### INTERNET


### 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 Moyeran MP, Mr Rowan Eric Ramsey MP, Ms Janelle Anne Saffin MP, Mr Albert John Schultze 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 Wash 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

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

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<td>Washer, Malcolm James</td>
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<td>Windsor, Anthony Harold Curties</td>
<td>New England, NSW</td>
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<td>Wood, Jason Peter</td>
<td>La Trobe, Vic</td>
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<td>Zappia, Tony</td>
<td>Makin, SA</td>
<td>ALP</td>
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**PARTY ABBREVIATIONS**

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

### Heads of Parliamentary Departments

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

Prime Minister
Hon. Kevin Rudd MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for Defence and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs and Deputy Leader of the House
Hon. Stephen Smith MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change, 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
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<th>Role</th>
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<tr>
<td>Leader of the Opposition</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals</td>
<td>Hon. Warren Truss MP</td>
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<tr>
<td>Shadow Minister for Resources and Energy and Leader of the Opposition in the Senate</td>
<td>Senator Hon. Nick Minchin</td>
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<tr>
<td>Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<tr>
<td>Shadow Minister for Infrastructure and Water</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Attorney-General</td>
<td>Senator Hon. George Brandis SC</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>Hon. Peter Dutton MP</td>
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<td>Shadow Minister for Families, Housing and Human Services</td>
<td>Hon. Kevin Andrews MP</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of The Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Finance and Debt Reduction and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<tr>
<td>Shadow Minister for Agriculture, Food Security, Fisheries and Forestry</td>
<td>Hon. John Cobb MP</td>
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<td>Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities</td>
<td>Hon. Bruce Billson MP</td>
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<td>Shadow Minister for Broadband, Communications and the Digital Economy</td>
<td>Hon. Tony Smith MP</td>
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<td>Shadow Minister for Immigration and Citizenship</td>
<td>Mr Scott Morrison MP</td>
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<tr>
<td>Shadow Minister for Innovation, Industry, Science and Research</td>
<td>Mrs Sophie Mirabella MP</td>
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<tr>
<td>Chairman of the Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO MP</td>
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[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

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

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

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

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

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

Shadow Minister for Justice and Customs
Mr Michael Keenan MP

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

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

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

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

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

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

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

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

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

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

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

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

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Richard Colbeck
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Tuesday, 16 March 2010

The SPEAKER (Mr Harry Jenkins) took the chair at 2.00 pm and read prayers.

DEFENCE: AUSTRALIAN REMAINS

Mr RUDD (Griffith—Prime Minister) (2.00 pm)—On indulgence, I rise to announce that the remains of two Australian servicemen missing in action since 1966 in Indonesia have been found and have now been positively identified. In March 1966 Special Air Service patrolmen Lieutenant Kenneth Hudson from Brisbane and Private Robert Moncrieff from Newcastle were part of an SAS patrol conducting border security operations during the confrontation between the Federation of Malaysia and Indonesia. During a river crossing they were separated from the other members of their patrol. Despite extensive searches at the time, they were not found.

In 2008 the Army commenced an investigation to locate the remains of these two men. In 2009 the Indonesian Armed Forces agreed to assist and a joint investigation and research team was formed. As a result of strong cooperation between the Australian Defence Force and the Indonesian Armed Forces, TNI, and the commitment of serving Australian personnel and veterans the remains of these two Australian soldiers have now been found. In particular, we thank the local Indonesian people who helped the joint search team locate the burial sites.

For 44 years the families and loved ones of these two soldiers have been left with uncertainty. Now their remains can be brought home to their final resting place in Australia. Our thoughts are with their families and loved ones today as we honour the service of Lieutenant Kenneth Hudson and Private Robert Moncrieff.

There have been news reports today that a number of the remains of Australian soldiers who lost their lives at the Battle of Fromelles in 1916 have been identified. The discovery of these remains and the work to identify them and to rebury them in a fitting Commonwealth cemetery has been an important task. I wish to inform the House that the government is currently in the process of contacting the relevant families. Obviously, for the families involved this will be momentous news and we will make a public statement once the families have been contacted.

Mr ABBOTT (Warringah—Leader of the Opposition) (2.03 pm)—On indulgence, I rise to support the remarks of the Prime Minister. It is good that the Indonesians have been cooperating with us in the quest for the remains of these two brave Australian soldiers. I am sure that the discovery of the remains will be of some consolation to the families of Lieutenant Hudson and Private Moncrieff.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mr ABBOTT (2.03 pm)—My question is to the Prime Minister. I remind the Prime Minister of his promise in 2007 to take, ‘A very hard line, a very tough line on people smuggling’. Prime Minister, with 24 boats and over 1,200 unauthorised arrivals in just the past 10 weeks, isn’t your hollow promise of 2007 just the latest example of a government which is all talk and no action?

Mr RUDD—I thank the honourable member for his question. I inform the honourable member of the following in response to his question: the highest number of boats arriving in Australia in any one year was, in fact, in the year 1999 when 3,700 asylum seekers arrived on 86 boats. That is one measure. The highest number of asylum seekers arriving in Australia in any one year
was in 2001 under the previous Howard government.

Mr Morrison interjecting—

Mr Rudd—In response to the honourable member who refers I believe to recent statistics, in November 1999 there were 14 boat arrivals—the highest number of boats in any one month on record. This was followed by a further 10 arrivals in December 1999. I refer to a quote from the then minister who said that in the period following:

… I November 1999, 29 boats and 2 245 people have arrived illegally in Australia, mostly from the Middle East and the sub continent.

When the Leader of the Opposition asks questions about the effectiveness of government policy at different times and under different security circumstances, I would draw his attention to the historical record of his own party when in government. Furthermore, in response to the Leader of the Opposition’s question, firstly, the Australian government has more naval and air assets patrolling our borders than any other government. Secondly, we are investing more in international and regional action to counter people smuggling than any other government. Thirdly, we have arrested more people smugglers than any other government, I am advised, with 117 arrests of which 89 are currently before the courts. Fourthly, I am advised that under this government we are seeing more people-smuggling ventures disrupted than under any other government.

I say to those opposite that the responsibility of any elected government of Australia is to take appropriate action in response to whatever global security circumstances and regional security circumstances present to that government at the time. Mr Howard when he was Prime Minister did so in the surge in people-smuggling activity which occurred in the late 1990s and the early 2000s. This government is doing so today in response to the challenges which have, in particular, arisen from Sri Lanka. In response to the Leader of the Opposition, this government will continue to take a responsible approach in dealing with the challenge of people smuggling and those who are found not to be genuine asylum seekers will be sent back home as, in fact, we have already done in a number of cases.

Hospitals

Mrs D’Ath (2.07 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on how the government is addressing the challenges of the workforce shortage in the health system after years of neglect and inaction?

Mr Rudd—I always like that fact that when a question on health and hospitals is asked in this parliament those opposite have one response, which is to laugh. Those opposite do not actually have a lot to laugh about when you reflect upon their 12 years of inaction in office. The government yesterday announced that we would be investing in more than 6,000 new doctors on the ground: 5,500 new or training general practitioners, 680 specialists and 5,400 pre-vocational general practice placements. Can I also say to those opposite that this follows on the 35 per cent increase in GP training places already in this government’s first two years in office.

Those opposite should pay some attention to the indications of support which the government has received in response to the announcement it made yesterday. Firstly, from the AMA president:

This is a very strong investment in medical training and an acknowledgement by the Government of the vital role that GPs will play in meeting the future health needs of the Australian population.

Furthermore, from the President of the Royal Australian College of General Practitioners:
This is a very important investment by the government into general practice …

The evidence is clear that more GPs will lead to better health outcomes, enhanced health prevention, better management of chronic illness and lower rates of unnecessary hospital admissions.

Furthermore, we have a statement from the Australian Medical Students Association:

Medical students around Australia, especially those set to graduate from 2012 onwards, will breathe a collective sigh of relief when hearing these announcements and will now be more optimistic and certain about the future of their training in Australia.

This is the action the government has undertaken in its first two years in office and our planned proposed action when it comes to additional GP training places and specialist training places for the future.

On the question of health workforce shortages, I draw the attention of the Leader of the Opposition to the number of warnings he received in the four years plus that he was health minister of Australia. In 2005 there was a Productivity Commission report warning him of the acute emerging shortage in the health workforce of Australia. This followed a 2003 warning by the President of the AMA, who said:

The workforce shortage is a direct consequence of restricting the number of medical students and medical provider numbers - together with the underfunding of Medicare - especially since the mid-1990s.

But these are just two warnings. If you go to the entire list of the warnings which the Leader of the Opposition received when he was health minister, it is a staggering length of warnings that he received in those four years plus that he was minister. He got seven warnings on the shortage of doctors, nine warnings on the shortage of nurses, three warnings on the shortage of specialists, four warnings on the shortage of funding, two warnings on the shortage of surgeons and three warnings on the state of the health system but, despite all of that, what is the sterling defence used by the Leader of the Opposition today as to why he did nothing? He said today when asked this question, ‘We were about to start tackling the public hospital system when we lost office.’ He had been in office for 12 years and he had been the health minister for four or five years, and the one line of defence he comes up with today of all days, fifteen years later, is, ‘We were about to start tackling the public hospital system.’

Is it any wonder that no-one in the public believes the Leader of the Opposition on health and hospitals? His record is appalling. He gouged a billion dollars out of the public hospital system, he froze GP training places and his one line of defence is, ‘I was going to do something about it on the eve of the last election.’ We are interested in what you are going to do now as well!

DISTINGUISHED VISITORS

The SPEAKER (2.12 pm)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the Kingdom of Tonga. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mr SIMPKINS (2.12 pm)—My question is to the Prime Minister. I refer the Prime Minister to his promise in 2007 that Labor’s policy is that if people are intercepted on the high seas then these vessels should be turned around. Prime Minister, with 92 boats intercepted and 4,100 unauthorised arrivals since the government weakened our border protection laws, and with reports of an imminent massive transfer of asylum seekers to the
mainland, why should people believe this year’s election promises when the Prime Minister has not kept his promises from the last election?

Mr Rudd—I thank the honourable member for his question. I assume he would also of course be concerned about the fact that during the period of the Howard government we had in given years 3,700 people arrive, 2,900 people arrive, 5,500 people arrive—in fact, the gold, silver and bronze awards when it comes to the arrival of individuals in this country by boat goes to the Howard government one, two and three.

Mr Morrison—Mr Speaker, I rise on a point of order that goes to relevance. The Prime Minister was asked about his broken promise to turn the boats back.

The Speaker—The member for Cook will resume his seat.

Honourable members interjecting—

The Speaker—It would be very unfair for the minority of members that are actually cooperating to perhaps suggest that this place is being conducted as an asylum. If people cannot show a little bit of respect to others and just conduct conversations across the chamber and show their disregard for question time, we may as well move on to other business. The Prime Minister has the call. He is responding to the question.

Mr Rudd—The honourable member also asked about the use of onshore facilities. I draw the honourable member’s attention to the following. In fact, in 2006-07—notwithstanding what was then described as the Pacific solution—we had the transfer of asylum seekers from Christmas Island, Nauru and Manus to various mainland centres. That occurred during the period when the Leader of the Opposition’s party was in government. But of course we could not possibly expect consistency on the part of those opposite on these questions; nor could we expect consistency on the part of those opposite when, not long after this government was elected and we changed the Pacific solution, the then shadow minister for immigration and citizenship came out and publicly welcomed the changes we had embraced. But that seems to have been airbrushed from history as political opportunity presents its face right now to the Leader of the Opposition.

I also draw the Leader of the Opposition’s attention to the following statement:

It is timely to remember that the use of people smugglers to get around a country’s rules about who can come and who can stay is a worldwide problem. Australia is not alone.

That was said by none other than Phillip Ruddock when he had charge and responsibility for the immigration system of Australia. Therefore, when it comes to consistency when confronted with the challenges of global push factors from the Middle East and from the region and dealing with them on the ground, those opposite were confronted with the same sorts of challenges that this government has been confronted with as well.

I draw their attention to their practice—that is, their use of various facilities. I draw their attention to the statements made by Phillip Ruddock and by others. And I draw their attention also to the fact that, when it comes to the numbers of people arriving here by boat and by other means, during their period in government there were quite a considerable number of arrivals in this country. As I said, based on those numbers that I presented to the parliament before, they were most significant indeed—running into the thousands—and across a single three-year period there were almost 12,000 in total.

These are practical challenges faced by governments across the world. This government will continue to implement a responsible policy—one which deals with the chal-
challenges that present themselves through
global circumstances. We continue to main-
tain a policy which includes offshore proc-
essing, which includes mandatory detention,
which includes stringent health, identity and
security checks, which protects our national
security and one in which we also act consis-
tently with this country’s international obli-
gations.

DISTINGUISHED VISITORS
The SPEAKER (2.18 pm)—I inform the
House that we have present in the gallery
this afternoon the Deputy Chair of the Afri-
can Union Commission, His Excellency Er-
astus Mwencha. On behalf of the House I
extend to him a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE
Medical Workforce
Ms KING (2.18 pm)—My question is to
the Minister for Health and Ageing. What
has been the response from stakeholders in
the broader community to the government’s
plan to train a record number of doctors?

Ms ROXON—I thank the member for
Ballarat for her question. She always has a
strong interest in this as her electorate of
Ballarat does have a number of shortages, as
do the electorates of many people in this
House, which we unfortunately inherited
from the previous government. When a per-
son known to everyone in this House was the
health minister, 74 per cent of the country
was suffering a shortage of doctors and 60
per cent of the population were affected by
that shortage. So of course the announcement
made yesterday would be welcome news for
many people in the community.

I must admit that I have not seen any wel-
coming comments from those opposite.
Unlike the member for Ballarat, who is
clearly interested in what this announcement
can deliver for her electorate, I do wonder
whether the member for Dickson—I know
parts of his electorate are areas with work-
force shortage but I think he is too busy
tweeting at the moment to be able to con-
sider his constituents—is going to advocate
or oppose funding that will go towards more
drivers in his electorate. I know the member
for Cowper has had a very keen interest in
the shortage of doctors in his electorate and I
imagine that as a leader in the National Party
he will be advocating to Mr Abbott that they
should be supporting this plan.

There are plenty of other examples—
whether we look at a town like Yea in McE-
wen, whether we look down to Port Mac-
quarie or whether we look at a range of other
electorates. When you have 60 per cent of
the population affected by a shortage that
was ignored time after time by the Leader of
the Opposition, is it any wonder that you
have very strong praise from the AMA, the
College of General Practitioners, the stu-
dents, the Royal Australasian College of
Surgeons and the Australian and New Zea-
land College of Anaesthetists welcoming this
as an important step forward?

I wanted to also flag for people’s attention
the comment that the Prime Minister has
mentioned—that is, that Mr Abbott has said:
‘Really, everything was running pretty well
in our health system when I was the minister,
except for our public hospitals—just this
minor issue that we were going to turn our
minds to next.’ But I would like to remind
the Leader of the Opposition, who was the
health minister, that to assert that the feder-
ally run parts of our health system were
working pretty well under the Howard gov-
ernment when 74 per cent of the country
were suffering from a workforce shortage is
just to show how blind the Leader of the Op-
position remains to this problem.

He did not see it as a problem when he
was in government and he still does not see it
as a problem. That is why he has not come out and welcomed these investments. He has not acknowledged that there are already more doctors being trained because his cap was removed by us when we were elected to government. He has not had the decency to acknowledge that this is a problem that he failed to fix and that we are now taking action to fix. It was not because he did not know about it. As the Prime Minister said, there were 31 different warnings, seven of them on the shortage of doctors, and these were just public warnings and public reports. I am sure he was urged time after time in private meetings to take action, as we have been urged to and as we have been doing.

For the benefit of the House, and given that the Leader of the Opposition allowed all of these problems to fall on deaf ears when he was the health minister, I might also report to the House that just moments before coming into question time the other place finally agreed to pass the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009. It is a vital reform to our health system that has been opposed by those opposite. Finally, they have conceded that this is an important and historic occasion for nurses and midwives and will be welcomed. I report it to the House because it reflects exactly the same approach taken by the opposition to the problems that were raised with this shortage of doctors. As I say, those opposite could not quite bring themselves to support the package but they did concede that they would not oppose the package. Finally, one of the Liberal senators gave the game away and said with a sigh, ‘This is better than nothing,’ and nothing is what Mr Abbott obviously gave everybody else.

Asylum Seekers

Mr KEENAN (2.22 pm)—My question is to the Prime Minister. Will the Prime Minister confirm that the government has wasted $4 million on a combating people-smuggling communications campaign, when clearly the message that people smugglers are hearing from these weakened border policies is: where the bloody hell are you?

Mr RUDD—I thank the honourable member for his question. Presumably he would be referring also to the 5,800 who arrived here as asylum seekers in 2002, the 4,400 who arrived here in 2003 and the 3,200 who arrived here in 2004 et cetera. Can I say also to those opposite in response to the question concerning people-smuggling activities that in Indonesia—and we were pleased, I believe, in this parliament to welcome the President of the Indonesian Republic last week—the total number of disruptions undertaken by our partners since September 2008 is 107. That involved—how many people?—2,828 people and 54 separate arrests. In Malaysia, there were 21 disruptions involving 645 people, and, in Sri Lanka, there were 14 disruptions involving 270 people and 63 arrests. So I would say to the honourable member in response to his question that these are the concrete actions the government is undertaking in its activities in partnership with our regional partners in South-East Asia. It is the practical work which the previous government sought to do from time to time. We will take appropriate national actions, regional actions and international actions to deal with a problem which is being confronted by many countries around the world at present.

Hospitals

Ms COLLINS (2.24 pm)—My question is to the Minister for Finance and Deregulation. Why is accurate budget reporting of Commonwealth funding of public hospitals important to the health reform debate?

Mr TANNER—I thank the member for Franklin for her question. Accuracy in budget reporting of Commonwealth funding
of public hospitals is extremely important, so I am somewhat distressed at recent disputes as to whether or not that reporting has been accurate. You will be aware that the government has consistently pointed out in recent times that while the Leader of the Opposition was minister for health, more than $1 billion was ripped out of federal government funding of public hospitals. As you will know from his demeanour at the dispatch box, the Leader of the Opposition suggests that this is not true. In fact, he stated that the billion dollars being removed from the public hospital system was in fact removed by the Howard government in the 1996 budget.

I had a look at the 1996 budget papers, because I happen to have them with me here, and in fact the total amount cut from Commonwealth funding for public hospitals—he clearly was not trying—was only about $312 million in the 1996 budget estimates. I also decided that, having had a look at those, I had probably better have a look at the budget papers that applied to the period when the Leader of the Opposition was health minister. I should remind the House that that was from 7 October 2003 to 3 December 2007, and the relevant healthcare agreement for the Commonwealth funding of public hospitals was from July 2003 to July 2008. The 2003 budget papers show that over that relevant period there were in fact significant cuts in projected spending on public hospitals and there were downgrades of the forward estimates for those periods, and I will run through them for you. For 2003-04, a cut of $109 million—

Mr Pyne—If it assists the House I withdraw, Mr Speaker.

The SPEAKER—It is not in the hands of any occupant of the chair to decide if the point being made is that it causes disorder if people believe that something that is being said cannot be verified, because it would not be within the powers of the chair to decide that. As I have said earlier this week and earlier during this parliament, there are other forms of the House that enable these things to be corrected. The question was in order. The minister is responding to that question.

Mr Abbott—Mr Speaker, I rise on a point of order. Is it in order for the minister to misleadingly quote the budget papers and not the part of the budget papers that says there is a $10 billion increase—

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

Mr Melham interjecting—

The SPEAKER—Order! The member for Banks is not assisting in any way. As I have indicated to the House, rising on a point of order is not an opportunity for members to enter into debate. The minister for finance has the call. He is responding to the question.

Mr TANNER—I point out for the benefit of the House that I am in fact quoting from Howard government budget papers. I will start the sequence again. The forward estimates for spending on public hospitals were reduced for the year 2003-04 by $109 million, for the year 2004-05 by $172 million, for the year 2005-06 by $265 million and for the year 2006-07 by $373 million. A quick calculation shows that they add up to roughly $920 million, so not quite $1 billion and the Leader of the Opposition was not health minister for the first three months of that period. However, the agreement was for five years and according to the department the cut in the forward estimates for 2007-08 was $497 million. Even though the Leader of the Op-
position was only minister for the first half of that period, whichever way you do the sums on this it is absolutely plain on the budget record of the Howard government that the Leader of the Opposition, as health minister, presided over more than $1 billion being ripped out of the projected forward spending estimates for the public hospitals of Australia. It is there in black and white on page 179 of Budget Paper No. 2 2003-04 circulated by the Hon. Peter Costello and the Hon. Nick Minchin. In case they really need it explained I will table the budget paper—

Mr Abbott interjecting—

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

Mr Abbott—Mr Speaker, I am happy to withdraw, but they are lies.

The SPEAKER—The Leader of the Opposition will withdraw.

Mr Abbott—I am happy to withdraw, but you need to know what they are like.

The SPEAKER—The Leader of the Opposition knows of his obligation to withdraw unreservedly. Leaders of the opposition have been given a great degree of tolerance, but that is not unlimited.

Honourable members interjecting—

Mr Albanese—Mr Speaker, the Leader of the Opposition must withdraw.

Mrs Bronwyn Bishop—I rise on a point of order, Mr Speaker, that intervention by the Leader of Government Business sounded very much like intimidation of the Chair. He should be made to withdraw.

Honourable members interjecting—

The SPEAKER—Order! The House really should settle down and calm down. The Minister for Finance and Deregulation has the call and that is my indication of where we are at.

Mr Albanese—Mr Speaker, I rise on a point of order, the Leader of the Opposition has defied your ruling that he must withdraw.

The SPEAKER—I indicate to the Leader of the House that if he had listened to the admonishment I gave to the Leader of the Opposition he would know that, whilst I accept on this occasion that he has withdrawn, I have indicated to him that the licence that has been given traditionally to leaders of the opposition has probably been nearly expended on this occasion for him. I take it yet again, like on the previous day when I indicated, that the withdrawal has been made point-blank.

Mr TANNER—in case there is any doubt about the true meaning of Budget Paper No. 2 page 179, I would refer the Leader of the Opposition to the explanation for these cuts in projected spending—and that is, expected lower growth in public hospital usage because of the shift to private hospitals expected because of the government’s 30 per cent private health insurance rebate and Life-time Health Cover. So this is not some technical readjustment, reassessment of hospital costs or anything like that, it is a deliberate ideological decision by the former government in which he was health minister to move money away from public hospitals.

Honourable members interjecting—

The SPEAKER—Order! The minister is responding to the question.

Mr TANNER—I note that on the doors today the Leader of the Opposition was sliding around a bit and he said:

At one stage there was an adjustment to the forward estimates…

The facts are very clear. The previous budget projected a certain level of forward spending on public hospitals. The Howard government introduced the private health insurance rebate and cut that projected spending to the tune of over $1 billion over the period for
which the Leader of the Opposition was health minister. No amount of slick and slimy sophistry can change the truth that every time he gets up and does a personal explanation on these issues he is deliberately and directly misrepresenting the facts. The truth is that the Howard government with the Leader of the Opposition as health minister ripped out over $1 billion from projected public hospital funding and he is nothing other than a complete policy fraud. If he spent more time focusing on patients and less time buffing up his pecs for the cameras we might treat him seriously.

Ms Julie Bishop—Mr Speaker, on a point of order: I ask that you ask the finance minister to withdraw his reference to fraud.

Mr TANNER—I withdraw, Mr Speaker.

The SPEAKER—I appreciate that the finance minister, so we can get on with things quickly, has withdrawn. I think that we really have to get things in the context of when comments are made. I am just making a passing observation on that.

Asylum Seekers

Mr RANDALL (2.37 pm)—My question is to the Prime Minister. I refer the Prime Minister to the government’s budget estimate that only 200 unauthorised arrivals were expected to come to Australia by boat in the current financial year. Given that there have been more than 3,100 unauthorised arrivals on 68 boats in this year, Prime Minister, how many unauthorised arrivals does the government now anticipate will come to Australia by boat this financial year, and what will be the additional cost to accommodate these arrivals?

Mr RUDD—I thank the honourable member for Canning for his question given his well-known commitment to the defence of a proper and balanced policy when it comes to asylum seekers and Australia’s national security. We know that he has been out there with the member for Berowra on these questions for a long, long time.

The honourable member asks about the arrival of asylum seekers in Australia. I say to the honourable member that all governments past have been confronted with arrivals by boat and by other means. I also refer to the fact that, in the period following the introduction of the so-called Pacific solution by those opposite, in each year following that we had thousands upon thousands upon thousands of asylum seekers arrive in Australia. I would say in response to the honourable member that global security circumstances constantly change, as they did for the Howard government, as they will do for this government and as they will do into the future as well. Therefore, it is important to respond appropriately to the practical circumstances which present themselves and we will continue to do so.

Economy

Ms RISHWORTH (2.39 pm)—My question is to the Treasurer. Will the Treasurer update the House on recent assessments of the Australian economy and what respected economists and institutions are saying about the state of our recovery?

Mr SWAN—I thank the member for Kingston for this very important question, because the Australian economy has come through this global recession in stronger shape than any other advanced economy—the strongest growing of 33 advanced economies, and one of only two that did not contract during the calendar year 2009. Of course, we have unemployment rates that are the envy of the United States and Europe, and there have been something like 180,000 jobs created over the past year. I think that is supported strongly by everyone on this side of the House that has supported the government’s economic stimulus.
The fact is that Australians have worked together—employers and employees. The community has come together to produce this outcome, and this has been a remarkable achievement. It has been commented on today by the Reserve Bank in their minutes that have been released today. This is what they had to say:

It now appeared that the peak unemployment rate in the recent downturn had been equal to around the low point in the previous three cycles.

That is a fantastic result for Australia. This has been commented upon by the Commonwealth Bank and their chief economist, Michael Blythe, who had this to say a couple of days ago:

The Australian economy withstood the full force of the global financial crisis and recession remarkably well. Australia dodged the recession bullet.

That is what Michael Blythe had to say. He then went on to comment as to how that was the case, and he had this to say:

A year ago, consumer sentiment in Australia was collapsing, much as it was everywhere else. The extreme pessimism proved relatively short lived, however. A large part of the divergence between expectations and reality reflects the fact that aggressive policy action worked, and it worked quickly.

That was the impact of the government stimulus.

Of course, what the events of the past 18 months show is the importance of maintaining confidence through responsible economic management. Of course, what we have seen from those opposite is exactly the opposite. What we have seen is a glimpse of erratic and reckless decisions from the Leader of the Opposition and what he might do if he were in government. We have seen total disarray. Those opposite could not describe the size of the tax, who it would apply to or when it would start. They have simply been in disarray.

But the really good news is that Senator Joyce came back today. He came back to make it all crystal clear. He was asked by Lyndal Curtis on AM this question:

Business … will pass on this tax if you are taxing companies like Woolworths and Coles. That will feed into the … price of bread and milk, won’t it?

Senator Joyce said:

… it will …

Of course, what he has confirmed is what we have been saying: the price will be paid by pensioners and families—all of this so somebody on $150,000 a year can receive $2,800 per week. He is not content with pulling a billion dollars out of public hospitals. Pulling a billion dollars out of public hospitals is fine, but he wants to pay $2,800 per week to somebody on $150,000 a year. That just tells you the twisted priorities of this Leader of the Opposition and how out of touch he is with the lifestyles of average Australians.

He said something very revealing in the party room last week. We discovered what was under the budgie smugglers: a big new tax.

Honourable members interjecting—

The SPEAKER—Order! The House will come to order.

Government members interjecting—

The SPEAKER—Order, those on my right!

Mrs Bronwyn Bishop—Mr Speaker, on a point of order: I would ask you to ask the minister opposite to withdraw those potty-mouthed remarks.

Mr SWAN—I withdraw. When the Leader of the Opposition was speaking in the party room last week—and I think he has made these remarks before—he said that he would always prefer to apologise after, rather than seek permission before, a policy announcement. That should send a chill down
the spine of every business in this country. He would prefer not to seek permission be-
— not be upfront with the people of Aus-
tralia and the business community, but take a
decision and then somehow make it right by
apologising later.

His arrogance in those statements was
only exceeded by the statements from the
shadow Treasurer. The shadow Treasurer,
when he was asked about this ‘big new tax’,
said it was a windfall gain for business. A big
new tax becomes a windfall gain for busi-
ness. We all know that Senator Joyce has
also been out there putting his points of view,
inventing new definitions of debt — ‘net gross
public private debt’. So what we have here is
the ‘Three Stooges’ of the opposition front-
bench. They have no credibility — no credi-
bility with the business community and no
credibility with the wider community —
because they came into this House when this
country was in its hour of need and they op-
posed the stimulus that saved our country.

They opposed the stimulus that has created
180,000 jobs and now they propose to put a
big tax on business which will push up prices
for pensioners and families. The whole
community will suffer. What they have dem-
onstrated over the past few weeks is just how
reckless and erratic they are and how incapa-
bile they are of managing the economy of this
country.

Asylum Seekers

Mr MORRISON (2.46 pm)—My ques-
tion is to the Prime Minister. I refer the
Prime Minister to this advertisement in the
Northern Territory to recruit staff to the
Northern Immigration Detention Centre in
Darwin, which has been confirmed as the
location for transferring detainees when
Christmas Island reaches capacity. After 24
unauthorised boat arrivals in just 10 weeks,
when does the government expect it will be
transferring detainees from Christmas Island
to Darwin, so ending the Prime Minister’s
commitment to offshore processing?

Mr RUDD—I thank the honourable
member for his question. In response to his
question and to various newspaper reports
today, I say to the honourable member that
Christmas Island is currently not at capacity.
Furthermore, I would say to the honourable
member, as the Minister for Immigration and
Citizenship has said on multiple occasions—

Mr Morrison—Mr Speaker, a point of
order on relevance. My question related to
this advertisement, not today’s newspaper—

The SPEAKER—Order! The member for
Cook will resume his seat. He approached
the dispatch box 15 seconds into the answer
and the Prime Minister was responding to the
question. I will listen to the Prime Minister’s
response.

Mr RUDD—Further to my answer to the
honourable member’s question: as the Minis-
ter for Immigration and Citizenship has said
multiple times in the parliament and outside
the parliament, the government has for a
long period indicated that, if further capacity
is needed at various other locations within
the country, of course we would have re-
course to that. I would draw the honourable
member’s attention to my earlier answer, in
which I pointed out that, on previous occa-
sions during the time of the ‘Pacific solu-
tion’, the government at that stage brought
various asylum seekers to processing centres
within Australia.

I say to the honourable member therefore:
I know consistency is not the first virtue of
the opposition on any matter of policy. I
know it is not the first virtue of the opposi-
tion when it comes to asylum seekers policy.
I know it is not the first virtue of the Leader
of the Opposition when it comes to any pol-
cy, but I say this to the honourable member
who asked the question: the government,
through the immigration minister, has been
absolutely consistent about the measures which any proper government would put in place against future contingencies. I say again to the honourable member, as I did at the outset of my answer, that Christmas Island at present is not at capacity.

Mr Morrison—Mr Speaker, I seek leave to table the advertisement advertising new positions at the detention centre.

Leave not granted.

Dental Services

Mr GEORGANAS (2.49 pm)—My question is to the Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law. What has Medicare Australia’s investigation of the chronic disease dental scheme revealed and what obstacles are there to the government reforming our dental services?

Mr BOWEN—The government is committed to ensuring that payments made by Medicare Australia to medical practitioners for services rendered to Australians are legitimate, accurate and timely. Yesterday I reported to the House that the government is committed to improving the powers of Medicare to ensure illegitimate payments can be recouped and returned to the government. However, findings from investigations by Medicare raised significant compliance concerns in relation to one of the schemes under Medicare’s responsibility, a scheme implemented by the former government—that is, the chronic disease dental scheme. This potential noncompliance has been identified through the investigation of claiming data, information supplied to the Medicare fraud tip-off line and complaints by state law enforcement agencies.

In November 2008 Medicare commenced a two-phase investigation to determine the level of compliance with the scheme, analysing the claims of 28 dental providers. This first phase found that approximately $17 million in payments had been made to just 26 practitioners. An initial analysis suggests that none of these 26 practitioners fully met the requirements of the scheme and 12 had lodged claims for benefits prior to completing the services for which they were claiming, which is in breach of the guidelines of the scheme. I am advised that, following these disturbing initial results, the concerns around the level of possible noncompliance led Medicare to conduct a further survey of dental practitioners from the general population, and this found that up to 50 per cent of dental practitioners surveyed may have failed to comply with the requirements of the scheme.

I am not suggesting for one second that all or even the majority of these dentists have been doing the wrong thing. Many would have been trying to comply with the scheme and making honest mistakes. But the fact is that this is a poorly designed scheme with significant potential for rorting. When the former minister for health, the member for Warringah, announced the chronic disease dental scheme, it was projected to cost $377 million over four years. But it is costing close to that each year, and the total cost has been more than $800 million over the last two years alone. These figures starkly underline why this badly designed program needs to be scrapped and replaced with the Commonwealth dental scheme. This government wants to close down the former government’s scheme and implement our election commitment to promote the Commonwealth dental health scheme, which would be a means tested scheme that would provide up to a million dental services to pensioners and concession card holders. This has been twice blocked in the Senate.

The bill for the opposition’s financial irresponsibility in health and their recklessness now stands at more than $2 billion and, because of their recklessness in opposing the
government’s move to close down this scheme, this rises every day. This is one of the many legacies from the member for Warringah’s time as minister for health. I can just imagine the Liberal ads at the next election. They might go something like this: ‘This man is Tony Abbott. He can’t show you his face on television. It is not because he’s a dentist; it’s because he’s so embarrassed about his record as health minister of Australia.’ We know he is embarrassed about his record because he comes out and he says, incorrectly, that the billion dollars cut from the health system in 1996 was before his time. He claims, falsely, that it was not him—‘Wasn’t me, Gov; my hands are clean”—when we know that is not the case.

It is not too late for the Leader of the Opposition to atone for some of his mistakes. It is too late to atone for ripping out $1 billion from Australia’s health system and then falsely claiming it was not him. It is too late to atone for freezing the GP places in Australia. But it is not too late to atone for his mistakes in the dental health scheme. It is not too late to atone, because he can atone by admitting he was wrong and instructing his senators to pass the government’s bill. It is too late for the Leader of the Opposition to man up and say, ‘I got it wrong.’ And it is time for him to instruct his senators to get out of the way and let the government clean up his mess.

Distinguished Visitors

The SPEAKER (2.54 pm)—I inform the House that we have present in the gallery this afternoon Ralph Willis, a former member for Gellibrand in this place and a former minister, including former Treasurer. On behalf of the House I extend a very warm welcome to him.

Honourable members—Hear, hear!

Questions Without Notice

Home Insulation Program

Mr HARTSUYKER (2.55 pm)—My question is to the Prime Minister. I refer the Prime Minister to the case of Mrs Joyce Smith of Coffs Harbour, who had foil insulation installed in her home. Mrs Smith paid $240 on top of the $1,600 government rebate to North Coast firm Power Results. A local electrician subsequently found that the ceiling was running at 240 volts and fixed the problem at a cost of $1,270. The Smiths sent the bill to Power Results, who have refused to pay. Prime Minister, who is responsible for this bill for $1,270?

Mr RUDD—I thank the honourable member for his question. The honourable member will be aware of the fact that when it comes to foil insulation the government has undertaken responsibility for conducting inspections for all foil insulations which have occurred. Secondly, the government has also undertaken responsibility to deal with any of the practical problems which arise with the restoration of the houses concerned, particularly when it comes to anything which has arisen as a direct consequence of the government’s program. Can I say to the honourable member, given that I am not familiar with the details of the case, that he should raise it directly with the minister who is responsible, the Minister for Climate Change, Energy Efficiency and Water, and we will seek to deal with the individual concerned to make sure there is a satisfactory resolution to her concerns.

