. All Australians should take responsibility for improving the relations between Indigenous and non-Indigenous citizens.

It would be very hard ever again to reproduce the drama or the depth of emotion felt across the country in offices and schools and in the street on the day of the apology. But the dramatic change of policy agreed in November 2008 by COAG is the practical, lasting consequence of that moment. It is a new thing for government to set measurable targets—of which there are six, covering life expectancy, infant mortality, early childhood and education, literacy and numeracy, year 12 attainment, and employment—against which to establish a program of investment based upon the best carefully assembled evidence and against which to establish a framework for evaluation and accountability for expenditures and to seek deliberately to walk together with the Aboriginal community and its leaders while this great enterprise is prosecuted.

The book published last year by the noted anthropologist Peter Sutton called The Politics of Suffering makes a very powerful critique of the liberal ideology that from the 1970s laid emphasis on self-determination, an idea that the problems of Aboriginal communities are the consequence of dispossession and discrimination, to be overcome almost entirely by policies to promote self-determination and self-management. He suggests that that approach permitted policymakers and administrators to avoid truthful acknowledgement of the dysfunction that in fact occurred in many communities over the last 30 years when self-determination failed.

Sutton’s arguments are confronting, not least for someone like me, who helped establish the first Aboriginal Legal Service in Redfern in the 1970s. However, I do believe that it is
easy to underestimate the nuance and complexity of the circumstances of Aboriginal Australia in recent times. Indigenous communities are not homogenous, as the member for Calare has just been saying. I have recently seen a paper produced by the Jumbunna Indigenous House of Learning at the University of Technology in Sydney which shows there are quite dramatic differences in crime rates between the two similar villages of Wilcannia, which the member for Calare was mentioning, and Menindee, nearby in western New South Wales. The latter has a much lower crime rate, accompanied by much higher levels of cohesion and pride. The member for Calare has just spoken about Wilcannia and I cannot disagree with much of what he said. So it is important that under the Closing the Gap strategy Wilcannia is one of those priority communities that are to be provided with a business manager, and I accept that that business manager should perhaps think about exactly some of the things that the member has been saying.

During last year I visited places that were sinking in despair and addictive behaviour. It has to be acknowledged that there are plenty of communities where social circumstances, crime rates and levels of imprisonment have got worse in the last 20 years. On the other hand, I have seen the great hope that has accompanied the dramatic improvement in social conditions at Fitzroy Crossing in the Kimberley following the successful campaign by local Aboriginal women to restrict the sale of alcohol. I know that, under the influence of the Redfern-Waterloo Authority in Sydney, social and employment conditions for Aboriginal people in the notorious ghetto of Redfern are improving. There are plenty of communities that have had similar success in recent years, not to mention most encouraging indicators in the Cape York welfare reform trials.

It is often forgotten that while there are most particular problems associated with small and remote communities, half of all Aboriginal people live in New South Wales and Queensland alone and the largest single population is actually in the western suburbs of Sydney, where, I should point out, many schools with significant Aboriginal populations will benefit not only from the specific Closing the Gap measures but from the government’s $1.5 billion investment in 1,500 low socioeconomic status schools across the nation. Indeed, a total of 78,000 Indigenous students will so benefit. With the addition of the planned expansion of the innovative Stronger Smarter Leadership Program to support schools in more remote areas over the next four years, I believe we may reasonably expect success with our Closing the Gap educational targets.

I would like to dwell for a little time on the significance of the principles of community development and early intervention in the restoration of broken Aboriginal communities. These principles, quite strongly acknowledged in the Closing the gap report, have not always been favoured by our bureaucracies or indeed understood by them. However, they are well understood in the development aid community, in which I once worked, and they are well understood by institutions like the World Bank, which is concerned with the alleviation of poverty in developing countries. What I would call the community development approach certainly acknowledges the consequences of the history of loss and discrimination, but it also seeks to confront present destructive behaviour. Recently, Gregory Andrews, Chief Executive of the NGO Indigenous Community Volunteers, made a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs in which he explained...
the causes of Indigenous disadvantage and dysfunction from this perspective. With admirable precision, he argued that the key causes were:

- Social and economic disadvantage.
- The transgenerational nature of disadvantage and dysfunction.
- The effects of passive welfare … when alcohol and drugs use are in epidemic proportions—
- A lack of law and order in many Indigenous communities.
- Weak capacity and governance in many Indigenous communities.
- Perverse impacts from the well-meaning policies of self-determination that have led to buck-passing or disengagement by the state (until the recent positive changes) …
- Ad hoc and reactive policy and program responses from governments.
- A culture of permissive drug and alcohol use among many … people working with youth and communities.
- Mainstream ignorance and detachment—

that is, by mainstream Australian communities.

After such a list it was not surprising that Mr Andrews went on to say that these problems would only be overcome if communities, governments and NGOs acknowledged that these characteristics were also characteristics of communities in a fragile state and that international experience dealing with fragile states suggested that sustainable change would require the following things: robust and truthful analysis of the problems of any particular community; an acceptance that solutions would be found only over more than one generation; the establishment of realistic objectives and acceptance that the risk of failure was significant and that it might be necessary to have a few tries at a problem; the establishment of the same law and order conditions that exist in mainstream communities; working to ensure that as far as possible local people take ownership of development initiatives; ensuring that women are actually involved; ensuring that incentives are used to encourage positive change, not to support passivity; adopting whole-of-government and whole-of-community approaches; and employing and retaining the right people to do it. In this respect, I think government should give the closest examination to the appointment of the government business managers that are to be employed in the 29 priority communities that I have mentioned which have been chosen to benefit from the government’s remote service delivery initiative. This is a very important initiative in the context of the principles I have just been describing. I think the selection process for those business managers should be about as stringent as the process that the Antarctic Division goes through when it chooses a station leader for a remote outpost.

There is a final proposition that Greg Andrews has put forward—that it is necessary to maintain basic services and meet humanitarian needs while long-term development is underway. It is very important that a long-term development process not be impeded by the absence of a determination to ensure that the most basic of humanitarian needs continue to be met. And if they are not being met by the community then governments have to intervene and, with as much consultation as possible, provide services through an outside agency. To a degree that I believe to be significant, these principles are generally being acknowledged in the Closing the Gap program, and I think this does represent a profound change in the way that government is approaching this enormously difficult problem that exists within our society. I
think it is reasonable to hope, especially if we are able to maintain a degree of bipartisanship in these matters, that our nation will indeed move forward.

I will take the opportunity to mention that today there is a very important event underway in the parliament. The Minister for Employment Participation, Mark Arbib, is hosting an Indigenous employment forum with some of the biggest corporations in the land. The Closing the gap report describes some extraordinarily encouraging developments in the area of business. Over the last few years, we have seen for the first time ever a serious engagement of big business in the issue of Aboriginal deprivation. Over one-quarter of the membership of the Business Council of Australia, including its 11 largest companies, have developed or are developing reconciliation action plans which cause them to make long-term commitments that include hiring Indigenous employees, using Indigenous contractors and offering school based traineeships and higher education scholarships.

In fewer than four years since those plans have been in operation, organisations adhering to them have created 6,000 positions for Indigenous people and filled 3,000 of them. Through the plan $750 million worth of contracts have been awarded to Indigenous businesses. The Business Council works with organisations like the Australian Indigenous Minority Supply Council, set up by my friend Michael McLeod and others, to engage for the first time with the business sector in assisting Aboriginal people to find economic independence. I must say that this is a most encouraging development. It is the kind of development that gives me hope that we may indeed finally be breaking the mould of despair that we have so often had to acknowledge in the recent generation. I commend the Prime Minister’s report to the House and to the nation. When many other things that we are doing in this parliament are long forgotten, this will not be.

Mr OAKESHOTT (Lyne) (11.26 am)—Whilst I was not here when the apology was made two years ago, I was going through Sydney airport the day after and I can confirm that I saw the pride of many Indigenous men and women who were walking through the airport feeling 10-foot tall. As a consequence of Indigenous pride, that moment in time demonstrated Australian pride at the same time. It is a window of opportunity for Australia, through the celebration of Indigenous culture. If we get it right in the future we will have an Australia we can all be proud of.

