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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, Mr Rowan Eric Ramsey MP, Ms Janelle Anne Saffin MP, Mr Albert John Schultz 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 Patrick Damien Secker MP and Ms Nola Bethwyn Marino MP

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

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Members of the House of Representatives

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<td>Zappia, Tony</td>
<td>Makin, SA</td>
<td>ALP</td>
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**PARTY ABBREVIATIONS**

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

### Heads of Parliamentary Departments

- Clerk of the Senate—R Laing
- Clerk of the House of Representatives—B Wright
- Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

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

[The above ministers constitute the cabinet]
Rudd Ministry—continued

Minister for Veterans’ Affairs
Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women
Hon. Tanya Plibersek MP
Minister for Home Affairs
Hon. Brendan O’Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery
Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs
Hon. Dr Craig Emerson MP
Assistant Treasurer
Senator Hon. Nick Sherry
Minister for Ageing
Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport
Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change and Energy Efficiency
Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery
Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government
Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water
Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia
Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction
Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance
Hon. Bob McMullan MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade
Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for Voluntary Sector
Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services
Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment
Hon. Jason Clare MP
Parliamentary Secretary for Health
Hon. Mark Butler MP
Parliamentary Secretary for Innovation and Industry
Hon. Richard Marles MP
SHADOW MINISTRY

Leader of the Opposition 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]
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<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Employment Participation, Apprenticeships and Training</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women</td>
<td>Hon. Dr Sharman Stone MP</td>
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<td>Shadow Minister for Justice and Customs</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<td>Shadow Minister for Seniors</td>
<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Special Minister of State and Scrutiny of Government Waste</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Shadow Parliamentary Secretary for Roads and Transport</td>
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<td>Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets</td>
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<td>Shadow Parliamentary Secretary for Tourism</td>
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<td>Shadow Parliamentary Secretary for Education and School Curriculum Standards</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action</td>
<td>Senator Simon Birmingham</td>
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<td>Shadow Parliamentary Secretary for Public Security and Policing</td>
<td>Mr Jason Wood MP</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing</td>
<td>Dr Andrew Southcott MP</td>
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<td>Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
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<td>Shadow Parliamentary Secretary for Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship</td>
<td>Senator Gary Humphries</td>
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<tr>
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The SPEAKER (Mr Harry Jenkins) took the chair at 12 pm and read prayers.

MAIN COMMITTEE
Private Members’ Motions

The SPEAKER—In accordance with standing order 41(h), and the recommendations of the whips adopted by the House on 10 March 2010, I present copies of the terms of motions for which notice has been given by the Members for Herbert, Fremantle and Riverina. These matters will be considered in the Main Committee later today.

AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2010
AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS) BILL 2010
INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2010
AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES No. 2) BILL 2010
NATIONAL HEALTH SECURITY AMENDMENT (BACKGROUND CHECKING) BILL 2010

Assent

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

CORPORATIONS AMENDMENT (FINANCIAL MARKET SUPERVISION) BILL 2010
CORPORATIONS (FEES) AMENDMENT BILL 2010
TAX LAWS AMENDMENT (2009 MEASURES No. 6) BILL 2009
TAX LAWS AMENDMENT (2009 GST ADMINISTRATION MEASURES) BILL 2009
TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES No. 1) BILL 2010
CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) BILL 2009

Returned from the Senate

Message received from the Senate returning the bills without amendment or request.

COMMITTEES
National Capital and External Territories Committee
Membership

The SPEAKER—I have received a message from the Senate informing the House that Senator Joyce has been discharged from the Joint Standing Committee on the National Capital and External Territories and that Senator Adams has been appointed a member of the committee.

MINISTERIAL STATEMENTS
Access All Areas Report

Mrs ELLIOT (Richmond—Minister for Ageing) (12.02 pm)—by leave—On 2 December 2008 the Attorney-General, the Hon. Robert McClelland MP, on behalf of himself and the Minister for Innovation, Industry, Science and Research, Senator the Hon. Kim Carr, tabled the draft premises standards for consideration and review by the House Standing Committee on Legal and Constitutional Affairs. The committee provided its report on 15 June 2009. Today I table the government’s response to that report. In tabling the government’s response, it is appropriate to thank the members of the committee, chaired by Mr Mark Dreyfus MP QC, for their outstanding and important contribution in assessing and reviewing the draft premises standards.

The report made 19 recommendations, to which the government has taken a practical
and positive approach in its response to the report. The committee’s primary recommendation was that the premises standards be made as soon as possible. The committee also recommended a number of changes to the standards themselves. It recommended changes to the requirements of unjustifiable hardship and exemptions and widening the coverage of bed and breakfast establishments within the scope of the standards. The government has fully or substantially adopted all these recommendations. The committee also recommended apartment buildings be included within the scope of the standards. The government has accepted this in part. New apartment buildings will be covered by the standards. The question of including existing apartment buildings will also be reviewed three years from the standards being adopted. The government will be taking steps to refer a number of matters to the Australian Building Codes Board for further investigation, consistent with its responses to recommendations 6, 10, 15 and 16.

The committee recommended that review of the standards be subject to commencement and completion dates. This has also been agreed. A review on the effectiveness of the premises standards will begin within four years and be completed within five years of their commencement. Although not accepting the need for legislative provision, as proposed in recommendation 19, the government accepts that the review would include such matters as the operation of various exemptions and concessions, and the adequacy of provisions relating to accessibility features, amongst a range of other issues.

I also table today, on behalf of the government, the Disability (Access to Premises—Building) Standards 2010 and the Disability Standards for Accessible Public Transport Amendment 2010 (No. 1). These standards give legislative effect to the government’s response to the committee’s recommendations, including the key recommendation to implement the standards without further delay.

The premises standards are an important part of the Rudd government’s social inclusion agenda. On coming to office, the government made it a priority to deliver these standards. Today it delivers a reform that will provide greater and more dignified access for people with a disability. There are approximately four million people with a disability in Australia, and as the population ages this number is expected to increase. The premises standards make a range of improvements on the requirements currently in place under state and territory building law. The premises standards progressively ensure that people with a disability and the ageing population are afforded greater opportunities to access employment and services, helping them connect with family, friends and the community. The premises standards will also provide greater certainty to the building industry by setting out minimum standards for accessibility to ensure that they are meeting relevant obligations under the Disability Discrimination Act. The transport standards amendments are complementary to the premises standards, and are associated with the inclusion of coverage of public transport buildings under the premises standards.

Looking forward, there is still work to be done to harmonise the requirements in the standards with state and territory building law. The Attorney-General and the Minister for Innovation, Industry, Science and Research have written to all states and territories seeking their cooperation to carry this process to completion and meet the 1 May 2011 commencement date of these standards. The government will continue to work hard to improve the rights of people with a disability and fully include them in the social, economic and cultural life of this country.
The premises standards are a very important step in this direction. I thank the House.

I ask leave of the House to move a motion to enable the member for Stirling to speak for four minutes.

Leave granted.

Mrs ELLIOT—I move:

That so much of the standing and sessional orders be suspended as would prevent the member for Stirling speaking for a period not exceeding four minutes.

Question agreed to.

Mr KEENAN (Stirling) (12.07 pm)—Most of us in this chamber would take for granted accessing buildings and public transport, but there are many Australians for whom attending meetings, getting to work or attending premises to conduct just normal everyday transactions is a major logistical task. The opposition supports the goal of improving accessibility to better enable people with disabilities to take part in work and social life.

The statement and standards tabled today are in response to the report tabled on Monday, 15 July 2009 by the House of Representatives Standing Committee on Legal and Constitutional Affairs on its inquiry into the draft disability access to premises building standards. The opposition would like to acknowledge the work of the committee members in relation to this inquiry and to commend them on their report. The coalition is committed to supporting initiatives to provide and improve accessibility, equity, opportunity and choice for all Australians. We certainly support, in principle, the objectives of the standards.

As the House will appreciate, the opposition only received a copy of the ministerial statement and standards this morning. We would like to take some time to study them and have a look at what has actually been tabled here today. We understand the government have undertaken consultations following their report with relevant parties, and the opposition will as appropriate be talking to stakeholders, such as the Disability Discrimination Commissioner, in the near future to obtain their views on the proposed changes.

In principle, the opposition are supportive of measures that will improve accessibility and we will study the regulations. I would like to restate that the coalition support moves to make buildings and public spaces more accessible to all Australians.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (RECREATIONAL FISHING FOR MAKO AND PORBEAGLE SHARKS) BILL 2010

Second Reading

Debate resumed from 11 March, on motion by Mr Garrett:

That this bill be now read a second time.

Mr BRIGGS (Mayo) (12.10 pm)—Thank you, Mr Speaker, for the opportunity to address this Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010. The opposition is supporting it because it has been brought to this House largely due to the actions of the opposition spokesperson on this issue, Senator Richard Colbeck, who campaigned vigorously over the summer months to ensure that this bill could come before this House because of the failure of the Minister for Environment Protection, Heritage and the Arts in the way he went about addressing this issue. I will deal with that later on in my speech.

I thought it was important, firstly, to talk about the importance of recreational fishing in my area in Mayo in South Australia. It is a very important industry to the Fleurieu Peninsula and Kangaroo Island in my area. Rec-
Recreational fishing on Kangaroo Island is a large part of the tourism industry that drives people’s visitation to the island—fishing for whiting and snapper, in particular. It does form a very large industry on KI. It forms a subpart of the tourism industry. It is very important particularly for tourism operators on Kangaroo Island and also those along the south coast in Victor Harbour and down to Cape Jervis where there is a strong recreational fishing industry. There is also a small commercial fishing industry which operates along those parts as well. This is a very important industry in my area.

It is estimated that recreational fishing is the sport with the nation’s highest participation, which would come as a surprise to many. However, it would not for those who have some role in it. It is a very popular sport and activity for people. In South Australia alone about one-quarter of an estimated 328,000 South Australians enjoy fishing each year. Apart from enjoyment, recreational fishing injects millions of dollars into the economy through the maintenance of boats and retail sales of marine engines, tackle and equipment.

South Australia also has a strong, viable commercial fishing industry. In 2005-06 the state’s commercial wild fisheries were worth approximately $193 million. Mainly they are driven by the very successful tuna farms off Port Lincoln in South Australia in the member for Grey’s electorate. However, as I said, there are small patches throughout other parts of the state in the south-east and off the south coast where my electorate is as well.

It is a very important industry for employment. The recreational aspect plays a major role in tourism. It is one industry that we need to ensure continues to grow and continues to be well managed. It is a challenging industry for many reasons. In the 12 months prior to October 2007 an estimated 236,000 South Australian residents aged over five years fished at least once, representing about 17 per cent of the South Australian population, which is a very large percentage of the population to be participating. A total of 98 individual species were reported by recreational fishers as being caught during 2007-08. Recreational fishing was more popular among males than females, which does not come as too much of a surprise, I am sure. Much of the fishing effort—87 per cent—was caught in marine waters, including estuaries and inshore and offshore waters. There is also a portion of fish caught in South Australia through the Murray-Darling Basin system, but largely they are caught in marine waters.

It is an industry which clearly needs to be managed in conjunction with the environment. I think in South Australia because of reforms in the nineties when the quota system was introduced—and I am sure around the country there are similar stories—we are managing fish stocks in an appropriate fashion. I think it is very important we do so because the sustainability of the industry is obviously very important not only for the recreational fishing industry and commercial fishing industry but also to the challenge we have as a globe with food security.

There have been reports over the last few months with claims that 70 per cent of the world’s fish stocks have been overfished, and this will obviously impact in coming years with the growing world population, particularly in Asia, where people use seafood as a major staple in their diet. We need to make sure that we are sustaining the fishing industry in a fashion which means that it is manageable to enjoy both in a recreational sense and, more importantly, in a food security sense. So these are important issues for us to manage. As I said recently in debate on a bill that the Minister for Agriculture, Fisheries and Forestry presented, which was related to
the security of the fishing industry. I think we do need to be very careful that we are sustaining this industry in an appropriate fashion as we go forward.

That brings me to this bill and the reason for the bill being presented to the parliament today. It is the case that the minister for the environment failed and made a big blunder last year in listing the mako shark before consulting with industry. As I understand, there is no proof whatsoever of the minister consulting with the recreational fishing industry, or state authorities for that matter. I would have thought that was pretty important in trying to gather whether this should be a protected species or not. Of course we support action by governments to ensure that there is sustainability in a fish stock and sustainability of a species, but we support that being done on a scientific and consultative basis, not just by an edict from a minister made without testing whether there is in fact a problem. It caused massive dislocation with people who have very much enjoyed catching these particular species of fish. That was the first blunder by this minister. We understand late last year he was busy trying to warn the Prime Minister of impending disaster in the Home Insulation Program and clearly had other things on his mind. But this, of course, led to a lack of detail and rigour being applied to this issue, and thus the species was listed and therefore we now have this bill in the parliament to overturn what was clearly a mistake.

His second blunder was the unilateral decision to declare the Coral Sea a conservation zone on 20 May 2009. It was also done with no consultation whatsoever, with commercial or recreational fishing groups or affected Queensland communities. It appears that the minister had no difficulty siding with the USA funded Pew Environment Group, a division of the Pew Charitable Trusts, which has no take and even no activity agenda that it aims to install across wide areas of the sovereign waters. In other words, the minister again made a decision affecting these very important industries without talking to the relevant fisheries, without talking to the state governments, without consulting with the people who are involved in these industries. In fact, Mr Dean Logan, the national spokesman for the Boating and Fishing Council of Australia, said:

... Garrett has single handedly lost the respect of the entire Australian recreational marine, boating, outboard and fishing sectors and is causing deep divisions within the Australian environmental lobby.

That is pretty stunning criticism from someone involved in the industry.

The third blunder that this minister made in relation to the fishing industry—a minister some on his own side have described to me as the minister for Narnia—was that he caused great angst among recreational and commercial fisheries through the federal government’s bioregional planning process, which, again according to Dean Logan of the BFCA, is ‘in complete disarray’ and ‘a terminally ill process that has so far lacked anything resembling real engagement with the recreational boating and fishing industries’.

My electorate takes in large areas of coastline and includes some of the most pristine marine waters in the world. The quality of the fishing around Kangaroo Island in my electorate is amongst the finest you will find anywhere in the country. Sound management over the years by both state and Commonwealth fishery agencies has helped ensure some of the world’s most productive and sustainable fisheries for rock lobster, abalone, shark, prawns, cockles and scalefish, including the prized snapper and king George whiting that my region is famous for. Fishing is a major drawcard, as I said earlier in these remarks, and it is a major contributor to jobs, income and lifestyle within the region.
We also have the world’s most successful fish tag business located in my electorate. It is a stunning success story of a small business located in Victor Harbor. You would not think that fish tags could be such a popular small business industry to be involved in until you see the amount of money this small business actually makes every year. It is one of two in the world, the most successful in the world. All sorts of research institutions look to get access to fish tags to do the scientific research which obviously leads to decisions like listing different species in marine fisheries. So it is a very important business located in little old Victor Harbor in my electorate.

In conclusion, this is a very important issue in my electorate. It has major implications for jobs and major implications for the enjoyment of many in my electorate and from outside of my electorate who travel to enjoy some of the best fishing in the country. It is an issue where we need to ensure that we consult, that we look at the science and that we do not ever overfish different species. I certainly support a sustainable approach and I think South Australia should continue with the quota system that we have—one that ensures that people can only take what they need at the end of the day when they go out fishing. In this case, I think the great criticism, the criticism very well made by Senator Colbeck and others, is that this minister single-handedly failed to consult, he single-handedly failed to do his research and he single-handedly failed to look at the data, which led to a decision which caused great angst in fishing communities across the country. It is not inconsistent with how this minister has performed in other areas of his portfolio. Clearly he spent a lot of last year trying to warn the Prime Minister about problems in the insulation debacle.

Mr Briggs—that obviously took a lot of time off his plate—we understand that. The member at the table is interjecting that he did not think he did enough of that, and maybe that is right, but I have faith that the minister tried very hard to and unfortunately the Prime Minister ignored those bits of advice from the minister. The minister—who has had 90 per cent of his task taken off him and been left with basically just the fishing industry and a few other issues, like wombats—can hopefully now concentrate more on these industries that are so important for our country and for my electorate. It is disappointing that we have to debate this bill, but it has been a great opportunity to talk about just how important the fishing industry is for my electorate. With those remarks, I conclude.

Mr Turnour (Leichhardt) (12.22 pm)—I rise today to support the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010—which amends the Environment Protection and Biodiversity Conservation Bill 1999—to allow recreational fishing of longfin mako, shortfin mako and porbeagle sharks in Commonwealth areas. In December 2008 longfin mako, shortfin mako and porbeagle sharks were listed on appendix II of the Convention on the Conservation of Migratory Species of Wild Animals, the CMS. The CMS is an intergovernmental treaty, which is concerned with the conservation of wildlife and habitat on a global scale. The December 2008 listing was made because of concerns about population of these three species in the Northern Hemisphere—and I want to emphasise that it was in the Northern Hemisphere.

Australia has been a party to the convention since 1991. Under the EPBC Act it is a legal requirement that both appendix I and appendix II CMS species be listed as migra-
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The Australian government is committed to its international obligations and, accordingly, these species were listed as migratory species under the EPBC Act on 29 January 2010. The effect of the listing of these species under the EPBC Act is that it is an offence to kill, injure, trade, take, keep or move a longfin mako, shortfin mako and porbeagle shark in Commonwealth areas. Mako sharks are highly prized sport fish and are targeted by some recreational fishers. Porbeagles, while not targeted, are difficult to distinguish from makos and are occasionally taken by recreational fishers and in many cases identified as makos. Therefore, the listing of these species has significant implications for recreational fishing.

Because of these implications, an independent review of the EPBC Act was undertaken. I want to stress again that the listings were basically made around concerns in relation to the Northern Hemisphere, and we are in the Southern Hemisphere. The Hawke review specifically examined the provisions of the EPBC Act relating to migratory species and found that the clear intention of the CMS was to differentiate between appendix I and appendix II species and the level of protection required. The Hawke review recommended changes to the provisions in part 13 of the EPBC Act. This bill is an interim response to the issues identified by the Hawke review as they apply to mako and porbeagle sharks while the government develops and implements its formal response to the Hawke review. The government believes that the current situation does give rise to unnecessarily restrictive measures and has decided to act as a priority to address the disproportionate impacts on recreational fishers that stem from the mandatory listing of mako and porbeagle sharks.

I have a large number of recreational fishers in my electorate of Leichhardt—based in Cairns, stretching up through Cape York Peninsula to the Torres Strait. Recreational fishing is an important part of the fabric of our community and is a very important part of not only people’s recreational time but the businesses that flow from that in terms of recreational fishing shops, charter operators and the boat industry in general. A number of locals contacted me in relation to concerns about the listing of these species, particularly in the lead-up to the end of January. They had real concerns that, if we did not introduce this legislation, if they were even to accidentally catch one of these species, then they would see this listing impact on them. I and other members of the Labor side, including the member for Corangamite, the member for Braddon, the member for Flynn and the member for Hindmarsh, who are making contributions in this debate, took those issues up with the minister for the environment. I was pleased to see him respond to the real concerns that we were sharing with him from our constituents.

As I said earlier, the listing of mako and porbeagle sharks was driven by concerns for the Northern Hemisphere populations of these species where their plight due to over-fishing is well understood. With no evidence to suggest that mako or porbeagle populations in Australian waters were similarly threatened and while still having regard to our international obligation, the government believes this legislation should provide flexibility to take into account our domestic circumstances.

The amendment to this bill will grant an exemption to recreational fishers to continue to fish for these iconic game fish. In other words, the amendment will address disproportionate impacts on recreational fishers, providing a narrow exemption for recreational fishing of longfin mako, shortfin mako and porbeagle sharks to the offence provisions of part 13, division 2 of the EPBC Act. This means it will not be an offence to kill,
injure, take, trade, keep or move mako or porbeagle sharks in or from Commonwealth waters where that action is taken in the course of recreational fishing. It is important to understand that this bill does relate to recreational fishing. I am a strong supporter of the recreational fishing industry. This bill will not apply to commercial fisheries.

As I said, I am a strong supporter of recreational fishing industry in my electorate of Leichhardt. I know that many people enjoy getting out onto the Great Barrier Reef or onto the Coral Sea, and taking the opportunity to wet a line and catch a few fish. It would be inappropriate if people who were going about their everyday business and accidentally caught one of these fish were to suffer the impacts of that listing. Similarly, the game-fishing industry is a very important part of my electorate. There is no scientific evidence to support the listing of these species given that the reasons for their listing were based around decisions that needed to be made for the Northern Hemisphere.

I want to make a few further comments in relation to the support for the fishing industry locally in Cairns and also down the east coast of Australia. There has been much debate and concern in the fishing industry around a proposal brought forward by the PEW environment group, which wants to establish a no-take zone in the Coral Sea, effectively banning fishing in an area bounded by the Great Barrier Reef Marine Park and our maritime border with PNG, Solomon Islands and New Caledonia, an area of more than one million square kilometres of sea.

During the course of the last year I have met with the recreational fishing industry, the commercial fishing industry, marine tourism operators, Super Yacht Group and the Cairns and Far North Environment Centre. I have told them all the same thing—I do not support the PEW proposal and have made my views clear to the minister for the environment, Peter Garrett. The PEW proposal is not endorsed by the Rudd government. It actually sought to pre-empt, effectively, the marine bioregional planning process that was started by the former Howard government and has been continued by our government to establish well-balanced, scientifically based planning frameworks for our marine environments around Australia. They sought to pre-empt the East Marine bioregional planning process by lobbying for and campaigning for a no-take zone in the Coral Sea.

Under Australia’s marine bioregional planning program, the Coral Sea Conservation Zone was established in May 2009 to provide interim protection to the area while it is being assessed for possible inclusion in one or more Commonwealth marine reserves. So, in May last year Minister Garrett established an interim conservation zone around the Coral Sea. There has been some confusion around that and the proposal put forward by PEW, and I have said very clearly—I know the member for Flynn, the member for Dawson and the member for Capricornia have all made this clear—that we do not support the PEW proposal. In many ways the PEW organisation sought to verbal the government on this issue. There has been some confusion about the PEW proposal and the Coral Sea Conservation Zone, established by Minister Garrett last year. I can assure you that they are quite different—the conservation zone established by Minister Garrett as an interim measure as part of the bioregional planning process had no impact on existing users, whether they were recreational fishing, commercial fishing or tourism operators. I worked hard to ensure that particularly recreational fishing and tourism interests and commercial fishing interests were considered as part of the process. The bioregional planning process is
about developing a plan that ensures that resources are managed sustainably into the future and that we protect these very important environmental icons that exists in places like the Coral Sea.

The different interests with a stake in the Coral Sea, whether they be economic, recreational, heritage or conservation, should be able to work together with government to develop a plan for the region without a small group, the PEW organisation, hijacking the agenda, as they have sought to do. I do not believe that the evidence put forward by PEW makes sense. The arguments from the conservation groups in support of their proposal are quite confusing. On the one hand they say that the region is in pristine condition because there is not a lot of fishing activity, yet on the other hand they argue that the region is under threat and needs a total ban on fishing. I find that a very confusing argument. The Battle of the Coral Sea is also put forward as a reason for protection. It is a significant wartime event worth commemorating, but you do not need to create a marine park of one million square kilometres to commemorate this event.

I will continue to do all I can to ensure that common sense prevails when it comes to the management of the Coral Sea. I have asked the minister for the environment to clear up the confusion and to rule out the PEW proposal. I understand that there is some confusion on the ground, and there are some interests that choose to confuse the two issues. The reality is that the PEW proposal is an independent campaign being run by the PEW conservation organisation and it is not supported by the government. As I said, I am a strong supporter of the recreational fishing industry and the commercial fishing industry, and I want to see areas protected and preserved for future generations. I am committed to working with all stakeholders in the Coral Sea, including recreational, commercial and environmental interests, to ensure that we can protect this pristine sea environment for future generations. I do not believe, though, that that requires a ban on fishing. Human beings are and will continue to be part of the environment.

Mr TUCKEY (O’Connor) (12.33 pm)—The Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 is important legislation, notwithstanding its brevity. It is legislation that highlights the problems that arise when governments—I use the plural—go out and make international commitments that it is not in the interests of Australia to keep. The EPBC Act, which we are amending, was an invention of a fellow called Robert Hill, a senator here, who brought it to the Liberal party room. As far as I am concerned, it was the greatest fraud practised on the Liberal party room in the many years that I have been a member thereof. It is the sort of silly legislation that abrogates the responsibility of our governments and plays into the hands of people who never take any notice of it anyway. It is one thing to get a lot of people to sign up to a particular agreement; it is another thing to get half the world to comply with it. No doubt, as the explanatory memorandum advises us, these decisions were taken probably in Geneva in December 2008—longfin mako, shortfin mako and porbeagle sharks were listed on appendix II of the Convention on the Conservation of Migratory Species of Wild Animals, primarily due to concerns about populations of these species in the Northern Hemisphere. Both appendix I and appendix II of the CMS specify that they be listed as migratory. Accordingly, these species were listed as migratory species under the EPBC Act on 29 January 2010, and of course this legislation is to overturn that listing.
The reality of the matter is that in the Northern Hemisphere there are some of the greatest fishing pirates in the world. Having virtually destroyed their own fish resources, many of them want to come down and attack Southern Hemisphere resources which, in the case of Australia, are very limited. We have a very fragile fishing environment. In the Great Australian Bight, for example, you do not find millions of seagoing bird species. Why not? Because there are no fish there, of substance, for them to eat. We do not have the Gulf Stream or some of the great assets of places like South America. On the other hand, I well remember a visit to Columbia in years gone by as the representative, as I am to this day, of the rock lobster industry in Western Australia, which has a typical catch of about 10,000 tonne a year, to look at the sort of lobster, or crayfish, as I have always known them, that were being caught and marketed by the fishing boats of that region. Those crayfish would be known locally as kakas—babies—and, by the admission of one of our guides, these people had virtually destroyed an industry by overfishing. That does not mean that there is necessarily such a shortage of the sharks that we are talking about—shortfin and longfin mako and porbeagle sharks and others—that it is necessary to deny the opportunity for recreational fishing.

The best conservationists in Australia are our professional fishermen. I have had many an experience of them actually fighting the authorities for a reduction in fishing effort—in the crayfishing industry, for instance. Western Australian crayfishermen went to the state minister and asked for a 25 per cent cut in the number of crayfish pots they were allowed to put in the water. Those pots were tradeable and valued at about $30,000 each at the time, but 80 or 90 per cent of that industry in Western Australia knew, to use my words, that we had got too smart at catching fish. The argument was put to me that you needed to put three or four pots in the water in a single location simply to make sure of one drop on the appropriate spot; and, of course, with three or four floats in the water you had a reasonable chance of finding them when you went back the following day. Today, underwater technology takes you to that appropriate spot, that bump in the ocean where crayfish aggregate, and you have got a GPS to lead you back the next day with the automatic pilot and you can drive within a metre of one float. So the extent of their ability to spread their catching equipment was excessive, and the commercial fishermen said, ‘There must be a reduction.’ There were, as there usually are, a few who said otherwise. As I recollect, one of them actually stood for the National Party against me. The National Party minister in WA actually watered down the request of the fishermen. I give that as an example.

I have been to the Abrolhos Islands with a professional fisherman and have been taken out handline fishing with other people. He just takes you somewhere and the next thing you know the fish are virtually jumping into the boat, they are so easy to catch. But when you have caught five or six, he says, ‘All lines in; we’ll move to another spot.’ In other words, ‘We’re not going to kill every fish in that vicinity.’ That is the attitude of the professional. I have got to say that the attitude of the recreational fisherman varies, with all the high technology that is now also available to them. Although we do see examples, promoted by Rex Hunt, who had that TV show where everything went back in the water. I am not sure they all survived, but that does not matter. The fact of life is that you can have recreational fishing without seriously damaging the fish stock, if it is treated purely as a sport, and of course there is nothing wrong with someone going out to ‘get a feed of fish’. The tragedy is when they go
out for a week to some of the fishing spots in more remote areas known to me and fill up whacking great big esky of fillets and take them back to distribute amongst their friends or whatever they do with it. That is destroying the environment, and all of these things have got to be taken into account.

I had a term as fisheries minister and I was gravely concerned about the future of southern bluefin tuna. Historically they were in huge numbers south of Australia until the Japanese longliners came down, in a period when it was laissez faire, and reduced the numbers of that particular fish stock dramatically. Eventually, to the credit of the fisheries people here—not the environmentalists but the fisheries managers in Australia, supported very strongly by Western Australian fisheries management, which has typically been of a very high standard—limited entry fishery is now a byword in the commercial fishing industry in Western Australia. You let two boats in and, if they are doing all right, you let in another two, in new greenfield areas, and you control the catch to make sure that it is sustainable.

The cause of conservation can be overrun by environmental aspects, and people do not even know what that means. One might wonder why we are now correcting something that was decided in December 2008, when presumably we knew what was going on in Geneva or wherever the decision was made, and we should have been there arguing against it in the interests of Australia. As has been said, it was a Northern Hemisphere problem; and when it comes to fish stocks everything is a Northern Hemisphere problem. If you go and have a look at some of the vessels they use, they are ocean liners, and they just rip everything out of the sea. That should stop. This is how much political pressure they can bring up there: when the price of fuel got too expensive and it looked like it was going to act as a conservation measure, the European governments gave them free fuel; they gave them money to go and rape the ocean further. As a kid, we all knew about English fillet, or yellowfish, as we kids called it. You can still buy it under the label of ‘South African cod,’ because they have still got a few to catch, but the people of the Northern Hemisphere destroyed that industry by overfishing it. At one stage the Icelanders—and this is a long time ago—sent their gunboats out to protect their area of resource. Of course, the long-term outcome of that was 200-kilometre fishing limits that exist today, which give sovereign states some chance of protecting their resources. The tragedy is, when you draw some of those islands around our South Pacific neighbours, you create large areas of water—and that should be good—and it is sold off to American purse seiners.

A purse seine net is murder. The original means of catching southern bluefin tuna, as we used to see on the movies, was with poles—they bit on a hook and you pulled them into the boat. In those circumstances, some got away. But when you go with a purse seine net to a schooling variety and put it right around them and zip the bottom up, nothing gets away. These are all issues, but it does not alter the fact that the parties who can best manage that are the sovereign nations. When we know that certain South Pacific islands are selling these rights and the cash is frequently not even going into their own government coffers, we should be dealing with that severely in terms of the aid we give to them, and other issues, because that is a tragedy and it is not needed.

Coming back to southern bluefin tuna and the downside of my argument: we were hanging on by our fingernails maintaining an agreement with the Japanese. Of course the word ‘research’ kept coming up: ‘Could we just do a little bit of research and see if we can catch a few more fish? It won’t affect the
fish stocks.’ But then, all of a sudden, one year the big tuna came right in close to Tasmania, within Tasmanian waters. Tasmania has recreational approval for charter boats to catch two tuna for every passenger on board, and they were going out and doing that. These were really big fish. Do you know where they put most of the fish? On the tip! When I went down there to talk about it, I had a jumped up state fisheries bloke saying, ‘Don’t you dare lecture us, we are the state of Tasmania!’ Think about that. It almost got violent. The fact of life is that, in these circumstances, this is a matter that requires some discussion across the board.

In the remaining time available to me, I want to make a couple of points. I plead guilty on the EPBC Act because I was misled in our party room as to its purpose. It was explained to us by the minister at the time as a devolvement of environmental matters to the states. Of course, it is the opposite of that. It does not reach only into the sea; it binds us into international decisions where we should not be so doing. We have every reason in the world to control our fisheries resources. We should consult the recreational and commercial fishing industry for their advice because it is frequently very good. They are conservationists because they understand the simple fact that, if they overfish the resource next year, they go broke. That is always a good test.

I would make the same argument for our forests. Since state governments found a reason, under ‘the environment’, to save the forests, we have been burning them down and killing them at a rate that never occurred while the private sector was in there harvesting forests and turning them into sawn lumber, which happens to be the major form of sequestration of carbon. A sawn plank in a house, a flooring plank, is likely to be there in a hundred years time, but leave that same timber in the forest and it will be burnt within a 10- or 20-year cycle, as is the evidence now being given to the royal commission in Victoria. We had to ‘murder’ 170 people to even get that inquiry! I say ‘we’ because the other day in this place we had a valedictory. It is a year since all those people were vapourised. Most of their bodies were never found. That is how hot the fires were. In those 12 months, this parliament has done nothing to oblige state governments to manage their forests as a safe environment. You would never tolerate for a second the sorts of dangers that people were put into by state government forestry policy in the name of the environment. Marysville was not a new suburb. It had been there for 100 years. It was a forestry town. It had never burnt down, and they had some pretty big fires in the past.

But we go into this environmental argument. I have to laugh because a little bit of that evidence has now hit the media. The government decided it could make energy efficiencies and reduce emissions by gifting a couple of million Australian households some insulation in their ceiling. I will not go into the pros and cons of that— it has had enough airing. Who did the government ask to run the project? The environment department, a department focused on one thing only: saying no. You say to them, ‘Go and administer three billion bucks!’ It was a pretty poor choice. Of course, the other day the newly appointed director had to tell his 700 employees that he does not know anything about running a project of this nature and does not really want the job. At least the man was honest.

But it is a culture we can do without. I object to signing treaties that put the decisions of this parliament under the supervision of a foreign power. I do not object to this parliament making laws from time to time that add

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to environmental protection. I just wish they would realise that, when trees burn down and the heat of the forest fire is so intense that all seed in the ground are burnt as well, it is hardly environmental protection.

The reality is that it was done because one political party had a belief about that, and other political parties were prepared to subjugate common sense to chase their preferences—a pretty lousy reason to kill 170 people; and there is no doubt about it. The Victorian parliament thought they were on a real winner. They locked up the forest, sacked all the forest workers and saved money. Look at what they have spent this year? After all that I had a minister from that state say to me as minister when I urged for preventative measures in their forests, ‘If we’ve got to touch one tree, we won’t do it.’ They had 80 bulldozers working in that forest trying to put the fire out. God only knows how many trees they touched with those bulldozers, and what was necessary and what was not.

It is the same with fishing. Of course there should be opportunities for recreational fishers, and this legislation fixes it. The question is: why are we in here having to do this to protect our recreational fishers from a decision made in Geneva; and why have we got legislation surviving that does those sorts of things? It is a heartbreak and a tragedy to me. Fishing is an area that requires a closer conservation effort simply because you cannot count them like kangaroos or other animals found on the land. (Time expired)

Mr CHEESEMAN (Corangamite) (12.53 pm)—I rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010. I have a lot to say about this particular issue, particularly with regard to my federal electorate of Corangamite, which has a very significant recreational and charter fishing community. The member for Braddon, Sid Sidebottom, and I worked diligently over the January-February period with our minister, Minister Garrett, in dealing with this particular matter.

Recreational fishing is a very popular pastime throughout Australia. Many people take up fishing as a recreational activity, me included. During January I was fishing in Port Macdonnell off the South Australian coast. I know many people from Victoria go to South Australia to fish but also along the Great Ocean Road and other parts of my electorate, and many take the opportunity to fish for sports fish such as the mako shark.

A very significant recreational fishing and charter fishing community has been established to fish for the mako shark. Many employment opportunities have been created within my electorate, particularly in areas such as Queenscliff, Torquay and along the Surf Coast. Recreational fishing in my electorate is very significant. Significantly, the ban that came into place was because of the crisis in shark populations in other parts of the world. There is very little evidence to suggest that the mako shark and other associated species are in any danger at all within our region; in fact, it is quite the contrary from evidence I have heard firsthand in my consultations with the recreational fishing community in my electorate.

I was very pleased to hear the member for O’Connor’s contribution about the recognition that the Environment Protection and Biodiversity Conservation Act, an act enacted by the previous Liberal government, was the cause of this particular problem. We are undoing a legal straitjacket that was imposed on us by that particular act and an international treaty. This amendment enables that decision to be overturned to enable recreational mako fishing to continue in Australia’s Commonwealth waters. It is very significant for the fishermen in my electorate.
but also for the charter boat operators who operate within my electorate and throughout south-west Victoria and across the nation. The laws passed by the previous Liberal government meant that the mako shark had to be listed under treaties that are associated with the Environment Protection and Biodiversity Conservation Act. This amendment overturns that decision.

I am a passionate fisherman. I think I caught my first fish when I was about four years old. It was a rock cod. Again, I listened with interest to the contribution by the member for O’Connor.

Mr Trevor interjecting—

Mr CHEESEMAN—The member for Flynn cheekily asks me whether it was four or five centimetres long—it might have been slightly bigger than that but I am not sure it was quite large enough to take home for the plate.

In my younger days I had the opportunity from time to time to go out on a cray boat at Port Macdonnell in South Australia and I came across many fantastic people in that activity. Fishing and sport fishing is a wonderful way to relax. The mako shark species is a real thrill to catch. It puts up a significant fight. It is a shark species that is known to frighten fishermen when they have hooked one often by attempting to jump into the boat. I know a lot of people take tremendous pleasure in targeting that species.

This particular bill, the environment protection and biodiversity conservation amendment bill, will put in place the necessary amendments to enable the status quo to continue, which is fantastic. I urge the Liberal Party and the minor parties in the Senate to pass this particular amendment as speedily as possible to enable charter boat operators and recreational anglers to get back to their particular passion.

In 2008 the longfin mako, the shortfin mako and porbeagle sharks were listed in Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals, particularly because of concerns about populations of those sharks emanating out of the Northern Hemisphere. The independent review of the EPBC Act, the Hawke review, examined the provisions of the EPBC Act relating to migratory species and found that the clear intention of the CMS was to differentiate between appendix I and appendix II species and the level of protection required. The Hawke review recommended changes to the provisions of part 13 of the EPBC Act. This bill is an interim response to the issues identified by the Hawke review, as they apply to mako and porbeagle sharks, while the government develops and implements its formal response to the Hawke review.

The government of course takes its international obligations seriously. However, it is important that laws properly reflect and implement our international obligations, whilst also providing the flexibility to take into account particular domestic circumstances. This is a very clear example where those species of shark are not, in any way at all, threatened as they are in the Northern Hemisphere.

The Convention on the Conservation of Migratory Species of Wild Animals is an intergovernmental treaty that is concerned about the conservation of wildlife and habitats on a global scale. Australia has been a party to that convention since 1991 and, under those arrangements, it contributes actively and constructively to international conservation efforts. These changes will leave our international obligations intact but will ensure that local circumstances and local decisions are based on the science of populations of these particular species.
I would like to pay particular tribute to a number of people, whom I worked very closely with, who represent my local fishing community and charter boat operators. Steve Burton, who is the commodore of the Torquay Angling Club, and Shane Korth, the secretary of the club, worked very hard with me through January and February to ensure that the government was taking heed of the advice coming out of the recreational fishing community. That advice was of course fed to the minister responsible, the then Minister for the Environment, Heritage and the Arts, Peter Garrett. The member for Braddon, Sid Sidebottom, was also working very closely with his representatives. In conversations with them and their club members they made it very clear that they recognised the efforts the government was taking in overturning this decision. Not only did they recognise that we were in a difficult position, in a legal straitjacket, because of the decisions of the previous government but also that parliament does not sit in January or February and that it would take some time for these amendments to work their way through this place. Today I would particularly like to thank and acknowledge Steve and Shane for their efforts. They have made it clear to me that they are diehard Labor voters, as is the recreational and charter boat fishing community. It was important that government took these decisions as quickly as we could to ensure that Labor voters in those fishing communities could get back to recreational fishing.

I would also like to thank the Victorian peak lobby group, VRFish, a thoroughly professional group of recreational anglers. I would particularly like to thank Christopher Collins and Ben Scullin, who did a fantastic job in advocating for the Victorian recreational fishing industry. Again, I would like to acknowledge their contribution.

I want to put on the record a very clear caution, in the same spirit as that of the member for O’Connor. That is, as recreational fishermen, we need to ensure that we are fishing in a sustainable way. We need to ensure that decisions into the future on mako or any other species are made based on proper science and that that science needs to take account of our local circumstances, including our local population of fish species and others. In future, when making decisions, we must work very closely with recreational fishing bodies to ensure that we take account of the evidence on the ground rather than simply impose international obligations on ourselves without having due regard for the science underpinning those decisions. Recreational fishermen do want to leave a sustainable legacy for future generations and we need to ensure that proper science is undertaken that considers local circumstances, not just those of the Northern Hemisphere.

I commend this bill to the House. I do request that the Senate considers these matters in a timely way and acts upon this amending legislation so that our recreational fishing communities can get back to what they love and that is fishing.

Mr OAKESHOTT (Lyne) (1.06 pm)—I also rise to welcome the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 and this move by government. I do so for several reasons, which are similar to those already spoken about. On the first reason, I will give a local example from the Golden Lure Fishing Tournament held in January. It is part of the colour and movement, the culture and life of a Port Macquarie summer. Recreational fishers come from all along the east coast of New South Wales to that tournament. This year, many of them thought they had done the last tag-and-release of a mako shark. What went with that was a lot of discussion amongst and a lot of frustration felt by peo-
ple who enjoy fishing and who, like everyone else in debates on ocean biodiversity, want more fish in the water.Wanting more fish in the ocean is common ground, whether you are an environmentalist or a fisho. From some of the anecdotes I heard, and given the cost-benefits of this decision, and the binding international agreements, I am pleased to see—I hope I see—that a bit of faith in government and government processes is coming from this change to a decision that initially caused a great deal of concern amongst the very tight and very talkative group which is the recreational fishing community.

I think the word that the minister used in introducing this legislation was ‘proportionality’. It was unfair to the recreational fishing industry to ask them to implement changes to their behaviour when the evidence for a shortage of mako sharks on the east coast of New South Wales just was not there. Comments have been made by several others about respecting the science. I think that if we are to truly respect the science, as a parliament—and this goes for all the topics before us at the moment—then when the evidence trail clearly says that we as a parliament need to do something we should do it. However, respecting the science also means that, when the evidence trail says that there is no issue, we need to be the defenders and the protectors of the science by upholding what it says. And, in this case, the evidence trail says that there are plenty of mako sharks on the east coast of Australia and of New South Wales. Therefore I am pleased with this decision to, in a small way, break an international agreement.

The question of the binding nature of the international agreement is an interesting one that has been raised. A few people who I have listened to in this debate have had a crack at the concept of international agreements. I would have thought that this legislation, and the process that has gone on in regard to it, is a very good example of how we can uphold sovereign issues while still being party to international conventions. I think this is an eminently sensible alternative to all of us having to deal with all the issues that may present themselves with any international conventions and to all of us getting wrapped up in decisions about whether a particular species in the ocean is an Appendix II type fish or not. I do not think that is necessarily the business of this House. So, as an approach, this is an eminently sensible alternative to that—as it is a sensible alternative to having no international binding agreements at all.

It might come as a surprise to a few members in this chamber that fish do not really understand international boundaries; they do swim around a lot. Therefore, international agreements are worth the paper they are written on and, therefore, being a party to that is a sensible approach. But here we have an example of a decision that is relevant, really, to the Mediterranean and the Northern Hemisphere but of not much relevance to sovereign Commonwealth waters having been put on to us. Yet the process that has followed from that should give us confidence in the processes in and around this international convention in that here we see a piece of legislation responding to that lack of an evidence trail and therefore upholding sovereign rights. So, rather than being critical of international binding agreements, I say that this process strengthens the role that we play in these international agreements because it is an example which shows that we still can uphold sovereign rights whilst agitating and advocating, at an international level, for much higher standards within ocean biodiversity.

On that point, I will raise a broader issue. The issue really is one for the executive—and for the minister responsible, who has not had the best couple of months. Here lies an
opportunity to supercharge a ministerial career. This issue of ocean biodiversity is waiting for Australia to grab it and run with it and, potentially, lead the world with it.

We are an island nation. We face many challenges to do with fishing rights and complex issues right throughout our region, whether in the Pacific or the Asian regions. I think the point was rightly made by others that overfishing in the Northern Hemisphere is—without being shy about it—out of control. Australia has a rare opportunity to lead by being a protector and an upholder of the importance of ocean biodiversity. I made the point previously that, whether you are a recreational or a commercial fisher or the deepest of environmentalists, everyone wants more fish in the ocean, and to have more fish in the ocean you need to have an active and live biodiversity that goes with that. There are some common points for everyone in this debate within Australia. And I think there is a need for us to lead within the Asia-Pacific region as the issue of overfishing and many other unsustainable practices continue to present some pretty difficult challenges for the future.

If anyone is in any doubt about what I am saying, then they should take the time to read chapter 18 of Bill Bryson’s *A Short History of Nearly Everything*. That talks about the importance of what is in our oceans. If that did not get them excited, and if that did not allow them to sniff out a potential opportunity for an Australian government to show some leadership, then I would be sorely disappointed.

Last week, members from both sides of this chamber—from memory it was the member for Fremantle, Melissa Parke, and the member for Moore, Mal Washer—presented a very good documentary, *The End of the Line*, about substantial overfishing issues in the world right now and the lack of government action to address these issues. I would encourage everyone to try and get their hands on a copy of this documentary and to reflect on it—particularly, please, if you are in the executive and are wondering whether this is an issue worth getting involved in.

I keep coming back to the fact that we have had divisions and clashes in the past between environmentalists and those who want to use our natural resources. The issue of ocean biodiversity and the desire for more fish is one of those rare occasions where natural resource management has many friends. On the east coast, for example, fishing clubs, which sometimes do not get the recognition that they deserve, are self-regulators of many of the environmental issues. Most of the clubs now have rules around dropping anchors in weed beds. That is a very small but practical example of fishing clubs themselves starting to take responsibility and to lead on many of the environmental issues in play.

Likewise, I can report that right up the east coast of New South Wales we are seeing a greater demand for opportunities to participate in underwater research. A group recently formed in Port Macquarie, the Port Macquarie Underwater Research Group, with the acronym PURG, was based on a group that had been formed at Coffs Harbour, the Solitary Islands Underwater Research Group, with the acronym SURG, which was based on the Byron Underwater Research Group, with—you guessed it—the acronym BURG. What we have seen over the last couple of years at a community level from divers, recreational fishers and environmentalists is a growing interest in and desire for a real understanding of what is happening on the ocean floor and the role that that plays in fish stocks and natural resource management generally. I think that is a good trend.
I would hope that the government recognises that as a good trend and supports it on a broader basis, and that it taps into that sentiment and provides all the support possible, because there are still anomalies in practices in the field. One that absolutely kills us on the minerals coast of New South Wales, despite good self-regulation within fishing clubs and a growing desire for knowledge about the ocean floor, is the issue of beach hauling, which is shaped largely around state regulations. We can talk about and have all the best environmental practices in the world, but it only takes two or three days a year for outside commercial fishos to stand at any river mouth around Australia and rip into the smaller fish—in our case in Lyne it is the mullet run—and thus decimate the breeding-ground stock of fish that everyone wants. These are anomalies in practice that still continue. It absolutely kills everyone to see piles and piles of dead fish lying on a beach, stinking away and serving no purpose to anyone. Yet this is still seen as an acceptable fishing practice in Australia today.

This bill is good. It reflects our government ‘getting it’ with regard to both international agreements and also the use of evidence to drive policy. Marine biologist Dr Julian Pepperell, who normally is not a friend of the sceptics, is quite strong in saying there is no evidence trail connecting the mako sharks in the Mediterranean and the shortfin mako sharks off the Australian coast. It is good that the government has listened to those who are the keepers of the science and has responded accordingly. It is a sensible move the government is making, but there is plenty more to do. There is a huge opportunity here for government to lead this parliament and the region in taking the issue of ocean biodiversity and the desire for more fish seriously and actively and, hopefully, to make a difference to ocean biodiversity not only right throughout the region but throughout the world.

Mr TREVOR (Flynn) (1.20 pm)—I thank the member for Lyne for his contribution. I too rise today to support the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010. Like many others in both my electorate of Flynn and around Australia generally, I am a keen fisherman. It is a sport, and often a food-gathering exercise, that I am very passionate about. There are very few sports—and I have played a lot of them—that can compete with the thrill that fishing provides when you finally pull your fish onto the boat after the long and exhausting battle against it—man against fish, fish against man. It is an incredible experience that can be enjoyed by all and it is enjoyed by thousands in my electorate of Flynn.

The mako shark is just one of the many fish that provide this experience, which is why it is both highly prized and targeted by people engaged in recreational fishing, although the porbeagle shark also is taken by people engaged in recreational fishing in southern Australian waters. The targeting of mako sharks is often the cause of the porbeagle shark being taken, as it is very difficult to distinguish from mako sharks and is often misidentified.

I have elected to speak on this bill today because the changes it will make have significant implications for recreational fishing, with particular specificity to longfin mako, shortfin mako and porbeagle sharks. The changes in this bill allow for the continuation of recreational fishing for mako and porbeagle sharks. This bill will use the term ‘recreational fishing’ and clarifies that this includes fishing by charter boat staff, competition fishing and fishing undertaken primarily for media and entertainment purposes.
The bill will provide an exception to all offences under part 13, division 2 of the Environment Protection and Biodiversity Conservation Act relating to listed migratory species which will apply only to recreational fishing of longfin mako, shortfin mako and porbeagle sharks in Commonwealth areas. This includes the provisions that prohibit killing, injuring, taking, trading, keeping or moving listed migratory species in Commonwealth areas and trading, keeping or moving a listed migratory species that has been taken in a Commonwealth area. It is important to note that the bill is not designed to overrule any state or territory laws prohibiting recreational fishing for longfin mako, shortfin mako or porbeagle sharks.

The restrictions regarding the recreational fishing for longfin mako, shortfin mako and porbeagle sharks were paused on 29 January 2010, when these species were listed as migratory under the Environment Protection and Biodiversity Conservation Act. This was considered necessary to comply with the legal requirement under the act that specifies that species listed on appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals be listed as migratory species. Our country has been part of this convention since 1991 and we contribute actively and constructively to international conservation efforts.

These species were included in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals due to concerns about populations of these species in the Northern Hemisphere, where overfishing has resulted in reduced numbers. Despite this, there is insufficient evidence to suggest that the populations of these shark species in Australia are under the same level of threat as in the areas in the Northern Hemisphere that have caused their inclusion in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals. The result of their being listed on Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals is that it has effectively caused significant detrimental implications for recreational fishing because of the offence provisions that now apply. However, the problem cannot be resolved administratively or by regulation. The implication for commercial fisheries will be addressed through accreditation processes under the Environment Protection and Biodiversity Conservation Act.

The changes proposed in the bill will ensure that recreational fishing activities in Australia will not be affected by the international changes to the protection of mako and porbeagle sharks. This is because the restrictions imposed by domestic legislation as a result of the international changes are not an appropriate response to the level of protection intended by the addition of these species to Appendix II of the convention. The independent review of the Environment Protection and Biodiversity Conservation Act, the Hawke review, examined the provisions of the Environment Protection and Biodiversity Conservation Act relating to migratory species and identified the fact that the indisputable intention of the convention is to differentiate between Appendix I and Appendix II species and, therefore, the level of protection required. Appendix I includes migratory species that are in danger of extinction throughout all or a significant proportion of their range. These animals should receive a very high level of protection under our national environmental laws. However, migratory species listed in Appendix II do not require the same amount of protection. These species are not endangered but have an unfavourable conservation status. Currently, the Environment Protection and Biodiversity Conservation Act does not distinguish between migratory species listed in Appendix I and migratory species listed in Appendix II, despite the
fact that they are clearly intended to be treated differently.

In order to have this reflected in our legislation, changes need to be made to provisions in the Environment Protection and Biodiversity Conservation Act. Currently, once a species is listed in either appendix and then included in the list of migratory species established under the act, it is prohibited to kill, injure, take, trade, keep or move a listed migratory species in Commonwealth areas and to trade, keep or move a listed migratory species that has been taken in a Commonwealth area. This is not necessarily an appropriate response to the species listed in Appendix II. It is clear that changes should be made to amend this problem. The amendments in this bill are designed purely as a temporary measure to respond to this and to the issues identified by the Hawke review as they apply to mako and porbeagle sharks, until the government can develop and implement a formal response to the Hawke review.

It is important to remember that the government remains committed to shark conservation measures, both domestically and internationally, and will continue its active engagement in efforts under the Convention on the Conservation of Migratory Species of Wild Animals. This bill will provide a narrow exception for recreational fishing for longfin mako, shortfin mako and porbeagle sharks to the offence provisions of part 13, division 2 of the act as the level of protection under the act is excessive in relation to the status of the species and their listings on Appendix II to the convention.

Our government also acknowledges, as it should, the social and cultural importance of recreational fishing to many, many Australians, and its economic benefit to some coastal communities. A prime example of this economic benefit is felt in my home electorate of Flynn in Central Queensland through the annual fishing competition held in Boyne Island-Tannum Sands, known as the ‘Boyne Tannum Hookup’. The hookup has been run for many years by volunteers and injects tens of thousands of dollars into the community as well as giving the money raised back to the community for charitable and other worthwhile purposes. I would like to say a big thank you to Darryl Branthwaite and his crew from the Boyne Tannum Hookup. Fishing competitions such as this are a very important part of the year for both locals and the many people from out of town who come in droves to compete. I despise the thought that these restrictions, which are unwarranted and unnecessary, could have drastic negative implications for competitions like these now or in the future where mako and porbeagle sharks may be prized. Although this does not apply to the Boyne Tannum Hookup, where these types of fish are not weigh-ins, it is simply irrational to penalise people engaging in recreational fishing, and communities that hold fishing competitions, just because of an inaccurate reflection of our international obligations in our domestic legislation.

This bill will provide the interim measures necessary to ensure that international changes to the status of mako and porbeagles and the consequential listing of these species under the act will not affect recreational fishing activities in Australia. We, as the government, recognise the fact that the act as it currently stands causes unnecessary restrictive measures on species that are listed in appendix II of the convention. This bill will provide an exception to all offences under part 13, division 2 of the act to prevent people engaging in recreational fishing for longfin mako, shortfin mako and porbeagles being penalised.

This is the most logical action to take in order to respond effectively to an issue that
has arisen from current legislation and has been identified by an independent review. There can be no justifiable argument against this bill because the changes in it aim to align our domestic legislation more accurately with our international obligations regarding restrictions to recreational fishing of these sharks. It is clear that this bill is a temporary method of achieving this to ensure that people who engage in recreational fishing for these species are not disadvantaged unnecessarily.

I rarely get to drop a line these days because of my commitments and public service to the people of Flynn. But I have spent a lifetime as a recreational fisher. I have worked on professional fishing boats as a deckie on tucker trips too, been out on many charter boats and spent many days and weeks with my mates searching for that elusive big one. He is out there somewhere. All recreational fishers are looking for him. That is the joy of the recreational fisher. I commend this bill to the House.

Mr BALDWIN (Paterson) (1.33 pm)—I rise to speak today in support of common sense. This bill, the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010, is common sense. It is common sense and it is also a backflip on the part of the Minister for Environment Protection, Heritage and the Arts. Can I say that the difference between this and the bungling of the insulation program is that this has not cost the government any money. It has cost many fishermen opportunity. It has cost communities opportunity. It has cost game fishing and recreational fishing associations money and opportunity, but it has not cost the government any money yet.

This bill has come about because the minister failed to consult. This is a minister, Minister Garrett, who simply consults within his own group, his own peers, and is yet to question any science. One of the problems that we have seen and that has been experienced, in particular with climate change or global warming, is the failure of people to recognise the value of outside peer group reviews of science. What has happened here is that the minister, and please excuse the pun, has taken the line hook, line and sinker from his department.

Both the Southern Hemisphere and the Northern Hemisphere have mako sharks and, thinking that they are a pelagic and a migratory species, one might come to the assumption, an ill-informed assumption, that these fish travel from the Northern Hemisphere to the Southern Hemisphere, but the reality is that they do not. Where this minister has made a mistake is that he has observed part of the Convention on the Conservation of Migratory Species of Wild Animals where in the Northern Hemisphere they were to introduce a ban on catching longfin mako, shortfin mako and porbeagle sharks in December 2008—they are listed in appendix II. But in the Southern Hemisphere it is a totally different fishery and it has different fishing pressures.

The three species that we are addressing here are the longfin mako shark, with the scientific name of *Isurus paucus*, the shortfin mako shark, with the name *Isurus oxyrinchus*, and the porbeagle shark, with the name *Lamna nasus*. These sharks are highly valued in recreational sports fishing, in game fishing tournaments and, indeed, as a prized commercial fishery. I have no issue in shutting down commercial fisheries, particularly where they are pursuing sharks just for the fins, because what we see there is the pursuit of animals who are brought onboard, who have their fins cut off and who are then thrown back into the water alive. I think that is disgraceful. It is disgraceful because something more could be done with the flesh of
the animal, if indeed it is to die—because they will die when they go back in the water without their dorsal and pectoral fins. There is not the same dollar value in the rest of the shark meat as there is in the fins. I was overseas recently and I had, quite to my surprise, some shark fin soup and I have to say that I cannot see why people see it as such a highly prized delicacy as a dish.

Going back to the core essence of this and why this minister has now had to bring this amendment in, as I said, it is because he failed to consult. He failed to consult with a range of people, including marine biologists and specialists, he refused to consult with the recreation and sports fishing industry and he believed a mantra chant from those within.

A press release from the recreational fishers association, Recfish, says:
Recfish CEO Len Olyott said that the exemption recognised that recreational fishing for Makos and Porbeagles was a sustainable activity which posed no threat to their conservation. “Existing limits that apply to the capture of these species are extremely conservative. Most are tagged and released with subsequent recaptures providing essential scientific evidence to assist in the further conservation of these shark species.”

This sentiment was echoed by Grahame Williams, President of the Game Fishing Association of Australia. “Our Association has a long history of supporting scientific research on gamefish species. 87% of Makos caught by gamefishers are tagged and released. Our tournaments are also run under a strict Code of Conduct.”

I suppose I should declare a pecuniary interest in this. My background is, in part, in the marine industry. I am a qualified skipper. I have run game fishing boats and charter boats and I have been out there first hand.

When this bill first came up, I thought, ‘Why haven’t they consulted? Why haven’t they spoken to the people in the industry?’ I emailed Dr Julian Pepperell. He is a significant marine science researcher who has done amazing work as a marine biologist, particularly in his involvement in the interface between the game fishing community and the science community. Dr Julian Pepperell has been researching ocean fishes across the globe for over 30 years now. He is also a fishaholic. I see him quite regularly at the weigh stations when we are handing in tag cards or when fish are being brought to weigh in at Port Stephens during the game fishing competitions. His work has particularly been on the research of tag and release, so I put to him the question about how many makos have been captured or tagged and released across the game fishing tournaments. He came back to me with numbers for the last three years. In 2009 there were 110 makos captured, of which 14 were killed and the rest tagged and released. In 2008 there were 171 captured. Eight were weighed in and the rest were tagged and released. In 2007 there were 164 captured. Seventeen were weighed in and the rest were tagged and released. Most of those, because of the nature of the species, were tagged off New South Wales and some off Victoria. But the captures of makos are from tournaments generally between Port Macquarie and Bermagui. Of course there will be people who go out recreational fishing who capture mako sharks and there is very little recorded on the impact of those, but they are not a species that are in short supply in and around the east coast. I have not been out fishing as much in recent times as I have in the past but I did a fair period in my sabbatical from this place between 1998 and 2001 where I skippered a number of boats and I can say from personal experience that almost every time I went out fishing, whether it was summer or winter and whether we were chasing yellowfin tuna or marlin, we would see makos. There was rarely a day that went by when I did not see makos swimming free.
One of the problems I have when people say, ‘We have to ban this species and that species,’ is that when a bait or a lure is set out—and makos do tend to take lures as well as baits—the mako sharks will not know that it is not for them. He will not know it is not for him the same as the great white pointer does not know it is not for him and the grey nurse shark does not know it is not for him. I thought there might have been greater support, opportunity and involvement by this government for tagging and releasing programs where scientific data can be captured on where the fish were caught and then let go and an approximation of their size and weight. When these fish are recaptured, whether they are caught on commercial longliners or in the shark nets on our beaches or indeed recaptured by fishermen, the tag is taken out and where they were caught and their approximate size and weight is recorded. That helps with scientific data tracking of where these species have been caught, where they have migrated to and it gives us a deeper and better understanding. More needs to be done on that. If indeed we want to establish more on the migratory patterns and more history on recapture then this is a program well worth supporting.

I have had a lot to do with my game fishing club—the Newcastle and Port Stephens Game Fish Club—where I was a former director, and I have had the members and the president of that club in my office talking on this and a number of other issues in relation to recreational sport fishing. No-one could believe that back in January this government was going to sign up to this ban. No-one could believe that they had not been consulted and that their opinion as professionals and people who care a lot about our marine environment had not been sought. Unless you have a sustainable marine environment you will no longer have recreational fishing. They were not consulted at all.

As I understand in reading the work of Senator Richard Colbeck, he has done a tremendous job in driving this, getting around the community, attending meetings, organising petitions and actually doing what the minister should have been doing—and that is getting out and talking to the people on the ground instead of people who sit behind desks. There is a lot of difference between sitting out on the water with a rod and reel and experiencing things first hand and sitting behind a desk and pretending you know everything.

The problem is that in the initial stage this failed minister—in yet another stuff-up that we are seeing here with this—failed to consult. In the insulation debacle, he refused to heed the warnings and he failed to consult; with this debacle, he refused to heed the warnings and failed to consult. So what we have here is a minister who accepted hook, line and sinker what was being applied in the Northern Hemisphere. He just thought that with the stroke of a pen he could please the egos of some of his mates who sit around the desk, drink fancy-looking teas and talk about the environment, with very little real, practical experience about being out there and doing the things that count. So we have had this imposed upon us.

I am glad that common sense and public pressure have come to the fore. I can only believe it was in part through the work of Richard Colbeck but also because of some Labor members in marginal seats who all of a sudden got a kick in the pants when they saw the size of the meetings that were occurring in their town halls—who up until that stage were prepared to sit back and just wear this. It was not until their communities got up in arms. So there is a simple lesson: ministers need to get out and consult. They need to question the science. They can no longer just accept as given, as irrefutable fact, propositions that are put to them. They need
to get out, they need to listen, they need to talk and, importantly, they need to question the science.

The coalition supports this bill—this retraction, this backflip by the government—because it is the coalition that has driven this. It is the coalition that has driven common sense to be applied across this fishery. With those final words, Mr Deputy Speaker, I say to you: we will support this, and let’s hope that the minister learns a lesson and gets out and consults.

Mr GEORGANAS (Hindmarsh) (1.46 pm)—At a time when the environment attracts emotions and headlines in equal parts, we have a responsibility to deal with environmental issues. We need to deal with them responsibly, well and appropriately. Today I rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010, the Environment Protection and Biodiversity Conservation Act more broadly, the findings of the eagerly anticipated Hawke report and how we all need to address the matters that were raised within that report. Released in December last year, this particular report says a lot about how seriously this Rudd Labor government is taking the environment. Instead of paying lip-service to environmental needs, we commissioned a report on the right way to address perhaps the most pressing issue in the world today. Now we have to act on the findings and also bring all the parties together in a bipartisan fashion and effort to achieve something for future generations.

Dr Hawke put together a team of eminent people who were prepared to do the hard work, look at the particular issues and not take shortcuts. They include the Australian National University’s Australian Centre for Environmental Law director, Tim Bonyhady, and the University of Melbourne’s Professor of Environmental Science, Mark Burgman. The report reflects the government’s stance on the environment—that it is something to be taken seriously and not just a means of grabbing a headline or a few votes. The Hawke report makes some recommendations that are just plain common sense and all of us would agree. These include making the environment the first consideration instead of weighing it equally with social and economic factors. Economic and social factors are important, of course, but the report recognises strongly the need for the environment to come first in the statute concerned with the environment. Anything less would be a cop-out, making it a Clayton’s act.

The report makes many recommendations—in fact, 71 recommendations—including establishing an independent environment commission to advise the government on matters such as project approvals and strategic assessments in all areas. It suggests giving the government additional powers to protect ecosystems and list vulnerable ecosystems as matters of national environmental significance and, at the same time, overhaul regional forestry agreements to keep logging companies accountable if they intend to keep their licences. It also recommends the establishment of an environmental reparation fund and a national biobanking scheme—very important. There are too many recommendations to list here today, but one deserves special attention: the need for environmental performance audits. The need for environmental performance audits is something that we cannot step away from. We need to be accountable when it comes to the environment. The Hawke report recommends we reduce the regulatory burden, maintain and enhance environmental protections and provide an integrated and balanced package. It is an interesting point. It stipulates the environment must come first but also acknowledges that a balance can be achieved.
The amendment to the Environment Protection and Biodiversity Conservation Act currently before us is a perfect example of this balance. It provides an exception to the act to allow for a continuation of the recreational fishing of longfin and shortfin mako sharks and porbeagle sharks. Why? Because, despite international changes to the status of these sharks, fishing them here in the Southern Hemisphere is not a threat to them within the Northern Hemisphere. Their numbers and exploitation may well be a problem in the Northern Hemisphere. It is an issue that governments need to address. In the Southern Hemisphere we can make an assessment of the numbers and critical mass of these types of sharks and the degree of risk that they will face as a result of the amendment before us and the continuation of recreational fishing.

So we have made a common-sense decision on this matter. We have made a decision that is sensible and has been thought out. The decision has considered the relative needs of recreational fishers and any threat to these sharks. Of course, if recreational fishing contributed to a greater threat, recreational needs would not need to have been entertained. Recreational fishing, as we know, is a great hobby and sport for many people around Australia. The seat of Hindmarsh which I represent has Gulf St Vincent as its western boundary and there are many jetties along that coastline. I see many people go down there to go fishing with their children and enjoy this recreational sport. In fact, I have participated in recreational fishing many times over the years, especially growing up in my electorate, which has one of the most pristine coastlines. Recreational fishing offers great joy to many families, and we would not want to see that spoilt in any way. The government remains committed to shark conservation measures and will continue its involvement under the convention of migratory species. The amendment makes the point that we do not need a knee-jerk reaction to every issue that has an environmental tag attached. It is far better to address the real issues and treat them seriously than to win a few points without thinking an issue through.

In Parliament House we recently saw the film *The End of the Line*. It was characterised as the first major documentary about overfishing and the depletion of world fish stocks. Many members on both sides saw this very interesting film in Parliament House a couple of weeks ago. As I understand it, it retains some power and some very interesting statements from people working in the fishing industry as well as fish conservation experts, fishermen, scientists, et cetera. The website states quite boldly, 'Scientists predict that if we continue fishing as we now are, we will see the end of most seafood by 2048.' That is not too far away. It goes on to talk about the need for controlled fishing by reducing the number of fishing boats across the world. It also talks about protecting large areas of the ocean through a network of marine reserves off-limits to fishing and through educating consumers—that is us, the people who eat the seafood. We have a choice to purchase fish from independently certified sustainable fisheries. We have all heard about the big trawlers that go out there and basically clear up everything on the ocean bed, taking with them every single kind of sea life that is available.

When I see and hear statements such as these, when I hear these quotes, especially the first quote, I know that, irrespective of any science, some people will disbelieve anything said in the interests of the status quo. We continue to see those vested interests and the prospect of comparative disadvantage driving action. It is a pity that we factor in automatic disbelief in any debate, because these are serious issues. In this case, what does the science actually say in relation...
to fish stocks in our ocean? As I said earlier, scientist predict that, if we continue fishing as we are now, we will see the end of most seafood by 2048.

Today I can only touch on the subject and give one answer in part. In mid-2009, a report was released on the impact of overfishing and the effectiveness of current restoration efforts in the Western world. It was prepared by 19 co-authors from around the world, including from the University of Washington in the USA and Dr Beth Fulton from our own CSIRO. ‘Troubling trend of increasing stock collapse across all regions’ is not an encouraging title and not an encouraging start. But in the paper prepared for publication in *Science*, 31 July 2009, the author states:

In 5 of 10 well-studied ecosystems, the average exploitation rate has recently declined and is now at or below the rate predicted to achieve maximum sustainable yield for seven systems. Yet 63% of assessed fish stocks worldwide still require rebuilding, and even lower exploitation rates are needed to reverse the collapse of vulnerable species.

Efforts here and around the world are making a very positive impact. Overfishing clearly was leading us as a global community towards the brink of radical ecological upheaval—the permanent interruption of the known marine ecosystems and the food chain that keeps species of fish in balance. The effects on jobs in our own fishing industries and the balance of species within our oceans would have been radical. We may have turned the corner. The global community is aware and it has argued that it is responding, to an extent. We here in Australia are highly affected by our marine environment—its weather, its resources, its beauty and its perils. Work around this country in harvesting the sea responsibly and sustainably is very much a feature of our economy, our lifestyles and our legacy to future generations.

The people and businesses in my electorate of Hindmarsh in South Australia understand that balance between everyday life and the environment. As I said earlier, the western boundary of my electorate is Gulf St Vincent, with its pristine beaches, its golden sands and its lovely jetties. The area is home to industry, tourism, major retail outlets and even Adelaide airport, but they are not damaging the local environment. All forms of government, local, state and federal are committed to ensuring—

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

**MINISTERIAL ARRANGEMENTS**

Mr Rudd (Griffith—Prime Minister) (2.00 pm)—I inform the House that the Minister for Competition Policy and Consumer Affairs, and Small Business, Independent Contractors and the Service Economy will regretfully be absent from question time today as he is delivering the keynote address at the Choice National Consumer Congress in Sydney as part of World Consumer Rights Day. He will be sadly missed. The Minister for Human Services, and Financial Services, Superannuation and Corporate Law will answer questions on his behalf.