Hospitals

Mr TURNOUR (2.56 pm)—My question is to the Minister for Health and Ageing. How is the government supporting health and hospital reform and how have past failures in health policy made the need for action more urgent?

Opposition members interjecting—
Ms ROXON—Thank you, Mr Speaker. I thank the member for Leichhardt for his question. For those opposite, who have shown no interest in health reform to date, I am not surprised that you could not understand the question. You ignored every warning that there was about the need to reform our health system. You ignored every warning that there was about the need for GPs. You refused to listen to nurses wanting more responsibility, and you have become the opposition’s absolute—

Mr Pyne—Mr Speaker, I rise on a point of order. Mr Speaker, even though you have been in the parliament a long time, I am sure you are not responsible for the litany of complaints that the minister has levelled against you. I would ask you to call her to order to use the proper titles she should be using.

The SPEAKER—The minister will refer her remarks through the chair and refer to members by their parliamentary titles.

Ms ROXON—Quite right, Mr Speaker. I understand your record in health is impeccable. Unfortunately, the Leader of the Opposition’s record on health is not impeccable—and that goes to the question that has been asked: what response has there been to our reform announcement, what obstacles are the way and how is this different to the approach that the Leader of the Opposition took when he was a minister? We can go through these one after the other. In fact, the Leader of the Opposition himself is on the record, at times when he was feeling like being a little more frank with the public, admitting that the health system was a dog’s breakfast and that sooner or later someone would need to fix it. Of course, it is sooner now rather than later—in contrast to when he was the health

minister—because we believe it is time to fix the system.

The Leader of the Opposition is on the record as acknowledging that his government’s decision to restrict the number of young Australians who could go into our medical schools in universities across the country was, with hindsight, ‘a mistake’. He is on the record as acknowledging that there are workforce shortages. But somehow now, miraculously, when he is the Leader of the Opposition, he wants to pretend that his record as the health minister was perfect. In fact, he ripped a billion dollars out of our public health system, but he wants to deny that. He had a cap on GP places, but he wants to deny that as well. In fact, he has become not just the opposition’s chief climate change denier but also the opposition’s chief denier about his record in health. Well, those of us on this side of the House know that our public hospitals have been in need.

It is probably appropriate that Ralph Willis, the chair of one of the health service boards in Victoria covering my electorate, was acknowledged earlier. A number of other members here would know the struggle that public hospitals had when that money was pulled out of the system—a billion dollars less than even their own government thought they were going to spend only six months before that. That is how it is a budget cut, and he cannot deny that that happened and that it has consequences. Members opposite have written letters to me in the last two years—and there are very many of you—pleading for the district workforce shortage rules to apply to them and pleading for access to more GPs. I can see the member for Bowman nodding his head, because he knows that he has done it. I can see the member for Gippsland nodding his head because he has done it. I can also see the member for Gilmore. You can all put up your hands if you like because there are plenty of
you. Those members opposite need to ask this question of their leader: why, after having failed to acknowledge 31 warnings and having put a cap on GP training places, is he now going to stand in the way of us finally fixing the problem? Mr Abbott, the Leader of the Opposition, cannot afford to keep denying his record. It will catch up with him eventually, and the public will see him for what he is—standing in the way of much needed reform.

Home Insulation Program

Mr HAWKE (3.01 pm)—My question without notice is to the Prime Minister. I refer the Prime Minister to a letter of 14 March from Mr David Yunus, a homeowner in Marrickville in Sydney, who says an insulation contractor offered him $50 cash if he agreed to allow the contractor to install home insulation in the roof of his home. Is the Prime Minister aware of any other allegations of homeowners being offered kickbacks or cash inducements under the government’s home insulation scandal?

Mr RUDD—I thank the honourable member for his question. Could I say to the honourable member in response to his question that he should look carefully at what the Minister for Energy Efficiency has said recently about the question and the challenge of fraud both in relation to this program and others. I say to the Prime Minister aware of any other allegations of homeowners being offered kickbacks or cash inducements under the government’s home insulation scandal?

Mr HAWKE—Mr Speaker, on a point of order, I seek leave to table the letter from Mr David Yunus in relation to this matter.

The SPEAKER—Is leave granted?

Mr PYNE—Mr Speaker, on a point of order: in the Prime Minister’s answer he specifically said that we should provide more information to be investigated. We have asked to table the letter and they refused leave. On what basis would they be doing so?

The SPEAKER—Order! I cannot make comment on any perceived contradiction—but there may not be one. The question was whether the document could be tabled. I sought an indication from the House as to whether leave was granted. The leave has not been granted.

Pensions and Benefits

Ms DREYFUS (3.03 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. How are government support and community attitudes to disability pensioners, carers and families improving and what threats are there to that improved support?

Ms MACKLIN—I thank the member for Isaacs for his question, in particular on behalf of the 5,000 disability support pensioners and around 1,000 people on the carer payment in his electorate. As he knows, the government certainly does support people with a disability and carers. In the pension increases which were announced in last year’s budget, we delivered a pension rise to around 700,000 people on the disability support pension and around 150,000 carers on the carer payment. All of them received an increase of just over $70 a fortnight for singles on the maximum rate. From this Satur-
day these pensioners will also receive another increase as a result of indexation. If you add together the budget rise and this coming indexation rise, pensioners who are disability support pensioners and those on the carer payment will receive an increase of around $100 compared to August last year. That has been an important increase for both carers and people on the disability support pension. Carers will also receive the new $600 annual carer supplement.

These are some of the most vulnerable people in our community, and these are the people who will end up paying the Leader of the Opposition’s great big new tax. It is these pensioners who will pay more for a loaf of bread or a litre of milk. We have to go no further than the shadow finance spokesperson, Barnaby Joyce, who very helpfully today confirmed on ABC radio that, as the Treasurer has previously indicated, it will be the case that the Leader of the Opposition’s great big new tax will lead to an increase in the price of milk and the price of bread that pensioners have to pay. Well, Barnaby seems to understand. It only seems to be the Leader of the Opposition that has no idea that pensioners—disability support pensioners, aged pensioners and those on the carer payment—are going to end up paying for his great big new tax.

We saw another piece of evidence last night on *Four Corners* of just how out of touch this Leader of the Opposition is. He point-blank refused to repudiate previous comments that he had made on women’s inferiority. This is what he said:

… it would be folly to expect that women will ever … approach equal representation in a large number of areas simply because their aptitudes, abilities and interests are different for physiological reasons.

It is absolutely mind-boggling that this Leader of the Opposition is still living in the Dark Ages. Looking at some of the women members opposite, I see that I am not alone in this view. This Leader of the Opposition spends more time on thinking about how he is going to get his shirt off than on serious policy work.

*Mr Broadbent*—Mr Speaker, I rise on a point of order: relevance. To be quite reasonable about this, what has this got to do with disability support pension and carers, which are a bipartisan issue in this parliament? This is outrageous.

*The Speaker*—Order! The member for McMillan will not argue the point. The minister is responding to the question. The minister knows her responsibility to be relevant to the question.

*Ms Macklin*—This is yet further evidence that this Leader of the Opposition cannot be trusted on paid parental leave.

*Building the Education Revolution Program*

*Mrs Gash* (3.08 pm)—My question is to the Minister for Education. I refer the minister to recent comments by one New South Wales principal who stated:

I am sitting here staring at my beautiful new $425,000 library that cost the taxpayers of Australia $850,000. The internet is not connected … the fans can’t be turned on because they hit the ceilings, and the light switches are upside down, but I refuse to be negative.

Minister, is this value for money?

*Ms Gillard*—Of course, the source of that anonymous quote is an article in the *Sydney Morning Herald* this morning, recording the views of the Australian Education Union, the same Australian Education Union opposed to My School and so many of the government’s reforms. There is an interesting cabal developing over on that side, isn’t there? I presume we will see some more of that. On that anonymous quote, if the member has a scintilla of evidence to support it, please send it around to me, and then we
will investigate it through my department. Should that investigation raise anything, we will forward it to the New South Wales government’s audit committee.

On the question of auditing in New South Wales, assuming the member is interested in something more than she has read in the newspaper this morning, the New South Wales audit squad are conducting spot audits of BER projects covering every region, every project type and every managing contractor. To date they have audited 102 schools. Seventy-nine of those are individual site audits where the audit squad have attended the building site to investigate the delivery of the project on site. Twenty-five of those audits are of managing contractors either at their head office or at their regional delivery office. There are 36 site audits planned for next week alone. Projects will be assessed on time, cost and quality. The audit squad are being funded in a way that does not cost schools any money. No money due to go to schools is being used to fund the audit squad.

The New South Wales audit squad of course is an additional audit method on top of the New South Wales Department of Education and Training’s audit directorate; the Nation Building and Jobs Plan Taskforce probity auditor, Deloitte; and the New South Wales Audit Office. And, should the member have any evidence that she wishes to raise, she might want to forward it through to ICAC. The federal government may request the audit squad conduct investigations of individual project anomalies brought to my attention, and I am very happy to do that. Should the member have anything other than the clip out of the *Sydney Morning Herald*, which records an unsourced quote in the context of an article placed by the Australian Education Union, she should feel free to send it round.

**Trade**

Ms O\(\text{W}e\)ns (3.12 pm)—My question is to the Minister for Trade. Would the minister advise the House on the important role that international trade plays in creating jobs in Australia and on the significance of the recently convened Trans-Pacific Partnership negotiations?

Mr C\(\text{R}\)ean—I thank the honourable member for her question. Of course, she does understand the fundamental importance of growth in international trade not only for growth in this economy but for jobs and living standards.

Dr S\(\text{outhc}\)ott—Elaborate!

Mr C\(\text{R}\)ean—I will elaborate. One in five jobs in Australia is dependent upon international trade: 1.4 million jobs are related to exports and 1.1 million to imports. So international trade is terribly important for job opportunities in this country. Our efforts to further liberalise trade opportunities are important to that jobs growth, but they are also important to living standards. A report that I issued last year by the Centre for International Economics showed that average households are now up to $3,900 per year better off as a result of the trade liberalisation efforts over the past two decades.

I am then asked: what are we doing to advance this agenda? On 1 January this year the coming into effect of the Australia-New Zealand free trade agreement with ASEAN was a terribly important milestone. This is a trade agreement covering 600 million people. Collectively, two-way trade in this region is already bigger than our two-way trade with China, our largest individual trading partner. With trade liberalisation in respect of all of those 10 markets, there are important opportunities going forward. Last week we commenced the 14th round of trade negotiations with China, and they made important progress. This week we commenced
the fourth round of trade negotiations with Korea, and they too are making important progress.

The Trans-Pacific Partnership, which the member alludes to, also commenced its negotiations this week here in Canberra. Trans-Pacific Partnership is designed to be a high quality, comprehensive trade agreement—a trade agreement covering goods, services and investment. Done properly, this can be a bridge to a broader transpacific agreement covering the whole of the countries across the Pacific. For those in this Trans-Pacific Partnership so far, 470 million people are represented and a combined GDP of A$18 trillion. What is significant about this agreement is the fact that the US has given important buy-in to this opportunity. President Obama has indicated that the US is strongly behind advancing this high quality, comprehensive transpacific partnership. Given the importance of that economy, in terms of the overall economic growth going into the future, that is an important buy-in. The final point I make in terms of the overall advancement of the job opportunities, is the conclusion that we seek of the Doha Round. We welcome also recent statements by the President of the United States to redouble the efforts of export growth in that country and to find a balanced conclusion to the Doha Round. Doha is the economic stimulus the global recovery needs. It is a stimulus that does not have an impact on the budget. The fact that the US is strongly in partnership with us in this conclusion and is together with us on the TPP, the prospects of going forward are very strong indeed.

**Building the Education Revolution Program**

Mr PYNE (3.16 pm)—My question is to the Minister for Education. I refer the minister to comments by Mr Gary Zadkovich, the deputy president of the New South Wales Teachers Federation, who said:

A school may receive an $850,000 trucked-in prefabricated classroom or library when it knows a fully furnished brick home would cost half …

Does the minister agree with Mr Zadkovich that there are too many reports of waste and mismanagement of this program to ignore any longer? Minister, when will you take responsibility for this systemic failure?

Ms GILLARD—If you live long enough, you hear absolutely everything, don’t you? Now we have confirmed on the record in this parliament today the Liberal Party and the Australian Education Union in a cabal on education policy. Now I have heard everything. It would actually strike me as more strange if this cabal had not first come about regarding the My School website, where Australian parents in their millions—literally—got onto the My School website. Parents and the community were enthusiastic about getting this information. We on this side of the House, the government, are standing shoulder to shoulder with parents who want this information and, of course, facing—

Mr Tuckey—Mr Speaker, I rise on two points of order: The first is to be found in standing order 104 and the other on the matter of right of reply. The minister is blaggarding a person who is not in this House. They do nothing else but use the privilege of this place to blaggard someone. She should cease doing it and get her courage up and go and front this bloke—

Honourable members interjecting—

The SPEAKER—Order! The member for O’Connor will resume his seat. The House on both sides will come to order. The member for O’Connor has given free advertising for those who feel aggrieved with things about procedures that are open to them. The question was in order. The Deputy Prime
Minister will relate her material to the question.

Ms GILLARD—I take the fact that I am chastised by the member for O’Connor, so I will immediately begin blaggarding people in this House. The point goes to the education policy that is being advanced by the opposition, who are opposed to My School in a cabal with the Australian Education Union, the Greens and the Shooters Party to suppress this information in New South Wales. They are being invited by the New South Wales minister for education to lift the restrictions on the publication of this information in New South Wales. But there they are in their little cabal, with the AEU, the Liberal Party, the Shooters Party and the Greens—

Mr Andrews—Mr Speaker, I rise on a point of order on relevance. The minister is now blatantly defying your request that she come back to the subject matter of this question.

The SPEAKER—The Deputy Prime Minister has the call and she will relate her material to the response to the question.

Ms GILLARD—I know I said the word ‘union’ and that has got Mr Work Choices going—

Honourable members interjecting—

The SPEAKER—Order! The Deputy Prime Minister will come to the question.

Ms GILLARD—On the question, can I say to the shadow minister that if he has any evidence that he believes should be investigated then we will investigate it. If he has a clip from the Sydney Morning Herald recording allegations from the Australian Education Union—which he knows nothing about and which he has not checked in any way, shape or form—we will investigate it. All he has done this morning is roll out bed and read the newspaper, and thought that that was enough for a question. The Australian people and his colleagues on the backbench, who are looking a bit cross-eyed at this point, will judge him on the weakness of that performance.

Meanwhile, we will get on with the job of delivering an education revolution to this country, including all of the things the opposition have opposed: the Building the Education Revolution; the national curriculum they want to rip up; the My School website, which has been described as a white elephant; our new money to disadvantaged schools—they have never used the word ‘disadvantaged’; our new money for teacher quality—they have never done anything about teacher quality; our new reforms, meaning that we pay the best teachers more to go to the disadvantaged classrooms that need them the most; our new reforms to bring the highest performing graduates into the teaching service; and new reforms to spread literacy and numeracy.

Mr Pyne—Blah, blah, blah!

Ms GILLARD—And they describe that work as ‘blah, blah, blah’. Well, these are reforms that matter to the Australian community, Australian kids and the future of this nation. With going, ‘blah, blah, blah,’ you have just shown the Australian people the contempt in which you hold them—parents, children, teachers and principals in this country. You could not show more how unfit you are for office if you tried.

The SPEAKER—I remind the Deputy Prime Minister of the requirement to address her remarks through the chair.

Burma

Ms SAFFIN (3.22 pm)—My question is to the Minister for Foreign Affairs. Minister, has there been any progress on the so-called road map to democracy in Burma since the minister’s statement to the House last month?
Mr STEPHEN SMITH—I thank the member for her question and acknowledge her longstanding interest in Burma and her longstanding efforts to see Burma fully embrace democracy. The member asked about any progress on Burma’s so-called road map to democracy since my statement to the House last month. Members would of course recall that part of this process included the referendum in Burma, which regrettably was conducted in the context of the aftermath of Cyclone Nargis. As a consequence of that, I have previously described that referendum process as a sham.

In my statement last month, I said to the House that, whilst we had reservations about the Burmese authorities fully embracing a genuine return to democracy, we would not come to a concluded view so far as the election processes and outcome were concerned in advance of that taking place. That of course was motivated by the international community sentiment that we had to do everything we could not just by way of sanctions, for example, but also by way of encouragement to see if the authorities in Burma would embrace a genuine process.

Last week the Burmese authorities published five electoral laws which will govern the conduct of the election. Whilst in some respects it is not surprising, I very much regret to advise the House that, on the basis of the publication of these electoral laws, I have very grave reservations as to whether it is possible for an election to be conducted appropriately in Burma with the full, free and fair participation of all those concerned.

The election laws—five of them—place what seem to be very severe restrictions on political parties. In particular, by implication they place restrictions on the National League for Democracy participating in the election process, particularly if Aung San Suu Kyi continues to be a member of the National League for Democracy. There is, in addition, no guarantee of access to media for the conduct of the election.

Bearing in mind these matters, as I say, we are now very gravely concerned as to any potential for an election to be conducted in a full, free and fair manner. In the first instance, of course, it will be a matter for the political parties, in particular the National League for Democracy, to make a judgment about whether to participate in the election under those circumstances. Under the published laws, it is a matter for the NLD to make a judgment by 6 May. I am not proposing to give gratuitous public advice to the NLD. That is a matter for them to determine. It will be a very difficult decision for them to judge whether they should participate in such an election under very restrictive circumstances or whether to decline to take that opportunity.

I very much regret this development. We had in some respects hoped very much that the authorities were more completely embracing a genuine return to democracy. This is a disappointment, and we await the decision of the NLD in early May.

Building the Education Revolution Program

Mr ABBOTT (3.26 pm)—My question is to the Prime Minister. I refer the Prime Minister to a statement of the New South Wales Teachers Federation, whose 50,000 members serve in 3,000 public schools around New South Wales. I quote the statement:

It appears … that management fees will account for up to a quarter of the state’s $3.4 billion BER funding.

It appears that problems of overpricing and excessive management fees are systematic rather than isolated.

Does the Prime Minister agree with his deputy that anyone criticising waste and mismanagement in this program is guilty of a
thought crime? I further ask the Prime Minister: is he confident that this program is being run by a first-class minister doing a first-class job?

Mr Albanese—Mr Speaker, I rise on a point of order. The last half of the question was out of order because it promoted argument.

The SPEAKER—Again I indicate to the House that, whilst in a black-letter law reading of the standing orders, there are elements of that question that would be outside of the standing orders, it has been the practice of the House to allow questions of this nature. I rule that the question is in order.

Mr Rudd—I thank the Leader of the Opposition very much for that question. I suppose I begin by saying: what has happened to the great Liberal Party of Australia where it now invokes, as its total authority, either the New South Wales Teachers Federation, the Australian Education Union or—as I think we had last week—Unions New South Wales? One by one, those opposite invoke unionists, who now they regard as their friends, when they spent their period in office trying to abolish the entire Australian trade union movement as a matter of law. But I thank Comrade Tony for his question, because it goes—

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

Mr Rudd—to the New South Wales Teachers Federation and their credibility as a source of advice. I would note also that the New South Wales Teachers Federation, together with the Liberal Party of New South Wales, stand in the face of the reform of the Australian education system, with their total opposition to the publication of school based performance, through their actions in the New South Wales parliament.

Yet today what we have is the federal Liberal Party linking themselves with the Liberal Party in New South Wales, with the Greens, with the New South Wales Teachers Federation—and let’s never forget the Shooters Party—in order to stand in the way of fundamental reform to education in Australia. I would say to the Leader of the Opposition, if he has real evidence of fraud in the system, what he should do is refer—

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Mr Pyne—To underline the point, I thank you for the ruling pointing out that the Prime Minister apologised to the member for O’Connor.

The SPEAKER—It is not actually a ruling; it is simply the practice of the House. You can read the precedents set down in the Practice that it is taken that the withdrawal is an apology.

Mr Rudd—Further to the interjection by the member for O’Connor on those computer ‘thingies’, we are currently putting in about 220,000 of those computer thingies in schools. We are pretty proud of those computer thingies because we think those thingies will help the students of tomorrow. That might be regarded as a modernist remark, but I think the rest of the world would understand what we mean.

In response to the Leader of the Opposition and his question, should he have any further evidence of fraud in relation to any government program, his responsibility, like that of any other member of this place, is to provide that information either directly to the relevant police authority or, if he chooses not to, to the office of the relevant minister. I would suggest that he do so.

Mr Price (3.33 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on his plan to reform the health and hospital systems and of any impediments to the implementation of this plan?

Mr Rudd—I thank the honourable member for Chifley for his question because we have had today not a single question from those opposite on health and hospital reform—not a single question. We stand here as a government that, within its two years in office, have delivered a 50 per cent increase in funding to public hospitals and of that the government is proud. What the government have done in our two years in office is to increase our overall training for GPs by a 35 per cent increase in GP training places. The government are proud of the fact that we have increased the number of training places for nurses. We have invested some $3 billion in the capital needs of our system and more than $1 billion in the overall cancer related infrastructure that we need right across Australia both in our larger cities and in our regional centres. That is what we have done in two years in office.

I say to those opposite, in particular the Leader of the Opposition, who did act as health minister for four to five years, he has been very touchy indeed today on his $1 billion gouge from the system. I think what we have had from the Leader of the Opposition is someone who has been somewhat loose with the truth on this question. What did the Leader of the Opposition actually say when first confronted with this? On 10 February when asked this question on radio, Mr Abbott, the Leader of the Opposition, said, ‘I did not rip a billion dollars out of health, the rate of growth was slowed somewhat.’ That was the excuse back then. Then we go to excuse No. 2 on the billion-dollar gouge from the system. In a penetrating and provocative interview, very searching in its questions from Alan Jones, on 2GB the Leader of the Opposition when asked this question about his billion-dollar gouge from the system—

Mr Pyne interjecting—

The SPEAKER—The member for Sturt is warned!

Mr Rudd—What did the Leader of the Opposition have to say? He said as follows, ‘I did not rip a billion dollars out of health.’ He went on to say, ‘What happened was that in 1996, long before I was health minister, the forward estimates were reduced by $1 billion.’ But that is not true. Let us go back
again to the budget papers referred to earlier today by the Minister for Finance and Deregulation. What do the 1996-97 budget papers actually show was the reduction in health expenditure then? The 1996-97 budget papers show a reduction of $312 billion. That was a misleading statement by the Leader of the Opposition on the radio program as he sought simply to slough it off and say, ‘Not my responsibility, it was those bad people back in 1996.’ Peter Costello was Treasurer at the time and later made some reflections about the overall level of economic competence of the current Leader of the Opposition which were that, in fact, he had none at all.

We then move on to excuse No. 3, and that is the Leader of the Opposition out there, day after day, saying he had nothing whatsoever to do with the billion-dollar gouge out of the system. But once again facts confront us.

Mr Abbott—Wrong, wrong, wrong!

Mr Rudd—he says, ‘Wrong, wrong, wrong’ again. Why could you dispute the accuracy of the Howard government’s budget papers 2003-04—not a production of the Australian Labor Party in opposition, not the production of the tooth fairy but the production of the Howard government itself. It says in 2003-04 that the health budget had $108.9 million taken out of it. That was Tony Abbott’s first year as health minister. In 2004-05 $172 million was taken out of it. That was Tony Abbott’s second year as health minister.

The Speaker—Order! The Prime Minister will refer to members by their parliamentary titles.

Mr Rudd—in 2005-06 there was $264 million. That was his third year as health minister. In 2006-07 there was $372 million. That was his fourth year as health minister. But, as the Minister for Finance and Deregulation informed the House, the parliament and the country today, if you went to the Department of Health and Ageing and sought clarification about what was in the forward estimates for 2007-08, it was another $497 million taken out. This adds up to a figure in excess of $1 billion; we have been generous in what we have said about the gouge out of the system by the Leader of the Opposition.

On each one of these things what we have had is a Leader of the Opposition caught out in absolute embarrassment, not telling the truth to the parliament about these matters. But on the overall reform of the system—the overall gouge and its impact on the health and hospital system of Australia—what was the ultimate excuse of the Leader of the Opposition today, not 1996, not any of that but this one—the pearler of them all? Yes, it was, ‘We were about to start tackling the public hospital system when we lost office.’ Is it any wonder no-one has any confidence in anything this Leader of the Opposition has to say about health and hospitals reform? He has not told the truth about his billion-dollar gouge, he has no plan for the future and he only said he was going to act five minutes before the last election.

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

PERSONAL EXPLANATIONS

Mr Abbott—(Warringah—Leader of the Opposition) (3.39 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr Abbott—Yes, most grievously by a very un-prime-ministerial Prime Minister in question time today.

The Speaker—Please proceed.

Mr Abbott—in response to misrepresentations by the Prime Minister I simply refer him to page 179 of budget paper No. 2 of 2003-2004:
The funding for 2003-04 to 2007-08 represents an increase of $10 billion over the last agreements.

I seek leave to table this truth-telling budget paper.

Leave not granted.

Mr PYNE (Sturt) (3.40 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr PYNE—I do.

The SPEAKER—Please proceed.

Mr PYNE—In question time today the Minister for Education claimed that the opposition opposed the My School website. In an interview with Fran Kelly on 3 February 2010, in fact, I said;

… on its own, the My Schools website is a good idea, but it needs more.

I seek leave to table the transcript.

Leave not granted.

COMMITTEES

Treaties Committee

Report: Presiding Officers Response

The SPEAKER—I present the Presiding Officers’ response to the report of the Joint Standing Committee on Treaties entitled Report 106: Nuclear non-proliferation and disarmament.

Mr Robert—Blah, blah, blah!

The SPEAKER—I hope that was not a response to my response! I think the exuberance should be tempered.

DOCUMENTS

Mr STEPHEN SMITH (Perth—Minister for Foreign Affairs) (3.41 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for the period 1 October to 31 December 2009.


Debate (on motion by Mr Hartsuyker) adjourned.

MINISTERIAL STATEMENTS

Zimbabwe

Mr STEPHEN SMITH (Perth—Minister for Foreign Affairs) (3.42 pm)—Mr Speaker, I wish to update the House on the situation in Zimbabwe. 11 February 2010 was the first anniversary of the swearing in of Mr Morgan Tsvangirai as Prime Minister in Zimbabwe’s Inclusive Government, a significant milestone in Zimbabwe’s recent political history.

This followed on from the 15 September 2008 Global Political Agreement which created the Inclusive Zimbabwe Government under the joint leadership of Robert Mugabe as President and Morgan Tsvangirai as Prime Minister.

Australia continues to support Prime Minister Tsvangirai in his view that the Global Political Agreement presents the best prospect of a better future for Zimbabwe. Zimbabwe faced daunting challenges at the time the Inclusive Government was formed. Members will recall the shocking collapse in Zimbabwe’s economy, the squandered opportunities, the dramatic decline in life expectancy, the millions of people who required food aid and the cholera epidemic of 2008 and 2009.

I can advise that, since my last report to the House on 15 September last year, the Inclusive Government has made modest but tangible progress. Sensible financial reforms
are being implemented, and schools and health care facilities have been reopened. The introduction of hard currency has largely brought inflation under control. Goods have been returned to the shelves. This has delivered a degree of relief to ordinary Zimbabweans who had suffered so much as their country was brought to the brink of ruin following 30 years’ rule by Mr Mugabe.

Late last year, Australia decided it would consider opportunities for ministerial engagement on a case-by-case basis with those Zimbabwean ministers making a genuine contribution to the country’s social and economic recovery. Consistent with this policy, in London on 28 January I met Zimbabwean Finance Minister, the Hon. Tendai Biti, to discuss ongoing reconstruction efforts in Zimbabwe. Improvements in Zimbabwe’s economy are largely due to the reforms implemented by Finance Minister Biti. Zimbabwe’s hard-fought gains have taken a long time to achieve and Prime Minister Tsvangirai, Finance Minister Biti and their Movement for Democratic Change ministerial colleagues are to be congratulated for their resolve.

Further recognition of these reforms came on 19 February this year when the International Monetary Fund (IMF) restored Zimbabwe’s voting rights at the meeting of its executive board in Washington. Australia supported this decision, which recognises the progress made by Zimbabwe in its relationship with the IMF. The decision by the IMF will restore Zimbabwe’s voting rights originally suspended in June 2003. It will enable Zimbabwe to participate in voting on IMF governors’ resolutions and again be represented at the IMF Executive Board by the Executive Director for the Anglo-African constituency. It will allow Zimbabwe to enhance its engagement with the international community and give it more opportunity to seek international assistance for its development goals.

The role of Zimbabwe’s neighbours

In January this year I visited South Africa and Botswana, two important members of the Southern African Development Community—or SADC—and two important neighbours of Zimbabwe. As the facilitator of the interparty negotiations that led to the current Global Political Agreement, South Africa will continue to play a vital role in encouraging Zimbabwe to choose the path of recovery. I welcome news overnight that President Zuma of South Africa will travel to Harare from 16 to 18 March to meet with the parties to the Global Political Agreement.

South Africa was appointed by SADC to facilitate full implementation of the Global Political Agreement. As a close neighbour and leading SADC member, Botswana also has an important and robust role to play.

I was the first Australian foreign minister to visit South Africa in more than seven years earlier this year and the first Australian foreign minister to visit Botswana and SADC headquarters in Gaborone. During my visit, I discussed Zimbabwe and its progress towards implementation of the Global Political Agreement with my counterparts, South African foreign minister Nkoana-Mashabane and Botswana’s foreign minister, Phandu Skelemani, as well as Botswana’s President Ian Khama and Ambassador Zulu, a member of President Zuma’s troika on Zimbabwe. Prime Minister Rudd and I also discussed the situation in Zimbabwe with President Khama during his recent state visit to Australia.

Australia supports the role of Zimbabwe’s neighbours, through SADC, in overseeing the Global Political Agreement. Australia as well recognises the importance of the African Union in supporting Zimbabwe as it tackles its grave economic, political and social challenges. In my discussions in both
Pretoria and Gaborone, my foreign ministerial colleagues and I agreed that Australia and South Africa, and Australia and Botswana, should be in closer dialogue over Zimbabwe. We know that there will be a need for the social and economic rebuilding of Zimbabwe, and Australia wants to work closely with Zimbabwe’s neighbours in that rebuilding process.

During my visit to South Africa, I announced Australia would provide $6 million worth of assistance to Zimbabwe, in cooperation with South Africa, to support recovery efforts focused on revitalising Zimbabwe’s domestic tax administration and for technical assistance in areas such as water and water sanitation. Australia’s assistance to strengthen the capacity of the Zimbabwe Revenue Authority will assist Zimbabwe’s financial stabilisation and economic recovery. The resulting increase in revenue collection will strengthen the Zimbabwean government’s capacity to expand social and capital programs and realise development plans. This is a practical demonstration of Australia’s assistance helping to rebuild the country after years of neglect and misrule.

**Australia’s approach to aid**

Australia has been at the forefront of international efforts, both political and humanitarian, to assist Zimbabwe. Australia strongly believes the international community needs to take a flexible and pragmatic approach to assisting Zimbabwe. We have a responsibility to support Prime Minister Tsvangirai and his ministers in their efforts to bring positive change to Zimbabwe. We have a responsibility to bolster the cause of reform.

Following the formation of the Inclusive Government in February 2009, Australia was one of the first countries to deliver what has become known as ‘humanitarian plus’ assistance. In March 2009 I announced that the time had come for Australia to render assistance beyond emergency food and medical supplies; that the need to rebuild Zimbabwe’s social and economic fabric had forced us to look beyond simple emergency relief to longer term measures to help restore capacity in essential services, such as water, education and health care. I announced Australian support for two projects:

- $5 million for cooperation with UNICEF to support Zimbabwe’s local authorities take control of and responsibility for water infrastructure; and
- $5 million working with the United Kingdom Department for International Development, or DFID, to provide incentives to health professionals to rejoin a collapsed health system.

This assistance was provided through reputable international organisations working directly with local authorities to reduce the prospects of this funding being diverted by President Mugabe or his associates. Australia continues to have in place robust implementation and monitoring systems to minimise the risk of funds being misused or misdirected. Since the establishment of the Inclusive Government, Australian assistance has included:

- $5 million through the Africa Enterprise Challenge Fund, which is an Africa-wide initiative that finances private sector activities that will boost Zimbabwe’s rural economy and address the long-term food security needs of the Zimbabwean people;
- $2 million through UNICEF to support Zimbabwe’s Ministry of Education in acquiring much-needed material, including textbooks for Zimbabwean schools;
- $5 million in food aid through the World Food Program; and
- $6 million for assistance to build Zimbabwe’s taxation administration and mo-
bilitation of technical expertise in water and sanitation, in cooperation with South Africa, to which I have previously re-
ferred.

Further announcements of assistance can be expected in due course.

At some point in the cycle, President Mugabe will move off the stage. At some point in the cycle, Australia looks forward to seeing a full and free and fair election in Zimbabwe. At some point in the cycle, the international community, including Australia, will be asked to assist on the very difficult job of rebuilding Zimbabwe’s economic, social and political fabric. Australia is very keen to play our role.

Zimbabwe’s situation remains fragile, but with support from Australia and other donors the country has taken its first steps towards recovery. Australian aid is helping to reha-
bilitate basic water infrastructure such as pipes and boreholes, and has supported small-scale farmers through the provision of seeds and fertilisers.

The incidence of cholera is a fraction of what it was a year ago. From August 2008 to January 2009 there had been almost 2,500 deaths from more than 47,000 cases. By January 2010 there had been five deaths from 149 cases in the most recent outbreak. The number of Zimbabweans needing food aid has fallen from nearly seven million in early 2009 to an estimated two million be-
fore the next harvest in April this year.

Concerns

Despite Zimbabwe’s modest recent pro-
gress, Australia remains deeply concerned that ZANU-PF is not motivated to adhere to its obligations under the Global Political Agreement. Many of its actions are designed not merely to frustrate but to sabotage key aspects of the agreement. For that reason, Australia’s longstanding position on finan-
cial and travel sanctions will not change. These sanctions target individuals who have been complicit in the brutality of Zim-
babwe’s past and who continue to obstruct economic and social reforms. These sanc-
tions target individuals who have been re-
 sponsible for, or involved in, acts to under-
mine the rule of law, corruption, violence and intimidation and restrictive laws and regulations. The sanctions do not affect the broader population in Zimbabwe, and they are not responsible for Zimbabwe’s eco-
nomic demise. Australia will not remove sanctions which target those individuals who continue to prevent Zimbabwe from moving forward.

Much more significant progress will be re-
quired before the Australian government undertakes any broader review of Australia’s sanctions with respect to Zimbabwe. Austra-
lia places the utmost importance on the need for real and demonstrated improvement in economic and political governance. The modest progress made so far is fragile. Zim-
babwe will have dim prospects so long as there is no respect for the rule of law, and the security of land tenure cannot be guaranteed.

On 15 February this year the European Union (EU) announced that it would extend restrictive measures on Zimbabwe for an-
other year. These measures cover the supply or sale of arms, as well as travel and finan-
cial sanctions. While sanctions have been lifted on some state owned enterprises and on deceased persons, the bulk of the Euro-
pean Union’s restrictive measures remain in place. On 16 February this year the European Union also extended the suspension of finan-
cial support, namely, no budgetary support to government. This, however, will not affect humanitarian or other projects designed to support the implementation of the Global Political Agreement or projects in support of the general Zimbabwean population. These decisions were taken by the European Union because of Zimbabwe’s failure to adequately
implement the Global Political Agreement, in addition to its failure to respect human rights, democratic principles and the rule of law.

On 1 March this year the United States also extended sanctions against specific members of the Zimbabwean government. Australia agrees with President Obama’s description of the actions of those undermining reform in Zimbabwe as having:

… contributed to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country and to political and economic instability in the southern African region.

Like Australia, both the European Union and the United States consider that many more improvements will be required before Zimbabwe’s relations with the international community can be normalised. A united international community must send that strong message to Zimbabwe.