I often talk about the Indigenous cultures in my electorate, where an elder structure is strong, where belief in family is strong, where land management practices of 40,000 years are strong and where dreaming and spirituality are strong. In a parliamentary sense, we grapple with the concepts of spirituality, family and land management on a daily basis. Quite often we continue to be blind to the opportunity to listen, to learn and to celebrate a history of 40,000 years. Look at the engagement in Indigenous family structures by comparison to family structures in non-Indigenous Australia today. Our lack of respect to elders, for example, is shameful. There are many lessons for all of Australia to learn about the concepts of family and respect for elders. Likewise, I know leaders of both political parties quite openly put their spirituality on the table. I would hope there is a spiritual and a values base in all members in this place. It is questionable as to why you are here unless you have that values vase and that spirituality base.

But again, there are lessons to be learned, there are stories to be celebrated and there are keys to our future in learning from the spirituality of the people who have been here for
40,000 years. There are issues of land management. In fact we are grappling with the concept of climate change and global warming in a parliamentary sense right now. At no time yet in the debate have any of us stopped and reflected and thought about land management practices that are 40,000 years old and whether the keys to the future might lie in some of those land management practices.

My point is that we quite often wrestle—and I hear it from political leaders—with what it is to be Australian and who we are as Australians. I would hope that this process of making ‘black the new black’ and making Indigenous culture really part of Australian culture is the answer to what it is to be an Australian and what it is to live in Australia. We have a wonderful cultural history to celebrate and to embrace. I would love to live in an era where so-called mainstream Australians know the Dreamtime stories, know what Indigenous nation they live in, know some of the words from their local languages, learn about the family structures and spirituality, and also respect the land management structures that have gone on for many, many years before the Union Jack was planted at Port Botany. The apology, a couple of years ago now, was an important moment. Hopefully, in a cultural context, it does start to shape an Australia that has our Indigenous history and our Indigenous stories front and centre in the Australia of the future.

Two years later, in regards to the Closing the gap report and in regards to the work I do as a local member representing a large Indigenous regional population, in a ‘Torah! Torah! Torah!’ moment I say to anyone who may just want to look at one page of this report, please look at page 12, page 12, page 12! My message to this House is the message contained on that page. It is a message to a government, an executive, a Prime Minister wanting to embrace the topic—which I respect—and wanting to put the issue on the agenda—which I also respect.

But, again, I worry about this continual falling into the trap of thinking that all things Indigenous are either in the Northern Territory or in Cape York. There is so much more to the story. The previous speaker mentioned the very large Indigenous population in Western Sydney. That is the first time in my 15 months here that I think I have heard a comment such as that made in trying to embrace the complexities and the challenges around urbanised Indigenous communities. That is why I say ‘page 12, page 12, page 12’—because it has a map of Australia and it identifies where the Indigenous population of Australia lives.

The point that I continue to make—and I wish government would hear—is that we all have an obligation to crack the stereotypes that over time have formed in people’s heads about Indigenous issues being about outback, dusty towns. They do not accord with the facts. The vast majority of Indigenous people live—and these are very rough boundaries—smack on the east coast, roughly between Sydney and Rockhampton and maybe a little bit further north. That is the area where more than 50 per cent of Australia’s Indigenous population lives. But it is lost in the rhetoric and in the politics. Because of the constitutional weakness of a territory we seem to have focused entirely on the Northern Territory. Because of the wonderful skills of Noel Pearson in Cape York we seem to have focused entirely on Cape York and Cape York alone in Queensland.

The story lies on page 12, which shows, without doubt, that more than one in two people live in New South Wales or Queensland—we are getting up to nearly 60 per cent of the entire population. It is the east coast window. Everyone in Australia wants to live in this window, so it should not surprise anyone that there has been the same feeling over the last 40,000 years,
let alone the last 200. But it is the regional Indigenous communities which I would like to hear more about and would like to see more work done on. The member for Macquarie spoke about the remote service delivery aspect. The whole *Samson and Delilah* feeling is an important one and remote and rural issues are important. But they should not be at the expense of the vast majority of regionalised and urbanised Indigenous people and communities. There are complexities about that and, if we are serious about closing the gap, we are not going anywhere fast unless we tackle those complex, challenging regional and urban issues.

I enjoyed the report—I particularly enjoyed page 12. I would love everyone to have a look at it and to think about how they view many of the issues wrapped up in the ‘closing the gap’ story. I hope it challenges a few people to rethink. I hope it challenges the executive to spend more time, effort and energy on the window between Sydney and Rocky. And I hope we can start to tackle some of those complexities. I know the many local members, from all political persuasions, in the window are trying, but there are particular challenges on which we need the help of government. The one I want to focus on in my time left is education. We all hear it talked about as a key both to reconciliation and to getting out of the poverty trap, and I agree with that.

I want to put on record a couple of examples where we as a region have been trying, in a bottom-up way, to help ourselves. We have asked government—they were not big asks—for some assistance and some support for us as a region to help ourselves. There are some frustrations. The first one I want to get on the record relates to the tremendous work that is done by Macleay Vocational College, which is pretty well smack in the middle of South Kempsey. Kempsey was identified by Tony Vinson as one of the six most problematic areas in Australia. We do not hear about them in here that much. We do not hear conversations about the Vinson hot spots as much as I would like, because most of them are regionalised communities—not rural or remote. But Kempsey is one of them and this vocational college got off the ground largely funded by local community fund raising. There are some opportunities, without going into detail, where government could provide greater assistance in helping the principal, Jann Eason, who is right on the front line trying to keep engaged kids who have been suspended or expelled or who are not turning up to so-called mainstream education. At the moment she is frustrated with the lack of help that is coming through from government. They are not big asks that she has; there are two or three of them. But it is a tremendous, practical, front-line delivery of education that I think a few of us are starting to feel is being left behind by government. So I ask for some assistance on that front.

The other is a proposal to government that a few education providers put together about place-based learning. Place is incredibly important not only for Birpai and Dhungutti in my region but, I am sure, for everyone’s local communities—if they are seriously connected, they would understand the value and importance of place.

We put a proposal to government last year about a bottom-up approach. Yes, it is almost the complete opposite of a top-down emergency intervention but we think we are in a position to help ourselves. We would love some help. It challenges everything about the way government views itself, where it is a paternalistic deliverer of Commonwealth taxes. Yes, it challenges all of that. It challenges all of the silo thinking in the delivery of government—we give a bit here, here and here, depending on departments. It challenges all of that, but, if we are serious about social inclusion, if we are serious about closing the gap, if we are serious about self-
determination, then the bottom-up approach, the place based thinking, is one that has to get into the psyche of government. It is a nut that has to be cracked. We have to turn this around from being a top-down delivery to being a bottom-up delivery—use the word ‘organic’ if you want—approach about people helping themselves. It is a much more sustainable model than the alternative.

If we want value for our tax dollars then I am asking the Deputy Prime Minister in particular, and the executive more generally, to give us a bit of help with this place based model. It does challenge convention. It is the complete opposite, as I say, of emergency interventions and all the politics around that type of thinking, but it is a better way forward. It is a sustainable model and, if we are serious about closing the gap, for my region, where we have 11 per cent of the New South Wales Indigenous population, I am confident that it is the way forward.

There is a proposal in the government’s hands. We are getting a bit frustrated that we have not heard back—it is now nearly six months. I am worried that it has been lost in the silo thinking, that it does not fit in a box. I ask for a minister and an executive to assist, particularly from the angle of social inclusion and education being the ticket out of some of these traps that we have found ourselves in over the 200-year history of this conflict. Here is an opportunity to do some good work. Deputy Prime Minister Gillard, I once again ask for your support.

Ms REA (Bonner) (11.41 am)—It is indeed with pleasure that I rise to talk about the Prime Minister’s Closing the gap report that has been introduced into this parliament. By beginning, I welcome the Prime Minister’s initiative of first of all producing this report and giving a commitment to introduce an update every year to the parliament and allowing parliamentary scrutiny of this very important issue—closing the gap for Indigenous life expectancy and, indeed, Indigenous wellbeing in our community.