**WORLD CUP**

Kookaburras

Mr Rudd (Griffith—Prime Minister) (2.00 pm)—Mr Speaker, on indulgence, we have had a great win by the Australian men’s hockey team, the Kookaburras. The Kookaburras won the World Cup in New Delhi on Saturday. Australia beat Germany two to one in the final—remember that Germany beat
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Australia in the previous World Cup finals in both 2006 and 2002. Australia led one to nil at half-time, with a goal from Edward Ockendon, Germany scored an equaliser before Luke Doerner scored from a penalty corner with nine minutes remaining, and the Netherlands beat England to claim the bronze in the other final.

A legend of Australian hockey, as player and coach, Ric Charlesworth captained the Kookaburras and represented Australia at five Olympics. He coached the Australian women’s Hockeyroos from 1993 to 2000, helping them win the World Cup and gold medals at the Atlanta and Sydney Olympics. A talented all-round sportsman, Ric also played first-class cricket for Western Australia. Ric served also as the federal ALP member for Perth from 1983 to 1993. Well done the Kookaburras.

Mr Abbott (Warringah—Leader of the Opposition) (2.02 pm)—I join with the Prime Minister in congratulating the successful hockey team, and I also join him in congratulating former member of this place Ric Charlesworth.

QUESTIONS WITHOUT NOTICE
Paid Parental Leave

Mr Abbott (2.02 pm)—My question is to the Prime Minister. Given the acknowledged need for a paid parental leave scheme in Australia, how can the Prime Minister accuse the opposition of obstructing the introduction of a scheme when he is yet even to introduce legislation to give it effect a full 10 months after he announced that he would act in May last year? Will the Prime Minister commit to introducing this legislation this week or is he just all talk and no action on this issue too?

Mr Rudd—The Leader of the Opposition has no shame. They had 12 years to act on paid parental leave and what do we get? A big fat zero. This government, after two years in office, has made plain its plans for a paid parental leave scheme, one which will become active as of 1 January 2011, if those opposite choose to back it.

The Leader of the Opposition, I think, has been on a road to Damascus on this one. It seems that when our policy came out he was probably in the position of his historical view of paid parental leave, which is not on his dead body. That was his historical principle position but something happened on the road to Damascus and he discovered paid parental leave. The second evolution was that he said, ‘If there’s going to be one, there’ll be no new taxes.’ How long did that position of principle last? Four weeks, and then that one was canned as well. Thirdly, he came out with a position which delivered his paid parental leave scheme which says that certain income earners will get something like $2,800 a week in exchange for average families having to pay increased prices for bread and increased prices for petrol through his great big new tax on everything.

Mr Abbott—Mr Speaker, I rise on a point of order on relevance. Will he introduce the legislation this week?

The Speaker—The Leader of the Opposition will resume his seat. The Prime Minister is responding to the question.

Mr Rudd—The Leader of the Opposition is flipping and flopping between a position of principled opposition, then principled support for paid parental leave and principled opposition to any taxes on businesses that support parental leave, and then suddenly we discover those principles have gone out the back door. That one took only four weeks, Tony. Then on top of that we have his position last week. Initially, he was totally opposed to the government’s position, but then after the blowtorch was applied over the course of the weekend they may now support it. We look forward to the opposition’s sup-
port for what will be the first paid parental leave scheme in Australia’s history and one which we have implemented in two years in office after they had 12 years to act. I look forward to their support.

Hospitals

Mr TREVOR (2.05 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on the urgent need for more doctors in Australia’s health system and the government’s plan to deliver better health and better hospitals.

Mr RUDD—I thank the member for Flynn for his question. The Australian government is committed to a strong economy protecting working families’ jobs—hundreds of thousands of them—and keeping this economy out of recession, unlike those other economies around the world which went into recession through the global financial crisis. This Australian government is also committed to delivering on basics for working families in education, in health and in hospitals. That is why the Australian government has put forward a new National Health and Hospitals Network, funded nationally, run locally and, for the first time in the history of Australia, with the Australian government taking the dominant funding role for the future of the public hospital system. It is for these reasons that, in the last three days, I have been in Sydney, Brisbane and Melbourne talking to the Premiers of New South Wales, Victoria and Queensland trying to forge a national agreement with the government’s plan, and that is why I will be heading to Western Australia before long as well—because those opposite had 12 years to act on the needs of our national health and hospital system and failed to do so.

For working families there is nothing more basic than having enough doctors, enough GPs and enough specialists. That is what the government is delivering through its policy today. Six in 10 Australians live in an area where there are shortages of available doctors. This applied when the now Leader of the Opposition, then Minister for Health and Ageing, occupied that position for four to five years. When we travel to regional Australia we hear time and time again right across the nation about the shortage of doctors, the shortage of GPs. I was told that doctors in rural Australia are caring for 137 more patients a year than their city counterparts. In some of our capital cities we have had comments emailed to the yourHealth website to say that a particular patient has had to wait for more than a week to get access to a GP—and that was from a patient in one of our capital cities. This is simply not good enough and the time for action has well and truly come. The government will be delivering more than 6,000 new GPs and medical specialists to deliver better health services and better hospitals for working families.

Mr Dutton—When?

Mr RUDD—They interject with ‘When?’

For 12 years they had time to act on this—the government’s plan begins now. There is a serious shortage of doctors in Australia. According to the Department of Health and Ageing, to maintain current levels of GP and primary care services it is estimated that an additional 3,000 GPs will be needed over the course of the next decade. Furthermore, the Australian Medical Workforce Advisory Committee and the medical colleges indicate that there will be a shortage of around 1,280 specialists over the next decade as well. This sort of advice is not new. Honourable members may be interested to know what the Leader of the Opposition was advised of when he was minister for health in 2005. The Australian Medical Workforce Advisory Committee’s report ‘The general practice workforce in Australia: supply and requirements to 2013’ stated there will be:
... an annual requirement of between approximately 1,100 and 1,200 workforce entrants between 2007 and 2013. The current estimated entrants are in the range of 700 per year...

The House will be interested to know that was the advice that the Leader of the Opposition as minister for health received in the year 2005, but instead of responding to these warnings what did the Leader of the Opposition do? He froze GP training places at 600. The Labor government, in its two years in office, has acted already in these areas. We increased the number of GP training places in 2009 by 12 per cent. We have provided 600 more scholarships for doctors since 2007. We have also funded 1,134 new training places for nurses and from 2009 universities have offered an additional 1,094 undergraduate nursing places.

I say to the Leader of the Opposition, as he squirms in his seat over his appalling record on health and as a leader of the opposition who as minister for health has a very poor record to defend and, more importantly, has no plans for the future: what this government has done is to deliver $632 million to train an additional 6,000-plus doctors and specialists. This will double the number of GP training places to 1,200 a year. We will more than double the number of specialist training places to 850 places a year. This will deliver an additional 5½ thousand new or training general practitioners, 680 specialists and, through other reforms we have introduced, 5,400 prevocational places for training our next generation of doctors.

These are fundamental and big reforms for the future. I say to the Leader of the Opposition: on GP training places alone, we will be investing $339 million to increase GP training places to 1,200 students per year, starting with 900 per year from next year. We will be doubling the number of GP training places we inherited from when Tony Abbott was minister for health. This is a fundamental and basic change for the future.

The SPEAKER—The Prime Minister will refer to members by their parliamentary title.

Mr RUDD—We are doing the same with specialist training places. I say to the Leader of the Opposition, who had four to five years to act on workforce shortages as minister for health, four to five years to act on GP shortages, four to five years to act on the shortages of specialists when he did effectively nothing other than to freeze the number of GP training places: this government is committed to delivering fundamental reforms to the health and hospital system for Australia, a national health and hospital network funded nationally, run locally and for the first time the Australian government is taking the dominant funding role for the future of Australia’s public hospital system.

Home Insulation Program

Mr ABBOTT (2.12 pm)—This question is to the Prime Minister. I refer the Prime Minister to confirmation from his department late on Friday that it had provided four briefings to him between August last year and March this year concerning the Home Insulation Program. Why did the Prime Minister fail to disclose these personal briefings in his answers to parliament last week?

Mr RUDD—I say to the Leader of the Opposition that I as Prime Minister accept full responsibility for problems which have arisen in the implementation of the Home Insulation Program. The Leader of the Opposition will be aware of what I referred to in the House last week about the briefings to the cabinet by the Coordinator-General, the correspondence between me and the Minister for Health and Ageing, and the Department of the Prime Minister and Cabinet throughout that period was also engaged with other departments in the development and refine-
ment of the Home Insulation Program. I as Prime Minister accept full responsibility for problems which have arisen. The reason Minister Combet has been appointed as the Minister Assisting the Minister for Climate Change and Energy Efficiency is to deal with problems in the system and we intend to get on with it.

Medical Workforce

Ms SAFFIN (2.13 pm)—My question is to the Minister for Health and Ageing. Minister, what are the government’s plans to boost the health workforce and tackle the doctor shortage, and how does this differ from past approaches?

Ms ROXON—I thank the member for Page for this question, because she has actually been campaigning for a very long time on health issues in her electorate, and I know that since the plan was announced 10 days ago she has been on radio and meeting with her doctors and nurses and at her local hospital, where there has been a keen interest in how this package will deliver benefits for regional communities, including regional hospitals. But, to add to those benefits, today the announcement that the Prime Minister has already mentioned is delivering significant changes through our health workforce into the future: more GP training places for all those communities across the country who cannot provide access to a GP for ordinary working families who just want to get some assistance and are forced to turn up at emergency departments across the country because they cannot access their GP. This is going to help ease that problem by doubling the number of GP training places. But, importantly, in rural and regional Australia—where it is actually those very same GPs who are working in our country hospitals—it will provide assistance to have more of those people available to service those very rural and regional hospitals.

Importantly, we are also doubling the number of places the Commonwealth supports for medical specialists, and we have unapologetically said that those places will go where there are shortages in a particular specialty, like obstetrics and gynaecology, pathology or general surgery, and where there are shortages in particular regions. We have had very supportive comments from the colleges to indicate that they are very keen to work with us on these sorts of initiatives. We are also increasing the number of training places for junior doctors to make sure that they are getting experience not just in hospital clinical settings but also in general practice.

This could not be a stronger contrast to the past. Of course the Leader of the Opposition was the health minister for many years. He did not tackle these problems; in fact he kept a cap on GP training places.

Opposition members interjecting—

Ms ROXON—But there is something that was similar. I do not think this is what they are interjecting about, but I did realise there was a similarity in the number. The 6,000 number is something that is common, and the choice is: would you like 6,000 doctors or 6,000 golf balls? That is the choice between our side of the House and yours. Our answer is: actually tackle the shortage of doctors; do not just print some paraphernalia that does not help solve the problem. This package is us providing funding to support more than 6,000 GPs and specialists and more than another 5,000 places in training for doctor places.

The Leader of the Opposition can say this is trivialising it, but what it highlights is the stark contrast between us and them. When presented with the very same problem, our answer is to do something about it; their answer is to pretend that this can be solved on the golf course. That is not how it can be
solved, and we are taking real action to make a real difference. It is already underway. A hundred and seventy-five extra doctors are working in communities across the country because we have already invested. We have announced today that we are investing even more, and we will compare our record with theirs any day he chooses.

**Home Insulation Program**

Mr HUNT (2.17 pm)—My question is to the Prime Minister. Will the Prime Minister release the letters provided to him on 14 August, 27 August, 28 October and 30 October last year from the Minister for the Environment, Heritage and the Arts relating to safety issues under the Home Insulation Program?

Mr RUDD—I thank the honourable member for Flinders for his question. It reminds me of a similar question last week. My response is the same, in terms of both cabinet documents and cabinet related correspondence. If the shadow minister wishes to initiate the normal processes through freedom of information, I am sure these things will be processed in the normal manner, but I simply respond to him in the same terms as I did last week.

**Medicare**

Ms VAMVAKINOU (2.18 pm)—My question is to the Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law. What action is the government taking to try and ensure the integrity of Australia’s Medicare payments, and what obstacles are there to the Australian government’s commitment to maintaining the integrity of Medicare and health spending?

Mr BOWEN—I thank the member for her question. Expenditure on Medicare in Australia was over $14 billion in 2008-09. Given the size of this expenditure, it is important that every responsible government take steps to ensure the integrity of the Medicare payment system and ensure that taxpayers’ funds are spent appropriately through a tough and thorough compliance program. But the current compliance program is voluntary, so, if Medicare Australia gets in contact with a medical practitioner, that practitioner can choose not to cooperate with the audit or not to substantiate their claim. At present, most medical practitioners do cooperate, but on average around 20 per cent of medical practitioners simply refuse to cooperate with a Medicare audit and do not supply the documents requested by Medicare.

The government does not believe this approach is acceptable, so accordingly we have introduced a bill to fix this problem and to make it compulsory for medical practitioners to cooperate with a Medicare audit. The government has worked closely with stakeholders, including the Australian Medical Association, the Privacy Commissioner and the Consumers Health Forum, to balance privacy concerns with the public interest and to ensure that the integrity of the public revenue is protected while protecting privacy.

You would have presumed—and the government presumed—that a measure to improve the integrity of Australia’s Medicare payments would have been welcomed and supported by those opposite, and you would assume correctly: it was supported by those opposite. The opposition did have some sensible amendments to suggest, and these were negotiated through in good faith by the opposition and the government and supported by the government. But a funny thing happened on the way to the Senate: the Liberal Party changed leaders. Now we have a situation where the opposition, through the member for Dickson, are saying they will continue to block this measure unless their amendments are accepted—amendments which have absolutely nothing to do with the bill; amendments about a completely differ-
ent measure that the member for Dickson has moved in this House and that the opposition have moved in the other place.

But there is one little problem with the opposition’s approach: it is called the Australian Constitution. The Speaker informed the House when the Senate amendments were discussed in the House that legal advice shows that these amendments would be a breach of the Constitution. But the Leader of the Opposition is not the sort of bloke to let a little thing like the Constitution get in his way when it comes to blocking important government legislation.

It is a familiar story: the government and the opposition sit down and negotiate a public policy issue in good faith, the opposition suggests amendments, the government accepts them and we strike a deal. It sounds familiar, doesn’t it? Whether it is climate change or the integrity of Medicare, the opposition is prepared to rip up agreements and to put politics before good public policy. We know it was politics first when it came to climate change. I understand tonight there is a program on the ABC—we cannot have advertising for the ABC—where the member for Wentworth talks about the opposition’s change of heart when it comes to climate change. He says:

I think it was entirely political in Tony’s case.

What a ripsnorter of a program that is going to be tonight.

I do accept that the Leader of the Opposition is a conviction politician. But his only conviction is winning the next election: doing or saying whatever it takes to win the next election. He parades as opposing out of principle but his only principle is opposition. That is what we get from this Leader of the Opposition. When in doubt: block. Actually, when you are not in doubt: block; when you are supportive: block—do whatever it takes. He has become the Geoffrey Boycott of Australian politics: the great blocker—not good for much except blocking.

He has gone from being the man who gouged a billion dollars out of the Australian health system to the man who is prepared to let fraud and non-compliance continue for his own political purposes; the man who is prepared to block a sensible bill, supported by the Australian Medical Association and supported by privacy advocates, for his own purposes. We know what damage he did to the Australian health system when he was minister for health. We know he gouged a billion dollars out of the health system: $172 million in 2004-05, $264 million in 2005-06 and $372 million in 2006-07—all when the member for Warringah was the minister for health. He denies it now. We know what damage he did when he was minister for health and he seems determined to keep it up as Leader of the Opposition: the great weatherervane, the great blocker—no policy alternatives, just his own political ends.

Home Insulation Program

Mr HUNT (2.24 pm)—My question is to the Prime Minister. I refer the Prime Minister to his previous answer about cabinet documents and cabinet related correspondence. Will the Prime Minister, given his answer, now withdraw his statement of 23 February that in relation to the cabinet process:

… no safety concerns were raised.

Mr RUDD—In my answer to the honourable member’s question—or maybe it was the Leader of the Opposition’s question—last week I referred to a series of letters to me from the then minister responsible, Minister Garrett, a number of which related to training matters and therefore by extension to safety matters as well.

Opposition members interjecting—

Mr RUDD—It is exactly what I said to the member for Flinders last week. As I also
said last week, this correspondence between the minister and me constituted cabinet related correspondence. If the member for Flinders wishes to have access to it, launch an FOI request and it will be tested by the normal independent decision maker under the FOI processes.

Mr Hunt—Mr Speaker I seek leave to table the statement from the Prime Minister on the 23rd of last month in which he said:

…no safety concerns were raised.

Leave not granted.

Hospitals

Mr SYMON (2.25 pm)—My question is to the Treasurer. Why are health and hospital reform so critical for the budget and what are the consequences of continued opposition to the government’s saving measures?

Mr SWAN—I thank the member for Deakin for his very important question because this side of the House is focused on providing and putting forward sustainable health reform to make sure that the health system does not buckle under its own weight. Indeed, there is plenty of evidence from the 12 years of those opposite that that is precisely what was happening as the Leader of the Opposition ripped over a billion dollars out of our hospital system.

We are determined to tackle this key intergenerational challenge. The challenge has been outlined before in two intergenerational reports, which were ignored by those opposite. But we on this side of the House take our responsibilities seriously. We understand there does need to be fundamental reform of our health and hospital system, in particular the funding of our health and hospital system. We need to ensure that the money is spent in the right place and in the right way. That is why the Prime Minister and the health minister have put forward this reform program.

But of course we must put the finances of this program on a sustainable footing. That is why the government have been very busy over the past couple of budgets, making sure that we made the savings that were necessary so that we can fund future investments. There was $55 billion worth of savings over two budgets and savings that have also been made in the area of health. We understand how important it is to run a strict fiscal policy, particularly when we are faced with the ageing of our population and the consequences of that for future budgets. But of course many of these savings have been opposed by those opposite. They have opposed the means testing of the private health insurance rebate at a cost to the budget bottom line of $2 billion. That, more than anything else, shows how irresponsible and reckless those opposite are when it comes to this essential task of funding health and hospital reform.

It is not just their opposition in the Senate to the means testing of the private health insurance rebate. As the minister previously said, there are at least half a dozen bills being blocked in the Senate with consequences for the fiscal stability of this country. Those opposite are turning out to be fiscal wreckers, and it is not just the opposition to the means testing of the private health insurance rebate. It is also their opposition to the attempts by the government to crack down on rorts in the chronic disease dental scheme, and that has been at a very significant cost to the budget.

This was a scheme announced by those opposite in 2007, and it was supposed to cost $377 million over four years. Of course, it has cost far more than that: it is going to cost something like $800 million over the last two years alone. We have repeatedly tried in the Senate to push this legislation through to stop the rorts at public expense which are going to the bottom line of our budget. They
come into this House and pretend to be fiscally responsible, then go up into the Senate and behave as fiscal vandals. We cannot fund a sustainable health system with that attitude. They are incapable of doing the right thing by the families of Australia and they are incapable of putting in place a fiscal strategy which is responsible and which delivers for Australian families, particularly in terms of their health care. They are blowing a hole in the budget to the tune of $11 billion over the forward estimates and they pretend to be fiscally responsible. What they have proven is that they are financial wreckers incapable of managing the finances of this country.

Home Insulation Program

Mr ABBOTT (2.30 pm)—My question is to the Prime Minister. It follows his previous answer telling the opposition to seek information through FOI. I remind the Prime Minister that late on Friday afternoon his department released extracts of stimulus plan progress reports provided to Minister Arbib during the second half of last year in his role as Minister Assisting the Prime Minister for Government Service Delivery. Can the Prime Minister explain why details of the home insulation scheme appeared more than 30 pages into the first four of these monthly reports but appeared on page 1 of the reports in November and December last year? Can the Prime Minister also explain why the report extracts released on Friday for November and December have been blacked out by his department to prevent their content from being disclosed? I ask the Prime Minister: what is he and what is his government trying to hide?

Mr RUDD—I thank the Leader of the Opposition for his question. I notice the questions on the paid parental leave revolution seem to have died on Tuesday of last week and after one question in question time today. The Leader of the Opposition asks me about the pagination of a report. I cannot comment on the pagination of a report. I cannot present on the order in which it is presented. What I can comment on is that, as Prime Minister of the country, I accept full responsibility for the problems which have arisen in the implementation of the Home Insulation Program, and the government intends to get on with the business of dealing with these problems in a practical way.

Hospitals

Mr PERRETT (2.32 pm)—My question is to the Minister for Health and Ageing. What are the obstacles being presented to the government’s health reform legislative agenda and to the government’s plan to reform dental services?

Ms ROXON—I thank the member for Moreton for the question about health reform. He has had a small taste of investments in health reform in his electorate already with the announcement of the Brisbane Southside GP superclinic. The University of Queensland is involved in that very important service which will be delivered to those communities in Moreton and the surrounds. The Commonwealth has released its historic national health reform plan, which is going to establish the National Health and Hospitals Network, which is funded nationally and run locally. Of course, our plan builds on two years of reform work already undertaken. The Rudd government is very proud of that work, which is already delivering benefits in hospitals, to the workforce, in preventative care in primary care and in dental health as we speak.

Unfortunately, though, not all of our plans have been implemented, as a number of them have been met with obstruction and game playing by the Liberal Party in the Senate. I would like to go through a short list of shame for the Liberal Party and their approach in the Senate. Early in our term they delayed
closing the alcopops loophole for more than 12 months at the bidding of the distilling industry. They tried to block changes to the Medicare levy surcharge which were designed to provide relief to low-income earners. They backed the ophthalmologists when the government tried to adjust rebates for simple procedures. They rejected our sensible reforms to the private health insurance rebate—which, as the Treasurer has already mentioned, is costing the budget $2 billion over the forward estimates. And they are stalling the preventative health agency bill.

Just last week we heard some worrying further reports of the rorting of the chronic disease dental scheme by some dentists and some GPs. Since this scheme began in November 2007 we know of a doctor who has referred approximately 13,000 services and one dentist who has received approximately $4 million in benefits This scheme was originally projected, as the Treasurer has mentioned, to cost $377 million over four years; instead, it is actually costing close to that per year and over $800 million in the last two years alone. The government have attempted to close this flawed scheme twice, but the Liberal Party has blocked both of our attempts. Our proposed alternative scheme would provide around a million dental services and treatments to needy Australians if the Liberals would stop blocking our attempts to implement it.

Again this week in the Senate the coalition gets the chance to pass a landmark nursing and midwifery package. This will provide for the first time Medicare rebates and prescribing rights under the PBS for our hard-working midwives and highly skilled nurse practitioners. We know that the Leader of the Opposition and the shadow health minister are anti-nurse. They have not agreed to pass this legislation. They have been delaying it at every turn, and if they did support nurses, they would have supported the passage of this important piece of legislation through the Senate by now. I highlight not only that this landmark reform is being delayed and mucked around by those opposite but also that, while on 1 July we would for the first time ever have been introducing a Commonwealth funded insurance package for midwives, that cannot happen if this legislation is not passed this week. It will be the Liberal Party who are being anti-nurse and anti-midwife by blocking that legislation. We need it to pass this week. It is the opportunity to show that you are not anti-nurse. We call on the Liberal Party to support this legislation, allow the insurance product for midwives to be passed and stop blocking these important reforms for thousands of nurses and midwives across the country.

Hospitals

Mr KATTER (2.36 pm)—My question is to the Minister for Health and Ageing. Is the minister aware of the Rohan McClymont case last week, where the emergency patient waited with a leg broken in two places for nearly a day before a Flying Doctor or aerial ambulance CasEvac could be provided, or a similar case two years before involving suspected serious head and back injuries of Livia Katter that entailed a 16-hour wait? These cases were at Hughenden and Richmond with closed down operating theatres, leaving a population of over 3½ thousand nearly 300 kilometres from their nearest medical facility.

In light of this and the internal Queensland Health papers indicating the economy and ‘outcomes efficacy’ of closing over 100 Queensland country hospitals—proposals already mooted at Babinda, Atherton and Mareeba—and the downgrading of a dozen other hospitals to, at best, medical aid posts, could the minister assure those outside metropolitan Queensland that the federal government’s health plan will not involve any
Ms ROXON—I thank the member for Kennedy for this question because it is a very real issue for regional communities, who can rest assured that there is not a single thing in our plan which will require the closure of any hospital across the country. In fact, quite to the contrary, what this plan will do is see the Commonwealth step up to shoulder the major burden of responsibility for funding hospital services. When you look not only at the extra funding of hospital services but also the autonomy that we are seeking to give to local communities to be able to make decisions which are closer to home—whether it is in Mt Isa or Cloncurry or in the examples that the member for Kennedy used—so that services can be planned within very vast but often not very populated regions, it will make sure that health services can be delivered to communities when and where they need them.

Add this part of the package that was announced 10 days ago to the very important package which was announced today, which is particularly targeting the shortage of both GPs and medical specialists in rural and regional Australia, and add on top of that the rural health incentives that were in last year’s budget and come online on 1 July, and you can see that there is a lot of good news for regional Australia. I understand that it is a lot of good news that has been long time coming. It will take a lot of effort and energy from people on this side of House, and from our doctors, nurses and local administrators across the country, to make sure that these incentives are taken advantage of and that we are able to plan decent services in communities like the examples that have been raised by the member for Kennedy.

I am very proud of how this package actually secures funding for the first time in a long time, with the Commonwealth shoudering the vast burden of responsibility for that. We are prepared to step into that gap. We are prepared to make sure that regional Queensland, regional New South Wales, regional Western Australia, regional South Australia and all of the regional communities across the country actually get the services that they deserve. It is important to make sure that they can get services outside hospital and it is important to make sure they can access services in a hospital when they are needed. This plan makes that possible and sustainable into the future.

Building the Education Revolution Program

Mr RAGUSE (2.40 pm)—My question is to the Minister for Education, the Minister for Employment and Workplace Relations, and the Minister for Social Inclusion. Will the Deputy Prime Minister inform the House of progress in Building the Education Revolution and the reaction to its implementation, including possible threats to schools completing their projects?

Ms GILLARD—I thank the member for Forde for his question. I know he is a great supporter of his local schools and a great supporter of the difference that the more than $16 billion in the Building the Education Revolution Program is making to schools in his community and around the country. This scheme is good for jobs, as the Treasurer indicated when he released the national accounts earlier this month and noted:

The infrastructure stimulus in … schools helped to offset continued weakness in non-residential buildings.

As well as being good for jobs, this program is good for schools. Let us listen to the voices of school communities themselves. For example, Peter and Susan Patchin from
Holland Park, in the electorate of Bonner, wrote to me on 16 February saying:

We were overwhelmed by the wonderful new facilities. They are already making a huge difference to the daily life of both the students and the community.

That is a typical reaction to this school modernisation program. Or there is the reaction of Mr Jeffs, who is the Principal of the Korumburra Primary School in the electorate of McMillan. He said on 2 March:

Everyone is really excited about our new facilities. One of the most exciting projects has been the quadrangle roofing that has created an all-weather physical activity area. It’s been sensational. On hot days kids can play under it and normally on a hot day there would be no kids playing in the quadrangle because it’s just too hot.

Again, that is another typical example of the reaction of school communities to the Building the Education Revolution Program. I am asked about reactions to this BER program and risks to its further implementation. Of course, the main risk to its implementation is the quandary the opposition finds itself in on the question of whether or not the program should be continued.

On some days, opposition members come into this House and demand an end to the school stimulus spending because they make airy-fairy references as to how cutting this spending would enable them to fund their reckless promises. Then on other days, members of the opposition are running around their electorates wanting to be as associated with this school expenditure as much as they possibly can be.

But this hypocrisy has reached new heights—heights we have never seen before. There is the Leader of the Opposition who has described this expenditure as low-grade spending. When challenged on his lack of costings and lack of funding for his promises, with a wave of his hand he says, ‘Oh, we could cut some of the stimulus money and somehow that would fix it all’. That is what the Leader of the Opposition says. The shadow Treasurer has said this:

For example, in schools all around Australia construction hasn’t even started yet on replacement school halls. Now it’s time to look again at the massive stimulus spending.

And the shadow Minister for Finance, in his even more forthright way, says:

I’d like really to go through this and try and start trimming back some of that $21 billion they’re about to spend.

Clearly leaders of the opposition, people at the leadership level—the leader himself, the shadow Treasurer, the shadow finance minister—have indicated they believe that this program is ripe for cutback, that if they came to government they would be prepared to rip money out, to leave half-constructed school facilities decaying, open to the wind and the rain.

Interestingly, now the shadow minister for education has said the complete reverse. He has written to the Australian Primary Principals Association’s March newsletter and said this, and mark these words:

A Coalition Government will not stop phase three of the BER, but we will be rigorously examining every dollar spent to ensure schools receive value for money.

There we have it: hypocrisy laid absolutely bare by the shadow minister for education, who is trying to pretend to primary principals that the opposition supports this expenditure at the same time that the leader, the shadow Treasurer and the shadow minister for finance threaten this expenditure.

I say to the shadow minister for education: if his leader gets his way and cuts this expenditure back, what is he going to say to St Joseph’s, St Paul’s and St Francis in his electorate? Will they get their school projects? What will he say to Athelstone primary or Trinity Gardens? To the Leader of the Oppo-
tion, the man with the least credibility on economics ever to lead the Liberal Party, I say: how is it that he and his finance and economics team can point to hacking money out of schools as a savings measure when, at the same time, his shadow minister for education verifies to primary principals that every dollar will be spent? You cannot have it both ways, and there is the economic credibility of the opposition in tatters yet again.

**Home Insulation Program**

**Ms MARINO** (2.46 pm)—My question is to the Prime Minister. Can the Prime Minister guarantee that all installations under his home insulation scheme have been compliant with the National Code of Practice for the Safe Use of Synthetic Mineral Fibres? Can the Prime Minister also guarantee that under his home insulation scheme no householder or installer is at risk from imported insulation that may contain or have been treated with cancer-causing agents?

**Mr RUDD**—I thank the honourable member for her question. On the question of the standards of the materials used within the Home Insulation Program, I refer the honourable member to earlier statements by Minister Garrett, Minister Combet and me concerning the building standards which were incorporated into the program. Secondly, in terms of the individual circumstances concerning individual houses, I say to the honourable member that the inspection program for foil has been detailed by the minister responsible for energy efficiency. The inspection program for non-foil insulation also has been outlined by him. We will be dealing with each practical problem as it arises for the households concerned.

**Pensions and Benefits**

**Mr CRAIG THOMSON** (2.48 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. What impact will increased grocery prices have on Australia’s pensioners? What assistance has the government provided and are there any threats to this support?

**Ms MACKLIN**—I thank the member for Dobell for his question and particularly for the hard work that he does on behalf of the more than 25,000 pensioners in his electorate. This government does understand that pensioners do it tough. That is why we have delivered for pensioners. We delivered a pension increase in last year’s budget, and that was worth more than $70 a fortnight for singles on the maximum rate. From this Saturday, of course, pensions will rise again. Regular indexation will increase the maximum single rate by $29.20 a fortnight, and the maximum rate for couples combined will increase by $44 a fortnight. If you add together the budget increase for pensioners and indexation, single pensioners on the maximum rate are up to $100 a fortnight better off than they were in August last year. That, I have to say, is on top of the increase to the utilities allowance of almost $400 which we also delivered. So we certainly have delivered for pensioners and we will continue to do so.

One of the things we know is that pensioners certainly do feel any increase in the cost of living, whether it is to essentials like food, petrol or utility bills. That is one of the reasons that we introduced a special measure for pensioners last year to make sure that the value of the pension really kept up with the cost of living of pensioners. What pensioners cannot afford is a brand-new tax delivered by the Leader of the Opposition that would push up prices. But, of course, we know that is exactly what this Leader of the Opposition has in mind for them: a big new tax on the very companies that sell food to pensioners. The opposition wants to put a tax on supermarkets like Coles and Woolworths, two of
the companies being targeted by this Leader of the Opposition’s great big new tax. As the chamber of commerce said last week:

The impact of a new tax or levy imposed upon business cannot be quarantined and these changes end up having an impact on overall prices …

That is crystal clear to every single pensioner in the country. One thing is for certain about this Leader of the Opposition: he has a giant new tax that is going to apply to supermarkets, and that will mean increased prices for pensioners.

Building the Education Revolution Program

Ms LEY (2.52 pm)—My question is to the Minister for Education. I refer the minister to the case of the Pleasant Hills Public School in my electorate of Farrer, where $93,537 is being spent on design, management and contingency out of a total project cost of $249,437—in other words, 37.4 per cent—under your Primary Schools for the 21st Century program. Does the minister believe that this represents value for money?

Ms GILLARD—I did not realise that a removal from the shadow ministry for education was so quickly on the cards for the member for Sturt. I congratulate the member on her appointment as shadow minister for education. Very well done. Presumably she will be moving up and he will be moving down. On the question that has been asked, I will have a look at the example raised by the member for Farrer. As she would be aware, the Building the Education Revolution program is providing resources to more than 9,500 schools around the country, through 24,009 projects. I will check the example she has raised. I have found, generally, when examples are raised by the opposition they are wrong. The member for Sturt proved that as recently as last Thursday when he contended that extra government money was being used at a school when that was not true—

Mrs Bronwyn Bishop—Mr Speaker, I raise a point of order on relevance. The question was why is that 40 per cent management fee being charged in this so-called education revolution?

The SPEAKER—The member for Mackellar will resume her seat. The Deputy Prime Minister has an obligation to answer the question, and she is responding.

Ms GILLARD—I will check the details. As I say, as recently as last Thursday so-called facts raised by the opposition were wrong. What I can say to the member for Farrer is that in the Building the Education Revolution program administrative expenses of block grant authorities are capped at 1.5 per cent, and program works at four per cent, which is a figure built on what happens in private construction. So that is part of how Building the Education Revolution works. I will look at the specific example she has raised, but I make the following point: if we had followed her lead and the lead of the opposition on economic stimulus then not one school would have got one dollar. In her state of New South Wales more than 16,000 people are on construction sites today because of the provision of economic stimulus. More than 2,700 apprentices and trainees are working today on those construction sites because of the provision of economic stimulus and every school in New South Wales is receiving a benefit. I know, because of how she voted, she is opposed to that—opposed to the jobs, opposed to the apprentices, opposed to the trainees and opposed to the new facilities in schools. She is opposed to every part of it. If she follows what her leader says, what the shadow Treasurer says and what the shadow finance minister says, if she should ever be elected to the government benches she would stop that expenditure immediately
and there would be half-wrecked decaying facilities right around the country. But I will check the individual example and get back to the member.

**Economy**

Mr ZAPPIA (2.56 pm)—My question is to the Minister for Finance and Deregulation. Does the government support proposals to finance increased government spending by introducing new distortions in the tax system?

Mr TANNER—I thank the member for Makin for his question. The government does not support new spending being financed by the introduction of distortions into the tax system. The key reason why we have rejected the demand made to us by the opposition to support the great big tax being proposed by the opposition to finance paid parental leave is that the proposal does involve the introduction of major new distortions into Australia’s taxation system. Companies who fall above the $5 million per annum taxable income threshold will inevitably, in many cases, be competing with companies who fall below that threshold, therefore suffering a significant competitive disadvantage. The threshold of $5 million would act as a significant disincentive for companies just below the threshold to grow, to increase employment or, indeed, to merge with other companies. The threshold would distort investment decisions and it is quite unclear what connection there would be between that changed company tax rate and the existing arrangements with respect to dividend imputation and franking credits in the tax system. Perhaps at some point the Leader of the Opposition may wish to explain that particular aspect.

This proposal would also constitute an excellent incentive for phoney restructuring of companies in order to avoid the tax threshold. But, most importantly of all, this proposal would inevitably lead to the increased tax being passed on to consumers, whether it is through major supermarkets like Woolworths and Coles, petrol stations via Shell and BP, or Telstra. Major companies are big providers of essential products to households around the country. Of course, they also provide substantial inputs to small business. So, the increased cost impact for consumers would flow through directly via larger businesses and also indirectly through smaller businesses.

Actually, it is something of a furphy that this proposal applies only to so-called big business. In fact, of the 3½ thousand or so businesses that are above the threshold, I understand that 400 or so actually employ 20 or fewer employees—hardly big business. In fact, when the opposition were in government, under their infamous Work Choices approach, they set the threshold for what they saw as smaller business at 100 employees and they exempted any company that had fewer than 100 employees from unfair dismissal laws. But in this case they defined big business as companies that have as few as 20, or even fewer, employees.

I am delighted that at least one aspect of the confusion that has been generated over the past week on this issue has belatedly been cleared up by the opposition, and that is the indication that they are prepared to pass the government’s paid parental leave scheme in the Senate. That is a positive development, and I look forward to this new-found commitment to responsibility transferring to other proposals that are also before the Senate. For example, the Electoral and Referendum Amendment Bill, which is proposing to introduce greater integrity and accountability into Australia’s electoral system, is before the Senate this week.

In all of this there is an object lesson for the opposition on the dangers of making it up
On the run and making it up as you go along. They did not consult business. They did not consult their own party. The Leader of the Opposition did not consult his shadow cabinet or his economic shadow ministers—the shadow minister for finance or the shadow Treasurer. The end result is a flaky, flabby, sloppy policy. But it does not look like the Leader of the Opposition is about to change. On Friday, he was asked: ‘You’ve broken your promise not to introduce any new taxes; will you promise now not to do it again?’ His response was very interesting. His response was, ‘That’s not my intention.’ He has learned his lesson here. He has worked this one out.

The Leader of the Opposition is very keen on exercise. He is a very physical kind of guy. We see him on our TV sets night after night in the speedos, in the swimming pool or on the quad bike. I have even seen him jogging inside Parliament House from time to time. But there is one part of his body that does not get much exercise, and that is the brain—and it is long overdue that it got a work-out in the interests of the Australian nation.

Building the Education Revolution Program

Mr HARTSUYSKER (3.02 pm)—My question is to the Minister for Education. I refer the minister to the case of Eungai Public School, which was promised like-for-like replacement of two existing demountable classrooms at a cost of $925,000. The old classrooms had new air-conditioning units, interactive whiteboards and all-weather access. The new classrooms are not air-conditioned, do not have new interactive whiteboards and there are no covered walkways. Minister, these buildings could have been constructed at a fraction of the cost and the P&C are concerned that they do not represent value for money. If the minister is not responsible for a scandalous waste and mismanagement of taxpayers’ money like at Eungai, who is?

Ms GILLARD—I thank the member for his question. We understand that there are many candidates for the job of shadow minister for education, and we have just found another one—and he may well be better at it. I say to the member that I am aware that there has been some publicity locally about the school that he refers to. When we look at that kind of comparison, frequently we find when people are talking about construction costs that we are not getting an apples-to-apples comparison. People would be aware that it is common to quote per metre costs to lock-up stage; whereas, of course, the per metre costs for Building the Education Revolution are for the fully fitted out facility—that is, the teacher walks in the door, turns on the lights, the students walk in behind him or her and everything they need to conduct the class is already there in the facility and the fittings are there.

Obviously, if the member wishes me to look at the example, I will. But I say to the member opposite that there is an essential hypocrisy at the centre of this that really needs to have a light shined on it. I hope he says to the P&C at that school: ‘If I’d had my way, you wouldn’t have got one dollar of this expenditure. We wouldn’t be debating what it is that your school is getting because you would not have got one dollar of this expenditure.’ And I hope he says to the workers on that construction site—

Mr Hartsuyker—Mr Speaker, I rise on a point of order. This was about waste and mismanagement of taxpayers’ money.

The SPEAKER—A point of order is not an opportunity for him to debate the matter. The Deputy Prime Minister is responding to the question.
Ms GILLARD—I will give him points for loyalty to his leader, because his leader is on the record describing expenditure on schools generally as ‘low-grade expenditure’. Clearly, there is a view throughout the opposition that, if you spend a dollar on schools, it is a dollar ill spent. Heaven knows, that was their track record in government. That is why as a government we have come in and almost doubled the amount of expenditure on Australia’s schools. We have done that because we think they are a great place to put new resources. We think they are a great place to put new facilities. We think they are a great place to encourage better teaching, literacy and numeracy. We think it is a good thing to give more money to disadvantaged schools.

We know those beliefs are not shared by those opposite, but can I say to the member for Cowper that I hope he has the guts and the honesty to go to the P&C at that school and say, ‘I didn’t support a dollar being spent on this school.’ I hope he has the guts to go to the workers who work on that construction site and look them in the eye and say, ‘I didn’t support you having a job during the global recession.’ I hope he has the guts to go to any apprentices employed on that site, ‘I didn’t support you having a job and getting training during the global recession.’ That is the position of his political party.

Let us remember that, despite the mealy-mouthed assurances of the shadow minister for education, which are contradicted every day by his leader, the shadow Treasurer and the shadow finance minister, each and every one of those opposite is on the record in this place, on Hansard, name by name, seat by seat, as having voted against this expenditure on schools, and every member of their electorate is going to know it by polling day.

Climate Change

Mr KERR (3.07 pm)—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change and Energy Efficiency. Will the minister update the House on climate change science and why taking action on climate change is in the national interest?

Mr COMBET—I thank the member for Denison for his question. Today, the CSIRO and the Bureau of Meteorology have released the State of the Climate report on the science that underpins climate change. It is the latest in a long list of credible, peer reviewed scientific reports into the science of climate change. The report shows that Australia has warmed significantly over the last 50 years and, in fact, that some areas have experienced a warming of 1.5 to two degrees Celsius over that period. The report notes that the evidence indicates a mean increase across the country over 50 years of 0.7 degrees Celsius. The report also examines the evidence of human influence and finds that it has been detected in the results concerning ocean warming, sea level rise, continental average temperatures, temperature extremes and wind patterns. This is the CSIRO and the Bureau of Meteorology.

The report also finds that about half of the observed reduction in winter rainfall in south-west Western Australia can be explained by higher carbon pollution levels. It confirms that climate change is real and that we do need to reduce our contribution to it and to adapt to its impact. It shows that climate change is already beginning to impact Australians and will affect us significantly in coming years. Megan Clark, the CSIRO chief executive, had this to say:

Climate change is real. Our records show there is no disputing that, and the next step is to meet this challenge through mitigation and adaptation.
As I have indicated on previous occasions, in answer to questions in the House, no government that is responsible can ignore the evidence before it, ignore the facts. It must be recognised that action on climate change is needed and that we need to take it now. We need to reduce carbon emissions and we need to act as part of an international effort in that regard.

All of the evidence, including this from the CSIRO and the Bureau of Meteorology, is in stark contrast to the utterances of the Leader of the Opposition on this issue. He, notoriously, has contributed that the evidence about climate change is ‘absolute crap’ but that some kind of fig leaf is needed because the politics of the issue are difficult for the opposition. The Leader of the Opposition does not accept the climate science and is more worried about the politics. We know, and the community knows, that that side of politics remains split into two camps. Apparently, as my colleague the Minister for Human Services indicated in an earlier answer in question time, in a program to air on the ABC this evening the former Leader of the Opposition, the member for Wentworth, avers to this again by confirming that he thinks the stance that the Leader of the Opposition took was entirely political—not to do with policy but all about politics.

Yet the evidence continues to mount about the need for policy responses to deal with climate change. The national interest of this country is best served by taking credible and economically responsible action to reduce carbon emissions—not the grab bag of picked winners that has been articulated by the Leader of the Opposition as a fig leaf political response to this important issue. The Carbon Pollution Reduction Scheme legislation is in the Senate. The evidence has mounted. You should support the legislation.

Building the Education Revolution Program

Mr PYNE (3.12 pm)—My question is to the Prime Minister. I refer the Prime Minister to the case of the Henty Public School in New South Wales, which is being charged $238,000 for consultancy fees and plans for an $850,000 grant under the Primary Schools for the 21st Century program, while St Paul’s Lutheran Primary School, just down the road, which also received an $850,000 grant, is also paying $31,000 for consultancy fees and plans—another example of scandalous waste and mismanagement.

Ms Gillard interjecting—

Mr PYNE—Given that his very voluble Minister for Education’s answer to previous questions today has basically been, ‘I set the rules but don’t deliver the program,’ can he confirm that this has been the defence employed by the Minister for the Environment Protection, Heritage and the Arts with respect to the home insulation scheme, which the Prime Minister apparently found so inadequate?

Mr RUDD—We always welcome questions from the member for Sturt. What is interesting about question time today, though, is that, on the day the government announces the biggest addition to the workforce of doctors in Australia, there is not one question on health, not one question on doctors and not one question on specialists. In fact, since we announced our plans for a new National Health and Hospitals Network, we have had maybe two or three questions altogether, because they know that their record on health and hospitals is appalling and they know as well that they have no plan for the future on health and hospitals.

The member for Sturt asked about Building the Education Revolution. This government is proud of Building the Education Revolution. This government is proud of the
The member for Sturt asked specifically about individual schools. As I and members on our side of the House have travelled around the nation, one P&C, one P&F, after the other has said: ‘Thank God the government has acted to help us with our school. Thank God that we have a government which wants to give us new libraries, new language centres, new science centres, new multipurpose halls and state-of-the-art libraries.’ In fact, many of the schools that I have visited have never had a purpose-built library in their history. That is about equipping our kids to have a decent education for the 21st century.

Those opposite have no interest in delivering the basics: no interest whatsoever in supporting our economy and protecting jobs, no interest in delivering the basics on schools, and no interest in delivering the basics on health and hospitals. They have one interest alone, and that is to score cheap and tawdry political points in question time. I would say to the Leader of the Opposition, who has not had the courage today to stand up and ask a single question on health—not a single question on hospitals—that it is about time he got real with the agenda and the challenges facing Australia for the future. We have seen none of it so far.

Ms PARKE (3.15 pm)—My question is to the Attorney-General. What action is the government taking to ensure that Australians with a disability are able to access buildings and services on an equal basis with other Australians?

Mr McCLELLAND—I thank the member for Fremantle for her question and I acknowledge her interest in and commitment to this area. I am pleased to report to the House that today the government has tabled the Disability (Access to Premises—Building) Standards 2010 and earlier in the day, with my colleagues Senator Kim Carr, the Minister for Innovation, Industry, Science and Research, and Parliamentary Secretaries Shorten and Marles, I launched the access to premises standards. Indeed, we launched them at the National Museum, which itself is a public building which represents a tangible example of what the standards aim to achieve.

Work on establishing these standards has been going on for over 10 years, but since coming to office the government has made this a clear priority. The standards will, for the first time, provide minimum access requirements for persons with a disability in respect of a range of new buildings and upgraded buildings such as workplaces, schools, universities, shopping centres, entertainment venues and certain accommodation. The standards will ensure that people with a disability can access employment, general services and entertainment and become involved in the community on an equal basis.

The standards will apply to new buildings and also existing buildings that are undergoing significant upgrade. They will not, accordingly, represent an impost on existing
building owners. Our approach is essentially based on common sense and good faith, and we believe the standards strike the right balance for both the disability sector and the building industry sector. Indeed, the standards for the sector will provide greater certainty for business by providing for a national consistency and reducing the different regulatory arrangements. They will be achieved through harmonisation of the Building Code of Australia and the disability standards.

The standards essentially recognise the practical realities of what can be reasonably required and also enforced. For example, they contain an exemption to cover situations where meeting the standard would cause unjustifiable hardship for persons undertaking the upgrade. The standards will come into operation on 1 May next year, and until then the government will work with industry to ensure that industry has all the necessary information prior to the implementation of the standards.

I take the opportunity to commend the work of Senator the Hon. Kim Carr, who has worked with me on the standards, the Hon. Bill Shorten, Parliamentary Secretary for Disabilities and Children’s Services, and also Richard Marles, Parliamentary Secretary for Innovation and Industry, who have worked very closely with Senator Carr. I also acknowledge the work of the Human Rights Commission and, in particular, Mr Graeme Innes and his staff in developing these standards. I would also like to thank members from both sides of the House who participated in the consideration of the standards through the House of Representatives Standing Committee on Legal and Constitutional Affairs.

The standards are a concrete example of the government’s work to achieve more consistent, systemic and widespread improvements in building access for people with a disability. There are currently over four million people in Australia with a disability, and this figure is going to increase with the ageing of the population. The finalisation of these standards represents an important part of ensuring an inclusive Australian society. The government will continue to work hard to improve those rights and fully include all people in the social, economic and cultural life of the country. I thank all those involved in this important milestone.

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

PERSONAL EXPLANATIONS

Mr Abbott (Warringah—Leader of the Opposition) (3.20 pm)—Mr Speaker, I seek leave to make a personal explanation.

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

Mr Abbott—I very much do so.

The Speaker—Please proceed.

Mr Abbott—In question time today ministers have claimed, as they have on previous days, that the former government, in particular me as health minister, ripped money out of the hospital system. I have here material from the Parliament Library stating that total Commonwealth health expenditure in 1996-97 was $19,809,000,000. In 2006-07, it was $39—

Mr Albanese—Mr Speaker, I rise on a point of order. As the Leader of the Opposition would be aware, this is not a time for him to enter into a debate. He must show where he was personally misrepresented and then sit down.

The Speaker—The Leader of the Opposition understands his responsibilities. He is indicating where he has been misrepresented and he will do so quickly.

Mr Abbott—in the final year, spending was $39,882,000,000—a $20 billion in-
crease in health and hospital expenditure, and I suggest members opposite should stop telling lies about the record of the former government.

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

Mr Pyne interjecting—

The SPEAKER—Again, the member for Sturt thinks that he can just ignore standing orders by interjecting all the time. I have asked the Leader of the Opposition to withdraw.

Mr ABBOTT—Mr Speaker, I was suggesting that members opposite should not tell lies and, if that is unparliamentary, I withdraw.

Honourable members interjecting—

The SPEAKER—Order! Everybody will just be quiet and everybody will resume their places.

Mr Adams interjecting—

Mrs Mirabella interjecting—

The SPEAKER—The member for Lyons! The member for Indi! Yet again, we get to the stage after question time where everybody wants to get absolutely excited, including myself, and I am trying to remain calm. There were two things at the end. It was brought to my notice that last week, in a personal explanation, the Leader of the Opposition got in the same expression as I was getting him to sit down for. I would have on that occasion asked him to withdraw. There are two reasons for this: (1) it is unparliamentary—he cannot get up and debate that on the withdrawal—and (2) by that stage, when he is saying things like that, he is entering into debate on a personal explanation. I think that for both those reasons I seek the withdrawal. I am not going to enter into an argybargy about the quality of the withdrawal. I accept that it has been withdrawn. I would simply say to the Leader of the Opposition: on occasions when he is asked to withdraw, it would assist the House if he did so without comment.

Mr Pyne—Mr Speaker, I have a point of order based on the interaction that you have just had with the Leader of the Opposition. Under standing order 91(f), which is about disorderly conduct:

(f) been considered by the Speaker to have behaved in a disorderly manner.

The point that the Leader of the Opposition has just gone to is that it seems entirely unfair and unreasonable that members of the government should be able to tell lies about the Leader of the Opposition—

The SPEAKER—The Manager of Opposition Business will resume his seat. He has been here long enough to know that, over several parliaments, the House has tried to struggle with this very point. I can remember members having to make personal explanations of the ilk that are being made now—day in, day out—as ministers of the day made the same accusations. This was something yet again in those previous parliaments that the House did not address. I believe that I am applying the standing and sessional orders in the practice of the House as has been done consistently. If there is a problem, this is a problem of the House’s inability to actually deal with matters that have caused concern for several parliaments.

Mr Dutton—Mr Speaker, I seek leave to make a personal explanation.

The SPEAKER—Order! The member for Dickson will resume his seat. I simply say to the Leader of the House that I took it that this was an illustration of this problem that has occurred over several parliaments. The indications of lying on that occasion as part of the point of order were of the ilk that has happened over several parliaments where
there is frustration with the need to have withdrawals. I did not believe that it was specific to anything that happened. It was perhaps intemperate language but I understood where the Manager of Opposition Business was coming from. I sat him down before he completed his point of order. He might feel aggrieved by that and he has left his standing orders behind. But the point was that I felt able to deal with the matter because it is something that has been unsatisfactory for several parliaments. But I will continue to apply the rules as they have been applied in the past. That includes where I think that people are absolutely specifically calling other individuals or groups liars and I will ask them to withdraw. In that case, it was part of the point of order that the Manager of Opposition Business was making. It may or may not have been helpful but, as the chair, I understood where he was coming from.

Mr DUTTON (Dickson) (3.28 pm)—Mr Speaker, I seek leave to make a personal explanation.

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

Mr DUTTON—Yes.

The SPEAKER—Please proceed.

Mr DUTTON—Thank you, Mr Speaker. In question time today and elsewhere the Minister for Health and Ageing has asserted that the Leader of the Opposition and I are ‘anti-nurse’, which of course is ridiculous and, secondly, that the coalition is blocking the midwives bill currently in the Senate. That assertion also is completely untrue, without foundation and the minister should—

The SPEAKER—Order! The honourable member will resume his place. That was borderline as being specific to the member. This is risk-taking. I thought that the member for Sturt had indicated that he was going to seek a personal explanation.

Mr PYNE (Sturt) (3.28 pm)—Mr Speaker, I seek leave to make a personal explanation.

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

Mr PYNE—I do.

The SPEAKER—Please proceed.

Mr PYNE—in question time today the Minister for Education tried to pretend that I had asked her a question last Thursday about Tyalgum Primary School on the basis of the costings of the school. I did not. The question was about why the prefabricated library that was delivered to that school did not fit the foundations when it was off-loaded from the back of a semi-trailer. That is exactly what happened and anything else is false.

The SPEAKER—Order! The member for Sturt will resume his seat. That is the end of that matter.

DOCUMENTS

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (3.29 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:


Department of Immigration and Citizenship—Review of personal identifier provisions intro-

Migration Act 1958—
Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2009.

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2009.


Debate (on motion by Mr Hartsuyker) adjourned.

COMMITTEES

Proposed Cyber-Safety Committee Appointment

The SPEAKER—I have received a message from the Senate informing the House of Representatives that it has considered message No. 523 of the House and concurs with the resolution of appointment of the Joint Select Committee on Cyber-Safety, subject to paragraph (2) of the resolution being amended. Copies of the message transmitting the proposed amendment have been placed on the table.

Mr ALBANESE (Grayndler—Leader of the House) (3.30 pm)—I move:

That the message be considered immediately.

Question agreed to.

Mr ALBANESE (Grayndler—Leader of the House) (3.30 pm)—I move:

That the Senate’s amendment to the resolution of appointment of the proposed Joint Select Committee on Cyber-Safety be agreed to.

Briefly, the change to the proposal reflects an agreement between the Chief Government Whip and the Chief Opposition Whip and provides the opposition parties with additional representation.

Question agreed to.

MINISTERIAL STATEMENTS

Asia-Pacific Ministerial Conference on Aviation Security

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (3.31 pm)—by leave—On Saturday, 13 March, I attended the Asia-Pacific Ministerial Conference on Aviation Security in Tokyo, Japan. This meeting was chaired by the Hon. Seiji Maehara, Japanese Minister of Land, Infrastructure, Transport and Tourism. The meeting was attended by delegates of 18 countries from the Asia-Pacific region, including Janet Napolitano, Secretary, United States Department of Homeland Security, and Raymond Benjamin, the Secretary General of the International Civil Aviation Organization (ICAO). Those nations represented were Cambodia, Canada, Indonesia, Malaysia, Myanmar, Philippines, Korea, Singapore, Thailand, Vietnam, the United States of America, New Zealand, the Federal Democratic Republic of Nepal, India, Pakistan, Hong Kong China, Laos and, of course, Australia.

Australian and Asia-Pacific representatives reaffirmed our commitment to ongoing improvements in protecting the aviation industry from the actions of terrorists and to share knowledge and experiences of what each country is doing in this important area of government action. This provided me with the opportunity to highlight the strong position of the Australian government and the directions in aviation security which we announced in December last year when the Australian government released the aviation white paper—Flight path to the future. The National Aviation Policy Statement was the first time that industry and the community
have been provided with a clear picture of the future of the aviation industry. The white paper contains over 130 policy initiatives and takes a strategic, planned approach in preparing for future economic and environmental challenges while maintaining the highest safety and security standards and addressing community needs.

As an island continent with major distances separating us from our own population centres, our tourism markets and our trading partners, we perhaps rely on aviation more than just about any other nation on earth. Vast distances separate Australians from each other and from the rest of the world—access to air services is critical in bridging that divide. Our aviation statistics highlight this importance. In the last year our aviation sector provided 24.4 million international passenger movements to and from Australia. Domestically another 48.8 million passenger movements occurred within our borders. The aviation industry is a major sector of our national economy. It employs 50,000 Australians directly and supports another 500,000 people indirectly through its activities. The industry alone contributes nearly $6.3 billion to the Australian national economy. In this context the safety and security of aviation is a paramount concern of the government and an issue of vital national significance.

The No. 1 priority of the white paper was the development of policy and initiatives to provide for the safety and security of Australians and visitors to Australia who utilise our aviation networks—networks that stretch beyond our borders. Aviation has played a significant part in the globalised nature of the modern world. Aviation security is an international issue, and international cooperation is fundamental to safer air travel. Australia already boasts a world-class security regime. We have developed a comprehensive approach through the white paper and implemented immediate measures in February to respond to emerging terrorist threats.

The Australian government also knows that we are not in this alone. Access to one airport can mean access to the entire global aviation system. It was with this context in mind that the ministerial conference provided an excellent opportunity to share experiences with my colleagues from around the region so that as nations we could further develop a shared vision of the future of aviation security in the region and internationally. The conference noted:

… that the attack on 25 December 2009 has, once again, reminded us that civil aviation remains a key target for terrorism and that international cooperation is essential to counter such transnational threats. As a geographically and culturally diverse region, the Asia-Pacific depends on the international civil aviation network to connect its societies and facilitate its economic growth. For these reasons and recognising the significant number of domestic, regional, trans-Pacific, and international flights that are potentially subject to terrorist attack, it is incumbent on us to work together, and with the aviation industry to enhance aviation security throughout the region.

The Australian government was in a strong position to consider our response to the 25 December attack and to act quickly and build on the aviation white paper to introduce a comprehensive package of measures designed to strengthen our domestic and international aviation security. This is why a major part of the Australian government’s $200 million aviation security package, announced on 9 February, focuses upon international cooperation in the Asia-Pacific region and internationally. It will also enable us to expand our cooperative inspections and security assessments of last ports of call airports for flights coming to Australia as well as working directly with more of our neighbouring countries to improve the overall security outcomes in the region’s airports and sea ports.
The shadow minister for transport, Mr Truss, would be interested that Indonesia and the Philippines in particular acknowledged the support that the current government and the previous government have given to aviation safety and security in our region. They raised those issues in their presentations to the conference and reiterated their appreciation of the role that Australia has played in lifting standards in our neighbourhood.

As a result of the announcement on 9 February, we will increase the presence of the Office of Transport Security at some overseas posts. We will also be investing in new and improved technologies, increased policing at airports and strengthened security procedures. Body scanners will be introduced progressively at screening points servicing international passengers by early next year.

While respectful of privacy concerns, we believe they can be met by the advancements in technology, without compromising safety standards. We can strike the right balance between safety and privacy. It is clear that these body scanners will be rolled out around the world and around the region. A number of countries at the conference reported that being the case. We will increase the number of firearms and explosive sniffer dogs by 50 per cent at Australia’s major international airports. These highly trained dogs and their handlers provide an effective, highly visible contribution to aviation security.

The Australian government will also be making use of modern biometric technology in order to enhance aviation security. We will be investing in new technology to secure our air cargo supply chain. This investment will be used to assist industry install cargo X-ray screening and explosive trace detection technology at particular locations. As foreshadowed in our aviation white paper, the Australian government will be extending screening at regional airports, but will be bringing forward the implementation of this initiative to 2012. The $32 million that we have allocated to this measure will assist regional airports purchase the necessary capital equipment. These are critical investments and demonstrate the government’s commitment to providing a world-class aviation security regime.

I am pleased to inform the House that the conference unanimously adopted a 10-point action plan.

1. Encourage governments represented at this conference, pursuant to their domestic laws, regulations and programs on civil aviation security, and in accordance with applicable standards and recommended practices, (SARPS), of ICAO and the capacity of each state/administration, to promote the implementation of aviation security measures in a practical manner to:

   - Broaden existing cooperation mechanisms among our countries/administrations and with other parties to the Chicago convention and the civil aviation industry, as appropriate, for information exchange and early detection of security threats to passenger security and the industry’s wellbeing;

   - Share expertise, best practices and information in a range of areas related to civil aviation such as screening and inspection techniques, detection of weapons, explosives and hazardous materials, airport security, behavioural detection, screening and credentialing of airport employees, human resource development, and research and development of relevant technologies; and

   - Utilise modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals.
(2) Consider necessary changes to relevant security provision of ICAO SARPs, including in annex 17 and the sharing of passenger information, in order to address new and emerging threats to civil aviation.

(3) Examine information exchange mechanisms, including the use of liaison officers and further use of advance passenger information provided by air carriers, to reduce the risk to air travellers and others, while ensuring effective protection for our citizens' privacy and civil liberties.

(4) Examine enhancing measures for on-board flight protection.

(5) Seek to achieve both a high level of security and the facilitation of passenger travel by various methods, including the use of biometrics.

(6) Strengthen and promote travel document security and reporting on a regular basis and lost and stolen passports to the extent possible, to the Interpol lost and stolen travel document database.

(7) Develop and implement, in accordance with ICAO policies and in coordination with other appropriate international partners, internationally strengthened and harmonised measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain.

(8) Promote capacity building activities in the Asia-Pacific region to enhance aviation security of the region as a whole, recognising the need to develop capacity to also correct deficiencies identified under the universal security audit program of ICAO. To this end, the assistance and development mechanisms should be strengthened.

(9) Continue working together, with other international partners and with the aviation industry toward greater travel security.

(10) Urge the ICAO assembly at its meeting 28 September to 8 October 2010 to adopt a resolution that reflects the principles contained in this declaration and that confirms civil aviation security will be accorded one of the highest priorities during the forthcoming ICAO triennium.

I would like to thank and congratulate the Japanese government for hosting what was a very successful Asia-Pacific regional ministerial conference. This government remains committed to working with our regional neighbours to ensure the continued safety and security of our civil aviation industry.

I ask leave of the House to move a motion to enable the member for Wide Bay to speak for 13 minutes.

Leave granted.

Mr ALBANESE—I move:

That so much of the standing and sessional orders be suspended as would prevent Mr Truss (Leader of the Nationals) speaking in reply to the ministerial statement for a period not exceeding 13 minutes.

Question agreed to.

Mr TRUSS (Wide Bay—Leader of the Nationals) (3.45 pm)—I thank the minister for again making a statement on the important issues of aviation security and, in particular, the battle against terrorism in our skies. It is important in this context, since so much of terrorism is international in its context, that countries get together from time to time to talk about the way in which they can cooperate to address this menace. I had the privilege of attending a similar conference in my time as minister, also in Japan—in fact, I commend Japan on the leadership role that it is taking in endeavouring to develop an international consensus on some of these important issues.

Ever since the tragic events of September 11 2001, the horror of terrorism has been with us, and it is a constant concern to people who need to travel by air in the course of their business or just to enjoy a holiday or
the company of their friends. The recent Northwest Airlines flight from Amsterdam to Detroit on Christmas Day underlined again the dangers of complacency and the need for greater security for passengers, airlines and airports. It also underlined the fact that no measures can of themselves provide a complete guarantee. This particular incident occurred in spite of a range of measures that were put in place and from an airport that was considered to have a very high degree of security awareness.

So there has been a significant change in our approach to these issues, as there ought to be. The measures began right after September 11, with initiatives from the previous government like strengthening the cockpit doors on all aircraft with 30 or more seats. In a sense, while it is almost a last line of defence, it was perhaps the most important of the initiatives. There has also been a lot of work done on tightening passenger carry-on baggage screening at all airports with jet operations, introducing explosive trace detection at domestic and international screening airports and providing additional Australian Protective Service officers at airports around Australia and armed air security officers on domestic flights and certain international flights.

Well ahead of the International Civil Aviation Organisation deadline, we introduced 100 per cent checked bag screening for all international services. Between 2001 and 2007, about $500 million was spent by the government on aviation security, with $82 million specifically towards regional aviation. Of course, the government’s contribution was only a part of it. The airlines themselves and other people involved in the transport sector all had to wear a cost, as did the travelling public. While the travelling public have been annoyed from time to time about inconvenience and seeming inconsistency, there has generally been a good spirit, a high degree of patience and, I think, an appreciation that we have all had to accept some compromises to our free lifestyle in this country to make sure that we remain safe.

I note that the minister made reference to a number of new initiatives that the incoming Labor government has taken, expanding the cooperative inspections and security assessments at last ports of call. I think that is a particularly important initiative. I am not quite sure how many countries were present at this particular conference; it said 18, although there are only 15 on the list. But, of those 15, 11 have flights directly to Australia. In other words, we are very interested in the fact that their standards are appropriate, because if any incidents can be intercepted at the point of boarding then that means they are not transported to Australia. Of course, Australians are also likely to be on those flights, so we have a particular interest in making sure that the safety and security measures that are undertaken are strong and firm. Indeed, some of the countries that have regular flights to Australia, where that is the last point of embarkation before arriving in Australia, are areas where terrorism and the risk of terrorism are very real. So I think the work that Australians have done in helping to improve the security systems in other countries is perhaps one of the most important things that we as a country have done to help keep our skies safe. I welcome the fact that the government intends to further that work and, indeed, place Office of Transport Security people at overseas ports.

There are to be some increased policing and strengthened security procedures at airports. Body scanners will be introduced progressively at screening points servicing international passengers by early next year. The minister made a couple of comments about the right balance between safety and privacy. I think the introduction of these
body scanners does raise significant privacy issues. As I have said publicly, we have all accepted some compromise to our privacy in the interests of security, and we live with that. This is a significant further step, and the government will need to be able to persuade the public that this is an invasion of privacy that is worth the risk.

I know that there is talk of machines that are supposed to no longer expose the naked body. I think, Minister—if I may make a very practical suggestion—that for this measure to win community support the public are going to need to be persuaded about that fact. I would encourage you to put on display some machines so that people can see what is happening—perhaps bring one into Parliament House so members of parliament can say they have seen this machine and they are satisfied that privacy issues are not compromised—because, unless the public are happy and relaxed about it, there will be issues and resistance to a measure of this nature. I think the public are satisfied that we need to do whatever we need to do to avoid risks to safety in the air, but we also need to be convinced that this is not an unnecessary breach of privacy. So that is a practical suggestion by way of implementing it so that the public will be as accepting of this new step in technology as they have been of some of the previous initiatives.

I note that the minister referred again to the extension of the screening measures to approximately 20 airports in regional Australia that have flights by Q400 aircraft. This is a significant step forward and it raises some quite important issues. There is no evidence anywhere around the world of a Q400 sized aircraft being involved in a terrorism incident. In other words, there is no history. The question is: is there a risk? I suppose there is a risk with a Cessna 172 as well—how do we make the judgment as to what that risk actually is? My concern about it is the huge cost that is going to be imposed upon regional airports as a result of this initiative. I welcome the fact that the government is going to provide $32 million to assist with the purchase of necessary equipment, but there is no way in the world that is going to meet anything like the full cost.

Some airports, in fact most of these 20, will have to be completely rebuilt because there is no capacity at most of these regional airports—the ones that are going to come under these new arrangements—at this stage to separate and screen passengers from other passengers. There is no secure area to deal with the baggage and, in fact, some of these airports are little more than an old World War II demountable or just a shed. In some regional communities people actually wait outside under a tree for the aircraft to arrive. That will simply not be acceptable under the new arrangements.

There are a number of airports, and I have mentioned some of these like Blackall, Barcaldine and Blackwater, where the Q400s are going to come, or in some cases are already landing, as part of a triangle service with a larger airport. In some cases they only have two or three services a week and carry up to something like 50 passengers a week, and you simply cannot justify a multimillion dollar terminal building for 50 passengers a week. Even if the government gives them free terminal buildings, they have still got the operational costs: five or six people to run the X-ray equipment, the explosives detection devices and of course the checking of the baggage that is going onboard the aircraft. So you are going to have to put on a group of six to eight people every time the flight arrives. Under the government’s new industrial relations requirements one would imagine it will take four hours time to load 10 or 12 passengers. If this cost is to be recovered you are looking at hundreds of dollars per passenger. These services are just not
sufficiently viable to be able to meet those kinds of costs.

Again, if the government want to introduce this measure in every airport that has a Q400 landing on regular passenger transport services, they will need to look at innovative ways to deal with it. Maybe there is going to have to be some concessions for these airports where there are just small numbers of passengers boarding, or a look at arrangements where perhaps just the last point of call before departure to a capital city is where the inspections occur. At this stage, the amount of money provided will not meet the cost that these small regional airports are going to have to meet. In fact, the cost of actually operating the services will be beyond the viability of those services.

There will also be capital costs required at the capital city airports because at this stage the aircraft—the Q300, the Dash 8 200s and the Q400s—all arrive in the same lounges. They are going to have to be separated because some of them will be clean and others will be unsecured passengers, so there is going to be significant investment also required at our capital city airports to meet these new requirements. It is a matter always of balancing what is affordable with what will deliver the very best results.

Then you consider that the government, at the same time as it is imposing these new requirements, is actually making a range of significant cuts in areas of aviation security. For instance the AFP report on the conference that the minister attended said that there were calls at the conference for more to be done on sky marshals, or air security officers, as we have named them. That was not mentioned in the minister’s statement but the news reports of the conference did refer to it. The government has provided no money in the future for the sky marshals program, and we do not know whether it even exists now or whether it is just being quietly wound down. But there has been no commitment to the sky marshals program.

The government have cut $58 million out of the Customs program, which means that 4.7 million fewer consignments arriving in Australia by air are being inspected by Customs officers than was the case previously, and 125 quarantine officers have been sacked. All of these sorts of things demonstrate that on one hand the government are talking about tougher security but on the other hand they are cutting back on some of the most important initiatives: inspecting arriving cargo, which is not happening, and the issues in relation to the sky marshals program being wound back—those sorts of things have got to be addressed if the government wants to be taken seriously on security issues.