Australia is concerned by a range of developments; some new, some remaining unresolved from my last statement to the House on Zimbabwe in September last year. Australia is alarmed by the recent gazettal of the Indigenisation and Economic Empowerment Regulations. These regulations, introduced unilaterally by ZANU-PF in contravention of the Global Political Agreement, require foreign investors to submit plans by mid-April detailing how they will cede majority stakes in their companies. It is a scheme designed only to benefit ZANU-PF and its cronies. Its effect will be to unravel recent reforms and to cripple Zimbabwe’s economy.

President Mugabe still refuses to reverse his appointments of the Reserve Bank Governor and the Attorney-General, which undercut the MDC’s efforts to implement economic reform and ensure an independent judiciary. ZANU-PF has still not addressed the reallocation of provincial governors as called for under the Global Political Agreement. Several MDC MPs have been arrested and are at risk of losing their seats, on what the MDC believes are trumped-up charges. Zimbabwe’s repressive media legislation remains in place. State media continues to be controlled by ZANU-PF as a propaganda tool. Reports of human rights violations continue, as do farm invasions. While the Global Political Agreement stipulates a clear timetable for constitutional reform, progress has slowed to a crawl. As well, there has been no progress on electoral reform.

The Zimbabwean government continues to fall short of the standards expected by the international community in relation to the mining of diamonds. Zimbabwe has been blessed with enormous mineral resources which have the potential to generate enormous wealth and prosperity for its people. But here again corruption, greed and the self-interest of a few have held back the progress of the entire country. In October 2008, the Zimbabwean security forces took control of the Marange diamond fields in eastern Zimbabwe. Australia has been deeply concerned since that time at the reports of human rights abuses at Marange. Australia is working with other members of the international community to prevent illicit diamonds from Marange being sold internationally and to put an end to the abuses of human rights that have occurred there.

As an active member of the Kimberley Process Certification Scheme, the international body established to prevent the trade in so-called ‘blood diamonds’, Australia strongly supports the joint work plan that has been agreed with Zimbabwe. This plan not only bans the export of diamonds from Marange unless they have been certified by an independent monitor; it addresses a range of human rights concerns. We urge the Zimbabwean government to cooperate fully with the independent monitor, Mr Chikane, and
ensure that the joint work plan is implemented without delay.

Looking to the future

Regrettably this is a long list of concerns and one that underscores the need for continued international pressure on President Mugabe and ZANU-PF. Australia will continue to voice our concerns about these efforts to thwart the reforms that Zimbabweans voted for in the March 2008 general election. We will maintain targeted sanctions, but we will also look to the future. As I have said, at some point in the cycle, President Mugabe will leave the stage, removing the major obstacle to the reforms that Zimbabwe so desperately needs. The international community, including Australia, will then be able to fully assist with the difficult task of rebuilding Zimbabwe’s economic, social and political fabric.

Zimbabwe’s needs are enormous, and we need to prepare the ground for any future recovery. After decades of neglect, infrastructure has crumbled. There are not enough schools, hospitals or functioning water and sanitation systems. The machinery of government is nearly broken. The private sector has been stunted by years of misrule. The unemployment rate in the formal economy is estimated to be over 90 per cent. Three million people have fled Zimbabwe taking their skills and experience with them. The economy will take years, if not decades, to regain its strength. Australia is committed to working with the international community to tackle these challenges at the right time.

Conclusion

Australia is under no illusions about the political risks in Zimbabwe and the track record of Mr Mugabe and ZANU-PF. Their recent behaviour has only reinforced Australia’s concerns. Zimbabwe’s recent gains, however, must not be wasted. Australia again calls on all parties to adhere to the letter and the spirit of the global political agreement. Constitutional reform must proceed in accordance with the terms of the agreement. This would allow the holding of full free and fair democratic elections.

The people of Zimbabwe deserve a future free of intimidation, free of poverty and free from a rapacious government. Australia will remain deeply engaged in international efforts to prepare the ground for what continues to be a frustratingly slow transition to democracy in Zimbabwe.

I ask leave of the House to move a motion to enable the member for Curtin to speak for 18 minutes.

Leave granted.

Mr STEPHEN SMITH—I move:

That so much of the standing and sessional orders be suspended as would prevent Ms J. Bishop (Deputy Leader of the Opposition) speaking in reply to the ministerial statement for a period not exceeding 18 minutes.

Question agreed to.

Ms JULIE BISHOP (Curtin) (4.01 pm)—It is with a heavy heart that I rise to speak to this House again in response to the ministerial statement on the situation in Zimbabwe. After a period of optimism last year when the world hoped that a power-sharing agreement between President Robert Mugabe’s ZANU-PF party and Morgan Tsvangirai’s Movement for Democratic Change would bring a stability to Zimbabwe that would lead over time to relative peace and hopefully a degree of prosperity for this nation that has been devastated politically, economically and socially for decades, that optimism is fading fast with the view that the power-sharing arrangement appears to be going nowhere. The situation appears to be rapidly deteriorating with recent reports that the power-sharing pact has indeed broken down, possibly irretrievably.
The so-called unity government is just over 12 months old with 11 February this year being the first anniversary of the swearing in of Morgan Tsvangirai as the Prime Minister in Zimbabwe’s inclusive government. Next month President Robert Mugabe will celebrate 30 years as the leader of the nation, but far from taking any responsibility for his role in the virtual destruction of a nation during his years of untrammeled power, President Mugabe is as defiant and unapologetic as ever. It seems he will never change his spots. In his statement to this House the Minister for Foreign Affairs said that:

At some point in the cycle President Mugabe will move off the stage.

I have some news for the minister: President Mugabe has announced that fresh elections in Zimbabwe could be held as early as next year and, at age 86, President Mugabe says he will stand yet again. There are reports from the capital, Harare, that recent events may lead to an even earlier election, possibly in the next few months. At a recent ZANU-PF congress President Mugabe said that his party was:

… ready and raring to take on the enemy who sought our ruin …

apparently to wild applause. This attitude does not augur well for a unity government.

It was reported yesterday that South African President, Jacob Zuma, who mediated talks between ZANU-PF and MDC after he became President of South Africa in April last year, will be in Zimbabwe today for a three-day visit. A South African mediation team is also in Zimbabwe to resume negotiations between the parties to the global political agreement signed in September 2008. This agreement established the inclusive government and set out the guidelines for the power-sharing agreement. While President Zuma has given his support for the full implementation of the global political agreement, he has been reluctant to criticise President Mugabe for any failure to keep to the terms of the global political agreement. President Zuma made representations to both the British government and the whole European Union to drop the existing sanctions in place against Zimbabwe, including lifting the asset-freezing sanctions and travel bans against the more corrupt members of ZANU-PF. It was reported today on Times LIVE that President Mugabe will only agree to full implementation of the global political agreement if all sanctions against him and his associates are lifted.

It is clear that President Mugabe was an unwilling participant in the global political agreement, and has used every opportunity to undermine the power-sharing arrangement and block reforms designed to bring Zimbabwe’s economy back from the brink. There has been a four-week strike by public servants in Zimbabwe over pay which has brought state services including schools, hospitals and courts to a standstill. The persecution of supporters of the Movement for Democratic Change continues. MDC members of parliament have been arrested on what are considered spurious charges. President Mugabe has stripped some MDC ministers of their portfolios and unilaterally given them to ZANU-PF members of parliament. The rule of law continues to be ignored. President Mugabe continues to insist that he alone appoints the Governor of the Reserve Bank of Zimbabwe and the judiciary. The invasion of commercial farms by the Mugabe backed war veterans continues.

One of the most concerning developments is the new Indigenisation and Empowerment Act which came into effect on 1 March. It is a Mugabe inspired law, introduced without reference to Prime Minister Tsvangirai, which effectively nationalises companies in Zimbabwe. The regulations aim to force all businesses with assets over $500,000 and
owned by whites or foreigners to transfer majority ownership to black Zimbabweans by 2015 and to submit to the government details of the racial composition of their shareholdings. White Zimbabweans are also banned from running smaller businesses—real estate agencies, advertising agencies and the like. Those in breach of the regulations face up to five years jail. Prime Minister Tsvangirai has declared the law null and void, but as he is treated with such contempt by President Mugabe it is hard to see how his view will prevail. The impact of this new law was described this way in the Economist last week:

The Zimbabwe stock exchange, where shares had been rising fast in the past year, slumped on the news. The country’s businessmen, already struggling to cope with electricity cuts, lack of capital and an acute shortage of manpower skills, are aghast. The ZANU-PF minister responsible for the new law has told foreign banks to start lending money to black Zimbabweans or “ship out”. Foreign investors, whose cash is sorely needed, are thinking again.

It is hard to imagine a more deliberate act designed to adversely affect the foreign direct investment in Zimbabwe that it so desperately needs. It is also little wonder that the Zimbabwean finance minister said on 11 March that Zimbabwe will have to use its own resources to finance its projected budget deficit of US$810 million because foreign donors are not likely to fill that US$810 million gap.

I witnessed firsthand as a Commonwealth observer to the 2000 Zimbabwean parliamentary election and the 2002 Zimbabwean presidential election the way President Mugabe ensures that only his supporters, his family or his cronies benefit from the ironically named land reform measures. There must be real concern that this nationalisation act is yet another action designed to entrench President Mugabe’s hold on power through his support base. President Mugabe’s defence of these laws was that they were intended to ‘correct historical imbalances in the ownership of Zimbabwe’s resources’. That is a defence he has also employed to justify the invasion of white owned farms by the war veterans.

In his statement to this House, the Minister for Foreign Affairs noted that some gains had been made and that there had been some sensible financial reforms and some improvement in basic services. Regrettably, the improving economic position has more to do with the replacement of the Zimbabwean currency than with real economic reform. The hyperinflation of over 200 per cent was only reduced when the worthless Zimbabwean currency was replaced with a basket of other currencies and not by any particular action taken by the government.

I note the minister’s references to the additional aid being provided to Zimbabwe, and I think it is relevant to note that, with respect to the justification for increased aid, the budget statement of 12 May 2009 stated that the Rudd government will:

Support the reintegration of Zimbabwe into the international community by continuing to provide humanitarian support to Zimbabwe through international organisations and NGOs. Australia will also support efforts by the inclusive Government of Zimbabwe to bring sustainable and longer-term improvements to the lives of Zimbabweans.

Nearly 12 months on, this seems to be an unlikely scenario given the continuing presence of President Mugabe and his current stance.

The minister said in a press release of 11 February 2010:

Since the formation of the Inclusive Government, Australia has announced $39 million in assistance to Zimbabwe.
Australia has provided humanitarian assistance to combat disease and improve nutrition, which the coalition supports, particularly given the cholera epidemic that has afflicted Zimbabwe in recent years. In the last year, Australia has gone beyond this aim. According to the AusAID website, in 2009 Australia moved beyond humanitarian assistance to help the inclusive government restore basic services and assist Zimbabwe’s transition to democracy. For example, Australia helped rehabilitate Zimbabwe’s water and sanitation systems and supported agricultural programs to provide sustainable food security.

The Rudd government needs to be very clear and careful about which Zimbabwean government ministries or agencies can be trusted to receive and disburse Australian taxpayer funds effectively and in accord with our expectations for accountability of public funds. The Rudd government must be particularly discerning given that there are deep concerns about this government’s ulterior motives when it comes to increases in aid to nations not within the Asia-Pacific region—in particular, in this case, to win Zimbabwe’s vote for the Prime Minister’s bid for a seat on the United Nations Security Council in 2013-14. In order to win that campaign, the Prime Minister needs Africa’s support, as it commands about a quarter of all the United Nations votes, and it is a fact that many nations in Africa are sympathetic to President Mugabe.

Even if we were to ignore the United Nations Security Council bid as a justification for the sudden jump in engagement with and assistance to Zimbabwe, we are far from alone in our fear that the inclusive government will fail. President Mugabe still controls the security apparatus of the country and can easily take back control, along with aid funding and the assets that it has funded.

In Senate estimates on 22 October last year, an AusAID representative said:

To be honest, it remains a fragile environment in Zimbabwe. The reason donors have to coordinate their efforts closely is to ensure that we moderate them according to the political situation environment in Zimbabwe and that is going to continue to be an ongoing thing, I think, into the future.

Given the fluid and fragile environment and the deteriorating situation in Zimbabwe, we should not put in jeopardy Australian aid funding. Australia should provide essential humanitarian aid but not provide any funding that could be regarded as propping up the Mugabe regime, extending its rule at the expense of the true democracy that all Zimbabweans deserve.

On 22 February 2010, European Union ministers stated there had been:

… insufficient progress with regard to the rule of law, respect for human rights, constitutional reforms, power sharing on equal terms, national reconciliation, security sector reform and the protection of investors.

The need for greater effectiveness and the elimination of waste in the aid program have been two themes the coalition has pursued both in government and in opposition. The coalition’s criticisms of the government’s expanded allocation of aid according to the requirement to attract votes for its Security Council bid have been echoed by media commentators and independent think tanks.

It was recently reported in the Australian that:

AUSTRALIA is handing up to $12.5 million in additional aid to Africa to enhance ties as well as drum up support for a seat on the UN Security Council.

Jenny Hayward-Jones of the Lowy Institute’s Melanesia program said such a widespread program was ‘a poor use of taxpayers’ money’.
The interest in Africa and Latin America of late is really motivated by Australia’s desire to be elected to the UN Security Council.

The coalition will monitor closely any wasteful, reckless, irresponsible spending by the Rudd government in pursuit of the Prime Minister’s wish for a temporary seat on the United Nations Security Council.

It is a widespread view that, as long as President Mugabe remains in power, the situation in Zimbabwe will not improve. Any non-humanitarian aid should be made conditional on President Mugabe fully implementing all terms of the power-sharing agreement. A delegation from the European Union to Zimbabwe has endorsed that approach. Last month the European Union and the United States extended sanctions on Zimbabwe.

The Rudd government must closely monitor whether there is material progress by the inclusive government if it is to provide further non-humanitarian support to Zimbabwe. The Zimbabwean people have suffered enough under President Mugabe. Australia should not provide any comfort to President Mugabe that is taken as legitimising the behaviour of his regime. The coalition supports efforts to restore peace and prosperity to the lives of the people of Zimbabwe—people who aspire to live free from fear and threat of violence and who want to emerge from the shadow of oppression and corruption under which Zimbabwe has suffered for decades.

MATTERS OF PUBLIC IMPORTANCE

Border Protection

The DEPUTY SPEAKER (Ms AE Burke)—Mr Speaker has received a letter from the honourable member for Cook proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The failure of the Government to keep their promise to maintain a strong border protection regime.

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

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

Mr MORRISON (Cook) (4.15 pm)—Earlier this year in this place, the Prime Minister, on another matter, said the test of an issue was how one answers three questions: firstly, is there a problem; secondly, are you going to do something about that problem; and, thirdly, are you committed and is your heart in the solution? On the issue of whether there is a problem when it comes to the failure of the Rudd government’s border protection regime, more than 4,100 people arriving illegally on 92 boats on this government’s watch cannot be wrong. This is the damning judgment of the Rudd government’s failure to live up to their pre-election commitments.

Under the Rudd government, we have gone from three illegal boat arrivals per year—three per year in the last six years of the coalition government after we took action—to more than two per week under this government this year. More people arrived illegally by boat last month, in February, than in the last six years of the coalition government—something the PM failed to mention in question time today when comparing records. In 2010, we have had 24 boats and almost 1,200 people arrive so far, and it is only March. Boats are arriving at a rate of 10 per month and people at a rate of almost 500 per month. This is the highest on record, higher than the peak of the coalition years. What this shows is that, under the Rudd government, we have gone from a period under the coalition government of less than one boat per month to 10 boats per month, which
is higher than the average for each of 1999, 2000 and 2001. It tells a story of a failure of a government to honour the pledges it made before the election.

The DEPUTY SPEAKER—The member has used his prop sufficiently.

Mr MORRISON—For every 400 people who are arriving on Christmas Island these days, only about a hundred are going off. There are now about 1,900 people on Christmas Island in a facility that was built for just 400 people. In July 2008, there were six people on Christmas Island—just six—and today there are 1,900.

The costs of running this program under this government, as the floodgates have opened, are going through the roof. I refer to the government’s estimate at the beginning of the budget for this current year. With all the international push factors which were apparently going on and putting pressure on arrivals, their conclusion was that 200 people would arrive. By November, they realised they were probably a bit out and they thought, ‘Well, we think that 1,400 people are going to arrive this year.’ When they disclosed that at Senate estimates, 2,600 people had already arrived illegally by boat. They asked for an extra $132 million to deal with this increase in arrivals of 1,400 people. However, in just making up the shortfall to now, there are around 3,100 people who have arrived this year and the projection for the full financial year, based on the average, means they will have to add another $250 million to that total this year alone. When you take that out over the three forward years of estimates and you add it to this year, it means that the cost of this government’s failed border protection policy on the budget and over the forward estimates is $1 billion.

Mr Brendan O’Connor interjecting—

Mr MORRISON—The cost is $1 billion and every boat that turns up on your watch is costing $3.6 million. They are your own costings from estimates, and now you want to interrupt the truth like you always—

Mr Brendan O’Connor—Madam Deputy Speaker, on a point of order: the shadow minister should speak through you and not talk directly to me.

The DEPUTY SPEAKER—The member for Cook should be aware that he needs to address his remarks through the chair.

Mr MORRISON—I am aware that the government is extremely precious about this issue and this minister is extremely precious about this issue. This is the minister who issues press releases about boat arrivals after he has held a press conference. That is what he does and then he issues press releases 10 hours after boats have arrived. He does not tell us where the boats have come from. He does not provide any transparency. He releases press releases after he has held press conferences. This is a minister who is very precious.

Mr Brendan O’Connor interjecting—

Mr MORRISON—From their own costings provided at estimates, it is costing $81,000 per additional arrival, based on their additional ask for money. My colleague the shadow minister for border protection will inform the House, I am sure, that it is a further $25,000 in additional Customs and Border Protection costs. So every boat that turns up, with an average size of around 40 people, is costing this country $3.6 million.

The Rudd government likes to blame push factors, yet it conveniently ignores the evidence from the UK Home Office, released just a few weeks ago. Based on tracking a full year’s data of asylum seeker applications across 32 industrialised Western countries around the world in 2009, it showed that to—
gether there had been an increase in applications of half a per cent. What was the Australian result for that year? It was 31 per cent in one year. The UK was down six per cent for the full 12 months. Declines were also recorded for Canada and the United States. In the final quarter of last year, the UK was down 30 per cent. There were also the recent comments from the UNHCR. The UNHCR has said that the situations in both Afghanistan and Sri Lanka have been improving in recent times. So, while the situation globally is improving, boat arrivals and illegal arrivals in Australia are going through the roof at a rate of 10 per month—the highest on record.

The Prime Minister says it was worse under John Howard but, as I said before, the rate of arrivals today is higher per month than at any other time. Global asylum applications around the world today are 40 per cent lower than they were in 1999, 2000 and 2001. So when the Howard government was dealing with a surge of arrivals, asylum applications were 40 per cent higher. They are 40 per cent lower now, and boat arrivals are higher.

Mr Brendan O’Connor interjecting—

Mr MORRISON—They are faster; they are quicker. This government want to blame international push factors rather than face up to their own responsibility. The difference—if you listen to the government argument for a second—is that, even when we did experience a surge in arrivals over the period of 1999, 2000 and 2001, we did something about it. We took direct action, and in one year the number of boats went from over 40 to one. In that same year, in 2002, the number of global asylum applications was roughly, on average, the same as in the year before.

This government want to pretend that they are dealing with an international situation without precedent—maybe it is a rolling national security crisis. Maybe they are going to use those sorts of terms to explain what is going on. But the truth is that they dealing with a problem which the coalition dealt with—but we solved it. As the coalition government we introduced policies which brought the boats to zero. This government are in a position of failing to act and failing to get results. They are in a position where they are in complete denial.

Mr Brendan O’Connor interjecting—

The DEPUTY SPEAKER—Order! The minister will have his turn later.

Mr MORRISON—The Rudd government are in border protection denial.

Mr Brendan O’Connor interjecting—

The DEPUTY SPEAKER—Order! The minister is pushing his limits. The member for Cook has the call.

Mr MORRISON—I would even go as far as to say that the minister at the table in particular but the Rudd government more broadly are border protection sceptics. Maybe they need to get to a meeting. Maybe the Prime Minister needs to turn up to one of those meetings and say, ‘My name is Kevin and I’ve got a border protection problem,’ because he is in denial.

The DEPUTY SPEAKER—Order! The member for Cook will use people’s appropriate titles, or he will be pushing the limits too.

Mr MORRISON—Thank you, Madam Deputy Speaker. The Prime Minister should attend one of those meetings and say, ‘My name is Kevin Rudd, the Prime Minister of Australia, and I’ve got a border protection problem.’ But we will not hear that from him, because he does not think he has a problem.

So what are the government going to do about it? They cannot spin the boats away. I know that this is the government’s preferred
option for dealing with everything: ‘We’ll just spin it and maybe it will go away’. But we know that does not work. You have to take actual action to stop the boats. Then they say, ‘No, it is all about international forces’, as we have discussed. Kevin Rudd, the Prime Minister, is looking for an international solution; he is looking for a regional solution; he is looking for an Indonesian solution. But the one solution he will not offer is an Australian solution. He will not address an Australian solution that deals with domestic pull factors—the reason these boats are coming.

This is a government that inherited a solution, as the Leader of the Opposition often says, and decided to create a problem. The Prime Minister said he would turn the boats back. They were his words, not ours. We did not force him to say it. We did not challenge him to say it. He went out there and said it to big-note himself before the election. Implied in that promise was more than just turning boats back. He was trying to say: ‘Look, I’ll just be like the previous government. I’ll just be like the government before.’ Just like the fiscal conservative promise, he said he would keep it going. We know that was a hollow promise. His heart was never in it. He never had any intention of following through and, as we learnt with the SIEV 36 explosion inquiry, he changed his mind and he changed his policy. He just did not tell anyone about it and he hoped everyone would just miss it on the way through.

This is a government that have abolished TPVs, have abolished the Pacific solution, have reversed their commitment to turn boats back, have abolished detention debt, have rolled back mandatory detention and have abolished the 45-day rule. They thought they could fiddle the thermostat on border protection and no-one would notice. The truth is that people smugglers have noticed the change in temperature under this government. They noticed straightaway, and 92 boats later the verdict is in—that is, the government’s policies have failed. Labor’s answer is to blame others and wind back the regime they inherited that was working, and now their answer is to bring people onshore and thereby dismantle the universal policy of offshore processing that was so successful under the Howard government. That policy will also go to the sword under this government, and what we will see as a result of that is a further escalation. Last summer we had four boats, and this year, in the quiet period, the monsoon period—not even the forces of nature can stop this government’s failures in border protection—we got to around 30 boats over summer. It has gone completely over the top.

Then there was the issue of the Oceanic Viking. Not only have their policies failed, but their inability to show resolve when the pressure is on has failed as well. The Prime Minister, it was revealed in Senate estimates—and he said it at this dispatch box—did not know the contents of the special deal with the Indonesian government regarding the passengers on the Oceanic Viking. That was proved under evidence in Senate estimates. This a Prime Minister who did not know, and did not want to know, and was basically hiding under his desk, trying to avoid eye contact with his national security adviser and his ministers so he could put political deniability ahead of the national interest—so he could put his own interest in being able to say, ‘I knew nothing about it,’ ahead of his obligations to protect this nation. He signed this country up to 76 people he knew nothing about without even knowing the terms of the agreement. He sold us out. That message has gone to the people smugglers and 40 more boats have arrived since then.

This is a government whose heart is just not in border protection. They try to be one
thing, fail to be another and end up being nothing—and the Australian public know about it. Even their own supporters on the left would prefer them to just be honest—I assume, like the Minister for Immigration and Citizenship, Senator Evans—and bring people onshore. They think, ‘Let’s just close Christmas Island and bring people onshore.’ At least that would be an honest position from this government rather than this facade of pretence, of bravado, that does not result in any action. You can compare the actions of this government with those of John Howard, the former Prime Minister, who understood direct action. He understood, as did the member for Berowra, over those many years in government, the language that people smugglers understand—that is, ‘You are not getting here. We will undermine your product. We will destroy your product and we will stop the boats.’

Why do we want to stop the boats? The government will want to self-assess their moral virtue and cast judgment on all of those who believe in strong border protection from some high horse, but the truth is this: we want to stop the boats because people die on boats and we want to stop the boats because the minister at the table knows that every single person out of the 13½ thousand who come through illegal boat arrivals takes the place of the families of those and others who are sitting in refugee camps. That is our compassion. That is our record. That is our policy. We stop the boats. You fail to stop the boats. You are not even going to start stopping the boats. You should wake up to yourselves.

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs) (4.30 pm)—Can I firstly indicate that I listened closely to what the shadow minister had to say on a whole range of things. He ranted on about everything under the sun, except he did not mention one particular thing, and that was a policy. He did not actually mention a policy for the entire 15 minutes, and that is because the opposition do not have a policy on border protection. What we are waiting for, of course, are answers to questions as to whether they are going to re-introduce temporary protection visas and whether they are going to re-introduce installing razor wire and putting children behind razor wire. What we are looking to do is to have the opposition clarify and outline their policy prescriptions for what is a very complex area.

Mr Ruddock interjecting—

Mr BRENDAN O’CONNOR—The former minister for immigration, who is interjecting currently because he is very defensive when it comes to his record in relation to this matter, in 1999 quite rightly—

Mr Morrison interjecting—

Mr BRENDAN O’CONNOR—You can just calm down, acolyte. Quite rightly, the minister—

Opposition members interjecting—

Mr BRENDAN O’CONNOR—I am just referring to the mentor.

Mr Morrison—Madam Deputy Speaker, I rise on a point of order. I would ask him to withdraw. If he wants to be precious, if he wants to throw these sorts of allegations around, he should control himself.

The DEPUTY SPEAKER (Ms AE Burke)—The member for Cook will resume his seat. There is nothing to withdraw. The minister has the call.

Mr BRENDAN O’CONNOR—Thank you very much, Madam Deputy Speaker. Can I say in relation to the former minister that he was correct in 1999 when he said on 14 November—

Mr Ruddock—I am always correct.
Mr BRENDAN O’CONNOR—Well, you are a better man than I am if you are always correct, Philip.

Opposition members interjecting—

Mr BRENDAN O’CONNOR—I guess that says everything: we have someone over there who is infallible. The then minister in 1999 said:

It is timely to remember that the use of people smugglers … is a worldwide problem. Australia is not alone. We are also seeing large numbers of people seeking asylum in developed countries—people from the same groups as we are seeing in Australia. For example, Iraqi asylum-seekers are registered in 77 countries and last year there were over 34,000 applications for asylum lodged by Iraqis in 19 European countries.

Quite rightly, the minister at the time identified international factors as the primary reason that there was a high incidence of arrivals in our territories. He identified that matter and at the time the then opposition did not challenge that assertion because there was a bipartisan position in relation to the factors, the causes, that lead to high incidences of arrivals. Of course, unfortunately, that bipartisan—

Mr Randall—Madam Deputy Speaker, I draw your attention to the state of the House.

The DEPUTY SPEAKER—I am loath to do so during an MPI, but standing orders do require the ringing of the bells until a quorum is present. (Quorum formed)

Mr BRENDAN O’CONNOR—I thank the member for Canning for providing me with a bigger audience so I could prosecute the argument that in 1999 the former minister for immigration was correct when he said it was international factors that determined the actual slowing of arrivals into this country. I would suggest that, primarily, international factors are the causes of people seeking asylum around the world, seeking to come to First World countries. Indeed, that is the case here and it was the case in 1999, in 2000 and in 2001. But before we get too carried away about praising the then former minister, it is important to note that under his watch the numbers of arrivals were extraordinarily high.

Mr Sidebottom—Must have been the pull factors!

Mr Ruddock—Absolutely.

The DEPUTY SPEAKER—Order! The member for Berowra has had enough opportunities.

Mr BRENDAN O’CONNOR—We saw a surge in the Fraser years and we saw a surge in the Howard years. Let us look at the surges in those years.

Mr Fletcher—Do you understand cause and effect?

The DEPUTY SPEAKER—Order! The member for Bradfield understands the standing orders.

Mr BRENDAN O’CONNOR—Prime Minister Howard and the minister for immigration at the time really get the gold, silver and bronze medals for the years of the highest arrivals in our history. In 2001 there were 51 boats and 5,516 irregular arrivals here, far more than there were last year and indeed a much higher trend than we have seen this year.

Mr Ruddock—if John was here he’d tell you we stopped the boats.

The DEPUTY SPEAKER—Order! The member for Berowra has said enough.

Mr BRENDAN O’CONNOR—in 1999 there were 86 vessels and 3,721 arrivals on our shores. The third highest arrivals in that
period occurred in 2000, when there were 43 vessels and 2,939 arrivals. That is one doozy of a surge. That is the largest spike we have had in irregular arrivals in our history. The difference is we agreed with the former government back then and said it was because of international factors. The difference is the amateur mob opposite and the shadow minister now suggest that this is a result of domestic policy. This is the first time that has been asserted by an opposition in relation to a surge, and that is because—

Mr Morrison—Because we’re right—that’s why.

Mr BRENDAN O’CONNOR—in the end, the opposition are about rank opportunism. They are about political expediency. They are about putting politics before policy. They are about demonising people who are desperate and seeking asylum from persecution. Quite happily they will demonise those people. Quite happily they will blur the lines between people smugglers and those people who seek asylum.

Mr Morrison interjecting—

The DEPUTY SPEAKER—Order! The member for Cook will cease interjecting.

Mr BRENDAN O’CONNOR—But that is the type of thing we have come to expect from the shadow minister and, indeed, the Leader of the Opposition. It is an unfortunate thing we have an opposition willing to tear up bipartisanship on these matters. That is why former Prime Minister Malcolm Fraser has criticised the opposition for their approach and that is why this government will continue to be very strong on border protection but at the same time properly assess those people who are genuine refugees. People expect that we will take our fair share, just like the United States, just like Canada, just like the United Kingdom. They are the things that should happen if you are a decent country, while dedicating resources to ensure your borders are properly protected.

We have dedicated more resources than ever before to protecting our borders. There are 18 vessels and 14 aircraft surveilling what are huge tracts of water. We are looking to successfully intercept these vessels, and we are doing so. We have had far fewer unalerted arrivals than the previous government had. There were 27 unalerted arrivals under the Howard government, far more than under this government. We will continue to properly assess these asylum seekers and to ensure and maintain the integrity of our immigration system and borders.

It was fantastic to have the President of Indonesia here in our chamber last week. It was very important to have him here. As you know, Madam Deputy Speaker, the President of Indonesia indicated in this chamber that there would be new laws in Indonesia criminalising people-smuggling activities. That is a very good thing. The Indonesians are looking to introduce those laws this year. That follows commitments by the Malaysian government to do exactly the same—that is, to criminalise people-smuggling activity.

We will make sure we continue to cooperate with our neighbours in order to protect our borders but also to protect our region. This is, in the end, a regional problem. It needs regional solutions. With the close cooperation between law enforcement agencies in our region since September 2008 we have had 117 arrests and 28 convictions on people-smuggling offences in this country, and indeed 89 are still being prosecuted. That is, again, a clear indication of how important the cooperation of law enforcement agencies is in these matters. It is a complex and difficult issue, but it is a challenge that the government will continue to confront and, ultimately, prevail on.
In relation to the other forms of cooperation that are occurring in Indonesia, we have seen the Indonesian National Police establish for the first time a people-smuggling task force of 145 officers. We appreciate their efforts. It is another example of the close cooperation between the Australian Federal Police and the INP. It is very good work that is being done. This is what we need to do.

Mr Ruddock—You should do those things, but you can’t rely on them alone.

The DEPUTY SPEAKER—Order! The member for Berowra’s longevity in this House should mean he understands the standing orders.

Mr BRENDAN O’CONNOR—We need to target the organised syndicates in the region that are seeking to exploit desperate people and to entice them onto, in many cases, unseaworthy vessels on perilous journeys. That is why our target will always be focusing on the criminal elements in this scurrilous trade.

In relation to the opposition’s stance, we are still awaiting their policy. We understand they have a different view. We understand they are willing to play politics with this sensitive matter. We understand all of that, but ultimately they will be judged on what policies they have. All they have done in this parliamentary term is agree to the changes that the government put forward in relation to this matter. Since then they have done nothing to precisely outline what they would do as an alternative government in dealing with this issue.

Mr Robb—We will.

Mr Sidebottom—Tony’s gunna do it.

The DEPUTY SPEAKER—Order! The member for Braddon is about to ‘gunna’.

Mr BRENDAN O’CONNOR—What we do know, though, is this: if we are to measure the border protection strengths of a government by arrivals, the Howard government was the weakest government in 30 years. If we are to measure border protection based on arrivals, the Howard government had the worst record of any government in 30 years. It is something that is very hard for the former minister and the shadow minister to swallow, but that is the reality.

Mr Morrison—You’re in fantasy land.

Mr BRENDAN O’CONNOR—Ultimately, the opposition, if they want to be a fair dinkum alternative government, have to consider whether they want to be fair on people seeking asylum and tough on people smugglers.

Mr Morrison—John Howard was known for being soft on border protection—try and spin that one!

The DEPUTY SPEAKER—Order! The member for Cook is warned.

Mr BRENDAN O’CONNOR—They have not shown that capacity. They have not shown that inclination. They have not shown any ethical regard whatsoever for people who are in desperate situations. In the end, they will be judged in terms of their effectiveness in border protection and also in terms of their concern for people who are fleeing persecution in war torn areas around the world.

Mr ALBANESE (Grayndler—Leader of the House) (4.45 pm)—I move:

That the business of the day be called on.

Question put.

The House divided. [4.49 pm]

(The Deputy Speaker—Ms AE Burke)

Ayes.............. 79
Noes.............. 55
Majority.......... 24

AYES

Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bidgood, J.
Tuesday, 16 March 2010

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**NOES**

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| Cobb, J.K. | Coulton, M. |
| Dutton, P.C. | Fletcher, P. |
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| Hawke, A. | Hawker, D.P.M. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Keenan, M. | Laming, A. |

**CHAMBER**
HEALTH LEGISLATION AMENDMENT (MIDWIVES AND NURSE PRACTITIONERS) BILL 2009

Consideration of Senate Message
Bill returned from the Senate with amendments.
Ordered that the amendments be considered immediately.

Senate’s amendments—
(1) Schedule 1, item 6, page 4 (line 10), omit paragraph (b) of the definition of participating midwife, substitute:
   (b) otherwise—an eligible midwife;
   so far as the eligible midwife renders a service in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in the regulations, with one or more medical practitioners of a kind or kinds specified in the regulations, for the purposes of this definition.

(2) Schedule 1, item 6, page 4 (line 18), omit paragraph (b) of the definition of participating nurse practitioner, substitute:
   (b) otherwise—an eligible nurse practitioner;
   so far as the eligible nurse practitioner renders a service in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in the regulations, with one or more medical practitioners of a kind or kinds specified in the regulations, for the purposes of this definition.

(3) Schedule 1, item 70, page 22 (line 2), at the end of the definition of authorised midwife, add “, so far as the eligible midwife provides midwifery treatment in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in a legislative instrument made by the Minister for the purposes of this definition, with one or more medical practitioners of a kind or kinds specified in the legislative instrument”.

(4) Schedule 1, item 71, page 22 (line 6), at the end of the definition of authorised nurse practitioner, add “, so far as the eligible nurse practitioner provides nurse practitioner treatment in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in a legislative instrument made by the Minister for the purposes of this definition, with one or more medical practitioners of a kind or kinds specified in the legislative instrument”.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (4.56 pm)—I move:

That the amendments be agreed to.

I am very pleased that the Senate has passed this historic legislation, the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009, which provides long-deserved recognition of Australia’s highly skilled nurses and midwives. These reforms will give nurse practitioners and midwives access to the Medicare Benefits Schedule and the Pharmaceutical Benefits Scheme for the first time. The government has always been explicit about the fact that these arrangements will need to be provided collaboratively with other health professionals, and these amendments reflect this intention.