The report focuses on three key policy initiatives or imperatives which the government believes are fundamental if we are to address the many areas of vulnerability and disadvantage that Indigenous people face in this country. The three points focused on are: to address decades of underinvestment in services, infrastructure and governance; to rebuild the positive social norms which underpin daily routines, such as going to school and work, and which foster community led solutions; and to reset the relationships between Indigenous and non-Indigenous Australians.

Before I go into the detail of the report and highlight some of the very important information that is raised there, I acknowledge the speech of the previous speaker—the member for Lyne—and say that, as the member for Bonner and as someone who represents a fairly significant Indigenous population within Brisbane City, I am very well aware of the vast majority of Indigenous people who live in urban areas, and I know my colleague the member for Oxley would acknowledge that. In fact, I know the member for Lyne was quoting from the report, but I have had reported to me that if you take all of the urban areas in this country roughly 70 per cent of Indigenous people live in urban areas. That is not in any way to ignore or diminish the very significant issues faced by Indigenous people living in remote and rural communities. As local members acknowledge the difficulties faced by Indigenous people in urban areas, I want to assure him that we on the government side also understand that issue and are constantly advocating on behalf of the Indigenous communities within our electorates.
Before I go to the bulk of the report, I want to focus on some of the myths and criticisms that have developed around the government’s approach to closing the gap. In particular, it is often said that this is once again a case of all talk and no action, that the apology was simply a symbolic gesture and one that has not really led to any real detail or substance in addressing the issues of Indigenous people. I acknowledge those criticisms and in doing so I would like to address them on two grounds. First, I believe that this report reflects quite a significant amount of action that has resulted in the government’s commitment to this issue. I will go into that detail a little later on. But I also want to address what is often referred to as a false dichotomy about symbolism versus action. Symbolism in itself is action—to actually stand up and say sorry to somebody is a very important action. It is not just a gesture—it is actually acknowledging a problem, it is actually admitting a problem and it is actually publicly stating that you want to do something about that problem and that you apologise to the people you believe have suffered as a result of actions in the past.

Can I emphasise, particularly coming from Queensland and being a great fan of that wonderful game of rugby league, that there was last weekend what could have been considered a symbolic gesture in the season opening game played at the Gold Coast between the Indigenous all stars team and the NRL all stars. It might have been seen as a symbolic gesture, but it was a most powerful initiative to try to deal with the issue of reconciliation, acknowledging the role and contribution of Indigenous people in this country from all aspects of society, including on the sporting field. Unfortunately I was not able to go to the game as I was at a function in my electorate, but my 15-year-old son kept me updated on the scores through text messages. He was excited about the game, like many people in Queensland, not just because it was a great game of rugby league and not just because they were two teams chosen very significantly on merit and skill that were evenly matched but because it was an emotional response to the acknowledgement that Indigenous football players have been a fundamental part of our sporting community, and having that game kick off the rugby league season was a significant emotional event. I think the response of both Indigenous and non-Indigenous people through their attendance, through their watching on television and the support given through many rural and remote communities as well as across the south-east areas of Queensland, is a very good indication of how what can possibly be interpreted as a symbolic gesture can be in fact a very significant action towards reconciliation between these two very important cultures in our community.

I want to focus on some of the very significant parts of this report that definitely need highlighting. Again, I guess it is important to start by acknowledging the problem, by admitting the problem, and never forgetting the very unfair and disadvantaged situation that many Indigenous people have found themselves in in this country. It important to remind ourselves that at the time of the apology, as the report says, the gap between Indigenous and non-Indigenous life expectancy at birth was estimated at 17 years. Indigenous children were 3½ times more likely to die before they reached the age of five. It is important to remember that those issues of life expectancy and parents, families, facing the death of children under five is a very real consequence of inaction on the part of governments and often discrimination and exploitation on behalf of the whole community. The six targets identified in the report around life expectancy and mortality rates for children are early childhood education, literacy, numeracy, education, ensuring that more Indigenous students get to year 12 or its equivalent,
and looking at halving the gap in employment outcomes—six very important targets that address the statistics I have just referred to.

But of course the most important thing to begin with in an action plan to close the gap is to make sure that we get the data accurate. That in itself is an action, and I am pleased that the government has committed $46.4 million over the next four years to get the data right. We all know that the rush to do something, the impulse to get an outcome, can often lead to misdirection. It can often lead to funding programs or activities that are not necessarily hitting the mark. Unless you spend the time to get the data right you will not get the outcomes that you want, no matter how eager or how keen you are to see improvements in this area.

At the time, the emergency response in the Northern Territory was very controversial and there were many people on my side of politics and in the community more broadly who were concerned about the approach. I am pleased that in this report we see that the government has refocused on its responsibilities under the response and that the way it targeted the funding and the resources that were deployed as a result of the response has seen some really positive outcomes. In the health area, for children there have been ear, nose and throat consultations and surgery and nearly 2,000 dental services.

Education is an issue that has been highlighted by almost every speaker on this report. It is a very important part of giving young Indigenous kids the opportunities that unfortunately their parents, grandparents and other ancestors never had. Education plays a fundamental part in redressing the gap and trying to create a better balance of opportunities. I am really pleased to see a couple of practical approaches that have emerged out of this report. The Sporting Chance Program, an academy for kids where there is encouragement to participate in sport—something we know that most kids love doing—is linked to attendance in schools. Nine thousand students have gone through the Sporting Chance Program and as a result there has been an increase of around six per cent in attendance at school. We know that sitting in a school is not necessarily the way that you are going to learn if you do not have the nourishment and sense of wellbeing to absorb and process the information being presented to you, so throughout 67 Indigenous communities there have been delivered 2,600 breakfasts and 4,400 lunches. A fundamental part of any child’s learning is that they are well nourished and have the capacity to sit and concentrate in the time they are at school. Once again, this is a great and very practical initiative, and the spin-off is that 197 people—79 per cent of whom are local Indigenous people—have been employed to deliver those meals.

There are some very positive trends in this report that show that the government’s commitment to this very important issue is not just one of symbolism; it is a very practical approach which is delivering real outcomes. Housing is an area which has been focused on and which some people have tried to cast in a negative light. At the end of January this year 7,700 dwellings were under construction and 475 had been completed—and that does not necessarily include the 50 houses that have been built as a result of the response and the 60 that are under refurbishment. There have been changes to the CDEP, with employment programs that mean Indigenous people are being paid proper wages for the work that they are doing. In fact 1,500 properly paid jobs have come out of the reforms that have been made to the CDEP.

Before I conclude, I also want to acknowledge quickly the development of the minority business supply council. This is an issue that is very dear to my heart. As a member of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Af-
Mr HUNT (Flinders) (11.57 am)—It gives me great pleasure to address this issue. Some years ago, at a bipartisan forum at which some members of the then Labor opposition were present, I made the point that, if you looked at Australia over the last 30 years, the greatest area of systemic failure by state, territory and federal governments, both Liberal and Labor, was the inability to close the gap between Indigenous people and the rest of Australia in life expectancy, education and employment. I maintain the view that the greatest area of systemic policy failure over the last 30 years has been the failure to close that gap. There have been good intentions on all sides but a welfare and poverty trap has been created. That trap has led in part to the failure to remedy an underlying problem. It did not cause the problem; it simply exacerbated and continued the trend. I compare that with my view, expressed in the House this week, that the single worst policy by government in terms of a systemic impact and result has been the home installation program, because nothing else has had an impact on 250,000 houses as this policy has.

I want to look at the last three decades and where we should go from here. When you look at the last three decades, there has been some progress in some areas, including employment, and the Closing the Gap report sets that out. I commend the former minister and also the Prime Minister for continuing this initiative. In particular I commend the former Minister for Families and Community Services and Indigenous Affairs, Mal Brough, for whom this is a passion, a focus and a concern—it has become his life’s work. Against that background, what we see is a systemic flaw, which is a culture of entitlement and dependency. That culture was built against a background of inherent disadvantage. The disadvantage is the product of the transition from Indigenous Australia to settled Australia and the unresolved tensions that have lasted and developed over a century and a half. There was the period of the stolen generation—some have questions about it, but I think it was a dark period in Australian history and I am deeply sorry that it ever occurred. No matter what the intentions, the effect was catastrophic.
Against that background, we are now going through a process of endeavouring to provide a sense of hope and opportunity for the future. The three main areas are these: education, employment and quality of life. I want to present just one suggestion for us as lawmakers in this House to consider. I do it through the experience I had as Parliamentary Secretary to the Minister for Environment and Heritage in the previous government. One of the finest programs which I have seen and which I would wish to see advanced is the Indigenous rangers program.