COMMITTEES
Parliamentary Library Committee
Membership

The DEPUTY SPEAKER (Mr S Sidebottom)—I have received advice from the Chief Government Whip nominating Mr Melham to be a member of the Joint Standing Committee on the Parliamentary Library.

Ms MACKLIN (Jagajaga—Minister for Families, Housing, Community Services and Indigenous Affairs) (3.58 pm)—by leave—I move:

That Mr Melham be appointed a member of the Joint Standing Committee on the Parliamentary Library.

Question agreed to.
Mr GARRETT (Kingsford Smith—Minister for Environment Protection, Heritage and the Arts) (3.59 pm)—in reply—On 25 January this year I announced that the government would be acting to address the disproportionate impacts on recreational fishers that have resulted from the inflexible relationship between our national environment law, the Environment Protection and Biodiversity Conservation Act 1999, and the Convention on the Conservation of Migratory Species of Wild Animals. The Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 specifically addresses those impacts. As required by the EPBC Act, I have listed short-fin mako, longfin mako and porbeagle sharks as migratory species. This listing became effective on 29 January 2010. Importantly, this is a legal requirement following inclusion of these sharks in appendix II of the convention on migratory species—a decision which was driven primarily by concern for Northern Hemisphere populations of those species. It is a requirement that was in place in relation to the EPBC Act during the term of the previous government.

The government is aware that the domestic listing of mako and porbeagle sharks has significant implications for recreational fishers in Australia. The government is also aware that there is no evidence to suggest that mako or porbeagle populations in Australian waters are threatened. The government recognises the social and cultural importance of recreational fishing to many Australians. We also appreciate that much recreational fishing activity is carried out in a sustainable manner—for example, using catch-and-release methods. This bill will address those disproportionate impacts on recreational fishers by providing a narrow exception for recreational fishing of longfin mako, shortfin mako and porbeagle sharks to the offence provisions of part 13, division 2 of the EPBC Act. That means it will not be an offence to kill, injure, take, trade, keep or move mako or porbeagle sharks in or from Commonwealth waters where that action is taken in the course of recreational fishing. Importantly, this bill will not affect state regulation of recreational fishing of these species. Neither does the bill apply to commercial fisheries, which will continue to be subject to the ongoing accreditation processes under part 13 of the EPBC Act. The bill does not affect the offences under part 3 of the EPBC Act, nor will it affect prohibitions under division 1 of part 13 of the EPBC Act, relating to listed threatened species, should mako or porbeagle sharks be listed as threatened species at any time in the future.

The recently completed independent review of the EPBC Act identified this inflexibility of the legislation when it comes to the listing of species included in appendix II of the CMS convention and to the limited exceptions to offences as a problem that needed to be fixed. While the government will be responding in full to the recommendations of that review, we think it is important to act earlier on this matter because the listing of makos impacts disproportionately on recreational fishers. In this regard I would like again to acknowledge the work of the member for Corangamite, Darren Cheeseman, the member for Braddon, Sid Sidebottom, and contributions by the member for Leichhardt, the member for Hindmarsh and the member for Lyne. The member for Corangamite and the member for Braddon have large numbers...
of recreational fishers in their electorates, and they have worked with those groups and my office to bring this legislative change forward on behalf of their constituents. The Australian government is committed to and is actively implementing its international obligations under the convention, and we recognise that by virtue of their inclusion in appendix II these species require collaborative international efforts to aid their conservation. The proposed changes to the EPBC Act that this bill contains will ensure that, consistent with our international obligations, international changes to the status of mako and porbeagle sharks will not affect recreational fishing activities in Australia. The government remains committed to shark conservation measures both domestically and internationally and will continue its active engagement in efforts under the convention on migratory species and in other fora. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr GARRETT (Kingsford Smith—Minister for Environment Protection, Heritage and the Arts) (4.05 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HIGHER EDUCATION SUPPORT AMENDMENT (FEE-HELP LOAN FEE) BILL 2010

Second Reading

Debate resumed from 10 February, on motion by Mr Clare:

That this bill be now read a second time.

Mr PYNE (Sturt) (4.05 pm)—I rise to speak on the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010, which seeks to increase the amount of FEE-HELP debt for fee-paying undergraduate students from 120 to 125 per cent of the FEE-HELP loan. FEE-HELP, which is an income-contingent loans scheme, is available to students to cover their tuition costs in higher education. There are currently two types of places available for eligible Australian students at undergraduate level: Commonwealth supported places where the Commonwealth contributes to the cost of students’ units of study and students pay a student contribution amount towards the cost of their units of study, and fee-paying, non-Commonwealth-supported places where students must pay full tuition fees for their studies and where the Commonwealth does not contribute towards the cost of their education but students may be eligible for a FEE-HELP loan to help pay their tuition fees.

The FEE-HELP scheme introduced by the coalition in 2003 operates similarly to HECS-HELP—that is, the student applies when enrolling and then the loan amount is aggregated with all loan balances and automatically repaid to the taxation system once the student earns above a certain income threshold. The loan is heavily subsidised by the government or taxpayers, since students do not pay a commercial rate of interest on their loans and repayment of the loans is contingent on various factors that a commercial loan would not take into account.

To partly recoup that subsidy the government adds 20 per cent to the value of the loan as a loan fee for fee-paying domestic students enrolled in an undergraduate course. The Bradley review into higher education recommended an increase in the FEE-HELP loan fee from 20 per cent to 25 per cent. This recommendation to increase the FEE-HELP loan is in the bill today and partially gives effect to recommendation 37 of the Bradley review. The government estimates that this measure will bring in $17.6 million over the
period 2010-11 to 2012-13. That recommendation was based on studies by Professor Bruce Chapman, the architect of the HECS scheme.

The rationale for why the FEE-HELP fee applies only to full-fee-paying students is, we are told, that the loans they take out to cover the costs of their studies tend to be substantially higher than for Commonwealth supported places; therefore, the implicit subsidy is much higher and, hence, so is the desire of the government to recover something. Even with a FEE-HELP fee and even with a FEE-HELP fee increase, as proposed in this legislation, these students, even if treated differently to those in Commonwealth supported places, are still much better off than they would be if there were no FEE-HELP available to them.

FEE-HELP covers those students doing postgraduate studies at university, undergraduate and postgraduate studies at private higher education providers and in the vocational education and training sector, including TAFE, for diplomas and advanced diplomas. If no FEE-HELP existed they would have to take out commercial loans to cover the costs of their education—the situation that exists in the United States, for example.

I would like to remind the House that Professor Denise Bradley, someone who I know and respect, made a suite of recommendations—many of which the coalition are broadly supportive of. But I note that this measure has attracted some degree of concern from the sector. For example, Universities Australia, in their response to the Bradley review, noted they do not:

… see any need to increase the loan fee for FEE-HELP, particularly given the Bradley Review's broader conclusion that the burden on domestic students should not increase.

Similarly, the Australian Council for Private Education and Training is against the charge as it perceives it will add an additional burden on students and further entrench the inconsistent treatment of students in public and private higher education institutions. However, given that Professor Bradley's recommendation is an economically responsible measure that seeks to recoup from students while still offering a significant government subsidy toward meeting the costs of their education, I see no reason to oppose this measure. This is particularly so since the measure will only impact on the minority of undergraduate students whose course choices necessitate higher loans and therefore receive a higher subsidy from taxpayers.

I would like to acknowledge, though, that there are a number of anomalies and inconsistencies in the HELP loan schemes that should be closely examined in the future. The HELP system is currently complicated and it treats different students differently by applying different rules to them, particularly with respect to FEE-HELP. For example, VET FEE-HELP remains at 20 per cent. VET FEE-HELP in Victoria has a zero per cent administration fee, as it was removed as part of the skills reform agreement, and the OS-HELP loan fee was removed in the 2009 budget following the government's acceptance of another Bradley recommendation.

These anomalies are further pronounced when a student has a combined debt in different categories. Higher education researcher and commentator Andrew Norton has pointed out that the duration of a course may not be as important as the total HELP debt actually accrued:

Students who go onto FEE-HELP courses while they still have a HECS-HELP debt will have larger overall HELP debts than students who just do one undergraduate FEE-HELP course.

He suggests that:

… the surcharge should be adjusted to the total existing HELP debt, rather than being based on
undergraduate/postgraduate distinctions that entrench unfair anomalies in the system.

Norton calls for a broad review of the HELP scheme and argues for a system that would simplify the different HELP categories and streamline common conditions for all students. The coalition’s consultation with education stakeholders and providers suggests that there is a solid rationale to undertake a comprehensive review of the HELP system. A coalition government would have a closer look at the whole system to see if it could be simplified and improved.

I would now like to talk about another topic while on the subject of FEE-HELP. As of 1 January 2009 public universities have no longer been able to offer full-fee-paying places to commencing domestic undergraduate students, except in certain circumstances. Fee-paying students who are enrolled in a fee-paying place prior to January 2009 are able to continue in their course on a fee-paying basis. Other approved higher education providers can still offer full-fee-paying places. Other approved higher education providers include, for example, theological colleges and natural therapy colleges—of which there are more than 150 operating in Australia.

Now we have the crazy situation under the Australian Labor Party, for example, where a student might just fall short of the score to get into law or medicine and miss out on a HECS supported place, but they can move overseas and pay full fees to get an education. And this works in reverse: where an Australian student is denied the opportunity to pay for their own education but the option is still available to overseas students, denying universities a growing source of additional revenue at a time when universities are feeling the pinch.

The government provided funds for the transition period phasing out full-fee-paying places but at the time this announcement was made several vice-chancellors noted that while the funding was welcome, it fell short of the amount they would otherwise be making by charging full fees. If, as the Bradley review stated, ‘The public-private divide is no longer a sensible distinction’, why does the Minister for Education and the Rudd government insist on such a discriminatory decision?

Feedback that the coalition receives from the sector indicates that it is unclear exactly what private providers mean in today’s world, when many are run by government agencies or public universities, or are joint ventures with them. We note that the Bradley review, in its executive summary, clearly makes mention that the public-private divide is no longer a sensible distinction. The key message outlined in the Bradley review is that a more deregulated system in higher education is necessary in order to increase participation from students from low socio-economic backgrounds. Specifically, Professor Bradley suggests that we must support a system that allows institutions the flexibility to decide the courses they will offer and the number of students they will admit.

By abolishing full-fee-paying places, the Rudd government directly undermined the capacity of universities to flexibly respond to demand by offering a mix of places. In contrast to Labor, who speak of a stronger education sector that is more independent, only a coalition government will truly deliver on this promise. The coalition understands that, to be competitive, universities must be able to respond in a flexible way to ever-changing circumstances and needs. They must be free to specialise or diversify in a way that they feel will best address their weaknesses, build on their strengths and provide the best benefit to their students.
Mr CHEESEMAN (Corangamite) (4.15 pm)—I thank the member for Moreton for enabling me to jump the queue and proceed before him. I speak in support of the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010. This bill will amend the amount of FEE-HELP loan fees for undergraduate full-fee-paying courses. This is a recommendation of the review of Australian higher education institutions. This bill will increase the amount of the FEE-HELP loan fee from 20 to 25 per cent of the loan. This bill is another important recommendation from the Bradley review of the higher education sector. The review recommends that the loan fee be increased from 20 to 25 per cent for full-fee-paying undergraduate courses. This recommendation has been implemented because of its clear nature in the review and also the need for fiscal sustainability. This bill is consistent with the recommendation of the Bradley review.

These reforms will not apply to postgraduate courses of study, enabling courses, units of study with Open Universities Australia or briefing study for overseas-trained professionals. The loan will not count towards the FEE-HELP limit. For example, a student who uses $80,000 of FEE-HELP will have a HELP debt recorded at the ATO of $96,000. In enabling more students to attend university, this bill is consistent with the government’s agenda. The FEE-HELP debts will be indexed by applying CPI increases, there will be a real rate of interest and, of course, repayments will be required when a person’s income hits the income threshold. The loan fee will recover part of the cost of the government while providing interest-free loans that are on an income contingent basis.

The Bradley review recommended that the loan fee be increased to 25 per cent to enable the government to recover a higher proportion of the costs associated with providing FEE-HELP. The increase will apply to commencing and continuing undergraduate students who take out a FEE-HELP loan from 1 July 2010. These changes will affect a small proportion of students. Based on the 2008 student data, it is estimated that some 9,900 students will be affected. This number will probably come down due to the government’s decision to abolish full-fee-paying undergraduate courses at public universities.

This decision will be very helpful in my electorate, where there are large rural areas. My electorate has many students that have relocated for their studies. Deakin University has a campus in my electorate. Deakin is recognised as being in the top 10 public universities, which are phasing out full-fee-paying students. This means that Deakin University in Corangamite will be dramatically less affected by this reform next year than it would have been last year.

This goes to the heart of the Rudd Labor government’s reforms to higher education. This government is giving more opportunities to more people to attend university. The student income support reform is a great example of that. That, of course, would have enabled more regional students to attend university. I am very proud to watch the contribution which the Deputy Prime Minister is trying to make with respect to student income support, which is just another example of legislation continuing to be blocked in the Senate. Many students in my electorate have had to relocate to attend university, and the student income support reforms would have provided them with much needed financial support. Unfortunately those opposite continue to oppose that reform that is based on encouraging regional and rural kids right throughout Australia to attend university. The Leader of the Opposition thinks climate change is ‘crap’ but his actions in this regard are crap as well.
The DEPUTY SPEAKER (Mr S Sidebottom)—Order! Member for Corangamite, you were citing a quotation, which is common practice, but I ask you not to use that word outside the citation.

Mr CHEESEMAN—My apologies, Mr Deputy Speaker. As I was saying, the changes to FEE-HELP loans will affect students who are paying full fees for undergraduate courses. For example, Bond University, which is a private university, offers 100 per cent of courses as full-fee-paying courses. I do not think that many of my rural constituency will be going to Bond University. Out of the 100 per cent, 70 per cent will be affected by this bill. To go further, around 75 per cent of students who enrol with private providers for undergraduate courses access FEE-HELP to pay their tuition fees.

This is one of those issues that go to the heart of the difference between the government and the opposition, the Labor Party and the Liberal Party. I am very proud to be a member of a Labor government that has a terrific record with regard to higher education. The Whitlam government brought in free higher education in about 1974, as we all know. This is a great example of a Labor government giving opportunities to all people to attend university on merit. That was a fantastic decision made by that government. Unfortunately, at the first opportunity that the Liberal Party had in government under Malcolm Fraser, they started to erode those provisions.

This is an example of the Liberal Party believing that higher education is for those who can afford it, not for those who merit it. It was left to another Labor government to bring in a new scheme. That scheme was HECS. It was a wonderful day for higher education policy in this country when that scheme was brought in. It meant that many people were able to access university education based on merit. HECS was essentially based on progressive taxation. The fees for university courses would be deferred and paid off over time when that student earned a reasonable income per year after finishing that course.

Then the Howard government came along. That government set about destroying higher education. The Howard government took money away from all levels at universities. I will not mention all of the previous government’s slashing of the system but there are a few examples that I must raise. Money was taken away from student associations, associations representing the interests of students. The Howard government raised HECS fees to a level unaffordable by many people. They brought in large numbers of full-fee-paying positions for undergraduate courses, eroding the merit based selection process.

The previous Liberal government did not believe that all people should have the opportunity, based on merit, to attend university. That is why this government has had to bring in so many reforms through the last two years: to address this concern. This government is abolishing full-fee-paying undergraduate courses. This government has tried to provide student income support for those who need it most, particularly in electorates such as Corangamite and your electorate of Braddon, Mr Deputy Speaker. The Liberal Party is again opposing these reforms to higher education and is again trying to establish a system where wealth, not merit, determines access to education. We believe in higher education and that is why this bill must not be opposed. The Liberal Party must get out of our way in the Senate. I commend the bill to the House.

Mr OAKESHOTT (Lyne) (4.24 pm)—I rise to support the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010. In my reading of it, it looks as though
it contains relatively small administrative changes. It changes the FEE-HELP loan fee from 120 per cent to 125 per cent. I understand that that brings it into line with HECS-HELP but not with OS-HELP or VET FEE-HELP. My reason for getting up to speak is that, in the post-Bradley environment, you will hear from me on every piece of legislation relevant to this kind of change coming through this place, no matter how small or big. For the last 16 months, I have represented the electorate of Lyne on the mid-North Coast of New South Wales. This electorate has been in existence for roughly 60 years, and only 12 per cent of year 12 students go through to tertiary education. That is roughly one in six students making it through to tertiary education in some form. I think, and I hope this House thinks, that is appalling. We are a long way short of the aspirational targets of 40 per cent of 25- to 34-year-olds having bachelor degrees by 2025. That is part of the Bradley target, and it is a wonderful target. For a growing region such as ours, to get from 12 per cent to 40 per cent in 15 years means a call to arms within my community and a call for those within the ranks of government to do some serious structural work and really do some heavy lifting in turning that around.

I see two points as critical. The first is lifting the aspiration for education at a community level. When generation after generation has not accessed tertiary education, that is a very tough nut to crack. I know many people within the area who are trying to go through the practical steps to be the first in their family to go on to higher education. It is a daunting prospect when members of your own family do not even understand what you are doing and why you are doing it, let alone your broader community not really throwing support behind you for what you are doing. That aspiration for education is not given the airtime it deserves in this serious structural reform of trying to lift the number of students with a bachelor degree or higher.

The second point is the issue of length of stay in education. Whilst it is still in the ballpark of anecdotal evidence, I think we are starting to get to the point where, if we are serious about issues of long-term unemployment in this country, we can draw some direct correlations between lengths of stay in education and the ability to change jobs, stay out of the unemployment queues and, in particular, not be caught in long-term unemployment.

There is almost a direct correlation between length of stay in education and the inability of many people to get off the unemployment queues. So all of us, particularly the executive and the minister, need to promote the very general but very substantial point to many people who are flirting with the education system that a value should be placed on staying in education for as long as possible. It does matter. In a modern economy, the ability to be flexible and to move from one job to another is important and does have value. I hope that we see more and more of those two concepts over the next couple of years in this post-Bradley environment.

The reason I make those two points is that the 12 per cent figure of students from the electorate of Lyne who are going through to higher education, the very low level of tertiary engagement, is almost mirrored by some of the lowest income levels in Australia. I know many people in this place think of my electorate as having wonderful beaches and being a great place for a summer holiday—and, by all means, I welcome you—but we have some real challenges. We have some of the lowest income levels in Australia, some of the highest unemployment levels in Australia and, in particular, some of the highest youth unemployment levels—and you can
almost add another five per cent on Indigenous unemployment within the local area. There are entrenched issues, and many are now starting to realise that Bradley—and this aspiration for education as a community—is the meal ticket to address some of the entrenched disadvantage within our area.

That is why whenever one of these bills comes before us I will do my best to get on my feet and promote its importance to an area such as mine—a lower SES area. We are sensitive to reform and realise the importance of the benefits of reform, but if it in any way makes it harder for our community, who want to overcome some of these entrenched challenges, I will certainly be fighting it tooth and nail. But the government generally have my support in the targets they are setting from Bradley and they generally have my support in the funding shake-ups for the university sector. But, as various recent discussions with the minister’s office have, I hope, made clear, these targets will not be reached unless we get down and dirty on some of these issues with regard to the university sector and its inability at the moment to engage with many regions such as mine and the importance of that changing along-side funding models.

In response to the figures that I have found, we have now established an education and skills forum in the local area. I was surprised at how difficult it was to get all the various education providers—public sector, private sector, secondary and tertiary—from the Hastings Valley and, in particular, Port Macquarie to sit around a table and talk, to show a bit of trust and a bit of openness and put together a combined battle plan to address some of these targets. I am pleased that that is now starting to kick some goals of its own. We are starting to see some issues dealt with just because this group is meeting. It is also a group with intent, and that broader intent is to address and lift significantly this figure of 12 per cent. To the credit of the local council—which are also involved in the education and skills forum—they have quite ambitiously adopted the government target of 40 per cent of 25- to 34-year-olds having bachelor degrees by 2025 as the local area’s target. Whilst it is ambitious for government to set that target, it is even more ambitious for a region such as ours to set that target. So we are nailing our colours to the mast with regard to Bradley, and we hope government assists us in going down this path.

What we are seeking now in a more substantial sense is some engagement from the federal government with respect to the next step. The concern that I have is that we are repeating the problems with funding models that only provide federal government funding for a post-Bradley environment through existing institutions—so that it is the universities themselves that are being given the autonomy to decide where and how they spend their money. As a region we are probably not that attractive for an existing institution to spend money on. We bring with us all the challenges that low SES and the need for social inclusion bring. If the process that government is going to follow into the future is just to tip money into the universities and say, ‘You’ve got to have a social inclusion agenda and you’ve got to engage low SES; work it out,’ I do not think that is going to be enough to hit these targets and get this issue across the line.

Government has to push harder and take more of an ownership role. For example, where some lovely, prestigious sandstone universities may not want to go, they have to be forced to go if we are serious about changing the game of higher education in Australia. So, while this is a small administrative change, I think it will help an area such as mine, where people have to leave their homes to go to universities because, fundamentally, we do not have a bricks-and-
mortar campus anywhere in the area. Any tweaking of HECS or FEE-HELP that can assist is appreciated.

The issue that is stuck in the Senate at the moment sits neatly alongside this issue and was raised by the previous member. It would be remiss of me to stand in this place and talk about education without talking about the most embarrassing example of policy development in my 16 months in this place. I think the youth allowance issue is critical for future students and for this issue of the aspiration for education and I would ask both sides to resolve that issue as quickly as possible—preferably this week so that some students and their families can start to make some genuine decisions about their financial situations and how they are going to tap into education and higher education in the future.

Mr Perrett—Are you speaking to the independents?

Mr Oakeshott—I have tried to speak to some of my crossbench colleagues in the upper house. I once again take the opportunity to do so. I urge coalition colleagues to look closely at this and to recognise that the stalemate we have at the moment, which does not allow lower income families to access youth allowance and also does not provide Commonwealth scholarships, is a lose-lose all around. Someone, somewhere, has to give something. We need this legislation to get through. I urge some sense to come into this process, which I now openly describe as the most embarrassing example of policy-making in my time. Please resolve it.

This is good legislation. I hope there is more that comes out of Bradley. I hope it comes soon and I hope we are now starting to see genuine engagement with lower SES areas, with Indigenous communities and with regional and rural communities such as the mid-North Coast of New South Wales. I hope we are not just repeating the folly of the last 60 years that has got us to this problem in the electorate of Lyne in the first place.

Mr Perrett (Moreton) (4.39 pm)—I am pleased to speak in support of the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010 and note the opposition’s support of this government initiative as detailed by the opposition spokesperson, the member for Sturt. I also commend the member for Lyne on his contribution immediately prior to me. I was quite shocked to hear of that percentage—only 12 per cent in his electorate. Certainly the electorate I grew up in would have similar data. I know how hard it can be to be the first and I am sure that he will be working well with the government to get up to that 40 per cent target. I am sure he will not be letting the minister get away with that target without him making sure that she is aware of his desire to get it up to 40 per cent.

This bill before the House amends the Higher Education Support Act 2003 to slightly increase the amount of the FEE-HELP debt from 120 per cent to 125 per cent of the loan. Just to explain: the word ‘fee’ is not an acronym, but the word ‘HELP’ is. HELP stands for the Higher Education Loan Program. For history buffs, this replaced the HECS—the Higher Education Contribution Scheme—which superseded Austudy. Austudy was the scheme that went from 1987 to 1998 which had itself replaced the Tertiary Education Assistance Scheme, the scheme under which I obtained my teaching qualifications. It was interesting to hear from the member for Lyne, but I was certainly the first person in my family to complete tertiary education. From my research, the Tertiary Education Assistance Scheme seemed to be about people not having to pay for study. It was a different scheme entirely. It is amazing how much things have changed in what has seemed like a few short years since I was at teachers college.
Nevertheless, under the Higher Education Loan Program, FEE-HELP is available to fee-paying undergraduate and postgraduate domestic students. This modest increase in the loan fee implements the Bradley review recommendation to ensure the government recovers more of the costs associated with providing FEE-HELP loans to students studying with private higher education providers or those in their third year and beyond who have full fee-paying places at our public universities. The modest rise in the cost of FEE-HELP loans will affect only a small number of students. Fewer than three per cent of students at public universities are enrolled in full fee-paying places. This number will continue to decline as, from the beginning of last year, the Rudd government began phasing out full fee-paying places at public universities. The loan fee also applies to fee-paying students enrolled in undergraduate courses at private universities and other private higher education providers approved to offer FEE-HELP.

The Rudd government is committed to ensuring that higher education remains accessible and affordable for all Australians. A FEE-HELP loan will continue to offer helpful conditions for students. Loans do not attract interest, as commercial loans do, but they will continue to be indexed annually. A FEE-HELP loan also requires no security and students are not required to begin repayments until their income reaches the minimum repayment threshold—which currently is $43,152. As previous speakers have noted, this is nothing like the loans schemes in places like the United States. I have had friends who have had to go into that scheme and it takes forever for them to meet what are basically commercial loan arrangements and it can take forever to pay off those loans. Obviously, the government meets the cost of FEE-HELP loans if the student can never repay the amount—that is if, for some reason, their income never reaches that threshold which, as I said, is over $43,000 at the moment.

The Rudd government is right behind our higher education sector. We believe in opportunity for all; academic freedom and autonomy; research that advances knowledge and critical thinking and what then flows from that, which is productivity; and access to university based on merit, not just the ability of the student or the student’s parents to pay. It is why we set up the Bradley review in March 2008 to examine our higher education sector. In handing down the report, Professor Denise Bradley AC said the report revealed the urgent need for the country to understand that its future depends on a strong education system, particularly at the tertiary level. She said:

... what I think has come out of the process for us is a strong sense of the need to increase participation, to free up the funding and regulatory arrangements, but to do that at the same time as you take a much more comprehensive approach to quality.

It is an important balance.

Our tertiary education sector had been punished for too long by the Howard government. In November 2007 the then NUS president, Michael Nguyen, said:

The Coalition has failed to ensure that young people have the opportunity to go to university regardless of their parent’s bank balance. The political parties can be assured that in this election young people will be voting on issues like higher education to ensure that their future is worth looking forward to.

But the opposition continued to champion their own shameful record of neglect and hostility towards higher education under John Howard. Unfortunately, it was one of the most neglected sectors for the 12 years of that government. And, when they were not neglecting higher education, they were taking an ideological axe to its heart, making
changes to voluntary student unionism and depriving students of fundamental amenities and services.

Between 1995 and 2004, total funding per tertiary student increased by an average of nine per cent across the OECD. However, in Australia it increased by only one per cent. This blatant neglect hit us hard, affecting graduations in critical areas like science, agriculture and engineering. It also badly impacted on research. While research output has grown in similar countries such as Singapore, Korea, Taiwan and mainland China, over the last 10 years in Australia it has remained static. When we look at innovation and research, we can be guided by the words of Lewis Carroll in Alice in Wonderland, where the Queen told Alice, ‘But, remember, you have to run fast to keep in the same place and run twice as fast if you want to go somewhere different.’ That is the case with innovation and research. Our neighbours and competitors are pouring money into research and gaining advantages that we do not have.

It is not just students and universities that were negatively impacted by the Howard years; it will take years to catch up and to deliver on skills, services and productivity gains that might have flowed from research. Therefore, the coalition neglect has impacted on every Australian, in a way. Every Australian has experienced a health system under pressure from a shortage of Australian-trained doctors, nurses and allied health professionals. Every Australian knows about the shortage of early childhood educators and schoolteachers, especially in those crucial areas of maths and science. Every Australian has experienced the traffic bottlenecks or housing shortages that come from a shortage of qualified engineers and logistical workers for our booming resources and construction sectors.

I met with some representatives from the mining community last week, and what was their No. 1 issue, as it was two years ago? It was the skills shortage. It is funny: two or three years ago, when Work Choices was in full bloom on the lips of those opposite, the mining sector were not talking about IR. No, they were talking about a skills shortage—and they are still talking about it. Every Australian feels the pinch because these skills shortages are driving up the cost of doing business, as anyone involved in the mining communities in Western Australia and Queensland would know. We are all paying more through higher inflation and higher interest rates. And every Australian knows that we cannot continue to neglect our universities and higher education sector like the previous government did. It is as the President of the Business Council of Australia, Greig Gailey, said:

More than ever, governments need to focus on fiscal policies and broader reform agendas in areas such as infrastructure, education, skills and workforce participation that collectively enhance the nation’s capacity to grow.

That is why the Rudd government, in our first budget, allocated an additional $500 million to Australian universities towards capital investment—and that was just the start. Through the education revolution we are ensuring that every upper secondary student has access to a computer. We are not investing in flagpoles; we are not investing in the past. We are investing in the future: the future industries and the future jobs for the 21st century. It is why we are creating more than 450,000 new VET places over four years to address the skills gap. We are also phasing out full-fee-paying places at public universities and increasing the number of the Commonwealth funded places. To encourage more students to study the core disciplines of maths and science, we have reduced fees for new students studying maths and science by
approximately 50 per cent. We are creating more nursing places, as part of a range of measures to attract 9,250 extra nurses into the workforce, and 1,500 extra early childhood education places. By 2012 we will have doubled the number of Australian postgraduate awards.

The Rudd government believe that quality and accessible education is a fundamental right for all Australians, and we are committed to ensuring our higher education sector is well resourced and sustainable for the long term. I commend the bill to the House.

Mr GEORGANAS (Hindmarsh) (4.49 pm)—I rise to make a contribution to this debate on the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010, which is currently before the House, and put forward some perspectives concerning higher education more broadly. The bill before us increases the FEE-HELP loan fee from 20 to 25 per cent for the cost of full fee undergraduate university places at our public universities. It does not diminish the value of borrowings available to students; it applies to loans taken out by full-fee-paying students for units of study with a census date of 1 July 2010 or thereafter. This amendment will make some contribution toward the affordability of the FEE-HELP scheme, but as full-fee-paying undergraduate awards are being phased out at our public universities, its effect will be naturally limited in terms of numbers of students over time.

Any debate about our education sector has to come back to what type of economy we have now and what we hope to have in the future. This nation has been seriously blessed throughout the last century. We were the nation that rode on the sheep’s back for many years. We then became the world’s mine, and continued to provide vast resources for the ongoing compounding eruption that is the Chinese economy, with India following closely behind. But our population itself will not be sustained by this. The vast bulk of our workforce will work in other areas, and naturally we look to having work rewarded with remuneration that increases our standard of living across this country.

The Australian Bureau of Statistics data points to miniscule change in the proportion of our workforce engaged in professional and managerial work over recent decades. There has been something like a one per cent increase in the workforce in these areas over 30-odd years. We know that our communities will not become wealthy or retain wealth pumping out cheap manufactured goods. The competition that our workforce faces from underdeveloped nations around the world with much cheaper wage structures makes that almost impossible. As important and necessary as tourism, transport, retail and other sectors are—given the overseas dollars they may bring into the country—we still know that we need to do a lot more.

I think our population will still have its needs met, even if we see a greater proportion of our workforce engaged in work that transforms and adds value—that deals with higher value exchanges that engage the intelligence and creativity of a highly skilled workforce to provide that bit more than the workforce of any other nation. I think we can afford to have a greater proportion of our workforce engaged in work that adds value and is not simply a wheel in a conveyor belt reliant on greater and greater volumes of domestic consumption and waste. This is a commonly held view here in Australia and in both developed and developing countries around the world. Value added workers have a much greater capacity to earn more through driving innovation and benefiting from it. They deliver increased productivity and value for work undertaken.
I know it, and countries the world over know it, and this Rudd Labor government knows it very well, both through investment in skills and the development of expanded high-value labour markets. This government is actively seeking, for instance, the creation within Australia of a regional financial hub—a centre of economic service that uses our stable political and economic environment to facilitate work and investment around the region. This is precisely the type of thing I am talking about—the provision of increased quantities of high-value, professional services. I think it is an incredible blight on this nation that we have an education system that is very, very good—or at least has every reason to be—and yet we have not even been able to train enough doctors for our own needs, let alone to provide services to our rural areas and neighbours. Instead of being a service exporter, we have to import professionals. This is totally unacceptable for our health system, for the workforce itself which is ageing and experiencing burnout. It is unacceptable that our own population, including our own children who may want to develop a career in medical fields, cannot access that requisite education. Thankfully, this shortfall in medical professionals is another area that this Rudd Labor government is addressing. But similar areas of undersupply of skilled labour exist now as they have for years, rewarding value-adding and wealth generating opportunities for our people.

The provision of high-quality tertiary education to our region is another industry that is worth a great deal to our nation and the workforce that supplies that demand. This area of our economy too needs to be protected with appropriate quality control and, where appropriate, investment and facilities that will enable sustainable high-value opportunities to be captured and retained. This area of activity was also contained in the reports to the government that led to the amendment we are now debating, which itself was recommended within the review of Australian higher education, commonly referred to as the Bradley review. Twenty nine per cent of Australians aged between 25 and 34 have degree-level qualifications. Some countries around the world are targeting 50 per cent. Australia has slipped over the last decade in our international standing from seventh to ninth highest proportion of this age group with such qualifications. This is not at all surprising. As the Bradley review observes:

Australia is the only OECD country where the public contribution to higher education remained at the same level in 2005 as it had been in 1995. It was the last Prime Minister who attempted—and to some extent succeeded—to cast degree-level qualifications as an elite and therefore negative and undesirable pursuit that working-class people need not bother with. Working-class kids getting a job digging ditches and lugging boxes was appropriate, according to John Howard, but a university degree was not. But this is not adequate from the perspective of this government. We know that it is not the way forward because it is not in our nation’s best interests, nor is it in our children’s best interests, for us to tell them that we do not expect much of them. In so doing we are saying that we do not expect much of the future for them.

The Bradley review went so far as to advocate setting national targets for attainment of degree qualifications and national targets for participation of students from low socio-economic backgrounds, coupled with institution specific targets for participation and for performance. Also the review advocates national benchmarking against OECD countries performance in education system quality. The Bradley review puts this focus on expanded opportunity in terms of finding...
enough young people to train the number of professionals we as a country wish to skill.

It could also be put in terms of delivering observable equality of opportunity. I have long held the view that a society with real equality of opportunity would probably see something like similar proportions of people raising their socioeconomic or professional standing as those who drop in the level of professionalism of career compared to their background. Equality of opportunity would see it being as easy for a child of a very poor working-class background to get a degree and be a professional as it is for a child whose parents are professionals to become something less well renumerated. These are statistics that we would just love to see.

In the 2009-10 budget we saw the beginnings of our tertiary education rebuild. The government supported the higher education and research sectors at a cost of an additional $5.4 billion over four years and will commit additional resources over the next 10 years. This includes funding of $1.5 billion for teaching and learning, $0.7 billion for university research, $1.1 billion for the Super Science initiative and $2.1 billion from the Education Investment Fund for education and research infrastructure. Funding over the next few years for infrastructure is almost unparalleled. We have seen unprecedented investment in capital works around the nation at our local primary schools, with much needed investment interest in the facilities relied on by the majority of children of a majority of families—multipurpose halls, classrooms and libraries by the dozen. What an exceptionally fine action of this government to use the stimulus money required by our national economy for the benefit of this nation’s next generation—an investment that will serve to give multiple generations of Australians wealth for many, many years to come, as will this investment in our universities.

The higher education sector really has transformed over time since John Dawkins was the minister responsible and our system became a mass—not elite—system. This was, critically, an important step. After the previous government’s decade-long sabbatical, we now have the opportunity to take tertiary education to the next level so that it can equip our population and our workforce for this new century, which will see as much change around the world and in our lives as did the last century. To this end, I commend the bill to the House.

Mr NEUMANN (Blair) (5.00 pm) — I speak in support of the Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010. The Bradley review said this in its executive summary: Australia faces a critical moment in the history of higher education.

The member for Hindmarsh described the previous government as being on a ‘sabbatical’. I think the members were like Rip Van Winkle; they were simply having a sleep when it came to higher education. It is almost as if they said, ‘When it comes to higher education, we shouldn’t compare ourselves with our OECD partners.’ Certainly the Bradley review was absolutely damning when it came to the previous government’s performance. The member for Hindmarsh correctly quoted the Bradley review where it said:

Australia is the only OECD country where the public contribution to higher education remained the same level in 2005—

when the coalition was in power—

as it had been in 1995—

when Labor was last in power under Prime Minister Paul Keating. It is an absolute disgrace that the coalition failed so miserably with respect to higher education in this country. The legislation that is before the House follows one of the recommendations of the
Bradley review—that is, to amend the Higher Education Support Act 2003 to increase the amount of FEE-HELP debt to 125 per cent of the FEE-HELP loan.

The background to all of this is that many of us here in this place were benefited by the wonderful educational reforms to higher education undertaken by the Whitlam Labor government. As I stand here before you, I can truly say as the first person in my family ever to go not just to high school but to university—I studied arts-law at the University of Queensland—I thank every day the Whitlam Labor government for their wonderful initiative with respect to higher education in this country. Certainly in 1989 undergraduate students were required to pay a contribution towards the cost of their courses under what became known as HECS, or the Higher Education Contribution Scheme. If they did not want to pay upfront and receive a discount, they could elect to repay the Commonwealth government for the loan, through the taxation system, when their income reached a certain threshold. This was changed in 2005, and the Higher Education Loan Program, commonly known as HELP, was brought in to replace HECS. It was expanded to include FEE-HELP for fee-paying undergraduate and postgraduate domestic students and overseas HELP, or OS-HELP, for Commonwealth supported students who complete part of their course overseas. The year 2007 will be known as the year that VET-HELP was introduced for students studying a diploma and advanced diploma courses in what we call vocational education and training. So what happens with respect to those university students who apply for a loan in the form of an income-contingent loan is that their outstanding debts are indexed according to the consumer price index. The FEE-HELP scheme does allow a domestic student—and I have two daughters of mine studying at the University of Queensland—to enrol in a full-fee-paying course under FEE-HELP assistance of up to $80,000 for full tuition fees or $100,000 for medicine, dentistry, veterinary science et cetera.

What is happening here is that we take into consideration the implicit subsidy, and that was recognised by the Bradley review. There are circumstances, by reason of someone’s death or by reason of income-earning capacity—a whole range of factors—which could result in the debt not being repaid to the Commonwealth. Effectively those persons would be getting an implied subsidy—in effect they have borrowed money from the Commonwealth for the purpose of their education. Modelling was undertaken and the Bradley review recognised the modelling and the challenges here and recommended strongly that we should undertake to change the current low fee of 20 per cent which applies to FEE-HELP loans and increase it. So the legislation before the House today deals with that recommendation, and the Parliamentary Secretary for Employment, the Hon. Jason Clare, who is in the House today, correctly pointed out in his second reading speech in relation to the matter that:

The Bradley Review of Australian higher education’s final report noted that the implied subsidy offered through a FEE-HELP loan increases significantly with the level of debt. This means the government’s subsidy varies considerably by course.

Anyone who has been at university knows that is the case. The recommendations are that we increase the loan fee from 20 per cent to 25 per cent for undergraduate courses. I can see the benefit of that, and I understand entirely why that has been recommended. The Rudd Labor government is not just doing this with respect to higher education. Unlike the previous government whose sole commitment to higher education was to impose Work Choices on the higher education scheme and to link funding to the
higher education sector with the imposition of AWAs, the Rudd government has listened to the experts and is following the recommendation of the Bradley review.

We have about 37 public universities in this country, some tremendously fine institutions that produce graduates in medicine, law, engineering and across the whole range of courses in science, the humanities, social sciences and the arts which are the envy of the world. But we have to recognise, as the Bradley review did, that higher education has changed dramatically over the last 30 years. Technology alone has had an impact—the internet, email and the availability of information for courses and the variety of courses have been dramatic changes. The Bradley review noted that we do not just have 37 public universities, but we have two private universities and 150 or so other providers of higher education, so there is a range of opportunities.

The previous government failed to invest in higher education and we see that in so many of the speeches by those opposite. When it comes to student union activities at universities, they seem to be undertaking an ideological battle that they have carried into this place from their days at university. Their view of higher education is that it is a place where you can impose Work Choices, you can criticise student unions which represent students from regional and rural areas and you can de-fund the sector. That was the experience during the nearly 12 years of tenure of the Howard government on the Treasury benches. Under the previous government, within the OECD we found ourselves in ninth position out of 30 in the proportion of our population aged 25 to 34 years with tertiary qualifications, down from seventh a decade ago, according to the Bradley review.

The trouble is that if we do not better educate our young people who want to study at a higher education level, our productivity will decline, our businesses are more likely to be less profitable and our citizenry are more likely not to have the skills, talents and qualifications to compete internationally. It will impact upon our economic growth, impact upon our GDP, impact upon our workplaces and impact upon family life and the life of our community. So investing in higher education is good for our economy, good for our trade, good for our family life and good for our communities. The Bradley review notes that work done by Access Economics clearly shows that from 2010 the supply of people with undergraduate qualifications will not keep up with our demand. We see that across the health sciences, medicine and the like.

We have some fantastic universities and a number of them are in my electorate of Blair in South-East Queensland. We have the University of Queensland Ipswich campus which offers not just business and accountancy but also medicine and nursing. I am pleased to see the Rudd government’s commitment in the announcement made today by the Prime Minister and the Minister for Health and Ageing. That will have a very advantageous impact upon young people and those who want to study medicine in my electorate. I warmly welcome today’s announcement of the massive increase in GP training places and the number of health professionals we are going to train in this country. Sadly, in the electorate of Blair and certainly the Ipswich and West Moreton part, we have about one GP for every 1,609 people. That was determined in a study undertaken by the University of Adelaide just a few years ago at the request of the Ipswich and West Moreton Division of General Practice. We do not have enough doctors, we do not have enough nurses and we do not have enough health professionals. I am really excited and thrilled about announcement made by the Prime Minister today which, by training more doc-
tors and more health professionals, will have a direct impact on the tertiary sector, not just at a national level but also at a local level in the electorate of Blair in the Ipswich and West Moreton area.

The Rudd government is strongly committed to implementing the recommendations of the Bradley review. Education at a higher level should not be the province and choice only of the rich and powerful, the sons and daughters of the captains of industry and big business. Education should be for everyone and available to everyone. Those people from low-socioeconomic backgrounds, working-class boys and girls from Ipswich and the rural areas outside should have the same advantages in life. You should have the same opportunities in this country whether you live in Ipswich or Indooroopilly, whether you live in Sydney or Melbourne, whether you live in Kalbar, Boonah, Lowood, Laidley or Toowoomba, from the Torres Strait to Tasmania, from Palm Beach to Perth. I am very pleased that the Rudd government has seen fit to provide further assistance in the level of support for the students. It is a crying shame that those opposite have been opposing our reformist legislation of support for students and those people in the higher education sector by their obstructionism in the Senate and their failure to support us in providing assistance to tertiary students.

Reforms to and better targeting of income support would enable students from regional and rural areas in places like Ipswich to get better access to education and more opportunities. I note also the great support of the Rudd Labor government in the electorate of Blair, particularly that part that has been re-distributed into the federal electorate of Wright for the next election where the University of Queensland Gatton campus and the school of veterinary science has been transferred. I am pleased to welcome into the electorate of Blair the University of Southern Queensland at Springfield as part of the electoral redistribution. I will be very happy to support the head of that campus, Doug Fraser, and the work he does. I have had a very close relationship with the University of Queensland Ipswich campus and the Pro-Vice-Chancellor, Alan Rix and I will continue that relationship with the University of Southern Queensland’s Doug Fraser. I commend the work of the University of Southern Queensland in teaching many people from working class areas and from low-socioeconomic backgrounds who have never been to university before. In a meeting I had some months ago with Doug, I chatted with him about the demographics of the student population at the University of Southern Queensland campus in Springfield. He pointed out to me that they are hitting targets way beyond what we are suggesting here.

We want people from low-socioeconomic backgrounds to get an opportunity to go to university. We want more young people from disadvantaged backgrounds to have that benefit. We intend to invest massively to make sure that we increase the funding for higher education. Some of the data I have seen in relation to the previous government’s failures in relation to higher education is simply damning with respect to university research and the assistance given to those campuses engaged in areas like medicine, innovation, business innovation and things like the study of science et cetera. They simply failed, in that regard, to invest. So what the Rudd government is doing is undertaking a huge investment with respect to higher education. We are talking about $5.7 billion into the higher education sector. We are making sure that we attain our goals with respect to low-SES enrolment, and we are backing it up with funding. We are not just saying it; we are actually backing it up with support, because we know that the measures that we
undertake here to support our higher education are crucial for our long-term economic growth, not just for social equity, social inclusion and social assistance to the disadvantaged. We know, as we get out of the global crisis, that we need to be a stronger but a fairer country, so it is so necessary to increase our funding in this regard.

The government has a very strong ambition with respect to having people from low-socioeconomic backgrounds at university and providing opportunity for them. We have a strong ambition that 40 per cent of all 25- to 34-year-olds will attain a bachelor’s qualification or above by 2025. We think that what will happen then is that our workforce will have skills, qualifications, abilities and talents that will help us compete, because that is what gives us the advantage with respect to markets and economic growth. Having a highly skilled workforce is absolutely crucial to ensuring that our future prosperity is attained and that our young people feel included in society. Higher education is not just important for economic growth and business opportunity and it is not just important in terms of social equity; it is important because those people engaged in higher education feel a greater sense of self-esteem and greater morale. They are more likely to feel part of a society and less likely to feel excluded. They are less likely to engage in criminal activities and more likely to be contributors and involved in civic and community life. So higher education has benefits not just in terms of economics and family life but in terms of civic life and adopting what I would describe as a more communitarian spirit—a desire to give back to your community and to the civic life of the country.

The legislation before the House is part of the fabric and matrix of the Rudd government’s commitment to higher education, something which I passionately support and which I believe is in the best interests of my country, the best interests of my state of Queensland and my region of South-East Queensland, and certainly the best interests of the constituents of the federal electorate of Blair. I support the legislation.

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (5.18 pm)—in reply—I thank the members who contributed to this debate, the members for Sturt, Moreton, Lyne, Corangamite, Hindmarsh and Blair. The Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010, as we know, amends the Higher Education Support Act 2003 to implement the government’s decision to increase the loan fee from 20 per cent to 25 per cent of FEE-HELP loans for undergraduate courses.

An increase in the loan fee will enable the government to recover more of the taxpayer subsidised cost of providing FEE-HELP loans. Even with a five per cent increase in the loan fee, the conditions of the government’s FEE-HELP scheme continue to provide extremely favourable income-contingent loans to students. Students do not have to start repaying their HELP loan until their income reaches the minimum repayment threshold of $43,152 per annum. If students do not repay their loan, the government meets the cost. Most students will not be affected by this change, which will only impact undergraduate students who choose to use FEE-HELP for their tuition fees in a fee-paying place. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (5.20 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2010

Second Reading

Debate resumed from 24 February, on motion by Ms Kate Ellis:

That this bill be now read a second time.

Dr STONE (Murray) (5.21 pm)—I rise to speak on the Family Assistance Legislation Amendment (Child Care) Bill 2010. The bill is not going to be opposed by the opposition, in that it makes some sensible amendments to the childcare payment process. We introduced those changes a little while ago, so the bill is one with technical amendments which should make for a more streamlined process and greater equity in some cases.

The bill allows the payment in arrears of childcare benefit, or CCB, when a childcare service cannot report daily attendance numbers because of circumstances beyond their control—for example, if there is a bushfire or other national disaster meaning the lines are down and that childcare centre cannot send its electronic data in daily. Obviously that is an important amendment.

This bill also simplifies requirements for four-weekly statements of payments to parents. It will also change the suspension of childcare benefit automatically after 10 infringement notices in a 12-month period. In the future this will be discretionary rather than an automatic suspension, depending on the circumstances of the case.

The bill also has within it an extension of the requirement of a 30-day notification of a childcare service ceasing to operate: the requirement will be for 42 days notice when a centre is to cease functioning. The bill also clarifies the authority of the government to recover overadvanced payments paid under the previous quarterly reporting system.

All of these are quite sensible amendments. Let me give you a little more detail. The Child Care Management System, or CCMS, was introduced on 1 July 2009. It replaced the Centrelink-managed childcare operating system, or COS. All childcare benefit approved childcare service providers are now required by law to operate under the CCMS. It brings all approved childcare services online, and they use their CCMS registered software to daily record child enrolment and attendance information. Services report this data to the Department of Education, Employment and Workplace Relations electronically to allow calculation and payment of the childcare benefit fee reductions on behalf of children using the childcare service. Obviously all that is quite simple if you do not have a problem with a natural disaster wiping out your establishment and making it difficult for you to do that daily reporting. This bill addresses that issue.

From the time of transition to the new system, CCB was paid to a childcare provider weekly or fortnightly in arrears based on reports provided through the CCMS. Payment of the childcare benefit in arrears does not provide a buffer for services whose ability to electronically report has been disrupted due to circumstances beyond its control.

The other amendments that I have already given in summary deal with compliance issues. Approved childcare services must provide statements to individual families receiving the childcare benefit fee reductions every four weeks. However, varying start dates for the statement period can vary for the children in the centre’s care. This has caused unintended complexities for the services, more cost to them in administration and some confusion. This will be sorted by more flexibility in when parents have their payments reported.
As well, there is currently within the legislation an automatic outcome where, if there are 10 infringement notices in 12 months for contravening civil penalty provisions relating to record keeping, access to records, requests from the secretary for further information and payback of remittances et cetera, there is automatic suspension of the childcare benefit approval. Other suspension cancellation provisions applying to the CCB approval are discretionary and so, in line with those other approvals being discretionary, this amendment will extend suspension discretion to the secretary for the 10 infringement notices in 12 months. They can then consider the impact of an automatic ceasing of remittances on the families using the service.

If a childcare operator intends to close a service, currently it must notify the secretary at least 30 days before it ceases operations. A lot of families will be significantly impacted if they must find alternative child care, and 30 days to look for new services may sound a lot to some without children in their care but it can be very difficult for many. The ABC situation caused major disruptions, and this notification requirement was seen to be too short in many cases. It will now be extended to 42 days to provide extra time to deal with potential disruption to families. The existing penalty regime will continue to apply in relation to failure to comply with this new 42-day requirement.

Prior to the Child Care Management System, services were paid quarterly childcare benefit in advance, and if there was an overpayment it was recovered during the next quarter. Services are now paid CCB weekly, or fortnightly in arrears. The amendments are retrospective to 29 June 2007, and will clarify that the authority to recover overadvanced amounts does in fact exist in law.

Again, I need to state that we are not intending to oppose these changes. We think they make sense. What we are concerned about though is the current state of child care and early childhood education in Australia. We, of course, were supportive of there being a national framework of childcare and early childhood education standards. That has been an important move to make. Unfortunately, when you look at the realities of childcare offerings state-by-state and in the territories, you still see a substantial variety of interpretations of the new national standards. For example, you see the numbers of hours that a child may take in early childhood education—the year before they go to school—still varying across states. You have got the extraordinary circumstance in Queensland now, where Queensland is offering free early childhood education to four-year-olds in the year before they commence schooling—that is quite different to other states.

We have the situation where this government has pronounced loudly and clearly in their campaign that they would offer ‘universal access’ to early childhood education, which is the most extraordinary nonsense statement when you consider what ‘universal’ means if it is not mandated and what ‘access’ means if you come from one of my 52 country towns or some of the smaller towns of my neighbour in Indi. A town may not have a preschool centre, or the centre has recently closed because parents cannot pay the fees. Does that parent automatically get offered access to preschooling in that small country town when the centre has closed? I do not think so. What does ‘universal access’ actually mean in the case of early childhood education?

Then we have the agenda flowing under all of this where the government seems to be hopeful that childcare centres will offer early childhood education within their own centres in the year before the child formally commences their primary schooling. That, again, leads to all sorts of difficulties since different
states have different interpretations of what constitutes early childhood education, our childcare centres differ very substantially too and, of course, not all children are in a childcare centre. Some are in long daycare, some children—in fact, very many of young age—are in a system of in-home care, which is paid through the black market with no regulation of that sector and no support for parents using a ‘nanny’ in terms of childcare subsidy, even though their means may be as limited as are the means of another family receiving support through the government for their child attending a different sort of childcare opportunity or centre.

So child care is a mess in Australia under Labor. We have people who are desperate for after-school and holiday care for their children and who cannot find a service or facility in schools or communities that are adequate, affordable and of good quality. We have the not-for-profit sector with all sorts of advantages in terms of their exemption from paying rates, payroll tax, fringe benefits tax reporting and so on. They compete head-on with the for-profit sector in the childcare services industry, and they wonder why there is that extraordinary support of the new service to take over from the ABC with substantial government investment in that new enterprise. I am told there were tenders put in from the for-profit sector for running those ex-ABC services.

There are a whole range of issues that worry parents deeply about access to good child care in this country. When you think that parents pay $100 a day to access our own childcare centre here in Parliament House, it must be that parents who access the service are able to afford that. But in many other parts of the economy families cannot pay $100 a day, and yet if they are paying substantially less then too often those centres are in extreme financial difficulty. So what are we to do in this country? For a start, we have to have consistency on what national standards mean, including what the economic impact of those national standards will be on the viability of centres. If you are talking about reducing the ratio of cared-for children to staff or reducing the size of the childcare service itself—and those vary from state to state—that obviously has significant impacts on the costs of running those centres. If you also mandate or dictate certain qualifications and ratios of staff with qualifications, self-evidently that translates into a different cost in running childcare centres and preschool centres. But there is absolutely no discussion out there in relation to the cost impacts of the new national standards that the sector can tune into or be consulted about, so we have people out there simply wondering, ‘What is going to happen to our children who need care as we go off to work as a two-income family?’

We recently had the paid parental leave difficulties that Labor left us when it described a minimalist program back in May 2009. We have been able to address that with a much better program of paid parental leave put on the table. Families are breathing a sigh of relief about that, but we have not gone on from paid parental leave to discuss the debacle that currently represents child care as a viable sector across Australia. We all know about the two-year waits for access to a childcare centre in some places. We know about families who have delayed having more children or delayed the timing of their next and subsequent children because they cannot access child care. It is a great shame when a government refusing to properly address the needs of a sector impacts on our population growth, the size of families or the age when parents can have families. That is an incredible indictment on our society as a whole.

So we in this country really do need to sit down and analyse what all the options are for
families to have their children cared for while they are at work or when they want their children to have additional socialisation outside the family home. It used to be the case in the good old days that there was perhaps a grandparent or some other extended family member who could take on the children and look after them in a satisfactory way. Those days when all women with children had access to a grandparent—a grandmother in particular—or an extended family are long gone due to the mobility of our population but also due to the fact that, too often, grandmothers themselves need to be in paid employment.

We have a serious problem, then, understanding exactly how to provide uniformly high-quality, affordable child care in a range of options across the country. We had an excellent report brought down when we were in government. It came out of an inquiry chaired by the Hon. Bronwyn Bishop, and those recommendations are as alive today as they were when they were tabled. We need to look at those carefully, particularly in relation to options for child care like in-home or nanny care. Labor has gone on telling us that that is an elitist option. I think they should be more familiar with the actual costs of child care in a professional centre or even long day care, comparing the cost when you have several very small children being minded within the home with paying $100 a day per child, or a little less in other places. You soon start to see that a nanny looking after your children is not an elitist option. But it is an option that needs some regulation in order to protect both the workers and those who employ the worker, and that is where the coalition is consulting with families on what they think about those options right now. This morning I spoke to New Zealander members of parliament and looked very carefully at how they managed their system—much better than ours, it would seem.

There is also a serious problem where we have discrepancy around the country. In Victoria, for example, it is not mandated that suspected child abuse be reported by the childcare centre, so we do not even have that protection extended for children who are vulnerable and who, perhaps, need some special protection. It is not required that the childcare professionals report a suspected case of abuse or severe disadvantage. We need a national set of standards which includes issues like that.

We also need to look at the role of grandparents who have the full-time care of their grandchildren. Too often this is the grandmother looking after her daughter’s or son’s children. They are the very poor relations of our current system. They are often not able to access the childcare benefits or other supports that are in the system. They are financially stressed caring for their grandchildren when there is no other alternative, because they are not often reported to Centrelink as the major carers.

This is a serious issue for our society. Those grandmothers may have had to leave paid employment to look after their grandchildren and they then become less likely to be financially independent in their older age. We know that 75 per cent of women now make up the ranks of those on age pensions. Too often these women who are caring for their grandchildren have limited superannuation and savings from their fractured time at work, given the generation they come from or from active discrimination in the workplace when it comes to employing older women.

When we are talking about child care we must consider who is doing the caring and the issue of grandparents who are often accessing formal child care but not with the government support that others enjoy and who would meet the means testing if they
were registered as the carers. We have to look at the fact that there is too much variation between states and territories, for example in what is an acceptable size of a centre. For example, in some states we are told 75 is the maximum number that may be in a child-care centre and in other states there is no limit at all. How does that make sense?

We have to also look very carefully at the fact that child care is typically designated as women’s work. We have a serious issue about the career options for women working in child care, and for them to have the right status and value in the community to be properly paid. All of that is part of this child-care mix. It is a complex area of work but an area of significant importance for a society as it looks to have its young children, whose parents are both in the workforce, being cared for in an appropriate way.

I have to say that I have been hugely disappointed since taking up these issues with my portfolio responsibilities to find that, while lip-service is paid by the Labor government to things like paid parental leave and the national framework for new child-care and early childhood education standards, when it comes to the practical delivery of better programs in consultation with the states and territories—who have a lot of responsibilities in these areas—and when it comes to considering the real costs and the current funding that is available, Labor has let us down again and again.

The paid parental leave issue is just one of the examples of where something was promised and virtually nothing was delivered. In some states we see a crisis of funding in child care; in others we have some in the sector who are doing quite well. We do not yet know how the replacement for the ABC ownership will go. We certainly wish the new owners well but there is a lot of concern about how they may be able to sustain their financial viability under the new framework requirements and conditions.

I go back to the Family Assistance Legislation Amendment (Child Care) Bill 2010 and say that we are in support of the amendments that have been put forward. They build on some changes that we made when we were in government and they pick up some unintended consequences and interpretations in the bill. All of those amendments are appropriate in this bill and I commend the bill to the House.

Mr NEUMANN (Blair) (5.41 pm)—I speak in support of the Family Assistance Legislation Amendment (Child Care) Bill 2010. The member for Murray talked about child care. It seems that she has had a road to Damascus experience—to use to the expression of the Prime Minister today during question time. I say to the member for Murray, through you, Mr Speaker—

The DEPUTY SPEAKER (Hon. Peter Slipper)—I am only the Deputy Speaker, regrettably.

Mr NEUMANN—You never know what may be before you in your future. Where was the member for Murray and where was the coalition on a national quality framework for child care? We know, according to the studies, that per capita the coalition were spending something like one-fifth of what our OECD partners were spending on early child care. There was no thought of an education revolution in child care from the coalition while they were in government.

Did they improve the staff-to-child ratios so that each child could get individual care and attention? No. Where were their new qualifications for staff? Nowhere. Did they have a focus on activities and national standards which would help children learn and develop? The answer is no. Was there a rating system so that parents could know about the quality of care on offer and be able to
make the best decisions and choices for their children? The answer is no. Where was the discussion on child care in the COAG process during nearly 12 years of coalition tenure on the benches of this side of the House? Nowhere.

The fact is that this legislation is part of the Rudd government’s vision for child care: to make it affordable, accessible and to make sure that the staff-to-child ratios and the qualifications of those who work in the sector are of the highest quality. We want to make sure that when parents choose to put their children in child care they can be confident of the safety of the child, confident that their child will learn and develop, confident that they will socialise and confident that the people there will care for them as their own. We want the parents to be confident that that child can leave child care and go into primary education and beyond after having received the kind of care that is not simply being plonked in front of a TV or sitting there doing nothing. We want to make sure they engage in educative play activities with high-quality staff. We want to make sure that those children have positive learning experiences. The Rudd government is backing up this commitment with an investment of over $16 billion over four years.

I say to those opposite, who may comment on child care, the childcare sector and what we are doing, that amount is more than twice that provided in the last four years of the Howard government. Get that straight: over the next four years the Rudd government will invest over $16 billion, more than twice what was provided under former Prime Minister John Howard’s coalition government in its last four years. That is a massive increase in investment. Sadly, in 1996, after the coalition got in, we saw a neglect of the childcare sector. Inaction, idleness and inertia are what characterised those opposite with respect to early childhood education and the childcare sector. So let us not have those people come into this place and give us lectures, as if the childcare and early childhood sector in this country somehow was perfect under the previous government and somehow has gone to rack and ruin under this government. The truth is we are making up for time lost under the previous government, which sadly was not particularly interested in this sector.

The legislation before this chamber is important because it is part of what we are going to do to improve the sector. Parents in my electorate know that we have increased the assistance to parents through tax cuts and also through childcare benefits, fulfilling our election commitments with respect to the sector. While I am on that, I want to note ABC Learning Centres, as mentioned by the previous speaker. On the previous government’s watch, Eddie Groves and co. were allowed to develop a monopolistic practice and control of the sector, and we have had to fix that up. There have been investments of tens of millions of dollars of taxpayers’ funds to ensure the viability of the sector, to ensure that the sector remained open at various centres across the country. In my electorate of Blair, I saw it. The biggest suburb in the electorate of Blair is Brassall, by a long way. Bush Kidz came in and saved the centre at the Brassall Shopping Centre.

We also know that there are other community based childcare centres, like Cribb Street, which are suffering. Cribb Street is a very old childcare centre, community run by mums and dads. It is declining in numbers because that part of Ipswich is declining as the suburbs on the outside expand. So the childcare sector faces challenges. We have had challenges with Eddie Groves and his like. We have had challenges with the previous government’s inaction and ignorance on the topic. There have been challenges for mums and dads under pressure with respect to meeting the cost of living. The cost of
housing went up dreadfully under the previous government, and there are the cost-of-living pressures each and every day.

The legislation before the House proposes six administrative amendments to our family assistance law, improving administrative requirements of childcare services and the overall administration of the childcare benefit, which the Rudd government has seen fit to expand and increase. There are some practical changes which will help in circumstances where childcare centres have fallen into poor running—for example, the notification of cessation of operation of approved childcare services provision. Currently operators are required to provide at least 30 days notice of their intention to cease operating. Thirty days is not a long time for mums and dads who have kids in child care to find alternative places. So the provision which requires operators to provide at least 42 days notice that they cease to operate is a good amendment in this legislation. It gives families greater time to make alternative arrangements that suit their needs and, simply, to find a place for their kids. That is an important amendment.

There are changes with respect to business continuity payments. Under the new childcare management system, services must submit an online report to receive childcare benefit payments on behalf of families, but there is a provision should a service experience a disruption, such as a local emergency. We have seen emergencies across Queensland—and I note the member for Kennedy is here. We have seen floods in the western parts of North Queensland which have been very difficult for residents. South-East Queensland, where my electorate is, has also received a tremendous torrent of rain. We have seen natural disasters across the state of Queensland. In those sorts of circumstances, where services are unable to submit their online report, the legislation allows the Commonwealth to pay those services. In a country like Australia, where there have been bushfires in Victoria and floods in Queensland, this is important. The amendment introduces a business continuity payment so that childcare benefit can be paid to services when they cannot submit their normal online report. That is so they continue to have cash flow in times of need. This is important for business. Anyone that has been in business knows you just have to have cash flow. If you have not got it, you are in trouble.

There are also important changes with respect to the recovery of old advances to approved childcare services. Services, as the member for Murray correctly pointed out, used to be paid their CCB fee reductions every three months in advance. At the end of that quarter they would then acquit the amount they had received against the actual childcare usage. That changed, and it is now paid weekly or fortnightly in arrears. So the amendments confirm the original intent of the Howard government’s legislation and provide for acquittals of advances and recovery of old advance payments.

There are other changes, and the amendment with respect to suspension of approved childcare services approvals is important. That is an amendment which makes discretionary the current mandatory suspension of childcare benefit approvals where a service has received 10 infringement notices in a 12-month period. The discretion to suspend allows the secretary of the department to take into consideration the nature of the infringements and the impact on families using the service. There could be circumstances where a childcare facility makes technical infringements, and some of them can be quite technical. Anyone involved in the aged-care sector knows that, from time to time, that has happened in the aged-care sector, as it has in service provision for families at schools and also in the early childhood sector. In child-
care services this can happen, and we want to make sure that any infringements do not impact adversely on families using that service. So, again, the discretion here is important. It gives greater flexibility to the department and to the secretary’s delegates.

There is a change with respect to the obligation on approved childcare services to provide statements. Approved childcare services currently are required to provide statements to families setting out their childcare benefit entitlements and fees on a four-weekly cycle. There are changes here which will allow greater flexibility, and those things are important.

Improvements have been welcomed by the sector. Generally, in my electorate there has been significant approval of what the Rudd government is doing with early child care. I know the member for Murray was critical of the sector and what has happened, particularly in Queensland. But my experience as the federal member has been that the childcare sector in Blair is supportive, generally, of the Rudd government’s commitments.

We have a very strong vision to improve child care. We want to make sure that our childcare sector is as viable as the higher education sector we were debating before. The previous government failed to invest in the tertiary sector, and they failed to invest in our young people with respect to the childcare sector. The many childcare workers that I know were absolutely appalled that one of the major changes they saw in the sector was the previous government’s commitment to AWAs and the imposition of Work Choices. I spoke to many people in the childcare sector during the last election campaign. I know, after having spoken to them, that they were not on high wages. The impact of Work Choices and AWAs in that sector was dreadfully severe. The government’s commitment to eradicate Work Choices, to abolish AWAs, to improve the wages and conditions of the workers in the sector, to give parents greater transparency and access to information, to give greater flexibility to the sector, to give more money to the sector, to invest in our young people and in the sector generally and to fix up the problems caused by the Eddie Groveses of the world is a demonstration of the Rudd government’s true commitment to a strong childcare sector—a strong vision for child care backed up by serious money. I commend the legislation to the House.

Mr KATTER (Kennedy) (5.54 pm)—The magazine *Marie Claire* did a major article some years ago about parental leave. As has been brought up already in this House, out of some 30 prominent countries mentioned, the only two countries that did not have provision for parental leave were Australia and the United States. The legislation before the House, the Family Assistance Legislation Amendment (Child Care) Bill 2010, is very detailed and specific on child care. The debate in this place is constantly about child care. The parental leave issue is tailored for working mums. The childcare issue is about working mums. I pay great tribute to Tempe Harvey and her organisation, Kids First Parent Association, for bringing the issue to the attention of Australians such as me. When the Prime Minister announced his parental leave package, I thought it was a very good step in the right direction. When the Leader of the Opposition announced a much more generous arrangement, I thought that was very good too. I got a nasty broadside from this particular group, amongst other people, and deservedly so. I, like everybody else, was trapped into a paradigm of conventional wisdom that led us to believe that it was all about working mothers. I suppose we constantly run across working mothers in this place, but we do not run across non-working mothers.

CHAMBER
It was very interesting to have pointed out to me that most mothers in Australia—albeit by a small margin; it is 51 per cent—with a child below the age of five were stay-at-home mums. They have made a very great sacrifice to give their children full-time mother’s care. I do not wish for my remarks to be construed as a criticism of those mothers who, quite literally, have to work. One night, when I pulled up for a burger at a late-night servo, one working mum said to me: ‘Do you realise how tough it is for people like me? I have a six-year-old child and, if I work here at night, I have to pay someone to look after her. If I had a day job, I would have to pay someone to look after her. If I don’t work then I am on a figure which, really, means it’s not possible for me to stay alive. If I break out and have a few smokes during the week then, of course, someone’s got to go hungry and that someone is me.’ I thought that was a fair sort of call.

Successive governments have done nothing to lean upon the banks in Australia who have said yes to every application for home lending, which has driven the cost of homes straight through the roof. The cost of a house in the eighties was twice the average annual earnings; now it is seven times the average annual earnings. This is much greater than in the United States, where the system simply collapsed. It was six times the average annual earnings there, and now it is down to about three times the average annual earnings. The price of a house in Australia is nothing more than the cost of bad government. I had a station property with a few hundred thousand acres, and the value of it was $4 an acre—in a country where, a stone’s throw from any city, you can buy land at $1,000 an acre and people are paying many hundreds of thousands of dollars.

The issue is very graphically illustrated, and I refer again to Kids First—because I think we will hear a lot more about them as time goes on. They have a little brochure out that talks about an unwaged mum—a stay-at-home mum—getting $5,000 on the birth of a child and then an annual payment of $3,000. So she gets $3,000 a year for having a child. Under the Rudd government plan, she will get $7,000 and an annual payment of $6,000. Under the opposition’s proposed plan, a woman will get $30,000 on the birth of her child and then an annual payment of $6,000. Is it fair that the mother who is working, who is on average weekly earnings, on an income of $60,000 a year, gets $30,000 when she has a baby and the person who is the stay-at-home mum gets $7,000, Mr Acting Speaker? Is this fair?

The DEPUTY SPEAKER (Hon. Peter Slipper)—Honourable member for Kennedy, the better way to refer to the chair is as Deputy Speaker. You have elevated me on three occasions, for which I thank you—but it is most undeserved.

Mr KATTER—We are all actors on a fleeting stage, as a famous man once said. Is it fair that one person should get $30,000 for having a baby, and the benefit that flows to another person is a meagre $7,000? It seems to me to be very unfair. To add to that burden of unfairness, the children of the stay-at-home mum do not go to child care. So they are not absorbing taxes—taxes that need to be paid to pay for the childcare facilities which are heavily subsidised, as we are all well aware. They are saving the government a substantial amount of money.

All that is being asked for here is fairness. There is only so much money to go around. What is being said here is that a stay-at-home mum should get an allocation of money and the person who chooses to work, to follow a career pathway, should get the same amount of money. Is one better than the other? Why should one group be discriminated against and the other group be subsi-
dised by the public purse? It seems to me eminently unfair. It also strikes me as a good example of just how out of step we are in this place—and I must start with a criticism of myself, because I had not seen the very discriminatory allocation of funding that is taking place at the present time.