It is a very proud moment for the government and, we believe, a landmark day for Australian nurses and midwives. Therefore I trust that these amendments, having passed through the Senate with the support of Liberal senators, will now be supported here in the House by the Liberal Party. That will certainly be good and welcome news for all nurses and midwives across the country and the communities that they serve.

Mr DUTTON (Dickson) (4.57 pm)—I will not delay the House but I want to make a contribution to this debate on the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009. We do welcome the bill and the changes that will flow from it, but I want to highlight the faux campaign that has been run over recent days by the Minister for Health and Ageing and the
Prime Minister suggesting—the minister’s own words in question time yesterday suggested this—that somehow the coalition was anti-nurse. This is such a ridiculous claim—false, misleading and completely without foundation. At no time did the coalition say that we would oppose the bill. Despite that, the minister—much to the dismay of many of the stakeholders within the industry, I might say—put out a press release and made public comments suggesting that we were going to block or not support the bill. That is again completely misleading.

Why, people might ask, would the minister mislead and try to create a faux campaign in relation to this very important issue? There are issues which we have addressed, but one which I think goes towards answering that question is this very important point: this minister is trying to create an atmosphere at the moment for people to believe that the coalition did nothing when we were in government in relation to health—which of course is a nonsense. This minister is trying to make people believe that we are against the provisions within this bill. That is a nonsense. The minister is trying to create an atmosphere of fear within the health community and to distract from the failings of this government, in particular in the health portfolio, in its first two years. There are lots of claims being spread about quite maliciously by the health minister and the Prime Minister at the moment in relation to midwives, nurses and the record of the—

Ms Roxon—Mr Deputy Speaker, I rise on a point of order. I am loath to interrupt, but I do not think it is parliamentary for the shadow minister to make any suggestions about malicious comments or otherwise. He is straying a long way from these amendments. I am happy for him to speak to these amendments, but I think he needs to do so in parliamentary terms.

The DEPUTY SPEAKER (Hon. BC Scott)—The bill is a wide-ranging bill. It is health legislation, but I would remind the member for Dickson to temper his language in relation to reflections on the minister.

Mr DUTTON—This campaign has been conducted by the government in question time and in the public domain otherwise that somehow the opposition leader took money out of health which is completely false. In relation to hospitals in particular—and nurses work within hospitals, midwives work within hospitals—they benefit from the investment the coalition made—

Ms Roxon—Mr Deputy Speaker, I rise on a point of order. These three pieces of legislation are about the payment of MBS and PBS items not to staff working in hospitals but to independent midwives and nurse practitioners working outside hospitals. The member for Dickson needs to bring his comments to a relevant point. I note he still has not said that he supports our nurses in this bill.

The DEPUTY SPEAKER—I remind both sides of the House that we are debating the health legislation amendment bill. I know that the point raised by the minister relates to the amendments put forward in this bill. I call the member for Dickson reminding him of the amendments before the House.

Mr DUTTON—Absolutely, Mr Deputy Speaker, and so the distraction campaign continues from the government, but they cannot hide from the fact that the coalition government, in particular under Tony Abbott, provided record funding to the health portfolio. The fact that billions of dollars were wasted by state governments is quite separate to that. We were frustrated, as this government clearly is, by the incompetent state Labor governments in relation particularly to the ways in which they employed nurses and midwives.
Ms Roxon—Mr Deputy Speaker, I rise on a point of order to do with relevance. Unfortunately, if the member cannot get these questions raised in question time, that is not the issue. This is about a very specific set of bills.

The DEPUTY SPEAKER—There is no point of order. We are debating the amendments. The question is that the amendments be agreed to.

Mr DUTTON (Dickson) (5.03 pm)—As part of an honest debate in relation to health, in particular in relation to nurses and midwives, it is absolutely crucial that the facts are on the table. The facts are that under Tony Abbott we had a record increase in spending in the health portfolio and nurses, midwives, doctors and other allied health professionals in the sector benefited from that record investment. The question to the minister is: on what did she base her claim that the opposition was somehow anti-nurse? On what evidence did she base her claim that we were not going to support this bill?

As I said before, talking to a number of stakeholders they are absolutely amazed at the minister’s performance and the way in which she has behaved over the last 48 hours in particular. People are shaking their heads. The opposition has been negotiating with the stakeholders in good faith and yet despite all of that this minister puts out press releases suggesting somehow that the coalition was not going to support this bill. I think it shows how disingenuous this minister is not just in relation to this bill but, frankly, about an honest debate in the health portfolio full stop. It is a debate that is going to play out over coming months. This is why we have always referred to this minister as Reba Roxon because people in New South Wales will remember Reba Meagher as being a terrible health minister—

The DEPUTY SPEAKER—The member for Dickson will refer to the minister by her title.

Mr DUTTON—and that is where we are. We always have supported nurses and we support them through this bill. There are a number of issues, obviously, which we still have in contention with the government in relation to a number of other areas in health, but there is no question about the coalition’s support. This minister really should stand condemned for the faux campaign that has been conducted. I think it is why people within the sector really shake their heads at the incompetence of the minister for health.

Question agreed to.

ANTI-PeOPLE SMUGGLING AND OTHER MEASURES BILL 2010
Second Reading

Debate resumed from 15 March, on motion by Mr McClelland:

That this bill be now read a second time.

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (5.06 pm)—Last evening in my speech in the second reading debate on the Anti-People Smuggling and Other Measures Bill 2010 I was referring to claims by the shadow minister in relation to his view that the crisis in Sri Lanka is just about over and that the crisis in Afghanistan is disappearing et cetera. Quite frankly, I am more prepared to listen to the Auburn Tamil seniors group that I met on the weekend at a Seniors Week event than the shadow minister. I think details around the world tend to reinforce their view rather than his. It is interesting to note that the Immigration and Refugee Board of Canada as late as January this year pointed out that there are 100,000 Tamils in the Indian state of Tamil Nadu alone, 27,000 of those being prepared to live even outside refugee camps.
We are in a situation where the opposition candidate in the general elections, General Fonseka, has been court-martialled and placed under house arrest during this period. Indisputably, even if people were very critical—(Quorum formed) As indicated, I would have more faith in the Tamil seniors group in my electorate than in the shadow minister for their view and knowledge of the situation in Sri Lanka. I was making the remark that the situation there at the moment has involved the arrest and court-martialling of the presidential candidate. It is a situation where a recent vote by British Tamils found 99 per cent support for an independent state in Sri Lanka. What those figures and the number of people in camps in India say to me is that there is still a very serious human rights issue in Sri Lanka which would lead to people seeking refugee status, whether it is in India, Europe or Australia.

The Indonesians, of course, are acting with regard to people smuggling, with regard to the formation of a task force and in cooperation with the AFP, because, unlike those opposite, they understand the practical circumstances that are the push factors leading to refugee claims in our region. It is very clear that there is very confused thinking amongst those opposite. There is very grave opportunism. The joint committee on migration matters last year came down with a number of recommendations which they would now say are advertisements for refugees to come to this country. We had a unanimous report from this committee last year which says that after three months every person whose security and health situation has not been finalised should be subject to a departmental review, after six months be referred to the ombudsman and, after a year, be given judicial review. These are the people who once the boats start coming start throwing up their hands and saying it is because of government liberalisation in this area, and yet when many of the measures were adopted by this government they sat on their hands and failed to oppose, most particularly with regard to temporary protection visas.

It is interesting to note the record, in which they say that we can overcome this. They say that if we detain children for an average of a year and eight months, as they did; if we have large numbers of temporary protection visas, where people are insecure about what is going to happen to them, not knowing the future; and if we detain women then somehow people will not come by boat. It is interesting to note that, despite the millions of dollars of taxpayer money that was expended with regard to people on temporary protection visas, the situation was that the overwhelming majority of them stayed here in the end anyway. They might have been uncertain about their future, they might have been unclear about when and where they were going to get permanent residence but the truth is they virtually all stayed here. As we know, some of the figures indicate that amongst the highest years of boat arrivals were ones after the introduction of some of the opposition’s draconian policies. There is no clear, emphatic correlation between the number of boats coming to a country and the internal policies with regard to how the country processes claimants.

Mr Laming—It went from 40 to zero.

Mr LAURIE FERGUSON—Well how did it get to 40? Was that because of the policies you had in for those two years? Were you reprehensible? Were you incompetent? Were you not watching the ball when they did increase to that level? Is that what you are trying to say? The minister was not handling the problem? The truth of the matter is that refugee claims around the world are substantially about what is happening in home countries. People do not, in general, flee be-
cause they do not have a problem. What we have had in our region is, as I said, the end of the civil war in Sri Lanka which lasted for decades—

Mr Robb—There are 20 million people on the move. Come on, Laurie.

The DEPUTY SPEAKER—The parliamentary secretary will not respond to interjections.

Mr LAURIE FERGUSON—There are 20 million around the world, but the situation in our region is that we have two very fundamental realities. We have the situation in Sri Lanka with the end of the civil war and the incarceration of hundreds of thousands of people, many of whom have now been released but most of whom can have no great faith in their future in Sri Lanka. They cannot be certain that they are not going to be discriminated against. They cannot be certain that they are not going to be subject to extra-judicial murder. As I noted earlier, the situation in Afghanistan is lamentable. That is why the Americans are increasing the number of forces there. That is why there is talk of negotiating with the more moderate elements of the Taliban. That is why there is a debate between NATO and America over the degree to which there can be negotiations with the Taliban. (Time expired)

Mr LAMING (Bowman) (5.14 pm)—The year 2010 will be remembered as the year when Australians listening to this debate on the Anti-People Smuggling and Other Measures Bill 2010, either in the gallery or over the media, witnessed the disintegration of Australia’s border protection. It does not matter how much the story is twisted, about there being tough times in various countries in various states of decay or struggle, the absolute reality is that over the last decade or two there have been around 20 million displaced people at any one time. If we look to the UK and acknowledge the number of applications from asylum seekers, those numbers are simply not rising, as this government would put to you.

What we have on the other side is a massive scotoma of monumental proportions. When it comes to border control simply nothing is going to be done about it. We can see that. We can see a government so busy giving themselves gold stars that they are not even looking for a solution. I know that when one slinks, as a member of this place, back to local electorates, those on the other side steer well away from talkback radio, the pubs, the clubs and the shopping centre car parks because the conversations there are nothing like what they say here.

This government have become almost professionalised in the world of spin—of saying one thing here and doing something completely different back in their electorates. It has almost become pathological, so I know they do not even realise they are doing it anymore, but it has become almost impossible for this government to rescue themselves from this diabolical death dive that they are in over border control policy.

Let us go back to some facts. Back in the days of Kevin 07, and we all remember the little flags on cars, it was a time when the campaign picked out three or four policy issues—and wasn’t government going to be easy? Twelve years in opposition is plenty of time to come up with some decent policy but, by the time you got there, all you did as a government was to hit the ground reviewing. When it came to border protection it was easy to be ‘Howard lite’ during an election campaign but as soon as the hands got onto the reins and levers of government, suddenly it was all about unpicking the policies on behalf of your special interest groups: unpicking the TPV, unpicking the 45-day rule, unpicking detention debt, and unpicking and rolling back any of that commitment you
pretended to have while you were in opposition.

It was out on the media airwaves while they were in opposition that we heard them say, ‘We’ll turn those boats back’. Everyone in the gallery and in the media heard those words. How close is Prime Minister Rudd to any of that rhetoric that we heard before he was elected? Let us go to the data. All we have from this prime minister is reading out figures from before the Howard government instituted a series of reforms that made an enormous difference to this disgraceful, transnational, criminal activity called people smuggling. It has been acknowledged the world over. All that this new government had to do was not play with it and not fiddle with the knobs, but it was too much of a temptation, wasn’t it? Bill after bill came through this place and they thought they would just gradually drop down the modulation.

Mr Laurie Ferguson—You voted for most of them.

Mr Laming—Your own government will see what the results are of those actions. They speak for themselves. Let us go to the record: 2002-03, zero arrivals; 2003-04, three arrivals; 2004-05, zero arrivals; and then eight arrivals, four arrivals, three arrivals. But by that time this government just could not resist the temptation, could they? In they went with their legislative unpicking and what do we have to speak of right now? Let us look at the figures: 1,100 arrivals this year alone, 42 boats this year alone, and 92 since those policies were unpicked and unravelled.

These are enormous influxes of individuals hopeful for the sugar that this government provides. Exactly how does that translate in a country like Pakistan, where Afghans have been living there for a generation? It translates like this: people talk. They talk about the easiest way in and they say the soft touch is Kevin Rudd. They say: ‘Get those boats out and put up a Kevin 07 flag. Fly them under that flag and you’ll be okay’. That is the message that goes through those camps on the Afghan-Pakistan border.

You have not been there. Have any of you members been to those Afghan border camps? Have you travelled up the Khyber Pass? Have you actually seen those populations in the eastern parts of Afghanistan whose only hope is to find a country that will potentially take them? More often than not it is becoming a flight to Indonesia and then a boat trip across, and this government is simply tempting this all along.

I just make a quite simple point, as a humble opposition MP, that we have a situation where the government’s language was tough but compassionate and hardline—all of this kind of language was spoken out of two sides of the mouth, depending on who was listening. The Australian people are waking up to that. I am sure you realise that is happening as well, when you pour over the polls searching for language which will resonate.

What really annoys me is that we have had a debate for the last 12 months about denial. We know what policy I am talking about. The other side’s definition of denial is when there is vigorous debate on this side of the chamber, just as there is in the community. That is called denial. Of course, there is scepticism throughout the world of science and one can be called a sceptic. But do I not see true denial over there? There is no debate over the data. There is no great scientific debate going on about what has happened to these legislative provisions—all of them broken down by this government—and the direct cause and effect. Just how blind does one have to be to not see a cause and effect be-
between unravelling the laws and a veritable armada of boats heading in this direction?

How much do this prime minister and this government plan to spend on this problem? Was it $654 million over six years? Is it now closer to a billion? I think listeners have a right to ask the question: how much is this going to cost? How much does it cost to incarcerate, to hold, to promise, to judge, to do all of the research and offer all of the appeals? It amounts to close to a billion dollars. We know already that if you break those costs up you get $81,000 per person and $26,000 per person for customs and border protection. That is not even mentioning the threat, the danger and the risk that this prime minister is placing our border protection personnel in.

I do not think that Australia’s border protection agencies would need to be doing this kind of work, if the simple legislative solution proven to work four or five years ago had been retained. But our agencies do it because they serve Australia. They do it because that is their role, their job, their training, and they are proud of doing it. But this is something that one individual, our Prime Minister, could fix with some decent laws. That is all we are asking for here today. That is why we on this side are supporting this bill today. Of course we are going to support the empowerment of ASIO to obtain, correlate and evaluate intelligence and enable them to be even more front-footed when it comes to identifying individuals who not are only people-smuggling but are actually supporting the practice of people smuggling. There will be no arguments here.

But I think what has been completely missed is that we have a government which really has no heart in this issue. You can see that they are soft and spongy and moist. There is no commitment to border control whatsoever. They walk on both sides of the street saying one thing on one side to appease the special interest groups and then doing their very, very best to keep it off talk-back radio on the other. They can either, they can deny, they can delay—all those options are open to this government, but I am simply giving a very humble and understated warning that this one ain’t going to go away. This one simply is not going to vanish. You are not going to wake up one morning and find that someone else has come up with a solution, because this lot hold the reins of government. An entire nation turns to Prime Minister Rudd for some evidence that there will be some kind of solution, but they will not be able to keep papering over it—nor will any of his speakers who are going to follow.

There will be range of arguments here, such as: ‘Oh, there’s all these push factors,’ ‘Things are terrible in Sri Lanka at the moment,’ and ‘Things are hotting up a little bit in Afghanistan.’ But this is a criminal trade; it is all entirely funded by people looking to take advantage of the desperate. Never forget that. Never forget what happens on those boats—the appalling treatment—and then we have a Prime Minister who actually has the hide to crow about disrupting some of this trade in Indonesia. I simply ask the question: what do you do when you disrupt a boat that departs? Do these people find their way back home? No. Do they get any processing in Australia? No. Those who are disrupted in Indonesia simply stay in Indonesia and have another crack—they just have to find another $5,000. That is not humane, but that is not even acknowledged on the other side of the chamber. There is no long-term solution; there is just disruption—making it someone else’s problem, hoping the Indonesian President will not speak out about it and then trying to do some kind of deal to keep the whole thing quiet. But there is no long-term plan.
Where are the discussions with the Afghan and the Pakistani governments? Where is the action and the bipartisan, bilateral approach with Sri Lanka? That is not happening at all. It is all Indonesia’s problem, and then the government simply hopes that the next boat does not come. But we have got to the point where we need an update—not every day; it is getting to an update every session—to try to work out when the next boat is coming. Control has been lost. There is absolutely no plan, except to keep moving things around—What is it; the pea and the shell game, where you just keep moving things around?—and hoping for a solution from somebody else. What is the latest proposal now? Christmas Island is overflowing. Potentially another 600 people are on the high seas right now. And the plan? We will take the low-risk males and move them to Darwin, and when Darwin is overrun we will take more high-risk males and move them to Curtin over in WA and then move others into Darwin. This is just calculated, cowardly retreat in a policy sense. It is nothing else.

Let us go back to a bit of history, because often what Mr Rudd tends to do is to blithely read out figures from before the Howard government brought in the Pacific solution and say that things were actually worse then. Well, let’s remember what the Deputy Prime Minister actually said in some press releases when she said: ‘Boat’—singular—’proves government has no solutions’. Don’t these things come round to haunt you if you live long enough? What was the second one in 2003? ‘Another boat; another failure.’ I would like to know whether the now Deputy Prime Minister ever had a press release that had anything in plural syntax. They were jumping up and down at the sight of a boat, singular, because they were lucky to see three a year. What we are looking at now is an order of magnitude greater. One would have thought any responsible Australian government would have said, ‘We need a legislative solution,’ but, instead, what we have is legislative retreat to the point of desperation and breakdown.

We have heard all that Rudd doublespeak, and when one goes back to the pubs such as the ones in my electorate—the Alex, the Sands, the Koala, Capalaba and Cleveland taverns, the Redland Bay Hotel, Hogan’s, the Grand View, the Vicky Point Tavern and all those—and speak to locals at the public bar—

Mr Laurie Ferguson—You had to read them all out.

Mr LAMING—they are all saying the same thing about this Prime Minister and his government. I do not need to kick that one along. That one is happening—absolutely. I will make sure that I have got every pub too and every public bar, because it is in those places that you divine the true passionate feeling about this issue. We have a government that is trying to keep two constituencies happy and a price is being paid.

We have heard everything about global trends, and we have heard everything about moving people between different islands, but we know one thing for sure: we are seeing the end of that commitment to overseas processing. It was the one thing, the one signal that we sent very, very clearly: if you paid these criminals to throw you in a boat, the one thing you were not going to get was to be processed in Australia and get an easy option and access to the legal appeals process. For those who do not know, predominantly the burden of proof is on the Commonwealth to prove that an individual is not a refugee, and that is not too easy to do when they have absolutely no way of identifying these people whatsoever. This is tough, but of course it is not that tough for this Prime Minister, is it? It is not too tough for Prime Minister Rudd, because when he was embar-
rassed with the *Oceanic Viking* situation—there were 76 people on board and it went on for a few days—instead of hiding under the desk he came out and said, ‘We’ve got to cut a deal; just make sure it’s a deal that I don’t know about.’ Wasn’t that the most extraordinarily superficial and thin-skinned solution: ‘Talk to my security advisers but just make sure that I’m not informed’? This is the greatest megalomaniacal, centrist Prime Minister we have ever known, but he knew nothing about the *Oceanic Viking* capitulation.

And what was the solution? To those 76 people, he said, ‘I beg you; please leave the *Oceanic Viking* and I’ll do you any deal you want.’ That was the fast-track, wasn’t it? No ASIO checks—nothing to check if anyone had any serious crimes on their records. No. It was the fast-track, and what happened? We certainly discovered that four people did fail ASIO checks, but there was nothing that could be done. I recall a certain opposition member here raising the possibility that somebody on the *Oceanic Viking* might have had an irregular past, and I remember the howls of condemnation from the government benches. Sure enough, he prevailed and he was proven right. I just make a small point that we should never, ever sacrifice the very important border protection and controls for which Australia is renowned. We certainly do not deal it away in a cheap face-saving solution over the *Oceanic Viking*. But Australians know that is exactly what happened, and that proof of the past is the best evidence of what we can look forward to in the future: more of those deal-cutting, face-saving, spin-making agreements, anything to do this Prime Minister out of the absolute barefaced embarrassment that he feels about the breakdown of border protection.

It is very, very hard sometimes to actually work out what this Prime Minister stands for. It is very, very hard, because basically it is driven by a daily spin assessment. When you really know the chips are down, when there comes an opportunity to develop some real legislative solutions to this, we have seen almost nothing. I just wonder where the heart is to find a solution. I wonder where the heart is to get these people out of these boats and to find solutions for those who are stuck in Indonesia, to do something truly different and revolutionary and game changing. But it is not going to come from this Prime Minister, because his heart is not in a solution.

Right now we have our Customs and Border Protection Services, ASIO and AFP working harder than they ever should have to work because they have been legislatively betrayed. We see massive expenses facing the Commonwealth. I think $3.6 million is the latest figure per boat, for every one that comes over the horizon. Could anyone in the gallery or anyone listening find a more efficient way to solve that problem? A taxi driver on the way to the airport said to me, ‘What about the Hercules solution?’; for every boat there is a Hercules—you fly them back to where they came from, sign them in with the UN and start processing them fairly because, as this taxi driver knows, there are plenty of people in the home country who would love the opportunity to apply. There are plenty of people waiting in a queue hoping for a chance of a better life. There are plenty of people who are physically threatened, whose property is threatened, who are politically threatened and who never have this opportunity. But it is being dished out under the flag of Kevin 07 to those who can pay for an airfare to fly to Indonesia first. That great injustice is not going to be addressed and we have the best evidence of all, that we have had six consecutive legislative unpickings of what was a perfectly functioning system.

I want to finish on some reflections on Afghanistan. I will never pretend that I have...
any sort of personal experience that in any way should be regarded as superior to anyone else’s, but I did work with Afghans who were trying to find their way back to their home country, trying to de-mine many towns and villages and allow those families to come back. When the conditions are right, like all people they want to get back to their land. There was no greater sight than these beautifully and ornately decorated trucks full of camels, mules and personal possessions, and the whole family jumping in and heading back home. Let us never forget that in the end these people would love to be able to go back to a peaceful Afghanistan. I commend, in this case, both sides of the chamber for that commitment to the Afghanist effort, as I do all of those in the international partnership.

Let us remember that, even in the processing of these unfortunate people who are stuck in Pakistan and unable to go back for a range of reasons, they deserve a fair go. Most Australians would appreciate that, and if we are serious about helping this part of the world it is not to keep turning a blind eye to people smuggling or to unravel all of the laws that gave us the integrity in the first place. It is also not to start making trite comparisons with what happened in 1999 and 2000, before Mr Howard’s reforms, as some evidence that we were worse at it than you. It is not about that. We are talking about a direct cause and effect between the laws that were eroded in 2008 under this government. This was a time when they had plenty of time to get it right—hardly a crowded legislative agenda—but they deliberately and methodically, step by step, broke down the very thing that was actually working for this country.

I think there is an enormous amount to answer for here. Without being a little bit uncertain, I do not see any evidence that under the current administration there will be any change. I do not think someone is going to wake up in the morning, tap this PM on the shoulder and say, ‘Maybe we can come up with a solution.’ I think effectively we have legislative rigor mortis; there are just no new ideas coming through. I think that is a great shame for a lot of Australians, because when you speak to them they say, ‘I am genuinely concerned about that and I want to see some evidence of action.’ I believe that that will not be forthcoming. I think people smuggling will continue, that industry will continue and, despite the great work fighting terrorism by the TNI, the Indonesian police and others, it is simply too much to ask that Indonesia wear this problem and fix it for us.

The Indonesians counted on us to do our part of the deal. We had a role, as they often referred to, ‘We had to address the sugar’, but we have not—we have just dished more out. The great tragedy is that Indonesia can now not only throw its hands up in dismay but it also wears 90 per cent of the problem. Make no mistake, we are not being a precious wealthy country unwilling to take our share or commit what we should to humanitarian efforts. We do more than our fair share, but we should be doing much more to stop people smuggling. This will be the great tragedy of 2010—it is emerging, it is evolving. I say as we go back to our local communities across Australia that this is the great legislative, political and policy tragedy of 2010 and the Rudd administration. (Time expired)

Mr NEUMANN (Blair) (5.34 pm)—I speak in support of the Anti-People Smuggling and Other Measures Bill 2010. I was only elected to this place in November 2007, and that was truly one of the most odd and strange speeches I have heard since my election. The evidence was simply not proffered for the assertions which were made. No evidence was given in relation to funding. The speaker tritely dismissed the evidence of the
UNHCR, tritely dismissed the facts and the global pressures, tritely dismissed the fact that the bill that is before the House was never even contemplated by the Howard coalition government when it was in office. He said, ‘We will support this piece of legislation, but the Rudd government has legislative rigor mortis’. Then why support this legislation? He did not speak to the bill, but will support it and did not acknowledge the fact that the legislation strengthens what we are doing in relation to people smuggling and does not acknowledge at all that we have put huge amounts of resources into combating people smuggling. He asked, ‘Have you ever been there?’ Yes, I have been to Indonesia and spoken to the Australian Federal Police there. During a parliamentary delegation I spoke to the Minister of Defence, the Minister for Foreign Affairs, the President of Indonesia and the Indonesian authorities—the military and security over there—and they are working in close cooperation with the Australian government. The two governments are working in tandem to eradicate this pernicious trade in humanity.

People smuggling is wicked. It preys on the vulnerabilities of people. What we will do is criminalise behaviour which the previous government never thought of doing. We are backing up what we are doing with real money—it is budgeted and on the table. We have done that. We are taking steps with Indonesians through the Lombok Treaty and other arrangements with the Indonesian authorities. The previous government claims we are doing nothing: it is nonsense. What they are saying in relation to this is absolute rubbish.

Did the previous government, as this legislation does, establish a new offence of providing support for people smuggling in the Migration Act 1958 and the Criminal Code? The answer is no; they did not do it at all. (Quorum formed) Did the previous coalition government harmonise people-smuggling offences between the Migration Act and the Criminal Code to strengthen the criminal framework? The answer is no. Did they extend the mandatory minimum penalties in the Migration Act to the new aggravated offence involving exploitation or danger of death or serious harm and to offenders convicted of multiple offences? The answer is no. Did they make associated changes to the Surveillance Devices Act and the Telecommunications (Interception and Access) Act to enable law enforcement and security agencies to have consistent access under both acts to the appropriate investigative tools? The answer is no. Did they amend the ASIO Act to enable ASIO to perform a greater role in relation to people smuggling and other serious threats to Australia’s territorial and border integrity? The answer is no. Consistently they did not. So it is all rhetoric over there, not backed up by a legislative framework. The only thing they thought they might do was to do a bit of excision and put a Pacific solution there, a complete and utter failure—$289 million worth of failure. That is the reality.

What did we do? For the benefit of the member for Bowman—who needs to go into those pubs again, have a bit of a chat and get a bit of evidence—I am going to give him a few facts. I will just talk about what we are doing, because he thinks we are doing nothing in Sri Lanka and in those areas and are not working with the Sri Lankans, the Malaysians and the Indonesians. We have provided $35 million in development assistance to Sri Lanka in the last year. We have provided $5 million to support resettlement of internally displaced persons and $2.3 million for demining in the former conflict areas. I do not know whether the member for Bowman knew at all, but there was a civil war over there in places like that. With respect to resettlement of international displaced per-
I would just like him to be aware of the fact that, according to the United Nations, we have tens of millions of people who are displaced throughout the world. Those are the consequences of wars and conflicts in the Middle East and in Asia, including South-East Asia. I do not know where he thinks it is.

For the Tories over there, it is always about fear and not about facts. That is what they live and breathe and exist on: fear. That is the way they campaign, that is the way they legislate and that is the way they speak in this House: ‘Don’t give them the facts; don’t give us the facts; don’t give the Australian public the facts. Just campaign, assert and allege fear. Induce it, thrive on it and actually cultivate it.’ That is what they are about.

Let me give the member for Bowman a few facts—through you, Madam Deputy Speaker. We have established a dedicated border protection committee of cabinet. Did those opposite do it? No. We have increased maritime surveillance and patrols by the Border Protection Command. Did they do it? The answer is no. We have committed $654 million to a strategy to combat people smuggling, far more than the coalition ever put in. Did they match it when they were in power? The answer is no. That is part, of course, of a $1.3 billion strategy to strengthen our national security and border protection. They did not commit $63 million to aerial surveillance at all. We have increased the funding. We have also increased funding to the Australian Federal Police—$42 million—and we have increased our cooperation with the Indonesian police in relation to investigation and dismantling of the people-smuggling syndicates.

The coalition members can come in here, rant and rave on these matters and allege all kinds of things, but how about a bit of honesty and truth? How about a bit of reality about what is really happening across the world and acknowledgement that we are doing things? On 4 December, 2008—I do not know where the member for Bowman was—the Prime Minister, the Hon. Kevin Rudd, delivered the government’s first national security statement to parliament, setting out the national security reform agenda. I would recommend—through you, Madam Deputy Speaker—that the member for Bowman go and have a look at that speech, because I was very impressed by what the government was proposing to do in that regard: strengthening border protection and increasing coordination between government agencies. It is extremely important that we support the AFP and the People Smuggling Strike Team that we have established. We have allocated more money and more resources—we did this in the 2009-10 budget—to combat people smuggling and strengthen border protection than any government previously.

We have heard the mythology from those opposite. They talk about what is happening around the world and how it was all to do with the fact that, all around Asia and the Middle East, people were focusing on that prime ministerial suite and the Hon. John Howard. In that suite down the corridor, he was and they were all looking at him. When he decided, ‘We’re going to toughen our border protection policies,’ they all magically, mysteriously and mystically bowed down at his feet and said: ‘Oh, John. Prime Minister Howard, we are not going to do that because we fear you. We are going to stay away.’ That is just nonsense—absolute arrant nonsense.

The UNHCR has said it. There are 42 million displaced people around the world. That is why they were, and are, coming to these shores and who would not want to come to the best country in the world? If you were in despair and homeless, with war, pestilence and disease around you, why would you not
want to come to a western country, a great country like Australia? If you are desperate, you will do anything. You will pay the criminal syndicates anything you can to get there. What we have to do is give resources at the source, as we are doing and as we did in the last budget, as I said. We are working with the Malaysian government, the Indonesian government and the Sri Lankan government.

According to the UNHCR, of the 42 million who are currently displaced around the world, 16 million are refugees and asylum seekers. Anyone with an ounce of compassion would have their heart bleeding for these people, given what they are going through. We are so fortunate in this country, with roofs over our heads, food in our bellies, employment for most Australians and a way of life which is the envy of the world. There are 26 million people displaced within their own countries, according to the UNHCR. That is the fact. That is what is happening—it is the push factors throughout the world. It is not because of legislative changes here. We are toughening up our border protection with legislative changes. We are putting real money on the table, putting real police on the beat. We are working with our partners. Those are the facts.

We hear the mythology from those opposite, who come into this place time and again, and talk about their ‘Pacific solution’ and how it caused a decrease in boat arrivals. It is not true. It is simply not true. Their immigration policy did not result in what they claim. The truth is that we saw an abatement of refugees and asylum seekers around the world in those times. The facts are quite clear. It is like the issue of the temporary protection visas. My understanding is that the opposition supported what we were doing initially but then, for political reasons—campaigning once again on fear—they decided that they would do a backflip. They had a road to Damascus conversion and went back to their old ways.

When we announced the abolition of temporary protection visas for asylum seekers on 13 May 2008, as part of the 2008-09 budget, I was pleased. I thought it was the right thing to do. The coalition has come up with all kinds of mealy-mouthed words about what they will do if they get in, but the TPVs did not stop the boats coming here. In the four years from December 1997 to November 2001, there were a total of 12,651 unauthorised boat arrivals. The Prime Minister, in question time today, set out that the highest number of boats which came to Australia in the last decade or so, and the highest number of asylum seekers, was on the previous government’s watch.

And what happened when the people came to this country? By the time that TPVs were abolished last year, nearly 90 per cent of the people initially granted a TPV had been granted a permanent protection visa or another visa to remain in Australia. There were 11,206 people granted TPVs and, of these, 9,841 had already been granted a permanent protection visa or another visa. The previous government’s policy simply failed. It failed outright. What is their solution? Do they really want to go back to putting women and children behind barbed wire again? Is that what they want to do? What sort of decent, humane country does that? That is not the solution. The solution is to work with our neighbours across Asia. The solution is to beef up our border protection with cops on the beat. The solution is to put real money on the table to support our position. That is what the solution is—not to campaign on fear and not to campaign the way the opposition are campaigning.

I support this legislation. I think it will make a difference. It is something that the Howard government did not have the wit or
wisdom to do when they were in power. It is not legislative rigor mortis; it is real reform. It is a real attempt to make the situation better and I commend the legislation to the House and I commend the Prime Minister’s national security speech to the member for Bowman.

Mr BALDWIN (Paterson) (5.49 pm)—This morning I received my Daily Telegraph and there, on the front page, it said, ‘Refugees moved to Darwin as more boats arrive: PM’s ‘Tampa crisis’. When I look at the page 4 description, I want to go through each of the arrival occurrences since 3 January, because this analysis is very strong: on 3 January, three nautical miles north of Christmas Island, 76 asylum seekers on board; on 3 January, 29 miles south of Cartier Island, 30 people on board; on 8 January, 12 nautical miles north-west of Ashmore Reef, 27 on board; on 10 January, 4.8 nautical miles north of Christmas Island, 14 on board; on 13 January, five nautical miles north of Christmas Island, 42 on board; on January 22, near West Islet at Ashmore Reef, 29 on board; on 23 January, one nautical mile north of Christmas Island, 38 on board; and on 26 January, 12 nautical miles north-east of Ashmore Reef, 48 people on board. That is eight vessels in January.

The arrivals continue: on 1 February, in the vicinity of Christmas Island, 181 on board; on 4 February 4, 11 nautical miles north of Ashmore Reef, 89 on board; on 6 February, 91 nautical miles south-south-west of Christmas Island, 45 on board; on 12 February, 25 nautical miles south of West Islet, Ashmore Reef, 48 on board; on 18 February, 22 nautical miles north-west of Ashmore Reef, 41 on board; on 20 February, 16 nautical miles north of Ashmore Reef, 10 on board; on 24 February, near West Islet, Ashmore Reef, 43 on board; on 25 February, five nautical miles west of Christmas Island, 45 on board; and on 28 February, 13 nautical miles south-west of Christmas Island, 57 on board. That is nine vessels during February.

It goes on: 3 March, north of Ashmore Reef, 47 on board; from 4 March to 6 March, Indonesian police arrest 63 Afghan migrants on Lombok Island as they plan to head for Australia—well done; 6 March, east of Christmas Island, 80 on board; 7 March, north-west of Adele Island, 28 on board; 10 March, north of Ashmore Reef, 46 on board; 11 March, Border Protection Command provides assistance to a vessel 118 nautical miles north-west of the Tiwi Islands, 24 on board; 11 March, Border Protection Command provides assistance to a vessel 200 nautical miles west of the Tiwi Islands, eight on board; and 13 March, north-west of Christmas Island, 35 on board. That is 1,194 people over 25 vessels.

I say to the Prime Minister that, for all his rhetoric about who did what and where in the past, these numbers do not lie. These are incidents where intervention has been required and people have been taken to Christmas Island. As to what the major concern is now, I quote a section of the report by Ian McPhedran and Steve Lewis on page 4 of today’s Daily Telegraph:

Darwin’s immigration detention centre has been on alert for the arrival of several hundred asylum seekers from Christmas Island, which is close to overflowing.

“If one of the big boats arrives, then Christmas Island will be blown out of the water,” a well-placed source said.