The Indigenous ranger and junior ranger programs offer a very simple concept which can be refined and advanced: they provide land management training from a young age. I saw this in Kakadu National Park where the Jabiru school and other schools were focusing on this, and I saw it at Booderee National Park, where young Indigenous kids were working in that area. It gives a sense of traditional teachings within a formal educational framework. It has provided, by all accounts, an incentive and a sense of aspiration for those kids in primary school to have respect for their culture and land management, and to give them an option for where they would like to go in life.

Carried through secondary school, it leads to specific training. It is an inspiring program—whether it is in land management, ranger programs, support systems through vehicle maintenance, or other things which would contribute to the whole process of land management, ranger management and support. On a career basis you can see the long-term careers which the Indigenous ranger programs provide to people. I have seen the success it has had in the Dhimurru Indigenous Protected Area, in the Laynhapuy Indigenous Protected Area, which is south of Nhulunbuy, and also in the Anindilyakwa Indigenous Protected Area on Groote Eylandt.

These are three shining examples throughout Australia of how Indigenous communities which have had serious and systemic problems with alcohol, violence and listless drift have been able to draw together a sense of purpose. Not all of the problems are solved by any means, but real and significant progress has been made. Firstly, it has given people a sense of employment, task and duty. That could be in clearing away drift nets in turtle and dugong management and in dealing with invasive species. Secondly, in terms of practical land management and the outcomes, you can see the difference in the quality of land maintenance in Indigenous protected areas and in which there are strong supporting Indigenous ranger programs. And thirdly, above all else, the sense of hope, aspiration and possibility that exists in these communities.

Dhimurru is an extraordinarily high functioning Indigenous community with strong leadership models, coupled with the high level of culture and the strength of that culture. As many of the locals have told me, the capacity of the Indigenous ranger programs to provide practical options in an area where people want to work is the important thing. I have one contribution to this debate and that is all it is. I recognise and commend the work of people on both sides of this House but I think an untapped area which can be built upon significantly is the expansion, development and bipartisan commitment to the Indigenous ranger programs.

I have been fortunate to talk with Noel Pearson about extending these programs in a major way up and down the Cape York Peninsula. I have seen how they have worked in Arnhem Land and in the gulf, and I think that these programs can make a real difference.
I commend the report. The opposition have expressed their reservations in areas such as the liberalisation of pornography. I think that liberalisation is a mistake. But above all else, there is bipartisan commitment and I would like to see and I will continue to support the expansion and development of the Indigenous ranger programs as a critical means of closing the gap for Indigenous Australians.

Mr HALE (Solomon) (12.05 pm)—In making my contribution to this debate I commend the member for Flinders and support his comments on Indigenous ranger programs. The Caring for our Country program and the Green Corps traineeships have been well supported by Indigenous people in my electorate. Our government will continue to support these programs. I think Indigenous people have an innate sense of the environment and the land and it is important that they are given opportunities to work in this space.

I strongly support the Prime Minister’s ministerial statement made on 11 February on the Closing the gap report. The government’s policy on Indigenous affairs has focused on closing the substantial gap that exists between the socioeconomic outcomes for Indigenous and for non-Indigenous Australians. Two years ago, on 13 February 2008, the Prime Minister made a formal apology in the parliament, on behalf of the government, the parliament and the people of Australia, to the Indigenous people of Australia, particularly to the stolen generation. At the time, he said:

Today’s apology, however inadequate, is aimed at righting past wrongs. It is also aimed at building a bridge between Indigenous and non-Indigenous Australians—a bridge based on real respect rather than a thinly veiled contempt. Our challenge for the future is to now cross that bridge and, in doing so, to embrace the new partnership between Indigenous and non-Indigenous Australians … the core of this partnership for the future is the closing of the gap between Indigenous and non-Indigenous Australians …

On that day the Prime Minister pledged to lead a new national effort to close the gap in life expectancy and life opportunities between Indigenous and non-Indigenous Australians. For the first time, a bipartisan commitment to closing that gap was made. We acknowledged the failure of successive governments to deliver to many Indigenous communities. Together we demonstrated that closing the gap is a national priority that should be above partisan politics and together we recognised that closing the gap would take not a parliamentary term but possibly a generation or even beyond a generation, as has been pointed out many times in this place.

When we came into government the gap between Indigenous and non-Indigenous Australians’ life expectancy at birth was an estimated 17 years. Indigenous children in many parts of Australia were 3.6 times more likely to die before they reached the age of five than non-Indigenous Australians. Almost one in 10 dwellings in remote and very remote Indigenous communities was in need of major repair or replacement.

I would like to put on record again my support for the commitment to closing the gap. It is a shared commitment by both sides of parliament and it is led by the government from the Prime Minister down. Jenny Macklin, as the Minister for Families, Housing, Community Services and Indigenous Affairs, has a tremendous amount of work to do and is working very hard in trying to deliver programs into remote communities and facing the challenges that these programs in their delivery often have. The programs being delivered by the Deputy Prime Minister, Julia Gillard, in the education and employment area, helped by the Minister
for Employment Participation, Senator Mark Arbib, are having real results on the ground. We
have the commitment by the Minister for Health and Ageing, Nicola Roxon, to closing the
gap in health outcomes. A 17-year gap in life expectancy is something that we as a country
cannot be proud of and it is something that we need to address. Certainly as a Territorian, as
someone who has lived amongst Indigenous people all my life and as someone who has five
Indigenous children, it is an issue that is close to my heart. I have buried many friends. I have
just celebrated my 40th birthday and I have a number of friends who passed away before they
reached the age of 40, a lot of them from generic heart disease or problems that might have
been caused either through gingivitis as a child or through rheumatic fever.

This morning, I had the pleasure of meeting with the Minister for Agriculture, Fisheries
and Forestry, and with Luke Bowen, Chief Executive Officer of the Northern Territory Cat-
tlemen’s Association. He presented Minister Burke with a framed picture depicting a program
which our government is funding, a program delivering Northern Territory wide Indigenous
employment, aiming to facilitate the employment of Indigenous people in meaningful jobs in
the pastoral sector and to provide along the way mentoring and industry-driven training in
areas such as low-stress stock handling, certificate levels I to IV agricultural and beef cattle,
welding, smart train transport and safe use of chemicals, weed eradication programs, nu-
meracy and literacy, first aid, machinery and vehicle skills. I commend that program and also
the employers who have taken on Indigenous workers.

The government can do only so much in putting money forward but at the end of the day
that money makes up a small amount of the cost involved. So I commend the pastoral indus-
try, the Cattlemen’s Association and the cattlemen of the Northern Territory who have a long
history of working with Indigenous people. There are some great stories out of the north, from
pioneering days, of some fantastic Indigenous and full-blood Aboriginal cattle handlers. They
had a very good sense for working with animals. These programs need to be supported by
government but they would not get off the ground and they would not get results if it were not
for the private sector. Many of these people, in employing Indigenous people in the cattle in-
dustry, are doing so out of their own pocket. They are also developing very good workers and
very good human beings at the same time.

This program saw 45 participants advanced through 2009 to be ready for the 2010 season,
along with the new crop of trainees in March. This program has been able to ensure maximum
flexibility and delivery of mentoring support beyond year 1, giving participants the best op-
portunity to stay in employment and become valuable industry members—an example of
practical partnerships achieving real results. Indigenous school retention rates, from start of
high school to year 12, have risen from 30.7 per cent in 1995 to 46.5 per cent in 2008, a 6.4
per cent increase.