As I have pointed out on many occasions in this place, Australians are a vanishing race. There cannot be a more definitive judgment upon a race of people than if they simply eliminate themselves from the gene pool. We belong to a race of people called Australians who are simply eliminating themselves from the gene pool. When 20 Australians die they are replaced by 17 Australians. I read a major article in the Australian by the leading demographer in Australia at the time, Dr Bob Birrell, a professor at Monash University. In the article he said that the population of Australia in 100 years time would be seven million people. I took off at a hundred miles an hour down to the library because I thought that this had to be wrong—but he seemed like a very eminent person. The librarian who did demography work said, ‘It’s very simple to work out: if 20 Australians are replaced by 17 and then that generation dies off and they are replaced by 13 and that generation dies off and they are replaced by 10, you can do the mathematics yourself, Bob,’ and I did—and yes, that is correct. We will go from the current population down to a population of seven million people—and they will be very, very old people.

So, as a race of people, have we been successful? Have our belief systems dominated over the belief systems of other people on the planet? Where have those belief systems taken us? Where have those valued judgments that we have made in this place taken us? They have taken us to a situation of complete elimination of the human genome—or DNA. That must be the ultimate judgment on whether or not your decisions are right.

We have put this great value upon careers—whether for a man or a woman—and the value judgments that have been made in this place put them as far more important than having some little kid to love or some little kid to love you as a parent. We are here today talking about child care. The difficulty is that we are in this paradigm of child care and we cannot get ourselves out of this paradigm. We cannot think in terms of looking after the women who decide that they need to have a family and they need to bring up that family properly.

I represent farming areas. Unfortunately, within two years of this place deciding almost unanimously to deregulate the dairy industry, there was a farmer committing suicide every four days in Australia. I am afraid that an awful lot of those were in my area, because the sugar industry was also deregulated. The issue really rides higher than that. It is a place where we have a very high suicide rate, both by historical standards and by standards throughout Australia. Each of the people who committed suicide was a man. They were each moderately young. I asked, ‘What are the reasons here?’ People who have made a great study of it at this place asked, ‘How many male schoolteachers do we have?’ This gets back to roles, belief systems and value judgments when we are sitting here talking about child care. ‘How many male teachers do we have in this town at our high schools?’ and I said, ‘None.’ There might actually be one or two, but it is a fair call to say, ‘None.’ He said, ‘How many men do we have working at the banks in this town?’ Out of about 50 or 60 people working at the banks, I said there were none. He said, ‘How many male doctors do we have?’ I said, ‘Fifty-fifty,’ but I was wrong—it was sixty-forty. There are more female doctors now than males.
He said, ‘What exactly is the role of the male in modern society?’ I refer again—it sounds like I read Marie Claire a fair bit—to a quote from the ex-editor of the Women’s Weekly. She said one of the things that she was going to devote the rest of her life to was getting a fair go for her son because men do not really get a fair go in Australian society. There really is no place for men. This bloke added to that. He said, ‘You know, 40 per cent of the children in this town have no father.’ They are brought up with no male role that they can look to. That also means that there is a whole stack of men in this town who have no family and in 72 per cent of cases it is the wife who walks. She walks out and, under child support, the man is condemned to penury for the rest of his life and he will not be able to get married again.

When you add all these things up, you get a viewpoint where it does not really surprise you that we have the highest juvenile male suicide rate in the world. It does not really surprise us. Really, when you analyse it, it would be surprising if we did not have the highest juvenile male suicide rate in the world. So there has to be a reorientation and we have to be jerked out of the paradigm where we think only in terms of careers—people who are very self-centred, who are only thinking about advancing themselves. It is a very sad reflection upon a race of people that we do not love kids enough to have kids and there will be a terrible price to be paid for that decision further down the track. We are biting the bullet now with the cost of aged care, which is increasingly crippling the finances of the government of Australia and the people of Australia.

I think the point that is made by Kids First is a very valid point. The president has an honours degree in law from the university—she is no intellectual lightweight—and she makes a very valid point. I do not condemn anyone else. I will start with my own condemnation because my initial thinking was to praise both the Prime Minister and the Leader of the Opposition. I think that they are both people who would think the same as me when their attention is drawn to this fact and reconsider the position that they have taken. Mr Acting Speaker, if you think for even a single second about the fate of a young family trying to have their own home and to have kids and about the financial burden which that places upon them, then you can see the very difficult choices which they have to make out there—choices which we impose upon them. I think that most of the difficult choices have been created by the value system coming out of this place. I think it behoves us, in a debate such as this, to reorient our thinking and to go into a paradigm where Australians will be a growing race. I personally have a very great opinion of Australians as a race of people. I think we have an immense amount to be proud of and it is right and proper that there should be more of us and that we should not be a vanishing race.

The DEPUTY SPEAKER—I thank the honourable member for Kennedy. While I do not want to be pedantic, maybe the honourable member did not hear what I said. What I said was that the Deputy Speaker should be referred to as ‘Deputy Speaker’ and not as ‘Acting Speaker’. He was in full flight and I was reluctant to interrupt again.

Mr Katter—I appreciate your forbearance, Mr Deputy Speaker.

Mr HAYES (Werriwa) (6.12 pm)—I rise today to lend my support to the Family Assistance Legislation Amendment (Child Care) Bill 2010, a bill which proposes six administrative amendments. These go to improving the administrative arrangements of childcare services and the overall administration of childcare benefits and to a practical change which will enable the government to
respond effectively to childcare closures when they regrettably occur. It is important to recall that the Rudd government was elected on a strong commitment to child care. It is fortunate that the Minister for Housing, Ms Plibersek, is at the table because in the lead-up to the last election she visited my electorate of Werriwa. Young families want a range of different things, including affordable housing, but certainly the provision of child care always ranked very high on the agenda in the south-west of Sydney. That is because the south-west of Sydney is very much a growing area. It is an area with young families and, regrettably, current housing prices do require couples to work pretty hard to afford places. To do that, a number of concessions have to be made and one of them is both parents having to work. That is one of the reasons why the Rudd government has brought in flexible work arrangements. These are things that very much go to our commitment to support young families.

As I said, this bill is about child care. I know how important child care is, and certainly anybody who lives in an outer metropolitan area—particularly in Sydney, but no doubt it is the same in everyone else’s electorate—knows the importance of it. I also know the importance of child care from my own family’s perspective. My daughter and son-in-law, who have three kids, are both working. My daughter is a full-time teacher. I know how, having three kids, they have to arrange child care so that she can maintain her career. I know there is a significant cost impost with that. Some of that cost is no doubt borne by grandmothers, with what they do, which is obviously highly appreciated. But in my daughter’s case, for her to have a career she must be able to go out and access affordable child care in a very competitive environment where most other mums are going through and doing the same thing.

My younger son has a daughter and he, as a builder, is out there building as much as he can under Building the Education Revolution. He is working pretty hard at that, and young Kiarni is fortunately now in our child-care centre in Campbelltown. These are things that are essential for working mums and dads. When our kids were growing up, it was less of a formal arrangement. In our case, my mum was the one who probably took on a lot of the child care services when Bernadette and I had full-time activities, as we were trying to support mortgages but nevertheless raise a family. The patterns are changing, and as a consequence we as a government know that child care is very important to families. It enables parents to participate confidently in the workforce and it provides their kids with positive learning experiences.

We know from research that it is pretty clear that what children experience in the first five years of their lives sets them on a course for the rest of their lives. It shapes their futures: their health, their learning, their social development and their degree of social interaction. We want to make sure that their future is bright, and that is one of the other reasons why having properly structured child care not only makes sense but is essential. It is no longer just child minding, and that is why the focus on qualified childcare providers and qualified childcare personnel is just so critical in today’s modern environment. It is vital for our kids and it is important to recognise that because of economic constraints, the need to maintain ongoing employment and a number of things we do need to have the opportunity of having appropriately run and resourced childcare centres.

I know that my own electorate provides a number of first-class childcare options that suit many of the needs of growing families across south-western Sydney. It is important for those organisations to know that we ap-
preciate their hard work and we appreciate their work for the industry. That industry is not only looking after our kids here and now but actually paving the way, putting down the foundations, for our kids’ development into the future. I have to say, having a number of grandchildren currently in child care, that that is pretty important to me.

We are also aware that the Commonwealth government provides childcare benefits to users of childcare services, in the form of fee reductions in most cases. To ensure that the delivery of this benefit is properly regulated childcare services have, since 2009, been required to operate using the Child Care Management System. The Child Care Management System is a national childcare system that brings all approved childcare services online to communicate information about the enrolment and attendance of children in their care at that particular service. This data is then provided to the Department of Education, Employment and Workplace Relations, which in turn calculates the entitlement of the childcare benefit and pays that specific childcare benefit to the services, who pass it on as reduced fees to the parents and/or carers of children using those services.

The bill, on which I will now talk about in a little bit more detail, relates to the payments to childcare services, the obligation of childcare services and the transition from childcare management systems under the previous arrangements. Firstly, I would like to mention the issue of the business continuity payments. Under the new Child Care Management System the childcare services must submit an online report to receive childcare benefit payments on behalf of families. We understand that services may experience disruption. These can be local emergencies or some form of localised disaster but can be something as minor as—and this tends to happen in those areas which are frustrated about their internet connections at the moment—a disruption to internet usage.

The current legislation does not allow, in the case of those disruptions that prevent the online communication of a report, for the Commonwealth to pay for those services to the provider. This amendment introduces a business continuity payment so that services can continue to be paid childcare benefits when their normal online report cannot be submitted due to circumstances—and this is important to understand—which are beyond their control. They can then continue to have cash flow in their times of need. We must understand that the people running these childcare services are running a business, they do need their cash flow, and it cannot be interrupted simply because of the impossibility from time to time of communicating the online report as required. This goes a large way to remedying that issue.

Prior to the transition to the new Child Care Management System, childcare services used to be paid their childcare benefits every three months in advance. At the end of that quarter they would then go about acquitting the amount that they received against the actual childcare usage. Last year services transitioned to the new Child Care Management System, under which they are now paid weekly or fortnightly in arrears. However, the legislation that introduced the new system omitted to include any specific mechanism for recovery of the overadvanced amount acquitted before the services transitioned to the new Child Care Management System.

The childcare services that had their advances acquitted on the following transition to the child Care Management System are required to repay their overadvance. It should be noted that this is an error that occurred in the legislation passed under the Howard government. Nevertheless, this
amendment is trying to rectify that issue and it is effectively giving confirmation of the original intent of the previous government’s legislation and provides for acquittal of offences and the recovery of overadvanced amounts. Therefore, the amendments are retrospective to 29 June 2007. That is the date when the original provisions came into effect.

There are also changes to make it clear that the services who received less than their correct entitlements from the last quarterly payments under the old system can be paid the amount they are owed by the Commonwealth. Currently operators of approved childcare services are required to provide at least 30 days notice of an intention to close or transfer their operations. The basis of that is pretty clear. It is to give parents the opportunity to make some alternative arrangements for their children. I know this is probably not seen as a big change, but it is one for parents who are faced with a very competitive environment in seeking childcare services for their children, particularly if that service has been unfortunately terminated or has been transferred. Parents do need time. As opposed to the 30 days under the current provision, this bill requires operators to provide at least 42 days notice that they are intending to cease operations or have made a decision to do so. Not to provide that degree of notice will be a criminal offence involving civil penalty provisions.

Essentially, the reason so much emphasis has been put on this point—as I say, it is an adjustment of another 12 days—is that it is absolutely critical for young families to have alternative childcare services available to them, because otherwise it can mean people lose their jobs. They may not be forcibly sacked but be unable to pursue their paid employment and that could affect their career as a consequence. That is why the issue of closure or transition of business is so important from a family’s perspective and needs to be clarified. Emphasis needs to be made that it is of such importance that there are civil penalties that will apply for failure to comply.

As the minister said in her second reading speech, this amendment will take further steps to protect families from the disruption of the unfortunate incidents where childcare centres cease to operate. Of course, we know the difficulties this may cause for many families and we understand its importance. The necessary amendments will provide greater time for families to make alternative arrangements that best suit their needs.

The current legislation requires an automatic suspension of a childcare service if the service has received 10 infringement notices in a 12-month period. This suspension is mandatory, so it is a trigger for a range of different reasons. If 10 infringement notices have been issued to the one childcare service, that service is automatically suspended. This bill makes that action discretionary; it allows the secretary of the department discretion to take into consideration the nature of the infringement and the impact that the suspension will have on families that use that service, and allows discretion as to the penalty that will be provided. It may not be in the best interests of the continuity of that service—for a range of different reasons—for it to be automatically suspended. It may certainly not be to the benefit of parents using those services. Therefore, this is very appropriate in that it allows the department discretion in terms of suspension as opposed to a mandatory provision.

Finally, approved childcare services are currently required to provide statements to families setting out their Child Care Benefit entitlements and fees on a four-weekly cycle. But the catch in all this, unfortunately, is that the start dates of these statements may differ
from child to child and may be the date that a child enters the service. So running a large childcare service could see a significant degree of administrative actions in setting out many, many reports over the period of a four-weekly cycle. We understand that this imposes very significant requirements that cause undue administrative complexity for various services whose primary responsibility is to provide child care. Therefore, these changes will be made to provide greater flexibility and less complexity for services to meet the obligation to provide statements.

Under this amendment, services will be able to nominate the frequency of statements, provided they are issued no less than on a three-monthly basis. All children within that particular service will be included on the same statement. So we are talking about one statement as opposed to a multiplicity of statements based on when a child started at the particular service. I know that these amendments will be improvements and welcomed by the sector, including many of those first-class childcare centres that operate in my electorate who have been unhappy and vocal about their concerns about the four-weekly statement cycle when they have discussed it with me.

In conclusion, the Rudd government was elected, as I stated earlier, with a very strong commitment to child care, and we are backing our commitment with an investment of over $16 billion over four years. We have made this very strong commitment to child care for one very important reason: it is essential for the economic future of this nation. It is also essential in order that all those parents out there can fully participate in their careers. In addition, providing quality child care is most beneficial, as I said earlier, for the future development of the kids of those parents. It provides a very, very solid foundation.

That $16 billion over four years is quite a significant commitment. To underline how significant it is, it is twice the amount provided over the four years of the last Howard government. We have doubled that commitment. Through this bill we are continuing to make practical and welcome steps to support both childcare services and Australian families. There can be no doubt as to what we give priority to in this government, and that is to working families. I therefore commend this bill to the House.

Mr PERRETT (Moreton) (6.30 pm)—I am pleased to speak in support of the Family Assistance Legislation Amendment (Child Care) Bill 2010. The Rudd government is committed to building a high-quality, affordable and accessible early childhood education and childcare system. I must go on the record and declare a bit of an interest here in that my one-year-old son is going to child care next month but, leaving aside this potential conflict of interest, I am very proud that over the next four years our government will invest more than $16 billion to support families and childcare services.

Our support measures include: our election commitment increasing the childcare rebate from 30 per cent up to 50 per cent of parents’ out-of-pocket costs; increasing the cap on out-of-pocket expenses to $7,778; a national quality framework for early childhood education and care; as well as initiatives to increase the supply, and upgrade the skills and qualifications of, the early years workforce.

I get around to a lot of centres in my electorate and we all know how very important it is that we have high-quality staff in these places, whether it be at St Brendan’s at Moorooka, at Griffith University childcare centre, at Tarragindi childcare centre or at any of the ABC or C&K centres or the like. It is important that we get this balance right.
Some of the toughest decisions we have to make as parents are about negotiating child care, work and the work/life balance. Certainly, in my 44 years I did not worry about—

Mr Baldwin—Longer than that!

Mr PERRETT—Politics has been tough on me! In my 44 years I did not worry about this for the first 40 years. But in the last four years, with a four-year-old son, it was amazing just having to perform that balancing act. For a start we had to work out where we could get into. My partner and I quickly realised that we did not have any choice because the waiting lists were too long. I have an inner city electorate and it was basically impossible to get in anywhere. I have also heard from constituents and friends of a similar age who have delayed having children how difficult it can be to find a place. I am sure my partner, who is hopefully not listening to this because it is a crazy hour right now in Queensland for child care, would say how difficult that mix is—the frantic search and the heartache in trying to find a place that is right.

The Rudd government is proud to be partnering with parents by going halves on childcare costs to ensure parents can return to work in confidence that their children are receiving quality child care in terms of health, learning and social development. Any parent who has a child in care knows that moment of ‘gate guilt’—when you leave the childcare centre and you are at the gate—and would agree that we have to minimise that sense of guilt as much as possible by ensuring that the standards are high. Every time I walk away I wonder what is going on in the childcare centre. Is it tooth and claw or is it organised play? I am sure it is always organised play but every parent has that fear when they walk out the door.

This bill amends a number of acts to improve the administration of childcare services. The amendments relate to the new Child Care Management System and compliance with childcare services obligations. Firstly, the bill introduces business continuity payments to ensure that childcare services who, for reasons beyond their control such as floods, fires or personnel shortages, cannot submit their regular online report continue to receive payments. Under the Child Care Management System, services must submit an online report to receive CCB payments on behalf of families.

However, sometimes circumstances beyond the centre’s control—and it does not even have to be as extreme as a flood or a bushfire; it could be something as simple as a disruption to internet services—could prevent a childcare service from meeting their reporting obligations. The business continuity payment is a sensible amendment to ensure childcare services maintain cash flow during these times. As any business person knows, especially one in small business, cash flow is very important to making sure that a centre is viable.

Secondly, this bill introduces amendments to allow for the recovery of old advances to approved childcare services. In the transition to the new Child Care Management System no provision was made to recover overadvances from the service’s last quarterly payments. Under the old system, services used to be paid CCB fee reductions quarterly, instead of weekly or fortnightly as under the new system. This amendment effectively closes a loophole to allow the government to recover overadvance amounts as originally intended. This bill also ensures that childcare services that received less than their correct entitlement from their last quarterly payment under the old system can receive what they are owed by the Commonwealth.
I will now turn to the amendments in this bill concerning compliance with childcare services obligations. It can cause families a lot of stress and heartache when a childcare provider closes its doors. That is the case everywhere but it is especially the case in rural and regional areas where people might not be able to access alternatives. Changing routines and trying to find a suitable new childcare place is not easy for parents or for children, who obviously become attached to their carers. If my experience was anything to go by, it can also be hard to find a spot in many parts of Australia.

Last year, the Garden City C&K—which is not actually in my electorate but is only about a hundred metres from the border of my electorate—was forced to close after a dramatic rise in their commercial rents. Despite the efforts of dozens of families, as well as me and other people, they were forced to close at reasonably short notice. It caused a lot of heartache and angst in the community.

Operators are currently required to provide at least 30 days notice of their intention to cease operating a service. The bill before the House requires operators to provide at least 42 days notice that they are ceasing to operate. This will provide more time for families to make alternative arrangements.

This bill also amends the mandatory suspension provision. Under the current law, a service is suspended when it receives 10 infringement notices in 12 months. However, this bill will give the secretary of the department discretionary power to weigh up the nature of the infringement and the impact on families before suspending a service—remembering that some of these infringements can be particularly administrative, and if it is away from an urban area it would not be good policy to automatically close a centre. So we are bringing in that discretionary nature.

Finally, this bill will help overcome an unintended administrative burden on childcare services which currently requires services to provide child care benefit entitlements and fee statements to families every four weeks. Instead, under this bill, childcare services will be required to provide regular statements at least every quarter.

This bill delivers practical measures to further improve our vital childcare sector. I thank the Minister for Early Childhood Education, Childcare and Youth and the parliamentary secretary for introducing this bill and for their ongoing commitment to delivering practical changes to support Australian families. The families, children and childcare workers of Moreton are strongly appreciative of their endeavours. I commend the bill to the House.

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (6.38 pm)—I thank the members for Murray, Blair, Werriwa and Moreton for their contributions to this debate. The Rudd government is committed to improving the quality of childcare services. The Family Assistance Legislation Amendment (Child Care) Bill 2010 introduces business continuity payments to ensure the sustainability of childcare services. These payments will provide a vital cash flow to help maintain services to families when a childcare service cannot meet its usual reporting obligations in times of local emergency. The bill tightens provisions to protect families from the disruption caused by services closing. Services that decide to cease operating will be required to provide at least 42 days notice that they are ceasing to operate rather than the current requirement of at least 30 days. This will give families more time to make alternative arrangements.

The legislation confirms the legislative authority to recover overadvances of child care benefit that were made to some services
before they transitioned from a ‘payment in advance’ system to the current ‘payment in arrears’ system. We are making it clear that there is an appropriation power to provide for any payments to services resulting from a service’s final acquittal when transitioning to the Child Care Management System. We are taking steps to streamline the way in which services are required to provide families with information on fees and child care benefit entitlement. Childcare services have welcomed this proposal.

We are also providing for the decision to suspend a service’s child care benefit approval to be discretionary in circumstances where a service has been issued with 10 infringement notices in a 12-month period. We can then consider the impact on families of this action and whether other more appropriate measures can be taken to improve the service’s compliance. The Family Assistance Legislation Amendment (Child Care) Bill 2010 will make a practical difference to strengthen the administration of child care and provide a strong foundation for high-quality childcare services for Australian families. I commend the bill to the House.

Question agreed to.

Third Reading

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (6.41 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

TRANS-TASMAN PROCEEDINGS 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

Ms PLIBERSEK (Sydney—Minister for Housing and Minister for the Status of Women) (6.42 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

TRANS-TASMAN PROCEEDINGS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) 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

Ms PLIBERSEK (Sydney—Minister for Housing and Minister for the Status of Women) (6.43 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.
FOOD IMPORTATION (BOVINE MEAT STANDARDS) BILL 2010

First Reading

Bill received from the Senate and read a first time.

Ordered that the second reading be made an order of the day for the next sitting.

ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010

Second Reading

Debate resumed from 24 February, on motion by Mr McClelland:

That this bill be now read a second time.

Mr KEENAN (Stirling) (6.45 pm)—The first 2½ years of the Rudd Labor government have been littered with failures. The government has failed to deliver on its promises in health, in the environment and in the economy, and its promises that were made about reducing the costs of living. Many of the areas that the Rudd Labor government said it would address, the government has never lived up to. It has been a government of all talk and no action, whether it is about specific promises that have not been met, such as the timetable for a referendum on health, or whether it is general promises about the philosophy which Labor would use to govern, such as Kevin Rudd’s claim to be an economic conservative. Kevin Rudd’s Labor government is failing to deliver and the Australian people are starting to wake up to this.

But the specific failure I want to address tonight is the failure to protect our borders. This is one of the worst failures of the Rudd Labor government, because it was not just a matter of making promises that were not kept. When they came to government they inherited basically a solved problem. They took that solution and they managed to find themselves a problem by making changes that have led to an influx of illegal boat arrivals and have led to the people smugglers who had been put out of business going back into business. Almost at the rate of one a day now we see a constant influx of unlawful arrivals, and that reminds the whole country that the Rudd Labor government has got this policy area dreadfully wrong.

As the Leader of the Opposition has rightly pointed out, Kevin Rudd wanted to make himself a hero to the latte-drinking Left and he weakened Australia’s border protection policies. We see the consequences of that change in policy in the arrival of every illegal entry vessel that we constantly see reported in the media. We see Labor’s failure in the six boats that have arrived in the past nine days. Labor, when faced with this problem, try to spin their way out of it, as they always do. They put out media releases at odd times about new arrivals. They provide less and less information to the Australian public about illegal arrivals. They refuse to tell us who was on the boats. They refuse to tell us where they were intercepted. They refuse to tell us the circumstances in which the interceptions took place and they continually claim that this problem has nothing to do with them, that it is not a result of the pull factors that they created when they changed our policy. They continually claim that it is all the result of the push factors based on the international situation.

I want to examine this excuse for what it really is—just another in the long line of excuses that this government drums up to account for its continual policy failures. I want this House to be very clear: this government is failing to protect our borders because of the changes that it made to our immigration laws which have had the effect of outsourcing Australia’s generous humanitarian immigration program to predators within the people-smuggling industries. The government is exposing the vulnerable victims of this insidious trade to the great danger of making
dangerous journeys across the ocean in unseaworthy boats. These policy failures have resulted in unnecessary stresses and hazards on the hardworking men and women of our defence forces. It results in stresses and strains on the Australian Federal Police and on our Customs officers as they do their job and try to stop this insidious illegal trade.

This government has ultimately failed, because the result of its policies is to relegate further back in the queue thousands of deserving people who are waiting to have their claims for asylum processed legally. These are the tens of thousands or hundreds of thousands of people who are in camps in parts of Africa and South-East Asia, people who might want to get into Australia but whose place is taken by people who have the capacity to pay people smugglers to smuggle them into Australia, taking the place of somebody who does not have the wherewithal to do that.

It is important that we look back at this issue and have a look at the coalition’s record on border protection, because it is only when we look through that historical comparison that we see how badly Labor has mismanaged this problem. In the lead-up to the years 2001 and 2002 there were a significant number of boat arrivals as part of an increasingly sophisticated people-smuggling trade that linked back to organised criminal syndicates. The Howard government were faced with this problem of the influx of illegal arrivals, of this increase in the people-smuggling trade, and showed resolve to solve the issue. They were prepared to take tough decisions and to actually take some responsibility for stopping these boats from coming. The Howard government took action in response and introduced a series of measures that collectively sent a strong message to people smugglers that Australia was closed for business and we refused to be a soft touch for their traffic in human misery. The former coalition government’s policies worked to actually deter illegal immigration by legislating for offshore processing, maintaining mandatory detention and excising from our migration zone those territories off our coast that had become magnets for those in the people-smuggling industry.

If you want to make a judgment about whether or not this policy worked, you only need to have a look at the comparative statistics of boat arrivals from that period up to the present day. People will recall that 2002 was a year of significant international turmoil. It was just after the attacks of 9-11 and just after the invasion of Afghanistan. In 2002-03 there was not one boat arrival to Australia—not one. In 2003-04 there were three boat arrivals. In 2004-05 there were again no boat arrivals. In 2005-06 there were eight boat arrivals. In 2006-07 there were four boat arrivals, and in 2007-08, up to the point when Kevin Rudd and Labor changed the coalition’s border protection policies, there were just three boats. So for the last six years of the Howard government there were only 18 boats in total, which is the equivalent of three a year. So there were three boats a year over the six years after the Howard government showed resolve and took the action that was required to address this problem of people smuggling. We saw more than that within the first two months of this year alone. This is Labor’s incredible failure to protect our borders in comparison to the record of the previous government.

Labor changed our laws in August 2008, but they did not understand that there would be consequences. It is a fact that since the Labor government weakened Australia’s robust border protection system we have had 92 illegal boats arrive, carrying over 4,100 people. So, if we look at the record of the previous six years of strong border protection under the coalition government, we see that 18 boats arrived—three a year. Since
that system was weakened, 92 boats have arrived, carrying 4,100 people. This year alone—and we are only 10 weeks into this year—we have attracted 24 illegal boats, carrying over 1,100 arrivals. The worst thing about this problem is that it is increasing. It is snowballing. Last week we witnessed chaos with five boats arriving in just six days, which is almost an average of one boat per day. And, if I can just remind the House again, this contrasts with the final six years of the Howard government, when we had only 18 boats arrive.

It is worth while looking at the way the then shadow minister for immigration, who is now the Deputy Prime Minister, approached that problem during those times when we had an average of three boats arriving per year. If we go back and look at her policy responses to those boats, it really makes you wonder how she would judge Labor’s policy in comparison. In 2003, she issued a press release as shadow minister for immigration—this is from Julia Gillard—with the headline proclaiming, ‘Another boat on the way, another policy failure’. That was in 2003, when only three boats arrived in total. So, if another boat is a policy failure, as the then shadow minister would have had us believe, then what does she make of Labor’s 92 policy failures since they weakened our border protection laws in 2008? Let us look at some later press releases she put out, because it is instructive of how she saw the problem then. She put out a press release in 2003, saying, in response to a boat arrival, ‘this boat arrival proves that this government has no solution to the problem.’ Again, if one boat arrival—or an average of three boat arrivals per year—proves that the government has no response to the problem, what solutions does she propose to the 92 illegal arrivals that have occurred on the Rudd government’s watch?

We are very concerned that, as this problem snowballs, the government is actually denying resources to the agencies that are tasked with dealing with this problem. Labor broke an election commitment that they made prior to coming to office about the budget of the Australian Customs Service, and they ultimately cut over $58 million from the Australian Customs and Border Protection Service. I am not sure how they can expect Customs, which is one of the front-line agencies dealing with their influx of illegal arrivals, to absorb this budget cut and not have it affect their significant responsibilities for both border protection and for protecting our borders from other threats, such as illicit drugs.

Customs officers, along with the AFP and Defence Force officers, are on the front line in protecting us from these threats. The Rudd Labor government took this for granted when they recklessly slashed funds from our premier border protection agency. The Customs annual report has also indicated that staffing levels within Customs have dropped during the tenure of the Rudd Labor government. In 2009-2010, there were 5,500 employees, and this was a drop of 179 employees from the total in 2008-2009. I am not sure how the government expects the Customs and Border Protection Service to deal with the massive influx of new arrivals while absorbing this slashing of its budget and still expects it to fulfil the full gamut of its responsibilities.

The same goes for the bill we are discussing here today. The government is increasing the responsibilities of Australia’s domestic security agency to deal with border protection, but they are doing so without providing any extra resources to that agency. It makes you wonder if this is effectively a cut of the agency’s other responsibilities, because they would need to reallocate resources from what they do at the moment to deal with the
new responsibilities that they have been given to address border protection.

So, whilst we support the measures contained in this bill, we are concerned about the resourcing of ASIO and we are also concerned that this bill is too little, too late. We are already dealing with a tsunami of new arrivals, and, quite frankly, the government should have done far more in the past to address these issues. We find that illegal boat arrivals are out of control and that the government refuses to address the primary issue, which is that their policies have increased the pull factors which have allowed the people smugglers to go back into business, selling Australia to their clients as a soft touch once again on border protection. The government needs to understand that they can change the responsibilities of ASIO, but the real problem, and the problem they are in denial about, is the magnetic impact of their own failed border protection policies. This is what they must address. These are the hard decisions that they are required to take, but we see them blaming everybody except themselves for this problem of their own making.

We saw a good example of this last week, during the visit of the Indonesian President to Australia. The visit was very well received by the government and the opposition. In true style there was a big announcement about Indonesia taking action to outlaw people smuggling. This announcement was characterised by Greg Sheridan in the Australian, in an article on 11 March 2010, titled, ‘Feel-good show lacked depth’. I will quote some of this, because it is a good example of how spin operates within this government:

> Despite the announcement of a new agreed framework on people-smuggling, there is much less to this than meets the eye … Indonesian Foreign Minister Marty Natalegawa said turning back the boats as they came to Australia was not acceptable to Indonesia … It’s interesting, however, that it was Rudd himself who, at the last election, promised to turn back the boats. It’s also instructive that the Indonesians did allow the Howard government to turn back some boats, and this had a critical effect in ruining the credibility of the people-smugglers with their customers.

Mr Sheridan further pointed out:

> When the Indonesians have talked about the new framework, they’ve emphasised reducing the time that people spend waiting in Indonesia. This can only mean quicker resettlement to countries such as Australia. And that means a certain increase in people travelling illegally to claim bogus asylum in Australia.

The illegal boat numbers will keep increasing while the Rudd government keeps its basic equation intact. The government in effect has decided that virtually everyone who gets to Christmas Island gets permanent residence in Australia. The boats won’t stop while that is the case.

This is an eloquent summary of Labor’s policy failure within this area. It follows on from what we saw earlier this year with the saga of the Oceanic Viking. It is worthwhile rehashing that in the parliament today while we are discussing the Anti-People Smuggling and Other Measures Bill. This incident was one of the most unbelievable stumbles in the history of protecting Australia’s borders. We had a federal government that actually breached Australia’s own national security by allowing a group of Sri Lankan asylum seekers onto Australian soil, despite them being deemed a risk by our domestic security agency before they were actually brought from Indonesia to Australia. These five Sri Lankans are currently being detained on Christmas Island as the Labor government deliberates over what to do with them. It is difficult to see why these people were actually brought from Indonesia to Australia. These five Sri Lankans are currently being detained on Christmas Island as the Labor government deliberates over what to do with them. It is impossible to understand why the government would charter a plane and fly it to Indonesia to bring down people who our domestic security agency has deemed to be security risks. It flies in the
face of the repeated assurances the Prime Minister gave in this place and outside that no special deal was done or was offered to the 78 Sri Lankans aboard the Oceanic Viking.

Questions still need to be asked about the government’s handling of the Oceanic Viking and also their handling of these people who have been deemed a security threat by ASIO. Why did they charter this plane to bring them to Australia, how do they plan to deal with them now they are in Australia, and how do they realistically expect that a third country will resettle people that Australia has deemed a security risk? The reality is that these people face a period of prolonged detention on Christmas Island, and it is impossible to understand why the Australian government made this our problem in the first place when these people were actually in Indonesia. You can only understand it within the context of the fact that the Australian government did a special deal to resettle the asylum seekers on the Oceanic Viking despite its persistent denial that this was done. Of course, along the way with this Oceanic Viking deal we strained what is a very significant relationship to Australia, and that is the relationship with the Indonesian government. Clearly, despite the announcements of last week, the Indonesian government is less enthusiastic about cooperating with the Australian government to solve this problem of people smuggling. They are certainly not cooperating to the same extent that they did under the previous Howard government.

The purpose of this bill is to amend Australia’s anti-people-smuggling legislative framework. I will briefly touch on the key issues that are contained within the bill. In relation to the Criminal Code, this bill creates a new offence of supporting the offence of people smuggling. It targets people who organise, finance and provide other material and support to people-smuggling ventures entering foreign countries, whether or not via Australia. The penalty for this offence is imprisonment for a maximum of 10 years, or a fine of $110,000, or both.

In relation to the Migration Act, this bill creates two new people-smuggling related offences within the Migration Act—firstly, supporting the offence of people smuggling and, secondly, the aggravated offence of people smuggling involving such things as exploitation or danger of death or serious harm. This will carry a penalty of imprisonment for a maximum of 20 years, or a fine of $220,000, or both.

In relation to the Surveillance Devices Act, this bill will extend emergency authorisation for the use of a surveillance device to investigations into the aggravated offence of people smuggling. Currently the ability to obtain emergency authorisation for a surveillance device does not extended to offences under the Migration Act.

In relation to the Telecommunications (Interception and Access) Act, this bill will simplify the criteria to be satisfied by agencies when applying for telecommunications interception warrants for offences which are contained within the people-smuggling offences of the Migration Act. Under these amendments, agencies will no longer have to establish that the offence involved two or more offenders and substantial planning and organisation, as well as the use of sophisticated methods and techniques and so on.

In relation to the ASIO Act, this bill will amend the definition of the term ‘security’ in the ASIO Act to officially give the agency statutory power to obtain and evaluate intelligence relevant to the protection of Australia’s territorial border integrity from serious threats. Such intelligence can then be communicated to agencies such as the Australian Customs and Border Protection Service or other law enforcement agencies.
Schedule 2 of this bill makes amendments to the ASIO Act. As I have touched on, schedule 2 amends the ASIO Act to enable ASIO to play a greater role in support of government efforts to address serious threats to Australia’s territorial and border protection such as people smuggling. The bill’s explanatory memorandum notes that ASIO’s functions are set out in section 17 of the ASIO Act. These functions include obtaining, correlating and evaluating intelligence relevant to security and communicating any such intelligence for purposes relevant to security.

The existing definition of ‘security’ in section 4 of the ASIO Act does not specifically encompass border security issues. This means that ASIO currently has limited capacity to carry out its intelligence functions under section 17 in relation to threats to Australia’s territorial and border integrity such as people smuggling. Schedule 2 of the bill will amend the definition of ‘security’ in section 4 to include ‘the protection of Australia’s territorial and border integrity from serious threats’.

As recently noted by ASIO’s Director-General of Security, despite not having an express power under the ASIO Act to collect intelligence on people smuggling, the agency does appear to have the ability to pass on information relating to people smuggling to other agencies. On 8 February this year, the Director-General said, in response to questioning at the additional estimates hearing of the Senate Legal and Constitutional Affairs Legislation Committee:

ASIO’s activities must be directed towards those items which are listed under section 4 of the act, which are called the heads of security. Border protection and people smuggling is not one of those, so we do not collect intelligence at home or overseas in operations specifically directed against people smuggling.

From time to time, and as a result of our other inquiries on matters under our heads of security, we come across information that may be relevant to people smuggling, and under the act we are able to provide that to the relevant authorities.

As I have outlined, the coalition support the measures contained in this bill, although they do not address the issues that are creating the problem in the first place. We also are concerned that ASIO, along with the other agencies that are tasked with protecting Australia’s borders—namely the Australian Customs and Border Protection Service, the Australian Federal Police and other key agencies such as Immigration—need to be adequately funded and resourced in order to perform their increasingly difficult task.

Because of the influx of illegal arrivals, both the Australian Customs and Border Protection Service and the Department of Immigration and Citizenship have needed to apply to the government for additional money. Regardless of the fact that this tsunami of new arrivals is resulting in strain to the resourcing of these departments, this bill contains no extra funding for ASIO and, indeed, the bill’s explanatory memorandum states that this bill has no financial impact on the government’s revenue. This really raises questions about how ASIO should be required to sustain its current responsibilities with the proposed additional responsibilities that are contained within this bill. Clearly ASIO are going to be required to divert resources from their existing responsibilities to deal with the extra intelligence functions that they have been asked to adopt within this bill. We are deeply concerned about the effect that it might have on Australia’s domestic security when we have the resources of our domestic security agencies stretched so thinly. The Rudd Labor government is asking these agencies to do more with less, and we have seen this trend repeated with border protection and also with the AFP. Clearly there is a limit to the
amount of extra responsibilities that can be heaped on agencies without their existing functions suffering.

You can task ASIO with new powers to deal with people smuggling, and you can continue to deflect blame for the increased number of illegal arrivals that we are seeing in Australia, but clearly what has happened has been a result of the changes that Kevin Rudd and the Labor government made to Australia’s border protection regime in August 2008. That is at the heart of this problem. It does not matter what resourcing you give to agencies. It does not matter that you ask ASIO to increase its intelligence-gathering capabilities to deal with people smuggling; until you address the issue of the weakening of Australia’s border protection laws, until you stop Christmas Island being a magnet for people smugglers, until you send the message that Australia is no longer a soft target for people engaged in people smuggling, then we will continue to see illegal arrivals in Australia. We will continue to see, as we have seen this year, this problem starting to snowball out of control. We have people arriving at such a rate that the facilities at the Christmas Island detention centre are now at bursting point. People are being housed in tents. The facility was originally built, under the Howard government, to house 800 detainees. It is now bursting at the seams and the government has no answers to stop the flow of boats from arriving.

People smuggling is an organised criminal activity and it endangers people’s lives. The government needs to prevent it by taking a tough and hardline stand. This will not necessarily please everybody in the Australian community, but we have plenty of evidence to suggest that it is the approach that will actually work to stop this problem. The government’s border protection policies are neither tough nor hardline. They try to be all things to all people. Kevin Rudd tried to impress the Left of his own party and other parts of the Australian community by going weak on our borders, and he did not expect that there would be consequences for doing so. This led, rightly, to the perception that Australia has softened its stance, which has led to the people smugglers going back into business, and this has led to 92 unauthorised boat arrivals with over 4,100 people on them. You cannot be all things to all people when it comes to border protection. You need to send a clear signal and you need to show some resolve within this area that Australia is no longer open for business. The Labor Party will never do that. It does not matter what resourcing they give to our agencies to deal with these policies; unless they address their own failures we will continue to see this influx of illegal arrivals.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (7.13 pm)—The purpose of the Anti-People Smuggling and Other Measures Bill 2010 is to strengthen the Commonwealth’s existing anti-people-smuggling framework. People smuggling is a serious crime and should be treated as such. Those who engage in the practice of people smuggling and its associated networks deliberately flout Australia’s migration laws. This in itself is a serious offence. What is perhaps more confronting about the actions of people smugglers is their complete disregard for the value of human life. People smugglers charge their victims, usually potential asylum seekers, inordinate amounts of money to facilitate their passage, with the promise of enabling an unauthorised entry into Australia. People smugglers will often target the most vulnerable and desperate of asylum seekers, making promises they cannot keep and placing their victims in very dangerous situations.

This bill serves, therefore, to provide a stronger deterrence to people smugglers by
strengthening the powers that the Commonwealth currently has to prosecute and take action against them. The bill establishes new offences for providing support for people-smuggling and harmonises people-smuggling offences between the Migration Act and the Criminal Code. These changes will ensure that people-smuggling is appropriately criminalised in Australian law, with consequent tough penalties for this crime. The bill provides Australian government agencies with the capacity and powers to investigate and disrupt people-smuggling networks. These changes will allow authorities to target those who organise and finance people-smuggling syndicates, which is an important step towards eradicating these activities.

These measures demonstrate the Rudd Labor government’s commitment to ensuring that people smugglers, their associated networks and subsequent actions are dealt with and prosecuted accordingly. They demonstrate the Australian government’s hard stance on this issue. It is important to recognise the effort and the strong stance this government has invested in migration and the orderly entrance of people to our shores. It is a fair stance and aims not only to protect Australian citizens and ensure our biosecurity but also to protect those susceptible to exploitation by people smugglers. It is important to remember those facts as we reflect on bills such as this in the face of the constant disingenuous and scaremongering criticism levelled at the government by the opposition.

The opposition is currently addicted to the rhetoric of deception, the rhetoric of the so-called soft touch. Mr Abbott is fond of pointing the finger at the government and insisting that it is our fair but strong policies that are somehow making Australia a soft touch for people smugglers. Bills such as this give the lie to that allegation. This bill is one of the many reforms that the Rudd Labor government have made to Australia’s migration system—reforms which have made the system fairer but still maintained a hardline approach to illegal activities. The number of people seeking asylum around the world is rising. The UNHCR collect statistics on numbers of what they term ‘persons of concern’. This category covers refugees, asylum seekers and internally displaced persons. Although the country of origin and situation may change, numbers of persons of concern continue to rise. Slight increases in numbers of unauthorised boat arrivals can be put down to increased push factors. In 2009 a regional UNHCR representative, Richard Towle, stated that further destabilisation of countries such as Afghanistan, Pakistan, Iraq and Sri Lanka has led to more people seeking asylum in our region, regardless of national border protection policies or changes to migration legislation. As such, it is this government’s responsibility to effectively manage this challenge.

I find it difficult to understand the hypocrisy of the opposition on many issues but on this one especially. This is the mob who floundered with migration policy throughout the 12 years of the Howard government, whose solution to increased arrivals of asylum seekers was to lock them, men, women and, most astonishingly, children, in high-security complexes in isolated parts of Australia for years at a time. This coalition took people who were for the most part running from war and persecution, who were already damaged from the atrocities from which they had run, and further exacerbated this damage by locking them up indefinitely in inadequate conditions, particularly for the children.

I believe Jacquie Everitt’s book The Bitter Shore should be compulsory reading for all Australians to remind us of the devastating impact that the coalition’s policies had on asylum seekers and their children. The tale of
Shayan Badraie, the six-year-old boy who features in *The Bitter Shore*, is a shameful episode for this country, but most particularly for the former immigration minister, the member for Berowra, who refused to respond adequately to all humane advice on the handling of this traumatised child. The unhealthy culture that the member for Berowra fostered in his department was highlighted in the Palmer report of July 2005 and will forever be an indictment of his time in that position and a blight on this country.

In fact, the coalition has worked hard to create a culture of fear that all asylum seekers are somehow evil and terrorists because of the manner of their arrival. This Abbott’s army is the same team who misled the public through the ‘children overboard’ scandal for political purposes. I remember well those times and the feelings of my colleagues in the ADF when the ADF and its reporting were so ill-used. They talked to me of their feelings of having to manhandle women and children into the Pacific camps. They told me how their concerns to comply with international law were often brushed aside by the coalition government. I also remember the *Tampa* episode as I was serving in the UN headquarters in Timor Leste at the time, along with Norwegians and UNHCR personnel who were shocked at the behaviour of the Howard government. In my experience in various international fora, this did us great damage for many years.

It is also worth analysing the coalition’s so-called Pacific solution, which processed the claims of unauthorised arrivals offshore so that the claimants had no access to legal assistance or judicial review. This policy wasted millions of dollars of taxpayer’s money to generate the illusion that these people would not be coming to Australia. The same coalition sat idly by while an Australian citizen, Vivian Alvarez Solon, was unlawfully deported and while an Australian permanent resident, Cornelia Rau, was unlawfully detained for 10 months. This is the same coalition that allowed people to languish on temporary protection visas for years, with limited access to government services and a callously uncertain future.

With such a track record, one would think that the opposition would be pleased to see that an Australian government is finally able to deal with this issue effectively from a security perspective while ensuring the protection and wellbeing of the asylum seekers. But this is not the case. The opposition continues to criticise the positive changes this government has made and the policies that have worked. What is even more disturbing is that the opposition have made it perfectly clear that, should they return to government, they will immediately reinstate the same flawed legislation that clearly failed them for 12 years.

The mandatory detention policy was, as most would know, instituted by the Keating Labor government. However, what it became under the Howard government was unrecognisable from the original policy. The policy was initially intended to provide for a maximum 271-day incarceration period to allow for the appropriate processing of unauthorised arrivals. Under the coalition, it became an out-of-sight, out-of-mind solution for a problem the Howard government simply could not cope with. A 1998 report from the Human Rights and Equal Opportunity Commission on the policy of mandatory detention stated that it ‘breached international human rights standards’ and called for the removal of children from detention. It further claimed that, when detention was prolonged, as it frequently was, the conditions in which people were detained became unacceptable and breached Australia’s human rights obligations. The Howard government rejected this report and, in 2004, reaffirmed its commitment to the mandatory detention policy. The
Minister for Immigration and Multicultural and Indigenous Affairs at the time, Senator Vanstone, stated that to release all children from detention in Australia would be to send a message to people smugglers that, if they carry children on dangerous boats, parents and children will be released into the community very quickly. Instead of having effective policies to prevent people-smuggling, such as the bill we are debating today, the coalition chose to stick with an internationally condemned policy.

The Rudd government has brought detention back to its original intent—that is, that people will be detained as a last resort and for a short period. Unauthorised entrants are detained on arrival for identity, health and security checks but, once these are completed, unless there are serious security risks or concerns as to whether the entrant will comply with their visa conditions, the majority of entrants will be released into the community whilst their immigration status is resolved.

Labor’s policy ensures that only justified applicants will be able to stay onshore permanently. The opposition claims it will bring back the Pacific solution. As I stated before, this was a particularly nasty policy which ensured that claims were not processed under Australian law and that claimants had no access to legal assistance or judicial review. Such a policy now seems unthinkable. In what other circumstance would someone’s basic legal rights be denied to them by a democracy of our standing? Yet the opposition adheres to this policy and vows to bring it back if it returns to government. In an interview in December 2009, Mr Abbott stated:

Now offshore processing was an important part of the former government’s policy. It was very important in deterring people smugglers …

Instead of developing effective, workable policy, which this bill will do, the opposition would go back to the failed policies of the past. And this was a failed policy. The entry figures are evidence of that. Between 2001 and 2008, a total of 1,637 people were detained in the Nauru and Manus facilities. Of these, 1,153, 70 per cent, were found to be refugees and were resettled in Australia or other countries and 705, around 61 per cent, were resettled in Australia. The Rudd government abolished the Pacific solution on 8 February 2008 and announced that only Christmas Island would be retained for unauthorised boat arrivals. On the same day Jennifer Pagonis, of the UNHCR, welcomed the end of the Pacific solution, stating:

UNHCR had strong concerns about the ‘Pacific Solution’ …

We welcome the prompt decision taken by the new Australian Government to end the Pacific Solution …

We hope that any continuation of offshore processing on the Australian territory of Christmas Island reflects the letter and the spirit of the 1951 Refugee Convention.

And so it does. Yet the opposition still maintains that should it return to government it will bring back the Pacific solution, a program opposed by the UNHCR.

Temporary protection visas were a flawed policy of the coalition. TPVs provided no certainty for their holders. Holders could not travel and they had no access to family reunion visa programs. Although they were not behind razor wire they were trapped, unable to engage in the community they lived in, as they were not able to work and were unable to return home for fear of having their application for permanent protection rejected. Again, this was a pointless exercise. Around 11,000 TPVs were issued between 1999 and 2007 and approximately 90 per cent of TPV holders eventually gained permanent visas. In May 2008 the Rudd government abolished the TPV system. Figures quoted by the Minister for Immigration and Citizenship, Sena-
tor Chris Evans, on 24 February 2009, showed that the TPV system had not, as the Howard government claimed, halted arrivals.

In the four years, from 1997 to 2001, 12,651 people were arriving by unauthorised boats. TPVs, which were introduced in 1999, clearly had no impact on these arrivals, which in fact increased following the introduction of this policy. By the time TPVs were abolished last year, almost 90 per cent of people initially granted TPVs had been given a permanent protection visa or another visa to remain in Australia. The opposition wants the return of TPVs—a system that did not work, that did not provide a deterrence for unauthorised arrivals and whose only outcome was to cause ongoing hardship to the holders of TPVs.

From the historical evidence of these three programs—mandatory detention, the Pacific solution and TPVs—it is clear that the Howard government did not have a constructive way forward when it came to matters of unauthorised arrivals. Yet the opposition refuses to learn from these mistakes and vows to bring back all three of these failed programs. I also note the opposition leader’s suggestion that we simply tow the boats back out to sea. This reflects his contempt for international law and basic humanity. I know that all decent Australians will cringe in horror at this idea, as have our Indonesian colleagues in making that clear recently. The Rudd Labor government understands what the coalition does not: Australia needs to have effective and fair legislation on migration, because the numbers of those seeking asylum will rise and fall with international circumstances as, historically, has always been the case.

As stated previously, the UNHCR has acknowledged that numbers of people of concern—asylum seekers, refugees and internally displaced peoples—have been on the rise. Push factors, including the ongoing instability in the Middle East and other regions, will mean higher numbers of asylum seekers attempting to enter Australian territory. Other push factors may also become evident in the future. Environmental refugees from low-lying island nations and coastal areas in the region may begin to look for asylum in other nations as sea levels begin to rise.

The opposition continually suggest that the Rudd Labor government policies are soft-touch policies and are a pull factor for those wanting to take advantage of them. This position is flat wrong. The numbers do not support it. None of the policies of the Howard government were effective in reducing the numbers of unauthorised boat arrivals. Numbers only began to fall in relation to the situations at source. From 2001 to 2003, Iraqis claiming asylum declined by 48 per cent. In the same period, Afghans seeking asylum fell by 73 per cent and Sri Lankans by 61 per cent. Conversely, from 2005 to 2008, the numbers claiming asylum surged again, including those from Iraq, by 193 per cent; those from Afghanistan by 139 per cent; and those from Sri Lanka by 72 per cent. These facts speak for themselves. In fact, the only pull factor Australians should be concerned about are the coalition. In an enormous attempt at self-fulfilling prophecy, the coalition have been out there for many months in the media, proclaiming to the world that Australia is a soft touch, shamelessly working against the national interest in sending this message around the globe. They should be ashamed of themselves and Australians, understandably, can feel disgusted with this play at politics above the national interest. But then that is what we have come to expect from the opposition. Instead, what is needed is a strong but fair approach to the issue. The Rudd Labor government is achieving this.
Only last week negotiations with Indonesian President Susilo Bambang Yudhoyono led to further developments in the relationship with Indonesia and an assurance by the President that people-smuggling would now be criminalised in Indonesia. As part of the 2009-10 federal budget the Rudd government has committed $654 million to fund a comprehensive whole-of-government strategy to combat people-smuggling and to help address the problem of unauthorised boat arrivals. Since the Howard days of 2007 we have increased sea patrols of our borders by 25 per cent, which has resulted in the interception of 98 per cent of all boats before they reach the mainland. This is a huge improvement since the days of the coalition government when, during that time, more than one in 10 boats reached the mainland.

Since September 2008, 61 people-smuggling arrests have been made and 23 persons convicted. There are currently 37 defendants before the courts in people-smuggler prosecutions. In cooperation with Indonesia POLRI has disrupted 85 smuggling ventures, preventing nearly 2,000 persons attempting to arrive in Australia by dangerous unauthorised boat passage. They have also arrested 19 smuggling operatives including the infamous Captain Bram.

To defeat people smuggling and manage asylum seekers we do not need a return to the scaremongering, inhumane and ineffective ways of the past. We need to work to resolve problems at the source of conflict and persecution, as we are doing in conjunction with the international community in Afghanistan, Pakistan and Sri Lanka. We need to continue to enhance regional law enforcement cooperation and refugee management and we need to ensure that our own surveillance, interception, prosecution, management capabilities and mechanisms for the boats set to approach our shores are effective and humane. That is precisely what the Rudd government is doing. I therefore commend this bill to the House.

Mr MORRISON (Cook) (7.31 pm)—In rising to support the measures that are put forward as part of the Anti-People Smuggling and Other Measures Bill 2010, I start out by saying this: while we do support the measures, from what I have just heard, Labor seems intent on pursuing their age-old strategy for dealing with most issues, and that is to try to spin the boats away. You cannot spin the boats away; you need to take action and you need to put in place measures which stop the boats. The measures that the coalition put in place while we were in government have been roundly criticised by those opposite, but they did have one very interesting result. Under the coalition over the last six years of our government, after we introduced most significantly offshore processing known as the ‘Pacific Solution’, the number of boats went to three per year. Today under this government in 2010 we have an average of 10 boats per month. That is the highest rate of arrivals on record.

But before I go back there let us talk about the bill specifically. This bill creates a new offence of providing material support or resources towards a people-smuggling venture. It establishes in the Migration Act an aggravated offence of people smuggling which involves exploitation or danger of death or serious harm. It applies mandatory minimum penalties. It creates an offence of providing material support that does not apply to a person who pays smugglers to facilitate their own passage or that of a family member to Australia. We do not oppose these amendments. We do not oppose bringing in tough laws that deal with people smuggling. But we need to be clear that this bill offers no comprehensive solution to the problem the government find themselves with of their own making.
There are some things we agree on, and I think that it is worthwhile spending some time on the things we agree on before we focus the debate on the areas of points of difference. I think that we all can agree about the challenge globally of dealing with refugees. There are 10.8 million refugees in the world today and less than one per cent of those will get a resettlement outcome this year. The UNHCR specifically has 203,000 listed as needing resettlement and this year around the world probably around 90,000 of those will get an outcome. The challenge of this number of people moving around in these situations is not going to be solved by Australia acting in isolation with either our resettlement policies or any other matter. There is a global big picture here that has existed for a very long time and whether it is at its lower levels of demand or its higher levels of demand, the level and scale of this problem requires, I believe, a rethink of how we deal with these things internationally.

Secondly, I think we can all agree, and particularly with President Yudhono here in this place last week, that regional and international cooperation is obviously a part of the solution. There is no one solution to this problem but, equally, there are some important solutions to this problem that need to be part of the package. Regional and international cooperation is certainly part of that—working internationally at the source, as the coalition did when we were in government—but also regionally to manage the secondary movements of people and to deal with people smuggling and law enforcement matters. To that end we welcome the announcement by President Yudhono of introducing people-smuggling criminal sanctions in Indonesia and we look forward to that coming into place at sometime in the future, although at this point we do not have any detail of when that might occur. Nevertheless, it is a welcome move from the Indonesian President.

We also agree on both sides of this chamber that an intake currently of refugee and humanitarian settlement of 13½ thousand people is a good program. It is a program which is supported and there are no proposals, I believe, on either side of this House that it should be cut, or increased for that matter. We also agree that when it comes to refugees, settlement services are incredibly important. I would argue that our ability to provide proper resettlement for people, who have come from very difficult situations from all around the world, having experienced things that, hopefully, none of us in this place would ever experience, is crucial to provide them with the opportunity they need to engage with the Australian community and be supported in doing so. That is not an inexpensive exercise and it requires constant modification and improvement, but our refugee resettlement programs in this country have been heralded around the world as being first class, and that is a product, I believe, of governments of both persuasions over a long period of time, working hard on those initiatives. They need to engage, they need to equip, they need to integrate and they need to be provided with the tools for rehabilitation. They also need to do this in the right places and in a way that gives us an opportunity to provide what is in this resettlement program an opportunity for a second chance. So we can agree on these things.

We can agree also on the statistics because the statistics simply do not lie. The statistics tell us that the boats are coming again. Ninety-two boats have arrived with over 4,000 people since August 2008. Twenty-four boats have arrived since 1 January this year, with almost 1,200 people. There were 18 boats, an average of three a year in the last six years of the coalition government, and we have gone from three per year to more than two per week, or the historic high
of 10 boats per month, under the arrangements in this calendar year.

The costs are also escalating and these do not lie. Earlier, when the additional estimates process was being pursued, the government asked for an additional $132 million on top of the about $130 million that they already had in their budget for the year. That is not surprising given the extraordinary increase in arrivals in this financial year, but it is interesting that in Senate estimates, when we pursued the government as to how many people they thought would seek to arrive illegally by boat in Australia in 2009-10, the answer was 200 people. They seriously thought that under their policies 200 people would arrive in this financial year. In November they thought they had got that a bit wrong and so they went to Finance and said, ‘No, no, we think there’s going to be 1,400 people.’ They committed this to us in estimates at a time when 2,600 people had already arrived—extraordinary stuff. At this current rate there is no doubt that we will be looking at not just the $132 million extra they asked for. We estimate that somewhere in the vicinity of another $250 million will be needed before the year is done. We have gone from an expenditure of around $130 million to $500 million in one year. When it came to dealing with these issues, the forward estimates had that as the budget for almost those full four years. We have spent that in one year, based on an incredible increase in arrivals over that period. The cost is significant and it continues to increase. The government need to advise what they believe that cost will be because clearly the extra $132 million they asked for will not be enough.

I think the other matter we agree on and can acknowledge is that the vast majority of those who are seeking to come to Australia by boat are secondary movers. The vast majority do not come primarily from the source country from which they departed. It is also true that the secondary movers are moving through a whole series of countries before setting off for Australia from either Indonesia or Malaysia. It is also true that a number of these, and it could be quite a large number of them—we do not know the exact proportion although the government know because they ask for this information on their entry interview when they get to Christmas Island, but they have not released the information—have spent many years on that journey. I know from speaking to them directly that some of them have spent up to 10 years living and working in Malaysia. The UNHCR tells us we have a pipeline currently in Malaysia of not quite 80,000 who are registered in Malaysia and an estimated further 20,000 who are in Malaysia. Some have Burmese backgrounds and others are from Sri Lanka, Iran and particularly Afghanistan. A significant number of people have been in the region for a very long time. The pipeline is there and available to be exploited by the people smugglers.

Christmas Island is full but, for whatever reason, the government pretend that it is not full. Going on the most recent information we have—and you have to ask for this information through the media because it does not come directly from the government—just last week there were 1,854 people on Christmas Island, and that was before the around 240 people who have turned up on boats since that number was made available had set foot on the island. The capacity of that island is around 1,920 and it is simply a matter of time before Christmas Island is full. I was there in January when they were in the process of putting in the additional 400 beds which will go in demountables adjacent to the northern IDC. In estimates the government said that will be ready by the end of this month. I hope that is true. I think it is unlikely to be true based on what I heard when I was there, but let us hope that it is
true and that they are able to get those beds in place, because far too many people are living in tents, which is the alternative.

No doubt the government will be moving within the next few months to transfer people—as is their stated policy—to Darwin, to the northern IDC at Berrimah in Coonawarra. They have already advertised for the extra staff. They have already asked the local fire crews and emergency services to familiarise themselves with that facility. I would not be surprised if those whose claims have not been assessed—and this is a critical issue—are transferred to the mainland, thereby ending one of the most significant—if not the most significant—elements of the coalition’s border protection regime, which is offshore processing.

I think we can agree that Australian standards of detention have improved over time, which we can all be very pleased about. In particular, the major reforms that were introduced following the reviews that were undertaken in 2006 have been very significant. When I was on Christmas Island I was very pleased to see that those reviews, inquiries, recommendations and policy changes that were made in 2006 have been taken up and are making the major practical difference on Christmas Island. I asked about what practical changes had been introduced as a result of the policies announced by the new government and the answer was ‘effectively nothing’ practical—that the practical changes that had been introduced were as a result of the 2006 changes. One thing I commend the department on very highly is that they themselves have a culture of continuous improvement in their management of the detention centres. The department and those who run those centres take their responsibilities very seriously, regardless of which party is in government, and they do the best job they can. Equally, I think the contractor on the ground, Serco, is doing an excellent job.

But what don’t we agree on? We do not agree about why they are coming. Australia’s growth in asylum applications in 2009 was over 30 per cent. This differs from comparable countries. I refer to data released by the UK Home Office, which tracks 32 Western countries. The data showed that in the UK asylum applications actually dropped by six per cent. Interestingly, in the last quarter of 2009, they actually fell by 30 per cent compared to the last quarter of 2008. Why do I make reference to the UK? Because, as with Australia, the Afghan population makes up a reasonable number of those who are seeking asylum in the UK, so they have similar challenges. Their experience has been one of declining applications rather than increasing applications.

The current surge also does not reflect the magnitude of the trends that we saw when the coalition dealt with these issues from 1999 to 2001. The global asylum application figures of those 32 countries—as I just cited, they are from the UK Home Office—today are 40 per cent lower than they were in 1999, 2000 and 2001. The number of Afghan refugees during that time was 3.8 million; today it is 2.8 million. Further to that, just last Friday the UNHCR announced that they will be looking at reassessing their guidelines in relation to both Sri Lankan and Afghan asylum seekers, pointing very much to the fact—and I am quoting Richard Towle here—that:

… there has been a significant number of people who have left the camp populations in Sri Lanka … in the process of returning to their places and regions of origin.

The same reference is made in relation to people in Afghanistan, particularly in the north. That is not to say that there will not be legitimate asylum seekers or refugees from Afghanistan, but the point is that, over the period of time in which the UNHCR has noticed that things are improving—we have one million Hazaras living in Kabul today,
and there has been a repatriation of Afghans to Afghanistan over the last six or seven years or so, notwithstanding the difficulties last year—contrary to what the government is suggesting, as situations have been improving our applications have been increasing. More significantly, our arrivals of illegal boats have been increasing as well.

So, while the government might want to make the claim that it is about push factors, the truth is that there have always been push factors. Push factors were there back in 1999, 2000 and 2001 and all through the last decade, because there are 10.5 million refugees. There will always be millions and millions of refugees around the world looking for asylum. That is a sad fact of the world that we live in. But the point is that the demand for people smugglers is ubiquitous, regardless of whether people judge demand to be high or low. It does not have to be high or low; there is always plenty of demand. What is different is if you flick the switch to give the people smugglers a product they can sell, and that is what has changed with this government. That is the message that has changed with this government, both in the changes to policy and increasingly, I would argue, in the changes to the way the government is addressing this issue.

There is probably no greater example of this than the Oceanic Viking. Since the Oceanic Viking debacle, we have had more than 40 boats arrive. So almost half the boats that have arrived since the changes to policy that began back in August 2008 have arrived since the Prime Minister entered into his special deal with those on the Oceanic Viking, because people smugglers not only look to see what your policies are—and they do—when framing the product they wish to sell; they also look for a test of your resolve. What we see with this government is no clear resolve.

The previous speaker chastised the opposition for our view that we would return to a policy, where the circumstances allow, of turning back boats. Apparently this was a heinous policy. Well, it was a heinous policy announced by the current Prime Minister of this country the day before the last election. Maybe the previous speaker should share that with his leader, but it was a promise made by the Prime Minister before the last election that he would turn back boats. He has not done so. He has changed the policy. He has not said when he changed the policy, but it is clear from the inquiry into the SIEV 36 explosion that the policy had been changed. The promise has been overturned. The Prime Minister wished to talk tough on these issues when he was the Leader of the Opposition, but he has not had the resolve to follow through. Like so many other promises, this one went by the wayside, and we have seen the consequences of that decision before us as boats arrive. In the last eight days, we have had six.

The coalition’s policies on this issue were well articulated when we were in government, and the record of those policies is understood by the Australian people. The government may want to argue the toss, some in the media may want to argue the toss and there will be other academics out there who may want to argue the toss, but the simple fact is that, following the turning back of the Tampa and the introduction of the measures that were introduced in 2001, in a year when global asylum applications remained at over 600,000—exactly the same as the year before, more or less—the number of boats fell from over 40 to one. That is the message that resolve and a clear purpose will send to those who are in this insidious business.

Those who oppose the coalition’s policies like to engage in some sort of false moral debate and declare their own virtue in contending with the coalition’s lack of humanity
on these issues. When they want to put forward a policy that works, we will support it. In this bill, we are supporting a policy that we believe will help and will add. But, largely, it is not the issue. Regional cooperation is no substitute for strong domestic policies. The people-smuggling laws that have been introduced will not make up for soft policies when it comes to the immigration settings this government has put in place, which are acting as a magnet for people smugglers and are drawing people here at historic levels. This government needs to wake up to the reality of what is occurring up in our northern oceans almost on a daily basis, and it needs to take action and stop talking. (Time expired)

Mr CRAIG THOMSON (Dobell) (7.51 pm)—I rise to support the Anti-People Smuggling and Other Measures Bill 2010. Protecting Australia’s national security and the integrity of our borders is the highest responsibility of the Australian government. In representing a coastal based seat that already has sizeable gaps in employment and infrastructure, I feel a very strong community expectation that I rise to support any government bill that will strengthen the integrity of Australia’s borders. We are privileged to live in Australia. My constituents are even more privileged than most to live on the beautiful Central Coast. We have a robust democracy and a free market based economy with a strong safety net for those who fall on hard times. We offer the greatest lifestyle the world has to offer. It is no surprise that people beyond our shores aspire to become Australians.

People smuggling refers to the organised illegal movement of groups or individuals across international borders, usually on a payment-for-service basis. The International Organisation for Migration estimates that about 4 million people are moved illegally each year. There is a supply and demand system at work in the people-smuggling business. You have people who are desperate to get into Australia by any means possible and then the people smugglers who will risk these people’s lives to get them here. It has to be entirely clear, both from Australia and internationally, that people smuggling is not an acceptable form of commerce. It must be clear that Australia will not tolerate a soft approach to people smuggling.

People smuggling endangers vulnerable lives and endangers our security. Our nation has a duty to protect the integrity of our borders and immigration systems. There are a number of strategies that successive governments have built upon to stop people smuggling. This bill is amongst many bills that have been introduced into successive parliaments to combat smuggling.

Australian agencies and overseas missions work closely to ensure a coordinated approach to prevent people smuggling. The Department of Immigration and Citizenship and all Australian agencies at posts maintain close ties with local counterparts in South-East Asia to prevent people-smuggling activities and to support displaced populations. The Department of Immigration and Citizenship works closely with the Australian Federal Police to prosecute people smugglers.

In the national security statement on 4 December 2008, the Prime Minister appointed the Australian Customs and Border Protection Service as the single point of accountability for matters relating to the prevention of maritime people smuggling. The collocation of agencies and capabilities in this way is a concept strongly supported by the Homeland and Border Security Review. The government has reinvigorated efforts to work closely with regional countries to prevent and deter people smuggling and prevent attempts at dangerous sea journeys by people seeking to enter Australia unlawfully. The
government is looking to extend assistance to those countries to develop their capacity and enhance projects in home and transit countries to assist people displaced by conflict who may be vulnerable targets of people smugglers and traffickers.

If Australia does not have community confidence in border protection and immigration systems, we run the risk of the emergence of extreme parties and policies. Without decisive action and community confidence we give those with divisive barrows to push a free run. We have seen both here and abroad the emergence of a far right political group with a race based agenda. The integrity of our borders is not an issue of race or fear of what is foreign. What is at issue is the nation’s ability to control the rate of immigration based on a national need. It is about our nation’s ability to control what comes into our country in terms of going around our vigorous Customs and quarantine systems. It is about controlling the risks individuals have to our national security. The integrity of Australia’s borders is synonymous with the integrity of our national security. People smugglers are a direct affront to our ability to control immigration intake, and are a direct affront to our way of life. They put desperate people’s lives at risk through their grubby trade. People smuggling is an illegitimate industry that has no place in our region.

The purpose of the Anti-People Smuggling and Other Measures Bill 2010 is to strengthen the Commonwealth’s anti-people-smuggling legislative framework by putting in place laws that further criminalise people-smuggling activity to enable prosecution of a broad range of conduct, including the consequences of that activity. One action that we are taking through this bill is the introduction of a new offence to those providing material support or resources to another person or organisation where the provision of the support or resources aids, or there is a risk that the provision of the support or resources will aid, the commission of an offence of people smuggling.

The maximum penalty for this offence will be imprisonment for 10 years, or 1,000 penalty points or both. Prescribing a maximum penalty still allows judicial discretion to take account of the circumstances of the case. It is about time the federal government extended the reach of our powers to extend severe punishment to those who want to perpetuate this vile industry.

The Migration Act currently contains mandatory minimum penalties for the aggravated offences of people smuggling—a five-year sentence with three years non-parole, or an eight-year sentence with five years non-parole for repeat offenders. The bill extends the application of the mandatory minimum penalty to the new offences of people smuggling involving death, people smuggling involving exploitation or danger of death or serious harm and providing support or resources for people-smuggling activities.

We have seen some terrible examples in recent history of people smugglers’ lack of respect for human lives. We have seen the complete lack of appreciation for the lives of children, many from desperate situations. The higher mandatory minimum sentence of eight years and the non-parole period of five years will automatically apply to the offences of people smuggling resulting in death and exploitation or danger of death or serious harm and providing support or resources for people-smuggling activities.