The article goes on to say:

This year alone, almost 1200 boat people have arrived on 24 vessels—nearly half the number who arrived in all of 2009.

It also reports:

According to intelligence reports the illegal vessels, carrying several hundred people each, are expected to make for the Ashmore Reef area rather than Christmas Island.
The Customs vessel Oceanic Viking and charter aircraft are on stand-by to transfer more than 300 people to Darwin within 72 hours. If both vessels make it to Australia then up to 600 people will be relocated to the mainland.

That is an area of concern.

The difference between this Prime Minister and former Prime Minister Howard is that Prime Minister Howard was tough on illegal immigration. Prime Minister Howard was tough on those who sought to earn an income on people smuggling. He provided direct intervention, direct action, on illegal boat arrivals and he said, ‘It will be us and us alone who determine who comes to Australia’. This Prime Minister, Kevin Rudd, seems to have an open door policy, an open door policy that has led to thousands of people arriving in this country illegally. One of the sad aspects of that is that those people displace other people who have been waiting properly on a queue for assessment for admission to Australia.

What I also find amazing are statements by members opposite who talk about the urgency of these people being resettled in Australia. When I think about the numbers that were on the Oceanic Viking and the media reports that some of these people had been living in Indonesia for five to eight years without a threat to their physical environment, I think that they wanted to come to Australia more for economic opportunity rather than personal safety factors. I then think about those who have been left in a country where indeed they are facing danger to their safety and the fact that they have now been pushed to the back of the queue.

Through the period of this government, 92 boats and over 4,100 people cannot be wrong. They have seen a crack in the armour of this government, an opportunity. Those who traffick in people have seen an income and so the boats have continued merrily down the coast towards Australia. This is a government who have failed, and failed miserably, in keeping illegal people out of Australia. This is a Prime Minister who cut a deal with those on the Oceanic Viking, instead of standing firm, and offered them the world to save a bit of public face. You do not discourage people from coming to Australia illegally by opening up all sorts of corridors of guaranteed access and the benefits that being in Australia provide. The proof of that is that since the Oceanic Viking we have seen an acceleration in the numbers of people who have come to Australia.

We hear members opposite talk about, ‘Well, back in 2001 and 2002.’ Can I say to members opposite that we need to think back, and think back well, because there was a period under the Howard government where vessels did not come—where people understood that if you made your way to Australia illegally that you were going to be processed offshore, that there was no automatic right to the legal system in Australia and that there was no automatic right to be considered as an Australian citizen. In fact, there were just four vessels that arrived from July 2006, eight in 2005 and zero in 2004, as against eight in January this year, nine in February and eight so far in March.

So I say to members opposite that your policies are failing and failing miserably. They are failing because what you have created is an unreal expectation for those poor people who pay the people smugglers enormous amounts of money for a free trip to Australia—or, what they consider free access to Australia; the trip is not free because it could be $10,000 or $20,000. That says two things to me. If those people have been living in Indonesia for three, five or eight years and if they have $10,000 or $20,000, it is not their personal security that is under threat because they have been living in an environment where they have not had a personal security threat. It cannot just be an economic
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issue because they had $10,000 or $20,000 to pay the people smugglers. What it is is that these people just want to jump the queue. They want to jump the queue and push more-deserving people to the back of the list, and I think that is what is wrong.

Our Australian Federal Police understand the issue. In fact, on their website, they state:

People smugglers are individuals or groups who assist others to illegally enter a country. In the case of Australia, people smugglers provide air or sea access.

People smuggling is a major threat to all Australians because:

- there are serious security and criminal concerns when people arriving in Australia are not properly identified
- there are major quarantine and health risks involved in people bypassing normal immigration channels
- processing illegal immigrants creates significant logistical problems and costs, and
- it infringes Australia’s sovereignty, giving us less control over our borders.

If we consider that the cost of housing these illegal immigrants on Christmas Island and soon Darwin is expensive, I want the House to consider what the cost is to our defence forces—the people who sign up to serve and protect our nation—who are used to pick up these vessels and bring them to Australia. It is not exactly what they joined the military for but they are engaged in it. At a time of an operational tempo in areas where our troops are doing an outstanding job, we are stretching our defence forces even further.

The cost of housing people in detention is very expensive. Estimates are somewhere between $150 and $250 per day. In fact, I had a look around to see what other affordable options could be, given the cost of the Prime Minister having the Oceanic Viking go up and house 76 illegal immigrants who refused to get off the vessel. They sat in the harbour in Indonesia on an Australian vessel and just refused to get off the boat until the Prime Minister caved in and gave them what they wanted. So perhaps the Prime Minister could save Australia a lot of money and provide accommodation.

I am always looking through travel magazines these days and planning a family holiday in the near future. I looked at some of the cruise ships. Did you know that you can get the Pacific Dawn, which will hold 2,020 passengers, at $118 a night? Then we would not have to use our Navy. The Prime Minister could run his own cruise line. By God, he is letting enough people in here, he could fill a couple of these vessels a year, and probably do it for substantially less than the $10,000 or $20,000 that these people pay. He could do it with far more safety and bring them directly into Australia. That is how ridiculous the situation has become. This Prime Minister has become so lax with standards, rules and enforcement that he is encouraging illegal trade in people. And the numbers do not lie. Do not worry about 10, 15 or three years ago, worry about the escalating numbers since the Rudd government has been in power—the 1,200 since Christmas.

Ms Owens interjecting—

Mr BALDWIN—The member for Parramatta objects. That is 1,200 people in less than three months.

Ms Owens interjecting—

Mr BALDWIN—I am not ignorant. I am looking at the numbers and I have already read the review. If you had been in the chamber, member for Parramatta, you would have heard a line-by-line description of the boat and where they came to and the numbers that were contained. The problem is that you are blind and your party is blind to reality.

CHAMBER
The DEPUTY SPEAKER (Ms S Bird)—The member will address his comments through the chair.

Mr Baldwin—Sorry, Madam Deputy Speaker. The Labor Party and members opposite are blind to reality. The reality is that boats continue to come and are increasingly going to arrive in Australia. Why? Because it is easy access—and they have achieved the one thing that they always wanted. By ramping up the numbers of people coming down to Christmas Island and Ashmore, the government is now going to be forced to move people to Darwin. Once they are in Darwin, it will only further exacerbate the problem of more and more and more boats coming to Australia.

Members opposite would say the coalition have concerns because they are heartless people. I say to you, Madam Deputy Speaker, that that is not the truth. The truth is that we are compassionate people, but we believe in supporting those who take their rightful place on a queue to come in—not those who have the financial ability, who have not been living under a threatened environment, who simply want to jump the queue. So what this Prime Minister and members opposite need to do is explain in detail and perhaps put some ads in the papers in Afghanistan and Sri Lanka and in those camps where refugees are housed and say, ‘I am sorry, you can’t come to Australia because we are letting people queue jump; we are encouraging queuejumpers.’ I think that that is an absolute disgrace.

This bill and these measures provide a small change and simply do not go far enough. What this government needs to do is toughen up. It needs to toughen up and make sure that actions are taken to reduce, restrict and stop illegal people coming into this country. I am quite often quoted to by members opposite about our obligations under refugee conventions of the United Nations. I say to you: that applies when people are living under threat. Somebody living in Indonesia for three, five or eight years and earning an income there is not what I would exactly call living in a threat environment. The only person who is in cloud-cuckoo-land, my friend, is you. It is you because you refuse to see the facts. You sit there blindly—

The DEPUTY SPEAKER—Again, the member will not reflect on the chair.

Mr Baldwin—Sorry, the member opposite is out of his seat, but be that as it may—

Mr Sullivan interjecting—

Mr Baldwin—the member for Longman, who is making gestures—

The DEPUTY SPEAKER—The member for Paterson is correct. The member for Longman will not interject while not in his seat.

Mr Baldwin—I am just going to finalise and say this: the day that this government gets serious and stamps its authority on the illegal trade of people into this nation and does everything that it can to promote the proper process whereby genuine refugees are not pushed to the back of a queue for those who have taken a financial opportunity to come to this country, is the day that the government can stand here and lecture me on the issues in relation to settling refugees in this country. But while ever the government takes the stance that it takes now, while ever it takes the soft option—and that is what it is, the soft option—what we will see is a continual arrival of illegal boat people.

It will not be long before Villawood becomes the first port of call for people coming in illegally. They will pick them up off the boat and whack them straight down to Villawood or other migrant settlement areas, and that will again exacerbate the problem. We
need to see tough measures and we need to see that those measures are enforced. We cannot ever again let people on an Australian vessel in a foreign country dictate to our Prime Minister the terms on which they will get off that vessel. Sovereignty is important and it is absolute. We must make sure that we protect Australia’s interests as well as the interests of those who are truly disadvantaged, not those who are opportunistic.

Ms OWENS (Parramatta) (6.08 pm)—I am pleased to rise to speak on the Anti-People Smuggling and Other Measures Bill 2010. This bill will strengthen the Commonwealth’s anti-people-smuggling legislative framework, supporting the government’s ongoing work to combat people-smuggling. I am particularly pleased to speak on the bill because, by strengthening action against people-smuggling, we work to protect an incredibly important refugee settlement program in this country, a longstanding settlement program which in fact started in 1959 with 10,000 refugees from Europe after the Second World War. We have in fact been doing it at roughly the same number for a very long time and our program plays a very important part in the world resettlement of refugees.

The bill creates a new offence of providing support for people-smuggling, an offence that did not exist in Australian law. It harmonises people-smuggling offences under the Migration Act and Criminal Code to strengthen our criminal framework. Importantly, it extends mandatory minimum penalties for people-smuggling. In a very real way it increases our capacity to deal with people who smuggle people and those who assist people smugglers. I am proud to stand to support this bill, because we must fight to stamp out the organised crime of people-smuggling to reduce risk to the victims of the smugglers and because people-smuggling and the response to it in Australia weaken public support for Australia’s very important refugee program.

I am very proud of the role that Australia plays in the international refugee crisis. It is a special role and one played by very few countries. We as a nation take refugees for resettlement through the UN process, and that is very rare in the world. A tiny fraction of refugees are resettled in third countries. The UN estimated that the number of people forcibly uprooted by conflict and persecution worldwide at the end of 2008 was 42 million: around 16 million refugees and asylum seekers and 26 million internally displaced people uprooted within their own countries. The UNHCR estimates that some 5.7 million refugees are living in a situation of protracted displacement, having spent five years or more in exile. Only 121,000 refugees were proposed for resettlement to third countries in 2008. That is less than one per cent of the world’s 16 million refugees and less than 0.3 per cent of the total number of 42 million displaced people.

Resettlement is very rare and Australia is one of a relatively small number of countries with longstanding resettlement programs. As I said earlier, we have a very long history in this, and we should be proud of that. There are other countries that do it also. Canada, New Zealand, the Netherlands, Denmark, Finland, Norway, Sweden, the United States and a small number of very small countries—around 12 in all around the world—have longstanding resettlement programs. Recently some new countries have joined: Argentina, Brazil, Chile, Iceland, Ireland and the UK, on quite a small scale. On the resettlement program in 2008 the United States took 56,700 refugees; Australia and Canada, around 6½ thousand; Sweden, 1,900; and the other countries, between 500 and 1,200—very small numbers from a very small selection of countries.
It is quite a dilemma that countries like ours find themselves in. We have longstanding resettlement programs but we do not have what the rest of the world would see as refugee problems. Most of the countries with strong resettlement programs like ours have something in common, but essentially we do not share borders with strife torn regions. People do not flock across our borders in large numbers and our borders are not easily crossed. Most of us are separated from war torn areas by miles of ocean or miles of land. It is perhaps easier for countries such as ours to sign refugee conventions and to accept resettlement than it is for countries that see thousands of refugees fleeing neighbouring countries and crossing their borders.

Sections of our community respond with such fear at a few hundred people on boats, but how would we react to the circumstances that Pakistan finds itself in? At the end of 2008 Pakistan hosted the largest number of refugees in the world, with 1.8 million refugees, mostly from Afghanistan. Now that is a refugee problem. In the same year Syria was host to 1.1 million Iraqi refugees, making it the second-largest refugee-hosting country in the world. Iran hosted 980,000; Jordan, 500,000; Chad, 330,000; Tanzania, 321,000; and 320,000 refugees flocked across Kenya’s borders. The economic and social load from hosting refugees is overwhelmingly carried by developing countries, who hosted nearly 8½ million refugees, or 80 per cent of the global refugee population. Forty-nine of the least developed countries in the world provide asylum to 18 per cent of the world’s refugees. In our region, the Asia-Pacific hosts around one-third of all refugees in the world.

Some of the most important refugee-hosting countries in the world are developing countries that host hundreds of thousands of refugees that flee into their countries from neighbouring conflict zones or from neighbouring countries that will not accept them as refugees. They cross porous borders made up of coast land and land borders. We, who handle, in slow years, a few hundred and, in more difficult years like this one, a few thousand, ask those countries to help us stop people-smuggling. Over the last decade, through the previous government and through the Rudd government, those countries have helped and we have made substantial progress. This bill moves us further along the process of working with our neighbours to stop the pernicious trade of people-smuggling, which risks the lives of refugees on a daily basis.

Some will say, and they have in this debate, that the numbers of people attempting to come to Australia is a factor of Australian immigration law. People-smuggling is a crime. It is committed by people with little regard for the safety of its victims, little regard for the future of the people they prey on and, I suspect, very little regard for the quality of the service. The boats are leaky and I doubt that any sensible person would believe that people smugglers were sitting down every day and studying the immigration law of countries around the world to pick the best country of destination for their victims; they do not even put them on boats that stay afloat. I honestly think that the idea of criminals actually sitting down and studying changes in immigration law is nonsense. The loud statements from the opposition about being soft on people smugglers are far more visible to people smugglers than the legislation.

I also do not believe that asylum seekers are sitting around studying immigration law. I do not believe that is actually about our law. It is about where people are seeking to flee from and the numbers in which they are fleeing. As the number of people fleeing rises, so does the number of people seeking to get on boats. They do, generally, seek out
resettlement countries among others. They do seek out the US to a far greater extent than they seek out Australia. Canada receives 10 times the number of unauthorised asylum seekers as Australia. The Scandinavian countries receive far more than us. France receives many more than us. Europe receives many more than us.

The idea that world refugees are all looking towards Australia is simply false. The number of refugees that arrive unauthorised in Australia is very, very small relative to those arriving in other countries around the world. The increases in Australia are smaller than they are in the rest of the world. For example, in Europe there were 290,000 claims in 2008. That was a 13 per cent increase from the 256,000 claims in 2007. In Canada and the United States there were 86,000 claims, nine per cent more than in 2007. But even then, the overall increase in the number of claims was still half of that in 2001, where 150,000 applications were lodged in both countries. It is worth talking about that because we have heard the opposition say that the change in the number of refugees seeking asylum in Australia was something to do with our laws. Australia had very high numbers of what we now call unauthorised arrivals in 2000 and in 2001, with 13,000 claims in 2000 and 12½ thousand claims in 2001. This matched the dramatic increase in Canada and the US for the same years.

The UN reported that the number of refugees around the world declined dramatically by 2005 to 8.4 million. That is half the number that they say we have around the world now. There was a dramatic decline in the number of refugees moving around the world in 2005 and there was a dramatic decline in the number of refugees coming to Australia by boat. Then it started to rise. It rose to almost 10 million by 2006 which was the highest since 2001. The numbers started to increase for Australia. They also dramatically increased around the world. They continued to increase around the world and they continued to increase in Australia. It is illogical to suggest that the increases in Canada or the US had anything to do with Australian law, yet the numbers increased there at the same or greater extent than they increased in Australia.

If you think this is a major problem for Australia, consider Yemen, which had 74,000 Africans arrive by boat in 2009. This was a 50 per cent increase on the 50,000 the year before—a record for that year. There are other countries in the world that have substantial refugee problems, yet we in Australia respond with such incredible fear to the relatively small number of people who arrive on our shores by boat. In spite of that, it is incredibly important that we do protect the Australian community’s perceptions of our resettlement program because it plays such an important role.

I want to talk about a couple of refugees that I know. I live in the incredibly diverse community of Parramatta where over 40 per cent of the population is born overseas. I doubt whether most Australians would be able to recognise refugees, even if they had refugees among their friends, because quite often refugees do not talk about their stories; they deliberately do not. Sometimes it is years before they even tell you about their background or what they went through. Many Australians would not personally know the stories of refugees. I do. I want to talk about a couple of these stories.

There is one young man in my electorate—and I will not tell you his name or where he comes from because he is very well-known. He arrived in Australia from Africa as a refugee at the age of 20 with his four younger brothers and sisters. He studied English when he got here; he later enrolled
in law and is now in his final year. Two of his younger brothers and sisters, who he raised, are now at university as well and the other two are still in high school. If you ask him whether his parents are here—I have heard other people ask him that, as have I—he evades that question. I honestly do not know where his parents are and I do not know the fate of his parents. But I do know that this young man came to Australia after many years in a camp with his four younger brothers and sisters and he has raised them incredibly well. That is as much as you can possibly ask of an Australian. He is an extraordinary young man and we are very, very lucky to have him.

I met a young woman and her husband the other day that had a beautiful little baby with them. I call her the beautiful little chocolate baby because she is an African baby and she is just the most gorgeous little thing. I talked to them and they told me they had been in a camp for five years. Before the woman fled her homeland, she was a law student. But now in Australia, she is struggling to learn English, though she is doing incredibly well. I asked her whether the child was her first child and the answer was no. The couple were separated from their four-year-old daughter when they were displaced between two refugee camps. They have no idea where their four-year-old daughter is.

These are horrendous stories. People find themselves in a camp and there is no way out. I hear a lack of compassion on the other side of this House for the circumstances that these people are in. I hear the lack of compassion on the other side of this House for the circumstances that these people are in. I hear the idea that there is an ordered queue somewhere and you can stand in it waiting to get to the front. The people who fled Vietnam all those years ago were in the front of the queue for awhile until war broke out elsewhere, and then another group was moved to the front of the queue. There are still Vietnamese refugees living in countries in the world who do not have the rights of a citizen. So many years later, they are still living with uncertainty because they were moved from the front of the queue when war broke out elsewhere. When war broke out in so many African countries, those countries were moved further up the queue. The queue moves depending on where the conflict is.

If there actually were an ordered queue that 42 million people could stand in and someone with godlike powers could say, ‘If you stay there for three years, you’ll be able to go home,’ if it were actually possible to do that, then we would be having a different discussion here. But the notion that there is an ordered queue, that people in fear of their lives—people who are facing illness, death, no life for their children, no future for their children, people who have already lost family members, who are already traumatised—rationally would say, ‘I’d better just sit here and wait for someone to come along and tell me where the queue is,’ is nonsense. The lack of compassion that I hear from the other side just beggars belief.

It is because of the stories of these people that the Australian resettlement program is so very important and we need to defend it. We should all be defending it. We should all be standing up today in this House talking about how important this refugee resettlement program is. Rather than demonising people who are desperately trying to seek a new life for themselves, we should be talking proudly about what we have done and what else we can do to assist.

Australia assists in a number of ways, but I will tell you what we cannot do again. I know people in my electorate who spent years in detention centres—five, six years. I know one man who spent seven years in a detention centre. He is half my age; he is in his early 20s. He was in a detention centre for seven years. The Howard government
actually started a funding program to assist people who had been in detention centres and needed assistance in resettling, having spent so many years in trauma. We cannot go back to that. I know people who spent years on temporary protection visas and I know what that did to them and their families. They and their children had no security. We cannot go back to that.

There are people in my community—and I despair at these people—who, when the opposition starts to spread this fear, come out with lines like, ‘We should just push the boats back and let them drown.’ We should not accept that. We should not accept those statements and we should not be stirring up that kind of attitude in our community. Yet every time we have this sort of fear campaign on the other side, this demonising of these desperate people, I get that kind of response from some members of my community. I get other members of my community saying, ‘Send them back to where they came from.’ When I say, ‘When they arrive, they might get shot,’ I get the reply: ‘Not my problem.’ I do not think we should be accepting that attitude either and I do not think we should be stirring that up in our community.

We should be talking proudly about the way this country has resettled so many refugees over so many years. We have done it incredibly well. We should be proud of it. We should be talking it up. We should be talking about the contribution these people have made. Does anybody now look back on the Vietnamese boat people—the term ‘boat people’ was coined for them—and not think, ‘What a great contribution this group of people has made to this country’?

Australia contributes to addressing the world refugee dilemma in a number of ways. I will briefly outline some of those now for the people out there who do not know just what Australia does. There are essentially four parts. Firstly, we provide assistance and aid to countries of origin, to stabilise situations and assist people who are able to return safely to their home in time. That is very important. We actually take relatively small numbers. We do not have people flooding across our borders. But we use some of our capacity to assist countries that do have large numbers of refugees to house those refugees and to assist them to return safely when their homelands are safe. That is a very important thing that we do.

Secondly, we support asylum seekers in neighbouring countries as close as possible to their country of origin. We do that in Indonesia, for example. (Quorum formed) (Time expired)

Ms O’DWYER (Higgins) (6.29 pm)—I rise to speak on the government’s Anti-People Smuggling and Other Measures Bill 2010. Before I commence my speech, I would like to address some comments that were made by the member for Parramatta in her speech. She ascribed comments to those here on this side of the chamber that we had suggested turning the boats back and letting them drown. I categorically reject that. That is certainly not the view of those on this side of the chamber.

Ms Owens—I did not make that comment—you misheard.

The DEPUTY SPEAKER (Ms S Bird)—Order! There will be no interjections. There are other forums in which to correct comments that are made. The member for Higgins has the call.

Ms O’DWYER—While I speak in favour of this bill, a bill that contains sensible measures to target criminals who engage in the highly lucrative and illegal activity of people smuggling, it is important to note that this bill is an expression of the Rudd government’s failed policy on border protection, a failure to stop the illegal boat arrivals and to
keep our borders secure. There is no question that new criminal offences for people who support people smuggling, as well as increased penalties for people smugglers, is a step in the right direction to deter human trafficking networks in the Middle East, Africa and elsewhere from their potentially deadly operations, just as there is no question that increasing the investigative capacity of Australian government agencies will equip them to better target, disrupt and prosecute such networks—a good thing. However, this bill does not go far enough. It does not address the substantive issue at the heart of what has become an ever-escalating problem, and that issue is the Rudd government’s softening of their border protection policy.

Prior to the 2007 election, Kevin Rudd promised to keep our borders secure. He said that he would turn back the illegal boats. In August 2008, far from sending the signal that Australia was closed to people smugglers and criminal networks, he made significant changes to our border protection scheme. These changes included the dismantling of temporary protection visas, the closure of offshore processing centres and, more recently, the establishment of special deals for certain illegal arrivals, such as those on Oceanic Viking. The Rudd government claimed that these changes made our border protection policy more humane and would not compromise the security of our borders. This was a false claim on both counts: first, because anything that encourages an increase in human trafficking cannot possibly be considered humane; and, second, because the security of our borders has been compromised.

I will start by talking to the first point. Those who run people-smuggling operations in places like Iraq, Afghanistan and parts of Africa, and closer to home, do not adhere to any moral imperatives; their only concern is to profit from the desperation of others. They do not have any concern for the welfare of their hapless clients. There are no occupational health and safety laws to concern them, there are no regulations and there are no consumer protection laws. They put desperate people on a boat, they get paid and whatever happens from then on is of no concern to them. This is as far from humanitarian practice as you can get. It is deceptive and potentially deadly. In fact, we know of a recent tragic case, in October of last year, where 105 Afghans set out from Indonesia and have not been heard of since. And then there are all of those stories that remain untold.

The second point is that you only need to look at the number of illegal arrivals since August 2008 to see just how much of a green light the Rudd government has given to people smugglers: at current count, 92 boats and more than 4,100 people have arrived illegally here in Australia. In 2010 alone, we have had 24 boats and almost 1,200 people arrive illegally in just 10 weeks. Since 2001, we have gone from an average under the coalition government of three illegal boat arrivals per year to two boats every week under the Rudd government. This is the highest rate on record.

Let us look at the coalition’s record. While illegal boat arrivals surged in 2000 and 2001, after the Tampa the coalition brought into effect strong border protection measures. It was the combination of these measures that sent a clear signal to people smugglers that Australia was not open for human trafficking. The results are a testament to the effectiveness of the policy, and it is worth reflecting on this. In 2002-03, there were no illegal boat arrivals. In 2003-04, there were three illegal boat arrivals and 82 people. In 2004-05, again there were no illegal boat arrivals. In 2005-06, there were eight illegal boat arrivals, 61 people. In 2006-07, there were four illegal boat arrivals, 133 people. In 2007-08,
there were three illegal boat arrivals, 25 people. And then we see a change: in 2008-09, there were 24 illegal boat arrivals, 1,039 people. In 2009-10, there have so far been 92 illegal boat arrivals and over 4,100 people. This is a significant shift.

The Rudd government would like the Australian public to believe that this is a result of push factors, that international conflicts beyond their control have led to this increase. Yet the evidence does not support this. Only last week, the Office of the United Nations High Commissioner for Refugees reported that in Sri Lanka and Afghanistan—two countries repeatedly cited by the government as being most significantly affected by these push factors—the situation has significantly improved. Despite this, arrivals still increase.

Given the Rudd government’s justifications, given they say that it is due to push factors, it is curious indeed that asylum applications around the world today are 40 per cent lower than what they were when the coalition was confronting this issue 10 years ago. Despite all of the spin, there can be no doubt that pull factors have been a powerful force behind the dramatic escalation in illegal boat arrivals. People smugglers have heard the siren call. The Rudd government’s loosening of arrangements to allow people to settle permanently in Australia is a powerful incentive—one that sees people risk their lives on boats and pay up to $20,000 to people smugglers for the dangerous fare. The increased ability for illegal arrivals to gain permanent settlement is a product that sells itself and makes Australia a key target for criminal networks.

It is reported today in the papers that there are two more vessels on the way, with hundreds on board. Christmas Island has the capacity to hold 2,040 asylum seekers, but the facility cannot cope with the numbers. But the Rudd government have got another plan. Today the Daily Telegraph exposed that plan. Their plan is to shift hundreds of asylum seekers to the mainland where they will be processed onshore at the Berrimah facility in Darwin. This will become a new holding centre. This is the start of onshore processing. This will mean that people smugglers will have an even more powerful product to sell. Far from decreasing the illegal boat arrivals, we will see the large number of arrivals sustained and potentially increase.

We must not ignore the terrible cost of people smuggling—both the financial cost and the human cost. Already we know that there has been a $132 million blow-out in the cost of processing illegal arrivals on Christmas Island this year. If these boat arrivals continue at the current rate, we estimate that the Australian taxpayer is looking at increased costs of around $300 million a year. That is over $1 billion of additional immigration costs over four years, including 2009-10. On average for each person who turns up on Christmas Island the Australian government spends around $80,000. It is clear that this problem is not only a humanitarian problem but an economic problem as well. Increased numbers means increased costs. Increased costs lead to further spending and budget blow-outs. The Rudd government, through their bungled Home Insulation Program with its $1 billion blow-out and now this latest blow-out in border protection, continue to demonstrate that they are absolute failures when it comes to strong economic management.

While on the matter of funding, it is unclear whether as a result of this bill the government will provide ASIO with further funding to deal with their increased responsibilities to target people smugglers. If no additional funding is available, we have to consider whether ASIO will be diverted from
other important agency functions. I hope that during the course of the government speeches we will be enlightened on this point.

But let us not forget the human cost. While those opposite ascribe base motives to our strong view on this side of the chamber that it is critical to stop illegal boat arrivals, there is a very simple explanation. We do not like people risking their lives. We do not like enriching criminals. We do not want to outsource our refugee settlement program to people smugglers.

Globally, Australia has one of the strongest records when it comes to the settlement of refugees. In per capita terms, Australia ranks first for refugee resettlement. But, when you consider the statistics, less than one per cent of the world’s refugees will be granted permanent settlement in one of 16 countries, including Australia. That is why it is so important that we conduct the process in a fair and compassionate manner. There are many refugees who would love to come to this country. Some in refugee camps are now second and third generation refugees. They have waited patiently, unlike those who wear their humanitarian credentials on their sleeves. I do not understand how it is more humane to allow people smugglers to determine who gets processed for resettlement here in Australia ahead of the UNHCR in these camps. It is not defensible and it is another example of the Rudd government failing to take responsibility, failing to tackle the big issues. They are more concerned with spin than substance.

There is no question that we need to work constructively with our neighbours to tackle this issue. We welcome the announcement by the Indonesian President on his recent visit here to Australia that Indonesia is making people smuggling a criminal offence in Indonesia. But the reality is that, unless the Rudd government sends a clear signal to people smugglers, such actions, while worthy, will not stop the arrival of the boats. Through its failed border protection policy the Rudd government has given the people smugglers what they need to convince their customers that getting on a dilapidated and unseaworthy vessel and being stuck on the high seas is a worthwhile endeavour. Anything we can do to prevent this from occurring will be beneficial to both Australia and the people whose lives are spared from such a dangerous journey. These provisions are a small first step and long overdue.

Kevin Rudd must level with the Australian people. He broke his promise that he would turn back the boats. He must acknowledge that his policy changes have led to this surge in illegal boat arrivals. If he does not acknowledge the problem and does not fix it by sending a clear and unambiguous signal on border protection, the only winners will be the people smugglers—and that would be the real tragedy.

PERSONAL EXPLANATIONS

Ms OWENS (Parramatta) (6.44 pm)—Madam Deputy Speaker, I wish to make a personal explanation.

The DEPUTY SPEAKER (Hon. DS Vale)—Does the honourable member claim to have been misrepresented?

Ms OWENS—Yes.

The DEPUTY SPEAKER—I call the member for Parramatta.

Ms OWENS—The member for Higgins said at the beginning of her speech that I had put words in the opposition’s mouth and said that they had suggested that people should drown. I did not. What I did say—and Hansard will show it—is that, when the opposition stirs up fear in the community, attitudes like that emerge and we start to hear more of those kinds of comments because of the fear
I rise to voice my support for the Anti-People Smuggling and Other Measures Bill 2010. Last week we were privileged to hear in this place from the Indonesian President, Dr Susilo Bambang Yudhoyono. It was a historic address, a momentous address, and the first by an Indonesian President to the Australian parliament. Personally, I think it was a watershed moment in our history and I am proud to have been an attendant lord that swelled the progress and the start of a new scene. It says something about the invigorated friendship and spirit of cooperation between Australia and our northern neighbour. In his considered and insightful address in the chamber, President Yudhoyono acknowledged once again that people smuggling is a regional problem requiring regional solutions. President Yudhoyono also committed to introduce a law into the Indonesian parliament to criminalise people smuggling, with a maximum penalty of five years jail. As I have a connection to an Australian who, sadly, in 32 days time will have notched up five years in an Indonesian prison, I know this will be a very strong prevention measure.

Both of our countries continue to work together as a new tide of asylum seekers seek to find a safe place somewhere on the globe, a haven from the hell. Up to 260,000 people—more than all the people in the Northern Territory—have been displaced as a result of the civil war in Sri Lanka, and around 2,000 have found themselves in the vicinity of Australian waters. This is a fact that is forgotten by those opposite, or deliberately neglected. Most of the asylum seekers head north into India or Malaysia or onwards into Europe, but the reality is that some come to Australia—not because they are flicking through the internet looking for the government’s immigration policies. That is ludicrous, a specious argument if ever I heard one. It is a ridiculous bit of political manoeuvring from those opposite that ill becomes those people who say that they have an intellect. That is the reality: up to 260,000 people have been displaced. Why? Because of a long-running civil war in Sri Lanka.

Under the terms of the Lombok treaty, Australia is also involved in a region-wide process to combat people smuggling. The Rudd government takes the scourge of people smuggling very seriously. We have committed more than $654 million to combat people smuggling. People smugglers are obviously in it for a quick buck. They do not care about the health, wellbeing, safety or aspirations of their human cargo. They see an opportunity. They put desperate people at extreme risk of injury or loss of life just to make some dollars.

On the figures available to me, I am aware of 23 convictions of people-smuggling offenders in Australia since September 2008, and 63 people charged with these offences are currently being prosecuted. These people face tough penalties. The maximum penalty for people-smuggling offences is 20 years imprisonment and/or a $220,000 fine. This bill will further strengthen the Commonwealth’s arsenal against people smugglers. It establishes a new offence of providing material support and resources to a people-smuggling venture. The offence will apply to any person who provides support or resources to aid the offence of people smuggling. However, it will not apply to a person who pays smugglers to facilitate their own or another’s passage or entry to Australia. The offence will carry a maximum jail term of 10
years and/or a $110,000 fine. These tough penalties send a strong signal to those wanting to exploit the desperate and vulnerable through people smuggling, and especially those people in Australia.

To ensure people-smuggling offences can be enforced across the board, this bill will also harmonise offences between the Migration Act and the Criminal Code. It inserts into the Migration Act the aggravated offence of people smuggling involving exploitation or danger of death or serious harm. Including this offence in both the Migration Act and the Criminal Code will ensure that it applies to all people-smuggling ventures. This bill also standardises the language and description of offences used in the two acts to ensure greater consistency and to therefore remove any chances of ambiguity.

I know, you know, those opposite know and all Australians know that we need a tough criminal framework to enforce our people-smuggling laws. These amendments demonstrate that the Rudd government is serious about stopping people smugglers. But this bill also beefs up the minimum penalties for the aggravated offences of people smuggling. The minimum penalties are currently a five-year sentence with three years non-parole or an eight-year sentence with five years non-parole for repeat offenders. The higher mandatory minimum sentence of eight years with five years non-parole will automatically apply regardless of whether it was a repeat offence.

Finally, this bill gives our law enforcement and national security agencies a greater role in protecting our borders and apprehending people smugglers. In doing so, it amends the Surveillance Devices Act 2004 and the Telecommunications (Interception and Access) Act 1979 to give law enforcement agencies consistent access to investigative tools under both acts. It also amends the ASIO Act to enable ASIO to respond to people smuggling and address serious threats to Australia’s borders.

The new wave of displaced people seeking asylum as a result of the conflicts in Sri Lanka and Afghanistan has placed renewed pressure on Australia’s borders. It has certainly been interesting to experience question time and see the tactics of those opposite, particularly as they talk time and time again about the boats that are arriving. Let us remember that most people who end up in Australia without a proper visa arrive on aeroplanes. Boats, for some reason in the Australian psyche for the last 200 years, seem to be something that people are fearful of. But the reality is we should be more fearful of a 747 than a rickety boat from Indonesia in which some poor fisher is trying to make a couple of extra dollars. Obviously we are targeting people smugglers, and that is appropriate, but we need to do it in a balanced way. Australia has secure borders, and the number of boats that have come has always been linked to what is going on around the world. Those opposite trot out the spurious argument that somehow the ebb and flow of people connected with civil war is actually connected to the immigration policies of whichever government is in power in Australia. It is almost lunacy to suggest such a thing. But still those opposite blow that dog whistle hard, and unfortunately there are still people in Australia who listen to it.

I am not old enough to remember World War II. My mum remembers it. I recently watched the movie Australia, which showed the bombing of Darwin. In that movie, they did what any family would do: when your children are in danger, or when war comes to town, you flee. That is what you do. That is a human reaction to war. You try and get out of harm’s way and protect your children. That is what they did in Darwin in 1942. That is what they did in Sri Lanka. That is what they
do in Afghanistan. That is what they did in London during the Blitz. You take your children out of harm’s way. Obviously, there are people who will try and exploit that human instinct to protect our children. That is the context we need to remember. I would do the same if war came to Brisbane. I would do whatever it takes to protect our children’s lives.

So we should really be talking about planes, not boats, because that is how most of the people who arrive in Australia without the correct visas get here. The opposition keep talking about boats because they somehow think it is going to attract votes. But it does not show a noble spirit, I would suggest. The Rudd government is not interested in making this a political fight, but we are serious about bringing down the real enemy in this situation, the people smugglers, who exploit people who have experienced war and civil unrest. This bill gives government agencies greater capacity to investigate and disrupt people-smuggling networks and it ensures that Australia’s intelligence agencies, law enforcement agencies and the courts can continue to work together to protect our borders. In closing, I ask those opposite to consider this when they blow the dog whistle about the boats on the horizon. I commend the bill to the House.