I want to mention briefly the Clontarf Academy. I know that Gerard Neesham, the founder
of Clontarf, was in Canberra earlier in the week. Clontarf is a school based sports academy
tackling poor attendance and outcomes among Indigenous students through sport and recrea-
tion with some great results, including school attendance rates of more than 80 per cent and
improved academic performance. I was out at Casuarina High School recently and presented
some flags from my office—an Australian flag, a Thursday Island flag and the Aboriginal
flag—to the boys of Clontarf. By the end of this month, 2,300 students in 36 schools across
three states will be signed up. Clontarf is one of the academies funded through the Australian
government’s Sporting Chance Program to support Indigenous students’ engagement with school. Overall the program has achieved an average attendance rate of 79 per cent, six percentage points above average rates for all Indigenous students. I was very excited when I heard the Prime Minister announce that an additional 17 sports academies will be established across Western Australia, the Northern Territory and Victoria. Ten of those are new academies and they will be focused on girls.

I know that an academy will be established at the Palmerston High School, in my electorate of Solomon. As well, the Clontarf Foundation will operate seven new football academies: at Jabiru and Gunbalanya, in the Northern Territory, and at Bairnsdale, Warrnambool, Swan Hill, Robinvale and Mildura, in Victoria. Certainly, I commend Gerard Neesham, Andrea Goddard and the other staff, as well as the staff at the schools in my electorate. They have been doing a fantastic job in working predominantly with the urban Aboriginal youth and are now setting up academies for girls. We know that the girls are at risk a little earlier in life than the boys, and addressing what is going on with the girls is long overdue.

In the health space in my electorate we are fortunate to have had a commitment from the federal government, through Minister Roxon, to a doctors college in Darwin. In training our doctors in Darwin I believe that some 40 spots will be at the facility, starting next year. We will have 40 doctors graduating by 2015, and that will alleviate a lot of the problems we have with retention and recruitment of doctors in the Darwin area. Many of these people are local people. That is a $30 million commitment by the federal government. A lot of our problems are around Indigenous health. There is a commitment from the Commonwealth to the Menzies School of Health for further research in blood borne diseases, in particular, that affect Indigenous communities. This is the Commonwealth government doing something practical to make sure that we research things properly and then have the conduit joining research to the policies being implemented by the government.

Minister Roxon has also committed to a 50-bed hostel at the RDH. Very often a lot of our Indigenous brothers and sisters come in from communities and are admitted to hospital. But, when they have left hospital and may have a week to two weeks of outpatient type services to be accessed, often they will go and live with family or, if they cannot get a bed, will live rough or live in the ‘long grass’, as we say. Having this hostel will mean that people can be housed properly in a safe, clean environment, which will not only aid their recovery but also take the pressure off family, so that families that are in a routine, with kids going to school, kids going to bed early at night and kids eating good food, are not impacted at all by visitors from communities. Committing to a hostel on the campus of the Royal Darwin Hospital, in my electorate, is another great initiative by the Rudd Labor government.

Finally, I want to turn to oncology services. It has been a long time coming but I had a great deal of pleasure recently to open the new oncology unit with the Prime Minister. A lot of our Indigenous people just will not go away to have treatment for cancer. To our great shame up there, often they would decide to stay home instead of fighting cancer away from family and friends. Having an oncology unit in Darwin will make it easier and better for them to have treatment in Darwin and, hopefully, to beat the dreaded cancer.

In his statement the Prime Minister asked Indigenous leaders in families and communities and across the nation to step up and take responsibility for restoring strong social norms in their own communities, and that is happening all round the country. There are too many ex-
amples and not enough time to go through them all but I will say, as has the Prime Minister, that there are many Indigenous people around Australia who do not make the headlines but who are quietly making a difference, making fundamental changes in their own communities.

As Australians we need to be committed to closing the gap. It is as simple as that. As a nation we can never really hold our heads up high until we have achieved this. Ninety-one per cent of non-Indigenous Australians and 100 per cent of Indigenous Australians surveyed by Reconciliation Australia said that the relationship between the two peoples is important to this country. Ten years ago, in May, 250,000 Australians walked across Sydney Harbour Bridge, and 750,000 people around the country, in support of reconciliation. Ten years along, there remains a long journey ahead of us to lift Indigenous outcomes in health, housing, schools and jobs. But as a government and as a people we can now see a path ahead and we are determined to move forward—not like the past, where it was non-Indigenous Australians seeking to lead Indigenous Australians, but instead walking together: First Australians alongside all Australians, towards a stronger and fairer Australian nation.

Mr LINDSAY (Herbert) (12.20 pm)—In noting the document entitled Closing the gap, I remain really pessimistic. I do not see a lot of evidence of the gap closing. And that really concerns me because my heart goes out to Indigenous Australia, looking at the severe disadvantage that exists in those communities. We have got to do more. A million words have been spoken about this. A million words have been written about it. All sorts of groups have had views—the do-gooders and the radicals; the Indigenous themselves—and little changes.

In my electorate I have Palm Island, an Indigenous community of about 4,000 people. If we do not do something, along the lines of what I am going to articulate to the parliament this afternoon, soon, Palm Island is going to be the same as it is now in another hundred years—and that is unacceptable. There are all these high-minded ideas and so on, but nothing changes.

I have always said that the ‘three Ls’ are important. They are, firstly, leadership from Indigenous Australians, and the will to follow leadership in the community; secondly, respect for law, order and governance—and that covers a plethora of things, from respect for the law and the police and so on to issues of domestic violence, and nepotism in how councils run these places; and, thirdly, land ownership. Until those three things are addressed, nothing is going to change; it just isn’t.

But I want to go one step further and tell the parliament how things can change. It is one of the very great privileges of members of parliament that you can travel. In the latter part of last year I drove the Plenty Highway. The Plenty Highway goes from Alice Springs over to Winton in Queensland, right across the centre of Australia—640 kilometres of dirt; you do not go to sleep, I can tell you! But along the way there are Indigenous communities in the middle of nowhere. I was travelling with Senator Ian Macdonald and we were promoting the great Outback Way, taking tourists from Townsville through to Perth, straight across the centre of Australia, and this was part of the great Outback Way.

We called in to an Indigenous community for breakfast, because we had started in Alice Springs early in the morning. As I said, this was in the middle of nowhere. We found this takeaway place in the back of the community. My instant instinct was to think, ‘This community is clean and tidy—looks right.’ When we found the takeaway it was a white woman who was running the thing, but all of her labour was Indigenous. The takeaway shop, kitchen,
whatever, was as clean as a new pin. The way the shop operated was like you would see a shop operating anywhere that had good customer service. The prices were good, too, and the quality of the food was fantastic.

I said to this lady, ‘How long have you been working in Indigenous Australia?’ She said, ‘All my life. I wouldn’t live anywhere else.’ I said, ‘I am a member of parliament; you are a person who has lived in Indigenous communities all your life. You see the tremendous disadvantage and problems in Indigenous communities—what is the solution?’ She said, ‘It’s easy, but nobody listens.’ It was only two sentences, and it was pretty confronting. She went on, ‘Forget the current generation; you’ll never change them.’ That was a bit confronting! She said, ‘Get to the kids—get them to school, keep them at school and educate them.’ And further, ‘That will change Indigenous Australia for the better, forever. It’s long term, it’ll be generational, but you’ve got to start somewhere.’

I have a feeling deep down that she is right because, when you talk to principals in Indigenous schools, they will tell you the same thing. They will tell you how important it is for Indigenous students to go to school and to stay at school. In addition to all of the things that the parliament does for Indigenous Australia, perhaps we need to do much more in relation to getting the kids to go to school and to stay at school. Indigenous Australians are just as capable as any other Australian at succeeding in and contributing to life. If you go to the James Cook Medical School in Townsville you will see that, in every medical school intake, there are four Indigenous students. None of them fail. They make fantastic doctors. They go out into their own community and look after it. They can do it. All of us in our time have met really capable and impressive Indigenous leaders. But there can be more of them and there has to be more of them. I charge the parliament to think about what I have said today. I charge the parliament to think a little bit longer term, to strip away all of those who would say that this is racially discriminatory or that we should be able to make our own decisions, and to actually do something. Deputy Speaker, we can close the gap.