The bill will also extend the higher mandatory minimum sentence and non-parole period to people-smuggling offences involving children and to a person being convicted...
of multiple people-smuggling offences. The measures will also improve whole-of-government efforts to combat people smuggling, including ensuring appropriate investigative tools are available to law enforcement and national security agencies and providing greater flexibility for Australia’s national security agencies to support anti-people-smuggling activities.

The act will also harmonise people-smuggling offences between the Migration Act and the Criminal Code to strengthen the criminal framework for greater consistency. The legislative framework for criminalising people smuggling is contained in the Migration Act and the Criminal Code. Together, the legislation covers ventures entering Australia—in the Migration Act—and ventures entering foreign countries, including those that transit to Australia—in the Criminal Code. The bill inserts into the Migration Act the aggravated offence of people smuggling involving exploitation or danger of death or serious harm. This aggravated offence is currently contained in the Criminal Code.

However, the Migration Act does not provide for these aggravated circumstances involved in people smuggling, and therefore the provision does not apply to ventures seeking to enter Australia. Inserting this offence into the Migration Act will ensure that this aggravated offence consistently applies to all people-smuggling ventures. The bill will also make a number of amendments to provide for greater harmonisation between the people-smuggling offences in the Criminal Code and those in the Migration Act, such as standardising language and the description of offences. People smuggling is a serious and organised crime that involves organised criminal syndicates which depend on enablers and facilitators. Targeting the organisers and financers of people smuggling operations is an important element of a strong anti-people-smuggling framework.

The bill will also provide a greater capacity for the Australian government agencies to investigate and disrupt people-smuggling networks. The bill will make associated changes to the Surveillance Devices Act 2004 and TIA Act to enable law enforcement agencies and security agencies to have consistent access under both acts to the appropriate investigative tools in relation to the existing people-smuggling offences, which are serious offences under the TIA Act and the new offences in this bill.

The bill will also amend the ASIO Act to enable ASIO to use its intelligence capabilities to respond to people smuggling and other serious threats to Australia’s territorial and border integrity. This will enable ASIO to play a greater role where appropriate in support of whole-of-government efforts to combat people smuggling and other serious threats to Australia’s territorial and border integrity. The bill will also align the definition of foreign intelligence in the TIA Act more closely with the Intelligence Service Act 2001. We have an opportunity to effectively deal with people smuggling in our region in a way that was not possible for many years. It was very heartening to hear the Indonesian President last week give the commitment that they will criminalise people smuggling in Indonesia. This is a major breakthrough: the Indonesian President was the first leader of that country to address our parliament and only the fifth foreign leader to address a joint sitting of parliament. This demonstrates how important Indonesia is to Australia. Our region’s future will depend largely on the cooperation between states not only in trade but also in defeating causes of common problems. It is in both Australia’s and Indonesia’s interests that we beat people smugglers.

Australia is an active participant in a number of international programs that work to combat people smuggling. These include...
the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia; the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants; the Bali Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime; and the Pacific Rim Immigration Intelligence Officers Conference. The Bali Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime is a multinational initiative launched in 2002 aimed at combating people smuggling, trafficking and related transnational crime in the Middle East, Asia and Pacific regions. While the Bali process built on existing bilateral cooperation, its success is due to the active involvement of ministers and law enforcement agencies from 42 countries. As a consequence of initiatives from the Bali process, regional countries have been active in preventing and deterring the activities of people smugglers and the movement of potential illegal immigrants towards Australia. A number of other initiatives were also pursued which limited the capacity of people smugglers to successfully undertake their activities. Nonetheless, people smugglers remain active in the region and in source countries and continue to target vulnerable people for possible movement to Australia.

The Rudd government is determined to make the investments needed to protect our borders and strengthen Australia’s national security. Passage of the legislation through both houses in the 2010 autumn sittings is important. This is to ensure strong deterrence measures are in place and to maximise Australian government agency efforts to investigate and disrupt people-smuggling networks. Internationally we must ensure that people smuggling is not a lucrative, low-risk activity for people smugglers; it must be a crime that attracts great penalties. People smugglers must know that if they continue their trade that risks children’s lives, the book will be thrown at them and they will spend a great deal of their lives in jail. That is why this bill is so important. I commend the bill to the House.

Ms MARINO (Forrest) (8.03 pm)—I rise to speak on the Anti-People Smuggling and Other Measures Bill 2010, which aims to deter people smuggling, to expand ASIO’s charter to include border security issues and to make related amendments to the Telecommunications Intercept and Access Act 1979. I must say at the outset that it is patently clear that the need to engage ASIO to combat people smuggling comes as a direct result of the Rudd government’s weakening of Australia’s border protection laws. The explanatory memorandum of the bill notes: The Bill will put in place laws to provide greater deterrence of people smuggling activity and to address the serious consequences of such activity. The Bill will also provide greater capacity for Australian Government agencies to investigate and disrupt people smuggling networks.

This need, as I said, has been created by the Labor government’s changes to border protection laws and by policy failures. The scrapping of offshore processing at Nauru, the scrapping of temporary visas and the abandoning of the practice of getting the Australian Navy to tow boats back to Indonesia before they arrived in Australian territorial waters, unfortunately, all sent a very clear message to human traffickers: they were well and truly back in business in Australia. Clearly there is a belief that the chances of successful entry to Australia are high; otherwise, we would not see those seeking illegal entry arriving almost on a daily, if not weekly, basis now.

People in my electorate of Forrest are very well aware of the direct connection between the Labor government’s softening of Australia’s border protection laws in August 2008
and the surge of people-smuggling activity. I have two constituents of mine in my office as we speak; I acknowledge Adele and Murray and welcome them to Parliament House. My constituents and many other Australians are angry that the Labor government’s weakened border protection has destroyed Australia’s international reputation for strong border protection, seriously compromised immigration control and created possible quarantine and biosecurity issues. I know these are of concern in my electorate because of issues such as the potential for foot-and-mouth disease, typhoid and tuberculosis.

Increasing numbers of my constituents contact my office, and they are very concerned about the Labor government’s inaction on people smuggling. If the government decides to transfer detainees from Christmas Island to Darwin and the processing of people to mainland Australia, I am concerned that this will simply encourage more boat arrivals and make my constituents even angrier. My constituents, like most other Australians, have an expectation of strong border security from all Australian governments—the very type of strong border security and border control that was provided by the coalition government during its time in office. We had the problem under control.

We have seen a constant stream of boat arrivals since the changes to the legislation. As I said, it is now almost becoming a daily, if not weekly, event. From August 2008 to date, 92 boats carrying over 4,000 passengers and crew members have arrived on Australian shores—many off the Western Australian coast. In this year alone we have had 24 boats with almost 1,200 people illegally arrive in just 10 weeks, at a rate of nine boats per month. These figures clearly indicate that the Labor government has totally lost control of Australia’s borders and asylum seeker intake.

Whilst in government, as I said, the coalition had virtually eliminated the people-smuggling trade—and this is a deadly trade. There were years when no boats arrived on our shores. Between 2004 and 2007, just 12 unauthorised boats carrying 194 people arrived on Australian shores. There were 194 unauthorised people under the Liberal government compared to the over 4,000 we have under the Labor government, with over 3,086 of those arriving on board 67 boats in the last financial year alone. These figures speak for themselves. When will the Labor government accept responsibility and admit that they have actively encouraged people smugglers through their changes to border protection laws? It appears that perhaps this bill is just the first forced admission that their policies have in fact encouraged this people-smuggling activity. When the coalition was in government we had a relationship with Indonesia which enabled us to deal with the boats as they arrived and, as I said, return them to Indonesia before they reached Australia. On at least four occasions, boats were returned to within close range of the Indonesian coast.

The Labor government abolished this provision and their current policy actively encourages people to risk their lives during dangerous sea voyages in unseaworthy boats, while making people smugglers very rich from their trade. The human traffickers are organised. They have obviously been rubbing their hands as the money has rolled in since the changes to border protection. They are delivering a product which is, in effect, informal immigration to Australia.

What about the human toll? Will we ever actually know just how many desperate people have lost their lives attempting to illegally enter Australia in those leaking and unseaworthy boats? We have seen repeatedly where passengers on board such boats have literally had to be rescued and those who
were sent on the final leg of their journey without experienced crew. We have seen report after report of those who have died trying to get to Australia. We have seen asylum seekers who have set their boats on fire or sabotaged their boats, and this has also put our Navy personnel at serious risk. Unfortunately, by the very law of averages, the more boats that set out, the more fatalities there will be.

We know that Australia has one of the most generous programs of refugee and humanitarian settlement in the world. Humanitarian cases admitted to Australia under the coalition government were the highest of any government in our postwar history and we continue to have one of the highest numbers of residents in this country who were born overseas. But we have seen the Department of Immigration and Citizenship being constrained by budget cuts as well during this time and the government is now also facing the challenge of finding more beds in facilities to house the record numbers of unauthorised arrivals. This is in spite of the Christmas Island facility being labelled as a white elephant by members of the government. It has since become a tent city as well as that white elephant. Quite simply, Australia’s border and immigration control is in crisis as a direct result of Labor’s policy changes.

We have heard much about push factors. I note that asylum seeker applications in the UK, Canada and the US have declined, but in Australia they have increased by 30 per cent at the same time as the UK declined by 30 per cent. In an Australian Financial Review article on 8 March 2010, the Western Australian Liberal Premier criticised the federal government’s handling of asylum seekers, saying that it needed to toughen its approach. Premier Barnett said:

It (concerns me) and I think it concerns all Australians that we are seeing increasing numbers of boat people coming at great risk to themselves and it is putting pressure on our security.

This is the same Premier who was roundly condemned when he exposed the risk to Australian Navy personnel. As I said previously, instead of dealing with the failure of policy it appears the government is implementing plans to begin transferring detainees from Christmas Island to Darwin before asylum claims have been assessed, effectively ending universal offshore processing. If previous changes to border protection gave a clear green light—and perhaps green dollar signs—to human traffickers, then onshore processing will really be a dead-set, gold-lettered priority invitation to come directly into Australia that people smugglers can sell to their clients.

It will also raise legal issues, potential endless appeals and serious additional costs for Australian taxpayers. I note that the Refugee Review Tribunal reported an increase of 11 per cent in its case load for 2008-09. The appeals process is of course used by asylum seekers who wish to appeal against a decision by the immigration department. Trends in those figures will become apparent when the ever-growing number of asylum seekers becomes a formal part of the system and when they are processed on Australian soil—simply reinforcing why it is so important that refugee status claims are made offshore. I note that the coalition believes further transfers are imminent, and this will continuously erode our border security.

As I said earlier, people smugglers would have an even more attractive selling tool, and they would be actively marketing. We heard from the previous speaker about organised crime involved in this field. They will be marketing the fact that their clients could get all the way to the Australian mainland. I can only imagine how that would increase their
profits but also increase the risk for the people involved.

Offshore processing was one of the key factors which led to bringing illegal boat numbers down to zero under the previous coalition government. In the May budget the Rudd government allocated $125 million for offshore processing. However, the government is now spending an additional estimated $132 million for this work, an increase of over 100 per cent. Should this surge in numbers continue, taxpayers will continue to pay for this process. As well, under this bill ASIO will be required to have additional funding to expand its operational jurisdiction to include border security. No doubt Senate estimates will actually detail this as an additional budget requirement in the next session.

The government’s special treatment of asylum seekers on the Oceanic Viking also sent very attractive signals to people smugglers. We have seen that proven, because over 40 boats have arrived since the Oceanic Viking’s special deal of resettlement within four to six weeks as well as a range of other concessions, all of which the Prime Minister failed to admit were part of what really was a special deal.

This legislation will make a number of amendments, such as increasing the sanctions applicable to people-smuggling, including the protection of Australia’s territorial and border integrity from serious threats within ASIO’s statutory charter and including people-smuggling within the definition of a serious offence, thus permitting the use of these tools to investigate allegations of people smuggling and aligning the definition of foreign intelligence in the Telecommunications (Interception and Access) Act 1979. I support this legislation.

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (8.18 pm)—As previous speakers have detailed, the Anti-People Smuggling and Other Measures Bill 2010 has a number of ingredients. It seeks to enhance ASIO powers of activity in this area. It creates a new offence of providing material support and resources towards people-smuggling in the Migration Act and the Criminal Code. In that context it is important to note that it covers those people who are reckless as to whether money and resources that they provide could be used to assist such ventures. The maximum penalty in that case will be imprisonment for 10 years or 1,000 penalty units—that is, $110,000—or both. It
also harmonises people-smuggling offences between the Migration Act and the Criminal Code to strengthen the criminal framework and to provide greater consistency. It also extends minimum penalties to the Migration Act. That has been detailed by a variety of other speakers.

Indisputably, this is a very complex and difficult area of public policy. On the weekend—I know I will be attacked by some journalists who are opposed to foreign films—I saw the French film Welcome, by Philippe Lioret, at the French film festival in Sydney. It was an interesting detail of the situation of, in particular, Kurdish refugees in France attempting to enter Britain. It had all the ingredients that are in some ways part of this legislation. It had the reality of people smugglers, the people who exploit this need; the desperate situation of people living in Calais in northern France who have come all away from the Kurdish part of Iraq; the conditions they live under; the French government’s attempts to dissuade people from taking that course; and the support by people in that town for refugees. All of those ingredients were there.

No doubt, there is a very great degree of difficulty in this policy area. Anyone who follows it knows that a reality in this country is that neither Labor nor Liberal is in the immediate future going to increase the intake of humanitarian refugees to basically make provision for those people who enter by boat or, for that matter, plane. In reality, the nature of the intake by boat will have a decided eventual impact on us seeking a diverse intake, because we aspire to have people who are refugees from many lands coming here. It is in the nation’s interest that we have diverse settlement. We do not essentially want to have refugees from only one country or one part of the world. The previous government had a new focus towards Africa which the current government has supported.

Unless we can have a degree of control over the intake we cannot do things such as, for the first time, join the UNHCR in settling the Nepalese minority from Bhutan. They were in camps for 17 years after facing harassment in Bhutan, and they are proving to be extremely model citizens in this country. You cannot denigrate others—there is a danger in saying that one group of refugees is better than others—but throughout their 17 years in the camps they were taught English. When they come here we do not have to spend much time on migrant English. In actual fact, they are the only ethnic group I have run across in the migration intake who, when I saw them in Adelaide, said: ‘Please, Laurie, stop giving us English. We want to get out and go to TAFE. We want to go to university. We want to go on to employment.’ Unless we can have some control over the nature of the intake, we cannot go out and take those people—and we are taking thousands of them over a five-year period—if all the places are going to be taken up by boat people. So there are difficulties here, indisputably.

But where the opposition really goes off the track is in trying to connect in some way all of our current boat arrivals to an alleged softening of policy here, saying that we are a magnet and that essentially we are encouraging the people smugglers by these soft policies. In actual fact, as Professor Mary Crock said at a debate recently—I was there with the member for Cook—if anyone is promoting the image of Australia as being in any manner an El Dorado or nirvana for people smuggling and for refugee claims, it is the opposition. They are getting up on tables with megaphones and telling the world that in their view the country is a soft touch.

I heard the figures from the member for Cook and his analogy about Britain’s situation now and Australia’s and the decrease in certain European countries et cetera. There
are a multitude of reasons why countries have a level of intake or not. There is no doubt that measures in a country can, in some way, affect demand. They can discourage people from coming to that land. There are questions of transportation patterns of the smugglers et cetera. There is the question of whether a country on the way through suddenly gets strong on its borders et cetera. There is the question of employment patterns in countries—whether people feel that going to Poland or France this week is actually a better bet than going to another country where unemployment has worsened. This kind of analogy and the idea that all of a sudden the boats have come because the Labor government have brought in more humane measures and because we got rid of temporary protection visas and therefore people suddenly decide that this is the place they have got to go—particularly those fleeing Iraq, the Tamils from Sri Lanka and the Hazaras from Afghanistan—is pretty preposterous.

When the opposition starts talking about a cost, it is equally questionable. Let’s look at the outcome of the TPV ‘solution’. Virtually all these people eventually came here, they are moving towards citizenship and they have been accepted as genuine refugees. That was also a great cost to Australia and it was a great cost to those individuals, with that degree of insecurity for all those years for people who the determination process finally decided were refugees. We turn to some of the specific situations that are really causing this. I heard the views from the member for Cook. I prefer an article by Ahmed Rashid that I happened to be reading during his contribution. It is in the current edition of *The New York Review of Books*. It says:

According to the UN, in 2009 there were an average of 1,200 attacks a month by Taliban or other insurgent groups—a 65 percent increase from the previous year. Over the twelve-month period, 2,412 Afghan civilians were killed, an increase of 14 percent; of those, two thirds were killed by the Taliban, a 40 percent increase. In addition, US and NATO combat deaths rose 76 percent, from 295 in 2008 to 520 in 2009.

According to Major General Michael Flynn, the NATO military chief of intelligence in Afghanistan, the Taliban now have shadow governors in thirty-three out of thirty-four provinces—they serve to organize the movement at a provincial level and disrupt government initiatives in their area—and the movement “can sustain itself indefinitely.” Flynn has described US intelligence in Afghanistan as “clueless” and “ignorant.”

The article further made the point:

… it has been difficult to recruit Pashtuns for the Afghan army and police from the southern Pashtun provinces that are largely controlled by the Taliban …

The reality is that the situation in Afghanistan has deteriorated. That is why there has been a debate in the US about a surge. That is why the United States has decided to do so. To pretend that there is no connection between this deterioration of the allied situation and the push factor of refugee claims in this country is preposterous.

I heard the member claim that there are a million Hazaras in Kabul. Firstly, I think the figures are questionable. The total population of the country is about 28 million and Kabul is about three million plus. Any growth in Hazara numbers in Kabul is related to the harassment they suffer in parts of their historic homeland. I have had Hazaras come to me about the fact that Pashtun nomadic groups have basically, through military force, forced them from part of their ancestral homelands. Yes, there was a return to Afghanistan at an earlier stage. There were millions of people who went back from India, Pakistan and Iran because they thought the country was getting more secure. But the reality now is that Hazaras, despite a few
ministers in the government, despite the allegedly democratic process in the country, are still gravely harassed. That is why we are having increased numbers of Hazara claims in this country. That is why our population of Afghans is 90 per cent Hazara whereas they are only, at a maximum, 10 per cent in Afghanistan.

I have a close relationship with the Hazara community in Sydney and they have been to my office. They say two things to me. To be brutally honest, they say that this country has to be vigilant about some of the people coming on the boats because they, the Hazaras in Australia, believe that they are from Quetta in Pakistan and a number of them lived there for a hundred years. But at the same time they say that there are manifestly grave dangers to Hazaras in Afghanistan.

The member for Cook briefly made some references to the Tamil situation and to people leaving camps. Anyone who is following the situation in Sri Lanka knows the level of harassment of Tamils at the recent elections there. The reality is that thousands upon tens of thousands of them are still in camps. The world has been trying to force, pressure, cajole and persuade the Sri Lankan government to treat the Tamils better after the civil war outcome. The UNHCR is apparently looking at the situation and seeing whether they will adapt their list. But to say that there is no push factor for Tamils at the moment is, once again, ridiculous—and this was not the situation during many of the years in which—

The DEPUTY SPEAKER (Hon. AR Bevis)—Order! The time allotted for this debate has expired. The debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

PETITIONS

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

Marriage

To the honourable Speaker and Members of the House of Representatives:

RETAIN THE DEFINITION OF MARRIAGE BETWEEN MAN AND WOMAN

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

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

by Mrs Irwin (from 357 citizens)

Administration of Justice

To the honourable Speaker and Members of the House of Representatives:

This petition of Antal Bittmann and fellow citizens that have been aggrieved by an administrative decision of a member of the Executive of Parliament, a member of the Judiciary or an Officer of the Commonwealth as set out in Section 75(v) of the Constitution.

(a) IN MATTERS where a High Court Judge fails to deliberate on a (defendant) member of the Judiciary to show cause why he should not be removed from his or her appointment.

(b) IN MATTERS of termination of appointment by the Governor-General. Where an Injunction is outstanding against an Officer of the Commonwealth.

We the aggrieved citizens, with the right of petitioning the Parliament (a long established fundamental right), we request both Houses to use their
exclusive powers to terminate appointments that breach the rules of natural justice.

We ask the House to address these matters.

by Mrs Irwin (from one citizen)

Television Broadcasts

To the honourable Speaker and Members of the House of Representatives:

This petition of the Citizens and visitors of Turkey Beach and Rodds Bay, Queensland

Draws to the attention of the House: The inadequate quality of television broadcasts.

We therefore ask the House to: Make an urgent request to the appropriate authority for erection of a blackspot tower to allow the residents of Turkey Beach and Rodds Bay to receive good quality television reception

by Mrs Irwin (from 228 citizens)

Pensions Asset Test

To the honourable Speaker and Members of the House of Representatives:

This petition of Worried Pensioner draws to the attention of the House:

Life expectancy actuarial review legislative not complying due to the economy collapse.

We therefore ask the House to:

Review to allow recovery and prevent loosing asset test exemption because funds have lost half there value due to 2009 market crash.

by Mrs Irwin (from one citizen)

National School Chaplaincy

To the honourable Speaker and Members of the House of Representatives:

This petition of certain citizens of Australia draws to the attention of the House the National School Chaplaincy Program, built on the excellent history of school chaplaincy in Australia, which was introduced by the former Coalition Government in 2007/08 with a commitment of $165 million for its first three years. It was endorsed by Prime Minister Rudd who said “they (Chaplains) actually are providing the glue which keeps school communities rolling”.

The program offers pastoral care and spiritual guidance to all. Chaplains necessarily have religious beliefs which underpin their work. These beliefs are representative of the school communities the chaplains work in and they do not hinder chaplains from working with those of other beliefs or none. It operates in 1915 schools and enjoys strong support among principals, schools and in the community generally.

The Rudd Government has extended funding for the program, at a reduced level, until the end of 2011, after which time there may be no more funding despite the program’s social benefits, sound administration and strong community support. Malcolm Turnbull has announced that if elected, the Coalition would continue funding the program in its current form, at its current level of $165 million over 3 years.

We therefore ask that the Rudd Government continue funding for the National School Chaplaincy Program in its current form.

by Mrs Irwin (from 75 citizens)

Mobile Phone Services

To the honourable Speaker and Members of the House of Representatives:

This petition of the Citizens and Visitors, Turkey Beach and Rodds Bay, Queensland

Draws to the attention of the House: The lack of mobile phone coverage to Turkey Beach and Rodds Bay

We therefore ask the House to: Make an urgent request to Telstra to erect a Mobile Phone Tower to give excess to mobile phone coverage to supply complete service for the Turkey Beach and Rodds Bay areas.

by Mrs Irwin (from 16 citizens)

Administration of Justice

To the honourable Speaker and Members of the House of Representatives:

This petition of a ‘resident of Australia’ and ‘certain citizens of Australia’, draws to the attention of the House the inability to cause complaints of judicial misbehaviour to be proven, that is a condition of judicial tenure. This lack of judicial accountability is compounded by the inability to correct wrongful Orders by obstructions to appeal or correction by Writs due to judicial “Leave to

CHAMBER
Apply” is required, then denied without Oral Hearing.

A petition presented 23 November 2009 seeking an inquiry into claimed judicial misbehaviour highlights the requirement for seeking a 72(ii) of the Constitution prayer other than by a petition limited to 250 words. Like; a proper Committee to accept complaints and the evidence of misbehaviour denied Court ability to appeal or correct by Writ.

72(ii) of the Constitution causes Parliament to enable complaints of misbehaviour to be proven. The Senate, about 7 December 2009, recommended a like Committee be created.

We pray the House seeks the “Legal and Constitutional Affairs Committee” creates a Judicial Sub-Committee of Inquiry urgently;

That accepts complaints from the public citing the judiciary.

Makes “72(ii) of the Constitution” recommendations to the House.

Makes “Constitutional Writ Applications” on behalf of members of the public.

Makes recommendations of compensation for judicial wrongs.

And

The ability to send a matter back to any Court for reconsideration.

Starting with the complaints within the petition presented 23 November 2009, then those waiting in the on Notice Lists.

by Mrs Irwin (from one citizen)

Administration of Justice

To the Honourable the Speaker and Members of the House of Representatives;

This petition of a ‘resident of Australia’ and ‘certain citizens of Australia,’ draws to the attention of the House the issue and denial of the ability of a Self Represented Litigant (SRL) to present proper; “Evidence in Chief,” “Cross-examination evidence,” and Objections to wrongful questions while a witness.

The Rights of a Party to have a “McKenzie Friend” and those of the “McKenzie Friend” including the right of audience are established in Common Law but subject to “judicial interpretation of fairness”. Like; SRL’s cannot ask themselves open questions and then answer those questions, thereby not cause proper evidence to be presented, this unfairness the McKenzie Friend could overcome.

This Parliament can negate the judicial right of denial of leave to the “McKenzie Friend for Limited Audience”. Thereby reduce the unfairness and/or denial of a SRL’s right to present their matter in the best possible way like the McKenzie Friend prompting the Evidence in Chief. Objecting to wrongful questions asked of the SRL when being cross-examined, cross-examining the other Party when Family Violence is an issue (Vic Law requirement), and this would assist the Court in obtaining proper evidence.

We pray the House seek the “Legal and Constitutional Affairs Committee” make recommendations to this Honourable House how the above can be achieved by making Laws of the Parliament that would permanently undo the unfairness dealt SRL’s by unfair limitations on their ability to present their case.

by Mrs Irwin (from one citizen)

Immigration

To the honourable Speaker and Members of the House of Representatives:

REVIEW COMMONWEALTH IMMIGRATION POLICY

The humble Petition of the Citizens of Australia, respectfully showeth:

That we re-affirm our support for the Constitution of the Commonwealth of Australia which states “Whereas the people of New South Wales, Victoria, South Australia, Queensland and Tasmania humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth….” (Constitution Act 9th July 1900) and the affirmation of 69% of our Australian population that they are Christians, and the statement of one of our founders that “this Commonwealth of Australia from its first stage will be a Christian Commonwealth” (Sir John Downer 1898), and the Opening Prayer of the Parliaments “Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory” and recognises the im-
portance of these beliefs in ensuring the ongoing stability and unity of our Christian nation.

Your petitioners therefore pray the Parliament of Australia will:

1. Review our Commonwealth Immigration Policy to ensure the priority for Christians from all races and colours, especially from persecuted nations, as both immigrants and refugees.

2. Adopt a ten year moratorium on Muslim immigration, so an assessment can be made on the social and political disharmony currently occurring in the Netherlands, France and the UK, so as to ensure we avoid making the same mistakes; and allow a decade for the Muslim leadership and community in Australia to reassess their situation so as to reject any attempt to establish a Muslim nation within our Australian nation.

And your petitioners, as in duty bound, will ever pray.

by Mrs Irwin (from 703 citizens)

Lymphoedema

To the honourable Speaker and Members of the House of Representatives:

This petition of certain citizens of Australia draws to the attention of the House the urgent need in regional and rural Australia for more accessible services to diagnose, treat and manage the serious chronic medical condition of lymphoedema.

We, the petitioners, therefore ask the House to provide training for general medical practitioners throughout Australia in the detection, assessment and treatment of lymphoedema in accordance with the Lymphoedema Framework. Best Practice for the Management of Lymphoedema. International Consensus (IC) 2006.

We ask the House to urgently allocate funding for the appointment of trained lymphoedema therapists in medical centres and community nursing services throughout Australia.

In accordance with the IC best practice model we, the petitioners, ask the House to provide funding for up to six (6) pairs of custom made compression garments per annum, essential to the management of lymphoedema.

We, the petitioners, ask the House of Representatives for financial assistance for transport where travel of more than 40 kms is necessary to access the services of a lymphoedema therapist qualified to assess, treat and manage lymphoedema.

by Mrs Irwin (from 1,180 citizens)

Timor-Leste Australian Honour

To the Honourable Speaker and Members of the House of Representatives:

We, the undersigned citizens of Australia, draw to the attention of the House the significant role played by the East Timorese people in providing unique assistance to Australia.

• We are mindful that the decreasing number of veterans who fought on Timor in World War II remember the Timorese people with deep gratitude, as did those who have died;

• We recall that for the last seventy years they have told and retold the stories of the courage and compassion of the Timorese;

• We regret that there has been no adequate official recognition of the role of the Timorese in assisting Australia in World War II;

• We remember that at the very least, 40,000 Timorese civilians were killed as a result of their assistance to Australia.

We therefore ask the House to ensure that appropriate action is taken to support our nomination of the Democratic Republic of Timor-Leste as a recipient of the Companion of the Order of Australia (Honorary).

by Mrs Irwin (from 846 citizens)

Petitions received.

Responses

Mrs Irwin—Ministerial responses to petitions previously presented to the House have been received as follows:
National School Chaplaincy

Dear Mrs Irwin

Thank you for your letter of 14 December 2009, concerning a recently submitted petition on ongoing funding for the National School Chaplaincy Program.

I regularly receive positive feedback from schools, parents and students about the value of the National School Chaplaincy Program (NSCP). I also understand that 98 per cent of school principals recently surveyed by the National School Chaplaincy Association about the effectiveness of chaplaincy in government schools, support having a school chaplain.

Given the success of the NSCP, an additional $42.8 million has recently been announced to extend the program for all participating schools until December 2011. The extension of the NSCP will ensure that those schools funded under the program will be able to continue to provide valuable support in the provision of student wellbeing services.

In order to ensure the program is well targeted in future, a broad consultation process will be undertaken with stakeholders in 2010. These consultations will consider options for possible future pastoral care initiatives following the end of the program in December 2011. The process will involve a range of stakeholders including state education departments, major service providers, representatives of independent and faith-based school systems, peak representative bodies for parent and community organisations, principals and other relevant interest groups.

The Australian Government is determined to ensure schools are supported in providing for the wellbeing of their students and the NSCP has been effective in achieving this. This program demonstrates the Government’s commitment to working with school communities, parents and other stakeholders to support wellbeing and positive development for all Australian school children.

I trust this information is of assistance.

from the Minister for Education, Ms Gillard

Traveston Crossing Dam

Dear Ms Irwin

Thank you for your letter of 29 October 2009 concerning the submission of a petition regarding the Traveston Crossing Dam.

As outlined in my letter of 18 December 2009, the Australian Government’s responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), in relation to proposals such as the Traveston Crossing Dam, focus on the protection of certain defined matters of national environmental significance. These matters include world and national heritage properties, wetlands of international importance, nationally threatened species and ecological communities, migratory species, nuclear actions, Commonwealth marine areas and Great Barrier Reef Marine Park.

As you are aware, on 2 December 2009 I rejected the Traveston Crossing Dam on the basis of unacceptable impacts on listed threatened species and communities. My decision was based primarily on science and it is clear to me that the proposal cannot go ahead without unacceptable impacts on nationally protected matters.

In particular, the proposal would have serious and irreversible adverse effects on listed threatened species including the Australian Lungfish, Mary River Turtle and Mary River Cod.

In making my decision I also carefully considered the independent expert reviews commissioned by my department focusing on the hydrological and faunal impacts of the proposal, including at the estuary.

Additional information on my final decision on the proposal and the decision making process under the EPBC Act can be located on the department’s website at: www.environment.gov.au/epbc.

Thank you for writing on this matter.

from the Minister for Environment Protection, Heritage and the Arts, Mr Garrett

Australian Defence Force Cadets

Dear Mrs Irwin

Thank you for your letter of 26 November 2009 concerning a petition requesting the creation of a
medal recognising the work of Australian Defence Force Cadets.

Please find below the submission that addresses specific components of the petitions terms of reference that relate to Defence’s position on this matter. A copy has also been submitted by e-mail to:

committee.reps@aph.gov.au

I trust this information will clarify the situation for you.

House Of Representatives Standing Committee On Petitions

Petitions Regaling The Creation Of Recognition Medal For ADF Cadets

Government Submission

Defence does not support the establishment of a new award to recognise the participation of young Australians in the Australian Defence Force (ADF) Cadets. Consistent with the strong tradition and principles underpinning the Australian system of honours and awards, medals are issued to members of the ADF to recognise gallantry in operations, distinguished or long and effective service, and service in specific military operations.

The ADF Cadets is a community-based youth development organisation focused on Defence customs, traditions and values. The cadets are taught leadership, team building and survival skills. As stated in legislation, ADF Cadets are not members of the Australian Defence Force and are not part of any operational plan to provide for the defence of Australia. Specifically ADF Cadets do not undergo military training and are not ‘basically prepared for military service in the unfortunate circumstance that this becomes necessary’, as stated in the petition.

Also, the Committee may recall, that in 1993-94, the Committee of Inquiry into Defence and Defence Related Awards (CIDA) took evidence from different groups that advocated the establishment of an award to recognise service by ADF Cadets. In its deliberations, the Committee was conscious of other worthy forms of youth leadership involving the commitment of long hours including service in the scouting and police citizens’ movements. In comparison, CIDA was not persuaded to recommend that ADF Cadets service required recognition through the award of a medal.

The Department of the Prime Minister and Cabinet (PM&C) has also advised that it would not support the creation of a civil medal to recognise service in youth development organisations, including ADF Cadets. Under the national honours system, awards to civilians are reserved for outstanding or exceptional achievements, or for service in hazardous or particularly merit-worthy occupations. The worthiness of the activities of the ADF Cadets is not readily differentiated from that of other youth development organisations, and recognition for achievement or service particular to those organisations is most appropriately provided by the organisations themselves.

The ADF Cadets already have appropriate forms of recognition for its members. These include individual and group citations, parade acknowledgements, certificates, accredited proficiency awards, achievement of vocational certificates, and promotion. Additionally, various organisations make awards to cadet organisations, for example the NSW RSL Navy Cadet of the Year Award.

from the Minister for Defence, Senator Faulkner

Digital Television

Dear Mrs Irwin

Petitions about digital television services in regional South Australia

Thank you for your letter dated 26 November 2009 in your capacity as Chair of the Standing Committee on Petitions about two petitions received by the Committee from the residents of Gumeracha and Yankalilla districts, South Australia, about the availability of digital television services in these areas. I apologise for the delay in replying.

In their petitions, the residents of Gumeracha and Yankalilla districts expressed concern that their existing television transmission facilities would not be upgraded from analog to digital, and that they would be left without television. They also asked the House to consider urgent funding to upgrade their transmission facilities, and sought a guarantee that their communities would be able to receive digital television.
The Government acknowledges the importance of free-to-air television to regional and rural Australians and is committed to introducing policy and legislative measures to maximise viewers’ access to digital television services.

On 5 January 2009, I announced that the Government will implement a new satellite service to provide digital television to viewers in regional television blackspot areas. The new service will make available all commercial and national free-to-air digital television services, as well as local news services through a dedicated local news channel.

Under an agreement reached with all television broadcasters across Australia, broadcasters will upgrade more than 100 existing regional analog self-help transmission facilities to operate in digital. Viewers who currently rely on self-help sites that will be upgraded by broadcasters under this agreement will simply need to install a high definition set-top box to access the full suite of digital television channels.

Gumeracha and Yankalilla are both in the metropolitan Adelaide commercial television licence area (rather than a regional licence area). However, broadcasters have indicated that it is highly likely that analog self-help retransmission facilities serving communities located in metropolitan licence areas will also be converted to digital. The Government is currently consulting with broadcasters to identify the list of self-help sites to be upgraded to digital.

Any regional households not able to receive digital television from the upgraded self-help sites will be served by the new satellite. In order to access the satellite service, these households will need to install the necessary direct-to-home (DTH) household reception equipment, including a satellite dish and a set-top box.

The Government will provide a satellite conversion subsidy to eligible households currently served by self-help transmission sites which are not upgraded to digital by the broadcasters.

The Government will shortly be writing to licensees of self-help transmission facilities setting out the new measures, as well as providing further information to local communities. An announcement about the self-help sites to be converted from analog to digital is expected in the first half of this year.

Thank you for bringing these petitions to my attention from the Minister for Broadband, Communications and the Digital Economy, Senator Conroy

Medicare

Dear Mrs Irwin

Thank you for your letter of 14 December 2009 on behalf of the Standing Committee on Petitions, regarding the Australian Government’s changes to the Medicare Benefits Schedule (MBS) rebate for cataract procedures.

Cataract patients will now have certainty following an agreement reached between the Australian Government and the Australian Society of Ophthalmologists.

In the 2009-10 Budget, the Government sought to adjust the MBS fee for cataract surgery because improvements in technology had made cataract procedures quicker and less expensive.

The Government wanted to ensure that the benefits of technological advancements were passed on to the taxpayer. Ophthalmologists disagreed with the extent of this change.

The Government has now agreed to:

• a 12% cut on cataract MBS items effective from 1 February 2010;
• a freeze on indexation of cataract items until November 2011; and
• a review of all ophthalmology items on the MBS under the new MBS Quality Framework process.

The new MBS fee for cataract surgery of $731.80 for the most common procedure applied from 1 February 2010.

The review of all ophthalmology items will enable more detailed assessment of the appropriate fees to apply in the future to ensure taxpayers are getting value for money.

The Government will also invest $5 million over four years on eye health initiatives for rural Australians. This package, to be rolled out with the assistance of the Australian Society of Ophthalmologists, will help provide improved care for
those Australians who are unable to access the same level of services as their metropolitan counterparts.

I trust that the above information is of assistance.

from the Minister for Health and Ageing,
Ms Roxon

Statements
Mrs IRWIN (Fowler) (8.32 pm)—Tonight, I am pleased to take the opportunity to report to the House about several aspects of the work of the Petitions Committee.

Today has been an interesting one for the committee. It held a public hearing into a petition regarding the convictions of Messrs Morant, Handcock and Witton by British Military Courts Martial during the Boer War in 1901. It is quite something to think that now, 108 years later, this case and the issues it raised are still being considered and that the process of a petition to the House of Representatives is being used to argue for a review of the convictions and sentences by the British Crown. The petition also seeks a Crown pardon with respect to the convictions for murdering Boer prisoners.

The petition argues that aspects of the courts martial raise questions about the fairness, the legal process and the sentencing of Morant, Handcock and Witton. Morant and Handcock were executed in 1902. Witton was sentenced to penal servitude for life but he was released in 1904. There are other points of view, as might be expected, about the convictions and subsequent executions of Morant and Handcock. The crimes of which they were accused and convicted were extremely serious. The sentences imposed on Morant and Handcock were severe. There has been some coverage of the issues raised in the petition—for and against—in the media recently. No doubt the different views will continue to be felt and expressed.

This leads me to consider the next step in consideration of the issues raised in the petition. One of the Petitions Committee’s roles under the standing orders of the House is to refer petitions to relevant ministers for a response. In this case the petition was referred by the committee to the Attorney-General. The Attorney’s reply to the committee on the petition has been presented in this House and is published on the committee’s webpage. The Attorney has referred the petition to the British Secretary of State for Defence, as the appropriate authority to review the decisions that were made at that time, for review and any further action he considers appropriate. It will be interesting to see a response in due course.

The hearing has been a fascinating glimpse into matters of history. Most petitions that the committee receives relate to current issues and concerns, but it is interesting to observe that petitioners may seek to use the committee’s processes to look back and to ask that decisions that were made by another country, and in another time, be considered again.

To come back to the present day, I would also like to remind the House of the committee’s current inquiry. The committee was first formed in 2008 and it is now examining its role and operations and the standing orders that are relevant to petitions. As submissions to the inquiry are received by the committee they will be published on its webpage on the Parliament House website, so that the various viewpoints can be made accessible to all those people who are interested in the process of petitioning and the work of the committee. The committee is pleased that it can provide on this webpage easy access to such comment, as well as to the collection of terms of petitions it has received and to the responses that government ministers make to them.
Mr ADAMS (Lyons) (8.36 pm)—On behalf of the Standing Committee on Primary Industries and Resources, I present the committee’s report, entitled *Farming the Future: the role of government in assisting Australian farmers to adapt to the impacts of climate change*, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Mr ADAMS—This report addresses a matter of great importance to the future of Australia.

Our agricultural industries are facing increasing challenges in the face of climate variability and climate change.

If our farmers are to maintain their productivity into the future, we must start investing now in new and better ways of producing food and fibre.

We must promote sustainability in production and resilience in our farming enterprises and the communities which support them and depend upon them.

During the course of the inquiry, the committee spoke to many people who have the welfare of our farmers at heart.

We were pleased to note the good work being done to create innovation, promote new ideas and improve our understanding of agricultural production and the forces that drive it—economic, environmental and social.

Many government initiatives are promoting innovation and enhancing resilience and this is all good.

We are, however, only at the beginning of a journey which will take many years. Assisting Australian farmers to adapt to the impacts of climate change will take coordinated and sustained effort on the part of government, industry and the community over a period of decades.

The committee had the chance to visit the properties of farmers who are already implementing innovative ways to manage the impacts of climate variability and climate change.

These people are proof that adaptation is possible. There are a range of adaptations that could increase the resilience of farmers in the face of climate variability and climate change.

Many have win-win-win potential in that they improve productivity and environmental sustainability and reduce or mitigate emissions. They also confer social benefits, as improved productivity and sustainability increase personal and community resilience.

However, many of these adaptations are being undertaken by farmers in isolation or with limited support.

Given the potential consequences of climate change, and the potential benefits of many of these adaptations, it would seem that a better coordinated response is required.

One of the potential benefits of changing agricultural practices is soil carbon, which has huge potential as a form of carbon sequestration.

Just as importantly, restoring carbon to our farmlands is vital to soil and plant health. Carbon rich soils improve soil biodiversity and improve soil moisture retention. By rebuilding our soil carbon, we are making our farmers more resilient in the face of climate change.

The evidence received by the committee during the course of its inquiry also demon-
strates that climate variability and climate change have the potential to have significant impacts on farming communities from a social and a psychological point of view.

The need to understand the thought processes, social pressures and attitudes that both hinder and promote adaptation are essential parts of the response to climate variability and climate change.

Communicating a clear and consistent message on climate change is a forerunner to successful adaptation and it must be delivered in a manner relevant to the experience of farmers for whom managing climate variability is a long-term and everyday experience.

Part of this is in understanding the decision-making processes of farmers. Another part is the creation of positive messages—how adaptation can improve business resilience, maintain or increase productivity and promote personal and social welfare.

Moreover, strong local networks—supporting farmers and their families, providing access to services and information and providing connections that allow problems to be identified and addressed—are a vital part of the response to climate change in rural Australia.

I would like to express, on behalf of the committee, our gratitude to all those who participated in the inquiry and to the staff of the secretariat.

On behalf of the committee, I commend the report to the House.

Mr HAASE (Kalgoorlie) (8.42 pm)—It is a great pleasure to rise this evening to speak to the report of the Standing Committee on Primary Industries and Resources, entitled Farming the Future: the role of government in assisting Australian farmers to adapt to the impacts of climate change. I open by backing all of the comments by our chairman, the Hon. Dick Adams. Your chairmanship has been greatly appreciated. You led us through some troubled waters rather well and I believe we have given the industry a report which will give guidance in matters of climate change and how the very nature of adaptability is the key to successful and sustainable profit-making in the future.

I say ‘profit-making’ because, after all, that is what it is all about. We purchase land and maybe choose to pursue agriculture as a way of making an income for our families and, consequently, the nation. If we, as a result of changing climates in parts of Australia, find that we cannot use that land productively for the pursuit of making money through agriculture, then we need to be sufficiently well-informed and adaptable to change. That is what this report is all about: adapting to climate change.

My participation in the committee’s investigation was always a little troubled by the very fact that we were debating something I did not particularly agree with and that was ‘climate change’ as opposed to ‘weather’. But I was very happy to be part of a group who were investigating what is happening in agriculture and horticulture today—dryland, irrigated and natural environment—in regard to addressing adaptability.

I was quite impressed to find that the agricultural industry out there is very receptive to change. Even though we report about the recalcitrance of those involved in agriculture in relation to adapting and overcoming generational fixation on particular methods of farming, we found, and I was impressed with the fact, that there are so many people running sustainable businesses who are pushing the envelope constantly in finding a way to make their land more productive by adapting to the latest that technology has to offer and embracing change. If one is going to be successful and find that their farming practices,
their use of land, is a sustainable and finance-producing operation, they firstly these days have to embrace change readily.

One of the areas that I was most impressed with was the ability of the industry today to embrace some of the most revolutionary methods of bringing depreciated country back into a productive state. Rehydrating, I found, was almost a buzzword, the idea being to slow the passage of water down through country to push it back underneath the surrounding floodplain country to rehydrate that country and make it more productive. However, I was very conscious of the fact that those very productive methods of sustainability are totally at odds with practices that I find in other states, in other soil and climatic conditions, where the very opposite is practised and embraced as revolutionary new techniques for farming that particular soil.

In closing, I wish to express my thanks on behalf of the coalition to the secretariat. I think you did a great job in keeping the cats together and guiding us through the whole process. *Farming the Future* is a report that I would thoroughly recommend to members of industry and members of this House.

The DEPUTY SPEAKER (Hon. DS Vale)—Order! The time allotted for statements on this report has expired. Does the member for Lyons wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr ADAMS (Lyons) (8.47 pm)—I move:

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

Question agreed to.

Treaties Committee

Report

Mr KELVIN THOMSON (Wills) (8.48 pm)—On behalf of the Joint Standing Committee on Treaties, I present the committee’s report entitled *Report 110: Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010*. Ordered that the report be made a parliamentary paper.

Mr KELVIN THOMSON—Report No. 110 reviews the following significant treaty actions:

- an agreement with the Republic of Lebanon regarding cooperation on protecting the welfare of children;
- amendments to Australia’s existing agreement with Singapore on the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;
- an agreement with the Republic of Poland on social security;
- a treaty with the Republic of India on mutual legal assistance in criminal matters;
- an extradition treaty between Australia and India;
- the amendment and extension of the existing agreement with the United States of America concerning space vehicle tracking and communications facilities; and

Primary Industries and Resources Committee

Report: Referral to the Main Committee

Mr ADAMS (Lyons) (8.47 pm)—by leave—I move:

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

Question agreed to.
The committee supports all the treaties examined in this report. However, the committee has made some additional recommendations in relation to two of them, and I will direct the bulk of my remarks to these additional recommendations.

The extradition treaty between Australia and the Republic of India is based on Australia’s model extradition treaty, which was developed to comply with Australia’s domestic legislative framework. The model extradition treaty has been used to develop a network of 35 bilateral extradition treaties. A significant element in Australia’s model extradition treaty is the so-called ‘no evidence standard’. This represents an improvement over the process it replaces, which caused considerable delay, and assists countries that operate a civil law system.

It is my great hope that we will now see successful extradition action in the case of Mr Puneet Puneet. Mr Puneet pleaded guilty in February last year to culpable driving causing death. A learner driver, Mr Puneet was drunk and doing more than double the speed limit on City Road in Melbourne when he killed nursing student Dean Hofstee in 2008.

Mr Puneet fled Australia in June using the passport of a fellow Indian student. People should under no circumstances be able to avoid trial simply by fleeing to another country, and I regard this treaty as a positive development in ensuring that justice prevails.

The committee is concerned, however, that extradition treaties negotiated by Australia have no formal monitoring process to ensure that, following extradition, a person’s human rights are protected.

In simple terms, the committee believes that Australia has a moral obligation to protect the human rights of extradited persons beyond simply accepting the undertakings of countries making extradition requests.

Australia must never be a party, directly or indirectly, to any injustice or abuse of the human rights of persons it has extradited, and regardless of whether the persons concerned are Australian citizens or not.

While the committee acknowledges that the risk of such an occurrence may be small, a formal monitoring process would go a considerable way to providing this assurance.

The committee has previously made recommendations, in report 91, that sought to establish a system for reporting the trial status, health and conditions of incarceration of people extradited from Australia.

The government indicated in its response to report 91 that it did not accept the recommendations. Significantly, the government’s reasoning in rejecting these recommendations focused on the procedural and administrative barriers to establishing a monitoring process.

But, given the immense amount of work involved in any extradition, it does not seem unreasonable to ask countries to tell us, for example a year later, what happened to the extradited person. Are they in jail serving a sentence? Were they executed? Did they disappear? It is not unreasonable for us to simply ask what became of them.

It seems clear to the committee that the concept of a process to monitor the trial status, health, and conditions of detention of people extradited from Australia has merit. The committee believes there is an overriding moral imperative that Australia never be a party to any injustice or abuse of the human rights of persons it has extradited.
For these reasons, the committee again recommends that extradition agreements should require the requesting country to provide annual information concerning the trial status and health of extradited persons and the conditions of the detention facilities in which they are held.

The committee has made two further recommendations to improve the extradition process.

First, the committee has recommended that the Australian government ensure the wellbeing of extradited Australian citizens by requiring that all Australians who are subject to extradition should receive a face-to-face meeting with an Australian consular official, except where the person has made explicit their objection to consular assistance to the satisfaction of consular officers.

Secondly, the committee recommends that, when a foreign national is extradited from Australia to a third country, the Australian government formally advise the government of that person’s country of citizenship that one of its nationals has been extradited from Australia to a third country.

The next treaty to which I wish to direct my remarks is the Amendment and extension of the Agreement between the Government of Australia and the Government of the United States of America concerning Space Vehicle Tracking and Communications Facilities.

This treaty marks the 50th anniversary of treaty-level cooperation between the United States of America and Australia in space vehicle tracking, and extends the life of the Agreement between the Government of Australia and the Government of the United States of America concerning Space Vehicle Tracking and Communications Facilities.

While the exchange of notes will provide significant benefits to Australian science, the committee has some concerns about how the process for seeking committee approval was administered.

The exchange of notes was tabled in parliament on 2 February 2010, only 24 days before the exchange of notes needed to take effect.

Because of the importance of the relationship between the CSIRO and NASA to Australian scientists, the committee agreed to meet the requested time frame, and report 109, supporting the exchange of notes and recommending binding treaty action be taken, was tabled on 11 February 2010.

This is one of a spate of recent requests by the government for the committee to expedite consideration of a treaty.

There were, in each case, grounds for expedient consideration by the committee, and in each case, the committee was prepared to accede to the request. Nevertheless, in all of these cases, it would not have been necessary to make such a request if the treaty-making process had been planned in a more timely way by the sponsoring agencies concerned.

The committee’s inquiries provide an important contribution to treaty making by subjecting treaties to parliamentary and public scrutiny, thereby lending legitimacy to the treaties. The value of the committee’s work is undermined when there is insufficient time to properly consider a treaty or allow public input to the committee’s inquiries.

The committee needs to point out that a request for expeditious treatment is an unsatisfactory solution to poor planning on the part of some departments.

In an effort to remedy this problem, the committee has recommended that the Minister for Foreign Affairs should remind other ministers of the need to include time for proper consideration by the committee when planning to enter into a treaty.
The committee considered and supported a number of other treaties in this report, which I will briefly touch on.

The Agreement between Australia and the Republic of Lebanon regarding Cooperation on Protecting the Welfare of Children establishes formal procedures to assist Australian and Lebanese nationals whose children have been abducted by a parent to either Lebanon or Australia, or where difficulties with contact between a parent and child have arisen.

The agreement establishes a cooperative regime where one did not exist before, as Lebanon is not party to the Hague Convention on the Civil Aspects of International Child Abduction.


The Agreement between Australia and the Republic of Poland on Social Security is one of a number of international social security agreements negotiated by Australia. These bilateral treaties address gaps in the coverage of certain social security payments to immigrants in Australia who are entitled to receive payments from another country.

Finally, the Measure 16 (2009) Amendment of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty is intended to enhance protection of the Antarctic environment in a number of ways, including through improving processes for listing specially protected species, introducing permit requirements for the taking of native invertebrates, and strengthening controls on unintended introduction of non-native species and diseases.

I thank the numerous agencies, individuals and organisations who assisted in the committee’s inquiries.

I commend the report to the House.

The DEPUTY SPEAKER (Hon. DS Vale)—Does the member for Wills wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr KELVIN THOMSON—I move:

That the House take note of the report.

The DEPUTY SPEAKER—in accordance with standing order 39, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

Treaties Committee

Report: Referral to Main Committee

Mr KELVIN THOMSON (Wills) (8.58 pm)—by leave—I move:

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

Question agreed to.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (PUBLIC HEALTH AND SAFETY) BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Hartsuyker.

Mr HARTSUYKER (Cowper) (8.59 pm)—I present the Environment Protection and Biodiversity Conservation Amendment (Public Health and Safety) Bill 2010 and the explanatory memorandum. The purpose of this bill is to amend the Environmental Protection and Biodiversity Conservation Act 1999 for a number of reasons: firstly, to introduce public health and safety as one of the
matters which the federal minister for the environment must take into account when deciding whether or not to approve an action under the act; secondly, to give the issue of public health and safety prominence amongst matters which must be taken into account by the minister; and, thirdly, to provide the minister with emergency powers to act immediately when there is a serious threat to public health and safety. Whilst these amendments could deliver a positive outcome for a number of communities across Australia, the reason I have tabled this bill relates to the farcical circumstances which exist in Maclean, which is in my electorate of Cowper.

Over the past year we have seen an explosion in the number of flying foxes in a colony which inhabits vegetation surrounding the Maclean High School, the nearby TAFE, and the surrounding residential area. There has been an invasion by thousands upon thousands of bats, and we are talking about a high school community of around 1,100 students. These flying foxes defecate over the school, its students and teachers. The smell is absolutely revolting and the colony can be extremely noisy. They pose a risk of hendra virus and lyssavirus and this is a risk that extends to the staff and students of the nearby TAFE and the surrounding residents.

The school has been forced to take drastic measures to protect the safety of the students and teachers. Bubblers and seats are covered to avoid contamination. Classroom windows are permanently closed. Air conditioning has had to be installed in some rooms because windows cannot be opened. Car parks, walkways and disabled accesses are all going to be covered because of the flying fox faeces. And let us not forget the residents living close by. Their homes have become virtually uninhabitable because of the stench and the problems that these bats cause, and a similar situation exists in the nearby TAFE.

We have a failure of government, both state and federal, to disperse the bats, which is an absolute disgrace. Last year federal and state bureaucrats established a McLean Bats Working Group, which was designed to do nothing more than conduct paper shuffling. This was Yes Minister at its worst. A push by the community to draft a licence application to disperse the bats was knocked on the head last November when the bureaucrats made it clear to the school P&C that such an application would not be supported by the government departments. There was no intention to act by this working group. It was just a process of delay and delay in the hope that the community got sick of it. When the school commenced their Christmas holidays in December we had the ludicrous situation where the bureaucrats were ensuring no licence application was drafted, and the federal environment minister was saying he could not approve a licence because no application had been lodged.

This is why I have drafted this bill. This bill will ensure that the minister can no longer hide behind the web of legislative instruments in failing to act on a public health issue. The bill will restore the balance between health and safety of humans and protecting species such as flying foxes. The emergency powers within these amendments will deliver the minister the authority required to do what is right by communities such as Maclean High, the nearby TAFE and surrounding residents.

I have been disappointed by the lack of support for this bill from some members of this parliament. I note the position of the federal member for Page, who has hundreds of constituents attending Maclean High School. I had hoped the member for Page would support this bill, but the electorate of Page unfortunately has been deserted by their federal member. To this day her position on the bat dispersal remains unclear.
Originally she opposed dispersal. Then she suggested moving the school had a lot of merit. Then the member for Page denied saying she wanted to move the school and in the next breath said relocating the school may be a long-term option.

Certainly I have welcomed the great support I have received from the community. We have some 4,300 signatures on this petition calling on the parliament to support this private member’s bill, calling on support for Maclean High School in this urgent matter of the dispersal of the bats. It is vitally important as a matter of health and safety that the colony be dispersed permanently from the grounds of Maclean High School. The health of the students and staff is at stake. The health of the students and staff of the TAFE is at stake, and the welfare of nearby residents whose homes have been adversely affected by this bat colony. *(Time expired)*

Bill read a first time.

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

**AIRPORT DEVELOPMENT OMBUDSMAN BILL 2010**

**First Reading**

Bill and explanatory memorandum presented by Ms Jackson.

Ms JACKSON (Hasluck) (9.04 pm)—I present the Airport Development Ombudsman Bill 2010. This bill is to give people a right to be heard over their concerns about developments on airport land. It is well recognised that people have a right to be heard about developments that are undertaken in their neighbourhood so that they can be satisfied their concerns will be addressed. This usually occurs through state and local planning authorities. The existing systems may not be perfect, but they are usually robust.

It should be no different when it comes to Commonwealth land at airports. I want to make sure that residents have a clear process for complaints about developments at airports. This can be achieved by the establishment of an Airport Development Ombudsman, an independent authority with the power to investigate residents’ concerns fairly and impartially. I have previously advised the House about the widespread community anger in my seat of Hasluck when the construction of a brickworks was approved by the Howard government at Perth airport. The brickworks, which would have failed to pass state and local planning processes at other residential sites, encountered no such impediment at Perth airport. The building of the brickworks commenced in late 2006 and is now established with operations underway. Many of the concerns and fears expressed by residents about the development at the time have come to pass.

Of particular concern to residents were the safety, health and environmental impacts of this development. A local residents’ action group protested at the proposed development along with relevant local councils, the state government, and the former federal Liberal member for Hasluck. They were joined and supported by many community organisations such as the Nature Reserves Preservation Group and the Alliance for a Clean Environment, but to no avail. The development was a bad outcome for my constituents. It has thrown up ongoing issues which need to be addressed.

These include, the movement of heavy trucks on Kalamunda Road, a busy road servicing several nearby residential suburbs including High Wycombe, Maida Vale, Gooseberry Hill, and Kalamunda. These truck movements have had a significant impact on the state of the road and the ability of residents to use the road safely, especially the senior residents of the local lifestyle vil-
lage. Many residents complain about the state of the ambient air quality in suburbs around the brickworks. Brickworks do generate toxic air emissions. There is no regular communication about this issue or to address these concerns.

Local environmental groups complain about inappropriate land clearing at the site and around the airport. Perth airport has areas of high conservation value, including wetlands and Bush Forever land. My community believe they have no viable avenue to raise their concerns and receive feedback on airport developments. I want to congratulate the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon. Anthony Albanese, on the national aviation policy white paper. The white paper strikes a balance between airports as essential infrastructure being allowed to function without impediment and minimising the negative impact upon the environment and local communities. Aviation is an industry of national strategic importance to Australia and the white paper commits the government to work with state, territory and local governments to achieve a more balanced airports planning framework which will provide communities with more input into airport planning, including formalised community aviation consultation groups.

The white paper also commits the government to introducing an aircraft noise ombudsman within Airservices Australia to independently review noise complaints handling procedures and to improve Airservices’ consultation arrangements. This is a pleasing development as there has been significant community concern regarding an increase in aircraft noise following the Western Australian Route Review Project in late 2008 that changed local aircraft routes. These measures, especially the establishment of an aircraft noise ombudsman, are commendable improvements and will go a long way to better integrating airports with the communities in which they are located. Unfortunately the proposed consultation mechanisms for airport development do not go far enough to repair the loss of faith experienced by my community of Hasluck. Public confidence was severely undermined by the decision of the Howard government to approve the brickworks. The residents of Hasluck and residents near all airport land require the knowledge that there is an independent authority that will receive their complaints and deal with them fairly and impartially. We need an airport development ombudsman who can hold developers and airport operators to account for the impact that they have on neighbouring communities. I promised the electorate of Hasluck in the 2007 election that I would bring this matter to the parliament and I urge the parliament to support this bill.

Bill read a first time.

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

IMPORTED FOOD CONTROL AMENDMENT (BOVINE MEAT) BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Oakeshott.

Mr OAKESHOTT (Lyne) (9.10 pm)—In presenting this Imported Food Control Amendment (Bovine Meat) Bill 2010, I acknowledge the two-year moratorium that has been put in place by the Minister for Agriculture, Fisheries and Forestry and the executive. I appreciate the work that has been done by government to reverse a decision that is somewhat strange and has been poorly received by communities such as mine. This is not about the technicalities of an import risk
assessment and what we are hopefully going to see over the next two years. Rather this is about the related issues presented throughout the last month by consumers and many within the meat industry who quite rightly believe there are outstanding issues concerning both food labelling and tracing systems and that in a couple of years, if an import risk assessment comes in saying there are no problems, then these steps can and should improve the use and the sale of meat within Australia.

The first is a food labelling standard. The new food labelling standard would require the packaging of any imported bovine products to clearly display to the consumer the country of origin of the meat and the last recorded case of bovine spongiform encephalopathy, BSE, in that country. From a consumer perspective that is something that is wanted and should be met by the market. I do not think it is asking too much to have that labelled on any product. The second is a tracing system. Australia can be proud of our livestock tracing system, the National Livestock Identification System. It is a world leader. If there is any problem whatsoever in our product, we can go back to the paddock and find out exactly what has happened.

I do not think it is too much for the industry and beef producers generally to be asking for a similar traceability system for any meat imported into this country. I understand the issues from peak industry bodies are that there may be other private members’ bills asking for full traceability systems in countries of origin. That is not what this bill is asking for. It is only asking for traceability on meat that hits our shores. I think peak industry bodies would support that. It is asking for a standard that is fair for all meat, both domestic and imported. I ask the government to consider these two points as part of the related topic of imported meat from BSE affected countries that has been raised over the last four to six weeks. These are two important steps that I think will bring community much further along if an import risk assessment comes into effect in two years and says that BSE affected countries are okay.

On a related issue, we would not even be here debating this if there were still a zero-risk rating within world trade in relation to bovine meat. It troubles me greatly that those that have been around this place for a while keep saying that my predecessor signed a side letter as part of the US FTA to sign away zero risk as a category for meat in world trade. If we are going to give up our huge competitive advantage of being an island nation and being disease free, we are signing ourselves up to the huge disadvantage of extra transport costs in our trading relationships. We are nuts if we do it, I think we are nuts for having done it, and I would hope these two small amendments place us in a much stronger position into the future. I would certainly ask government to consider it and hopefully adopt it.

Bill read a first time.

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

PRIVATE MEMBERS’ BUSINESS

Reserve Bank of Australia

Mr BRADBURY (Lindsay) (9.15 pm)—I move:

That the House:

(1) takes note of the 50th anniversary of the Reserve Bank of Australia (RBA);
(2) recognises the important role of the RBA in Australia’s economic policy direction; and
(3) reaffirms its support for the independence of the RBA.

I rise to take note of the 50th anniversary of the Reserve Bank of Australia. The RBA is
one of the cornerstones of economic stability in this country. It came into existence on 14 January 1960. It was established to conduct the central banking functions of the Commonwealth Bank of Australia, which had reached a point where it could no longer perform its dual role as a central bank and a market participant in the commercial banking sector.

Given its powers to operate under the Reserve Bank Act 1959, the RBA is granted the autonomy to set monetary policy and is given the powers to implement this policy. Section 10(2) of the act sets out the bank’s charter, and it underscores the importance of the role it plays in ensuring the integrity of the Australian financial system. It says:

It is the duty of the Reserve Bank Board … to ensure that the monetary and banking policy of the Bank is directed to the greatest advantage of the people of Australia and that the powers of the Bank … are exercised in such a manner as … will best contribute to:

(a) the stability of the currency of Australia;
(b) the maintenance of full employment in Australia; and
(c) the economic prosperity and welfare of the people of Australia.

It has the responsibility for issuing the nation’s currency, managing our gold and foreign exchange reserves and overseeing our payment system. The RBA also had responsibility for supervising the banking system until the creation of the Australian Prudential Regulation Authority in 1998.

But, of course, the RBA’s most significant and public role is that of directing monetary policy. While the finer details of the operations of the RBA are often not the subject of conversations at backyard barbecues, the monthly meetings of the board are arguably some of the most watched and keenly anticipated events on the monthly calendar, particularly in communities like mine. The movement of interest rates up or down is the stuff of news that stops a nation, even on the first Tuesday of November, when the nation stops for other reasons.

We now have more insight into how the RBA board makes its decisions, with the release of a statement by the governor announcing the decision followed by the release of board minutes one week later. The RBA’s approach to monetary policy is underpinned by inflation targeting. Since the early 1990s, the RBA has adopted a policy of maintaining inflation within the target band of two to three per cent and adjusts monetary policy accordingly. Inflation targeting was endorsed by the former government in 1996, and it continues to have the support of the Rudd government.

In executing its duties to maintain the stability of the Australian financial system, the RBA has also played a major role in steering the country through the global financial crisis. From late 2008, as the global financial crisis began to unfold, Australia faced a loss of revenue equal to the entire health budget and stared at the very real prospect of a job-destroying recession. Here in Australia, the Rudd government acted quickly and decisively to stimulate the economy by investing in nation-building infrastructure. Our actions to stimulate demand had the effect of not only slowing the rise of unemployment but actually creating jobs at a time when the United States and other advanced economies experienced double-digit unemployment figures.

At the same time, the RBA led the world’s advanced economies by being the first central bank to start aggressively loosening monetary policy. In concert with the fiscal policy of the Rudd government, the RBA’s swift action proved to inject further stimulus at the household level, eventually slashing interest rates by four per cent between Sep-
tember 2008 and April 2009. The rapid easing of fiscal and monetary policy to stimulate the economy has arguably been the deciding factor in Australia’s relatively swift recovery from the crisis and is one of the reasons we were able to avoid recession.

The key to the long-term effectiveness of the role the RBA plays in maintaining the stability of our economy is in its independence. Maintaining the independence of the RBA is a policy that continues to have bipartisan support. Importantly, the Rudd government introduced legislation to enhance the independence of the positions of governor and deputy governor by ensuring that the termination of these positions can only be made with a resolution of each house of the parliament.

I would like to offer my congratulations to the current governor, Glenn Stevens, and all of the staff and members of the board, past and present, for reaching this important milestone. It is a significant anniversary not only for the RBA itself but for the stability and maturity of the Australian financial system. Tonight I wish to acknowledge the collective contributions of those who have made the RBA a great Australian institution.

The DEPUTY SPEAKER (Ms AE Burke)—Does the member for Dobell second the motion?

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

Mr ROBERT (Fadden) (9.21 pm)—I rise to support the motion by the member for Lindsay. Perhaps I do not support some of his words, but indeed the motion is worthy of respect. The Reserve Bank of Australia was slated under the Reserve Bank of Australia Act 1959, coming into being in the following year. Its charter, as has been stated, is about stability of the currency, creating full employment and, of course, acting for the best welfare of Australia and its people. The bank, of course, does a lot more than that. It also issues currency and provides a range of select banking services and manages our foreign currency reserves.

The true potential of the bank—the true realisation of all that the bank could achieve for the nation—came in the Howard years, when it was made independent and when, in the setting of monetary policy, it was unshackled from the rules of government and the executive and was able to set monetary policy in its own right. That is when we saw the Reserve Bank become one of the four great pillars that have stood us in such good stead, in concert with ASIC, APRA and the ACCC. Those four pillars of our financial system have ensured that we remain one of the powerhouses of financial management globally.

There is no clearer example of this than the value of the Reserve Bank that we saw in the global financial crisis. It is interesting that with over 200 banks now failing across the world not a single bank has failed in Australia even though in the late eighties quite a number of banks failed, including credit unions. I think the Labor Party has realised that the Labor Party running state banks is not such a good idea.

Indeed, at the point right now at the end of the GFC, and from our point of view as our economy kicks back into growth again, there are only eight banks in the world that have an AA or higher rating—only eight. And four of them are the big four in Australia, so well has our banking system been regulated and so well have the four pillars stood us in good stead.

It is interesting that the Treasurer and I would fail to agree on many things, but I agree with him on one point: that fiscal policy must work in concert with monetary policy. In the lead-up to the global financial crisis there is no better example of the two hand
in hand. We entered the global financial crisis in a far better position than any other country in the OECD, if not the world. We were debt-free, we had money in the bank and lots of it—in the tens of billions. We had a Future Fund of something like $60 billion. It is not unreasonable to suggest that the sovereign wealth of the nation, if I could use that term, was something like $100 billion in the bank. It actually meant Australia had the 10th largest sovereign fund in the world. That is how we went into this crisis.

Inflation was in the band of two to three per cent over the economic cycle, and had been 2.5 per cent from 1996 to 2007. We had an incredibly flexible labour market. Unemployment was at four per cent and, indeed, dropped lower than that nationally. That flexible labour market and everything that went with it allowed us to take advantage of and to capitalise on a resources boom that made us a country on par with, if not better than, Brazil to invest in when it came to resources and energy.

This was the position of the nation when we went into the global financial crisis. Parties would have us believe that economic stimulus alone pulled us out; it was wise decisions made by the executive. But I think sound economists look at the shape we went in with, the shape of our banking system and the oversight provided by the four pillars—especially the Reserve Bank.

The state of our economy, the state of the money in the bank, our inflation band and our flexible labour market meant that when the GFC hit and the crisis was imported into Australia, the Reserve Bank had room to move. It dropped interest rates down to three per cent of the cash rate, a four per cent drop, whereas other economies like Europe, the US and the UK dropped interest rates down to zero because they had no choice and they had nowhere else to go. Our cash rate only went to three per cent because of the strength of the economy going into the crisis. No other nation in the world had prepared as well as Australia. So whilst I support the motion, and recognise the 50th year since the establishment of the Reserve Bank of Australia, I think that, importantly, I respect and acknowledge the independence of the Reserve Bank and what it did during those great Howard years to ensure we could ride the shock of the global financial crisis to the degree that we have done.

Mr CRAIG THOMSON (Dobell) (9.26 pm)—It is a shame that in relation to a motion that is about recognising 50 years of the Reserve Bank that the member for Fadden tries to claim credit for the Howard government for the entire operation of the Reserve Bank. We need to take a longer view of history and to look at the actual role that the Reserve Bank has played under successive governments. You really need to go right back to the start of Federation to see the evolution of what has now become the Reserve Bank.