Mr TUCKEY (O’Connor) (6.55 pm)—The member for Moreton made some comments upon which I would like to remark. He told us that peace in our time is just around the corner in terms of this boat-people problem because the President of Indonesia told us Indonesia is going to enact a law to jail people smugglers. Such legislation, of course, does not exist at present, and the only charges that can be levelled against some of the organisers of people smuggling are to do with the law of the sea, or something like that, and are virtually irrelevant. There has already been media comment that this legislation is some years away—and, were it the responsibility of the Rudd government, considering the speed with which they manage to administer the processes of this House, I imagine it would probably be years away also.

That in itself is an important fact. But it is also interesting to note that there still exists, anchored in an Indonesian harbour, a vessel that has on board some 230 persons who were within Australian waters and directly approaching Christmas Island when the pick-up boat for the senior people smuggler on board failed to turn up. He then ordered the boat to turn around and go back. The boat was still in international waters but, as I understand it, the Rudd government then requested the Indonesian government to intercept it as it was in their waters. That vessel remains a great concern to all international parties involved. But the point I want to make is that, by some means or other, that failed. Now, what was supposed to be the outcome for the 230 persons on that vessel? So sophisticated have the people smugglers become that they now have a pick-up vessel so that they do not get caught. In fact, this fellow refused to be caught—other than that he was still on the vessel when it was intercepted by the Indonesians. He was quoted as telling someone else on board, ‘That won’t worry me very much; I won’t get into much trouble from that.’

But when the process works, as it obviously has done time and time again, the mastermind will not be on the vessel when it gets into Australian waters. Yes, there will be some person with a background in fishing, or something else, to whom the threat of incarceration in Australia is not all that serious. It has got to be understood that when you are in jail in Australia you get pocket money. It is not a great deal for someone who is earning good money in the Australian community, but it is a veritable fortune, on a seven-day-a-
week basis, to some of the Indonesian people who take on the job of taking responsibility on arrival for being ‘the people smuggler’.

You can almost have some sympathy for these people. They take that responsibility; they know they will be incarcerated. They get their pocket money and, as time goes by, on frequent occasions they get a charter jet flight back to Indonesia and are returned to their home town. That also happens with some illegal fishing people. So one might wonder: where is the disincentive, where is the fright, in all of that? Even when, as I hope they do, the Indonesian government enacts this law, as the President promised us he would, is that going to stop the problem? With due respect to the Indonesian people, should Australia be relying on them to overcome this problem for Australia?

That is the first of the issues. The member for Moreton also said that in circumstances of great conflict you take your children away. That is quite a reasonable argument until one considers the circumstances. If you are in the Tamil region of Sri Lanka, you actually live a very small number of kilometres across the ocean from a place called Tamil Nadu on the southern tip of the Indian subcontinent. If you are worried about your kids, why would you not simply do that short sea journey, probably in a ferry? I doubt there is not an adequate interconnection by sea across to that district. You have your children in a secure place and no doubt from there you could travel to a UN refugee camp and seek, notwithstanding you are a Tamil in Tamil Nadu, refugee status. Millions of people, tragically, do just that. They seek refugee status and many, as the record shows, spend years in those circumstances.

Around the world, the Canadians per capita I think are the most generous, and Australia is second in its generosity, or its compassion—whichever is the better choice of word. These people get the opportunity, the integrity of their claim having been checked and it being confirmed that they do not have a record that indicates they would be a danger here in Australia or Canada or the United States, under UN arrangements to come into Australia, to be one of the 13,000 legal refugees that this country accepts annually. That number has been sustained through a variety of political parties governing this country. It is a significant number of people and many bring no skills, no nothing. There was a case that got a lot of publicity because a child died on the flight. That risk was known before they got on the plane. When they got here there was criticism of the agency, and the agency had to look after them in a brand new flat because, as it was pointed out, these people had no skills even with the telephone. They come, and I am not saying they should not come. What I am saying is that that is the level of compassion in Australia.

The member for Moreton mentioned those who come in by plane—and they do, where they can acquire false passports and they get past our system. Everything we can possibly do to improve the security of our passport system is to be recommended. That is border protection. But in fact those who get on the boats have not been waiting in a queue. They typically have not been assessed for their entitlement to be declared a refugee—they just turn up. Then all those processes have to be applied on Christmas Island, at great cost to the Australian taxpayer—notwithstanding that it would all be done offshore by a reputable organisation in the United Nations.

What else do they do? There is a limit to the number of people that the Australian economy can accommodate. If and when they are found to be refugees, are they counted in the 13,000 to the exclusion of some other individual who has done the right thing and is still waiting to get a place in Australia or Canada or elsewhere in a United
Nations refugee camp? In other words, are these people queue jumpers? And is that fair? And at what point do you apply compassion to someone who is excluding someone who probably is entitled to more compassion? They are the questions. As you would well remember, Madam Deputy Speaker Vale, the Howard government party room agonised over these questions. There was no redneck element there. The Prime Minister keeps reminding us about these things, as though it absolves him and his government of all blame. He is happy as long as he can point to something that has happened in the past. I hear his Minister for Health and Ageing carrying on about how many doctors’ places were cancelled. I can tell you there were 4,000 cancelled during the Hawke government because it took fright at the outcomes of its bulk-billing initiative and the surgeries that arose with pianos and other gross abuses of that manner. Their response was to say they had too many doctors and they had better save money by getting rid of some.

Once you have acquired government, it is no excuse to explain whether someone was better or worse than you. You have gone to an election knowing what the numbers were, and you are therefore able to judge your promises to the Australian people accordingly. There are all sorts of examples of the circumstances in health; health was such a problem that it was a major campaign issue. Then all of a sudden, when after two years they failed to fix the problem, they got up and said, ‘It was all your fault.’ They knew that when they made the promise. I give that only as an example, because this bill relates to boat people more particularly. These steps are designed to make it a little more difficult—if you can catch the smuggler. I have just given evidence about how sophisticated they are and whether that is the problem.

The Prime Minister delights in reading out the figures from after the election of the Howard government. In the year prior to the election of the Howard government, the number of boat people who arrived was 1,071, and the number of boats was 21. The Howard government, having inherited the problem, did not whinge about past circumstances; they set about bringing down various legislative responses. One of the problems was not stopping people coming but preventing them using every opportunity under the legal processes of Australia to stay here, because they had got two feet on the Australian mainland. It got to the point at one stage during the Howard government when there were 160 appeals in the High Court, none of which ever came to a hearing, because as they were called on they were withdrawn. That is just abuse of process. Who was paying for them to go through the various courts—losing every time but just going on appealing? And where did the money come from? And just how poor and downtrodden were these people who had the capacity to pay legal people to go on and on? One of the questions was: can we let these people stay here? You talk about the children they brought with them, two, three or sometimes more while they were resident in Australia.

We saw, as we are reminded, that the numbers of people arriving kept increasing. In 1999-2000 there were 4,175 and in the following year there were 4,137. That is when we said, ‘Enough is enough.’ We had tried reasonable measures and they were not working. We introduced the Pacific solution, we introduced offshore processing, we did everything in our power to prevent people gaining access to our courts to delay their deportation and, what is more, we sent out our Navy and Customs to intercept vessels before they got into Australian waters and to turn them back. It was suggested that that was dreadful, but what was the result of that? By 2002-03, we had no boats, no refugees,
and no profits for people smugglers. It looked pretty good. Of course, that proceeded to 2003-04, when there were 82; in 2004-05 there were none; in 2005-06 there were eight boats and 61 persons. The Prime Minister never quotes those figures. He never learned from them, which is worse. The system was working. In 2007-08 the Rudd government were elected, and they made it patently obvious during their election campaign that the welcome sign was going back up.

We had pretty significant numbers going back into the mid-1990s, and in the early 2000s they stopped. Here we are debating a bill which applies initiatives only at the border, and what are we talking about? In 2008-09, 23 boats and 1,033 people arrived; in 2009-10, to 10 March, 64 boats and 3,011 people arrived. Why did that happen? We are told that the war in Afghanistan got worse. I do not think it has ever been worse or worse! Of course the war has always represented a great threat to the people who live there, and, by the way, they have a bit of a habit of blowing each other up. But the reality is that that is nothing new, and to call that a push factor as compared with a pull factor has no credibility whatsoever. So here we are, debating this bill again. We know how to fix it, and we are now starting to uncover just how much extra money has got to be found in the budget to cover the costs and the capital costs. I happened to be the minister for territories when the buildings over there on Christmas Island commenced, and I know what they cost and I know what the original detention centre cost. I always thought that it was far too expensive for the services required. We did not spend that sort of money on Nauru and places like that, and I do not believe that we should have a former hotel or motel to accommodate queue jumpers.

A young sailor walked up to me in an airport and told me how annoyed and disaffected they are in our defence forces and how far their morale has sunk since having to be nurserymen to these boats. They do not believe that that is what they joined the Navy for. They joined the Navy to protect our borders from aggression—and we heard that dreadful evidence being given in Darwin against our sailors for saving some of their own before they saved persons who had just blown up their own boat. They do not like it, the morale is right down at the bottom, and we never hear of it in this place. All in all, it should be the government’s responsibility. (Time expired)

Mr ZAPPIA (Makin) (7.15 pm)—I take the opportunity to speak on the Anti-People Smuggling and Other Measures Bill 2010. This bill complements a series of other measures already implemented by the government to counter people-smuggling activities. I want to reiterate the purpose of this bill, as outlined by the Attorney-General. The bill will establish a new offence in the Migration Act and the Criminal Code of providing material support and resources towards a people-smuggling venture. The maximum penalty for this offence will be imprisonment for 10 years or 1,000 penalty units—that is, $110,000—or both. Prescribing a maximum penalty still allows judicial discretion to take account of the circumstances of the case. The bill will harmonise people-smuggling offences between the Migration Act and the Criminal Code to provide 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 under the Migration Act and ventures entering foreign countries, including those that transit Australia, under the Criminal Code.

The bill inserts into the Migration Act the aggravated offence of people smuggling in-
volving exploitation or danger of death or serious harm. Currently, this aggravated offence is contained in the Criminal Code. However, the Migration Act does not provide for these aggravated circumstances associated with 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. Currently, the Migration Act contains mandatory minimum penalties for the aggravated offence 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 offence of people smuggling involving exploitation or danger of death or serious harm. The higher mandatory minimum sentence of eight years and the non-parole period of five years will automatically apply to this aggravated offence, irrespective of whether it is a repeat offence. This is to reflect the serious nature of the offence. The bill will also extend the higher mandatory minimum sentence and non-parole period to a person who is convicted of multiple aggravated people-smuggling offences. The bill will improve the capacity for law enforcement agencies and national security agencies by making associated changes to the Surveillance Devices Act 2004 and the TIA Act to enable them 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 the 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. The bill will enable, where appropriate, ASIO to play a greater role 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 that in the Intelligence Services Act 2001.

Amnesty International estimates that, each year, four million people are trafficked or smuggled across international borders in a criminal trade estimated to be worth $10 billion. People smuggling is a serious global criminal issue—serious because of the dollar value of the people-smuggling trade; serious, because of the extreme risks to the lives of those seeking refuge; serious, because it causes problems in settlement countries and for the UNHCR; and serious, because, with a criminal activity estimated to be worth $10 billion worldwide, the risk of corruption cannot be dismissed.

Over the past year we have seen a rise in refugee arrivals in countries across the world, including here in Australia. Of course, the coalition, in their desperate attempts to make political mileage out of people fleeing Afghanistan and Sri Lanka because of the terrible conditions, lay blame on the Rudd government for the boats recently headed for Australia. Between 2008 and 2010 there were 3,494 boat arrivals. The seven nationalities comprising most of the boat arrivals were: Afghans, 1,966; Sri Lankans, 801; Iraqis, 284; Kurds, 151; Iranians, 121; Indonesians, 62; and Burmese, 43. Together, those nationalities made up over 98 per cent of boat arrivals in that period. Those statistics present a very clear picture: it is push factors, not pull factors, that underlie boat-people arrivals. These are people fleeing from their homeland because of the very real risk to their lives, not because of a change of government policy. They are fleeing countries where terrible atrocities are being com-
mitted against them or where their homeland and their personal safety are affected by war. That is why, as the homeland situation settles and stabilises, the number of refugees declines. That is consistent with the figures I have just read out in respect of the people from Iraq, Kurdistan and Iran. As the situation stabilised, the number of people fleeing those countries and coming to Australia declined.

The UNHCR estimates that there are over 42 million displaced people around the world; 16 million of those are refugees and asylum seekers; 26 million are people displaced within their own countries. If the number of boat arrivals was driven by Australia’s immigration policies then we should be seeing an increase in boat arrivals not only from Afghanistan and Sri Lanka but from every other country from which people are trying to leave, and they would also be paying people smugglers. But that is simply not happening. The opportunities for people from those countries are no less than the opportunities for people fleeing Sri Lanka and Afghanistan. In fact, their opportunities would probably be greater. Yet we are not seeing people from those countries fleeing to Australia in the numbers that would underpin the opposition’s argument that it is all to do with Australia’s immigration policies.

People smugglers are exploiting vulnerable people in desperate situations, placing their lives at risk and causing them additional suffering. There is little doubt that people smugglers use modern communication and navigation equipment. They may use leaky and unseaworthy boats, because they know the boats will ultimately be destroyed, but other aspects of their operations are much more sophisticated—and I noted the comments in respect of this matter by the member for O’Connor who quite rightly said that they use sophisticated means. I do not know but I suspect that it may also be a contributing factor to why we are seeing an increasing number of refugees leaving their countries and going to other parts of the world right now, because the operations of people smugglers have certainly improved over the last decade.

Counter people-smuggling activities rely on global strategies, cooperation between world governments and equally sophisticated intelligence-gathering and surveillance systems. To that end, I welcome and applaud the statement made in his address to this parliament by the President of Indonesia, Susilo Bambang Yudhoyono, that Indonesia would introduce a five-year prison term for people convicted of people smuggling. Indonesia is a very important Australian ally in Australia’s fight against people smugglers. I understand that many other countries already impose substantial penalties on convicted people smugglers. I know that people have been convicted of people-smuggling activities in the UK, with one person being sentenced to 12 years, and that only last month in France a mother and son were facing sentencing for people-smuggling offences. People smuggling, assisting people smugglers and placing the lives of refugees at risk of death or serious harm are all serious criminal acts. The harmonisation of the immigration, security and intelligence acts to combat those activities, and the extension of the discretion and powers of the relevant organisations, makes good sense.

Of course, the most effective strategy to counter people smuggling is to remove the need for people to flee their home countries. And you do that by improving living conditions within those countries, by ending the internal military and racial conflicts, by stabilising the respective governments and by giving people a real future in their own countries. With that in mind, I acknowledge the Australian government’s $35 million in aid to Sri Lanka. Between 2005 and 2008, the
number of internally displaced people assisted by the UNHCR increased from 324,699 to 504,800—an increase of 55 per cent. Following the end of civil war in Sri Lanka, there are currently about 250,000 Tamils from the north of Sri Lanka in camps for internally displaced people, living in atrocious conditions. Can I say here, in respect of the queue-jumping comments: there is no queue for those people, because, from my understanding of the briefings I have received from people from the Sri Lankan community, the world aid agencies are hardly allowed to go in there and provide them with the kind of aid that might create some kind of queue. So I am not sure how they can be accused of queue jumping when it is not clear that there is a queue.

The claim that people smugglers are targeting Australia because of ‘softening’ of government policy is a nonsense being spouted by an opportunistic opposition. The facts are that Australia, in comparison with other Western countries, has a very robust refugee policy that is tough on people smugglers but humane with refugees. Australia receives far fewer boat arrivals than other advanced countries, and the trend of boat people arriving in Australia follows the same trends in numbers fleeing to other advanced countries, where there has been no change in refugee policy whatsoever. Conversely, the Howard government’s temporary protection visa policy and Pacific solution made no difference to refugee trends in Australia compared with trends in other countries. Decreases in boat arrivals between 2001 and 2003 coincided with decreases in numbers fleeing to other parts of the world and, importantly, with decreases in asylum-seeker numbers in Iraq, Afghanistan and Sri Lanka.

During that time, between 2001 and 2003, the number of Iraqis claiming asylum globally dropped from 52,927 to 27,352—a 48 per cent drop. Between 2001 and 2003, the number of Afghans claiming asylum globally dropped from 52,927 to 14,216—a 73 per cent drop. And between 2001 and 2003, the number of Sri Lankans claiming asylum globally dropped from 14,532 to 5,633—a 61 per cent drop. Conversely, between 2005 and 2008, the number of Iraqis claiming asylum globally increased from 14,511 to 42,748—that is, a 193 per cent increase. Between 2005 and 2008, the number of Sri Lankans claiming asylum globally increased from 5,628 to 9,673—that is, a 72 per cent increase. And between 2005 and 2008, the number of Afghans claiming asylum globally increased from 7,723 to 18,440—again, a 139 per cent increase.

But here is the real hypocrisy of the opposition: the opposition never opposed our changes to the Pacific solution announced in December 2007 and ended in February 2008. They did not make a stand at that time. But now they come into this place and criticise the changes in policy.

Madam Deputy Speaker Vale, as a member of the Joint Standing Committee on Migration, you would be aware that that committee has released three reports. You would also be aware that, on listening to the evidence presented to the committee, there was an overwhelming response by members of the committee to the policies adopted by the government. Those policies are encompassed in the recommendations within those three reports. From my recollection, the only variances from those reports were variances which suggested that the government should have gone further with the policies that it was amending in terms of making them even ‘softer’, if I could use that term.

Furthermore, by the time temporary protection visas were abolished nearly 90 per cent of people granted a temporary protection visa were then granted a permanent visa and only three per cent of those granted a
TPV departed Australia. Having people here on TPVs simply encouraged other family members to come to Australia by any means in order to be reunited. Under the Rudd government our borders are being protected. They are secure. The reality is that none of the boats, to my knowledge, reach Australia. So when members opposite make the claim that our borders are no longer secure I put this question to them: how can they not be secure if not one single boat has reached our shores? That effectively means that our borders are as secure as ever because boats are being intercepted before they reach Australian shores and those on board are being detained until health, identity and security checks are carried out. In fact, the greatest undermining of the integrity of Australia’s immigration policies is coming from the opposition’s rhetoric that Australia’s border protection policies are soft. The opposition are encouraging boats to Australia through their constant mantra that Australia’s border protection policies are soft.

One of the cruel fallouts of the opposition exploiting the issue for political gain is the demoralising impact it has on refugees who have endured incredible suffering and risk prior to getting here, but who are being portrayed as criminals, economic opportunists queuejumpers, illegals and by any other term that turns Australians against them. These are real people with aspirations and values many of whom, since being granted asylum, have made outstanding contributions to our country. One such person is South Australia’s Lieutenant Governor, Hieu Van Le. Hieu Van Le fled Vietnam in 1997 with his wife, Lan. He was 23 years old at the time. His journey to Australia had detours and all the elements of risk imaginable. He finally arrived in Darwin along with others on board a leaky boat seeking refuge and asylum. He was greeted by a couple of Aussies on a fishing boat with the welcome comment, ‘G’day mate—welcome to Australia.’ How things have changed. I wonder what kind of welcome Hieu would have received today if he were arriving under the same circumstances.

Hieu Van Le settled ultimately in South Australia, studied at the University of Adelaide and completed a degree in economics. Hieu and Lan have two children, Don and Kim, both born in Australia and named after cricketing greats Don Bradman and Kim Hughes. In 2005 Hieu was appointed chairman of South Australia’s Multicultural and Ethnic Affairs Commission, a role that he has fulfilled superbly. On 31 August 2007 he was appointed as Lieutenant Governor of South Australia, again in a role that he is fulfilling with dignity and distinction. This year, in the Australia Day awards, Hieu Van Lee was awarded the Order of Australia.

I have known Hieu Van Le and his wife Lan for many years. They are two great Australians. Hieu Van Le’s Order of Australia was very much deserved and I congratulate him on his award. His contribution to Australia has been outstanding. He was not a threat, not a risk and not a burden on our country. On the contrary, for a person who arrived here under very similar circumstances to those who are today being demonised by the opposition, Hieu Van Le is a model citizen whom we could all be inspired by, but he would not be here today if you believe the opposition.

In closing I want to respond to a couple of comments made in the course of this debate. One was made in the MPI today by the member for Cook when he said ‘We need to stop the boats because people die on the boats’. If people die on the boats, and I believe they do, and they are prepared to risk death then the policies of destination countries pale into irrelevance. There could be no greater deterrent than the risk of dying and if that does not deter people then nothing else
will. Certainly, not the policies of the governments of the countries for which they are headed. Where is the opposition’s logic in saying that? The cold hard reality is that there is none. Through that very comment they have effectively argued the case that it is not the policies of this government or any other government for that matter that draws people to those countries and causes them to flee the country from where they depart. There is simply no logic in that argument.

It is clear that this whole debate is being run for political opportunism. To make matters worse I have not heard, to date, an alternative to the government’s policies on any of these matters. So the opposition criticise but they give no alternative. I commend this bill to the House because this is a complex matter and the government is dealing with it in a measured, responsible way.

Mr ROBERT (Fadden) (7.35 pm)—I rise to speak on the Anti-People Smuggling and Other Measures Bill 2010. This bill purports to be about stopping people smuggling. To this end it amends the Criminal Code 1995 and the Migration Act 1958 to create and harmonise offences and penalties in relation to people smuggling. It amends the Migration Act 1958, the Proceeds of Crime Act 2002, the Surveillance Devices Act 2004 and the Telecommunications Interceptions and Access Act 1979 to make a range of consequential amendments that will enable foreign intelligence to be collected in certain circumstances and clarify that only the Minister for Defence and the Minister for Foreign Affairs can advise the A-G on the need to issue a warrant for the collection of foreign intelligence. It also amends the ASIO Act 1979 to enable ASIO to carry out its intelligence function in relation to border security.

The amendments will create a new offence of providing material support or resources towards a people-smuggling venture. It will establish in the Migration Act an aggravated offence of people smuggling which involves exploitation or danger of death or serious harm. It will apply minimum penalties of eight years imprisonment with a non-parole period of five years, the maximum penalty being 20 years or $220,000 or both to these new aggravated offences and to multiple offences. The offence of providing material support does not apply to a person who pays smugglers to facilitate their own passage or that of a family member to Australia.

Whilst this bill is supported—because widening powers and offences does make sense—this bill still does not address the core problem of people smuggling. Though its title—the Labor government is fond of titles; Building the Education Revolution is a classic case in point—of Anti-People Smuggling and Other Measures Bill may sound grandiose, the bottom line is that this government has watered down the border protection laws to the point where the new laws are acting as a magnet to attract people to this country’s shores. On election eve the current Prime Minister of this country promised to turn the boats back, but, as the recent inquiry into the explosion on SIEV-36 revealed, by April 2009 the PM had clearly changed this promise. He just forgot to tell anyone. Yet people smugglers know.

So let us recap exactly what this Labor government has done to our border security regime to create the current illegal immigrant problem—the magnet that is drawing people to our shores. Let us step through each of the changes to understand the magnitude of what this irresponsible government has done to water down our laws. On 8 February 2008 the last refugee leaves Nauru. The PM stands there and says that the Pacific solution is closed. On 12 March 2008 the minister reviews the case of 61 people in long-term detention of more than two years. On 13 May, in the 2008 budget papers, we see an in-
crease to the humanitarian program to 13½ thousand places, with a focus on Africa, Asia and the Middle East. On 23 May 2008 there is the finalisation of the review of people in long-term detention, with 31 people either granted visas or considered visas. On 29 July 2008 we see reforms to immigration detention policy. Detention in immigration centres is now a last resort and for the shortest time. There is a risk based approach to detention with a focus on community detention, and the department has to justify the detention to those in detention. It needs to be reviewed every three months.

On 22 November 2008 we see an overhaul of the citizenship test, including the deletion of mandatory questions. On 18 March 2009 there is the announcement of intentions to abolish detention debt and the introduction of legislation to achieve that. On 12 May 2009, in the budget, we see an increase to the humanitarian program to 13,750 places. On 25 June we see detention values announced in 2008 introduced through legislation through the migration amendment bill. The bill embeds in law the principle that people be detained based on the risk they pose and be held for the shortest practical time. On 1 July 2009 work rights are provided for asylum seekers so that people who have remained lawfully in Australia and actively engaged with the department to resolve their visa status are permitted to work. This over-turned the previous 45-day rule, where only those who apply within 45 days are granted work rights. On 8 September last year legislation abolishing detention debt was passed. Starting it all, of course, was the end of the temporary protection visas and the immediate granting of permanent protection visas.

All of these steps slowly dismantled, brick by brick, the wall that stopped asylum seekers coming to Australia. It is patently clear that since the Prime Minister began this border protection rollback in 2008 92 boats and over 4,000 people have arrived illegally on his watch—24 boats and over 1,000 asylum seekers in the last 10 weeks alone. The Prime Minister may pontificate in question time and bring up statistics from a decade ago, but it does not change the fact that the previous coalition government stopped the boats in their tracks. They got the number down to zero. Now it is back to 92. Clearly something has changed, and what it has been is these numerous, brick-by-brick reductions in the border protection regime. Every tent, every donga, every demountable that is erected on Christmas Island is an admission of Labor’s immigration failure. To quote the words of the Deputy Prime Minister uttered in a different life, ‘another boat, another policy failure’.

In the first two months of 2010 we have had more than three times the number of people arrive illegally by boat than in the last six years of the coalition government. 2010 truly is Labor’s year of the people smuggler. Knowing full well that Labor cannot spin to the people smugglers—they know only too well the magnet that is pulling them—this government instead tries to spin to the Australian people. Labor claims that the recent surge in illegal boat arrivals is all about international push factors. It is nothing to do with the government—they cannot control anything—it is the push factors that are directing boats to our shores. Yet since the last surge in illegal boat arrivals a decade ago the number of asylum applications in Western countries has fallen by almost 40 per cent. Indeed, data released by the UK government Home Office showed that in 2009 asylum applications in the UK, Canada and the US all declined but in Australia they increased by 30 per cent. Where, may I ask, are the so-called international push factors? In the UK asylum applications in the December quarter fell by 30 per cent.
The Rudd government says that the spike is due to regional conflicts in Afghanistan and Sri Lanka. The government knows only too well that the Sri Lankan traffic largely dried up over the previous summer, yet they refuse to advise on the nationality of recent arrivals of groups. I suggest it is to obscure this fact. But let us look at Afghanistan. There are 2.8 million Afghan refugees in the world today. This compares to about 3.8 million in 2001, when the coalition was dealing with the issue. 2.6 million Afghan refugees are living in Pakistan and Iran. More than half of these have never lived in Afghanistan. Since 2002, a year after Australian Defence Forces were sent to Afghanistan to fight the Taliban, 5.6 million Afghans have returned home, including over 278,000 in 2008.

Afghanistan is a long way from Australia. It is hard to see how Afghanistan is a regional conflict. More importantly, there are closer asylum options available. Countries surrounding Afghanistan that have signed the 1951 UNHCR convention and the 1967 protocol include Iran, Yemen, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan; yet still they are drawn to Australia. The UNHCR figures for the first half of 2009 showed that there was a 27 per cent increase in asylum applications in Australia in 2008, yet the international average in industrialised countries was only 11 per cent—27 per cent in Australia, yet in the rest of the world’s 44 industrialised nations the average is 11 per cent. This government has the hide, the temerity and the blatant effrontery to look the Australian people in the eye and say: ‘It’s the push factors that are doing it; nothing to do with our policy. There is nothing we can do about it; it is all the push factors.’

Let me be absolutely and patently clear: the evidence just presented makes it abundantly clear that push factors are not the problem. If they were, we would be seeing the same trends in other countries, but we are not. We are seeing other countries slow down and, indeed, decline while Australia speeds up. There can be only one reason that would explain the volume in this data—that is, there are pull factors at work. And the only pull factors that exist are the things that have changed and those are the Rudd Labor government policy changes that are watering down the border protection laws.

I understand the ALP’s agenda. I understand the forces of the Left and the forces that have required this to be pulled down. I know why the Labor government is doing it, but why not just come out and say: ‘Look, it is Labor government policy. We’ve got to appease the Left. We have to water the whole shooting match down. There are no push factors; we accept responsibility.’ Why try and spin the bleeding obvious?

Some would ask the question, ‘Why stop the boats?’ As the shadow minister for immigration quite rightly says, ‘People die on boats,’ including a reported 105 Afghans who set off from Indonesia last October never to be heard of again. We should not encourage a practice that encourages people to put their lives at risk for the profit of organised crime.

It is a fact that less than one per cent of the world’s refugees will be granted permanent settlement in one of just 16 countries this year, including Australia. The need is great and places are few. That is a fact. Every place provided to someone who comes illegally by boat is a place denied to someone we might otherwise choose to help, and it is because our humanitarian assistance is capped at a certain number of places. For every one person we take who has paid a people smuggler, another person drops off the list for that year. It is a fact.

We resettle over 11,000 refugees annually in Australia, making us the most generous resettlement nation per capita on earth. We
are one of the original signatories to the 1951 Convention relating to the Status of Refugees and as a nation of immigrants—my family came here in the mid-1800s—we continue to bat above our weight in support of UN peacekeeping operations and humanitarian work overseas. I think Australians are generous, compassionate and fair-minded people, taking in the most resettlement refugees per capita on earth. Our nation has a lot to be proud of. Our citizens can hold their heads high on the world stage when talking about resettlement, refugees and illegal immigrants.

We all understand that asylum seekers are seeking a better life. They are seeking better economic conditions. They are seeking a better freedom. These desperate souls pay abhorrent people smugglers upwards of US$20,000 a head to take them to Australia. But the problem, as many in our nation know, is that before these people arrived on our shores they were already free. When they left their homes and travelled through multiple countries like Pakistan, Malaysia and Indonesia, they were free once they crossed the border of each of those countries. The persecution from which they fled had ceased when they crossed over the border of their country. The problem is that freedom in itself is not enough: they want an economic freedom of the kind offered by Australia. I do not blame them. I think Australia is the greatest nation on earth. Why wouldn’t people want to come to this great country? But many of those seeking asylum have lived for many years in one of these countries while preparing to try and come here.

In Africa there are thousands of people who cannot flee to different countries to secure freedom. They cannot afford US$20,000 a head to board a boat. Indeed, the brutal and harsh reality in Africa is that many would starve to death, be raped or killed if they even left the refugee camp that offers them scant, if any, protection. These are truly desperate people who need asylum. And it is a similar story in numerous countries across the world.

The reality is, as unpalatable as it may sound, that for every illegal immigrant who has crossed multiple borders, and in many cases has spent many years in another country looking for that better freedom, and comes by boat to Australia and seeks asylum a truly deserving refugee is shunted further down the list. Our humanitarian programs will only stretch so far. At present, they are the most generous in the world—to the credit of our great nation—but they are at capacity. That is unfair.

It is unfair that people should be able to pay their way on a boat to literally jump the queue. It is unfair that processes can be jumped or ignored because you can pay what amounts to modern day slave traders, called people smugglers, to get you to Australia. It is unfair that people will die in refugee camps waiting for their application to be processed while others pay to get a head start. I think this is how many Australians view the current illegal immigrant question. There is no question that our processes must be compassionate. They must be humane. Yet watering down our border protection laws is neither if it leads to a flood of human misery, which it has.

This is the great irony of what the Prime Minister and the Labor Party have done. In fundamentally watering down the border protection laws brick by brick by brick—laws that were responsible for reducing boat arrivals to zero—the floodgates have been opened. Let us not kid ourselves. The push factors have not changed. Indeed, the evidence suggests that push factors may well have declined. But the pull factors have increased because the watered-down policy is creating a surge in demand. As the surge
continues, whilst the Prime Minister so ironically seeks Indonesian assistance, refugees seeking freedom continue to wait, pushed further down the line because of those seeking a better economic freedom.

This bill will make a modicum of difference, but only on the margins. The surge of asylum seekers will not stop until Labor Party realises the errors of their policy ways and reintroduces tough border protection laws. The Prime Minister stood there and said, as an election promise, that he would be tough on illegal immigrants and border security. Clearly the results, the watered-down policy, the resultant illegal immigrants, the 92 boats and indeed 24 this year show that promise has been well and truly broken, if it was even kept at the beginning at all.

At present this year—Labor’s year of the people smuggler!—will only get worse unless the government acts. I can guarantee the nation that, when this nation tosses this incompetent government out, we on this side will act quickly, decisively and with maximum effect. As the Leader of the Opposition said, we have stopped the boats before, and we guarantee you we will stop them again.

Mr HAYES (Werriwa) (7.54 pm)—I rise today to lend my support to the Anti-People Smuggling and Other Measures Bill 2010. Deputy Speaker Moylan, no doubt you have been lectured so far and I will probably do so a little bit again. People smuggling is generally global and it is a regional issue. It is not something that is just contained to Australia. It is not something that will be changed by people talking about turning boats around and saying, ‘We’ve done it before and we’ll do it again—we’ll fight them on the beaches!’ All that talk may be great for competing out in the electorates, but if we are going to be effective in government we need to deploy a number of different strategies, with the overarching aspect that we must be humane in the way we approach this issue.

According to the UNHCR 2008 Global trends report there were 42 million forcibly displaced persons worldwide. Within that there are 15.2 million refugees. Effectively 15 million people around the world are on the move. Given these statistics, there is little wonder that asylum seekers fall prey to those who would seek to make a business out of this—people smugglers. People smuggling is an insidious trade. This government has deployed a wide-ranging and very determined approach to combating the scourge of people smuggling. We have committed more than $650 million to upgrade border surveillance and we are committed to implementing a comprehensive people-smuggling strategy to combat this issue. The government has expanded its presence in the region, with the Australian Federal Police, the Department of Foreign Affairs and Trade, the Department of Immigration and Citizenship, and Australian Customs and Border Protection Service recently setting up and expanding liaison posts, which are devoted to deterring irregular immigration. We understand that people smuggling is a serious issue. It is serious, organised crime that involves criminal syndicates who in turn depend on enablers and facilitators. Right at the hub of this is serious and organised crime.

I would like to remind the House of the comments made by the Prime Minister back in April last year immediately following the fatal boat blast off the north-west coast in Australia, where he lashed out at people smugglers in unrestrained language. He said this:

People smugglers are engaged in the world’s most evil trade and they should all rot in jail because they represent the absolute scum of the earth.

He went on to say:
That’s why this Government maintains its hard line, tough, targeted approach to maintaining border protection for Australia.

Unlike the opposition, who like to muddy the water every time this issue is raised—certainly every time another boat is detected it is like looking and seeing those opposite salivate at the numbers—we on this side of the House are dedicated to providing greater resources to border protection than any previous Australian government. As I said, this is very much a global problem; it is not something that can be just contained to this island of Australia. The Sun-Herald—I do not ordinarily go about quoting the Sun-Herald, but it is convenient on this occasion—recently reported that while total asylum claims in Australia rose by 19 per cent between 2007 and 2008, there was an increase of 122 per cent in Italy, 121 per cent in Norway, 89 per cent in the Netherlands, 53 per cent in Switzerland and 30 per cent in Canada over that same period.

It must be said that we on this side of the House recognise that two big events occurred causing a large part of that rise in the number of asylum seekers in the industrialised countries I mentioned. Those two issues are the Afghanistan conflict and the Sri Lankan civil war, not a change in Australia’s border protection laws nor a move to treat people with dignity and humanely, but two significant conflicts that occurred over that period. In 2008, there was an 85 per cent increase in the number of Afghan asylum seekers claiming protection in industrialised countries and over the same period there was a 24 per cent rise in claims by Sri Lankan asylum seekers.