Mr CRAIG THOMSON (Dobell) (12.27 pm)—Clearly, the member for Herbert has not read the report Closing the gap, because targets 2, 3 and 4 are all about education from early childhood onwards. I would suggest that the member for Herbert get a copy of the report and actually read it before he tries to lecture this parliament on his views.

The report Closing the gap, which was tabled in the House by the Prime Minister, outlines the path to change. It demonstrates the challenge of producing accurate data to track our progress in closing the gap and thereby reaching our targets. Progress is slow but it also demonstrates that, whilst that is the case and progress may not be as fast as some expectations, there is action in communities right across Australia—action by governments, action by Indigenous communities and action by the wider Australian community.

The government set six targets in 2008. It is important to continue to look at these targets. We must not, for a moment, let them out of our sight if they are to remain realistic targets. The government’s first target is to halve the mortality rate of Indigenous children under five years of age by 2018. In 2008 the gap in child mortality between Indigenous children and non-Indigenous children meant that 205 out of 100,000 Indigenous children died before the age of five, compared to 100 non-Indigenous children—a difference of more than 100. Indigenous children are twice as likely as non-Indigenous children to die before the age of five. This simply is not good enough. It is a shameful statistic. For all parents it is shocking and confront-
ing. While the 2009 data to measure progress against this target is not yet available, other data sources can provide some measure of change. We know the gap in infant mortality rates in New South Wales, Queensland, South Australia, Western Australia and the Northern Territory has been on the decline over the past decade. This decline has been particularly evident over recent years and now stands at 5.3 per cent. We must continue to act to see this decline accelerated and our target reached by 2018.

Towards that goal, the government has already rolled out 40 new services for mothers and babies. Under the $90.3 million Mothers and Babies Services program, a total of 11,000 mothers and babies will be supported over five years with services including improved antenatal and postnatal care, advice on nutrition and health checks. Earlier this month the Prime Minister announced that nine new services will be funded, including in the Northern Territory, South Australia, Western Australia and Queensland. In addition to these services, the Australia government is supporting pregnant women to improve their own health through establishing five new sites under the $37.4 million Australian Nurse-Family Partnership Program. We have provided a total of 390 ear, nose and throat specialist services and a total of 1,990 dental services to 1,429 children who live in the Northern Territory Emergency Response communities in the six months from July to December last year alone. And the Red Cross is working with Outback Stores to bring more fresh fruit to Indigenous kids in the Territory through breakfast clubs in 33 communities and 13 homeland centres.

Our second target is to provide access to early childhood education for all four-year-olds in remote Indigenous communities within five years. We know that getting the best start in life begins early. Early childhood education is essential to getting the right start in learning and preparing for school, but the best available data shows only around 60 per cent of Indigenous children are enrolled in an early childhood education program in the year before school compared to around 70 per cent of all children. The good news is the trend is in the right direction. More Indigenous children are being enrolled and we are seeing the fastest preschool enrolment growth in remote communities, increasing by 31 per cent between 2005 and 2008.

We are expanding early learning opportunities for Indigenous children through the establishment of 36 children and family centres, bringing together important services including child care, early learning, and parent and family support programs. Twenty-one of these 36 centres will be located in regional and remote areas, including at Kununurra in Western Australia, Mornington Island in Queensland and Walgett in New South Wales. Another will be located in Yuendumu in the Northern Territory, where the Yuendumu Early Childhood Centre is already held up as a model of successful early childhood education. Every day between 40 and 60 children along with their parents and extended family go along to the centre to paint, read books, ride bikes and play. The children have breakfast and lunch there, the community nurse visits, and they go on excursions to the pool and the bush. The 14 local Aboriginal childcare workers who look after them say the children are happy and healthy.

With more children benefiting from early childhood education, the flow-on effect will help us meet our third and fourth targets: to halve the gap in literacy and numeracy achievement between Aboriginal and Torres Strait Islander students and other students within a decade, and to halve the gap between Indigenous and non-Indigenous students in rates of year 12 attainment or equivalent attainment by 2020. These two targets are critical to closing the gap because it is education above all that will improve the life chances and unlock the potential of
Indigenous Australians. The evidence is unambiguous. Finishing year 12 transforms students’ future opportunities. It builds pathways to more secure, better paid and more fulfilling jobs. The learning basics, literacy and numeracy, are fundamental to all Australian children. And they are critical to healthier, happier and longer lives. The evidence shows the gap in meeting literacy and numeracy standards between Indigenous and non-Indigenous students is large. These gaps are evident from as early as year 3, with the largest gap in 2008 being 29.4 per cent for year-5 reading. Literacy and numeracy scores vary across grades. In 2009 there was an improvement in the gap between Indigenous and non-Indigenous students reading for years 3, 5 and 7. For year 9 students, the gap increased.

The government is taking action to expand opportunities for Indigenous children at school. Around 78,000 Indigenous students, almost half of all Indigenous primary and secondary school students, will benefit from the government’s $1.5 billion investment in 1,500 low socio-economic schools, as well as substantial investments in literacy and numeracy. And we are seeing great results from the Stronger Smarter Leadership Program of Dr Chris Sarra, whose ‘clear expectations, high expectations’ philosophy for educating Indigenous children is delivering remarkable results among the 44 schools signed up to this program.

The government provided Stronger Smarter Learning Communities in September 2009 to support an initial 12 hub schools in New South Wales, Queensland and Western Australia. We expect this to grow to 60 hub schools over the next four years supporting between 180 and 240 affiliated schools. One school that has already signed up is the East Kalgoorlie Primary School in Western Australia. Faced with what she described as significant challenges, Principal Donna Bridge used her experience of the Stronger Smarter Leadership Program to enlist the support of parents and the community to bring about change. Five years later, attitudes have changed, school attendance is up and there have been significant improvements in literacy and numeracy. In Cape York in Far North Queensland, school attendance is also up, driven by the Cape York welfare reforms created by the Indigenous leader Noel Pearson and supported by the Commonwealth and state governments. Under the reforms, welfare payments are linked to parents taking responsibility to care for their kids and make sure they go to school.

In 2006 only 47.4 per cent of Indigenous 20- to 24-year-olds had obtained a year 12 or equivalent qualification, almost half as many as non-Indigenous young people. Indigenous school retention rates from the start of high school to year 12 have risen from 30.7 per cent in 1995 to 46.5 per cent in 2008, a 6.4 percentage point increase. With a concerted government effort and the contribution of organisations like the Clontarf Foundation, we are working to close the gap. Clontarf based sports academies are tackling poor attendance and outcomes among Indigenous students through sport and recreation with some great results, including school attendance rates of more than 80 per cent and improved academic performance. By the end of February, 2,300 students in 36 schools across three states will be signed up. Clontarf is one of the academies funded through the Australian government’s Sporting Chance Program to support Indigenous students in engagement with their school. Overall the program has achieved an average attendance rate of 79 per cent, six percentage points above the average rate of all Indigenous students in schools. Earlier this month the Prime Minister announced that this year an additional 17 school academies will commence across Western Australia, the Northern Territory and Victoria. This will support about a thousand students and bring the
total number of students in the program to some 10,000. Ten of these new academies will be for girls. As well, the Clontarf Foundation will operate seven new football academies in the Northern Territory and in Victoria.

Our fifth target is to halve within a decade the gap in employment outcomes between Indigenous and other Australians. With regard to this goal, there is a positive trend. Between 2002 and 2008 the Indigenous employment rate rose from 48 per cent to 53.8 per cent. This is still well below the non-Indigenous employment rate, so that in 2008 the most recent available data indicates there was a 21 percentage point gap between Indigenous and non-Indigenous employment. Over the past year the government has replaced Community Development Employment Project jobs with more than 1,500 jobs delivering government services to Indigenous communities. These for the first time are now sustainable jobs; they are proper jobs. The best way to accelerate growth in Indigenous employment is to give people the skills to get and keep a job. Seven schools in the 29 remote communities targeted under the National Partnership on Remote Service Delivery already have trades training centres under our $2.5 billion national investment in trade training to give school students early opportunities to develop skills for a profession in the trades and to help them complete year 12 or an equivalent qualification. I was proud to announce trade training centres in my electorate of Dobell, where we have a much higher percentage of Indigenous students than most other areas and where such training centres will be of the utmost benefit to young people to gain the skills they need to find jobs and to keep those jobs.