With the federation of the Australian states into the Commonwealth of Australia, the first Australian parliament assumed power to make laws with respect to banking and currency. In 1911, the first Commonwealth Bank Act gave the Bank only the ordinary functions of commercial and savings banks. In 1920, responsibility for the note issue was transferred from the Treasury to a Notes Board, consisting of four members, appointed by the government. The governor of the Bank was an ex officio member of the Notes Board. The administration of the note issue was undertaken by the Bank, although the Bank and the Notes Board were formally independent of each other.

By 1924, the Commonwealth Bank Act was amended and the Bank was given control over note issue. Management was then
vested in a board of eight directors, including ex officio the governor and the Secretary to the Treasury. From this time until 1945, when there were major changes in the legislation, the Bank gradually evolved its central banking activities, initially in response to the pressures of the Depression in the early 1930s and later by formal, albeit temporary, expansion of its powers under wartime regulation. May I point out that this was well before the Howard government came into office.

The new Commonwealth Bank Act and the Banking Act, both of 1945, formalised the Bank’s powers in relation to the administration of monetary and banking policy and exchange control. Under the 1945 legislation, there ceased to be a board, which was replaced by an advisory council of six comprised entirely of officials from the Bank and Treasury. The legislation specified that the governor was responsible for managing the Bank. However, legislation in 1951 established a new board—at that time of 10 members, including the governor, deputy governor and the Secretary to the Treasury—and maintained the responsibility of the governor for managing the Bank. With minor variations in the number of members this has been the structure of the Bank’s board since that time.

As indicated by previous speakers, the Reserve Bank Act 1959 preserved this original corporate body under the new name of the Reserve Bank of Australia to carry on the central banking functions of the Commonwealth Bank, which has evolved over time. Other legislation separated the commercial banking and savings activities into the newly created Commonwealth Banking Corporation. The Reserve Bank Act 1959 took effect from 14 January 1960, and that is what we are talking about today in terms of celebrating 50 years since then.

There were no major changes in the functions of the RBA until the abolition of the exchange control and the floating of the Australian dollar in 1983 under the Hawke Labor government. There had, however, been a gradual movement to market orientated methods of implementing monetary policy away from a system of direct controls on banks, and in the five years following the appointment of a major financial system inquiry, the Campbell inquiry in 1979, the Australian financial landscape was transformed to a virtually fully deregulated system. At the same time, the RBA gradually built up a specialised banking supervision function.

The Reserve Bank’s board, with respect to the formulation and implementation of monetary policy, is laid out in section 10(2) of the Reserve Bank Act, which is often referred to as the bank’s charter. It says that it is the duty of the Reserve Bank board within the limits of its powers to ensure that the monetary and banking policy of the—

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being 9.30 pm, I propose the question:

That the House do now adjourn.

Indi Electorate: Fair Work Australia

Mrs MIRABELLA (Indi) (9.30 pm)—I rise to speak on an issue of great concern to several constituents from my electorate. I received a call last week from an extremely concerned person who lives in my electorate and operates a family newsagency. I should note at the outset that this particular constituent does not want to be named. I will explain why that is the case very soon.

This particular family is not unusual when compared to many others in the newsagency business who have operated newsagencies for some time. Their establishment has be-
come part of the fabric of the town in which they operate. People know the owners, know the family of the newsagency. They have built up relationships with the community and organisations within the community over some time. In turn, the community relies on this newsagency for a number of services—most importantly, for the newspaper run that is operated from this business, as is usual for many newsagencies in rural and regional Victoria and, indeed, around the country.

For several years now this operator has employed some local seniors, many of whom are pensioners, to operate the particular delivery runs. These elderly employees enjoy the delivery run. It provides them with a means by which to remain engaged in the community and participate in the workforce. It also allows them to earn a small amount of extra money over and above their fixed pension incomes. There are four separate delivery runs that operate, and each of these runs takes approximately 1½ to two hours to complete. The operator and his delivery workers have reached agreements on the conditions of their employment which are mutually beneficial but also operate within the contractual conditions that are set by newspaper publishers, who supply the newspapers.

The newspaper delivery component is the cornerstone of many newsagencies. The deliveries reach across the community and reinforce the relationship between the business and the customer. It should be noted that the profit margins on the delivery side of a newsagency are marginal at best. As publishers have become more competitive, contracts with newsagencies have become somewhat less profitable. Nevertheless, the paper delivery run does continue to be a key component of the business. To put things in perspective, I would like to note some key figures. The contract between the newsagent and the newspaper publisher provides for 97c per household for a house that is delivered a paper every day of the week. Based purely on the employee costs associated with the delivery of these papers, it costs the newsagent approximately $2.10 per house that receives a paper each day of the week. This means that for each household that is delivered a paper for each day of the week the newsagent is running at a loss of around $1.13. The loss is subsidised by wholesale deliveries to other suppliers such as the local supermarket, where the newsagent receives a 17 per cent commission on all papers sold. After all expenses are paid they are lucky to break even.

My constituent does not seek to make large profits from his delivery service; it is a community service. I want to focus on the notion of mutually beneficial employment arrangements for a moment, because they go to the core of the employment market in our country and to the core of Liberal Party philosophy. If an employee and an employer come to an arrangement where both parties are happy and both parties can benefit from the arrangement, we have a win-win situation. The employer has employees they can rely on and the employee is happy to receive the employment and the benefits from it. We see this in the local newsagency example. What we have seen is the so-called Fair Work Act operating in a way that prevents this employer and his employees from entering into an arrangement on their own terms. The Fair Work Act stipulates that under the transport workers award the employer must pay each of his employees for a minimum engagement of four hours. It does not matter that the run will only take 1½ hours; the government is forcing him to pay four hours of engagement. My constituent is very concerned. He was prepared to put his name to this but, after hearing that a newsagent who had raised similar issues publicly had copped an audit within a matter of days of speaking
up in Melbourne a couple of weeks ago, he decided not to go public. People are afraid. *(Time expired)*

**Dobell Electorate: Pensions and Benefits**

Mr CRAIG THOMSON (Dobell) (9.35 pm)—I rise to speak about pensioners and the issues that pensioners are facing in my electorate of Dobell. In the electorate of Dobell we have over 25,000 pensioners. It is a very high proportion compared to most electorates. It used to be higher, and that is because the area that I represent on the Central Coast was once a retirement area. It is now changing—there are a lot of young families moving there—but pensioners hold a special place in the daily lives of all of us who live on the Central Coast. The Toukley Senior Citizens Club, for example, was once the largest senior citizen organisation in the southern hemisphere, boasting close to 7,000 members. It is now down to about 3,000 members but is a very vibrant organisation that is there to represent, look after and provide activities for pensioners in the northern part of the Central Coast.

One of the things that this government does understand is that pensioners have been doing it tough and doing it tough for quite some time. That is why in last year’s budget we delivered a pension increase of more than $70 a fortnight for singles on the maximum rate. From Saturday, of course, pensions will rise again. Regular indexation will increase the maximum single rate by $29.20 a fortnight. That maximum rate for couples combined will increase by $44 a fortnight. If you add that together, when compared to August of last year pensioners are about $100 a week better off than they were. This is also on top of the utilities allowance of almost $400 which this government has also delivered.

This government has been out there listening and understanding that pensioners are doing it tough. Unlike the former government who were there for 12 years, we have actually made not just indexation increases but substantive increases to the pensions of those Australians who rely on them. A great proportion of them are from my electorate.

One thing we do know about pensioners is that they certainly feel the increasing cost of living, particularly on such essentials as food and petrol. In an area like mine, transport is rather limited and to get around the Central Coast people usually have to own a car, so increases in the cost of petrol disproportionately affect pensioners in the seat of Dobell. What pensioners cannot afford is another brand new tax delivered by the Leader of the Opposition that will do one thing and one thing only: push the up the prices of groceries in all of our stores, push up the price of petrol and make it more difficult for pensioners who are struggling and doing it tough at the moment. The last thing they want is the Leader of the Opposition introducing a new tax that is going to strip away some of the new pension increases that this government has delivered. They want a fair go on grocery prices and petrol. They cannot afford to have a tax being put on them, which is precisely what the Leader of the Opposition is proposing.

There are two other things of particular concern to pensioners: healthcare and the need to reform healthcare. Pensioners disproportionately use public hospitals more than any other group in the community. With 25,000 of them in Dobell, the health institutions there certainly face greater pressure. One thing that pensioners have been saying to me in the last two weeks is that it is great that the Prime Minister has stepped up the plate and said that the Rudd government is prepared to fund up to 60 per cent and become the dominant financing partner in our hospitals.
What they have also been saying is that local structures are required on the Central Coast because hospitals on the Central Coast at the moment are part of the Northern Sydney Central Coast Health Area Health Service. What pensioners are telling me is that the sorts of reforms that the Rudd government are putting forward are precisely the sorts of reforms that pensioners want and that help pensioners in my electorate.

The other thing that they say they need is dental care. They lament the fact that when the previous government came in, the first thing that they did was knock off the Commonwealth dental scheme. They are keen to see our legislation on the Commonwealth dental scheme get through the other place and make sure that it applies to pensioners, who are the ones who use it the most. These are some of the issues that are affecting pensioners on the Central Coast. These are the issues that they are most concerned about: health reform, dental care and making sure that they do not get slugged with a big tax. (Time expired)

Higgins Electorate: Home Insulation Program

Ms O'DWYER (Higgins) (9.40 pm)—I rise tonight to speak about the government's failed Home Insulation Program. It is a program that will go down in Australian history as one of the worst examples of systemic policy failure that this country has seen in the last 20 years. It is a policy failure with the devastating human consequence of not only the loss of homes through 94 associated house fires but, significantly and tragically, the terrible loss of four young lives.

What we now know is that there are around 240,000 houses which have received unsafe or substandard insulation. This is an extraordinary figure that has grave ramifications for individuals and families throughout Australia. The ramifications of this botched scheme range from the inconvenience and cost caused to those who must now hire someone to reinstall the insulation properly or to take it out, to the deadly problem of approximately 1,500 electrified roofs.

There are hundreds of thousands of people across the country, including in my own electorate of Higgins, who are unsure if their house is safe. And there is a feeling of anger that the Rudd government, despite warnings from the very beginning of the potential dangers associated with the program, ignored those warnings and the 21 warnings from official authorities thereafter.

It is clear now that the Rudd government's wilful disregard for safety and propriety allowed new insulation operators to go into the market and into people's homes without adequate training, supervision or regulation. Australian taxpayers are footing the bill for this waste and mismanagement—paying not only for the failed program at a cost of $1 billion but for the blowout of another $1 billion and as yet unspecified costs to audit and fix safety issues associated with dodgy installations.

Tonight I want to mention two people in my electorate whose experience reflects the experience of so many others who have been in contact with my office. The first person is Mrs Susan Martin, an elderly resident of Higgins, who was approached by an insulation firm on 25 January this year. On 27 January the company undertook the insulation installation. Unbeknown to her, the company did not complete the job and failed to replace the roof tiles that they had removed when gaining access to her roof, leaving the inside of her roof exposed.

When it rained two days later the inside of the roof was soaked, including the insulation. The fumes from the insulation material set off her smoke alarms, causing her to fear for her safety. At significant personal cost, Mrs
Martin got a builder to come out and inspect her property to assess the damage and replace the tiles on her roof. The builder raised concerns that the faulty installation may have caused structural damage to her home when the rain came into her roof and she is currently considering her legal options. The Australian taxpayer paid this insulation company $1,200 for this job.

The second person is Ms Felicity Kiddle. Ms Kiddle is also an elderly resident who was approached by an insulation installer who knocked on her door and told her about the government’s offer. The installer assured her that they were registered with the government and that there would not be a problem with the installation. They began the installation on 9 December 2009 and installed only a fraction of the insulation required by laying it over the manhole in her roof to make it appear as though the entire roof had been covered. This company received the full $1,200 from the government.

It was not until a professional plumber entered the Ms Kiddle’s roof for an unrelated matter that the insulation job was found to be incomplete. Ms Kiddle was most concerned that the installation company had been paid when work had not been completed and that the work that had been done had perhaps not been done safely. She contacted the hotline and the response from the hotline was that she could fill in a form from the fair trade commission if she was not satisfied with the work and that, if she wanted it inspected, she would have to pay for this herself. It simply is not good enough. Further investigation revealed that no details of the company could be found on the ASIC website or in the White Pages. The government’s home insulation scheme has been a catastrophe and a debacle from start to finish. It is about time that the Prime Minister apologised to the Australian people for this failure. (Time expired)

Mr SIDEBOTTOM (Braddon) (9.45 pm)—Tonight my glass is half-full and half-empty. It is half-full because on Saturday of this week, the 20th, there are two elections taking place, in Tasmania and South Australia, and I am hopeful that the Labor Party will retain government in both. Also next Saturday, 20 March, an exhibition arranged by the Australian War Memorial, with fantastic financial and personal support from Kerry Stokes, will be exhibiting for the first time the Victoria Crosses won in Gallipoli. The Australian War Memorial exhibition will be commencing in Perth, then going to Darwin, Adelaide, Melbourne and Brisbane. This is the first time that such a tour has been undertaken, and it is to commemorate the 95th anniversary of the landing at Gallipoli. The name of the exhibition is This company of brave men: the Gallipoli VCs.

I, along with the nation, thank, celebrate and commemorate those who participated in Gallipoli, particularly those that won a Victoria Cross. They were Corporal Alexander Burton, Corporal William Dunstan, Private John Hamilton, Lance Corporal Albert Jacka, Lance Corporal Leonard Keysor, Captain Alfred Shout, Lieutenant William Symons, Second Lieutenant Hugo Throssell and Lieutenant Frederick Tubb. Seven of the nine Victoria Crosses awarded at Gallipoli were for bravery during the Battle of Lone Pine on 6 and 7 August 1915. A total of 97 Australians have received the Victoria Cross. I congratulate the Australian War Memorial and its director, as well as Kerry Stokes for his generous donation of finances for the exhibition, which will tour mainland Australia. That is my glass half-full.

My glass is half-empty, unfortunately, because the exhibition is not going to Tasmania. Nor is the exhibition going to New South Wales, but there is a fundamental dif-
Of course, the Australian War Memorial is essentially close at hand to New South Wales—and so too the Hall of Valour, which is now being refurbished for the Victoria Crosses. So the good folk of New South Wales have an opportunity to visit the War Memorial, in that they can get in their car and come and visit Canberra and the memorial itself. But Tasmanians cannot and unfortunately we are not part of the exhibition. I ask the Australian War Memorial to reconsider its decision. In no way do I wish to be a fly in the ointment in terms of Mr Stokes and his very generous financing of this exhibition, but I would ask the memorial to reconsider a visit to Tasmania.

We acknowledge that no Tasmanian was awarded a VC at Gallipoli, but three who did serve at Gallipoli were awarded the VC in later campaigns. They were Lieutenant Harry Murray of Evandale, Sergeant John Dwyer of Bruny Island and Captain Percy Cherry of Craddock. Indeed, out of 97 VCs awarded to Australians to date, 13 have been won by Tasmanians. Lieutenant Harry Murray of Evandale is the most highly decorated soldier ever to serve in the Australian Army and the most decorated soldier in the Commonwealth for the First World War. So I ask the Australian War Memorial and its director to reconsider the decision. If the refurbishment does take longer than the time allocated, I would seriously ask them to visit Tasmania. We too would love to see this wonderful exhibition.

Regrettably that has not happened, with the exception of one specific facility covering paediatrics, obstetrics and emergency. But the remainder of the hospital is an extremely poor condition. I recently had an opportunity to visit the hospital and I was shocked to see the dilapidated condition of many of the operating theatres; the fact that the hallways, which run from the theatres back to the wards, are open to the elements; and that the wards are in extremely basic condition. So poor is the physical condition of the hospital that the medical staff are conducting a campaign calling on the New South Wales government to urgently fund improvements to the facilities there. Just 2½ weeks ago I was with the chair of the medical staff council, Dr Richard Harris, in Hornsby Mall gathering signatures for a petition. That petition will be presented in this parliament, and I hope to be able to do that in coming weeks.

It is troubling when one looks at the way that public funding has been allocated for major capital investments in hospitals in New South Wales over the last 10 years. If you look at the hospitals which have received major funding, with only one or two exceptions there is a very consistent theme in the physical location of the hospitals. If you want to find out whether a hospital has received major capital funding you need to ask whether it is in a Labor held seat—a seat held by a Labor Party member of the New South Wales parliament. That is true of Auburn Hospital in the electorate of Auburn; it is true of Wyong Hospital in the electorate of Wyong; it is true of Campbelltown Hospital in the electorate of Wollondilly, of Concord Hospital in the electorate of Drummoyne, of Prince of Wales Hospital in the electorate of Coogee, of Liverpool Hospital in the electorate of Liverpool, of Royal Prince Alfred Hospital in the electorate of Marrickville and of Westmead Hospital in the electorate of Parramatta. What is the common theme in all
of these hospitals which have received major capital funding—for example, $178.5 million over six years announced in 2001-02 for major upgrades of Westmead and Auburn hospitals, $45.4 million announced in 2005-06 to upgrade Royal Prince Alfred and Concord hospitals or the $394 million expansion of Liverpool Hospital referenced in 2009-10? What is the common theme? The common theme is that every one of these hospitals is located in an electorate held by the New South Wales Labor Party. The electorate of Hornsby is held in the state parliament by a Liberal member—my colleague, Judy Hopwood—and it is a matter of considerable regret that something as important as health funding has been so clearly the subject of political decision making. Hornsby Hospital is a major facility which serves hundreds of thousands of people in the northern regions of Sydney. It is a matter of considerable regret that the people of this area of Sydney have been profoundly disadvantaged because of the political process and the political decision-making criteria applied to the allocation of public funding by the New South Wales Labor government.

It is shameful that the members of the medical staff at this hospital feel it necessary to allocate their personal time to lobby the state government for additional funding. I am very pleased to be lending my support to their campaign, but I do ask the question: why is this necessary? It is a regrettable feature of the highly politicised decision making by the New South Wales Labor government. I say to that government on behalf of the people of Hornsby and the surrounding areas, give us a fair go for Hornsby hospital.

National Broadband Network

Ms GEORGE (Throsby) (9.55 pm)—The government’s decision to build the new superfast National Broadband Network was well received by the community. On several occasions in this House I have raised the frustration of my local residents and businesses about their inability to access high-speed ADSL broadband services, even in recently opened new housing estates. Many of them felt they had been left on an IT goat track instead of being part of the information superhighway. Many constituents today in my electorate of Throsby still rely on dial-up services.

The NBN will be the single largest nation-building infrastructure project in Australian history, helping transform our economy and creating the jobs and businesses of the 21st century. It is our government’s intention that the new network will connect homes, schools and workplaces with optical fibre to the premises, providing broadband services to Australians in both urban and regional centres with speeds of 100 megabits per second—100 times faster than those currently used by most people. This will extend to towns with a population of around 1,000 or more people. It is our intention to use next-generation wireless and satellite technologies that will be able to deliver 12 megabits per second or more to people living in more remote parts of rural Australia. We want to provide fibre-optic transmission links that will connect cities, major regional centres and rural towns. It will be Australia’s first national wholesale-only, open-access broadband network. It is to be built and operated on a commercial basis by the NBN Company, which has been established at arm’s length from the government and will involve private sector investment in the project. We expect to see the rollout, simultaneously, in metropolitan, regional, regional and rural areas.

Unlike the situation today facing many in my electorate, this network will ensure that every person in business, no matter where they are located, will have access to affordable fast broadband at their fingertips. High-
speed broadband will transform the way we communicate and do business. It will certainly improve our education and health service delivery, it will connect our cities and regional centres, it will stimulate jobs and drive innovation and productivity gains. The NBN Company was established to design, build and operate the infrastructure that will enable advanced digital services to be provided. It will create Australia’s first national wholesale-only, open-access, high-speed broadband platform. Earlier this month, Minister Conroy and the CEO of the NBN Company announced the first five sites to receive high-speed broadband on mainland Australia. Among the list of five are the coastal communities of Kiama Downs and Minnamurra which are located in my electorate of Throsby. The other sites that were announced were: a part of the suburb of Brunswick in Melbourne, an area in Townsville, an area west of Armidale and the rural town of Willunga in South Australia. The sites were selected because they represent the diverse situations the builders will encounter during the network rollout. They will provide an opportunity to test and document different design and construction techniques in a range of situations. I understand it is the intention of the NBN Company to consult with our local community about its plans during the design phase. Following this phase it is anticipated that actual construction work will be delivered in a staged rollout beginning in the second half of the year. Approximately 2,600 premises located in Minnamurra and Kiama Downs will be the first of the two nominated sites in New South Wales to receive high-speed broadband. I am sure the constituents of both Minnamurra and Kiama Downs will join with me in welcoming the government’s announcement.

The SPEAKER—Order! It being 10.00 pm, the debate is interrupted.

House adjourned at 10.00 pm
CONSTITUENCY STATEMENTS

Higgins Electorate: Crime and Antisocial Behaviour

Ms O’Dwyer (Higgins) (4.00 pm)—I rise to talk about the serious issue of crime and antisocial behaviour in part of my electorate of Higgins and to propose a simple solution. My electorate is home to Chapel Street, an iconic strip well known for its shopping and nightlife. Unfortunately, escalating levels of crime, alcohol, violence and graffiti in the area after dark pose a threat to community safety and local businesses. Victoria Police crime statistics for 2008-09 reveal that assaults have increased by 18.3 per cent since 2007-08. Offences relating to drunkenness and indecent or offensive behaviour and language have increased by a whopping 236.7 per cent. This is something the local council, the City of Stonnington, is rightly concerned about. The City of Stonnington has tried to address the issue by funding a month-long trial of a mobile closed-circuit TV surveillance vehicle along Chapel Street at a cost of $22,000. I understand that the trial has been successful, with several incidents identified by the surveillance vehicle having been referred to police. However, the ongoing cost of this service means it would be impossible for the council to fund this initiative long term.

My predecessor in the seat of Higgins, the Hon. Peter Costello, also tried to address this problem by securing a funding commitment of $360,000 in 2007 for the installation of 10 CCTV cameras under the previous government’s National Community Crime Prevention Program. This program was cancelled by the Rudd government and the cameras were never installed. Yet the problem remains. Chapel Street is well known for its bars and clubs and is a magnet for young people in particular socialising after dark. This is a good thing and we should encourage it. Our young people and their parents need to be confident they will be safe. However, there are valid concerns about alcohol and violence.

The number of planning applications for liquor licences in the City of Stonnington last financial year topped the state, and a number of these venues are in or near the Chapel Street precinct. There has been an increase in the number of assaults both on the street and in licensed premises. Fixed surveillance cameras would help ensure Chapel Street remains an attractive and safe destination, which is just one more way to allow the authorities to better deal with the effect of excess alcohol consumption and violence on our streets. The Chapel Street precinct would be an ideal candidate for funding under the Safer Suburbs Plan. Fixed CCTV cameras are an important deterrent for crime and antisocial behaviour. They can also aid the apprehension of offenders and provide evidence in cases against such offenders. I wrote to the Minister for Home Affairs on 26 February to request funding for the installation of fixed cameras along Chapel Street under this program. I am looking forward to his response.

Blaxland Electorate: Bankstown Airport

Mr Clare (Blaxland—Parliamentary Secretary for Employment) (4.03 pm)—I rise to raise an issue of concern to the residents of my electorate, particularly those who live in the suburbs surrounding Bankstown Airport. Bankstown Airport is the busiest airport in Australia and the 26th busiest in the world. Every day there are over 1,000 aircraft movements—that is more than 371,000 a year. This is forecast to increase to 457,000 by 2029. The airport is an
important part of Bankstown. It was established in 1940 as a RAAF facility before being
turned into a key strategic airbase by the US air force during World War II.

Today the airport employs a lot of people—6,000—directly or indirectly. Last week we lost
400 jobs when Boeing decided to close down its operations at Bankstown Airport and relocate
to Melbourne. That is bad news for Bankstown and it is terrible news for the workers at Boe-
ing, who come from all over Sydney. The federal government is helping the retrenched work-
ers to find new jobs, and I will do everything I can to create new jobs on the vacated site. The
local community wants jobs, and we need more jobs, but not at any price.

The airport master plan is currently up for review. It will determine the operation and de-
velopment of Bankstown Airport for the next five years. In September the airport owners re-
leased a preliminary draft master plan for community consultation. The biggest problem with
it is that it proposes the introduction of 32 passenger aircraft services a day, seven days a
week, each carrying about 80 passengers. That is a passenger aircraft every 20 minutes for 11
hours a day.

Part and parcel of living near an airport is aircraft noise. For more than 30 years I have
lived under the flight path for Bankstown Airport. It is annoying, but you put up with it. The
problem with the introduction of passenger aircraft is not just extra noise, it is the impact it
would have on the surrounding road network: 2½ thousand passengers a day would clog local
roads. That is the view of Bankstown council. It is also the view of local residents. Late last
year Daryl Melham, the member for Banks, and I conducted our own community consulta-
tion. We wrote to the residents of Georges Hall, Condell Park and Milperra and the northern
parts of Padstow, Revesby and Panania. Ninety-eight per cent of the responses we got back
from residents said they were opposed to an increase in passenger aircraft movements. Some
residents are concerned about safety and security, others about noise, but by far the biggest
concern is the impact it will have on the surrounding road network, particularly on Marion
Street and Henry Lawson Drive. In December the member for Banks and I wrote to the own-
ers of the airport on behalf of local residents, making it clear that we do not support the intro-
duction of passenger aircraft services. We have also written to the Minister for Infrastructure,
Transport, Regional Development and Local Government. The proposed master plan is now
before the minister for transport. I do not know what is in it, but the view of the people of
Bankstown is clear: we do not want Bankstown Airport to become Sydney’s second passenger
airport. I urge the minister not to let this happen.

Dunkley Electorate: Small Business

Mr BILLSON (Dunkley) (4.06 pm)—Prime Minister Kevin Rudd’s ignorance about and
lack of interest in the challenges faced by small business trying to access affordable finance
was glaringly obvious under the bright lights of his favourite TV spot on Seven’s Sunrise on
Friday. When asked about the Reserve Bank analysis suggesting banks had increased interest
rates by a quarter of a percent more than the movement in funding costs would otherwise jus-
tify, the Prime Minister falsely claimed that he had done ‘practical things’ and ‘could do more
about it’. Rather than take the kind of strong stand former Treasurer Peter Costello took in
actively opposing opportunistic rate rises, the Rudd government’s detached indifference has
given the banks the nod on excessive interest rate rises. For small businesses, the Rudd Labor
government has not lifted a finger or uttered a word when rate reductions were not fully
passed on when rates were heading down and when rises have been greater than the official
rate increases when rates have been heading up. Both these phenomena have been forced on small business borrowers, and the Prime Minister was caught out, having no answers and no idea about the problem, on Sunrise on Friday.

The Prime Minister’s explanations of the action he claims to have taken to help small business facing excessive interest rate rises and bank charges are so laughable and so disconnected from the world of small business they are insulting, taking him from ‘Prime Minister Blah Blah’ to ‘Prime Minister Ha Ha’. The $16 billion of help Mr Rudd mentioned as support for small lenders involved the Australian Office of Financial Management, the AOFM, investing in residential mortgage backed securities designed to support access to credit for residential purposes and has no direct effect on access for small businesses. The Treasurer was kind enough to try and elaborate upon that in his direction with regard to the purchase of those securities, when in the official direction he makes no mention of small business. In his commentary he hopes, almost pleads, that those benefiting from that protection and assistance might have an eye to the needs of small business, but no direct consequence from the action.

The Prime Minister went on to claim that changes in consumer credit law were going to make a difference. This is a simply spurious claim, as the main purpose is to transfer responsibility for consumer protection to the states. The government’s own explanatory memorandum for the bill makes no such claim as the Prime Minister made. The Prime Minister’s claim that it enables the regulators to crack down on gouging across the financial sector is absolutely false and not backed by any of the material supporting that measure. His final claim relating to small businesses was:

The best thing customers can do is actually walk with their feet, and we have brought in bank switching arrangements which enable you to do that without huge walls of resistance now from the banks.

Again, that is a completely false and misleading statement, in that the bank switching arrangement the government claims credit for relates to deposits not to loans, not to borrowers, and it offers no assistance to credit-worthy small businesses experiencing difficulty accessing affordable finance. (Time expired)

Macquarie Electorate: Macquarie 2010 Bicentenary Commemorations

Mr DEBUS (Macquarie) (4.09 pm)—I rise to give support to the Macquarie 2010 Bicentenary Commemorations, an exercise which was launched by Her Excellency Marie Bashir, Governor of New South Wales, on 31 January and is supported by a committee made up of representatives of many of the institutions of New South Wales that have an interest in the history of the state and a number of community members and chaired by John Aquilina MP. Its purpose, in turn, is to promote the commemoration of Macquarie through widespread awareness campaigns and the participation of the broader community and relevant organisations in various celebrations. I wish to give encouragement to that activity.

Lachlan Macquarie was one of the most important and influential governors in Australian history. Professor Bashir called him the founder of Australia. His vision for the colony had a profound effect on the development of New South Wales and therefore Australia. He set out to transform the colony, not simply to administer it. He saw the potential for the punitive penal colony to be developed into a productive and harmonious community of free settlers and reformed convicts. His ambition to establish public works and to develop infrastructure and social programs reflected that vision and his own moral outlook of equality and self-enrichment, which was indeed informed by the Scottish Enlightenment.
He returned stability to the colony after the rebellion against Governor Bligh. The colony tripled its population during his time. Governor Bligh granted two pardons over an 18-month period. Macquarie granted 366 absolute pardons, 1,365 conditional pardons and 2,319 tickets of leave. That enlightened approach to convicts was of course met by very fierce resistance from conservative minded first settlers and outright opposition from the establishment. It led in turn to the inquiry by the English judge John Thomas Bigge, which in the end was critical of Macquarie, especially his spending on public works and his leniency towards convicts. But the fact is that the actual legacy of Macquarie and the one that we remember is of a practical and enlightened administrator who demonstrated compassion for convicts and held a vision of New South Wales as a grand and flourishing society. His emancipist policy towards convicts could indeed be considered a contribution to the development of the Australian ethic of a fair go. Indeed, he was the first person to actively promote the use of the word ‘Australia’. He was the person who established the Australia Day public holiday and is someone whom we should indeed celebrate.

**Swan Electorate: Home Insulation Program**

Mr IRONS (Swan) (4.12 pm)—I rise to speak about the Rudd government’s failed insulation scheme. Before I proceed, I will admit that, yes, I did have a haircut on the weekend. It is probably better described as a very close shave, but it was all for a good cause—the Leukaemia Foundation of Australia. To all the people who said to me that they would support me: it is now time to pay up, if you are listening.

This insulation scheme was always going to be a disaster for the industry, even if the planning, the design and the implementation by the government had not gone terribly wrong. A basic principle of any business and its sustainability is the word ‘saturation’—in other words, the saturation point. It is a basic principle that any overstimulation of an industry such as this scheme caused will spell doom for the industry. Once you have reached saturation point it is all over. I guess I could not expect anyone from the government side of the House to understand this principle. I do not think any of them have actually worked in or run a business in a trading industry. They may have worked in a service industry, such as in a legal firm, but they have certainly not worked in the rough and tough of the trading side of the building industry. I do not mean union business; I mean commercial competition in the building industry.

This scheme was a demolition scheme for the insulation industry. Mrs Gwen Larson from my electorate rang me about her concerns after she had insulation installed at her property. Mrs Larson was understandably concerned about the safety of her house, given the disastrous implementation of this Department of the Environment, Water, Heritage and the Arts program. As someone who undertook an electrical apprenticeship, I can understand Mrs Larson’s concerns. I spent plenty of time in roof spaces as a young apprentice. When learning the electrical trade, I was always taught that safety was the most important, basic principle. It is the basic tenet of survival in a roof space. However, this principle of safety has been completely neglected by this government in the design of this program. The consequences have been severe. Four young Australians have tragically died as a result of this program which has caused over 100 house fires. There are 1,000 potentially deadly electrified roofs around the country, out of 48,000 homes with foil insulation installed. This is in addition to the 240,000 dangerous or substandard insulation jobs, out of one million non-foil insulation jobs.
Constituents like Mrs Larson will now be forced to wait for the government to inspect her property. Unfortunately, for my constituent, there is still a great deal of uncertainty about how this government will get around to inspecting her property. She has been sitting home at night with the lights off because she is worried about them catching on fire.

You might think that is funny, Madam Deputy Speaker, but it is serious.

The deaths of four individuals are obviously the saddest consequences of this mismanaged program, and I send my condolences to the families of those young men. The financial recklessness is also disappointing and costs the country action on the environment. The $2.7 billion that was added to this country’s debt to pay for this poorly managed program will have to be paid off by future generations. (Time expired)

The DEPUTY SPEAKER—I will just add that I do not find it all funny.

Wakefield Electorate: The Plains Producer

Mr CHAMPION (Wakefield) (4.15 pm)—I rise to congratulate the Plains Producer, which is a newspaper in my electorate which serves the country community of Balaklava, on their success in the recent Country Press SA newspaper awards. The newspaper has a fine history in winning such awards. It was judged best in its category in 2009 for newspapers with a circulation under 2,500. It also got an award in 2008 and other awards in the 1990s. But this year the newspaper won two awards in some open categories, against 30 other papers: one award for Best Editorial Writing, won by Mr Terry Williams, who is the editor of the paper; and the award for Best Sports Story, won by Lauren Parker.

Terry Williams is a bit of a character, and I noticed in the article by the Plains Producer about its awards that he was congratulated by Judge Peter Fuller, who said:

Terry employs a diversity of style deftly—the Letter to the Prime Minister was satire at its very best. I must confess I did not read that particular editorial by Terry; no doubt it would have been unwelcome from my point of view! He does have a particular style, wit and character, and he has certainly brought those skills to this country newspaper. So it is good to see that he has been recognised for his very energetic editorial writing.

As I said, Lauren Parker, a Plains Producer reporter who has regrettably left the newspaper, won the award for Best Sports Story, which was a human interest story about the Mallala Football Club’s coach Keith Earl, who coached his team to a grand final win despite his having been badly burnt in a fire. So I think that is a tremendous effort by both Mr Earl and the reporter, Ms Lauren Parker.

It is great to see a country newspaper recognised in this way. I hope the Plains Producer continues to run to very many copies, week in, week out, for this great local community.

Maranoa Electorate: Home Insulation Program and Green Loans Program

Mr BRUCE SCOTT (Maranoa) (4.18 pm)—I rise to put on the record just some of the many complaints I have had from constituents in my electorate of Maranoa about both the disaster that was the insulation rebate scheme and the Labor government’s Green Loans Program. Unfortunately, my time is limited, so I will not have enough time to detail all the different situations in which my constituents have found themselves, including being the victims of dodgy installers—but some other installers are reputable, legitimate businesses who now find themselves with an oversupply of stock because the scheme was abruptly cancelled. Some
constituents have been waiting months for the Labor government to pay them their rebate, and some are veterans, war widows or pensioners who have had to cancel their requests for insulation because without the rebate they cannot afford it.

On top of the insulation disaster there is the green loans debacle. There have been a number of calls to my office about this, and it is no secret that this program is just like the insulation rebate: poorly managed, poorly implemented and poorly designed by an incompetent Labor government. As I said, my time is limited, so I have chosen just one example of feedback that I have received. A constituent of mine had a green loans assessment of his house undertaken last November because he wanted to install solar panels to reduce his household’s reliance on the town’s power grid and completely generate their own electricity. He was advised that they would receive the sustainability report within two to three weeks. That was last November. Three months later, in February this year, they finally received their report, and now I will go through a brief list of what that report recommended.

There were recommendations that they install water tanks, that they convert to solar hot water, and that they install ceiling fans. These may sound like sensible recommendations except for the fact that they already have two rainwater tanks with a storage capacity of 70,000 litres. Also, if they installed a solar hot water system they would save $106, or so the report said—yet their yearly hot water cost last year was only $84. And ceiling fans would be a great idea if they did not already have them in each room of the house. Finally, nowhere in the report did it recommend the installation of solar panels for electricity. It was a complete and utter waste of time for this particular constituent and obviously just another example of how ludicrously bad this scheme has been managed. That is why I am glad that the Senate is going to look into this scheme and I am certainly encouraging my constituents who have been impacted by this ridiculous farce of a scheme to make a submission to the inquiry. It is just another example of the fact that Labor cannot manage even a giveaway scheme and they cannot manage the economy. (Time expired)

Learning for Life

Ms RISHTWORTH (Kingston) (4.21 pm)—I am very pleased to rise today to speak about a wonderful event I attended on 16 February: the Smith Family graduation of the Learning for Life scholarship recipients. This event was to celebrate a number of students who were graduating from year 12 and from TAFE and to look at their great achievement. The Learning for Life program helps disadvantaged children who may have barriers to achieving and finishing their studies. It really helps these young people reach the goals that they need to reach. The program applies through the child’s early years and through vulnerable transition points in their development. It really helps by linking them with opportunities, including literacy support, tutoring, mentoring or financial scholarships that help with essential school expenses such as uniforms, books and excursions.

In my electorate I was pleased to see that there was a range of graduates who finished their studies as a result of this program. I congratulate year 12 students Kayla Tyas, Anthony Allen, Adi Dedic, Gail Ward, Billie-Jade Braund, Sophie Palmer, Nikita McCall, Tayla-Maree Tai-pari, Katherine Gillet, Greg Pinder, Kate Topp, Faiz Sheikh, Lauren Isherwood, Shannon Lavery and Emma McIntosh. They were the graduating students from year 12. The TAFE students included Michelle Alsop, Matthew O’Connell, Jasmine O’Connell and Nikki Lemonis. It was a great achievement for these students. I would also like to pay tribute to some of the
Learning for Life workers, because we know that the students would not have made it through without having those people in the schools assisting them to achieve. To Rachel Paterson, Tammy Kennedy and Leeann Koesters, congratulations on doing a great job for the local kids in my area.

Regarding the impact of this, Greg Pinder commented, ‘Being part of the Smith Family scholarship program has meant that a tough journey through school and uni has been made so much easier because I don’t have to worry where the money is going to come from. The ripple effect is that I can approach uni without having to worry. This puts me in a better mind frame to approach my studies.’ That is just one testimony to this great program, and I commend it to the House. *(Time expired)*

__Uranium Mining__

Mr HAASE (Kalgoorlie) (4.24 pm)—I rise today to throw some light on the public debate about uranium and the mining of uranium in Australia today. Slowly but surely the Australian public are emerging from the darkness in relation to their opinion of uranium mining and the use of uranium for peaceful purposes. We have the elephant in the room right now, which is nuclear energy. Everyone wants to discuss global warming and the contribution of fossil fuels to that global warming, and there are divided points of view on that topic. So many people are concerned about global warming and carbon pollution contributing to global warming but no-one, it seems, wants to talk about the issue of uranium mining.

Before we can have nuclear energy we have to have uranium mining. After that mining, uranium oxide is produced, which is commonly referred to as yellowcake. That yellowcake needs to be transported from mine site to the manufacturer of fuel rods and then to nuclear reactors for the generation of power, and it is the issue of transport that I want to refer to.

So many commentators in the public arena today are talking about the perception versus the reality of the safety of yellowcake. I have held yellowcake in my hand, with absolutely no risk whatsoever to my person. Yellowcake is much less dangerous than a bucket of petrol. Every day we see petrol tankers and gas tankers moving on our city streets in every part of Australia, yet there are commentators saying that we might be forced into mining uranium in Western Australia and once it is processed the yellowcake will have to be transported in special safety corridors well away from populated areas. That is an absolute nonsense.

There is much information published by international authorities about the safety of yellowcake. It is considered by international bodies to be a low hazard. We have become accustomed to petrol. We once thought that petrol was terribly dangerous and needed exceptionally special storage. We now know that it is something we can handle when there are particular conditions for its transportation and storage. Exactly the same pertains to yellowcake.

Yellowcake is a much safer product to start with. We are going to have to provide uranium for the world to produce nuclear energy to reduce the production of carbon gases. We therefore need to transport yellowcake. Yellowcake is a safe product. With good control measures in place for its transportation, it is not a hazardous substance that must be prevented from coming through our city areas. We need to let miners get on with the job, process the product, transport it through our streets and provide it to the world. *(Time expired)*

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MAIN COMMITTEE
Page Electorate: Campaigns

Ms SAFFIN (Page) (4.27 pm)—I represent the electorate of Page, and the active communities across my electorate regularly raise a number of issues and priorities with me. Today I take the opportunity to put on the record issues impacting and affecting my electorate. The community’s priorities are my priorities. I may not be able to mention all them that I want to in three minutes, but I will see how I go.

There are two issues that many members of the community are passionately opposed to. The first is live animal exports. Three points are most often raised with me about the live export industry. One is the inhumane treatment of animals on ships and at their destination. Another is that by exporting live animals we are missing opportunities for local abattoirs, and I have the Northern Meat Co-operative Company in my area. The last is that it is not necessary, as members of Jordan’s royal family, two princesses in particular, have made abundantly clear.

There is a strong antiwhaling campaign in Page. There is support for the government’s diplomatic efforts with Japan to get them to cease and for the legal case, coming by year’s end, if diplomatic efforts do not bear fruit. There is support for Sea Shepherd and others who work to stop Japanese whaling in the southern ocean.

Consumers—that means us—are entitled to know what they are buying. This is so with beef. I have been working on this issue with the New South Wales member for Northern Tablelands, Richard Torbay. I held a forum in Lismore which I got him to come to so that we could talk about truth in labelling. I have met with our federal Minister for Agriculture, Fisheries and Forestry, Tony Burke, on that. I also welcome the federal minister’s risk import analysis for the importation of beef from countries that have been affected by BSE. That has strong support in my local area. When the Deputy Prime Minister was in my area, Brenda Bryant and Anne Thompson, two local farmers, were able to meet her and give her a letter on this issue.

The other issue is the cosmetics industry. I have been looking into the issue of the chemicals used in the cosmetics sold in Australia and have been appalled by what I have found. There needs to be a broader investigation into the safety of the chemicals used in cosmetics. I have a book called The A-Z of Chemicals in the Home. It really is appalling that there are some poisons in things that we use on our bodies. Women use a lot of cosmetics and some of them appear to be cancer causing. I noticed in a New South Wales Sunday paper an op ed written by Lee Rhiannon, a member of the New South Wales parliament, on this issue.

Health is my No. 1 priority and it is an issue in my electorate. I have spoken many times—(Time expired)

The DEPUTY SPEAKER (Ms AE Burke)—Order! In accordance with standing order 193 the time allotted for constituency statements has concluded.
Mr KEENAN (Stirling) (4.31 pm)—I rise to speak on the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009. Over time there has been a significant increase in the movement of goods, people and services between Australia and New Zealand, giving rise to the greater possibility of legal disputes with the trans-Tasman element involved. It should be noted that the groundwork for this bill was largely laid out by the former coalition government. The economic relationship between Australia and New Zealand has been close for many years with several trans-Tasman initiatives underway, including the Trans-Tasman Travel Agreement in 1973, the Australia New Zealand Closer Economic Relations Trade Agreement 1983, the Trans-Tasman Mutual Recognition Arrangement 1988 and the Joint Trans-Tasman Council on Banking Supervision 2005. It is within this context that in 2003 Prime Minister John Howard and New Zealand Prime Minister Helen Clark established the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement.

I will now turn to the specific provisions of this bill, which streamlines and simplifies the process for resolving a significant proportion of these disputes. The Trans-Tasman Proceedings Bill 2009 implements the agreement between the governments of Australia and New Zealand on trans-Tasman court proceedings and regulatory enforcement. As I just detailed, the bill came about following the establishment of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement by prime ministers Howard and Clark in 2003. The working group’s terms of reference were to examine the effectiveness and appropriateness of current arrangements relating to civil proceedings and civil penalty proceedings as well as criminal proceedings relating to regulatory matters. Its membership comprised senior officials from relevant government departments of both countries. In 2007 the Australian and New Zealand governments agreed to implement the recommendations of the working group. The agreement based on these recommendations was signed on 24 July 2008 by the Attorney-General, Robert McClelland, and the New Zealand associate justice minister, Lianne Dalziel.

The agreement allows civil proceedings from a court in one country to be served in the other without additional requirements. It extends the range of civil court judgments enforceable between the two nations. Judgments could only be refused to be enforced if they conflicted with public policy in the country of enforcement. The agreement provides for interim relief to be obtained from the court in one country in support of civil proceedings in another, allows the regime to be extended to tribunals on a case-by-case basis, adopts a common rule to apply when a dispute could be heard by a court in either country, encourages greater use of technology for trans-Tasman court appearances, allows enforcement of civil penalty orders across the Tasman and allows fines for certain regulatory offences to be enforced across the Tasman where there is a strong mutual interest in doing so.
Turning to the second of the two bills that we are debating here today, the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009, the purpose of this bill is to address transitional and consequential matters relating to the Trans-Tasman Proceedings Bill 2009. Introduced with the Trans-Tasman Proceedings Bill 2009, this bill amends the Federal Court of Australia Act 1976 in relation to the conduct of trans-Tasman market proceedings, makes consequential amendments to seven acts and repeals the Evidence and Procedure (New Zealand) Act.

In conclusion, the Trans-Tasman Proceedings Bill 2009 implements the agreements between the governments of Australia and New Zealand on trans-Tasman court proceedings and regulatory enforcement. The agreement seeks to establish a regime for the conduct of court proceedings between Australia and New Zealand which aims to establish a simpler, more cost-effective and more efficient way of resolving cross-border disputes. The coalition supports the passage of both of these bills and I commend both of them to the House.

Mr NEUMANN (Blair) (4.35 pm)—I rise to speak in support of the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009. Whilst the member for Stirling made his speech with his usual brevity in terms of delivery and content, this is extremely important legislation that will streamline court proceedings and procedures between Australia and New Zealand. It will make a big difference to the way that lawyers practice and litigants experience the court systems of both countries.

On 25 November 2009, the Attorney-General, the Hon. Robert McClelland, and the New Zealand Minister of Justice, Simon Power, met to discuss what they described as:
… a new era of co-operation in dealing with trans-Tasman legal disputes.

Before I was elected to this place, I practised as a lawyer for more than 20 years, and the law firm of which I was the senior partner was part of the Southern Cross Legal Alliance. We had law firms in Western Australia, Victoria and New South Wales, and in Christchurch and Auckland. I regularly visited New Zealand for the purpose of having discussions on legal issues and had many cases in New Zealand over the years. I represented New Zealand litigants and New Zealand law firms on many occasions in the Family Court and Federal Magistrates Court, and my firm represented them in the supreme, district and magistrates courts in Queensland.

The legislation here will make a huge difference to the way we conduct court procedures. I often said when I was practising that if someone was, say, a contact parent and had contact with, or what we used to call ‘access’ to, their child, and felt inclined—wrongly and simply mistakenly—to try and take their child to New Zealand, for example, without the knowledge, consent and approbation of the custodial parent, it simply would not go to Christchurch or Auckland, or a place inside the jurisdiction of the country we know as New Zealand. It would go elsewhere, because New Zealand courts have traditionally taken a very benign approach to the registration of Australian court orders and certainly the degree of cooperation between the Family Court of New Zealand and the Family Court of Australia has been extremely extensive and comprehensive. It is the same with respect to child support administrative assessments and the registration and collection of child support. There has been extensive contact between the authorities in New Zealand and Australia—and so there should have been.
I sometimes wonder, with respect to the preamble of the Australian Constitution, whether our New Zealand brothers and sisters ought not to have carried on and become Australians—with the North Island and the South Island becoming states of Australia—because their law is very similar in many ways to Australian law. Certainly, the area of personal injury is very similar. Corporations law is very similar again. Defamation law, in my observation and experience as a lawyer, is very similar. Family law and child support are also very similar. They have not departed far—and, in fact, on occasions, it has been the case that New Zealand law has been more similar to, say, the law of Queensland than to, say, that of Western Australia or some of the other states. So anything we can do to make sure that our legal systems intermarry—that we can register their orders in Australia; that we do not need leave of the court, for example, to serve court papers; that their court systems can recognise our judgments and decrees—and that there is the cooperation which is so necessary in court systems, is better and more advantageous. It will make the court system that we have simpler, more efficient and more fair.

Anyone involved in litigation knows how costly it can be, how difficult the rules can be and how bewildering the whole process can be. Whilst it is true that most people do not come before the criminal courts in Australia or New Zealand, they can find themselves in circumstances, as a friend of mine did, such as being injured in New Zealand on a holiday. In addition, the number of marriages between Australians and New Zealanders and the cross-Tasman exchange of employment opportunities and arrangements and familial transfers is very frequent. Anyone who has travelled to New Zealand knows how easy it is as you go into the country and how Australia and New Zealand citizens are treated differently from those of other countries at the entrance and the exit of both Australia and New Zealand.

This legislation implements a treaty that our countries signed back in 2008, and I commend the previous government for the steps it undertook. The previous prime ministers of Australia and New Zealand, the Hon. John Howard and the Rt Hon. Helen Clark, established a trans-Tasman working group back in 2003 to look at this issue on court proceedings and regulatory enforcement. In 2005 a public discussion paper was released, with its main recommendations being to create what has been described as a trans-Tasman legal regime based on the Service and Execution of Process Act 1992. Any lawyer in private practice would have had to deal with that particular piece of legislation on many occasions.

The hub of this legislation is the harmonisation of the two systems. It ensures that in civil proceedings, for example, or in contractual law disputes or personal injuries actions, where process is initiated by way of an application or writ or plaint in an Australian court, the document could be served in New Zealand without the leave of that court being undertaken. Just imagine a litigant in Australia who wants to serve a document in New Zealand issuing an application or a plaint in, say, the Supreme Court of Queensland at Brisbane and then finding when they go over to, say, Christchurch they actually have to seek leave of the court to serve the document. Most people would not believe that would be the case, but it is another country and so leave in those circumstances needs to be sought. So they have to front up to a law firm such as Parry Field in the CBD of Christchurch and ask them to actually apply to the court to seek leave to serve the documents. What we are doing here is getting rid of that process and making sure that that can happen without leave.
We are broadening the range of judgments that can be registered and enforced in Australia to include things like what has been described in the brief as final non-monetary judgments—we are talking here about injunctions and the like. It will make it easier to register those. As I say, in the areas of family law we have for a long time simply registered those judgments. I did that on dozens and dozens of occasions when I was in private practice in the Brisbane CBD. But, again, this takes time for litigants and it costs them money. Anything we can do to make the system cheaper and more efficient is beneficial.

I particularly like the provisions here in relation to the use of remote appearances. As a lawyer in private practice, it is great to be able to speak to someone such as a judge over the phone at a directions hearing on an application that someone may bring for a property settlement in, for example, Melbourne—and such a thing happens regularly—and deal with that issue without engaging the services of a town agent such as Lewis Holdway in Melbourne to appear before the federal magistrate in the Federal Magistrates Court or the Family Court in Melbourne. So it saves time and money because the litigant does not have to, effectively, engage another set of lawyers to act as town agent. That can be very costly. There is a duplication of cost to the litigant. Using audiovisual link technology for remote appearances can reduce the costs. It means that the lawyer who has carriage of a file in a particular locale can do it by way of modern technology. It will allow a party and a lawyer to appear in Australia or New Zealand, as the case may be, with leave of the court. You always need leave of the court in those circumstances.

There are many changes in this legislation and there are many litigants on both sides of the Tasman who will benefit from this. I know that the lawyers who were and still are part of the Southern Cross Legal Alliance, which I dealt with on many occasions over many years, will benefit, and their clients will also benefit. Clients in Sydney, Melbourne, Brisbane, Christchurch and Auckland, and in places in regional and rural Australia, will also benefit from the greater and closer cooperation we are undertaking through the changes in this legislation.

Avoiding the need for duplication, making sure that judgments have the same force and effect and making sure that services are conducted without leave are simple and necessary measures to ensure better harmonisation of justice systems between Australia and New Zealand. We will be able to treat disputes in the same way, whether a litigant is engaged in a dispute in Auckland or in Brisbane. For too long we have let the waters of the Tasman increase costs for Australian citizens. The legislation before this chamber is an important reform and I think it is the kind of law reform that we should have undertaken decades ago. I am pleased that the previous government took the initiative with the previous Labour government in New Zealand, and I am pleased that the Rudd government has taken up this particular measure, because I know it will benefit people involved in civil, criminal and family law matters across the length and breadth of this country.

Mr CRAIG THOMSON (Dobell) (4.47 pm)—I rise to support the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009. The primary bill will implement the Agreement Between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement 2008. It will incorporate existing legislative provisions to provide a single point of reference for rules regarding how trans-Tasman proceedings are conducted. Related transitional and consequential provisions are included in a separate bill to be introduced.
alongside the primary bill. Companion legislation is being developed to implement the agreement in New Zealand.

The bill will improve arrangements for conducting trans-Tasman civil disputes. Key measures include allowing civil initiating processes issued in Australian courts and some tribunal proceedings to be served in New Zealand without leave; broadening the range of New Zealand judgments that can be registered and enforced in Australia to include final non-money judgments, civil pecuniary penalties and certain criminal fines and regulatory matters; facilitating greater use of technology to enable parties and lawyers to appear remotely in proceedings in the other country; and building on the existing cooperative civil evidence regime to allow subpoenas to be issued in New Zealand in Australian criminal proceedings. The bill will also incorporate some provisions from existing legislation to provide a one-stop shop for conducting trans-Tasman proceedings. The bill will set up a trans-Tasman regime for the conduct of court proceedings modelled on the cooperative scheme established by the Service and Execution of Process Act 1992, which regulates proceedings between the states and territories.

The bill will provide simplified arrangements for serving initiating documents on a defendant in New Zealand. It will no longer be necessary for a plaintiff to establish a particular connection between the proceedings in Australia or to seek leave of the court to serve documents in New Zealand. Service on a defendant in New Zealand will have the same effect and give rise to the same proceeding as if it had occurred in the Australian jurisdiction in which the proceedings are being heard.

The bill provides for a common statutory test to apply between Australia and New Zealand in determining when a court in the other country should hear a dispute. It allows a person served in New Zealand to seek a stay of proceedings in Australia on the grounds that a court in New Zealand is more appropriate to determine the proceedings. The factors to be taken into account when making this determination will be mirrored in the New Zealand bill. The bill will allow certain Australian courts to grant interim relief in support of New Zealand proceedings to protect an applicant’s right until final judgment is given—for example, an injunction to prevent a party removing assets from the jurisdiction. This avoids the need for duplicate proceedings to be commenced in Australia.

The bill will promote a greater use of remote appearances through audio and audiovisual link technology to reduce the cost and inconvenience of physically attending court in trans-Tasman litigation. It will allow a party, or his or her lawyer, to appear remotely from Australia in New Zealand proceedings and vice versa with leave of the court.

The bill will provide for a broader range of judgments to be recognised and enforced in Australia through a process of registration. It will allow non-money judgments such as injunctions, civil pecuniary penalties and fines for regulatory breaches to be registered in certain Australian courts. Once registered, the judgment will have the same force and effect, and give rise to the same enforcement proceedings, as if the judgment were made in Australia.

The bill will incorporate the existing provisions of the Evidence and Procedure (New Zealand) Act 1994, which sets up a cooperative regime for the taking of evidence and the service and enforcement of subpoenas between Australia and New Zealand. That act will be repealed. It will also include part IIIA of the Federal Court Act 1976, which regulates the conduct of trans-Tasman market proceedings brought under the Trade Practices Act 1974, which prohibits a corporation with a substantial degree of market power from taking advantage of this
power to eliminate or damage competition in the market. Minor changes have been made to aspects of these provisions to be consistent with the remainder of the bill.

Most if not all members of this place know that the relationship between Australia and New Zealand is of great importance to both our countries. At this time the relationship that Australia has with New Zealand is at its most comprehensive level ever. Not only do we have similar geography; our shared history, our common values and our like-mindedness all provide the foundation for a close relationship between our two countries. The number of our people-to-people exchanges reflects that relationship. Every year we see a million New Zealanders coming to Australia to visit and a million Australians going to New Zealand to visit. The strength of people-to-people exchanges and the strength of the nation-to-nation contact is in many respects quite extraordinary. We have a very strong economic relationship indeed.

The Australia New Zealand Closer Economic Relations Agreement, which has now existed for over 25 years, is probably the most successful free trade agreement between any two nations. The work on building this agreement does not stop. Efforts are continuing between Australia and New Zealand to have in place a single economic market. The work on this project, specifically the practical application to making it easier for Australians to travel to New Zealand and vice versa, is underway. It is a terrific economic project that our two nations are committed to. There is no doubt that our closer economic relations agreement is a model for the world, going beyond barriers at the border to deeper economic and regulatory integration. Two-way trade is currently worth over $A21 billion. Merchandise trade has grown at an average of 6.2 per cent per annum over the last two decades. Two-way investment between Australia and New Zealand stands at over $97 billion. We continue to be more integrated, and this has direct benefits for business and the wider economy.

The most recent areas of focus have included industry policy, notably modernising rules of origin, freeing up investment rules, an ambitious new work program for the single economic market looking particularly at enhancing the regulatory environment for business, seeking to streamline travel across the Tasman, collaboration on improvements in the rules around food trade, and exploring the scope to liberalise services trade even further. Australia and New Zealand have kept up to date with biosecurity issues, the review of the Trans-Tasman Mutual Recognition Arrangement, and collaboration on science including climate change and areas of innovation and scientific research.

The CERA is the world’s most open and successful free trade agreement. It continues to move beyond the traditional features of such agreements to include deep and broad regulatory and administrative cooperation designed to reduce or remove impediments to doing business and facilitate the movement of people, goods, services and capital across the Tasman. Once a review is completed, the closer economic relations agreement rules of origin will be the most modern and liberal in the world. Both economies will see benefits, including efficiency gains and enhanced international competitiveness, for their industries resulting from the modernisation of the CERA rules.

In 2008 the revised Australia New Zealand Government Procurement Agreement entered into force. As a result, all government procurement policies in New Zealand and in Australia, including at the federal, state and territory levels, now remain CER-consistent, with suppliers from both Australia and New Zealand treated on an equal basis in order to support a single trans-Tasman government procurement market. Officials from both countries have affirmed
their commitment to a joint food standard system, and New Zealand recently recognised Australia’s system of assuring the safety of certain foods exported to New Zealand. That decision reflects the high degree of confidence that New Zealand and Australia share in each other’s food safety systems. Australia will progress its own legislative amendments to give this reciprocal effect and both countries have agreed to work towards further reductions in barriers to trans-Tasman food trade.

Other recent achievements in the CER relationship include the signature of the updated double taxation agreement between Australia and New Zealand. This treaty better reflects the current commercial realities of trans-Tasman trade and investment. The commitment to an agreement on Trans-Tasman retirement savings portability similarly reflects existing CER realities. It will enable New Zealanders and Australians who work and live across the Tasman for a time to keep their financial affairs in order. Both of these instruments will further reduce non-tariff barriers to trade and investment and improve certainty and transparency for trans-Tasman businesses.

Our countries are working together to enhance Australia-New Zealand collaboration on climate change, and Australia has noted in particular New Zealand’s founding membership of the Australian initiated Global Carbon Capture and Storage Institute. Promoting sustainable forest management and combating illegal logging continue to be important matters for cooperation with other countries in the Asia-Pacific region. There is close collaboration between New Zealand and Australia on a joint bid to host a Square Kilometre Array, SKA, international radio telescope project. A decision on the location of the SKA is expected in 2012, with construction scheduled for the period 2014 to 2020. Over its estimated 50-year lifespan, the SKA will generate significant spin-offs in supercomputing, fibre-optics, renewable energy, construction and manufacturing.

Australia and New Zealand also work very closely in regional and international forums. We are close partners in the Pacific. We are close partners in the Pacific Islands Forum, and in development systems matters we work very closely together in the Pacific region. We reaffirmed our commitment to the unanimous declaration of the Pacific Island Forum leaders. We want Fiji to return to democracy on a much shorter timetable than the interim government is currently indicating. We want there to be full, free and fair participation in the political process in Fiji, which in our view is not occurring, and we remain strong in our joint commitment to see Fiji return to democracy.

We are also both strong and active Commonwealth members. At the most recent Commonwealth Heads of Government Meeting, Australia joined New Zealand as members of the Commonwealth Ministerial Action Group. For the next couple of years both Australia and New Zealand will be represented on this action group. Our two countries have shared peacekeeping and security interests. We work together in the Solomon Islands. We work together in East Timor and our joint attendance at the conference in London on Afghanistan shows we both have a contribution and a commitment to Afghanistan. We are in different provinces but we share the same commitment.

It therefore makes a lot of sense that the bill I am supporting today deals with yet another way of increasing the integration of our countries’ two economies—in this case, with civil legal matters. The increased movement of people, assets and the provision of services between Australia and New Zealand gives rise to the greater possibility of legal disputes with a
trans-Tasman element arising. However, despite Australia’s uniquely close relationship with New Zealand, there are currently only limited civil legal cooperation arrangements in place. The objective of the Trans-Tasman Proceedings Bill 2009, and its New Zealand equivalent, is to significantly enhance current arrangements by establishing a cooperative scheme to make trans-Tasman litigation simpler, cheaper and more efficient.

The bill implements the 2008 agreement on court proceedings and regulatory enforcement between Australia and New Zealand. The reforms in the agreement are based on the recommendations of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement, which was set up in 2003 to examine the effectiveness of current arrangements for the conduct of civil proceedings between Australia and New Zealand and which reported in December 2006. The bill has been developed in close consultation with New Zealand to ensure consistent implementation of the agreement in both countries. Stakeholders in Australia—including the states and territories and courts—and New Zealand were closely consulted during the project and support the bill.

The cooperative scheme established under the bill will give greater legal certainty to litigants in Australia and New Zealand and create conditions for further increased trade and commerce between the two countries. The reform will also support work being undertaken under the umbrella of the Australia New Zealand Closer Economic Relations Agreement, including the development of a single economic market.

To conclude, it is clear that this legislation is needed to improve certain legal systems between Australia and New Zealand and to make solving legal disputes between parties in both countries much easier. It comes on the back of longstanding cooperation over a wide variety of issues between our two countries. This is important legislation because it establishes this area in terms of civil litigation. Passing this bill will make sure that money will not be wasted by litigants. I commend the bill to the House.

Mr SLIPPER (Fisher) (5.00 pm)—While the honourable member who has just concluded his speech on the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009 is correct when he suggests that Australia and New Zealand are two countries which have a long and close relationship, it is undeniably true that there is much more that could be done. This legislation, however, is a step in the right direction, but it is a step that goes nowhere near far enough. In the last parliament I was Chairman of the House of Representatives Standing Committee on Legal and Constitutional Affairs. We had a reference from the then Attorney, the member for Berowra, with respect to harmonisation of the laws among the Australian states and between Australia and New Zealand. We brought forward a number of recommendations in our unanimous report which suggested that the two countries ought to cooperate in many more areas than we currently do, including, for instance, a joint currency, a joint telecommunications market and many other changes which would integrate the legal systems of Australia and New Zealand much more substantially. I am pleased to see the Attorney in the chamber, because he gave the government response to the committee’s report—which, I must say, did not go quite as far as the then committee wanted. However, I do thank the Attorney for very seriously considering the matters put forward by the committee.

Only yesterday, Sunday, I had a very early start because I was on Q and A New Zealand with the opposition leader, Mr Goff, the former Secretary-General of the Commonwealth of
Nations, Sir Don McKinnon—he is a former New Zealand minister—and former Prime Minister Mike Moore. There had been a recent survey in New Zealand and Australia on whether New Zealand should become Australia’s seventh state. What was interesting about the survey was that, while a majority of New Zealanders clearly were against that proposition, some 41 per cent thought it was a topic worth talking about and approximately 25 per cent thought that it was actually a good idea. I put the point on the program that it was a very emotive question that was put to those people polled and what would have been better would have been to ask a question as to whether the respondents supported a higher degree of integration, harmonisation and alignment between the systems of Australia and New Zealand. In other words, we should concentrate on what is achievable or ‘doable’—not that that is a word—and we should focus on those things we can actually bring about. Sir Don McKinnon said that he felt it was inevitable that in a couple of generations New Zealand would become Australia’s seventh state. But there is a range of possibilities with respect to closer integration, from the situation which was envisaged in the Australian Constitution—namely, that New Zealand should be one of the originating Australasian colonies federating in 1901 to form the Commonwealth of Australia—through to any other form of integration.

If you look at the countries of the European Union you will see that many of those countries spent most of the 20th century fighting one another, yet they have a level of integration which is much higher than the level of integration we have—to use a New Zealand expression—across the ditch. If the countries of Europe are able to achieve a single currency, why on earth can’t Australia and New Zealand, given the fact that we have a shared culture, a shared legal system, shared values, a shared geography, and I believe a shared future, have a joint currency? When Dr Cullen, a former New Zealand minister, actually suggested that, our then Treasurer, the former member for Higgins, rather unhelpfully, responded by saying that New Zealand was free to adopt the Australian dollar. I think a former Secretary of the Department of Finance and Administration wrote a paper suggesting that Australia should adopt the American dollar as a currency, but I suspect that suggestion would not get strong support throughout the community.

But there is no doubt that on both sides of the Tasman we pay an extraordinarily high price for unnecessary differences or a lack of harmonisation in the systems of law and government in Australia and New Zealand. For instance, in the area of telecommunications I am told that mobile phone calls are extraordinarily expensive in New Zealand. A simple solution would be to allow all Australian telecommunications companies to operate in New Zealand and for all New Zealand telecommunications companies to operate in Australia. Clearly, the consumer would be the beneficiary. We could also look at the possibility of a joint tax system and maybe a joint defence force. In fact, Prime Minister John Key and our Prime Minister last year enunciated that, within 12 months, their aim was to have a single border, namely, that people passing through immigration in Australia or New Zealand would not have to go through immigration once they crossed the Tasman. It was estimated that if that reform came in that would slice a third off the cost of trans-Tasman airfares. Mind you, looking at the websites at the present time, I see that airfares are fairly cheap as they are. But, clearly having to go through Customs, having to go through passport control (a) takes time and (b) costs money.
We also have a ridiculous situation in Australia where, if a person has an enduring power of attorney signed by a person at Coolangatta and he or she has to move into a nursing home at Tweed Heads, the enduring power of attorney dies at the border. Similarly, across the Tasman an enduring power of attorney is of no force and effect. So there are so many areas where we would be able to improve cooperation and harmonisation. That is why I am very pleased to support the Trans-Tasman Proceedings Bill 2009 and cognate bill, because it is one small step in harmonising laws across the Tasman. I think that is very good, but I believe that we can go a lot further. For instance, if we had a single banking system, instead of Australian banks being required by New Zealand authorities to set up subsidiaries in New Zealand. That would clearly cut the cost of banking. Most of the banks in New Zealand are owned by Australian banks, anyway, so why should they not be able to operate across the Tasman in a way that would minimise costs for business? I think it is something that we ought to look at as well.

While I certainly commend the Attorney on the bills before the chamber, I do believe that these are only small incremental steps—and I am not suggesting that the Attorney himself would stand up and claim that this is a panacea for everything—and we can only achieve things step by step. The legislation before the chamber is worthy of support, but it is only one step in the direction in which we ought to be travelling. I very strongly support the principle of a single border, a single currency, a joint telecommunications market and I support a joint legal system. I would even like to have some set-up whereby the courts of New Zealand could be integrated with the courts of Australia and we could cross-vest jurisdiction. I think that would be important, but that clearly would be a little more complicated than the measures currently before the House.

In fact, the member for Dobell, who spoke previously, mentioned how we cooperate with New Zealand in trying to return democracy to Fiji and in so many other ways. We would clearly be able to shave costs, achieve better outcomes and better equip our military personnel if perhaps we had a joint military force between Australia and New Zealand. After all, the countries of the European Union are talking about some sort of creation of that nature. Again, it should be so much easier for those of us in Australia and New Zealand who, in fact, have so much more in common. I do not think it is necessary for Australia to become the west island, in addition to the current North Island and South Island, and it will not be necessary for the All Blacks to don Wallaby colours. Mr Deputy Speaker Washer, as you come from Western Australia you may not understand that the All Blacks are the national rugby team of New Zealand and the Wallabies are the national rugby team of Australia. I am not intending to reflect on you as a Deputy Speaker. But the thing is, I suspect, that what often stops greater degrees of integration are these fears, on the part of New Zealand in particular, of being gobbled up and of the loss of what they see as being essential elements of the New Zealand culture.

If we could create one market across the Tasman and if Australian companies were to get better access to New Zealand and vice versa, then obviously costs would be reduced, employment would be generated and there would be more prosperity. Of course, the advantage with respect to these matters would often be more in favour of New Zealand because they are gaining access to a much larger market. But it is only a greater advantage by degree, because the advantage to Australia in gaining greater access, access of a domestic nature to the New Zealand economy, would in fact also benefit our companies.
Having said that, I commend the Attorney-General. I know that he is waiting to sum up, so I ought not to use all of the 20 minutes allocated to me. These bills, the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009, are very important bills before the chamber but they are only steps in the right direction. They are good steps, but I want to encourage the Attorney-General to accelerate this process, because all of us will be beneficiaries if he is successful in that aim.

Mr RAGUSE (Forde) (5.12 pm)—I rise to support the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009. Listening to the previous speakers, both of whom have some legal background, it is very good to hear that finally in this country we are getting to a point of being able to bring together a whole range of procedures and processes.

My contribution will be short today. It will be about some of the social implications that have driven the need for these changes. I will also reflect on some of our history. These two countries, Australia and New Zealand, are very close neighbours in this part of the world, yet our backgrounds and histories are quite different in terms of how we each were settled. While the Treaty of Waitangi, one of the early indigenous treaties of New Zealand, may not have been a total success in the first instance, treaties have moved on from that time. In Australia, it took nearly 200 years to resolve some of the issues of its first settlement.