For this debate those on the other side should at least understand that people arriving unlawfully by boat in Australia are a small but nevertheless significant proportion of asylum seekers. Given the significance of this debate I was quite stunned to learn that on average people arriving by boat and seeking asylum in Australia are a little over seven per cent of total asylum seekers. To put that in perspective, that means that more than 90 per cent of people lodging refugee claims turn up at our airports. As I understand from the AFP, often they have fake documents or have destroyed their documents during their travels and once they arrive here they present to Australian officials seeking asylum. That is in excess of 90 per cent of asylum seekers.

It is for these reasons that it pains me to hear the claims of the opposition that they had such an effective policy in the Pacific solution which stopped the boats, turned the boats around. In the face of that, they accuse us of being soft on border protection. The truth is the Howard government’s temporary protection visas which the coalition hardliners claim were such an effective weapon only applied to people arriving on boats. Remember also the UNHCR in that period were pretty strong in their criticism of the Howard government. They were not simply strong on the laws themselves but they were also strong in their criticism of the less than ethical approach that those laws had in dealing with the rights of people who came seeking asylum.

Targeting the organisers and the financiers of people-smuggling operations is an important element in stopping this insidious crime. To be able to do that requires us to have a strong anti-people-smuggling framework. We know that people-smuggling activities involve significant risks and dangers and often eventuate in the loss of life. I do not know the statistics in Australia alone, but the thought of being so desperate as to get on a leaky vessel organised by people smugglers with your wife and family and take your life in your hands you would have to be somewhat desperate. I cannot think of anything worse. Having regard to my previous involvement in looking after law enforcement
officers, I can only lend my very strong support to their claims that the only way we are going to effectively stop this is by addressing and deterring those people actively involved in this trade. If they can get a buck out of trafficking or smuggling people they will. If they could make their money by other easier means, such as drugs, they would do that too. We are dealing with this type of person and that is why we require strong and targeted laws to address this issue.

Financial gain is the driver for these smugglers. They are criminals and they have little regard for the safety and wellbeing of any of those people on board. They have been paid their money and that is where their commitment stops. Therefore this requires a very concerted approach, not only law enforcement once they arrive on our shores but also how we deter those criminals from their operations overseas. For that reason we are introducing in this bill a whole-of-government approach which coordinates the government effort in combating people smuggling by strengthening the Commonwealth anti-people-smuggling legislative framework. This framework will ensure that an appropriate range of offences is available to prosecute people smuggling and harmonise the various activities we have at our disposal across the Commonwealth to target this crime.

This bill comes at a time when Australia and Indonesia have signed a new agreement to combat people smuggling. Last week many of us were fortunate enough to hear President Yudhoyono speak at the joint sitting of parliament. He indicated that there would be greater cooperation between our two countries in order to combat people smuggling. That was singled out as one of the major issues to be addressed by Australia and Indonesia. He acknowledged that the boat issue was complex and that it certainly involved law enforcement, as well as security and humanitarian concerns. He also acknowledged that neither Australia nor Indonesia could do this alone. He went on to say that the framework of cooperation known as the Bali process will need to be improved through ongoing discussion and, more importantly, through joint commitment.

I think Indonesia, as our nearest neighbour, is important. It is a transit point for people seeking to come to this country and it is an area where people smuggling is currently in operation. It is of note that the agreement with Indonesia for the first time imposes a mandatory sentence of five years for those convicted of people smuggling. We will continue to work cooperatively with all our regional partners to disrupt people-smuggling ventures overseas as well as subjecting people smugglers to the full force of the law here in Australia.

I would now like to take a little time to talk in a little more detail about the bill before the House, which seeks to strengthen our anti-people-smuggling legislation framework and support the government’s plan to combat this scourge. First, the bill will harmonise a range of offences in the Migration Act and the Criminal Code to ensure that the strongest possible framework of prosecution and investigative action can take place in relation to people-smuggling activities. It is all very well to require our officers to be on hand and to make arrests. Having had a long association with the police, I can say that they are occasionally somewhat critical of a lack of successful prosecutions. Unfortunately, on a number of occasions the lack of prosecutorial success has been on the basis of conflicts within our current laws. This is one of the things that we are moving to strengthen by harmonising those provisions in the Criminal Code and the Migration Act so that there will not be those loopholes for people to escape.
This bill will introduce new categories of offences for people smuggling. For the first time, importantly, the bill will insert an aggravated offence of people smuggling involving exploitation or danger of death or serious harm into the Migration Act. This will reflect the serious nature of the offence, and there will be a tough new penalty introduced that will range up to 20 years of imprisonment. The bill will also establish another new offence, providing material support and resources towards people-smuggling ventures, in the Migration Act and the Criminal Code. The maximum penalty for this offence will be 10 years imprisonment, a fine of $110,000 or both. Again, this is put forward because it is our genuine belief—we know it to be true, and I do not think anyone is going to be able to argue about it—that people smuggling is serious and organised crime. It is certainly organised in terms of its range of activities and, as I said earlier, it involves enablers and facilitators. They are the people who commission, in many instances, the actual illicit venture, and they are also the people who are less likely to be caught because they are at arm’s length from these operations under current laws. We want to bring them within the purview of these laws so that they too will be prosecuted. The Migration Act currently maintains mandatory minimum penalties for aggravated offences for people smuggling. The bill will extend the higher mandatory minimum penalties in the Migration Act to new aggravated offences involving exploitation or danger of death or serious harm, particularly where offenders are convicted of multiple offences.

I have spoken many times in this House about how this country faces its threats from a wide range of different sources—to its people, to its institutions, to our economy and even in some instances to our technology. These threats ordinarily come about through organised crime. We have unashamedly responded by introducing a new package of legislative and administrative arrangements to deal with this aspect of organised crime, people smuggling. Fundamentally, this approach will ensure that our law enforcement agencies across the country have the tools that they need to act on our behalf and, in doing so, protect our communities.

Consistent with the government’s national security strategy, this bill will also provide greater capacity for Australian government agencies to investigate and disrupt people smuggling. Again, this is not simply designed to catch those in the act of people smuggling; it is to go out and deter and disrupt those crimes, preventing them from taking place in the first instance. We know that the protection of our borders is critical to Australia’s national security, and therefore it is appropriate that our nation and our agencies be given the flexibility to improve their level of coordination across all agencies in order to defend our coastline and protect all those that they serve.

A number of other changes have occurred through this legislation. First, I will briefly touch on the issues of telephone interception and surveillance powers. This bill will make associated changes to the Surveillance Devices Act 2004 and the Telecommunications (Interception and Access) Act to enable law enforcement and security agencies to have access under both acts to appropriate investigative tools in relation to existing people-smuggling offences which are serious offences under the Telecommunications (Interception and Access) Act and to those new offences prescribed under this bill.

ASIO powers will also be broadened under this bill, which will 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 now 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 border integrity. The bill also aligns the definition of ‘foreign intelligence’ in the Telecommunications (Interception and Access) Act more closely with that of the Intelligence Services Act 2001. In practice, this will enhance the ability of the national security agencies to collect intelligence about people-smuggling networks and other non-state actors threatening our national security.

In conclusion, this bill demonstrates the government’s commitment to address the serious nature of people smuggling by targeting those criminal groups who seek to organise, participate in and benefit from this illicit crime. I commend this bill to the House.

Mr HAWKE (Mitchell) (8.14 pm)—I rise to support the Anti-People Smuggling and Other Measures Bill 2010 as, indeed, I would be happy to support any measures which proposed to strengthen the integrity of our borders and oppose people smuggling as an activity. However, I do want to record, especially for the member for Werriwa’s benefit, that people smuggling is not a new phenomenon in Australia. Indeed, it has dominated the political landscape for some time now. Listening to members opposite in the recent contributions that we have heard, it is as if somehow people smuggling has become a new phenomenon and somehow we need special legislation to deal with this phenomenon.

For some time now, the opposition has been warning the government that weakening the integrity of our borders would lead to this situation. We warned people like the member for Werriwa—indeed, the government—that if you weakened the border protection system of Australia you would create pull factors which would encourage more people smuggling and more people to attempt to come to Australia by boat. That is exactly what has happened. The member for Werriwa said that we salivate each time there is a boat or another arrival of a group of people here in Australia and I record here that that is absolutely and utterly not the case. The opposition is very concerned at the risk to life and limb of asylum seekers attempting to get here by boat and at the risk to ADF personnel who are sent out to intercept boats. That is why we are so concerned to warn the government that weakening the border protection system of our nation is something that you ought not do and we have warned them of this repeatedly.

In August 2008, we saw the government remove the successful system which prevented people smuggling from being a major concern. I note that, in the contribution of the Attorney-General, he said that conflicts and turmoil in Afghanistan, the Middle East and Sri Lanka were driving a global surge in asylum seekers. It is interesting to make a short reflection on this comment which opened his remarks. Conflicts and turmoil in Afghanistan and the Middle East have been occurring for a long time and certainly push factors have been around for a long time. So why would there be a change in the climate or in the circumstances of people attempting to arrive here by boat from Afghanistan and the Middle East? The answer is the pull factors and the policies of the Australian government. I think that is borne out by all of the evidence in front of us as a nation today.

In fact, I would contend that the only reason we are here debating this legislation is the weakening of our border protection. What we have here in this anti-people-smuggling legislation is a graphic illustration for the Australian people of cause and effect in operation. I think it is true to say that the last government was tough on border protec-
tion. This government, however, has sent out a mixed set of signals. Before the election, it was tough on border protection. Of course it would have talked tough because that was before the election. After the election, the government went soft on border protection: ‘Let us undo the Howard government’s successful system because it is too hard line and has too many problems and why do we need it anyway?’ So it was tough before the election but soft after the election. Then we had the Prime Minister have a bet both ways and say he was going to be tough but also compassionate with his border protection policy. That is called being all things to all people.

This policy has failed. The result of the government’s changes in policy has been to relegate the claims of people who form part of the legitimate humanitarian refugee queues—the thousands of deserving people waiting to have their claims for asylum processed legally. I think that is the main failure of the weakening of the border protection system that the Rudd government has engaged in. Even last year, after we saw the increasing surge in arrivals in boats and people-smuggling activity, the Prime Minister had to come out, as the member for Werriwa was happy to record, and say that people smugglers were engaged in ‘the world’s most evil trade’. They were the ‘absolute scum of the earth’, he said, and ‘they should rot in hell’—very strong language indeed. I do record that the sending out of these consistently mixed signals has resulted in an increase and that pull factors are certainly playing a part in what is going on with our borders at the moment.

People smuggling is a criminal activity, and all members in this place are happy to record that that is their view. In 2010, long after the abolition of the Howard government’s highly effective program, we can see that there is now an increase in this criminal activity. I think people will recall, if they cast their minds back just a short few years to the time after the attacks of 9-11 and the invasion of Afghanistan, that there was plenty of turmoil in Afghanistan—plenty of reason for people to seek asylum or to leave Afghanistan and seek Australia. However, in the year following those activities, 2002-03, there was not a single boat arrival in Australia. In 2003-04, there were only three boat arrivals and, 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 the Labor Party changed the Howard coalition government’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.

We heard the Prime Minister in question time today talk about 1999 and all of the factors that led to offshore processing, temporary protection visas and all of the things that the Howard government put in place to attempt to deal with the problem that had come up earlier. It was a successful program. So when you look at the three boats a year over the six years after the Howard government action—showing resolve and taking the action required—we now see a different situation. In August 2008, Labor changed the laws on border protection. I do not think they understood at that time that this would lead to consequences. I think those on that side genuinely thought that this could be done and the system would remain in place and nothing would happen, but since the Labor government weakened the robust border protection system we have had 92 illegal boats arrive, carrying over 4,100 people. We have had incidents on the seas which have involved ADF personnel and which have put them at great risk. It is certainly a great problem we now have to deal with in this legislation before us tonight. This year alone—we
are only 10 weeks into this year—we have attracted 24 illegal boats carrying over 1,100 arrivals. Last week, we witnessed chaos, with five boats arriving in just six days. It does appear that pull factors are leading to an upsurge in people-smuggling activity and in asylum seekers seeking Australian shores by boat.

Of course, the purpose of this particular bill is to amend Australia’s anti-people-smuggling legislative framework, and I want to speak very briefly on the issues that are contained within this 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 in Australia. The penalty proposed for this new offence is imprisonment for a maximum of 10 years, a fine of $110,000 or both. This bill also 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 exportation, danger of death or serious harm. This will carry a penalty of imprisonment for a maximum of 20 years, a fine of $220,000 or both. Of course, these are good, quality measures, and certainly ones that we support within this bill.

There are concerns, of course, with this legislation, and I want to turn to those. One in particular is how agencies which are being given extra powers and extra responsibilities in this legislation will meet the requirements that this legislation will impose upon them. In relation to the Surveillance Devices Act, the bill will extend emergency authorisation for the use of a surveillance device in investigations into the aggravated offence of people-smuggling. Currently, the ability to obtain emergency authorisation for a surveillance device does not extend to offences under the Migration Act. In relation to the Telecommunications (Interception and Access) Act, the 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—again, worthy objectives of this bill.

The bill will amend the definition of ‘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. This intelligence can then be communicated to various agencies such as the Australian Customs and Border Protection Service and other law enforcement agencies. Those amendments are made in schedule 2 of the bill. These particular functions, which will include obtaining, correlating and evaluating intelligence relevant to security and communicating that intelligence are worthy objectives.

However, with the increase in responsibility for ASIO, this bill contains no measure to increase the funding or the capability of ASIO. Indeed, there are significant increases in the responsibilities of that agency in this bill, so for the bill not to contain any extra funding—and the bill’s explanatory memorandum states specifically that this bill will have no financial impact, so the government obviously intends not to increase the resourcing of this agency—is of concern. Clearly ASIO will have to find the resources within its existing budget—which, of course, will mean changes to the way it conducts itself and organises itself. This could have an effect on domestic security. It is a concern that the government needs to take seriously, es-
especially when we are seeing an increase in
the number of arrivals and an increase in
people-smuggling activity. If you are going
to propose that an agency like ASIO become
a relevant agency in dealing with these seri-
ous criminal threats then, if you are not to
provide those resources, you need to take
seriously the diminishment of the responsi-

bility of that organisation to deal with all of
the threats that it is asked to deal with. In-

deed, we do ask ASIO to deal with a series of
domestic and external threats.

They are the concerns that I and the oppo-
sition have in relation to various provisions
of this bill. But, in general, it is easy for me
to say that I support measures which increase
the integrity of Australia’s borders. People-
smuggling is a horrific crime. The Prime
Minister is of course right to speak very
strongly about it. I just wish that he would at
times be more consistent in his approach to
people-smuggling because, if you do not take
into consideration both the pull and the push
factors in relation to this matter, I think you
are ignoring a major relevant contributor to
the activities of the people smugglers. If you
are not severe in your ability to treat people-
smuggling and its effects when they arrive
here at the other end then I think you are en-
couraging people to take advantage of that
system. That, of course, is something we do
not want to do, for all of the reasons I have
outlined: the risk to the lives of the people
who are involved in the people-smuggling
activity, that it relegates genuine asylum
seekers and people waiting in refugee and
humanitarian camps around the world for a
place in our generous refugee program—and
we have some 13,000 places available,
which is very generous per capita as a coun-
try—to a longer and more difficult time wait-
ing, and that it provides an incentive, if you
like, or a system whereby people-smuggling
is easier. That is what we warned the gov-

ernment about since their election in
2007.

In closing, we are here because of the
government’s weakening of our border pro-
tection legislation. We are passing a bill
called the Anti-People Smuggling and Other
Measures Bill because we have—if you want
to term it this way—a crisis in people-
smuggling activity which has been generated
out of the weakening of Australia’s border
protection laws and the abandoning of our
tough system in August 2008. I am not here
tonight to say to the government, ‘We told
you so.’ I am here tonight to say to the gov-
ernment that this is a serious matter involv-
ing criminal activity and the government
simply ought not be so inconsistent with its
politics. It promised one thing prior to the
last election then tried to deliver something
for the left of Australian politics that ended
up resulting in this bill before the House to-
night.

Ms BIRD (Cunningham) (8.29 pm)—Due
to the very short time that I have available to
me, I am sure I will be permitted to pursue
my further comments on this bill when the
debate resumes. I rise tonight to indicate my
support for the Anti-People Smuggling and
Other Measures Bill 2010 and to indicate
that I think that this is an important piece of
legislation. It is important in and of itself but
it should also be recognised as sitting
amongst a suite of other initiatives that this
government has undertaken around address-
ing the issue of people-smuggling, in particu-
lar in our region, and putting in place the
perspective that the Prime Minister gave on
this issue when he indicated to the nation
that whilst—

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 8.30
pm, I propose the question:

That the House do now adjourn.
The Partners of Veterans Association

Mr IRONS (Swan) (8.30 pm)—To celebrate International Women’s Day last week, my office organised a morning tea for a group of women who have for most of their lives taken a back seat in order to support their husbands. These women have not had an easy ride in their lives and face the day-to-day challenges of caring for a loved one who could have been affected mentally or physically or both by being a soldier in Vietnam. The organisation I am talking about is called The Partners of Veterans Association of Western Australia and its mission statement is:

… to improve the lives of members by providing care, support and information in a participative social environment. We aim to ease the isolation, despair and loneliness from the lives of partners of veterans through being helpful, uplifting and non-judgemental friends.

While the association basically has partners of Vietnam veterans, it is not exclusively for the partners of Vietnam veterans. The group of women I met last Friday, though, did all fall into this category. The women who came to see me were: Sandra Cross, Anne Holtom, Ivy Phelps, Carole Matthews, Sally Warner, Kerryn McDonnell and Janet Gilders. We had a very interesting discussion about the challenges and issues faced by Vietnam veterans and, consequently, how partners and their children’s lives have been affected. I will share some insights with you now.

The group support each other because only they know and understand what the other is going through. All of the women agreed alcoholism and depression are big problems for a large number of veterans and it was important for them as partners of veterans to acknowledge that the difficulties were directly related to the traumas their partners had experienced in the past. The morning was insightful and there certainly was not any ‘poor me’ discussion— in fact, quite the opposite. The sense of humour these women have about their lives and experiences has helped them through the toughest of times.

The group organise social events throughout the year and talked about a trip in 2008 to Vietnam. The reason for the trip was to try and gain a deeper insight into the landscape and the experiences their husbands had had in Vietnam. They explained that not only was the trip enjoyable but it also helped their husbands by giving them new memories of Vietnam rather than replaying the traumatic memories of the past. One of the benefits of belonging to the group was that everybody knew what it is like to have a bad day. One of the women said, ‘Sometimes when you were going through a particularly difficult patch, and couldn’t make it to a meeting or social event, you didn’t need to explain why.’

Another major concern discussed was the fear of suicide, not only among the veterans but also among the children of the veterans. This is an issue close to my heart. I have spoken about youth suicide on a number of occasions. On Friday I attended a fundraiser for the Youth Focus group who are based in my electorate. I recently held a youth suicide roundtable in my office with the Health and Ageing Committee. During our discussion there was talk of a veteran who had committed suicide and also the son of a veteran who had committed suicide recently. Suicide is a tragic event, and the more we can do to support those in need, the more chance we have of saving people’s lives.

Despite only being fully operational in Western Australia since 2003, The Partners of Veterans Association of Western Australia have touched the lives of many in different ways. They would also like to encourage the partners of our younger generation of current serving forces to become members and gain
the support, experience and wisdom of women who understand what they are going through. The association originally started out holding meetings in people’s houses but, due to the illnesses of the veterans, this did not work very well. After moving a couple of time, they now share premises with Carers WA in east Perth. There is a drop-in resource centre that is manned by volunteers, and monthly meetings are held where guest speakers are invited to talk on various issues.

The Partners of Veterans Association are a not-for-profit, non-government organisation and rely heavily on grants and donations. I speak of them today for a couple of reasons. One is my admiration for the commitment shown by these women and also to acknowledge the difference they are making in people’s lives. People like Secretary Kerryn McDonnell and President Sandra Cross are at the heart of the association. Mrs Sandra Cross was included in the 2009 edition of the *Who’s Who of Australian women* on the theme of ‘Lessons we learn.’ Interestingly, the book was released on 27 March in celebration of International Women’s Day. Sandra made a pledge to herself to help as many partners as she could after receiving many setbacks when her own husband became ill. I would also like to thank all of the ladies who attended the morning tea last Friday and hope to continue to receive the support from government and the community to carry out their very important service for all partners and their families.

**Asbestos**

Mr MURPHY (Lowe) (8.34 pm)—Today I presented a petition of more than 1,000 signatures to the secretariat of the Standing Committee on Petitions calling on this parliament to lead international efforts to ban the mining, sale and use of all forms of asbestos throughout the world. We are all aware of the deadly effects of asbestos and asbestos products. For instance, the Bernie Banton Foundation estimates that in just over 10 years some 40,000 Australians will have contracted asbestos related cancer.

It is an absolute disgrace that, despite everything that is known about the dangers of asbestos, countries such as Canada continue to export this deadly product. According to the British Columbia Building and Construction Trade’s Occupation Health and Safety Council, Canada exports 120,000 tonnes of asbestos to India and other countries in South Asia. Moreover, Canada continues to block international efforts to list chrysotile asbestos under the Rotterdam treaty, which requires importing countries to be warned of risks associated with hazardous substances and products.

The vast majority of developed countries throughout the world have banned the use of asbestos and asbestos products. However, far too many developing countries, particularly in the South Asian region, import this deadly substance because they are unaware of its dangerous effects. The failure to list chrysotile asbestos under the Rotterdam treaty is a major reason for this. Dr Maria Neira, Director of the Department of Public Health and Environment of the World Health Organisation told delegates at the 2006 Conference of Parties to the Rotterdam Convention:

In order to protect the health of their people, countries must have information and tools to make decisions on which chemicals and pesticides can be used safely in local conditions, and if they are to be used, how they may be used safely ...

Following the failure of the 2006 conference to list chrysotile asbestos under the Rotterdam treaty, Achim Steiner of the United Nations Environment Program said:

The lack of a decision at this time to list chrysotile asbestos raises concerns for many developing countries that need to protect their citizens.
from the well-known risks of this hazardous substance.

I believe that we need to go further than simply listing chrysotile asbestos under the Rotterdam convention. Two years ago one of my constituents, Mr Ray van den Nieuwenhof, travelled to Canada, where he met with the head of the British Columbia Building and Construction Trades Council, Wayne Peppard. Mr van den Nieuwenhof was told that the Canadian government allows mining of chrysotile asbestos in Quebec and has bullied governments in developing countries to import the deadly substance, claiming that it is safe to use.

For far too long Australia and Australian companies knowingly exposed many people to the deadly effects of asbestos. For instance, Matt Peacock details the disgusting and disgraceful behaviour of James Hardie executives in the book *Killer Company*. According to Mr Peacock, James Hardie management kept files on employees’ health and thousands of X-rays of their lungs. If the inspirational legacy of Bernie Banton teaches us anything, it is that we must not be afraid to speak out and act when injustices are taking place. Just as Bernie stood up to James Hardie, this parliament must stand up to countries such as Canada and others in the wider international community to ban the mining, sale and use of asbestos throughout the world. Over a thousand residents in my electorate have signed a petition calling for Australia to lead international efforts to achieve this worthy and important objective.

In the moments I have remaining I wish to share with the House some of the messages I have received from constituents who signed the petition. Ms Marianna Grillo of Abbotsford wrote that she is thankful the government is working hard to support people like her father, who is a victim of asbestos, but is thankfully still with his family, and Ms Elvira Musolino of Concord thanks the government for fighting against such a cruel injustice and for trying to put plans in place to prevent this from ever happening again. This petition is not the end of my fight. Earlier this year, I spoke of the need for a national awareness campaign to ensure that all Australians understand the risks asbestos poses to them and their families. I also suggested that the government consider establishing a national body to coordinate the removal of all asbestos products and asbestos-containing materials from public places. Tonight I renew my call for more to be done to assist sufferers of asbestosis and to prevent a repeat of this modern-day industrial catastrophe. (Time expired)

**Mr Ron Gianoncelli**

Mr SIMPKINS (Cowan) (8.40 pm)—For some years I have known a man called Ron Gianoncelli. I first met him when he was the newsagent at Koondoola Plaza shopping centre, and he now runs the Australia Post shopfront up at the nearby Alexander Heights Shopping Centre. When I am at that centre I normally pause to give Ron a wave. If Ron has time he will give me his thoughts on crime and what he thinks should be done about it. That really is not very remarkable—a lot of people offer me their views on a range of subjects, and crime and the inadequacy of sentencing are frequent subjects. But I am always keen to hear what Ron has to say because, if we are talking about crime, Ron Gianoncelli has earned the right to express an opinion, and I value his.

Yesterday, local Cowan newsagent Ron Gianoncelli was awarded the Star of Courage for his actions in 2004. At the time, Ron was the newsagent in Koondoola Plaza. Koondoola is a suburb challenged by low-socioeconomic circumstances. There are no big, expensive houses and the average incomes are certainly low compared to most of the northern suburbs of Perth. This is not a
suburb or a suburban newsagency where there would be a great amount of cash to be targeted in a robbery. Yet on 31 January 2004 drug affected armed robber Leon Sutcliffe entered Ron’s newsagency. I know the shop well. It is small, with nowhere to hide or escape. Even the main counter on the right side of the shop cannot offer full protection. At the time of the robbery it was also a post office shopfront, resulting in it being very congested with displays and merchandise for sale.

On the day of the robbery Ron was in the shop with his wife, Mary, and his sister Sonia. Sutcliffe entered the shop with a rifle. He approached Mary and demanded the money from the till, before also demanding the safe be opened by Ron. When Ron refused to go into the back office to empty the safe, Sutcliffe pointed the rifle at Ron’s face and fired it. I do not think that very many people would have refused to open the safe and instead turned to face a man with a rifle. Sutcliffe opened fire, resulting in Ron being grazed across the forehead by the bullet. At this, the resolve of most people would have been to crumble and self-preservation would have kicked in.

Faced with Ron’s fortitude, Sutcliffe then threatened Ron’s sister Sonia, counting down from five with the intent to shoot her. As Sutcliffe counted down, with the intent to intimidate Ron into opening the safe with the clear and present threat to shoot Sonia, a customer walked into the shop. Ron then launched himself at Sutcliffe. Sutcliffe fired twice in that desperate fight, with Ron being shot in the shoulder and in the chest, puncturing one of his lungs and his liver and stomach. Sutcliffe then ran out of the shop, pursued by the wounded but resolute Ron, who was driven on by a combination of what were no doubt adrenaline and anger. This caused him not to realise that he had been shot, and Ron was able to grab the bag that Sutcliffe had put the till money in. Sutcliffe then ran to his car and fired again at Ron before driving away. Sutcliffe was later arrested in Brisbane, extradited and jailed for 10 years in Western Australia. For an aggravated robbery and what should have been a charge of attempted murder, 10 years seems a light sentence.

Following Ron’s wounding, the Koondoola community united in support of him. There were a number of big events in the suburb where the local people were rightly outraged at the incident and this demonstration of such extreme violence in the suburb’s only shopping centre. As I have already said, when faced with the threat to one’s life, most people would choose to give a criminal the money. Understanding that the lives of his wife and sister and his life were on the line, Ron decided to risk his own life for those dearest to him. In previous speeches I have remarked that in some cases, some circumstances, there are times when you just have to fight. I said that in reference primarily to international events but, as he found when faced with an unstable and highly dangerous criminal who clearly had the capacity to kill, Ron Gianoncelli just had to act. As a result, he saved the lives of his wife, Mary, and his sister Sonia. He also won the highest respect from the local community.

‘Hero’ is a word often used these days. Too often it is used to describe the activities of some highly paid sportsmen, who, while being courageous on the sporting field, are not actually protecting others whilst risking their own lives. There are no true heroes on the sporting field. A hero is a person that acts to protect others whilst facing grave injury or death, rather than seeking self-preservation. That is the difference. I believe that the term ‘hero’ should only be applied in specific circumstances, and none of them has to do with sport. Those that put their lives on the line for their loved ones or for strangers are the
true heroes, the greatest Australians. I take this opportunity to pay tribute to Ron Gianoncelli, recipient of the Star of Courage, and his outstanding bravery. It is an honour to know him and our community is honoured to have him as a member.

**Beef Imports**

Mr GEORGANAS (Hindmarsh) (8.45 pm)—Constituents of my electorate of Hindmarsh and constituents of all electorates around the nation look for a federal government that hears their concerns and then acts on those concerns. Regardless of what this opposition tries to spin, the people have a government that does listen and that does act on their concerns. The responsiveness of this Rudd Labor government has been ably demonstrated through its response to the communities concerned regarding beef imports. We have seen over the last couple of weeks members of our community, including members in my electorate, express their concerns over consumer safety measures which maintain our restrictions on beef affected by BSE or, as it is known, mad cow disease. We have seen MPs, I being one, representing such concerns to the responsible ministers. We have seen ministers act in support of the expressed needs and concerns of the community by delivering active, responsive government.

After doing an interview on the Leon Byner program on 5AA in Adelaide and listening to people who called in or who rang my office about this issue, I wrote to four of my colleagues—the ministers and parliamentary secretaries—putting forward the views that were expressed to me by my constituents over time on both beef imports and the long-standing inadequacy of food labelling rules that we continue to endure. To this government’s credit, the voices of Hindmarsh constituents were well and clearly heard. Consumers are now comforted by the announcements that were made last week by the Minister for Agriculture, Fisheries and Forestry, Tony Burke, on the continuation of those blanket bans.

Our ban on beef from BSE affected countries has served us well. To their credit, the controls and safety measures put in place through the European Community has stopped the disease and continues to diminish its potential to impact on the public. Infections continue to decrease, monitoring goes on and affected animals removed and destroyed. The world remains vigilant but confident. Adjustment of Australia’s blanket ban was requested by Australia’s Red Meat Advisory Council, which represents many of the peak organisations that make up the beef industry. The Red Meat Advisory Council argued that it was imperative to make our standards more consistent with those set by the World Organisation for Animal Health. While there may be every reason to support such an update in standards, consumers in my electorate and around the nation put the case for maintaining existing standards with great emotion.

I had many residents in my electorate phoning and telling me of their fear of going mad, literally, as a result of eating BSE beef. I had radio talkback listeners from the Leon Byner program concluding that the beef market would be a lucky dip in beef safety with consumers having no idea where any beef was from or how diseased it may be. We heard that major supermarket chains were going to resort to advertising that they were continuing to supply fresh beef sourced exclusively from Australian stock, as they had been, simply to help people deal with their fear. Their identified need to publicise the fact that all of their fresh beef was Australian is due to the previous government’s determination to require country of origin labelling on some types of animals but, interestingly, not on beef. They imposed country of origin
labelling requirements on fish and they imposed country of origin labelling on pork, but for reasons only known to the opposition they blatantly refused to impose country of origin labelling on beef.

If the previous government had not balked at labelling beef, consumers would have known they could have bought or disregarded beef from any given country and much of the fear experienced in the community over recent weeks would not have developed. But it is up to this Labor government to fix this gaping hole in labelling standards—this bizarre yet strangely deliberate omission in facilitating consumer choice and protection. Food labelling laws are just one more dusty, neglected and broken hand-me-down that this Labor government has inherited from the Liberal-National coalition. It is up to this Rudd Labor government to deliver what the public and beef eaters galore expect from a government that listens to what they say. We were elected to deliver. We have delivered and continue to deliver we will, regardless of what has been said and the spin that takes place on the opposite side. (Time expired)

Mitchell Electorate: Rouse Hill

Mr HAWKE (Mitchell) (8.50 pm)—I rise tonight to speak on behalf of the hundreds of residents of Rouse Hill in my electorate of Mitchell who were threatened by yet another government failure in New South Wales. Last week more than a hundred residents rallied at Sunningdale Place in Rouse Hill after receiving letters from the New South Wales Department of Planning which were sent to residents in streets like Spring Mill Avenue, Glen Abbey Street, Sunningdale Place, Greensborough Avenue, Pinehurst Avenue, Green Hills Drive and Clower Avenue asking to make their properties available for soil testing and survey work. This letter raised immediate fears that the residents would have their properties compulsorily acquired by the state government. Attached to this letter was a brochure that outlined a new transport corridor which would go through their houses. Indeed, the transport corridor would also go through the local school, Rouse Hill Public School. The transport corridor proposed by the New South Wales Department of Planning would also go through a preschool. This caused immense concern and distress to residents of Rouse Hill. Immediately on becoming aware of this proposal, I went out to meet with those residents. There were hundreds of them gathering in the streets of Rouse Hill. Some of them, including many mothers, said to me that they had not slept in many nights as they had moved to this area of Rouse Hill because of its great family values. The area is just seven or eight years old and many of the houses have been there less time than that. My electorate of Mitchell has the most number of couples with dependent children in Australia, according to the census. It is a very homogenous society.

So, when the New South Wales state government proposes to put a transport corridor right through the houses and the local school, this understandably causes great consternation and concern. A rally was held on Monday morning, where a further 200 to 300 residents turned up at Rouse Hill Public School. Being here in Canberra, I was unable to attend. Channel 9 news, who turned up to cover the story, then went to see Tony Kelly, who is the Minister for Planning in the New South Wales government. Minister Kelly outlined to Channel 9 that there had been a mistake in the placement of the corridor through houses and through the local primary school—a departmental error that would be rectified urgently. Once again we see in New South Wales an example of government failure—incompetence and mismanagement—threatening livelihoods and
Tuesday, 16 March 2010

Hospitals

Mr CHEESEMAN (Corangamite) (8.54 pm)—Tonight I rise to speak on Building a National Health and Hospitals Network, which was announced last week. This makes me very proud, because I know that many of the constituents in my electorate of Corangamite are very keen to see our health and hospital system modernised. My electorate knows the consequences of the Leader of the Opposition’s decision, when he was health minister, to rip more than $1 billion out of our public hospital system and cap the number of GP training positions available.

My electorate is in desperate need of additional funding. We have heard time and time again that state budgets will be overridden by health costs over the coming decades. Many communities and regional towns, particularly towns like Colac in my electorate, know how badly they were hit when the previous health minister ripped more than $1 billion out of the health system and capped GP training places.

I will quickly draw the attention of the House to the announcements made yesterday. The government will invest $145 million to train more health specialists. That follows the disastrous work done by Tony Abbott, the opposition leader, when he was the health minister and he stripped away the opportunities of many Australians to pursue a career as a health specialist.

The workforce advisory committee and medical colleges suggested that there would be a shortage of around 1,280 specialist positions by 2020 if we did not act. The announcement made yesterday by the Rudd government will address this matter. The Rudd government will more than double the current number of places, from 360 to 900, by 2014 and deliver an extra 680 specialists...
2688

into our health system by 2020. My electorate needs this reform and the nation needs this reform.

It takes a Labor government to put money back into the health and hospital system that was ripped out by the previous government. There is a $339 million investment that addresses GP training places. This will deliver better health for our communities and more doctors to deliver those important reforms. The Rudd government is about building a modern health system that will enable us to deliver for future generations. The lack of investment by the previous government has led to shortages in GPs across the nation. Some 59 per cent of the nation live in areas where there are GP shortages.

The Rudd government is fixing the problem that was left to us by the current opposition leader when he was the health minister. Some 1,200 GP training places will be in place by 2014—a 50 per cent increase on the government’s previous commitment. Five million extra services will be delivered by 2013 as a consequence. This will of course help my electorate and many electorates across the country. The Rudd government will invest some $632 million to train a record number of doctors. This will deliver an extra 5,500 new or training GPs, some 680 medical specialists and some 5,400 prevocational general practice program training places over the next 10 years.

I am proud to be a member of a Rudd government that is fixing the problems left to us by the previous government. I was simply amazed to hear in question time the complete disregard that the previous health minister, Tony Abbott, had for our health care system.

The SPEAKER—Order! It being 9 pm, the debate is interrupted.