But it is not only the trade training centres where we are endeavouring to close the gap. In communities like Hermannsburg, dedicated teachers have lifted school attendance rates to 90 per cent in the junior school. To be successful these young people need to be actively engaged beyond the primary school years. The government is now acting to improve access to first-rate education facilities for students in schools where there are remote Indigenous communities. Intensive support and assistance will also be given to schools from the 29 remote service delivery priority locations that have not already had funding from the trades training centres program. Schools in remote communities with large Indigenous student populations will also be provided with extra flexibility to deliver training targeted at the needs and education levels on these communities, including prevocational and certificate I and II qualifications.

We are also working with the private sector to create business employment opportunities. The government is also investing $3 million to support the new Australian Indigenous Minority Supplier Council, which helps certified Indigenous businesses to win contracts in the private and government sectors. After only five months the council has signed up 31 major corporations as backers. Already it has helped secure $3.3 million worth of contracts for 15 Indigenous businesses. These efforts are in addition to the work of the Australian Employment Covenant, through which some 16,000 Indigenous jobs have been committed over the coming years from Australian businesses.

All these efforts culminate in our sixth and final target, to close the life expectancy gap between Indigenous and non-Indigenous Australians within a generation. We know that with the very latest figures available the life expectancy gap is 11.7 years for men and 9.7 years for women. An Indigenous male born today is likely to die at just 67 years of age, and an Indigenous female at 73 years. This is less than the 17-year gap that we thought existed a year ago.
This is good news, but it is a result of having more reliable data rather than any real improvement on the ground. In the past we have not had reliable information on Indigenous life expectancy, so we have not reliably known the size of the gap between the Indigenous and non-Indigenous Australians. There is evidence to suggest that some progress may have been made, but the progress is clearly too slow. Closing the life expectancy gap is a cumulative target relying on our success in meeting each of the other targets for achievement. Obviously the health of Indigenous people is a major factor. Tobacco, obesity and physical inactivity are leading risk factors accounting for around 45 per cent of the total health gap. Since 2007-08, Indigenous specific health spending has increased by 57 per cent. This includes nearly $1.6 billion over four years to fight the treatable chronic diseases that account for two-thirds of premature Indigenous deaths, and it includes $14.5 million for an Indigenous Tobacco Control Initiative, a package of 20 innovative antismoking projects in urban, regional and remote Indigenous communities.

There has been much said about the legacy of decades of government failure still endured by Indigenous Australians. That is why it is all the more critical that we are vigilant about what is working and what is not. When evidence emerged of unacceptable delays in our major Indigenous housing program in the Northern Territory last year, the government took unprecedented action to get the program back on track. That action has delivered results. This is a timely report to remind us of the work that we need to do and the task that is ahead in terms of closing the gap. By working together in a non-partisan way, by making sure that both the government and the opposition work together on this project, we can truly close the gap, and that is something that all of us here in this parliament should aspire to.

Mr BRIGGS (Mayo) (12.42 pm)—I do not think there is a more important topic that faces this parliament than closing the gap between Indigenous Australia and the rest of Australia. It is a shameful matter that there is such a large gap, particularly when it comes to protecting kids in this cohort of our community. I am reminded of my experience of 2007, when in a former existence I was working for the then Prime Minister on the Northern Territory government report—which, shamefully, they sat on for two months; it was released in late June—which led to the Northern Territory intervention. That report, which recounted stories and showed what was going on in the backblocks of our country, revealed an utter disgrace and led to what I think was a breakthrough policy and a breakthrough moment in our country’s history. We recognised that we had not done enough, that we had allowed a situation to develop that was appalling beyond belief, particularly when there were stories of kids under five being sexually assaulted on a regular basis out in these communities. They were stories that for too long had been ignored by too many.

For too long we have focused on a generational debate about what was said or done generations ago—things that we cannot change now; we never could—rather than trying to genuinely improve outcomes, particularly for the next generations. The work we need to focus on is getting to the next generations of Indigenous kids so they can help themselves get out of situations in regional Australia, hidden away from mainstream people, that are unacceptable in the extreme. This is the problem I have with what the current government is doing. Most of the work is well intentioned, and the report to parliament every 12 months—as the Leader of the Opposition described it, a state of the union style report—on outcomes in Indigenous
communities is a valuable thing and something to be welcomed, as is the commitment of the Prime Minister and his government to focus on these issues.

What worries me is that at the heart of the government’s approach is government—government programs being there to fix all the problems—whereas, if we look back over the generational mistakes that we have made, they have always been that government has been too involved. One of the reasons that we have such significant issues in these communities is that for too long there has been, as Noel Pearson identifies, the corrosive combination of generational unemployment and welfare dependency. People have come to expect that the government will hand them money and houses—the means to live their lives. There has not been the incentive for them to take their lives in their own hands and try and do their best, as there has been in mainstream Australia. That has led to some of the circumstances hidden in regional Australia, which for too long we did not acknowledge and we did nothing about.

The first, and I think most important, issue that was addressed in the Northern Territory intervention was law and order. Without it, you cannot possibly improve educational outcomes for early childhood, which is vital. I agree with the comments of the member for Dobell in that respect. It is absolutely vital that we get these kids into education early—that is, into good, solid education that retains them at school. We need to not just have their names ticked off the roll every day but to make sure they are actually getting an education. You cannot educate a child who is being abused at home. There is no possible way that a child is going to take anything in when they will be going home to a situation where they are not safe, where they are being abused by those closest to them—and they might be suffering from substance abuse. That is a generational problem. In some communities the exploitation of children has become acceptable; it should never be acceptable. The 2007 report that spurred the Northern Territory intervention highlighted just how disastrous the situation was and how we had failed the kids for too long.

We must first get the law and order situation right. We must ensure that women and children are safe in their own homes. I am reminded of a committee trip I was part of in late 2008 to Wilcannia, which is a well-known town with a largely Indigenous population. Wilcannia has for many years had trouble with law and order and problems with health outcomes, educational outcomes and long-term, generational unemployment: the very same problems that beset Indigenous communities right across the country. I grew up in Mildura, which is about four hours south of Wilcannia by road, and I remember that it was always the story that Wilcannia was a dangerous place to travel to because of the law and order situation.

When the committee visited Wilcannia, we met with some of the local Indigenous people who were working very hard to resolve these situations. One was a health worker, a nurse, from Broken Hill, who was doing a tremendous job travelling up to Wilcannia and the surrounding settlements as well as working in Broken Hill itself. There was also a young guy who was formerly part of a dance troupe—whose name I forget—which performed for some time in the 1990s. He had a genuine interest in improving the lives of the kids and had set up a community drop-in centre. He was working very hard on the problems that challenged those areas—one being access to fresh food at reasonable prices, which of course is one of the major challenges out in these communities and which, I think, there are still some genuine problems with. The nurse pulled me aside at one point after a discussion and we talked about the 2007 intervention. She pleaded with us to keep the intervention going, saying that it was pro-
tecting the women and children and that, while they would always be reluctant to talk—because of fear of retribution and so forth—for too long women and children in her community had been in fear of going home. It is an absolute and utter disgrace that in our country women and children are fearful of returning home. Home is supposed to be a sanctuary, a place where you are meant to be safe.

This is where we must focus, and I urge the government not to lose sight of the importance of maintaining law and order in these communities, because that is the very first step, the first building block, to ensuring that we close the gap. All the well-intentioned promises and direction of the government and the Prime Minister on this issue will be undone if we lose focus on ensuring that people are safe. If they are safe then we can start to address the health, housing and educational challenges and the opportunities to improve the lives of the next generation. This is a 20-year challenge that this parliament must maintain its intention to fix. In that respect, the yearly report is a great idea and one that is supported by both sides of parliament. I note the Leader of the Opposition’s address in response to the Prime Minister’s statement. He very clearly articulated that he thinks this is a worthwhile move and something he intends to do each year from the time he becomes Prime Minister later this year.