While our two countries were established in quite different ways, the early settlers of both countries were of similar backgrounds and interests. Coming forward to the late 1890s and the constitutional conventions, New Zealand was very much part of that process. As the member for Fisher said, New Zealand could have been considered a seventh state. At that time, Western Australia was not going to be involved, and there was a last minute change. The reality reflects on the close association of that period of time. In the early sixties, when New Zealand had a booming wool industry, many thousands of Australians and their families re-established in New Zealand to provide labour to those very successful mills. At a time when Australia had a changing set of circumstances in terms of our rural industries and where we were positioned in the world, New Zealand was doing very well. In fact, some of my extended family went to New Zealand and are still there today as a consequence of their involvement at that time.

We talk about our close associations with New Zealand, but the legal concerns of people who want to re-establish in New Zealand are still of concern today. While there have been many treaties, arrangements and understandings between the two countries, I applaud the Attorney-General, who is in the chamber, for his work in considering our ongoing relationship with New Zealand. If you look at our history, there is the establishment of the Anzacs. We use the term ‘Anzac’ for so many things other than to denote our military defence and our involvement in skirmishes on behalf of what we then called ‘the mother country’. The reality is that on the battlefield we were one, and in so many social situations we have been one. We have shared labour between the two countries because by the early seventies, when global considerations tremendously changed the nature of international markets, there was a move back to rural industries in Australia and we needed New Zealanders to come to Australia. To this day, a large number of New Zealanders move freely between Australia and New Zealand. So it makes sense that our legal understandings should make it much easier for the two countries to do business. Despite the legal constraints and requirements of the two countries, with their different constitutions, it will be easier to work together within that legal framework.
I have an interest in and knowledge of New Zealand. I spent many years there in different capacities. I hitchhiked around both islands of New Zealand a couple of times. I got to know the locals and the local cultures. Even in the late seventies and early eighties, there were many differences between the two countries. In terms of who the two countries looked to as their nearest neighbour, we were just a few hours flight across the sea but in those days the US had a major influence on New Zealand, as it did on Australia. When you look at some of the early infrastructure—telecommunications, banking and finance—it was very much attached to the American dominated system. But the reality is that New Zealand has been very independent in this part of the world. When you consider its small population, it is a country that has done very well and given itself a place in the world. It makes sense to have a big brother like Australia working closely together in the region through all of the arrangements we are putting in place through these bills and in our ongoing relationship with New Zealand.

It is interesting to note that, with the changes to our understanding of our Indigenous background and past, Paul Keating, in his last two years as prime minister, showed a great interest in New Zealand. In fact, New Zealand influenced Paul Keating very heavily in terms of treaties and the way we arranged our own Indigenous issues, the way we structured our country and the way we recognised land rights. It was something that gave us a better understanding. New Zealand, as small as it is and with a completely different history, was able to help Australia and influence the way we looked at resolving many of those issues. Today we almost take that for granted, but it was not so long ago that we were in the position of not having resolved some of the issues of our long past.

I recognise the business and legal frameworks we need to put in place, which are supported by these bills. I recognise the social interaction and shared history of Australia and New Zealand in terms of the establishment of our countries and our military cohesion as Anzacs. I also recognise our ongoing relationship. To bring the countries closer together for business, with a legal framework that underwrites and supports corporations, is very important. For those reasons, I commend these bills to the House.

Mr McCLELLAND (Barton—Attorney-General) (5.19 pm)—I would like to thank members for their contribution to this debate on the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009. It is an important debate. As Australia’s relationship with New Zealand becomes closer, it is increasingly important that we align our legal systems to make it easier to resolve cross-border disputes. Hundreds of thousands of Australians and New Zealanders cross the Tasman each year as tourists, or for business, or to visit family members or for sport. Over 520,000 New Zealanders live in Australia and around 65,000 Australians live in New Zealand.

Several initiatives are in fact being pursued between the Australian and New Zealand governments to strengthen our economic integration, including the development of a single economic market. The work has been given a renewed focus and intensity after Prime Ministers Kevin Rudd and John Key issued a joint statement of intent in August last year. When introducing these bills I specifically congratulated and commended the work of Simon Power, the New Zealand Minister of Justice, who has been particularly energetic in this area. Indeed, I think he has moved faster than we have in introducing his reciprocal side of this legislation. The Trans-Tasman Proceedings Bill 2009 2009, along with mirror legislation introduced into
the New Zealand parliament, will support these initiatives and make it easier and cheaper for individuals and businesses to conduct legal proceedings across the Tasman.

The Australian and New Zealand bills set up a trans-Tasman regime for the conduct of court proceedings. Importantly, the legislation expands the types of judgments that can be enforced between Australia and New Zealand and it also streamlines the processes in doing so. The ease of registering a judgment will give businesses operating in trans-Tasman market-places greater certainty that they will be able to enforce their rights if things do not go according to plan. Unfortunately, in any endeavour, whether it is industrial relations, business, family law or otherwise, we are aware that there will be disputes. These disputes will be resolved without affecting or eroding appeal rights. If a person wants to challenge a New Zealand judgment that is subsequently registered in Australia, the bill allows a person to seek a stay of the enforcement in Australia so that he or she can appeal the judgment in New Zealand.

The bill also simplifies a range of other aspects of trans-Tasman proceedings. For example, it makes it easier for a person who has commenced proceedings in an Australian court to serve initiating documents on a defendant in New Zealand. To balance the increased ease by which a plaintiff in one country can commence proceedings against a defendant in the other, the bill makes it easier for a person or their lawyer to participate in proceedings remotely by audio or video link using technologies that are being applied in each of our respective countries. They will be able to more easily utilise those technologies across the Tasman. Under the new regime established by this bill, Australia and New Zealand will also adopt a common test for determining which country’s courts should hear a dispute. The new tests will override the current rules which can sometimes lead to confusion and uncertainty for litigants and give rise to the possibility that the courts disagree about which of them should hear the matter. This is not uncommon between Australian states and territories, let alone between countries, but we think the model that we have set up mutually in our respective acts of parliament in Australia and New Zealand will assist in resolving those issues.

These reforms are also the result of significant consultation on both sides of the Tasman. I should add the states and territories, courts and select academics have also been involved over several years in the development of the proposals and have commented on the Australian and New Zealand bills. We value their contribution. I am pleased to say that the new arrangements have the support of all Australian jurisdictions and have been considered by the Standing Committee of Attorneys-General, to which meetings the New Zealand justice minister attends and always makes a very sound and solid contribution.

In conclusion, these changes to trans-Tasman litigation form part of the government’s broader reform agenda to improve access to justice for all Australians. The new arrangements also stand as a significant piece of microeconomic reform. Simpler and more certain arrangements for resolving disputes will give Australian businesses greater legal security and will support greater business confidence. This bill and its New Zealand counterpart mark an unprecedented level of cooperation between Australia and New Zealand. There is of course more to do, but these are significant reforms that will enhance current arrangements and improve access to justice by making the resolution of trans-Tasman disputes cheaper, quicker and less complex. I commend this bill to the House.

Question agreed to.

Bill read a second time.
Ordered that the bill be reported to the House without amendment.

TRANS-TASMAN PROCEEDINGS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009

Second Reading

Debate resumed from 25 November 2009, on motion by Mr McClelland:

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.

Sitting suspended from 5.26 pm to 6.40 pm

STATEMENTS BY MEMBERS

Maranoa Electorate: Silver Memories

Mr BRUCE SCOTT (Maranoa) (6.40 pm)—I rise tonight to put forward a wonderful, funding proposal for this federal government—and I will also be putting it to the federal coalition for the next election—which has been suggested to me by students of Saint Joseph’s School in Stanthorpe, in my electorate of Maranoa. Just over 20 students wrote to me to ask if the federal government could consider funding a wonderful initiative called Silver Memories. The young students had read an article in the Courier-Mail about a radio service which helps older people, particularly those suffering dementia, to feel a sense of peace and belonging. The article states:

… musical memory can serve us long after other forms of memory have disappeared …

Silver Memories is a community-service station which has no news of bad things happening in the world and no sports reports—just songs, musical and radio serials from a time when its elderly listeners were young and full of life.

The year 4 and 5 students of Saint Joseph’s understand the joy that music can bring. In their letter to me they wrote that each Christmas they visit the Stanthorpe Nursing Home and sing to the elderly residents. I quote from their letter:

When we walk in, all their heads are down and they are slumped in their chairs. However, shortly after we start singing, their heads are up and they have happy looks on their faces.

Saint Joseph’s students are requesting government funding so that the Silver Memories program can go national. I, of course, support the call for this program from these community conscious students—which is what I believe they are. I hope that this federal government—and I will certainly be putting it to the coalition should we be elected—will direct some vital funding towards this wonderful program.

Dawson Electorate: Economy

Mr BIDGOOD (Dawson) (6.41 pm)—The only way is up for the economy of Dawson. As member for Dawson I warmly welcome the latest Regional Economic Development Corporation or REDEC report into the economy of the Mackay, Whitsundays and Isaacs regions. This report gives our local economies an A-plus, especially as we have just come out of the worst global financial crisis since the Great Depression. As I said in my first speech, Dawson is
truly a powerhouse of the Australian economy. I am also proud to be part of a government that continues to manage the economy so well and that delivers so much for Dawson.

Businesses, workers and families have remained optimistic and worked hard to grow and build our economy, and they deserve to be recognised. Our growth is testament that the economy has responded to our timely and decisive action in responding to the GFC. The report said that, last year, over one million people visited our region, over eight million tonnes of sugar cane was crushed at world record prices and over 104 megatonnes of coal was exported. It also said that our employment figures had boomed and that developments were full steam ahead.

Dawson is a confident region. Dawson is a prosperous region. We look to the future with optimism in Dawson.

Battle of Long Tan

Mr NEVILLE (Hinkler) (6.43 pm)—I want to signal tonight that I will keep up the fight to have the gallantry of 12 soldiers who fought in the Battle of Long Tan recognised. I have worked with Lieutenant Colonel Harry Smith on this matter, and I want to see that these 12 men have their original gallantry recommendations—three medals for gallantry and nine commendations for gallantry—recognised and actioned. I have also met with Sergeant Frank Alcorta, who is one of those 12 who should be properly recognised. I must say that I was absolutely bewildered when I read his story. It occurred to me that his action that day on the battlefield was very similar to that of John French in the Second World War. All Frank got for his trouble was a very modest MID. He deserves greater recognition and respect for his action at Long Tan, as do his 11 colleagues. They deserve the same honours and recognition that were applied to the 81 award recipients who were part of the government’s 1998 review.

I see this as a case of red tape tying up what should be a fairly straightforward process to recognise these cases of extreme bravery performed by soldiers in hellish circumstances. Apparently, no documentary evidence to support the extension of honours for these men has been found, and that in itself is totally unacceptable. The fact that these records have been lost begs the question: what happened to them? (Time expired)

Golden Grove Central Districts Baseball Club

Mr ZAPPIA (Makin) (6.44 pm)—Two weeks ago I attended the sponsors day at the Golden Grove Central Districts Dodgers Baseball Club in my electorate of Makin. The Dodgers baseball club, with 150 players, fields more teams than any other club affiliated with the South Australian Baseball League, with two teams in the Little League, two teams in the under 14s, two in the under 16s, one in the under 18s and five senior teams. One of the Little League major teams finished top of the ladder this year, with a 13-nil victory; they won all 13 of their games. The club also made history last weekend when, for the first time ever, the division 1 team was in the playoffs and won both games it played in. It is now heading for the preliminary finals and hopefully after that into the grand finals. I acknowledge the role of club President Steve Conry, past presidents Ray Sharp and Roger Prime, the entire crew and committee members of this club, who have taken it from its beginnings to where it is today. To club coach Adrian Chenoweth and the team, I wish them every success in their quest for the club’s first-ever senior premiership and I hope to be there on the day to watch them win their first grand final.
Mr FLETCHER (Bradfield) (6.46 pm)—I rise today to mark the passing of Mr Arshag Badelian, who was one of the Armenian-Australian community’s last remaining survivors of the Armenian genocide. Having arrived in Australia in 1980, he died just a couple of weeks ago, aged 100. The Armenian-Australian community is an important part of the fabric of Australian society across our nation and particularly on the north shore of Sydney, including in my electorate of Bradfield. One of the roles the community plays which is very important is to constantly remind Australian society more generally of the tragedy of the Armenian genocide in 1915. The community and its leaders work tirelessly to ensure that this genocide is not forgotten. It may perhaps be less well known in the community than the Holocaust, which affected the Jewish people, but it is just as shocking an example of human evil. So I consider it fitting that the House note the passing of Mr Badelian, who has made a significant contribution to the Armenian community and to Australia. I take this opportunity on behalf of the federal parliament to pay tribute to him and to acknowledge the important role of the Armenian community as part of the fabric of Australian society.

Mr GEORGANAS (Hindmarsh) (6.47 pm)—I rise to talk about a very sad and tragic event that took place last week, and that is the passing of Dr Paul Collier, at the age of 46. Those of us from South Australia knew Dr Collier as a tireless worker and advocate for the disabled in South Australia. Paul will be remembered for his great achievements and for his advocacy work for those less fortunate, including those with disabilities. He will also be remembered for his passion and perseverance. All of us here who are members from South Australia, on both sides of the House, who knew Paul knew of his hard work, his passion and perseverance and his advocacy on behalf of all people with a disability. Paul will be dearly missed by all in South Australia, especially by the disability sector. He was absolutely committed to social justice and very passionate about ensuring that there was improvement to the lives of people with a disability. Our deepest condolences go out to Paul’s mother, Mrs Wendy Collier, and his sister, who will be feeling the hurt more than anyone at this moment. They can be extremely proud of Paul’s work and achievements, his commitment to the disability sector and his tireless efforts in bettering the lives of those with disabilities. Paul was also a candidate for Dignity 4 Disabled in this Saturday’s state election; I am sure he would have done extremely well.

Mr SLIPPER (Fisher) (6.49 pm)—I wish to congratulate the Caloundra Regional Art Gallery, which is celebrating 10 years this year. I have been associated with the gallery since its inception. I recognise Ken Hinds, the patron. On Friday my wife, Inge, and I attended the official opening of a very impressive photographic exhibition. The *Gallery Life* exhibition is a retrospective photographic display of events held at the gallery over its life. The photographs are all taken by local photographer Debbie Halls, who has painstakingly and religiously recorded on film and, more recently, often digitally all of the events held at the gallery over the decade.

You can imagine the challenges posed, should someone be asked to prepare this sort of exhibition, in having to source photographs from here, there and anywhere they could be located. It would be a total nightmare, verging on impossible, yet here, through painstaking,
devoted and careful documenting of events by one woman who had a close and dedicated association with the gallery, we have such a wonderful collection of photographs that record the life of this wonderful facility. I congratulated Ms Halls for her hard work and dedication and also the gallery for this impressive and valuable collection.

Something that is featured at the exhibition is what is described as a living wall. It is a wall that started off blank, where those who attend the exhibition are able to place an item from the last 10 years, be it a photograph, an invitation from a former event held at the gallery, a personal photo or something else with historical relevance to the gallery. It is an ingenious idea that is itself a piece of art that features snippets of history, that is alive and that will develop over the course of the exhibition, which runs until 18 April. This is a wonderful display, and I am sure the gallery will continue to provide local residents with impressive and relevant exhibitions for many more decades to come. It will continue to be an oasis and provide interest for the people of the Sunshine Coast and the region. I salute the Caloundra Regional Art Gallery.

(Time expired)

World Vision

Ms PARKE (Fremantle) (6.50 pm)—I was deeply saddened last week to learn of the murders of six World Vision staff in their offices in Mansehra in Pakistan. I understand that the staff were gathered together by militants and dragged off one by one to a separate room, where they were shot. It is a tragedy when aid workers are killed in the line of duty. In January we saw more than 100 workers killed in the Haiti earthquake. But it is truly shocking when aid workers themselves become the target of violence. I understand that World Vision has now suspended its operations in Pakistan indefinitely, due to its inability to guarantee the safety of its staff. Reverend Tim Costello, the Chief Executive of World Vision, noted:

The tragedy is in the last 10 to 15 years, aid workers have become targets, and that wasn’t the case before …

UN Security Council Resolution 1502 of 2003, which was unanimously adopted following the terrorist bombing of the UN headquarters in Baghdad on 19 August 2003, noted long-standing humanitarian law prohibiting attacks on humanitarian workers. The Security Council strongly condemned all forms of violence against humanitarian workers as war crimes and called on states to ensure that such crimes do not go unpunished.

I trust the Pakistani law enforcement authorities are doing all they can to find and punish the perpetrators of last week’s terrible crimes in Pakistan. I stand with Australia’s Minister for Foreign Affairs and, I am sure, with all Australian parliamentarians in extending sympathy and condolences to the families of those killed, as well as to their friends and colleagues in World Vision International and World Vision Australia.

Cowan Electorate: Alexander Heights

Mr SIMPKINS (Cowan) (6.52 pm)—For many years there have been problems in Alexander Heights with the bushland adjacent to Highview Park. It is an open space that is thick with trees and shrubs and is interspersed with tracks made illegally by four-wheel drive vehicles and trail bikes. These vehicles not only damage the flora and disturb the local residents but, in the case of the four-wheel drives, are also responsible for some dumped garbage. On first hearing about this problem during the 2007 election campaign, I asked the local govern-
ment, the City of Wanneroo, to act. They said that it was a state government matter. As I recall, the state had already been asked to intervene but did nothing.

I then raised the matter again with the new state government in 2009, asking them to fence this open space and thereby restrict access, reducing the noise and dumped garbage problems. In giving me a hearing, the state minister originally said that fencing was not possible, due to the trees along the border. I did not accept that but instead provided the Minister for Planning, Culture and the Arts, John Day, with photographs and further information, which resulted in him accepting the need for fencing. The fencing will stop the vehicle use and protect the flora of this area.

Later in 2009 I was contacted by Sean Walsh, Operations Officer, Nature Conservation, from the Department of Environment and Conservation, who told me that he was responsible for the fencing project. We have spoken on several occasions about it. Last week the fencing work began. I am very pleased that I was able to achieve this result for local people in Alexander Heights. I take this opportunity to thank Minister John Day, Sean Walsh and the local people who raised this problem with me.

Mr Stephen ‘Alf’ Randell OAM

Mr BRADBURY (Lindsay) (6.53 pm)—I rise to note the passing of Stephen ‘Alf’ Randell OAM and pay tribute to his extraordinary work in the St Marys community. Alf was born in 1923 and spent his first years in the Hunter region. In November 1941, at the age of 18, he enlisted in the Army and within a month was sailing to Malaya. He was taken prisoner in February 1942 and spent more than three years in some of the most infamous POW camps, including Changi in Singapore and the forced labour march along the Burma railway.

Having survived these incredible trials, Alf returned to Australia and married Billie, who remained his wife until her passing in 2002. Both Alf and Billie were well regarded and popular identities in the St Marys area. Alf was a founding member of the local institutions of the St Marys RSL, the St Marys Band Club and the Henry Lawson Club.

Alf had a passion for the arts, teaching pottery and leatherwork at the St Marys School of Arts, with special classes for people with a disability. Alf and Billie founded the St Marys Spring Festival, which in 2010 will celebrate its 35th anniversary. It is a celebration of the creative talent of the community.

In 1992 Alf received a Medal of the Order of Australia for his work in St Marys. He was also a life member of the Labor Party. Alf is survived by his three sisters: Alma, Joan and Josephtine. Alf Randell was a great Australian who gave much of his life to his country and his community. (Time expired)

The DEPUTY SPEAKER (Ms JA Saffin)—Order! The time allotted for members’ statements has expired.

PRIVATE MEMBERS’ BUSINESS

Queensland Teachers

Debate resumed, on motion by Mr Lindsay:

That the House:

(1) recognises that Queensland teachers are dedicated educators who do their very best with limited resources and facilities provided by Education Queensland;

MAIN COMMITTEE
(2) notes that the Queensland Minister for Education appears to be ignoring the concerns of teachers and parents in relation to staffing numbers and still uses 100 year old buildings with facilities to match;

(3) worries about the impact on students of classroom overcrowding, third world facilities, the ever increasing workload on our teachers, schools having to employ prisoners as groundsmen and the staff model used to allocate teaching positions to schools;

(4) condemns the Queensland Government over its continuing education budget cuts and apparent inaction over teacher concerns in relation to taking on the additional roles of parent, social worker, policeman, cleaner and information technology technician;

(5) questions if the Queensland Government can be serious about education noting its continuing comparison of private/public schools which have different teacher-to-student, budget-to-student and computer-to-student ratios; and

(6) calls on the Queensland Education Minister to listen to teachers and accept their advice and counsel.

Mr LINDSAY (Herbert) (6.55 pm)—This motion condemns the Queensland state government for its continued mismanagement of our education system. Schools in Queensland are suffering. Teachers are treated with disdain and disrespect. That is why the case for teachers must be made in the parliament tonight. Jason Inch, a teacher at Stuart State School, made these points to me and the education department:

• You have allowed anybody to become a teacher by making it far too easy to enter an education degree at university and actually act surprised when deficient teachers graduate.

• You cut funding and staffing positions and leave infrastructure in a disgusting state and wonder why marks aren’t as good as you believe they should be.

• You tie our hands behind our backs, when dealing with troubled children and struggling parents and tell us “you’re not just teachers anymore, you have to be a social worker, parental figure and policeman, as well”, without providing adequate training and payment for hours worked and services rendered.

• You do the complete opposite of what you ask us to teach our students. Why should we teach our students about respect and positive attitudes, when you openly express the complete opposite about teachers in all areas of the media.

• You actually believe that you can compare a school like the Townsville Grammar School, with a budget in the millions of dollars, with Stuart State School and a budget in the thousands.

• You use a staffing model that crucifies small schools and makes it near on impossible to do what you ask to be done.

• You expect me to break the law, in relation to class size at the beginning of every year, that you said had to be enforced. Yet you never say “thanks for getting us out of a tight spot”, by fixing the problem.

It is very sad indeed that a teacher would come to his local member and indicate this litany of problems. The Queensland state government have let education in our great state fall into disrepair. They are ignoring the problems plaguing the system and ignoring the concerns that are raised by parents and teachers. Teachers are in the best possible position to tell the government what the problems in education are and how best to fix them, but the Bligh government is not listening.

Let me tell you about the conditions at the Stuart State School in Townsville and about one of the dedicated teachers, Jason Inch. Stuart State School has a proud 117-year history. It has a
team of great teachers and staff, who are working to make sure students get the best education possible. The teachers do their absolute best, despite crumbling facilities and staffing cuts. I would like to tell you what Jason told me about his school and the problems he is facing as a Queensland teacher.

In the last two years Stuart State School has lost teaching positions because of mandated state rules. There has been no consideration of local circumstances, which has led to class sizes that are far too big. For the composite classes of grades 5, 6 and 7, the class size has been illegal under Queensland education law. In the last year the class had 31 students and in 2010 the class started with 29 students. Two of the students have special education needs and at least six need additional learning support.

There are not enough permanent teachers to meet the needs of the students. The school has two teacher aides who have to divide their time between three composite classes. The principal, in addition to her administrative duties, has to spread herself across all three classes in a supplementary teaching role. This actually worked in a positive way in 2009, as the principal was able to devote time to students with learning difficulties. However, the department of education’s changes have now outsourced this role to a regional teacher who can spend only a few hours a week at the school. The school has three permanent teachers who have to take on greater and greater roles as additional staff are cut. Where there are itinerant teachers they are shared with so many other schools in the region that the Stuart school rarely sees them on a regular basis. This is very sad.

The school does not have a technology technician. It has to rely on its teachers to fix any technical problems that arise. The result of all of this is that students lose out. Teachers are doing their absolute best, but there are only so many hours in a day, and, as the staff cuts increase so will the burden on teachers. The end result is that individual students get less one-on-one time and support from their teachers.

Budget cuts and staffing losses are not the only problem facing Stuart State School. Their facilities, being such an old school, are crumbling and there is no money to fix them. The school is not entitled to a grounds keeper. This means that when pipes burst or spring a leak the school must spend their limited budget to pay workmen to come in to fix the problem. During the wet season the grass in the playground grows to unmanageable heights and it is difficult to find parents who are able to mow it. In the dry season it becomes a dustbowl.

The school sits on the outskirts of Townsville surrounded by bushland, and this provides a whole variety of problems, particularly with snakes who find homes in the long grass and even in the classrooms. Without money to address any of these problems, the students lose out and their school environment becomes very dangerous.

While the problems I have described this evening are specific to Stuart State School, similar issues exist that affect other schools in Townsville and more broadly in Queensland. I would like to finish by reading further from the email from Jason Inch:

We may be a small school, but the percentage per capita in relation to staffing and learning requirements are the same, if not greater, than those of larger schools. How can the Queensland Education Minister believe it when he says that all schools are treated equally, and that the changes occurring in our school and many others are a positive change?
The email goes on:
I love my job, my students and my school and will do so until there is no one left to teach or the school falls down. I wouldn’t be teaching if I didn’t.

(Time expired)

Mr BEVIS (Brisbane) (7.01 pm)—The member for Herbert feigns concern about the interests of teachers. I stand here as somebody who spent a good deal of his adult life working in education and for education and, indeed, spent 13 years working as an official for the Queensland Teachers Union—and proud of it. I remember what the situation was like when the Liberal and National parties controlled education in Queensland and were in state government. I am going to make a few comments about that.

Before I do, let me say that at any point in time it is more than possible to refer to the needs of schools. We never put enough resources into education and, as I have said many times in this parliament, as a government you cannot put too much money into the training and education of your population. There is no such thing as people who are too well educated or too highly skilled. The simple fact of life is that it is only under the Labor government that that serious injection of funds occurs, as we have seen here in the Commonwealth through the Building the Education Revolution.

Let me go back to Queensland and the sorts of environments that existed when those whom the member for Herbert would have in state parliament running the show were actually in government running the show. It was a regular occurrence for schools to open without buildings completed. It was a regular occurrence for schools to open without any safe playing areas. I can remember going to Dakabin State High School when it opened without a blade of grass or a level area—nothing but rocks that had not even been levelled. I can remember schools endeavouring to get Army units to get their engineers out there to excavate the land so they could have something that was flat for the children to run on.

That was the provision of new school facilities under the Liberal and National parties in Queensland. But it was not just the facilities that were left wanting. When it came to the curriculum, they were every bit as ignorant and arrogant about the interests of teachers. A classic example of that was a curriculum developed for secondary schools called Social Education Material Projects—SEMP. It was developed by Australian educators for Australian educators, a collaborative effort between all of the states and the Commonwealth. It was used in every government school throughout Australia except in Queensland. In Queensland the Liberal and National parties then in government banned its use in Queensland schools. The irony was that if you went to a private school in Queensland then you would learn from that curriculum; if you went to any school in any other state in Australia you would learn from that curriculum; but if you went to a school governed by the National Party—

Mr Lindsay—Mr Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER (Mr RE Ramsey)—Is the member for Brisbane willing to give way?

Mr BEVIS—No, I reject it, so let us keep going.

The DEPUTY SPEAKER—The member for Lindsay is permitted to make an interjection.

Mr BEVIS—He is permitted to ask if I will take a question, and I have said I will not. He is going into my time rather than listening to the debate.

MAIN COMMITTEE
The DEPUTY SPEAKER—My apologies to the member for Brisbane. You can deny the intervention.

Mr BEVIS—Looking at standing orders is always a good thing to do. Given that the member for Herbert wants to interrupt and take about half a minute of the five minutes I have available, I want to refer to the member for Herbert’s view of education, because it is not only the Liberal and National parties that have arrogance and serious problems when it comes to dealing with teachers. When he first got elected back in 1996, the member for Herbert did an interview with James Cook University. Many teachers I know came, like I did, from backgrounds that would not have been described as wealthy, but they managed to get to university and become teachers. If he is concerned about teachers, I have to say that many of those teachers would not be in the profession if the member for Herbert had had his way in how they were selected. In an interview that was published in September 1996, he said, ‘Wealthy kids are usually the children of wealthy parents, who are wealthy because they are intelligent parents.’ He was making his comment in the context of the debate about wealthy kids going to university. He then went on to say, ‘I am not saying that unintelligent parents can’t have intelligent kids, but by and large the wealthy in the community are the intelligent in the community, and they have intelligent kids.’ That was the view on the record of the member for Herbert.

I do not know why we bother with education generally, why we bother with tertiary entrance exams. We should just ask the children how rich their parents are and say, ‘Your mum and dad are rich enough; you can go to school.’ That was the considered view of the member for Herbert, so if he wants to come in here and feign concern about the interests of education he should first have a look at the record of his own party in government, which was appalling, and reflect on his own position about these matters, which is even more appalling. (Time expired)

Mr LAMING (Bowman) (7.06 pm)—I would like to focus on the present, rather than reading from some archaic tablet about the history of education in Queensland, and commend this motion. We have to recognise Queensland teachers for the great work they do, and there is no better example of that than a Brisbane bayside initiative, the bayside excellence in teaching alliance, which is government and non-government schools working together to further the profession of teaching, to establish a network of teachers who will meet to talk about the advances in teaching and have a collegial dialogue about the great challenges that this great profession faces. We are expecting teachers from scores of schools in the bayside area. Attendance is already overflowing, and I think it will be a very successful meeting when it happens next week.

Unfortunately, these wonderful, talented teachers exist in a system that is not only broken but broke. I want to highlight the recent initiative to build seven schools in Queensland by a state government that actually has no money at all. Instead of embarking on a public-private partnership, it embarked on a private handover of structural debt because there simply is no public money to add to the solution anymore. The structured debt arrangement to build seven schools, including one in my electorate, for a total cost of around $300 million in today’s dollars, will cost the Queensland taxpayer $1.1 billion over 30 years because this decrepit state government could not find any private partner to fund the project. Every bank consortium
failed to fund it completely, and in the end the government had to turn to a construction company to buy that commercial debt.

This is the saddest of days in funding education because, quite simply, the 30 years that it will take to pay off this structured debt will see the students of today become 40-year-old parents, with children, and potentially grandkids, of their own before the debt is repaid. The Bligh government will pay off two instalments over two years before they go to an election and they will leave the other 28 instalments to governments of the future to pay off. The Bligh government are artificially hiding their debt. The Bligh government are artificially not funding schools the way they should and they are abrogating their responsibility to provide schools in my electorate.

Let us get the record straight. There is no getting around the NAPLAN scores; there is no getting around the fact that this Premier, Anna Bligh, was the education minister from 2001 to 2005. And what were the scores after five years of ‘the smart state’ under this Premier? Reading scores were the lowest in the country, writing was the lowest in the country, grammar was the lowest in the country, bullying was the highest in the country, numeracy was the lowest in the country and punctuation was the lowest in the country. There is no getting around that and there is no getting around the lack of funding in the area.

The one thing that is absolutely startling and shines like a light is the flurry of excuses that have come out of this administration. We have had ever-increasing attempts to explain away this fall in outcomes for Queensland students, as a reflection of age and maturity, not having a prep year—every imaginable excuse. But what we are left with are committed teachers fighting for what they know is right in a situation where principals are not given the autonomy, independence and power to make their schools better places.

I phoned one of my principals and I said: ‘Give me a rough idea of how much you can spend in a discretionary way on your school.’ They said, ‘In a discretionary way—the money that I can actually devote to maintenance in my school? Mine is a band 4-5 school. Andrew, my budget is about $20,000 to $25,000 a year to spend on maintenance.’ That is an enormous shame. Take that figure and apply it to this structured debt arrangement—which is theft; it is transfer of resources straight to the private sector for schools that this state administration cannot build. And it is good to see a Queensland Labor MP here tonight facing that music, because that arrangement is simply transferring $700 million into the private sector for the privilege of hiding debt on behalf of the government—and that is the shame. That is the shame: this government that claimed a $15 billion GFC-induced bailout now discovers that it is $2.7 billion. But they will still sell off all those assets: the Port of Brisbane, the motorways, the rail, the forestry—poof, all gone in a puff of smoke. All of the dividends for the future have been lost to our children and grandchildren. All of that case for sell-offs was built on GFC-induced deficits which never materialised. All we have is government-induced debt and mismanagement, and the teachers and principals in the Queensland state system suffer as a result of the Bligh administration.

Mr SULLIVAN (Longman) (7.11 pm)—I have heard some humbug in my life—and I am quite old now—but that just about takes the cake. The member for Bowman talked about the privatisation program in Queensland, and, let us face it, there are a large number of Queenslanders who are not at all happy about that program. But let me tell you, Member for Bowman, the happiest looking faces in the parliament in Queensland when that announcement was

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made were the members of your own party, the LNP. Do you know what they said? They said, ‘They haven’t gone far enough,’ because your side of politics not only wants to sell off what the Queensland government finds itself in a position of having to sell off now—it wants to sell off everything else, too! So don’t come in here with your humbug and lies, and carry on about that!

The DEPUTY SPEAKER (Mr RE Ramsey)—Member for Longman—

Mr SULLIVAN—I am sorry. I withdraw.

The DEPUTY SPEAKER—Thank you.

Mr SULLIVAN—I have withdrawn. Mr Deputy Speaker Ramsey, I had withdrawn 3,000 times before that humbugging member got up. Let us talk about the motion he has put on the books, and let us talk about what he talked about: Jason Inch and Stuart State School, and his motion including ‘classroom overcrowding, Third World facilities, the ever-increasing workload on our teachers’. You know, I might give you that. As the member for Brisbane central said, we ask our teachers to do an awful lot and we are never able to put enough money into education or health. But, in Queensland, 25 per cent of the budget goes into education, 25 per cent goes into health, and that leaves 50 per cent for everything else. There are a lot of things in this motion that we could agree on. We could agree on the dedication of the teachers, as the member for Bowman said. But I tell you what: there is a lot of ratbaggery and humbug in this motion. Take, for instance:

… condemns the Queensland Government over its continuing education budget cuts …

I just happen to have some figures on the education budget for recent years. In 2007-08, the education budget was $7.836 billion in Queensland. In 2008-09 it was $8.328 billion—an increase of $492 million, or 6.3 per cent in round terms. In 2009-10, it was $9.654 billion, an increase of $1.326 billion over the previous year, or nearly a 16 per cent increase. Is that what you call continuous cuts in budgets? I think you need to get your story straight.

I can understand that you are here presenting a communication that you have had from a single teacher in your electorate. Well, let me tell you what we do on our side of parliament. We meet regularly with the Queensland Teachers Union representatives because we are interested in education—we are seriously interested in education—and we met with them as recently as last week to discuss education issues with them.

One of the reasons that I am interested in education—perhaps a little bit more interested than you, Member for Herbert—is the number of students in our respective areas, I did some figures on your electorate versus mine. Let us have a look at 2007. You had 12,731 students; I had 21,556—although it was not my electorate at the time. You had 961 teachers; I had 1,291. You had a teacher to student ratio of one teacher to every 13.2 students. In my electorate of Longman, where there are nearly twice as many students, there was one teacher to every 16.7 students. And those types of figures have remained constant. You had 13.2, 13.3, 13.3, 13.3. You have dropped—

Mr Lindsay—I am an effective local member.

Mr SULLIVAN—An effective local member! Rubbish! You are talking about a school that you think needs to be improved, so how effective are you? And while we are talking about school improvements, tell me how you voted on the BER. What did you say to Jason Entsch
when he came to you and asked how you voted on the BER money? You are two-faced and you are causing trouble. You have no interest in teachers.

Mr Lindsay interjecting—

Mr SULLIVAN—Give both faces a wipe; it would be a good idea. The Queensland government went to the 2009 election offering a flying start. What have we been doing in Queensland in recent times—

The DEPUTY SPEAKER (Mr RE Ramsey)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

**Maternal and Child Health in Papua New Guinea**

Debate resumed, on motion by Ms Parke:

That the House:

(1) recognises that International Women’s Day was celebrated on 8 March 2010;

(2) notes that:

(a) the Australian Government is committed to the implementation of the Millennium Development Goals (MDGs), which are the agreed targets set by the world’s nations to reduce poverty by 2015;

(b) Australia’s closest neighbour, Papua New Guinea (PNG), is currently off track to meet any of the MDGs by 2015;

(c) the maternal mortality rate in PNG is extremely high, having doubled since 1996, with a woman in PNG being 242 times more likely to die from pregnancy or childbirth related complications than an Australian woman;

(d) there is a clear correlation between the high rate of maternal mortality and the high rate of child mortality in PNG;

(e) the high maternal and child mortality rates in PNG are a reflection of the failure of access to, and the delivery of, quality health services over the last 15 years; and

(f) the challenges of reducing maternal and child mortality in PNG are many, including difficult terrain and weather conditions, fragile health systems, limited human resources, weak financial governance and management, and poor service delivery in many rural areas;

(3) recognises that, despite these challenges, progress is being made by organisations like UNICEF working closely with the PNG Government, AusAID and other key development partners;

(4) recognises that strengthening health systems and improving human resources for maternal and child health in PNG and the rest of the Asia Pacific are critical if the MDGs for maternal and child health are to be achieved;

(5) acknowledges the Australian Government’s concern about maternal mortality rates in PNG and its increased commitments towards PNG achieving MDGs 4 and 5; and

(6) recommends that the Australian Government support the PNG Government to implement, as a matter of urgency, the recommendations outlined by the PNG National Department of Health’s Ministerial Taskforce on Maternal Health, including:

(a) securing investments to achieve the ambitious but necessary targets required to turn around the current status of maternal health in PNG;

(b) implementation of universal free primary education as a successful intervention to address maternal mortality in PNG;

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(c) urgent and sustained efforts to address the well-defined system’s problems in the health sector in PNG;
(d) strengthening of access and coverage of quality voluntary family planning service provision for all Papua New Guineans as a primary intervention;
(e) access for every woman in PNG to supervised delivery by a trained health care provider by 2030; and
(f) access for all women in PNG to comprehensive obstetric care and quality emergency obstetric care if required.

Ms PARKE (Fremantle) (7.16 pm)—Last Monday, 8 March, was International Women’s Day, an opportunity to reflect on the progress of the world’s women, particularly as measured against the Millennium Development Goals, because many of the MDGs are aimed at improving the health and education prospects of women and girls. In examining progress on the MDGs, I was disturbed to discover that Australia’s closest neighbour, Papua New Guinea, is currently off track to meet any of the MDGs by 2015. Some of the worst statistics in the world involve PNG women. These numbers are deteriorating rather than improving.

In particular, the maternal mortality rate in PNG has doubled since 1996, with a woman in PNG being 242 times more likely to die from pregnancy or childbirth related complications than an Australian woman. Because of the dependence of infants and young children on their mothers, there is a direct correlation between the high rate of maternal mortality and the high rate of child mortality in PNG. The situation of women and children is rendered more perilous by the high rate of domestic violence in PNG, with 75 per cent of women and children exposed to domestic violence, including sexual violence in the home. Up to 50 per cent of girls are at risk of becoming involved in sex work or being internally trafficked. Thirty percent of children are vulnerable to HIV infection due to factors such as violence, abuse, exploitation and poverty.

I had the opportunity to learn about some of these issues at close range when I visited PNG two weeks ago in my role as Chair of the UNICEF Parliamentary Association and as the guest of UNICEF Australia. Accompanied by UNICEF PNG representative Dr Bertrand Desmoulins and Anna Dekker from UNICEF Australia, I visited health, education and community facilities in Goroka, in the eastern highlands, as well as in the capital, Port Moresby. The Goroka General Hospital was built in 1960 for a population of 60,000. It is now catering for a population of 500,000. With support from UNICEF and the Clinton Foundation, the hospital renovated an existing building to become an antenatal ward, providing space and privacy for mothers to receive antenatal care. Transport is one of the main problems in PNG, with access to most places in the highlands being by air only, and the very few roads that exist are of extremely poor quality. A UNICEF funded waiting house has been established so that HIV-positive women from remote areas who are about to give birth have a place to stay in the days before they give birth. However, at this stage there is no waiting house for women who are not HIV-positive.

If we think we have a problem finding enough doctors in Australia, PNG, with a population of six million people, has only around 250 trained physicians. Approximately 10 medical students graduate each year and some of them do not stay in PNG once they are qualified. There
is also a severe shortage of skilled midwives. In a submission to a parliamentary inquiry last year, World Vision contrasted the situation in PNG, where midwifery education has dwindled over the last two decades and maternal mortality has increased, with the situation in the Solomon Islands, which has been able to reduce its maternal mortality rate by prioritising midwifery training.

The Port Moresby General Hospital delivers over 11,000 babies each year in an over-crowded, rundown and understaffed women’s section. It was noted by Jo Chandler in a powerful *Sydney Morning Herald* article published on 7 September last year that pregnant women who find their way there are:

… among the luckiest in the country … The floors are crowded with women waiting and babies because there are not enough beds. They sometimes deliver on the floor because of a lack of staff and beds … But at least they have access to doctors and midwives—albeit in chronically short supply—and lifesaving drugs. Many more of their sisters labour unaided at home. Of PNG’s 200,000 births a year … 120,000 are unsupervised.

The article quotes Dr Glen Moa, a PNG professor who said:

Those 120,000 are taking their chances in a dirty house, on a dirt floor, with no skilled attendants, no equipment, no capacity to get somewhere if something bad happens. And they die.

The maternal death rate in PNG is 733 per 100,000 live births, which is similar to maternal mortality rates in sub-Saharan Africa. In Australia the figure is eight per 100,000 or 21.5 per 100,000 for Indigenous women. In PNG 50 per cent of maternal deaths are due to infections or bleeding to death after delivery, while 20 per cent are due to an underlying disease that is aggravated by pregnancy such as malaria, iron deficiency, hepatitis, tuberculosis and heart disease. For every woman who dies in pregnancy or childbirth another 30 become significantly disabled, many for life. The saddest aspect of these statistics is that almost all of these deaths and disabilities are preventable. That World Health Organisation recommends that there be 2.3 health workers per 1,000 people in order to reduce maternal and child mortality. However in PNG there are only 0.6 health workers per 1,000 people.

As noted in the PNG Ministerial Taskforce on Maternal Health:

… the sheer absence of adequately trained, maintained and supervised staff and facilities is the most substantial barrier to progress when discussing maternal death and disability in PNG … Countries with the lowest proportions of skilled health attendants at birth, lowest use of contraceptives and the weakest health systems have the highest number of maternal deaths.

When we were at the Port Moresby Hospital we attended a medical class given by Professor Bediako Amoa, Coordinator of Ogbyn Services. He asked me to pass on to my parliamentary colleagues the message:

Next door to Australia there are people who don’t have everything Australians have. So many of our mothers are dying unnecessarily.

The current review of the PNG Treaty on Development Cooperation as informed by the PNG Partnership for Development is a timely opportunity for Australia to strengthen support for maternal health initiatives in PNG, and particularly for us to support the recommendations from the PNG Ministerial Taskforce on Maternal Health.

Some of these recommendations involve evidence based health interventions to address maternal health revolving around three core strategies: comprehensive integrated reproductive health services with an emphasis on strong family planning services; skilled care for all preg-
nant women by trained providers with strong midwifery skills during pregnancy and especially during childbirth—that is, supervised delivery; and skilled emergency obstetric care for women and infants with life-threatening complications, supported by timely referral. Other task force recommendations involve addressing systems problems in the health sector and emphasising the important role of education in reducing maternal health problems.

As noted by the task force, the devastating rate of maternal mortality in PNG is a result of a number of factors, not least of which is the second-class status of women in that country. It found:

… gender issues cannot be separated from health issues … maternal mortality is an indicator of disparity and inequity between men and women and its extent a sign of women’s place in society and their access to social, health and nutrition services and to economic opportunities.

The health interventions to address maternal mortality I mentioned above in terms of family planning services, supervised delivery and access to obstetric care are necessary and urgent but they are not sufficient. Empowerment of women in PNG society is another critical step to reducing maternal mortality.

UNICEF is supporting a number of education and training programs in PNG that are aimed at redressing the inequity between men and women. For instance, the Iufi-Iufa Primary School outside of Goroka is what is referred to by UNICEF as a ‘child friendly school’. Given the low rate—only 40 per cent—of enrolment of children in schools in rural areas and the even lower rate of girls’ enrolment, the main objective of this program is to raise awareness of the importance of girls’ education. We visited some of the school clubs and saw boys and girls participating equally in sewing, cooking and arts and crafts classes, which are helping to breakdown gender stereotypes.

We visited the Asaroyufa village court operating in one of Goroka’s eight districts. With UNICEF support, village court officials—including magistrates, women and young people—were trained in human rights and women’s and children’s rights. We heard some incredible stories from women about how the village court is now concerned with protecting their interests, whereas formerly the rights of women and children were not known and were therefore ignored.

In Port Moresby we visited a family support centre, one of five such centres in PNG which aim to ensure that women and children experiencing family and sexual violence can access a one-stop service providing a comprehensive package of medical, legal, psychosocial and case management services. There are plans to roll out 17 more centres across the country in the next two years with UNICEF Australia’s support. Improving the status and lives of women in PNG society through such measures as the child-friendly school program, the village court human rights training and the family support centres for victims of domestic violence are vital incremental steps that, together with the necessary health interventions, will assist in reducing maternal mortality. They are also part of the solution to other deep challenges existing in this complex country. I would like to thank the staff of UNICEF Australia and the UNICEF PNG country office for organising this trip and for making it so worthwhile. The UNICEF programs to improve maternal and child health and to empower women and girls—many of which are joint projects with AusAID, the PNG government and other partners—give great reason for hope for the future of PNG.
Dr WASHER (Moore) (7.26 pm)—First, I would like to congratulate the member for Fremantle for bringing the attention of the Committee to the important issue of maternal and child health in Papua New Guinea. Congratulations. Last Monday, 8 March, was International Women’s Day. For the last 35 years, the United Nations have celebrated women’s achievements on this day without regard to divisions, whether they are national, economic, linguistic, cultural, economic or political. It is a day when nations look back at the struggles and accomplishments, and also, most importantly, look forward to future opportunities for women worldwide.

This year’s theme, ‘Equal rights, equal opportunities: Progress for all’, highlights the fundamental principle that gender equality and women’s empowerment are essential if we are to achieve the Millennium Development Goals. Goal 5 is to reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio and achieve universal access to reproductive health by 2015. Sadly, there has been little progress in this being achieved. In 1990 in the developing world as a whole, there were 480 maternal deaths per 100,000 births. Fifteen years later in 2005, there were 450 maternal deaths per 100,000 births. Each year, 536,000 women and girls die as a result of complications during pregnancy; 99 per cent of these deaths occur in developing countries. Improved access to family planning is critical—40 per cent of pregnancies are unplanned. In poorer countries in Africa and the Asia-Pacific, 40 per cent of maternal deaths would be eliminated if contraceptive needs were met and there would be a 20 per cent reduction in deaths in children under five years of age if women could use contraception to space their births by two years or more. Countries that have lower fertility rates spend substantially more on the health and education of children than those with higher fertility rates.

The Papua New Guinea Department of Health Ministerial Task Force on Maternal Health are to be commended for their recommendations to address the current maternal health status of about 300 deaths per 100,000 live births. In light of our commitment to the Millennium Development Goals, the Australian government must support the Papua New Guinea government in the implementation of these recommendations. These recommendations include the implementation of universal free primary education, strengthening of access and coverage of quality voluntary family service provisions for all Papua New Guineans; access for every woman to supervised delivery by a trained health care provider by 2030; and access for all women to comprehensive obstetric care, and quality emergency obstetric care if required. It is very sad that most women die in the first 24 hours after childbirth from haemorrhage or infection.

Progress towards the goals is currently threatened by slow economic growth, diminished resources and fewer trade opportunities. However, donor nations must not reduce their aid. Our population globally is currently 6.9 billion and by conservative UN estimates it will be 9.15 billion by 2050. We currently have the largest generation ever entering reproductive age. It is critical that we stabilise our populations if any of the goals such as environmental sustainability and reduction of hunger and poverty are to be achieved. The only way that we can do this is by enabling equality and empowerment for women. Nations that implement measures to help address this issue, such as Papua New Guinea, must be supported. We must remember that we are not isolated from these issues, as poverty, population growth and the adverse effects of climate change will exert significant pressure on worldwide migration.
Our commitment to the global partnership embodied in the Millennium Declaration and in achieving the goals must remain strong. As UN Secretary-General Ban Ki-moon said:

Gender equality and women’s empowerment are fundamental to the global mission of the United Nations to achieve equal rights and dignity for all ... But equality for women and girls is also an economic and social imperative. Until women and girls are liberated from poverty and injustice, all our goals—peace, security and sustainable development—stand in jeopardy.

I commend this excellent motion to the committee.

Ms HALL (Shortland) (7.31 pm)—The House of Representatives Standing Committee on Health and Ageing is currently finalising a report into regional health issues jointly affecting Australia and the South Pacific. As part of that inquiry, in October last year the committee visited PNG. This followed a visit to the Torres Strait Islands, where we looked at the health issues that exist there and also the Torres Strait Treaty. We looked at PNG from the Australian side.

When we visited PNG, we learnt of the problems that were being experienced in that society. The government figures showed that it was highly unlikely that the millennium goals would be reached, particularly millennium goals 4 and 5, which are addressed in the member for Fremantle’s motion. It highlighted that there had been some examples of progress in both countries but that there was still a long way to go. I was pleased to hear the member for Fremantle identify the role of women within the society as being one issue that does impact on the millennium goals that we are looking at here.

When we were in PNG we spent time in Port Moresby and Daru. We then visited the treaty villages, where we could see the support that the women had during childbirth and the children during their early childhood. We could compare that to the support that was available for those people living in the Torres Strait Islands, some 10 minutes away by boat. You could understand why people in PNG would invariably cross to Australia if they could in cases of extreme health crises.

It is important to note that PNG has one of the most rugged terrains in the world. Only three per cent of the roads are sealed, and often air transport or banana boat is the only mode of transport. It is very difficult to get from one place to another. Forty per cent of the population live in poverty and 80 per cent live in hard-to-reach areas, as the committee discovered during its visit to PNG. The maternal mortality rate is 733 per 100,000, making it the second-highest maternal mortality rate in Asia-Pacific region—second only to Afghanistan. About 53 per cent of mothers receive delivery assistance from health professionals, nine per cent from doctors and 40 per cent from nurses. The 53 per cent is a break-up of those figures.

The greatest cause of mortality is obviously post-partum haemorrhaging and infection. These could be circumvented if proper medical treatment was available. Women are giving birth without supervision or proper medical treatment. They are also giving birth in the most remote areas, which can mean that they do not get the assistance they need.

Australia’s relationship with PNG needs to be strengthened so we can continue to support, encourage and help the PNG government reach the Millennium Development Goals. Otherwise, as I mentioned, I do not think they will be able to reach them by 2015. We need to make an ongoing commitment to our nearest neighbour to give them the support that they need to move forward. We need to ensure that the right medical training and the right resources are available in the country to assist women and children. It is very easy to stand here and say,
We have the solution,’ but the solution must come from PNG. We must support the PNG government and do everything we possibly can to turn around the disaster on our doorstep.

Mr OAKESHOTT (Lyne) (7.36 pm)—I rise to congratulate the member for Fremantle on this important motion, on a topic that probably does not get the airtime in this place that it deserves. I endorse what I have heard already with regard to the Millennium Development Goals generally and to situations within our region, in particular in PNG. I also want to use my short time to promote a cause that is being raised by many members of parliament, across party lines, who want to see more action from this parliament on the Millennium Development Goals. I will try to build a case, in my four minutes, as to why part of the job description of a local member is to spend time and effort on topics such as this one.

It is chilling to think that, during a five-minute speech, five women somewhere in the world will die because of inadequate maternal health care. If that is not chilling enough to warrant spending time on this topic, let me present the arguments around the Australian sovereign interest and why every single member of parliament should give a damn about topics such as this one. It is a concern to hear people within politics or generally within the community say, ‘We should pull all aid money,’ and at the same time complain about people movement and trafficking throughout our region and the instability this can cause, the problems with health care—maternal health care in particular—violence against women and girls and issues around economic development and poverty, issues that then logically flow on to the various national security issues within our region. These are all direct threats to our national sovereignty. If for no reason other than the self-interest of protecting and promoting the country that we as members of parliament represent, it is critical that we make more mention of, and take more action on, the Millennium Development Goals, the aspirations within them and the practical work being done by so many to try and achieve them.

This is an important motion, particularly if we want fewer people movements and fewer communicable diseases within the region—and the mention of PNG on that particular topic is important when so many in our community still think AIDS is some African thing. AIDS in PNG is an issue of direct threat to health care within Australia. If nothing changes on the ground in PNG, the rate of AIDS and HIV in PNG will outstrip that in any other country in the world. It is as much, if not more, an Asia-Pacific issue as it is an Africa issue. Within the Australian community, some of these stereotypes need to change—and change quickly—because, when they do, pressure can then be applied on executive government to take greater action, to spend more resources and to address some of these issues with the urgency they deserve.

This is important for all local members to be involved with, and I hope that we see more of this. I am involved in a group of 10 Asia-Pacific male MPs working on trying to get into the heads of men within the region on the topic of violence against women and girls. That is chaired by Dr Puka Temu, the Deputy Prime Minister of PNG. I have full confidence in his ability to steer this region-wide committee to achieve region-wide and national outcomes. That is my little bit. I hope every member does their little bit. If we do, and through motions such as this, we can achieve not only a better nation but also a better region and, ultimately—(Time expired)

Ms RISHWORTH (Kingston) (7.41 pm)—I too would like to congratulate the member for Fremantle for bringing this very, very important motion to the attention of the House. I too, with the previous government speaker, the member for Shortland, was an attendee on the
I am very pleased to speak to this motion. As the previous speaker said, we often do think of some of these big issues as being issues that are far away from us. Indeed, it was only when I travelled up to the Torres Strait that I got a concept of just how close a neighbour PNG is to us. In fact, standing in Saibai, you could see PNG, which was less than three kilometres away. Another example of that was that, when we were on the other side, in PNG, travelling to the treaty villages, you could get Telstra coverage—which is more than some of my electors can get, but that is another story. That highlights just how close the relationship is.

While International Women’s Day is a great opportunity to look at how women across the world are faring, it is important that we are also looking at our own region. I am indeed very pleased that we are looking at our closest neighbour—a neighbour that we have also had a lot of historic links to; a neighbour that I am pleased to see that the government is forging a new relationship with.

Another issue that the member for Fremantle and other previous speakers mentioned was the millennium goals. I do not think that we can look at millennium goals 4 and 5 and even 6 without addressing the violence against women that is occurring. We heard a lot of stories, and there are a lot of programs. I know that the government are aware of this and are looking at how they might address the violence against women that is happening throughout that society. I think we sometimes try to put violence against women in a different pigeonhole and not in the health pigeonhole, but I do not think we can really address this without looking at gender equality and also violence against women in that country. This issue was raised with us time and time again and it is something that needs to be noted when we are addressing the Millennium Development Goals 4 and 5.

As we heard previously, workforce is another issue that we heard about time and time again. Ensuring that women have access to a health worker when they are having their babies is difficult. This was raised with us especially when we were out in the rural areas and it is an issue that does need to be addressed and does need to be seriously looked at. How do we make sure that workers are trained, that they have the resources that they need and that they also have the support in the local areas where they are working? One thing that we did hear time and time again was that, while there was a health worker allocated to a certain village, they were not adequately supported with housing, so it was very hard for that health worker to continue to do the work that they were doing as they had nowhere to stay. Support for those health workers as well as training up more health workers to ensure that women do have access is incredibly important.

We cannot avoid talking about Millennium Development Goal 6 when it comes to PNG, which is about combating HIV and AIDS, with particular reference to child and maternal mortality. While we were there, we saw some small programs that were very effective at reducing the transmission from mother to child of HIV. This can be done in an effective way, but it does need support and education. That was a very small but inspiring program, which I hope many more mothers and babies in PNG get access to. I have run out of time at this point, so I will finish by commending the motion to the House.
Mrs MARKUS (Greenway) (7.46 pm)—I rise to support this motion and I thank the member for Fremantle for moving it. I have a particular connection to Papua New Guinea as my husband was born there. He was a PNG national, but he is now an Australian citizen. From my many times in Papua New Guinea with my tambus, my family, I have developed a commitment to that nation and I thank the member for Fremantle for raising these issues. I rise to speak on the work in relation to the Millennium Development Goals that are yet to be achieved in Papua New Guinea, with particular concern for the goals relating to maternal and child health. I have seen firsthand the results and the impact of the lack of services and the reduction in services that are available to women across that nation over the last 20 years. It has deteriorated year by year and with each visit I am extremely dismayed.

Recently, the United Nations Development Program administrator, Miss Helen Clark, visited PNG to launch their second national MDG progress report. Sadly, as the report highlights, Papua New Guinea is currently not on track to meet the Millennium Development Goals in most areas, specifically in the areas of HIV/AIDS, reducing child and maternal mortality and also promoting gender equality. I speak on behalf of the women in that nation as I rise tonight, as I am sure we all do. They have a desire in their hearts to see themselves, their nation and their children rise to achieve their full potential. That is their greatest desire.

Miss Clarke draws attention to the fact that progress towards achieving MDGs is often lagging the most where the needs and the status of women and girls are accorded low priority. As late as the 1960s the national average life expectancy at birth was only about 40 years and the infant and child mortality rate was 134 per thousand live births in PNG. Infant and child mortality started to come down in the 1970s, but progress has slowed considerably in recent years. Some provinces in PNG continue to have very high infant mortality rates of more than 100 per thousand live births, but there are huge disparities in these numbers.

I know, as a result of the lack of medical services for my own family members, that children have not been born alive because they have not had access to what we take for granted in this nation. Health services, mother and child health care, reproduction health, immunisation, preventable diseases, the security situation and the lack of basic infrastructure in some provinces need to be addressed in order to close the large gaps in child mortality. In view of the already stagnating mortality indicators and the enormous new challenges PNG is facing, especially the threat of HIV/AIDS, it is highly unlikely that the global target of reducing child mortality by two-thirds can be achieved by 2015.

Although accurate numbers are not available and recent statistics, as have been mentioned around this room, have varied even among us, some of the figures I have from 1984 are that the national average maternal mortality ratio was an estimated 370 per 100,000 live births. This is far too high. The proportion of pregnant women giving birth under medical supervision is extremely low and has decreased even further in recent years. These are important determinants of maternal and infant mortality.

The extremely large reduction of 75 per cent in maternal mortality by 2015 envisaged under MDG5 is generally considered unlikely to occur in Papua New Guinea. A far more modest national target may be achievable if some drastic and urgent improvements are made in a number of critical areas especially antenatal care attendance, supervised delivery or, more generally, reproductive health and family planning. These two goals are important and direct action can be taken to achieve improvement in these areas. However, improving other areas
will also benefit these two specific goals—improvement in education and gender equality, particularly in providing increasing access to all women to education facilities. This will see significant flow-on effects to the improvement of maternal health and child mortality in Papua New Guinea. Access to education is often a choice families must make. They have to choose between the number of children they have and who they can provide education for. It is often the male who gets first priority. I would like to see everything done to encourage every girl in PNG to have access to education. (Time expired)

The DEPUTY SPEAKER (Mr RE Ramsey)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Ageing Parents and Carers of Disabled Children

Debate resumed, on motion by Mrs Hull:

That the House

(1) notes that:

(a) many ageing parents and carers of disabled children are in:

(i) crisis, or face crisis due to the lack of accommodation for their disabled children; and

(ii) need of aged care accommodation for themselves;

(b) ageing parents of a child with a life long disability are commonly required to provide care for the duration of the child’s life—in many cases over 50 years of care responsibility without a break;

(c) due to limited available accommodation options for disabled people, many aged carers of disabled people are significantly disadvantaged;

(d) there is an urgent need to assist ageing parents and carers of disabled children with accessing longer term accommodation options for their children;

(e) families unable to provide financially for the future care of their child with a disability not be disadvantaged by their lack of financial capacity; and

(f) in October 2005 the then Prime Minister the Hon. John Howard announced a $200 million package to assist parents establish private trusts for the future care of their disabled children;

(2) calls on the Government to advise the House on the action taken to progress the establishment of these private trusts; and

(3) calls on the State, Territory and Federal governments to work together to urgently resolve these accommodation and care crises.

Mrs HULL (Riverina) (7.52 pm)—I rise with regret to again have to put a motion to this House concerning ageing parents and careers of disabled children. I put a very similar motion to the House in early 2000 and, sadly, our ageing parents and carers of disabled children are still in crisis or will face a crisis due to the lack of accommodation options for their disabled children. It is a fact that every single member and senator in this place represents someone or many people who are in this crisis. People with a disability generally have symptoms of ageing earlier than the mainstream Australian population. Many ageing disabled sons and daughters are due to retire from their supported employment workplaces which are generally Commonwealth funded. Workers are retiring due to their age or a medical condition or, as they are getting older, they are presenting an OHS risk in their workplace.
There are no transparent service pathways in place to assist ageing people with a disability with their work to retirement plans or to transfer them from work to a day service. Consequently ageing parents and carers are faced with the additional responsibility of having their disabled children at home with them. Supported employment and day services represent a ‘respite’ break for older parent carers from their day-to-day care responsibilities. Having these services available is important in prolonging older parent carers’ wellbeing and their current care arrangements. Many older parent carers also postpone their own needs for aged-care accommodation due to the lack of long-term accommodation options for their sons or daughters. Many older parent carers also postpone their own needs for urgent medical treatments because of the lack of suitable short-term accommodation options or respite for the care of their disabled son or daughter. Grandparents are increasingly becoming the primary carers of their grandchild with a disability. This is particularly a feature in Indigenous communities. Many older parent carers in rural and remote areas see their situation as hopeless.

In rural Australian communities, the ageing demographic is greater than in regional and metropolitan areas due to our younger family members and younger people generally having to leave rural and remote communities to seek employment and educational opportunities elsewhere. Younger members of a family who might have been available to assist their older parents with the care of their brother or sister with a disability may no longer be available to provide this support, simply because they live vast distances away. This of course places extra stress and a greater burden on older-parent carers.

I am fortunate to have Kurrajong Waratah in my electorate. Kurrajong Waratah’s InterLink support coordination service for older-parent carers is currently assisting 230 older-parent carers across the Riverina and Murray regions of New South Wales. The oldest carer is 93 years of age, still caring for her 60-year-old son at home. The average age of those 230 carers is 78.3. Many of these older-parent carers are living with the hope that their son or daughter with a disability will predecease them. A carer in the Temora community has written to me asking:

What do I have to do or where do I have to go to get a ‘funded respite home in Temora? This comes from a woman who is the carer of her 45-year-old son. She says:

One lady carer of twin boys in our community aged 37 had breast cancer and had to have her breast removed and it has been almost impossible to have the twins cared for. This mum is 68.

Another lady carer for both her daughter and son-in-law now suffers Dementia and her husband is 80. Her daughter has now come home to look after them all.

Another carer who is 80 and has a son 44 who is almost blind.

These are only a few scenarios. I could go on and on. There are many more. This carer says:

We have a huge amount of parents and carers looking for respite (often too difficult)

The concern here can be sincerely weighed up by the fact that a dear man who is caring for his disabled daughter, with his wife, had his spirits lifted just because he opened his mailbox and found a letter from me acknowledging the pain that he was experiencing. He had only just had a major operation two weeks before and he was still busy in his capacity as a carer for his disabled daughter.
I have been fighting against this plight for many years. I lay no blame on this current government. I would just like to see the issue fixed, as it should have been many years ago. *(Time expired)*

**Ms ANNETTE ELLIS** *(Canberra) (7.57 pm)*—First of all, to the member for Riverina: thank you for putting this motion on the *Notice Paper* for us to debate this evening. As she knows—and I acknowledge her concern in this area—many of us in this House, past and present, have had a very longstanding concern about this very issue. The motion that the member for Riverina has put before us is long enough—and I say that with great respect—that we could debate it for hours. If only we could, because it is an issue important enough to involve that sort of debate.

One of the more serious issues facing our community is in fact the future of people with a disability who find themselves living with an ageing parent or parents—usually ageing parent singular. This is not a new phenomenon. However, as our health services and treatments improve, so does longevity for a lot of these people who, decades ago, would never have reached the age they now reach. That is not a criticism, because it is good to see that that is happening. However, communities, and governments of all persuasions and levels need to move on and understand the impact of those health outcomes and what we can do about it.

Within the motion that the member for Riverina has moved, there are a couple of issues mentioned that I would like to talk about generally if I may. One of them was the decision by the former Prime Minister, about 4½ years ago, to set up a package to assist parents with trusts for the future care of their disabled children, which I know the member has had an interest in in the past. Sadly, the take-up for these has been incredibly low, and the best information I can get today is that only around 86 have taken them up in full and 300-odd have made inquiries and sought eligibility criteria for it but have not gone that far. There is definitely some merit in the establishment of these trusts. However, there have been barriers to encouraging people to take them up.

The government has taken some important steps in addressing those barriers. I do not have the time to go through them but one of them has been that, since the 2008-09 financial year, unexpended income from a special disability trust will now be taxed at the beneficiary’s personal income tax rate rather than the highest marginal tax rate. There are other similar decisions that have been taken in an effort to try and make these trusts a little bit more attractive. I know that the government is looking at further changes as per the recommendations of the Senate committee inquiry into this issue. There are definitely merits in the special disability trust scheme but, because of the level of complexity in the scheme and the need for specialist advice, it is unlikely that people from low-socioeconomic backgrounds could actually access them. I know that the member and I have had discussions on that line in the past. Next month the Productivity Commission will begin the disability care and support inquiry which will look at, amongst other things, the possibility of establishing a national disability insurance scheme. Will this fix everything? Probably not. Would we like it to? Definitely. In the meantime I am putting all of my heart’s wishes into the Productivity Commission inquiry coming up with some really good, decent stuff that we can look at seriously—as a community, not just as a government—to try and address these issues.

Some of the other steps that have been taken so far are not enough, but they have to be recognised as an attempt. An additional $100 million in June 2008 went to state and territory
governments in capital funding to build 313 new places in supported accommodation facilities. I acknowledge that that has been done. There has also been some funding under the Younger People with Disability in Residential Aged Care Program, which is all about moving young people with a disability out of residential aged care. That is another very legitimate concern that needs to be addressed. There are so many things that we need to do.

Having been involved in this sector for so many years and having had a passion, like many of us do, for trying to find solutions for this sector, my really basic concern is that, even if in a perfect world tomorrow all of this were fixed, there would be a number of these families who would hesitate to take it up. I say that because you know when you talk to them that they need to have faith and confidence. They need to believe and understand that someone other than them can in fact care for their loved child, for the person that they are caring for. I know from my own personal experience in my community that there are a number of families I seriously wish would put their names down on lists to try and get accommodation for their adult child, but they do not. The reason they do not may be complex. I think there is a lot of work to be done in this area. Government can do it. The community needs to do it. We all need to encourage those people in this category to actually believe that it can work for them and to get their names on a list so that we can measure the need. (Time expired)

Mrs GASH (Gilmore) (8.02 pm)—I rise to support this motion and thank the member for Riverina and all previous speakers from both sides of the House who have spoken about this issue constantly. It is an issue on which I have also previously spoken in the House—at least three occasions over the course of the last 10 years—and one that impacts on many of my constituents in Gilmore. In 1999 I moved a similar motion welcoming the then government’s commitment of over $1.7 billion to the Commonwealth State Territory Disability Agreement to assist the states in their support for carers of people with disabilities. Since then there have been a number of inquiries into disability support, the latest in 2008, reiterating the difficulties under which carers and their charges exist on a daily basis. It is an issue that has been well canvassed, yet the situation is still unacceptable today. According to a government report commissioned in November 2009 there was an unmet demand for accommodation and respite services for 23,800 people in 2005. I wonder what the figure is now. Clearly the matter will get worse rather than better unless something is done urgently.

I know of many carers in Gilmore who are living in abject poverty, with little opportunity for respite. The stress under which they live is soul destroying simply because of the limited options available to them. There is no shortage of evidence, but there is a profound lack of will on the part of all governments to help those least able to help themselves. I recall that following the much vaunted 2020 Summit there was a statement suggesting the creation of a national disability insurance scheme. That is one concept which I would work with the government to support, if it ever gets up. It was a good idea at that time and it is still a good idea today, but we need more than a good idea.

In 2005 the Howard government put in an extra $200 million to assist parents establish private trusts for the future care of their disabled children. Given the very obvious need for intervention that was stated at the 2020 Summit and again through the latest House inquiry, it is a fair question to ask what this government has done so far to progress the establishment of the private trusts. To my mind, the immediate priority has to be the provision of longer term
accommodation to ease the pressure on parent carers, especially those who are ageing and perhaps ageing prematurely through want of relief.

The second issue is to make preparations for when the carer dies and the patient is left on their own. What can a highly dependent disabled person do to fend for themselves? It is a thought that must weigh heavily on the minds of the elderly carers and patients. In a submission titled ‘Disability reform: from crisis welfare to a planned insurance model’, the authors, Bruce Bonyhady and Helen Sykes, described the situation as a crisis in care and support—and they are spot on. We are not adequately addressing this chronic problem; we merely continue to sweep it under the carpet. If this government were sincere about easing the plight of thousands of carers and their children then surely there was an ideal opportunity during the period of the great stimulus spend across the country. Would it not have been better to assign some of those billions of dollars to addressing the crisis in the disability services? A crisis is exactly what it is; it cannot be called anything else. Imagine how much accommodation that money could have bought and built while stimulating economic activity at the same time. I know it would have brought considerable relief and gratification to many weary and ageing parents living in the Shoalhaven, Kiama and Shellharbour regions of New South Wales. What is needed is an ironclad undertaking, fully funded and with a specific and measurable time frame, to implement reform; and an accountability process that has the confidence of the public must be put in place to guarantee targeted delivery of funding by the state governments.