House adjourned at 9.00 pm
(a) the Burmese regime last week announced the election law package for the election they have decreed will occur this year based on their 2008 constitution—a constitution that the Australian Government has already called a ‘sham’;

(b) the election laws:
   (i) introduce a number of restrictions which will limit the participation of opposition parties, including the National League for Democracy (NLD);
   (ii) prevent the NLD, headed by Aung San Suu Kyi and winners of the country’s last election, from registering if Ms Suu Kyi remains a party member, due to, inter alia, her ‘criminal convictions and sentences’;
   (iii) formally void the election results of 1990, which saw the NLD win over 80 per cent of the vote; and
   (iv) do not provide any guarantee of freedom to campaign, or access, the media;

(c) United Nations Secretary General Ban Ki-moon has stated that without the unconditional release of all 2100 political prisoners in Burma, the 2010 election cannot be credible;

(d) last year the NLD released the Shwegondaing Declaration, which set out four benchmarks for the election process to be considered credible or legitimate: the immediate unconditional release of all political prisoners, including Ms Suu Kyi; an inclusive review of the 2008 constitution; the elections to be carried out in a free, fair open and inclusive manner under international supervision; and some form of recognition of the 1990 election result; and

(e) in a report to the Human Rights Council, the United Nations Special Rapporteur on the situation of human rights in Myanmar (Burma), Tomas Ojea Quintana, has called for a United Nations Committee of Inquiry to investigate allegations of crimes against humanity and war crimes committed by the military regime in Burma;

(2) expresses grave concerned that the forthcoming election in Burma, based on the ‘sham’ 2008 constitution and the announced election laws, cannot be free or fair; and

(3) condemns the Burmese regime unreservedly for its continued suppression of the democratic aspirations of the Burmese people.

Ms Saffin to move:
That the House:
(1) notes:
   (a) that the Commonwealth is the primary regulator of animal welfare;
   (b) the national and international concerns about the welfare of animals transported under the live animal export trade, both during transportation and their treatment at their destination raised in campaigns by organisations and individuals including the World Society for the Protection of Animals, Princess Ali of Jordan, the RSPCA, the Barristers Animal Welfare Panel, and Sydney Lord Mayor Clover Moore;
   (c) that Australia is one of the few countries to consistently treat animals humanely during slaughter and its meat has gained wide acceptance in the Middle East as meeting halal standards;

(2) acknowledges the opposition of the Australian Meat Industry Employees Union and the local meat processors, including Casino Northern Cooperative Meat Company, to the live export trade on the grounds that it has a detrimental effect on the local meat processing industry, affecting jobs and the Australian economy; and

(3) supports moves towards the expansion of the frozen and chilled meat export industry using Australian halal stunned meat exports.

Mr Hawke to move:
That the House:
(1) recognises the lack of adequate transport infrastructure in North West Sydney;
(2) condemns the NSW Government for its under-funding of transport infrastructure in North West Sydney during the last 15 years;

(3) acknowledges that the current lack of transport infrastructure:
   (a) inhibits the economic prosperity of North West Sydney;
   (b) imposes significant financial burdens on the residents of North West Sydney through excessive toll charges; and
   (c) results in a high level of motor vehicle usage and has a detrimental environment impact for North West Sydney;

(4) notes that the Federal Government provided only $91 million for planning of a West Sydney Metro railway as part of its funding through Infrastructure Australia and no funding for North West rail link; and

(5) calls on the Federal Government to provide funding for the immediate commencement of a North West rail link.
QUESTIONS IN WRITING

Visa Holders: Health Insurance Cover
(Question No. 1175)

Mr Randall asked the Minister for Health and Ageing, in writing, on 2 February 2010:
In respect of the requirement that subclass 410 Retirement Visa holders maintain ‘fully comprehensive’ health insurance cover:
(1) What was her department’s role in defining ‘fully comprehensive’.
(2) How does her department define ‘fully comprehensive’.
(3) What is the scope of ‘fully comprehensive’, and what falls outside this scope.
(4) What proportion of costs for health services is required to be covered.
(5) What is meant by Medicare equivalent cover.
(7) How does her department ensure that the requirements are met by these visa holders.
(8) What assessment does her department undertake of health insurance premium increases for these visa holders.

Ms Roxon—The answer to the honourable member’s question is as follows:
(1) My Department was consulted regarding the definition of ‘fully comprehensive’ health cover.
(2) The definition of ‘fully comprehensive’ in the context of 410 Retirement Visa is not something that is defined by the Department of Health and Ageing.
(3) (4) and (5) These matters are for the Department of Immigration and Citizenship policy. See Senator Evans reply to SQON 2391 (2) (3) & (4)
(7) It is the responsibility of the Department of Immigration and Citizenship to monitor the health insurance requirement of these visa holders.
(8) The Department of Health and Ageing has no role in assessing premium increases for Overseas Visitors Health Cover (OVHC), which is a term broadly used to describe health insurance products sold to 410 Retirement Visa holders and temporary visa holders who are not eligible for Medicare. OVHC products are related to the broader category of travel insurance policies sold in the general insurance market, where the principle of risk rating is applied by insurers. An insurer can decide to refuse to sell OVHC to someone or set higher premiums for people at greater risk of claiming (for instance, elderly persons with a pre-existing illness). OVHC is also sold by some private health insurers outside of their core business. It is not considered health insurance business which is regulated under private health insurance legislation.

Asia-Pacific Community Conference
(Question No. 1198)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 8 February 2010:
In respect of the Asia Pacific community Conference in December 2009: (a) how did each country respond to the Prime Minister’s Asia Pacific community idea, and did any express concerns; if so, what were they; and (b) what total sum of money was spent by the Government on (i) accommodation, (ii) airfares, and (iii) catering, for all Conference participants and officials.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:
(a) The Asia-Pacific community Conference in December 2009 was a one-and-a-half track Conference. As such, participants engaged in the discussions in their personal capacities, not as represen-
tatives of their countries or governments. I attach a copy of the Conference report, also available on the Conference website (www.apc2009conference.org) which summarises the discussion at the Conference.

(b) As at 25 February 2010, the Government spent a total of:
(i) $111,108 on accommodation
(ii) $623,533 on airfares
(iii) $59,874 on catering
on all Conference participants and officials.

ATTACHMENT
THE ASIA - PACIFIC
A COMMUNITY FOR THE 21ST CENTURY
SYDNEY
3-5 DECEMBER 2009
CONFERENCE SUMMARY RECORD
The conference, “The Asia Pacific: a community for the 21st century”, was held in Sydney, Australia, from 3-5 December 2009. It was hosted by the Australian Prime Minister’s Special Envoy on the Asia Pacific community (APc), Mr Richard Woolcott AC, and co-chaired by Dr Michael Wesley, Executive Director of the Lowy Institute for International Policy, and Madame Ton Nu Thi Ninh, President of the Founding Committee of Tri Viet International University, Vietnam. The conference was attended by over 140 academics, commentators and senior government officials from the 21 countries visited by Mr Woolcott during his regional consultations on the APc and also from Australia, along with experts on regionalism from France, the United Kingdom and Germany.

The Prime Minister of Australia, the Hon Kevin Rudd MP, addressed the conference’s opening session on 4 December. The keynote speech was delivered by former Prime Minister of the Republic of Korea, Dr Han Seung-soo. The Australian Minister for Foreign Affairs, the Hon Stephen Smith MP, addressed the conference dinner on 3 December.

The conference was not an inter-governmental negotiation nor did it attempt to reach agreed conclusions or present recommendations. It was a “1.5-track” gathering of participants from both non-government and government sectors, participating as individuals under “Chatham House” rules. As intended, it was a discussion – held in plenary and “breakout” sessions – to further explore the idea of a leaders’ level APc, as proposed by the Australian Government.

The APc initiative
Prime Minister Rudd first proposed the idea of an APc in an address to the Asia Society AustralAsia Centre in Sydney on 4 June 2008.

Mr Rudd proposed that regional countries discuss the development of an APc which would have the right membership and mandate to address economic, security and other transnational challenges at leaders’ level. Mr Rudd has made the point that the movement in economic and strategic weight to the Asia Pacific is set to continue and will provide significant opportunities, but also challenges. He has put the case that intensifying inter-connectedness and inter-dependency calls for increased consideration of what arrangements can serve to manage regional stresses and strains, and that it is in the region’s interests to work cooperatively and actively to shape improved regional arrangements.

Mr Rudd announced in his speech in 2008 the appointment of former senior diplomat and head of Australia’s Department of Foreign Affairs and Trade, Mr Richard Woolcott AC, as his Special Envoy on the APc, charged with conducting consultations with governments and non-government stakeholders across the Asia Pacific.
Between September 2008 and March 2009, Mr Woolcott visited 21 countries, holding discussions with more than 300 individuals, including more than 30 ministers and eight heads of state or heads of government.

Mr Rudd wrote to leaders in May 2009 outlining the main conclusions of Mr Woolcott’s report to him on the regional consultations and inviting them to send representatives to a 1.5-track conference to further discussions on the initiative.

The Prime Minister announced the conference publicly in a speech to the Shangri-la Dialogue on 29 May 2009. In that speech, Mr Rudd said that an APc could

- help ensure that the process of regional economic and financial integration is driven forward;
- nurture a culture of cooperation and collaboration on security; and
- provide a vehicle for discussion and cooperation on other challenges such as climate change, resource and food security and terrorism.

Further to his speech at the Shangri-la Dialogue, Mr Rudd spoke with regional leaders about his initiative at the East Asia Summit in Hua Hin, Thailand, on 25 October and at the APEC leaders’ meeting in Singapore on 14-15 November. His Special Envoy also had further high-level discussions in Washington and New York in October and Singapore and Jakarta in November.

Address to the conference by the Prime Minister, Kevin Rudd

In his opening address to the conference, the Australian Prime Minister, the Hon Kevin Rudd MP, welcomed the increasing level of comfort among regional countries with an ongoing discussion about the Asia Pacific region’s future.

Mr Rudd said the region had been served well to date by institutions created in the past, including ASEAN, APEC, the ASEAN Regional Forum (ARF), the East Asia Summit (EAS) and the Asia Europe Meeting (ASEM) and these institutions had evolved to meet changing needs.

The Asia Pacific region was, however, lacking a regional institution with wide membership and a wide mandate to deal with the breadth and depth of all the main political, security, economic and environmental challenges we would face in the 21st century.

Mr Rudd highlighted three key messages about the region and its future:

- it was dynamic and was rapidly becoming the centre of global economic and strategic weight, driven by the rise of China and India and long-standing powerhouses such as Japan and the United States as the continuing superpower;
- it was becoming infinitely more connected, increasing the importance of robust pan-regional institutions to enhance the positive dimensions of growing regional interconnectedness and manage any negative impacts;
- it faced a number of emerging challenges including
  - the need for a balanced model for regional growth,
  - competition for scarce resources,
  - unresolved border disputes, along with large and growing militaries and continuing regional flashpoints,
  - non-traditional security threats,
  - climate change,
  - a confluence of interests of five major powers – the United States, China, India, Russia and Japan.

History should caution regional countries not to assume that peace, harmony and concord were predetermined; common security had to be crafted by nation states driven by common purpose. The United
States and China had so far managed their interests well on a largely bilateral basis, but it may be that in the future this would be supplemented by emerging regional institution building. Moreover, challenges were not static; the prospects for rapid change were great. Regional countries could draw lessons from the G20’s response to the global financial crisis: we needed to be alert to where our trajectories were leading us and to ways we could cooperate more closely on our shared interests. We needed actively to shape our regional future. Key questions for the conference were:

- how do we best manage our region’s dynamism, inter-dependency and common challenges?
- how do we ensure outward-looking regionalism continues as the bedrock of Asia-Pacific integration?
- how do we foster a deeper regional culture of cooperation and entrench habits of cooperation and so avoid any future conflict?
- how do we craft integrated solutions to complex and multi-faceted problems?

Mr Rudd said the Australian Government had deliberately not sought to answer fully questions about what sort of APc was required, but had sought to stimulate a dialogue, and it valued the counsel of senior regional statesmen. The regional conversation had been enhanced by the contribution of Prime Minister Hatoyama of Japan on the future of our region.

From Australia’s perspective, an APc would need to:

- engage all countries that made up the region, including the United States, and have ASEAN play a major role;
- be able to traverse all of the major questions that affected our region – political, economic and strategic – in an integrated way;
- shape the habits of transparency and trust and foster the instinct of cooperation; and
- meet at leaders’ level, as only leaders could fully connect economic, strategic, environmental and political issues.

It was, however, also clear that the region did not need a supra-national decision making structure, an additional institution or a further leaders’ meeting. Instead, regional countries needed to discuss how to “evolve an Asia-Pacific region from our existing regional institutions – rather than try to start completely afresh”.

Mr Rudd said that some options were to:

- do nothing – exposing countries to weaknesses in current architecture;
- build an entirely new institution from the ground up; or
- build an APc using existing architecture such as
  - APEC (which would need to admit India and take on a more defined security mandate),
  - the EAS (which would need to increase its membership to include other key players),
  - or by bringing APEC and the EAS together, bringing with it the benefit of a single leaders’ meeting or cluster of meetings – an arrangement that could be extended by merging the wider range of regional bodies to bring together political, economic and security agendas.

Mr Rudd urged conference participants to settle on ideas and principles that would guide future discussion and find a mechanism to continue the conversation on an APc in a constructive way.

The full text of the speech is available on the Prime Minister’s website www.pm.gov.au

**Address by the Minister for Foreign Affairs, Stephen Smith**

In addressing conference delegates and heads of diplomatic missions, the Minister for Foreign Affairs, the Hon Stephen Smith MP, highlighted the shift in economic, political, military and strategic influence...
to the Asia Pacific. He noted that this ongoing shift in influence was not just about economics or demographics. The Asia Pacific was home to the world’s five largest militaries – the United States, Russia, China, India and North Korea.

Mr Smith said the United States had underwritten stability in the Asia Pacific for the last half century and would continue to be the single most powerful and important strategic actor in the region for the foreseeable future, both in its own right and through its network of alliances and security relationships.

The relative resilience of the region amid the global economic crisis had also brought home to others that the Asia Pacific was and would be crucial to global economic stability and growth. Prior to the global financial crisis, only the United States, Canada and Japan, of the Asia Pacific countries, had been members of the principal global economic institution – the G7. In contrast, 10 countries of the Asia Pacific region were in the G20.

Mr Smith noted, however, that with the rise of the Asia Pacific region came difficult challenges – some which had been with us for years, others more recent. They included: terrorist attacks; people smuggling; and latent security problems such as on the Korean Peninsula.

Regional integration had underwritten the economic success of our region, but the region could not rest on its laurels. Regional countries needed to ensure a meaningful, long-term response to the global economic crisis by entrenching good economic policy and structural reform. The region also needed to be able to respond rapidly with significant assistance to natural disasters.

None of these challenges could be addressed or resolved by any one nation; they could only be addressed by nations in the region acting together.

Mr Smith said the lessons of a regional approach were clear from cooperation in the Asia Pacific. The stability, prosperity and regional cooperation ASEAN had fostered since its establishment had been an important achievement; the ARF was gradually developing a role in preventive diplomacy; the EAS was an increasingly productive forum; and APEC had become vital to building consensus around open markets, trade and investment.

The Minister said, however, that as valuable as existing groupings continued to be, there was a need to examine closely the regional architecture and consider how it might best be developed to serve our interests into the first quarter of the 21st century and beyond. Australia had asked whether the present regional arrangements were equipped to enable all the key Asia Pacific players to have a conversation in the same room at the same time about trade and investment and also about peace, stability and security.

APEC and ASEAN would have central roles to play into the future, but we needed to recognise the gaps that existed and consider how to address them. An Asia Pacific community would: encourage further economic and financial integration; foster a culture of deeper collaboration and transparency in security; and drive cooperation on the range of transnational challenges.

Mr Smith said the APc initiative was not about supplanting or diminishing the roles of existing regional groupings, especially the centrality of ASEAN; it might emerge from the existing architecture just as the ARF and the EAS had emerged from ASEAN.

Keynote address by Dr Han Seung-soo, Former Prime Minister, Republic of Korea

In his address to conference delegates, the former Prime Minister of the Republic of Korea, Dr Han Seung-soo, said his main point was that “the current political, security and economic architecture of the Asia Pacific region must be restructured to meet the new and emerging challenges of this region”.

Dr Han pointed to a growing consensus that the 21st century was likely to be the “Asia-Pacific century”: the region’s dynamism was most clearly manifest in its impressive economic growth, which would be sustained and accelerated by the removal of trade barriers. The region’s huge potential for further growth and movements towards sub-regional integration were likely to raise its profile internationally. The growing economic influence of the Asia Pacific region had also considerably bolstered its
strategic significance. Furthermore, the region was of monumental importance in global security: the North Korean nuclear issue posed a threat not only to Northeast Asia, but to the rest of the world.

Dr Han said it was imperative for countries of the Asia Pacific to respond to these trends. The question was: how do we align the recent positive developments in the Asia Pacific to achieve our strategic objectives in ensuring security and stability?

Dr Han believed the region could play a pivotal role in five major areas:

• conceiving viable solutions for the global financial crisis in other regions (drawing on the lessons of the 1997 Asian financial crisis) and advocating free trade;
• leading international cooperation to address climate change through a coming together of developed and developing countries to articulate a single voice that the rest of the world could follow;
• narrowing the development gap by expanding and improving development assistance;
• bringing North Korea back to the negotiating table, serving the interests of regional security and supporting the vision of a “nuclear free world”; and
• continuing to provide innovative solutions to non-traditional security threats such as maritime security, piracy, human trafficking, narcotics and terrorism.

Dr Han maintained that existing regional mechanisms lacked sufficient mandate and capacity to solve effectively new challenges. The scope of the problems confronting the region rendered urgent calls to create more effective cooperation structures to supplement extant mechanisms. A new structure could be constructed either by readjusting existing mechanisms or forming a new structure to replace current arrangements. Mr Rudd’s Apc initiative and Prime Minister Hatoyama’s proposal for an East Asian Community had emerged against this backdrop and both deserved serious consideration.

Dr Han said the process of reshaping regional architecture should be guided by a number of principles, taking into account the complexities and diversity of the region:

• the process should be inclusive;
• ASEAN should continue playing an instrumental role;
• a clear standard of contribution from participating countries should be set; and
• the new framework should not be duplicative.

Dr Han said he believed that the enthusiasm surrounding the new proposal of an Asia-Pacific community for regional governance indicated wide support for new multilateral institutions with broad mandates to respond to the changed geopolitical context of the region. The conception of an Apc also stemmed from the acknowledgement that the current mechanisms no longer sufficed to comprehensively deal with all the major challenges.

An Asia Pacific community that included key global players such as China, Japan, India, the United States and Indonesia as well as other countries in the region would substantially improve the region’s capabilities to deal with the challenges of the 21st century. Possible models for an Apc included:

• expansion of APEC through the addition of political and security issues to its economic agenda and the inclusion of countries not currently members; and
• expansion of the EAS, allowing the participation of other key players in the region.

As the G20 had emerged as the premier forum for global governance, building a new Asia Pacific community should be closely coordinated with the G20 process.

Dr Han proposed establishment of an Apc Eminent Persons’ group to devise a “concrete action plan for the eventual creation of an Asia Pacific community”.

QUESTIONS IN WRITING
Conference discussion
This summary seeks to reflect the free-flowing and open nature of discussion over the six separate breakout sessions and concluding plenary session of the APc conference. As was made clear by the conference host and co-chairs, the conference was not a negotiation and did not seek to be conclusive. Rather, it was intended to enrich and take forward the regional discussion of an APc, which had been proposed by Prime Minister Rudd.

The region
Participants agreed that the region was increasingly interconnected and that many of the challenges facing regional countries needed to be addressed on a regional basis (although some observed that some challenges might better be addressed globally). The region was going through a profound transition, both in terms of its internal power balances and in relation to its overall global power and influence. The rise of the Asia Pacific was positive and needed to be facilitated.

Challenges
Challenges facing regional countries in the 21st century were highlighted by participants throughout the two days of the conference. Many of these were new and of a different intensity to challenges the region had faced previously. They included:

- the confluence in the region of the interests of and, potentially, competition among the great powers – the United States, China, India, Russia and Japan;
- maintaining economic growth;
- rebalancing economic relationships (including rebalancing debt in the United States against surpluses in Asia);
- the build-up of regional militaries;
- arms control and non-proliferation;
- competition for scarce energy and water resources;
- ecological challenges such as climate change;
- the need to distribute more equally the benefits of globalisation;
- demographic challenges such as ageing populations;
- unregulated migration;
- transnational crime, including terrorism and the illegal movement of people;
- calls for civil and political rights that could be seen to impact on political stability; and
- the need to meet demands for human security through freedom from want and fear while not violating states’ rights.

Existing regional institutions
Conference participants agreed broadly that existing regional institutions had served, and continued to serve, useful functions and should not be discarded. Nevertheless, there was also a broad view that the emerging challenges demanded close examination of current regional architecture. There was, within the region, an uneven and, at times, decreasing confidence – though off a high base – in the ability of existing institutions to cope with anticipated pressures and guarantee peace and prosperity.

A committed view was put by some that the region’s key institutions – APEC and ASEAN, including its various associated groupings – were functioning and the region did not face a crisis of institutional failure. In contrast, other participants suggested variously that current regional institutions had a poor record of anticipating challenges, had not dealt effectively with crises, and would not necessarily be up to the task of dealing with future challenges likely to be different from those of the past. Other views fell between these ends of the spectrum.
Some took the view that existing institutions had failed in particular to address significant geopolitical changes such as the rise of China and India. Issues arising among the great powers had been largely absent from the agendas of regional institutions. They had not, for example, discussed how bilateral alliances might be transformed into a collective regional security system. The region needed, but did not currently have, architecture that could promote major power cooperation and prevent a small concert of major powers squeezing out the interests of smaller powers.

Some expressed the view that ASEAN had survived and prospered because of its consensus approach and because it had evolved in response to regional change. It had reached out to the broader region through groupings such as ASEAN+3, the ARF and the EAS, and had fostered regional linkages and cooperation, including, for example, through the Chiang Mai Initiative Multilateralisation. Moreover, ASEAN would be able to adapt to respond to future challenges: it did not wish to be non-cooperative nor defensive and was changing to fit current needs. Others took the view that while ASEAN had been successful in building a community in South-east Asia, it was not necessarily optimally placed to play the role of “institution builder” in the Asia Pacific. Regional institutions in their current form did not reflect an emerging “new regional order” and partly for this reason the Asia Pacific region had not had a strong enough voice in global conversations.

While there were differing views on its achievements and effectiveness, it was clear that ASEAN’s role was valued. Its future role was a subject for discussion. Were ASEAN and ASEAN-based bodies able to tackle hard security problems and/or drive concrete outcomes? Some participants took the view that the ARF in particular faced significant challenges: it had, for example, achieved some success on confidence-building measures, but to the extent it had begun moving on preventive diplomacy, progress had been very slow and it was not equipped to respond to the larger task envisaged in the Asia Pacific community initiative of discussing together security, political and economic challenges. Whether ASEAN could remain as cohesive as in the past was also discussed.

APEC’s role as the premier forum for facilitating economic growth, cooperation, trade and investment in the Asia Pacific region was widely acknowledged. Its practical achievements were, however, thought by some to be difficult to measure. In contrast to APEC’s free trade goals, there were multiple preferential trade agreements in the region, many of which were driven by strategic or defensive rather than economic interests. Moreover, it was not clear whether APEC was robust enough to tackle emerging challenges such as energy and food security. The presence of non-state members Taiwan and Hong Kong would have to be taken into account in any proposal to develop a security agenda.

There was broad agreement among participants that countries in the Asia Pacific region needed to both examine existing regional structures in the context of future challenges and strengthen and deepen regional cooperation, including on security.

A significant majority of participants believed the APc initiative had generated an important regional conversation that should continue. Participants saw both value in regionalism and gaps in existing regional architecture. Participants also saw clear linkages between political, security and economic challenges, but held a range of views about the APc initiative and the most effective way to address future challenges at the regional level. No participant put the view that there was a need for a “brand new organisation” and no participant put the view that existing organisations could not be improved.

Participants discussed the need or otherwise for an APc; possible approaches to taking it forward, including the use of existing “platforms”; the role of an APc; and the need to better define the idea of “community”.

Most participants favoured either: an evolutionary approach to regional architecture whereby a focus on identifying challenges and delivering results through closer cooperation would, over time, clarify what institutional arrangements were required; or a more active approach which would focus sooner on structural changes that might be required in the face of emerging regional challenges. A few partici-
pants put the view that there was **no need for change** at this time and that existing structures would adapt if and when the need arose.

Questions were raised about the capacity of a **single institution** to deal with the diverse range of issues facing the region. Some put the view that while imperfect and untidy, networks of existing institutions and state and non-state actors might be best suited to addressing complex and changing challenges. Multi-layered and overlapping approaches to regional architecture might be more effective than a single institution which could become overloaded. It was, however, suggested by others that the inseparability of economic, political and security challenges demanded the attention of leaders gathered in one place, noting that only leaders were in a position to address all three of these types of challenges together in the one national viewpoint. The two approaches were not necessarily exclusive.

There was a broad, though not unanimous, view that that **APEC and the EAS could be the potential building blocks for an Asia Pacific community**. If this approach were developed, in the case of APEC, it would be necessary to admit India and develop a security agenda; in the case of the EAS, it would be necessary to consider admitting the United States and Russia.

There was a widely-expressed view that it was necessary to define the meaning of “community”. A community could be a customs union, an integrated economic system or a loose-knit grouping within which common interests and cooperation could develop into institutional arrangements. Participants noted variously that a community should encompass common identity, interests, purpose and norms.

Regionalism and a sense of community were underpinned by the presence of driving factors, including:

- common or converging strategic interests;
- clarity of purpose;
- historical factors;
- an incremental build-up of habits of cooperation and institutions;
- economic imperatives; and
- common security problems.

A view was put that that any successful future Asia Pacific community would need to: include principles of equality and transparency; take into account the security and development needs of all its members; and involve close collaboration between the principal powers, including China and the United States.

The idea of creating an **Eminent Persons’ Group** to take forward the APc initiative, suggested by Dr Han in his keynote speech, was also raised by several participants. Some put the view that this would be a useful further step, while some others found the idea premature at this stage.

A **key set of questions**, raised in closing discussion, on the best way of taking the APc idea forward, through either an Eminent Persons’ Group or another mechanism, was:

- **was there value in a regional approach**, as distinct from a global approach, to meeting present and future economic/financial challenges, geostrategic/security challenges, environmental and other political/social challenges and the interconnections between them?
- **what kind of institutional role would be required** to add that value and how crucial was it that this integrate economic, security and other issues (as distinct from addressing them in separate silos)?
- **how should the region be configured** for this/these institutional role/s?
- **how would we move institutionally** from where we were now to where (as a result of answers to the above), we wanted to be, given: the lack of support for any supra-national executive structure or brand new institution superimposed on all others; the continued significant role for ASEAN; and support for an evolutionary process?
Observations by Madame Ton Nu Thi Ninh, co-chair

Madame Ninh highlighted the **challenges** of inequality, as well as prosperity, posed by globalisation; increasing competition for energy and water resources; and the rise of China and India. An APc could not manage bilateral relations between the great powers, but could help to develop an environment conducive to amicable settlement of problems that did arise.

Madame Ninh told the conference that challenges did not occur in “silos”, but were inter-related, posing the question: could any single structure cope with such interconnectedness and complexity? To be effective, any mechanism(s) responsible for managing future regional challenges would need to be flexible, adaptable and dynamic. There should be resistance to the desire to be “neat” for its own sake. Rather than a single framework or institution, a **‘modern’ approach may be a flexible, modular one** where countries were present in some institutions or discussions, but not others.

Communities emerged from perceived common challenges, threats and interests from which common goals and objectives could be identified. As the discussion about regional architecture was taken forward, it would, however, be important to pay attention to “style and approach”. Pace and momentum would need to be considered. In developing regional architecture, there would be an element of “right place, right people, right moment”.

Factors which might shape membership of any APc included economic inter-linkages, geostrategic weight, ability to contribute, peer acceptance, and geography. In considering membership, it would also be important to get the right balance between effectiveness and inclusiveness.

Madame Ninh said ASEAN was an indispensable grouping within the Asia Pacific community, but precisely what it could contribute in the future was an open question. Once ASEAN was convinced of the need for change, it would move forward. In her view, membership of the G20 by an ASEAN country would not detract from and, in fact, should be a plus for ASEAN.

Madame Ninh noted that the inclusion of the United States and Russia in the EAS made realpolitik sense, but remarked also on what she saw as Asia’s growing sense of shared identity and the fact that some countries would be less comfortable than others with the inclusion of these two powers.

Observations by Dr Michael Wesley, co-chair

Dr Wesley underlined his sense of broad, though not unanimous, agreement that the Asia Pacific faced real challenges and current structures were likely to be inadequate.

He said ASEAN had been a response to regional rivalries; APEC had been a response to emerging trade blocks; the ARF had been a response to territorial disputes; and ASEAN+3 and the EAS had formed after the Asian Financial Crisis. Current institutions had not shown a capacity to deal with the rapidly changing geopolitical landscape, compelling the region to consider new regional architecture.

Dr Wesley saw the most compelling current challenge facing the Asia-Pacific as the rapid realignment of the region’s great powers. The realignment and intersecting interests of the five great powers was potentially a combustible mix and all regional countries had an interest in its management.

He said there was no desire to do away with existing institutions, but he had also found support for the idea of a comprehensive regional leaders’ meeting – noting there would be different views on this. He was attracted to the idea of a “concert of powers”, including smaller states as well as the great powers. Such concerts worked best at leaders’ level, face-to-face. There was a well-established tradition of “concerts” in the region – through ASEAN, APEC, ASEAN+3 and the EAS. Dr Wesley also saw a need to build a sense of community at the popular level.

There were seven principles which Dr Wesley believed could help form the basis of an APc, were the idea to be taken forward:

- the core of an APc should be an annual leaders’ meeting with a mandate to engage across the breadth of the security, economic and political challenges facing East Asia and the West Pacific;
• an APc should complement other regional and global institutions, and might arise out of the evolution of existing multilateral arrangements;
• an APc should draw on the important role ASEAN continued to play in the evolution of regional multilateral arrangements, and ASEAN would be an important part of any future APc;
• an APc should promote a market-driven regional economy that was open to the world;
• an APc should enhance regional stability through dialogue on traditional and non-traditional security threats and seek to develop confidence and security building measures across the region;
• APc countries should have a history of significant engagement in East Asia and the West Pacific across economic, strategic and political arenas; and
• APc countries should have a demonstrable vital interest in – and capacity significantly to contribute to – the economic, strategic and political circumstances of East Asia and the West Pacific.

Dr Wesley said he believed that there was more support among participants for evolving current institutions than for doing nothing, or creating a new body from the ground up. The best approach to regional architecture would involve a balance between activism and gradualism. He also supported Former Prime Minister Han’s suggestion of an Eminent Persons’ Group or similar senior advisory body to consider the most appropriate means for movement towards the creation of an APc.

Observations by Richard Woolcott, conference host
It was intended that the host should make closing remarks but, because of the number of participants wanting to speak at the final session, Richard Woolcott decided to give preference to speakers from the floor. He thanked the two co-chairs for their personal observations. In addition, his observations based on discussions with numerous participants were that:

• the conference had achieved its stated objectives. While it was not a negotiating body, a wide range of interesting and mainly forward-looking opinions, as well as some concerns, were expressed. The discussions were frank and sometimes robust, which we had hoped they would be.
• Prime Minister Rudd’s concept had been refined and had gained momentum, especially in recent months, since he had first put it forward on 4 June 2008.
• there was a consensus that there was a need to discuss and consider now the implications for the region of the continuing shift in economic and strategic influence from the Atlantic to the Pacific.
• the opinion was widely held – although there were some participants who considered existing institutions adequate for the task – that present arrangements had neither the mandates nor the memberships to deal comprehensively, at head of government level, with the major security and political issues the region can expect to face as the coming decade unfolds.
• the attitudes of government participants from key countries on the call for a more effective regional architecture and the need for an APc were evolving in a positive direction. South Korea’s existing support had been explicitly and publicly strengthened.
• a number of participants spoke of a possible linkage between an institutionalized G20 and the APc concept. The G20 had demonstrated the value of addressing collectively global financial issues. Some participants said a similar logic could be applied to any emerging arrangements for an APc as well as to the need for links between global and regional institutions.

The host believed the outcome of the Conference would provide the Prime Minister and other regional leaders with useful ideas for the next steps in progressing the concept of an APc, including continuing to promote a growing culture of cooperation across East Asia and the Pacific and developing some broader principles for a future APc.
Israel-Palestinian Conflict
(Question No. 1199)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 8 February 2010:
Does the Government’s recent vote on the United Nations resolution for Palestinian self-determination signal a change in its position on the Israel-Palestinian conflict; if so, can he explain it.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:
The Government considers Middle East-related resolutions at the United Nations General Assembly on a case-by-case basis on their merits, and within the context of our strong support for Israel’s ongoing security, the Middle East peace process and a two-state solution, and the striving for a just and enduring peace. Consistent with these principles, the Government supported the resolution on Palestinian self-determination.

Foreign Affairs and Trade: Personnel Files
(Question No. 1200)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 8 February 2010:
(1) Does his department have a system of secret personnel files; if so, why and on what legal authority.
(2) Has the Community and Public Sector Union contacted his department in respect of a system of secret personnel files; if so, can he state the outcome.
(3) Can he indicate whether his department has been asked to provide information to the Privacy and Merit Protection commissioners about alleged breaches of law and the Australian Public Service Code of Conduct or Values by senior management and/or individual officers in the Corporate Management Division of his department.
(4) What are his department’s policies and practices in respect of recording and using confidential information about its officers, and have they recently changed; if so, how.
(5) Are staff given access on request to all of their personnel files held by his department; if not, why not; if so, are any records removed prior to being released to staff, as suggested in the media report ‘Secret personnel records back at DFAT’ by Philip Dorling (Canberra Times, 23 November 2009).
(6) How many requests have been (a) made, and (b) refused, this calendar year by staff of his department seeking to examine their personnel files.
(7) What advice is provided to staff of his department about their rights in relation to accessing their personnel records.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:
(1) No.
(2) The Community and Public Sector Union (CPSU) wrote to the department on 7 October 2009 regarding the department’s management of personnel files. On 27 October 2009, the First Assistant Secretary Corporate Management Division wrote to the CPSU outlining the department’s policy and practice in relation to personnel files – namely that the department maintains personnel files in keeping with the Privacy Act 1988 to administer and manage the department’s staff; that staff can access their individual file; and that each year the department advises the Privacy Commissioner of the types of personal information it holds, including personnel files.
(3) The Office of the Privacy Commissioner wrote to the department on 7 December 2009 regarding the department’s management of personnel files. The Privacy Commissioner requested information on what procedures were in place to manage the files and employee access to them. In its reply of 7 January 2010, the department outlined the procedures in place for managing personnel files. On 9 February 2010, the Office of the Privacy Commissioner wrote to the department to advise that it
had ceased its investigation and closed its file on this matter. The department has not been asked to provide information to the Merit Protection Commissioner on this matter.

(4) The department’s policy and practices are outlined in question 2 above. An internal administrative circular was issued on 29 October 2009 to remind staff of procedures for managing and accessing personnel files. There has been no recent change to departmental policy or practices in this regard.

(5) Staff can access their personnel files. In keeping with the department’s implementation of the Information Privacy Principles (IPPs) in the Privacy Act 1988, information about other individuals on an employee’s personnel file will be removed before access is granted to the employee unless the third party has consented to the employee having access to that material. Other information, such as that obtained from a foreign government or on a confidential basis as part of a Code of Conduct or other grievance process, may also be removed. An employee will be notified if any documents have been removed from her/his personnel file before access is granted to the file.

(6) In the calendar year 2010 to 22 February 2010, two requests have been received from employees for access to personnel files. These requests have not been refused. In calendar year 2009, eight requests for access to personnel files were made and no requests were refused.

(7) On 29 October 2009, the department issued an internal administrative circular reminding staff how they can access their personnel files.