It is important at this time to reflect on the outcomes we are achieving. I agree with the member for Dobell that it is early to be looking at the results. Many of the results have been affected by improvements in data collection. They are important improvements, there is no doubt about that, but we make a mistake in starting to pat ourselves on the back too early when clearly some of the improvements are simply due to the improved collection of data in the early stages of this project.

I stand committed, as someone who wishes to be here for some time, to maintaining an interest in and focus on making sure we as a country get this right. I think it is a great shame that we ever allowed ourselves to get to a situation where women and children in communities were not safe, were not protected in their homes and had nowhere to turn, nowhere to go. We cannot allow that in our civilised society. We are the best country in the world. This is a black spot we need to fix. It will take us 20 years, if not longer. I commend the government for focusing on it and I hope that we continue to do so going forward.

Mr TURNOUR (Leichhardt) (12.52 pm)—I rise today to speak on Closing the gap—Prime Minister’s report 2010. It is a great honour to be a member of the Australian parliament and a great honour to be a member of a government that is very committed to making a difference in the lives of all Australians but particularly those of people from Aboriginal and Torres Strait Islander backgrounds. The statistics show that overwhelmingly they have lower life expectancy, worse health outcomes, worse educational outcomes and worse employment outcomes. As a government we are very much committed to ensuring that we work on the practical responses to those issues. But, importantly, we also recognise that in working to develop plans to fix these problems we need to recognise the hurt in Aboriginal communities because of successive governments’ failure to apologise for past policies that really damaged many Aboriginal and Torres Strait Islander people.

This report has been given in the second year after the historic apology that was part of this government’s first sitting. As a new member of the class of 2007, I participated in that historic day, when the Prime Minister and the then Leader of the Opposition, Mr Nelson, came together to apologise on behalf of the parliament to Indigenous Australians. It is very fitting that
the Prime Minister should report at this time, just prior to the anniversary of that day, two years on from 13 February 2008. As the member for Leichhardt, representing so many Aboriginal and Torres Strait Islander people, not only in the city of Cairns but up through remote communities in Cape York and the Torres Strait, I look forward to participating in a celebration of that day and that event.

I was very lucky this year to be invited to an event being held by the Wuchopperen Health Service—a very well-established and respected health service in my electorate—of Cairns, and its chairperson, Ms Julianne Boneham. I sat down with elders and others who really experienced the benefits of that apology and talked about how it impacted on their lives and what it meant to them. I think what people are really looking for now is the practical measures that we are taking to build on what was a very important day a couple of years ago. The government is very committed to making a practical difference to Indigenous people’s lives. The Prime Minister in his speech, as he went through the statistics, recognised that this was going to take a long time but also that good things were happening. We are improving school attendance in Cape York Peninsula. We are improving school attendance in the Northern Territory through the Northern Territory emergency response, in which a bipartisan approach was taken. We are looking to put that response on a more sustainable footing with legislation being debated in the other place. We need a bipartisan approach to dealing with Indigenous affairs. We need a bipartisan approach to closing the gap in Indigenous life expectancy. The legislation that is before the House will ensure that welfare reform moves forward and moves beyond Indigenous communities. We are looking for support from the opposition because the benefits will flow to others in the broader community, as well as continuing to flow to other Indigenous communities that currently are not benefiting from the opportunities that welfare reform income management provides.

Last week I was lucky enough to travel up to the Cape to visit Bamaga and Injinoo, where I opened some facilities at the Injinoo Primary School campus which were a direct result of our Building the Education Revolution funding and part of our economic stimulus package. It was great to get up there. Their school is doing a great job. I congratulate Ken Maclean, the Head of Campus for the Northern Peninsula Area School, Trish Blackman the Head of Campus for the Injinoo Junior School campus, and also Jeffrey Aniba, who could not come along, who is the chair of the local community education council and who is doing a lot of work to ensure the committee is working effectively with the local school. It is right—and I know opposition members have been making comments on this point, and I do agree—that we need to provide a great education environment and new facilities are part of that. Providing additional funding to improve quality through our SES funding to the schools which particularly need additional support is important and many schools in my electorate have received that funding. But we also need to make sure that kids come from families and housing that provide them with an environment which enables them to get an education. Our land reforms—and we are working in partnership with the Queensland government in my electorate—our investment in new Indigenous housing and our welfare reforms are all critically important. We need to take a holistic approach to closing the gap in Indigenous life expectancy. It was great to get up to Injinoo and to Bamaga to talk to people about what we can do in the education sector.

Last week I also visited Lockhart River on the way back to Cairns—it was a busy week, last week. I was down in Canberra by Friday for the hearing with the Governor of the Reserve
Bank. I know that people are looking to see the new housing in Lockhart rolled out expeditiously and are looking forward to the benefits of it. We have not seen these sorts of investments in housing previously under any former government that I am aware of. It is a historic investment and housing is critically important to closing the gap. To do that we need to complete our land reform process in partnership with the Queensland government. We want to move away from a collective ownership of land in Indigenous townships and ensure that we can get 40-year leases and 99-year leases that enable more social housing to be built in places like Lockhart and all of the communities in the Cape York Peninsula. They have never seen this sort of investment in housing previously. We want to see those houses being built and we are working in partnership with the Queensland government on that critically important task.

As I said, income management is being trialled in four welfare reform communities in Cape York—Aurukun, Coen, Hope Vale and Mossman Gorge. That work is rolling out. It is about making sure that families are spending their money on food, clothing and school expenses and getting their kids to school. Alcohol management plans were in place in Aboriginal communities in the Cape York Peninsula long before the Northern Territory intervention. That was the work of Noel Pearson and the Cape York Institute for Policy and Leadership working in partnership with the Queensland government. Those reforms need to continue.

When you put in place those sorts of reforms you need to provide services to support them. That is why we built wellbeing centres. That is why we are funding the Royal Flying Doctor Service at Apunipima Cape York Health Council to deliver support services as part of these reforms. They are critically important in an overall plan to make a difference to the lives of Indigenous people.

The government has also brought in reforms in relation to CDEP so that people do not get caught in a program that is not leading to longer term employment. Given history, their circumstances and the numbers of jobs that are available, there will be people who will get caught in a longer term welfare dependent situation. But we need to make sure that young people in particular are not moving into that, and that is what our CDEP reforms are about. We need to do more to make sure that Job Services Australia agencies are working effectively with the new CDEP contracts. There needs to be more work done on that.

I congratulate Minister Macklin. Whenever I take up an issue with her she is keen to listen to me and look at how we can respond and do things better. I know that Minister Macklin and Minister Arbib will continue to make sure these reforms are rolled out and improve the lives of Indigenous people.

If we can create better housing and other infrastructure in communities we can ensure that law and order is in place. That has happened in Cape York with alcohol management plans, and there is an increased investment in policing, with new police stations and police housing being built in these communities. If we can ensure that welfare payments, where people are dependent on them, are being spent on food and clothing and that people are getting their kids to school, then we can ensure that in the longer term people’s health will improve. That is what the statistics show. More kids will go to school when they get a better school environment. We are building infrastructure and providing support for schools to employ new teachers and improve the curriculum.

It is not going to happen this year or next year, but in the next 10 to 20 years we will see the statistics improve. As the reports come in year after year, we will see the gap in Indige-
nous life expectancy, education outcomes and health outcomes improve because the government has embarked on a holistic approach around housing, health, education and employment. It is really about a significant partnership between us and Indigenous Australia. I am committed to that. I want to have a long career in this place. The former member I think had 12 years. If I have that long—and, touch wood, I will; there is an election later this year—I want to be able to look back as the member for Leichhardt and see a significant change in the lives of Aboriginal and Torres Strait Islander people living in the communities in my electorate. Hopefully, I will have made a small contribution to that.

In the end individuals change their own circumstances and lives. What governments can do, though, is enable that change to happen, and that is what the Rudd government is committed to doing. We want to partner the opposition when it comes to important issues like income management and welfare reform. We want to work with them cooperatively. That is what I encourage them to do—make a difference and work with us to close the gap for Aboriginal and Torres Strait Islander people.

Debate (on motion by Mr Craig Thomson) adjourned.

Main Committee adjourned at 1.04 pm