This government is predisposed to a centralist role in the areas of workplace laws, hospital administration, education curriculum and global warming, so why not in regard to providing accommodation for disabled children? The crisis is so severe that some children are being accommodated, unsuitably, in adult institutions because there is nothing else. But we have heard all of this before. Now that the global financial crisis is over, I call on the government to divert some of the billions from its schools stimulus package into a crisis that is still with us. Put that money into building accommodation to take pressure off carers. It is a far more humane and compassionate gesture that will help deliver an improved quality of life to these long-term sufferers. There is just one condition: I cannot stress enough the need for recipients to be allowed every opportunity to freely determine their own destiny with regard to the choice of services required. In a statement to the House in early-2008, I quoted a statement by the Parliamentary Secretary for Disabilities and Children’s Services. He said:

In this great country, if I were another skin colour or if I were a woman and could not enter a shop, ride a bus, catch an aeroplane or get a job, there would be a hue and cry—and deservedly so—but if I am in a wheelchair or have a mental illness or an intellectual disability then somehow the same treatment is accepted. Why should I be told to be grateful to receive charity rather than equality?

I hope the Commonwealth and states will now agree to work together to achieve that goal as soon as possible.

**Ms REA (Bonner) (8.07 pm)**—I rise to speak on this motion as well. In particular, I would like to make some comments on a great concern that all of us in this parliament share: the need to pay due recognition to the carers of people with disabilities and, indeed, to ensure that this parliament, the government and the broader community acknowledge the immeasurable contribution made by people who care for people with disabilities in our community. I am also very proud to be part of a government which I believe has begun to put a priority on the issue of disability and the services, support and resources that are required for people with
disabilities to maintain independence and quality of life. This government is committed to ensuring that those resources are provided.

It is important to acknowledge that, for the first time, we are seeing really significant resources and significant policy being developed to improve the quality of life of people with disability and, most importantly, to improve the quality of life of the carers who support them. Under the National Disability Agreement, the Commonwealth has committed $5 billion in funding to the states and territories to support people with disabilities and their carers. What is significant is the $244 million over five years that is being committed to provide alternative accommodation and support for younger people with disabilities, those aged under 50, rather than having aged-care facilities or retirement accommodation as their only option. As a result of that spending, the number of people aged under 50 who are living in those types of accommodation has been reduced by 191 people so far. That is the result of a commitment by this government, working with the states and territories, to reduce dependency on aged-care facilities.

Can I also say that all of us in our electorates are always talking to parents of children with disabilities, certainly to community organisations and to people with disabilities themselves. I would like to acknowledge Mr John Barry, who is a resident of Bonner, and his son Anthony, who has Down syndrome. Mr Barry is a very elderly gentleman. Indeed, he is in his late 80s. I think he may even be 90. He has cared all of his life for his son and is most committed to his welfare and to ensuring that he has every opportunity that is available to him. His son is 13 years off retirement. Mr Barry is concerned about what is going to happen to his son when he, I guess we should say, is not here any longer to support his son, when his son does not have an income as a result of the work that he does with the Endeavour Foundation. He has got together a group of parents in the area who, at my request, are putting together some ideas and suggestions that they, with a lifetime of experience of caring for children with disabilities, can come up with about support.

I am very pleased that we have a parliamentary secretary, the Hon. Bill Shorten, who has put an enormous amount of effort and a great amount of compassion together to produce some of the most exciting initiatives that we have seen in the area of disabilities for many years. I would particularly like to acknowledge the work going into the report that is currently being done by the Productivity Commission, a feasibility study to look at the concept of a disability insurance scheme. This is a clear way in which we can look at a long-term, sustainable scheme that will support people with disabilities in this community in a way that not only is long term, as I said, but gives some level of certainty and surety, therefore giving people a lot more confidence about having independence and a life that sees them achieve their full potential.

Can I also acknowledge very quickly the announcement by the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, about a policy or legislation concerning recognition of carers. The first step that the carers of this country have asked for is to be recognised and acknowledged and to work with the government to deal with this long-term issue in a sustainable and compassionate way. *(Time expired)*

Mr IRONS (Swan) (8.12 pm)—I thank the member for Riverina for bringing this important matter to the attention of the House today. I note that in her speech she mentioned that all members in this place represent people with disabilities, and they all have carers, so it is an
important issue for all of us in all of our electorates. According to the Raising Children Network, four per cent of Australian children aged between nought and 14 years have a disability, including chronic illness and intellectual or physical disabilities. In 2003 this equated to just under 320,000 Australian children with a reported disability. Sixty-nine per cent of these reported disabilities refer to movement, self-care, schooling or communication, and are known as core activity restrictions. Children with core activity restrictions require plenty of attention from their parents.

Sometimes the disability is lifelong and care from the family continues into adulthood. Eventually there comes a time when the parents themselves get older and are unable to continue meeting their caring demands. A combination of longer living and a general trend towards an ageing population is making this scenario more common across Australia. When this happens it can be a very difficult and emotional time for both parents and children. Mr Deputy Speaker Georganas, I know that we recently were presented with some parents who had two diabetic children. They had type 1 diabetes, and the story they told about their caring responsibilities and how they affected their family was enlightening for me, and I am sure it was for you as well. But it is important that we in this place understand the onerous task—but, I am sure, a pleasant task for many of them; it can be quite rewarding—of providing 24/7 care for many of these children.

Part of the problem is that parents are also reluctant to plan for the future as there is no certainty, making the eventual transition sudden and unpleasant during these times. Sometimes lifelong carers can make incorrect assumptions that other family members will take over the caring role. Exacerbating this is general suspicion of government provided facilities. Many lifelong carers associate government support with large-scale institutional settings. That was the norm 50 years ago, but it is not to the same degree today. This creates a culture whereby families seek help only as a last resort. This underuse ultimately leads to an overall underprovision of facilities and places the system in a cycle of decline.

With proper planning and help from the federal government we can do more to help families prepare for the transition. Back in 2005 the Howard government announced the establishment of special disability trusts to help with this planning process. Since September 2006, families have been able to establish these trusts, which attract social security means test concessions for the beneficiary and eligible contributors. The trust is effectively a planning tool, allowing families who are able to do so to make financial provision for the future care of family members with severe disabilities. Special disability trusts have made it easier for the families of children with severe disabilities to make private financial provision for the family member’s future care and accommodation needs without being affected by social security means testing.

Special disability trusts will continue to be an important part of the way forward on this issue. However, government can and should do more to help these families. We can help the transition by bringing together disability and aged-care facilities, which at the moment are too complex, fragmented and separate. In this way families can continue to live together. This is a complex task but one I am sure we can achieve.

It is important that we as members of parliament support in our electorates the children with disabilities and the parents who care for them. Often there is a knowledge gap, with members of the public not understanding and sometimes not wanting to understand another
child’s disability. It is up to all of us to make the effort to better understand these issues. I support the Activ Dragonfly Week in my electorate of Swan. It shows how care services are evolving to provide opportunities for the disabled in the workforce. A great example of this is at Activ’s Kewdale branch, where employees with disabilities work packing dry ice and cutlery for use on airlines.

Once we understand, we can not only help address the specific concerns raised by parents but provide more support to the families than society currently gives them. There are a range of emotional and financial challenges for the parents of children who have a disability. Sometimes the emotional challenges are great, leading to stress, anxiety and often depression. There are also financial burdens involved. Parents may have to leave their work to become a full-time carer and there may well be additional costs involved.

There is some excellent information available on the Raising Children Network website. I shall put their link on my website for the information of my constituents. I urge the government and the opposition to continue to fight to do more for these people. (Time expired)

Mr NEUMANN (Blair) (8.17 pm)—I commend the member for Riverina for bringing forward this motion. Some four million Australians suffer from some form of disability. I commend the great organisations of Focal Extended, Ozcare and others in my electorate and the churches and charities who do such great work. Ipswich was the home of the Challinor Centre, which provided institutionalised care for people suffering a disability. That was an asylum situation that went back many decades. It was deinstitutionalised by the then member for Ipswich, the former Liberal Deputy Premier of Queensland, Sir Llew Edwards. I commend him and the Hon. Dr Dave Hamill, a former member for Ipswich, who did so much to help people with a disability in my electorate of Blair. David was the Queensland Treasurer but in his tenure as the member for Ipswich he sought and obtained a huge increase in state funding for people with disability from the Queensland government, after many years of neglect.

The people who are helping those suffering from a disability, the carers in our community, are the community champions. Certainly there are challenges for those carers when their children attain puberty, in the case of girls, or grow physically too strong to be able to restrain, in the case of boys. All of us have seen family members and friends who have been in that situation. In my previous life as a lawyer I dealt with people who suffered every day because of what they had experienced in the home caring for adults, their children whom they loved, in circumstances where they could not physically care for them. That brought challenges every single day of their life. They had anxiety and worried about hitting 70 or 80 and not being able to care for them. What would happen to their children?

I think that anything we can do to help our carers, any form of legislative change will assist. I commend the government for what we describe as the secure and sustainable pension reform delivering pension increases to 720,000 disability support pensioners and 152,000 carer payment recipients of $70.81 per fortnight and $29.93 per fortnight in relation to couples combined on the maximum rate. Replacing the ad hoc payment of carer bonuses with a new ongoing $600 carer supplement benefiting around 500,000 carers with payments totalling over $480 million this year is important. Reforming what were clearly complex arrangements by providing carer payments to an additional 19,000 carers is extremely important.
The first ever National Disability Strategy and also the funding in relation to the National Mental Health and Disability Employment Strategy to get young and not quite so young people back into the workforce was very important. The self-esteem, the benefits to their families and those young people individually is crucial. The Productivity Commission’s undertaking to do a feasibility study into the national disability long-term care and support scheme is extremely important; I commend the government for that.

I also want to commend some local community organisations. I want to commend Alzheimers Association Queensland for the work they do and the relief and respite they provide. We are providing a lot of money and we have received a lot in Ipswich and the rural areas under the National Respite for Carers Program. We have got 650 community based respite services in this country, 30 demonstration day respite centres and 54 Commonwealth respite and Carerlink centres across Australia. They are at the frontline of caring, providing respite and assistance to those people who are caring on our behalf for their loved ones. We have committed more than $200 million for this program this financial year, and Alzheimers Association Queensland run a great facility in Ipswich just across the road from Ipswich Girls Grammar School in Chermside Road. I have been there on numerous occasions and seen what wonderful work they do. I commend the carers.

My heart goes out to people in those circumstances with a disabled child who becomes an adult and the travails and troubles that they have—complex and difficult situations—caught between love for their son and daughter, and the need to care. (Time expired)

Mr HUNT (Flinders) (8.22 pm)—It gives me great pleasure to speak in support of the motion by the member for Riverina with regard to ageing carers. I want to add one simple thing to this debate and that is to put on the table a proposal for a national move towards greater use of supported accommodation where it suits the needs of parents, the carers and the adult children. I think it is an extremely important step forward. I bring it forward in the context that in Hastings in my electorate of Flinders on the Mornington Peninsula there is a highly developed model. It has been developed by Karl Hell of the Frankston Mornington Peninsula carers, Joy Jarman and David Jarman, all of whom are parents of a child with a disability, a child that they worry about as they age.

The starting point for this discussion is that each member of this parliament knows people, has constituents who are ageing carers who have deep anxiety about what will happen to their children whether they are 40, 50 or even closer to 60 years old who have an abiding disability. They need assistance but the parents are either facing a decline in their capacity or potentially the end of their lives. In that situation we need to relieve the anxiety for caring parents about security for the adult with a disability who is facing the prospect of losing their carers.

What I believe we need in Australia is a move towards many more options in relation to assisted living. Assisted living to me can take many different forms. I give as an example that which has occurred in Hastings, where they put together a model which does not have everything that the proponents wanted but does have a six-bed community residential unit providing 24-hour care for disabled residents. It has seven one- and two-bedroom supported independent living units for disabled adults. It does lack, despite the best efforts of the parents and carers, a respite facility. But we are working through other sources to achieve that on the Mornington Peninsula. In particular, there is a respite facility which is being proposed as part of the community use of Point Nepean, and I have supported that for seven years now. It was
to be realised, but the state intervened with a very disappointing and spurious planning requirement which has effectively driven away a donor who was willing to provide $10 million towards respite on the Mornington Peninsula. That donor said, ‘I will find somewhere that wants it if the state government is going to stand in the way of it.’ That is a very disappointing and extraordinarily short-sighted outcome.

Nevertheless, the Hastings model presents a model, firstly, with community residential units providing 24 hours a day care for deeply disabled residents; secondly, with seven one- and two-bedroom supported independent living units for those with a lower grade of disability; and, thirdly, with 13 one- and two-bedroom units for those on a low income. This site is within 50 metres of my office in the electorate. I think it is a tremendous step forward. It is extraordinary that, after the change of government, we had such a struggle to get support for this project. But for the commitment of Joy and David Jarman, Karl Hell and all of the supporters, parents and carers within the Frankston and Mornington Peninsula it would simply have not come to pass.

Against that background the big history we are involved in is that we have seen a process of de-institutionalisation. The old forms of institutions, however well meaning, are clearly past their date. De-institutionalisation in many cases was simply a default just to the families. It moved from being a system of state care to a system of private care without any middle step. I think the middle step which is needed, the middle step towards which I will work—and which I thank the member for Riverina for the opportunity to discuss—is supported accommodation. I think that supported accommodation in small groups, whether it is five, or 10 or 15—(Time expired)

The DEPUTY SPEAKER (Mr S Georganas)—The time allotted for private members’ business has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Debate resumed from 22 February.

The DEPUTY SPEAKER (Mr S Georganas)—The question is:

That grievances be noted.

Harry ‘Breaker’ Morant

Mr HAWKE (Mitchell) (8.28 pm)—I rise in this parliament today to use the time allotted to me to speak about the myth, the legend and the grievance of Harry ‘Breaker’ Morant and his compatriots who were executed under British courts martial about 108 years ago in the Boer War.

Today in the Petitions Committee of the parliament we had the opportunity to examine these matters. We had witnesses who were direct descendants of the fellows who were executed and we had expert witnesses all speaking in relation to a petition brought before the House recently. I will briefly read the key requests of that petition. The petitioners are asking the House to make representations to the British Crown and seek a review of the convictions and sentences of Morant, Handcock and Witton, seek a British Crown pardon for Morant, Handcock and Witton with respect to the offences of which they were convicted and seek commutation of the death sentences imposed on Morant and Handcock.
That is a serious set of requests from people who have explored, researched and thoroughly delved into this controversial and often difficult issue for historians and people alike. However, I want to rise tonight to record my sympathy for these petitioners and my sympathy for some form of redress of the events that happened 108 years ago in South Africa.

On 26 February 1902, Morant and Handcock were convicted under a British courts martial system for killing Boer prisoners and consequently sentenced to death. They faced a firing squad on 27 February. George Witton, who was convicted of the same crime, had his death sentence commuted to life in prison. He was released from prison in 1905 without a pardon after the British House of Commons overturned his sentence. Witton subsequently released a controversial book in 1907 entitled *Scapegoats of the Empire*.

I want to come back to this notion shortly about a pardon and the British House of Commons overturning sentences. The questions I want to raise tonight include: how do we judge historical figures and their actions from our own contemporary values and morality? I believe that with any examination of our history we often have to look beyond our own preconceptions. We have to accept that what we have learned as myths or folklore might not pass a critical examination of the facts. We must also ask whether all of the facts are available to us—do we all know enough to judge a person? Are we indeed judging the conduct of someone according to their own standards or the standards of their time or our time?

I think in an examination of this issue the current debate regarding a pardon for Harry ‘Breaker’ Morant, Peter Handcock and George Witton stirs passion amongst many Australians one way or the other, throughout our community and my community of Mitchell. There is in my view serious and compelling evidence that some form of redress should be given all these years later to those men executed by the British. In recent times the Australian parliament has passed a law confirming that no state or territory can provide for the death penalty in this country, which I think is a proper and worthy piece of legislation. I think that we all stand united against the use of the death penalty in civilised society. Certainly in relation to the Defence Act 1903, which was passed into law shortly after this incident with Breaker Morant, the Australian government and the Australian parliament took the view that no Australian could be executed without reference to the Governor-General and therefore the Prime Minister. So since this incident there has not been a case of an Australian military service person being executed. The 1903 Defence Act was very important in preventing the deaths of many Australian service personnel in World War I, unlike the many soldiers from other countries, such as Ireland, Canada and indeed the United Kingdom, who were shot and executed for desertion and other matters that have subsequently been the subject of pardons from the British government in recent years.

Without going through all the background of the case itself, there are certainly some conflicts in relation to the facts. Today’s popular image of Breaker Morant is that of a charismatic figure, as portrayed by Edward Woodward in the film of the same name, *Breaker Morant*—an expert horseman, a soldier of the empire who was caught up in not only a conflict against a ruthless enemy in the Boers but also a conflict of orders and a conflict of morality in warfare. Certainly many people have said that the Boer War was one of the first examples of guerrilla warfare in Western experience. Indeed, as a young officer in the Army Reserve myself, in the 1/15th Lancers, I know that troopers in my regiment were on their way to and from England and jumped ship and the joined the Boer War, without permission as well, so I certainly have

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a lot of sympathy for young Australian people in the theatre who were of course struggling with a very difficult war in which guerrilla tactics had become common, in which the Boers had obtained a supremacy over the English over a period of time and in which of course, as in all wars, there was brutality on both sides and much death and conflict.

What stands out about this case and where I think this comes into focus for the Australian parliament and indeed for us as a nation is that without any reference to the Australian government or any Australian legal process, the two men, Morant and Handcock, were executed by the British, without appeal. There has been much contention about the trial and many of the circumstances surrounding the trial. Since the Defence Act 1903, of course that has not been the case and so, looking back at the facts of this case, there are only three ways that pardons can be obtained at military law and they are as the result of the exercise of the royal prerogative of mercy, by statutory pardon and by a term called condonation. The royal prerogative of mercy is of course a power vested in the Queen, and indeed in this petition that has been presented to us there is a request for the exercise of that power to overturn the convictions completely.

Some standards are applied to the granting of pardons. Those standards include that the responsible minister has to be satisfied that the convicted person was morally and technically innocent of the offence and there is no remaining avenue of appeal against conviction, or that the convicted person was morally and technically innocent of the offence and there are exceptional circumstances justifying the grant of the pardon, despite the failure to meet the first ground, taking into account the need to respect the separation of powers between the executive and the judiciary.

Statutory pardons have been more common in the UK parliament. On 18 September 2006, the UK Secretary of State for Defence confirmed the UK government’s plan to seek statutory pardons for service personnel executed for a range of offences during the First World War. This has been the common mechanism to redress foreign powers’ complaints about the treatment of their soldiers by the British in the First World War. Indeed, many were executed by the British, even though there were well-documented cases of shell shock and other legitimate reasons that a person might have sought to leave a battlefield. The British pardoned a number of Irish, Canadian and British personnel. A statutory pardon does not overturn the original conviction, which I think is important and significant in relation to this petition and this case. The parliament can issue the statutory pardon, but the conviction is not overturned. It will not rewrite the events of 108 years ago, but the stigma and dishonour of the original offence and execution will be removed.

The third avenue for a pardon is that of condonation, which is a military term. There is some argument that it could be applied in this case, as two of the people, Breaker Morant and Handcock, were let out of prison to fight against the Boers while they were on trial. That is what condonation relates to—if the subsequent activities of the person on charges ameliorate the original circumstances, whatever they might be.

It was compelling today to listen to the direct descendants of these men and hear all the different arguments for and against a pardon. I think there is something in this petition and there is something in this legend. All those years ago, these Australians, who were very low level in the military, were in one sense made scapegoats for a broader policy. There is no doubt that activities went on in the Boer War that were undesirable, unpleasant and, by modern stan-
dards, unacceptable. But I am certain they were not only performed by lieutenants Morant and Handcock of the Australian colonial forces. I am certain that there were other people who committed those acts and were not prosecuted. I am also certain that the last words of Breaker Morant, ‘Shoot straight, you bastards—don’t make a mess of it,’ will continue to echo across the era, because Great Britain did make a mess of the trial. And the fact that the trial was not conducted properly means there is an avenue for redress of those convictions.

**Diabetes**

*Mr RIPOLL (Oxley) (8.38 pm)*—I have the great privilege to speak tonight on an issue which is close to my heart. It is a critical issue for society and one that we can do something about. I want to talk about type 2 diabetes and the impact it has not only on individuals and their families but also on communities and on governments through health budgets. I also want to mention briefly the other form of diabetes, type 1 diabetes, which is non-lifestyle related and can affect people from all walks of life. It has a profound impact on the lives of young people.

There is no question that diabetes is on the rise and on the rise in a very dramatic way. I am not too sure how well understood diabetes is in the community or just how big a problem it is. In its simplest form, diabetes involves a problem with the production of insulin—the body does not produce enough insulin or there is inactivity in insulin production, which moderates the glucose sugar levels within the blood. High glucose levels that result in defective insulin production cause these problems.

Diabetes is now one of the leading chronic diseases affecting Australians—over 700,000 Australians, or about 3.6 per cent of the Australian population, according to data from 2005. We know from current surveys and studies that that number is increasing, and it is increasing each and every year. It is actually growing as a problem. Some of the data and statistics are quite frightening. The prevalence and diagnoses of diabetes have more than doubled since the early 1990s, when around 250,000 Australians were affected. There has been an enormous increase in the number of people diagnosed with diabetes. It is not so much a case of increased diagnosis but increasing numbers. It is now being termed an epidemic and has led to a great concern about people’s individual health repercussions. As I said earlier, it has wider social consequences and a massive impact on people’s lives.

Diabetes accounted for around five per cent of the disease burden in 2003 alone, and diabetes related hospitalisation rose by about 35 per cent between the years 2001 and 2005. These are serious numbers and this is a serious issue. While many members of parliament talk about the issues surrounding diabetes, I do not know that, collectively, we are doing enough to deal with what is shaping up to be one of Australia’s largest health problems in the coming decade.

While type 2 diabetes is the most common form of diabetes—in fact, it accounts for about 83 per cent of all cases—it is largely preventable and that is why I want to talk about it tonight. It is a lifestyle problem, and I think that surrounding the issue of its preventability is that people generally do not quite understand how it comes about, what it is and how it impacts their lives. People can actually go blind, they can have incredible ulcers, they can have problems with blood circulation, and in fact they can lose limbs as a result of diabetes. So these are very serious issues. Diabetes is directly related to obesity, particularly in people who are over 40 years of age. As people get older it becomes more and more of an issue.
Quite frighteningly, diabetes is markedly on the rise in young people and in children. We see that more and more today. In fact, this week we are quite privileged to have in the building a whole range of young people with diabetes from all over Australia. The Juvenile Diabetes Research Foundation will be hosting members of parliament and senators, and they will be talking about the issues surrounding diabetes. There is a young ambassador from my electorate, Lucy Bedford, who has type 1 diabetes. She will be visiting me and talking to me and other people in the parliament about what diabetes means to her. For her it is not preventable; it is something that she has and that she has to deal with. It impacts not only on her health but also on her family’s health with respect to their ability to deal with this very debilitating condition.

I look forward to that event at the end of the week, and I know that other members of parliament will be getting involved as well. It is a really big deal for this parliament to be able to meet with these young ambassadors, some as young as eight or nine years of age, talking about how they cope on a daily basis with having to inject insulin to make it through the day. It is quite a serious issue.

I also want to raise something that I spoke about in the House briefly last week, and that is a report entitled Analysis of diabetes in the western region of Melbourne. I do not want to pick on Melbourne or Victoria; it just happens that this particular study was done, and I think it is reflective of what is happening in other parts of Australia. The report looks at particular socioeconomic groups and regions and the instance of diabetes in those areas. There is no doubt from this analysis—that some people might have guessed this—that the worst cases of adult-onset or type 2 diabetes are in low-socioeconomic areas. There is a direct correlation. The lower the socioeconomic area, the poorer people are, the greater the link with either obesity or type 2 diabetes. I think that this is something that we as a parliament and a government ought to focus more attention on to look at ways that we can prevent it. It can be done in a range of ways including through education, informing people about how it comes about and about how lifestyle choices can make a very big difference.

I have some very good data on how to prevent this disease. In fact, some very good work on this area has been done by a young man, Hugh Bachmann, who is in the chamber today. He is here doing an internship and looking at a range of issues. He has done some work for me and he will be writing a paper on diabetes and food and all the other related issues. I am very much looking forward to the work that he is doing. Hugh found me some statistics on some of the small changes that we can make to our lifestyle today that can have a very big impact. For example, a small weight loss of between five and seven per cent of body weight can make a really big difference to whether or not we get type 2 diabetes. Moderate physical activity—getting out and about—of 150 minutes a week, which is 2½ hours a week, can also make a really big difference. Then there is reducing our fat intake. We would probably just make the assumption that if we did these things it would help, but the reality is and the evidence shows that they do actually work; they do actually help.

I thought, too, that it is important in the short period of time that I have tonight to also talk about the way our lives and communities have changed. There is no question that we are less active today than we used to be 30 or 40 years ago and that children play less now in the sense of physical activity than they used to. They do not ride their bikes to school, for example. That is a much less common activity these days. Our communities are very isolated in many re-
pects and do not promote physical activity or people getting out and about. I know that there has been a change. There has been the release of the Major Cities Unit report and also the Sustainable Cities reports. We are only now tuning into what federal, state and local governments can do to create active communities and to start getting people back into doing some basic things. I hate the cliche ‘back to basics’ but in many ways it is about making small lifestyle choices such as eating more fruit and vegetables. It is about the simple things in life like going for a walk or getting the kids to ride to school or maybe the park—a range of things. These small things, along with active communities, can make the world of difference not so much to how long people live but to their quality of life. They can also make a difference to the amount of effort and resources and the budgets that are diverted away from very serious chronic diseases and illnesses that are not preventable to diseases that are preventable.

I would encourage people to pay more attention to these issues and to how they can do something to change. What I am saying here tonight is that I am going to do everything that I can within my electorate to promote a campaign to get people to understand (a) just what it is (b) what they can do about it and (c) how simple it is to make the key lifestyle changes that can make an enormous difference to their life and also to the capacity of governments to provide in the health area. 

Queensland Government: Economy

Mr LAMING (Bowman) (8.48 pm)—Something affecting the lives, the lifestyle and the quality of life of Queenslanders is the Labor state government’s intention to privatise state-owned assets and government-owned corporations. We are talking about a $15 billion conundrum for Queenslanders, which the previous speaker, the member for Oxley, did not even refer to. This challenge came from the Queensland Labor Premier Anna Bligh. After holding on in a very narrow state election in 2009, she brought on this issue on the grounds of the emerging global financial crisis and then delivered the ultimate uncertainty for Queenslanders by proposing to sell off Queensland’s assets.

She announced on 2 June 2009 that she would privatise five of the government-owned corporations and commissioned a series of scoping studies to provide a ‘warts and all’ assessment of how this would be done, from the accounting of it to the merchant banks that would monitor the sale. What was promised, of course, was a fulsome explanation of exactly how this would be done. True to this Premier’s form, we are yet to see any details, except that this sale will be executed as a series of packages over the coming years and that the port of Brisbane may well be the second entity sold after the Queensland forestry commission.

The grounds that have been presented and then advanced for selling off these corporations are the budget black hole that was allegedly brought about by the global financial crisis. The figures quoted were $4 billion, rising to $14 billion and then $15 billion. But now revision of this data suggests that those amounts may be as small as $2.7 billion. The average taxi driver in Queensland would ask: ‘How can you sign a massive coal or mining deal for Queensland and talk about it being the greatest commodity or resource deal done in Australia’s history, and by the same token be presenting an argument that there is a financial black hole that cannot be filled any other way but by selling off Queensland’s crown jewels?’

The claim here is a simple one: there needs to be a sale of $14 billion to $15 billion of state assets to fund this spurious black hole. But let us get one thing clear: the black hole is not a GFC induced crisis. It is due to overspending and poor fiscal control by the Queensland gov-
ternment of its own state bureaucracies, firmly, wholly and 100 per cent owned by the Bligh government. The claim, of course, is that they are going to have no choice but to sell off Queensland assets not just for the return on that investment but also to save the expense of future government investment in these corporations. How can one consider investment in a profit-earning entity as an expense that has to be filled by selling off that entity? That does not even make sense to people who did not study economics, and I do not know how the Premier can possibly sell this to her own members, to union members or to members of the Queensland general public.

Let us start with the Port of Brisbane, because that is my concern, it being so close to the seat of Bowman. It deals with 2,500 ships every year and it offloads five million tonnes of cargo. It is worth in the vicinity of $5 billion every year in cargo. Advice on the sale is going to come from Minter Ellison and Deloitte. The debate has already begun on whether it should be sold off and lost forever, leased for 99 years or simply floated on the stock exchange. One thing is for sure: it is very hard for this Premier to find friends who support the idea of selling it off forever. So there has been a little tweak done: it is now going to be a 99-year lease so that it can no longer be called a ‘sale’ in the true sense of the word.

Most people regard handing over jewels like the Port of Brisbane for 99 years as effectively the same as a sale. The polling that has been done in Queensland has shown that two-thirds of people did not fall for it, about 16 per cent are worried about it, and 15 per cent are slightly mollified by the fact that in 100 years time the Queensland people will get these assets back. So we are left with the dealing around a 99-year lease. Effectively, it is going to rip the heart out of suburbs in my electorate and neighbouring electorates—the suburbs of Tingalpa, Hemmant, Murarrie, Wynnum, Manly, Lota, Wellington Point and Birkdale. These are the suburbs that have the people, the families, that work at this port and are regarded as part of our community.

Do not make the mistake of thinking that I will never support privatisation. I will support rational and sensible privatisation at a time when the economy can gain the most from it. What I do not support is a fire sale—selling at the worst possible time as the way out of a fiscal crisis and getting the lowest possible return from it. They are doing it because they see no other option available to them as the state government. Their AAA rating has already been forsaken and they see it as the only way out of a very, very dark economic space.

I would like to refer to some work done on this by a number of people. I would like to consider the words of Bob Walker, the University of Sydney Professor of Accounting who wrote a report looking at the urgency of selling infrastructure in 2010. It explored the claims that a reduction in forecast revenues led to the postulated black hole of $15 billion and that the retention of these public assets would require $12 billion, just to keep them running. While that may be true, it is spurious to say that that is a cost that can be saved, because you would not invest in any of these unless the return was going to be far greater than the investment in the first place. So we are looking at the net benefit. It is erroneous of the state government to start quoting the costs of holding on to public assets as if they are a net cost. They are not; they are balanced against the profits that can be made by that entity.

The report also explored the state government’s argument that the downgrading of the credit rating would immediately cost $200 million annually. This is the reality that the state government is facing right now. QCU general secretary Ron Monaghan said that the report
justified the union campaign, and, when you are a Labor administration looking around for friends, it is tough when you cannot get the warm embrace of the unions. Monaghan proposed that he would write to the Treasurer seeking a detailed response to the report. I would like to see what that response is, because selling off a profit-making entity like the Port of Brisbane is absolutely crazy if the state itself, as a monopoly, can determine the pricing at the port while it owns the entity. Why would you want to sell off something that was running a profit every year unless you were utterly convinced that in the budget cycle over decades this was a perfect time to privatise the port?

I guess what we are speaking to is the fact that these are latter-day converts to privatisation. It is not in their hearts. This is being done out of naked and frightened necessity, because it is the only way out of the fiscal disaster that has been self-imposed by a government that has been unable to rein in costs. They cannot rein in the size of their bureaucracies. They have been too frightened to implement any efficiency yields or gains in the state bureaucracies. They are left with no other option but to try and balance the books. That is the great tragedy. If we had to distil it into a sentence, it could be: this is a frightened Labor state administration potentially in its darkest hour, potentially in its final years as an administration, selling off what our state can never get back. That is the tragedy of what is being done.

Quiggin actually did some work and he argued last year that the total return on the five businesses that are going to be sold may well be around $320 million. That was stated by the state government themselves. But those amounts only consisted of dividends. The government’s calculation of $1.8 billion of savings on interest payments on their massive Bligh Labor government debt each year is also entirely invalid because new investments like coal infrastructure, as we are familiar with, really can only be justified if regulators are convinced that additional revenue will actually exceed the costs of borrowing. The above-mentioned revenue would cover the interest needed to service the additional debt, so why would you forgo owning an entity on the simple grounds that the only way to stay in front is to lose that entity altogether?

Let us look at some really rudimentary modelling that was used by Professor Quiggin. The estimated sale price was $15 billion. Half of that simply pays off debts that already exist. So the state can really only look forward to about $7.5 billion of net return to the government in the form of revenue. We know that the interest saving, if they can rescue their AAA rating, is around $266 million over four years. We already know the combined profits were closer to $1 billion last financial year, not those spurious dividend figures that were being peddled by the government in their own ‘myths v facts’ publication. What we have in those figures I have just provided are the basic nuts and bolts of a true economic evaluation of what Queensland stands to lose in this panicked mid-term sell-off by the Queensland Treasurer and the Queensland Premier.

We know that the public purse could well be worse off by between $234 million and $484 million every year. That is basically the billion dollar profit, less the $516 million. In the long term it seems likely that, if you held on to these assets, returns would grow much faster than the interest repayments on debt, which are fixed. To quantify those, one way to estimate that long-term loss is to discount the annualised loss using a real interest rate of four per cent, which is the six per cent cost of money less two per cent inflation. So the implied reduction in the net worth of the public sector is $5.85 billion to $12.1 billion—(Time expired)
Health

Ms COLLINS (Franklin) (8.58 pm)—I am standing tonight because I am actually aggrieved by the opposition’s lack of interest in health reform and in health care in this country. What we have seen over the last few weeks from the Rudd government is the biggest announcement in health reform in this country since Medicare was reformed and we have also seen a really large announcement today in relation to GP and specialist numbers. But what we have had from the opposition so far are only two questions on health reform in over a week. Given that these are some of the largest ever reforms to the healthcare system of this country, I am really aggrieved by that.

The government has said that we are going fund nationally and act locally when it comes to hospitals around this country. I know that in my home state of Tasmania this has been extraordinarily well received by the local community and by our state Premier, David Bartlett. When it comes to health and hospital reform, he has been out there supporting the package of the Rudd government, and why wouldn’t you support it? We are going from a zero per cent federal investment in health infrastructure to 60 per cent federal investment in health infrastructure. We are going from the current zero per cent investment by the federal government in equipment for hospitals to 60 per cent investment in equipment for hospitals. This is actually a really important and really significant change in the way health is delivered in this country and I think it is one that those opposite at least ought to be interested in, even if they are not willing to support it.

Today we had the very important announcement of GP places. We are going to increase the number of medical graduates to become general practitioners to 1,200 by 2014, and that is a significant increase—

Mr Lindsay—Mr Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER (Hon. BC Scott)—The honourable member is seeking to ask a question. Is the member for Franklin willing to give way?

Ms COLLINS—No, I am not. These GP places will provide around five million extra services by 2013, which is a very significant increase in services both in rural and regional areas and in the cities of Australia. In my home state of Tasmania, many people say to me that one of their biggest issues is actually getting in to a GP. Most of our GP clinics are currently at capacity and are not taking on any new patients, so it is a significant issue around the country. The Rudd government have listened and we are doing something to rectify that situation for people in our electorates.

We have also had some significant announcements in Tasmania recently from the Rudd government and some investments in health that I would like to talk about tonight. It was my pleasure to be in Hobart at the Menzies Research Institute Tasmania with both the Parliamentary Secretary for Health, Mark Butler, and the Prime Minister to sign off the $44.7 million funding agreement between the Rudd government and the Menzies Research Institute for population research that supports medical intervention, usually through primary health care. It is actually a really important investment in the local community. As we went around the facility, we saw the integration with the Royal Hobart Hospital and the University of Tasmania. Some doctors and nurses are actually trained on site in this facility and it is about those three things—the research institute, the hospital, and the university—working together to create a
health hub in central Hobart. It was fantastic to see how these new facilities are actually working and we are funding stage 2 of that announcement.

It has also been my pleasure recently, as I have spoken about before in this place, to turn the first sod for the GP superclinic in my electorate at Clarence. This $18.5 million—$5.5 million from the Rudd government and the remaining $13 million from the state government—will see both a GP superclinic and an integrated care centre at Clarence on the existing site of the community health centre. This is a significant infrastructure investment to provide services to residents then and there in their local communities. This will have a big impact, particularly on the Royal Hobart Hospital accident and emergency department, but it will also mean that constituents further out in my electorate will only have to travel to Clarence rather than into the city for some of the services that they need in the electorate. So it is fantastic that this is happening. It is one of the four GP superclinics that are going to be established around Tasmania and it was great to see the turning of the first sod in February. In fact, there has been progress on that GP superclinic. As it is near my office, I do go past it most days. The hole in the ground is getting larger and larger and the constituents that I talk to are very pleased to see that progress day in and day out as they stand by the fence to check out what is going on. It is fantastic that this is occurring and it is occurring because the Rudd government is working together with the state Labor government to deliver these health services in Tasmania.

We also went down to Geeveston with the Parliamentary Secretary for Health, Mark Butler, to announce just over $400,000 for the Geeveston and Dover medical centres, which are run by the council—yet another tier of government working with the federal government to deliver services in rural and regional Tasmania. We heard there from the two GPs about some of the services that they are providing in the local community and how the funding that the Rudd government has provided for that infrastructure is actually assisting them to replace equipment, to get modern equipment and to be able to treat people locally in the area.

While we were there we saw a patient who had just come off the Tahune AirWalk—a renowned airwalk in Tasmania, to the south—and had had a bit of an accident. It was quite a sight to see how well the clinic was being utilised—even by tourists. The poor, unfortunate patient did have a rather large wound and had their head bandaged. We were able to see first hand exactly what was going on in that clinic. It was great to talk to the GPs about what was happening down there and how they are able to look after local residents and tourists alike. So very significant funding for rural and regional Australia has again been delivered by the Rudd government in the south of my electorate.

As you can see from these examples, the investment in infrastructure that is happening or will happen under the Rudd government’s health reform is very significant. It is not something that people should be dismissing lightly. We should be talking about it, and we should be getting some questions from the opposition about it. The opposition should be prepared to debate us. As we know, their record is about a billion dollars being ripped out of health under the current Leader of the Opposition, Tony Abbott. Their attempt to look after and recruit GPs was to produce the golf balls. We all saw that.

Most disappointing, I think, has been the obstruction that we have seen in the Senate when it comes to health reform. The Medicare compliance bill was not passed. Then there was the private health insurance rebate—where the taxes of the working class people in my electorate are going to fund millionaires’ private health insurance. We tried to reform that, but that did
not pass through. We also had our dental health reforms—and we have heard today again about some of the rorting that is happening under the existing system for dental care. We tried to change that too, but that could not be passed either. We have had some very significant discussions with midwives around Australia about midwifery services in this country. We tried to reform that too and introduce some changes that were long sought after by midwives, parents and those making the choice to have midwives at the birth of their children. Having had three children myself and having had a midwife present at one of those births, through the Know Your Midwife scheme at the Royal Hobart Hospital in Tasmania, I can say that the midwives provide a very valuable service—and I think it is something that those on the other side need to consider supporting.

I want to read a quote regarding another bill that is being blocked in the Senate—the Australian National Preventive Health Agency Bill. I heard the following words yesterday, as an announcement was made: ‘We want to create a strategic unit led by an independent, expert executive with a passion for, and qualifications in, preventative health to support government in driving the biggest cultural change this state has ever seen in health.’ I thought, ‘That’s a good idea—that is what we wanted to do.’ Who do you think made that statement? It was Will Hodgman, leader of the Liberals in Tasmania. He seems to have stolen our idea for a media release that he put out yesterday. He wants to call his preventative health agency, should he win the Tasmanian state election, which is on this weekend, ‘Well Health Tasmania—time for real change’. If the Liberal opposition in Tasmania can support a preventative health measure in this country, perhaps they need to talk to Tony Abbott about preventative health care in this country and just how important it is.

Media

Mr LINDSAY (Herbert) (9.08 pm)—Member for Franklin, I am sorry I intervened on you as a first-time member; however, unfortunately, you blotted your copy book and said, ‘The opposition will not ask questions about health,’ when I was trying to ask a question about health. The question I was going to ask you was: how much new money is the government putting in in this grand health plan? Of course, the answer is nothing; it is coming out of the GST receipts from the states. It is just a transfer—and that is quite extraordinary. As to the suggestion that when we were in government we ripped money out of the health system, the Leader of the Opposition has already answered that.

However, tonight I want to speak about something that we will all agree on. I want to make some points in relation to the media in this country. Print media diversity has changed over time, leaving most communities with only one local daily newspaper. Often that one local daily newspaper, whatever it might be—the *Herbert River Express* or the *Bowen Independent* or the *Innisfail Advocate*—ends up being owned by the same media conglomerate. I have felt for a long time that this is not healthy—and the situation is repeated right across Australia.

Then you see what we particularly see—a growing emphasis that the media place on sensationalism, resulting in commentary on the news appearing to be more important than the news itself. We have all suffered that. We have all seen the sensationalist stories and the editorials that are dressed up as news. It is very unfortunate. I condemn the irresponsible reporting that tears people and their reputations apart in the guise of selling newspapers. It is really unfortunate that that should happen. It is really unfair and undemocratic. It does not help the community to understand issues that are important to them. I question whether the current safeguards
for self-regulation of media ethics are adequate. I support the view that the media should adopt an accountability regime similar to that which is now operating in the United Kingdom.

I do recognise that free media and open political debate are vital for the proper functioning of a democracy. We are lucky to live in Australia—we are lucky to live in Queensland, Mr Deputy Speaker Scott. I was in your electorate yesterday. It was rather wet in Thargomindah and St George, but you are lucky to live there. There was no avgas at Thargomindah and we had to divert to Charleville to refuel. We are able to engage in an open and honest debate about a whole range of issues. The media has to play an important role in this. However, like in almost any area of society, from time to time questionable or unethical conduct occurs.

I do not raise this point tonight to point fingers or make accusations but rather to raise the issue of media ethics and accountability generally. The question I ask the parliament tonight is: who guards the guardians? It is an important question. It was posed by Premier Peter Beattie in his speech to his parliament in 2003. The then Premier posed several interesting questions. He made the point that a key part of our democracy is our government and political institutions being held accountable. Nobody could dispute that. Yet such a notion of accountability is lacking when we talk about the other side of the equation, when we talk about the free press.

When looking at this idea of accountability there are several things to consider. The very nature of media in Australia has changed in recent years. There has been a change in print media diversity, with most communities now having only one local daily newspaper, so there is no choice. Another change has been the growth in sensationalist news reporting. Tonight I am trying to raise awareness and encourage debate about the concept of accountability in the media. This is not about politics, ideology or policy. Indeed, to quote Tony Blair in 2007:

This speech is not a complaint. It is an argument.

A free media is a vital part of a free society. You only need to look at where such a free media is absent to know this truth.

But it is also part of freedom to be able to comment on the media. It has a complete right to be free. I, like anyone else, have a complete right to speak.

Like Tony Blair, I am free to raise this issue. I do not stand here tonight to complain about a particular story or a particular media outlet.

It is the role and right of the media to deliver the news to the Australian people, so in many ways this issue is about trust. Australians put their trust in the news that they watch on TV, listen to on the radio or read in the paper. The media have a responsibility to the Australian people to repay this trust with accurate and fair reporting. Unfortunately, such standards are not always adhered to. Complex topics frequently become subject to sensationalism. Exciting and emotionally charged aspects can be drawn out without providing elements such as pertinent background, investigative or contextual information needed for the viewer to form his or her opinion on the subject. I digress for a moment and say that I am reminded about stories that I have seen appearing about the relationship of an Australian cricketer and his fiancee.

Parliament is no exception. A media piece may report on a political figure in a biased way or present one side of an issue while deriding another. Even in cases of neutrality, there may be examples of privileging one way of thinking over another. This is not about one party or
another; rather, it is something that occasionally happens to people on all sides of the parliament.

Tony Blair went on to say:

... scandal and controversy beats ordinary reporting hands down. News is rarely news unless it generates heat as much as, or more than, light.

How right that is. Monitoring and reporting on the activities of elected officials is a frequent domain of the media, as it should be. However, when investigation fails to give light to anything explosive, a sensational piece is not the answer. For these reasons, I believe that something must be done. It may be appropriate to investigate whether a media accountability scheme, similar to that which exists in the United Kingdom, could be implemented. In investigating such issues, the parliament should set up an inquiry into media ethics and accountability. People should be able to tell their stories whether they are personally affected by inaccurate or sensationalist reporting or feel that they have been deceived by such reports. While I am not suggesting that these instances are frequent, it is important that accountability avenues exist for when they do occur.

The notion of media ethics is not a new one. The Australian Journalists Association have their own code, which requires journalists to:

1. Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis.

Boy I wish that would happen in the media, particularly the print media, today! It is not a new concept. Media Watch, on the ABC, gives several examples every week of situations where the media get it wrong. Last week’s episode featured a Channel 10 news report alleging that high-school students in Brisbane were using a CBD alleyway to deal illicit drugs. Despite suggestions by the reporter that drug deals had been captured on camera, the only footage shown was of two students giving each other a ‘low five’, not exchanging money for drugs as was suggested. This is another unfortunate example of sensationalist reporting, where an explosive headline is bigger than the actual facts or footage. Sensationalism and inaccuracy happens. For this reason, we need a more formalised structure of accountability which goes further than a 15-minute self-regulatory television program. We should investigate which measure would be most appropriate in any accountability framework and whether it should be an ombudsman or an independent inquiry. A free media, an open political debate, adds to and enhances the vibrancy of the Australian community. We must make sure that this vibrancy is not harmed by instances of sensationalist, inaccurate or biased reporting. So I recommend to the parliament that we set up a parliamentary inquiry into the adequacy of accountability mechanisms for media ethics in Australia.

Middle East

Mrs IRWIN (Fowler) (9.18 pm)—I rise tonight to comment on an article in the Sunday Telegraph on 7 March 2010. The article, by the National Secretary of the Australian Workers Union, Mr Paul Howes, highlights three things: (1) that Mr Howes is ignorant of the concept of justice; (2) that Mr Howes has little appreciation of the values that Australians hold dear; and (3) that Mr Howes is completely ignorant of why unionists the world over abhor extrajudicial killings. Mr Howes’s article celebrates the recent killing in Dubai of Mr Mahmoud al-Mabhouh, a member of the Palestinian group Hamas, which Mr Howes described as ‘an ugly Islamo-fascist terrorist organisation’. Paul Howes not only praises the extrajudicial killing of
al-Mahbhouh, but happily declares his pride in Australia’s accidental involvement by virtue of the use of forged Australian passports to facilitate the travel of those involved in this murder.

While no-one is rushing to claim responsibility for the killing, there is ample anecdotal supposition that the state of Israel may be responsible for this extrajudicial killing. Anecdotal evidence and supposition do not stand up in a court of law. In the absence of a direct admission or direct evidence of the real identities of those involved there may be little that can be done, and that is very much the point. We will now never have the evidence against al-Mahbhouh presented to a court. Its veracity will never be tested. There will be no due process. Al-Mahbhouh will never face his accusers, and the families of his alleged victims will never have the opportunity to see him face public scrutiny for his alleged crimes, nor will they receive justice. These families will never have the opportunity to see the evidence and know for certain that al-Mahbhouh was directly responsible for their tragedies.

In the case of Iraq’s Saddam Hussein, he was captured, due process was observed, he was tried in a court of law, evidence was presented, and he was convicted and sentenced. The families of Saddam Hussein’s victims received justice. The old adage says: justice must not only be done; it must be seen to be done. Extrajudicial killings fall far short of this standard and they have no place in a true democracy. Yet Paul Howes is happy for our laws to be broken, for our sovereignty to be impinged upon and for the Australians whose identities were stolen to be placed in precarious positions—Australians, I might add, who share Israeli citizenship, Australians who now face the prospect of being detained whenever they travel because of Interpol alerts. They must now prove their innocence but even then when they travel their doubts will remain, not to mention the other Israeli dual nationals from various countries who have also had their identities stolen in the commission of this murder. I am certain that these individuals would object to their identities being stolen for the commission of a crime.

The term extrajudicial killing is a polite way of referring to state sponsored murder, the execution of individuals without judicial sanction and without due process. Of course the Dubai killing is not the first time extrajudicial killings have been used as a tool to eliminate those deemed to be enemies of the state or simply undesirable. It has long been a tool of totalitarian regimes and military dictatorships around the world. Regimes in Europe, Africa, Asia, Latin and South America have all used this tool to eliminate opponents. In Latin and South America, for example, those who were opposed to right-wing regimes or military dictatorships were simply eliminated by right-wing death squads. Many of these were unionists representing the working class and defending workers’ rights and many were identified as left-wingers or communists and deemed opponents of a regime. Thousands disappeared in an orgy of kidnapping, torture and murder. In south-western Sydney today the Latin and South American communities tell of their stories. Many have told me personally of fleeing from their homelands in order to escape the extrajudicial punishment and extrajudicial murders meted out at the hands of regime thugs, often police, military or intelligent operatives acting under a cover with a nudge and a wink from those apparently in charge. Many lost family and friends without justification, and many victims remain missing even today.

It may be easy for Paul Howes to glorify extrajudicial killings from the sidelines, but if we legitimise this extrajudicial killing we legitimise them all, because each one is based not on law but on hearsay and a subjective point of view. But such a view may not always be admissible in a court. It has no legal basis and falls far short of the judicial and community standard.
It would be open slather. What would the reaction have been had the killers in Dubai been discovered and forced to kill others to effect an escape? A hotel worker, a hotel guest or a tourist—would they have just been collateral damage? What would the reaction of Paul Howes have been had the killings taken place on the streets of Sydney or Melbourne? Would the Australian media have been as accepting? Would we have excused this as an act of a friend?

While professing to share those values that we as Australians hold dear, Mr Howes is ready to compromise them by terminating a life without judicial warrant or excuse. If it is acceptable for one group to act outside traditional norms and practices and kill, then it will be open to others to act in a similar way. Civilised societies do not accept this. Democratic and fair societies certainly do not. Australia does not and would not condone extrajudicial killings, nor can we accept being a party to them, intentionally or unintentionally. Mr Howes needs to be reminded that in Australia we no longer have the death penalty. In fact, legislation has just passed in this parliament to extend the current Commonwealth prohibition on the death penalty to state laws. It ensures that the death penalty cannot be reintroduced in Australia; and extrajudicial killing, therefore, necessarily cuts against the grain. To be involved in its commission innocently or otherwise is abhorrent and unacceptable.

The killers of al-Mabhouh, and their supporters, were willing to commit identity fraud and commit passport and visa fraud to travel to a third country to murder an individual declared an enemy of the state by a small, unknown and unaccountable group of individuals. In so doing, the perpetrators have trampled on the sovereignty of several nations, including our own—Australia. The reaction of the federal government, the Prime Minister and the foreign minister is entirely appropriate. The use of forged Australian passports is now being investigated by the Australian Federal Police and other agencies. Action will no doubt be taken if the evidence obtained warrants it.

Rest assured that any further action by the Australian government will not involve extrajudicial punishment. As a society Australians have always championed legal rights. Evidence is collected by the police and assessed by the state’s legal officers. If that evidence warrants them, charges may be laid against an accused. Due process is observed. The evidence is presented in a court of law. If the accused is found guilty, punishment is handed out according to law—not according to what I think, not according to what Paul Howes thinks, but according to the law. Justice is not only done; it is seen to be done. It is the foundation of our Australian democracy and it is the foundation of our Australian society. I shudder to think where we might be without it, but I shuddered even more when I read the last paragraph of Paul Howes’s article:

Therefore, it is in our nation’s interest to do whatever we can to remove these vile people from power—by any means necessary.

Paul Howes—judge, jury and executioner.

The DEPUTY SPEAKER (Hon. BC Scott)—There being no further grievances, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Main Committee adjourned at 9.28 pm
QUESTIONS IN WRITING

Totally and Permanently Incapacitated Disability Pensioners
(Question No. 1035)

Mrs Markus asked the Minister for Veterans’ Affairs, in writing, on 19 October 2009:
In respect of the Government’s secure and sustainable pension reform package announced in the 2009-10 Budget:
(a) how many TPI recipients
   (i) have; and
   (ii) have not, received a financial benefit;
   and;
(b) what is the
   (i) average fortnightly payment per recipient; and
   (ii) age breakdown of recipients in parts (a) (i) and (ii).

Mr Griffin—The answer to the honourable member’s question is as follows:
(a) As at September 2009,
   (i) 23,460 Totally and Permanently Incapacitated (TPI) disability pensioners who receive an eligible income support payment from either my Department or Centrelink received some increase.
   (ii) 5,362 TPI disability pensioners did not receive a benefit as they were not in receipt of an eligible income support payment.
(b) (i) Of those TPI recipients who received a benefit, their total average fortnightly payment from my Department is $1,444.89. This fortnightly payment ranged from $1052.30 to $1694.00, for singles and from $1044.90 to $1694.00 for partnered TPI pensioners. These figures comprise both TPI and service pension. TPI pension is an amount of $1,022.10 per fortnight.
   (ii) Age

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<tr>
<th>Age</th>
<th>Received Benefit</th>
<th>Did Not Receive Benefit</th>
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<tr>
<td>under 40</td>
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<td>16,226</td>
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<td>80 - 89</td>
<td>2,075</td>
<td>617</td>
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<td>90 +</td>
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Some TPI pensioners may be impacted by the new income taper rate for the assessment of income support payable. The income taper rate increased from 40 cents (20 cents per member of a couple) to 50 cents (25 cents per member of a couple). Pension is reduced in this manner for income exceeding the threshold of $248 per fortnight for couples and $142 for singles. This same taper rate is used for both service pension and Centrelink pensions. Those affected by the new taper rate are protected by transitional provisions which remain applicable until their assessed rate under the new taper rate is higher.

QUESTIONS IN WRITING
Irregular Maritime Arrivals
(Question No. 1090)

Mr Simpkins asked the Minister representing the Minister for Immigration and Citizenship, in writing, on 16 November 2009:

(1) How many irregular maritime arrivals from Sri Lanka who have or are being processed by Australian authorities on Christmas Island or elsewhere, were in possession of a legitimate passport or identity document when first detained.

(2) How many irregular maritime arrivals who commenced their journey from Sri Lanka or Afghanistan and have or are being processed by Australian authorities on Christmas Island or elsewhere, had utilised aircraft at any stage of their journey.

Mr McClelland—The Minister for Immigration and Citizenship has provided the following answer to the honourable member’s question:

(1) Of the 742 Sri Lankan nationals who arrived between 27 November 2008 and 9 December 2009, 147 carried a form of identification which included, one or more of, a passport, identification card, driver’s licence, UNHCR letter or birth certificate.

(2) Based on information provided by 1532 Afghan nationals who had been interviewed as at 31 December 2009, all had utilised air travel as part of their journey to departure points in South East Asia. Of the 742 Sri Lankan nationals referred to above, 492 had transited South East Asia and would have used air travel at some stage of their journey.

Indonesia: Counter-Terrorism
(Question No. 1093)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 16 November 2009:

What sum of money will the Government commit from 1 July 2011 to 30 June 2015 to counter terrorism initiatives in Indonesia.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:

In the 2009-10 Budget, the Government committed $28.1 million over three years from 2010-11 to the Department of Foreign Affairs and Trade, as part of a cross-portfolio Budget measure of $193.2 million (from 1 July 2009 to 30 June 2013) to continue Australia’s international counter-terrorism capability and programs. The Budget measure focuses on building capacity to address terrorism challenges in South-East Asia. The Government has made no specific funding commitment for counter-terrorism activities solely in Indonesia. However, Australia and Indonesia have had first-class cooperation in counter-terrorism matters over a number of years and the Government is committed to continuing close cooperation in the future.

Human Rights: Afghanistan
(Question No. 1099)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 16 November 2009:

(1) What investigation by the Government has been undertaken into reports that new laws in Afghanistan deny women their basic rights.

(2) Have any meetings been held on this issue; if so, who attended, and on what dates and locations were they held.
(3) Has the Australian Government made any representations to the Afghanistan Government on the new laws; if so, can he indicate what response was given.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:

(1) The Australian Government is firmly committed to efforts to protect and promote human rights in Afghanistan, and continues to monitor developments in relation to the Shia Personal Status Law (SPSL), which came into effect on 27 July 2009. The Government supports efforts by the international community, led by the United Nations Assistance Mission in Afghanistan (UNAMA), to seek clarification from Afghan authorities of the provisions of the SPSL and their implications for the rights of women. These efforts have been hampered by the absence of an official English-language translation of the law and by uncertainty about how the legislation would be applied in relation to other relevant Afghan laws.

(2) and (3) The Australian Government has made formal representations on the SPSL to the Afghan Government in Kabul and in Canberra. The Deputy Head of Mission at the Australian Embassy Kabul made representations on the SPSL to the Afghan Ministry of Foreign Affairs (MFA) in May and June 2009. The Afghan MFA noted Australia’s concerns on this matter. DFAT senior officials also made representations on the SPSL to the Ambassador of the Islamic Republic of Afghanistan in Canberra in June 2009. The Ambassador undertook to relay Australia’s views to Kabul. Further representations were made by DFAT senior officials on two occasions in January 2010. Subsequent to these discussions, the Afghan Embassy advised that it had confirmed that no official English-language translation was available. The SPSL has been discussed in the course of the Australian Government’s regular engagement with Afghan authorities and international partners in Kabul on a range of Afghan matters. In September 2009, I raised the issue of women’s rights in the Group of Friends of Afghanistan meeting in New York, which was attended by Afghanistan’s (then) Foreign Minister Spanta. In my address at the London Conference on Afghanistan in January 2010 I raised the importance of the Afghan Government meeting the needs of women and girls.

Whaling
(Question No. 1122)

Mr Hunt asked the Minister for the Environment, Heritage and the Arts, in writing, on 23 November 2009:

What action has the Government taken to commence international court action against Japan on whaling.

Mr Garrett—The answer to the honourable member’s question is as follows:

The Government has received legal advice on the possibility of commencing legal action against Japan in relation to its so called ‘scientific’ whaling program, and has indicated that should diplomatic efforts not succeed, it will commence international legal action prior to the next Southern Ocean whaling season. This stands in contrast to the record of the previous Coalition Government, who repeatedly dismissed the prospects of international legal action and refused to undertake monitoring of the Japanese whaling fleet in support of potential legal action.

Australian Noise Exposure Forecast
(Question No. 1184)

Mr Baldwin asked the Minister for Defence Personnel, Materiel and Science, in writing, on 4 February 2010:

(1) Will land owners be able to apply for compensation from the Department of Defence for the installation of noise attenuation measures if their Development Applications were submitted to the Plan-
ning Authority at Port Stephens Shire Council (PSSC) based on the 2012 Australian Noise Exposure Forecast (ANEF) but before the new 2025 ANEF maps were made public.

(2) On what date(s) was the PSSC given a copy of the (a) draft, and (b) endorsed versions of 2025 ANEF.

(3) On what date was the PSSC authorised by Defence to publicly release the information contained in the 2025 ANEF, and why was this date chosen by Defence.

(4) Why was the 2025 ANEF distributed separately to the Draft Public Environment Report (PER).

(5) Is the information in the (a) 2025 ANEF, and (b) Draft PER, subject to review or approval by any other non-Defence Portfolio Minister; if so, which one(s).

Mr Combet—The answer to the honourable member’s question is as follows:

(1) The promulgation of the 2025 Australian Noise Exposure Forecast (ANEF) does not of itself impact upon the Development Applications by landowners in this circumstance. The landowners’ Development applications are affected by the Council’s Development Control Plan (DCP) which gives effect to the impact of any changes in the 2025 ANEF. Landowners may choose a discretionary mechanism to attempt to obtain compensation for changes between the 2012 and 2025 ANEFs.

(2) (a) 6 October 2009.
(b) The new ANEF 2025 was released to the public on 23 October 2009. A letter was sent to the Port Stephens Shire Council on 12 November formerly advising them of the final ANEF maps release.

(3) ANEF 2025 was made publicly available on the Defence website after its endorsement on 23 October 2009. Some minor cosmetic changes to the title block of the map were required to be made. This accounts for the delay in the final date of release of 23 October 2009. Importantly these amendments did not involve any change to the contours on the map.

(4) The development of an ANEF and the development of a Public Environment Report (PER) are two separate processes. Given that aircraft noise is one of the significant environmental considerations for Joint Strike Fighter (JSF) introduction, it was logical for the ANEF 2025 and the New Air Combat Capability Draft PER to be developed in parallel. However, whilst ANEF 2025 figures were depicted in the Draft PER, ANEF 2025 remains a separate document developed through a separate process.

(5) (a) No. The development and approval of ANEF is an internal Defence process. However, while this is an internal process to Defence and external approval by other Ministers is not required, any directions or conditions (such as planning or environmental restrictions) must be factored in when developing the ANEF.
(b) No. The Draft PER was conducted voluntarily by Defence in order to inform Defence’s referral of JSF operations to Department of Environment, Water, Heritage and the Arts (DEWHA) under the Environment Protection & Biodiversity Conservation Act 1999 at a future date. When Defence refers JSF OPS to DEWHA, that department will decide the scope of environmental study and public consultation required in order for JSF operations to be formally approved. This further study (likely to be an Environmental Impact Statement or PER) will be subject to DEWHA approval. As part of this process the Minister for Environment, Heritage and the Arts may impose conditions that require refinement of JSF operations and therefore refinement of ANEF 2025.
Air Weapons Ranges  
(Question No. 1187)

Mr Baldwin asked the Minister for Defence Personnel, Materiel and Science, in writing, on 4 February 2010:

(1) What proportion of overall aircraft training are (a) Joint Strike Fighter (JSF) qualified pilots, and (b) JSF trainee pilots, likely to conduct in (i) JSF simulators, and (ii) actual aircraft, utilising air weapons ranges including the Salt Ash Air Weapons Range.

Mr Combet—The answer to the honourable member’s question is as follows:

(1) (a) and (b) Air Force proposes to use simulators to the maximum extent practicable for JSF training purposes for reasons of safety, economy and to minimise environmental impacts.

(i) Of the estimated average 250 total JSF hours per year, per pilot, approximately one third will be spent in the simulator.

(ii) Of the actual hours flown in the aircraft, less than 5% are expected to require the use of weapons ranges such as Salt Ash Air Weapons Range. While Air Force aims to minimise the environmental impacts of use of weapons ranges, some use is required to ensure operational proficiency.

Air Weapons Ranges  
(Question No. 1189)

Mr Baldwin asked the Minister for Defence Personnel, Materiel and Science, in writing, on 4 February 2010:

In respect of comments in the Draft Public Environment Report: Operation of the JSF Aircraft as New Air Combat Capability (NACC) at RAAF Base Williamtown and Salt Ash Air Weapons Range (October 2009, page 115) that noise insulation does not appear warranted as a result of the Joint Strike Fighter, will those residents that live within the 2025 Australian Noise Exposure Forecast and are applying for Development Applications be able to obtain a letter from Defence precluding them from having to install noise attenuation measures.

Mr Combet—The answer to the honourable member’s question is as follows:

No – The Port Stephens Council will decide whether to mandate the installation of noise attenuation. This decision is likely to be made on the basis of information contained in the Australian Noise Exposure Forecast 2025 provided by Defence. However, ultimate responsibility for the decision rests with the council.

Prostate Cancer  
(Question No. 1196)

Mr Oakeshott asked the Minister for Health and Ageing, in writing, on 4 February 2010:

Is item 37218 (injection into prostate) no longer recognised under the Medicare Benefits Scheme; if so, why, and does this mean that rebates for the insertion of gold seeds into the prostate for radiotherapy treatment of prostate cancer no longer apply.

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

The insertion of gold fiducial seeds into the prostate and their use as markers for Image Guided Radio Therapy (IGRT) in the treatment of prostate cancer are new medical services that have not had their safety, effectiveness and cost effectiveness evaluated by the Medical Services Advisory Committee (MSAC).
Item 37218 is payable for an injection into, or a needle biopsy of the prostate. The term ‘injection’ in the context of this item was intended for the injection of antibiotics or other medicines.

In January 2010, the Faculty of Radiation Oncology, RANZCR, committed to providing an application to MSAC for an assessment of IGRT (using gold fiducial seeds as markers). As a consequence there will be no changes to the item descriptor at this time.

In the interim, my Department has agreed that item 37218 can continue to be used for the insertion of gold fiducial seeds.

**Securency International Pty Ltd**

*(Question No. 1201)*

Ms Julie Bishop asked the Minister for Home Affairs, in writing, on 8 February 2010:

Are the Australian Federal Police investigating Securency International Pty Ltd, and have there been any raids on its staff.

Mr Brendan O’Connor—The answer to the honourable member’s question is as follows:

The Australian Federal Police (AFP) is currently investigating allegations that Securency International Pty Ltd engaged in bribery of foreign public officials in an effort to secure contracts for the supply of its substrates, which are used to print banknotes.

The AFP has executed search warrants on two residences in Victoria relating to employees of Securency International Pty Ltd. As a result documents and electronic material was seized.

The AFP has also executed two search warrants on Securency International Pty Ltd. As a result documents were seized. The investigation is ongoing.

**Charles Zentai**

*(Question No. 1206)*

Ms Julie Bishop asked the Minister for Home Affairs, in writing, on 8 February 2010:

Why does the Government believe it is necessary to extradite Charles Zentai, are there alternative arrangements that could be made for the investigation of him, and did the Government originally oppose his bail; if so why.

Mr Brendan O’Connor—The answer to the honourable member’s question is as follows:

In 2005 the Republic of Hungary requested the extradition of Mr Charles Zentai to face prosecution for a war crime allegedly committed in World War II. Any extradition request received from Hungary is considered on its merits in accordance with the requirements of the *Extradition Act 1988* (Cth) and the Extradition Treaty between Australia and Hungary. On 12 November 2009, I made a final determination under the Extradition Act that Mr Zentai should be surrendered to Hungary. The extradition process does not involve an assessment of guilt or innocence. I arrived at my determination following careful consideration of the provisions of the Extradition Act and Treaty between Australia and Hungary and taking into account relevant representations and considerations.

Matters relating to the investigation and prosecution of a person for a war crime offence in Australia are matters for the Australian Federal Police and the Office of the Commonwealth Director of Public Prosecutions as independent statutory authorities. Allegations of war crimes committed overseas can give rise to complex legal and factual issues that would need careful consideration by law enforcement agencies. As a matter of longstanding practice, Australia supports prosecution of offences in the country in which the offence occurs.

Following his initial arrest in Perth on 8 July 2005 Mr Zentai was granted conditional bail. He remained on conditional bail until 22 October 2009 at which point he was committed to Hakea Prison under the Extradition Act in accordance with the orders made by a magistrate in extradition proceedings, to await
my final determination whether he was to be surrendered to Hungary. Mr Zentai continued to be held in
custody, as is required under the Extradition Act, following my decision that he should be surrendered.
On 4 December 2009, an application was filed in the Federal Court on behalf of Mr Zentai seeking ju-
dicial review of my determination that he be surrendered to Hungary. As part of Mr Zentai’s application
to have my determination judicially reviewed, he also sought interlocutory orders that he be released on
conditional bail. On 16 December 2009, the Federal Court determined that it had the power to release
Mr Zentai on bail. The Federal Court granted Mr Zentai interlocutory relief, and released him on bail
pending the hearing of the judicial review application. At the hearing before the Federal Court the
Commonwealth did not oppose bail. The judicial review application has been listed for hearing on 31
March 2010.

Indigenous Affairs: Pre-Recruitment Courses
(Question No. 1214)

Mr Robert asked the Minister representing the Minister for Defence, in writing, on 9 Feb-
uary 2010:
In respect of the indigenous pre-recruitment courses:
(1) Of the 22 young locals who enrolled in the August 2008 pilot in Townsville, how many:
   (a) graduated;
   (b) went on to enlist in the military;
   (c) were accepted into the military; and
   (d) completed basic and Corps specific training and were then posted to their Unit.
(2) Since the August 2008 pilot in Townsville:
   (a) how many courses have been held and in what locations,
   (b) what total number of students has graduated, and
   (c) how many graduates:
      (i) went on to enlist in the military,
      (ii) were accepted into the military, and
      (iii) completed basic and Corps specific training and were then posted to their Units.

Mr Combet—The Minister for Defence has provided the following answer to the honourable
member’s question:
(1) (a) 15.
   (b) and (c) 10 passed the Defence Force Recruiting aptitude test and 5 enlisted in the military.
   (d) 3.
(2) (a) Since the pilot in Townsville three further courses have been held, one in Newcastle and two
     in Southwest Sydney.
   (b) 75.
   (c) (i) and (ii) 62 passed the Defence Force Recruiting aptitude test and 10 went on to enlist in
      the military.
      (iii) 2.
In summary, there have been 90 course graduates across the four courses, of which 72 or 80 per cent
have successfully completed the Defence Force Recruiting (DFR) aptitude testing. This compares with
DFR general statistics of 29 per cent of applicants passing the aptitude testing.
Mr Robert asked the Minister for Defence Personnel, Materiel and Science, in writing, on 22 February 2010:

In respect of the 2010 Army Aboriginal Community Assistance Program, (a) where will it be conducted, (b) what are the start and end dates, (c) which units will be involved, and (d) what are the anticipated outcomes.

Mr Combet—The answer to the honourable member’s question is as follows:

(a) Pukatja, in the remote north of South Australia.
(b) The Program will be undertaken during the period May to September 2010.
(c) 17th Construction Squadron, which is part of 6 Engineer Support Regiment, and 19 Chief Engineer works.
(d) The likely scope of works will include the commissioning of two water bores and approximately 14km of pipeline to augment the town water system. Up to three new community homes will be built, as well as upgrade and maintenance of the Pukatja roads linking the Umuwa and Kaltjiti communities. The Program will also upgrade the Pukatja School with the provision of seating and shade. They will also undertake health and trade training support and mentoring.