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**SITTING DAYS—2010**

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FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

House of Representatives Officeholders
Speaker—Mr Harry Alfred Jenkins MP
Deputy Speaker—Ms Anna Elizabeth Burke MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP

Members of the Speaker’s Panel—Hon. Dick Godfrey Harry Adams MP, Hon. Archibald Ronald Bevis MP, Ms Sharon Leah Bird MP, Mr Steven Georganas MP, Mrs Margaret Ann May MP, Hon. Judith Eleanor Moylan MP, Mr Rowan Eric Ramsey MP, Ms Janelle Anne Saffin MP, Mr Albert John Schultz MP, Mr Peter Sid Sidebottom MP, Hon. Peter Neil Slipper MP, Mr Kelvin John Thomson MP, Hon. Danna Sue Vale MP and Dr Malcolm James Washer MP

Leader of the House—Hon. Anthony Norman Albanese MP
Deputy Leader of the House—Hon. Stephen Francis Smith MP
Manager of Opposition Business—Hon. Christopher Maurice Pyne MP
Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips
Australian Labor Party
Leader—Hon. Kevin Michael Rudd MP
Deputy Leader—Hon. Julia Eileen Gillard MP
Chief Government Whip—Hon. Leo Roger Spurway Price MP
Government Whips—Ms Jill Griffiths Hall MP and Mr Christopher Patrick Hayes MP

Liberal Party of Australia
Leader—Hon. Anthony John Abbott MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Opposition Whip—Hon. Alexander Michael Somlyay MP
Opposition Whips—Mr Patrick Damien Secker MP and Ms Nola Bethwyn Marino MP

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

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Members of the House of Representatives

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

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

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

Leader of the Opposition
Hon. Tony Abbott MP

Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
Hon. Julie Bishop MP

Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals
Hon. Warren Truss MP

Shadow Minister for Resources and Energy and Leader of the Opposition in the Senate
Senator Hon. Nick Minchin

Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate
Senator Hon. Eric Abetz

Shadow Treasurer
Hon. Joe Hockey MP

Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Hon. Christopher Pyne MP

Shadow Minister for Infrastructure and Water
Hon. Ian Macfarlane MP

Shadow Attorney-General
Senator Hon. George Brandis SC

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Health and Ageing
Hon. Peter Dutton MP

Shadow Minister for Families, Housing and Human Services
Hon. Kevin Andrews MP

Shadow Minister for Climate Action, Environment and Heritage
Hon. Greg Hunt MP

Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals
Senator Hon. Nigel Scullion

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

Shadow Minister for Agriculture, Food Security, Fisheries and Forestry
Hon. John Cobb MP

Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities
Hon. Bruce Billson MP

Shadow Minister for Broadband, Communications and the Digital Economy
Hon. Tony Smith MP

Shadow Minister for Immigration and Citizenship
Mr Scott Morrison MP

Shadow Minister for Innovation, Industry, Science and Research
Mrs Sophie Mirabella MP

Chairman of the Coalition Policy Development Committee
Hon. Andrew Robb AO MP

[The above constitute the shadow cabinet]
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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Thursday, 18 March 2010

The SPEAKER (Mr Harry Jenkins) took the chair at 9.00 am and read prayers.

PRIVILEGE

Mr SLIPPER (Fisher) (9.01 am)—Mr Speaker, I rise on a matter of privilege. I draw your attention to photography in the chamber by one member of another. On Wednesday, 10 March, during the address to parliament by President Susilo Bambang Yudhoyono, a photograph of me was taken from the floor of the chamber by another member. It was emailed to the Sunshine Coast Daily, which then published it. I was sitting adjacent to, and across the corridor from, the Chief Opposition Whip, the member for Fairfax, who was on my right. The relevant portion of the paper also included the photograph and says:

A photograph of Mr Slipper, taken from a mobile phone on the Opposition side of parliament, was sent anonymously to the Daily yesterday afternoon.

I also draw your attention to an extract by Dennis Shanahan in The Weekend Australian on 13 and 14 March, showing another photograph. The article says:

Also this week, Queensland Liberal backbencher … was photographed … by someone sitting adjacent to him on the Coalition benches.

A close examination of the photograph in the Sunshine Coast Daily makes it clear that it was taken from very close to where I was sitting, from my right, from the same level on which I was sitting and that there were no other persons between me and the photographer. It is impossible for this particular picture to have been taken from the gallery. I also seek a forensic examination of the photograph by a qualified person to ascertain formally from which seat the photograph was taken and thus to confirm the identity of the culprit. If you were disposed not to arrange for a forensic examination of the photograph then I would seek your permission for me to arrange commercially for a forensic examination of the photograph.

The taking of the photograph, its transmission to the Sunshine Coast Daily and its subsequent publication, seriously interfere with my ability to carry out my duties as a member of parliament. I also raise this matter on behalf of all members because any of us could be caught in an unflattering position or with an unflattering expression on our faces. It would be a matter of great worry if other members were to repeat this action of photographing colleagues within the chamber. I also imagine, Mr Speaker, that it makes it difficult for you to discipline members of the press gallery who might be inclined to breach the rules on photography. I ask you to consider the matters that I have raised, with a view to referring the matter to the Privileges Committee. I also seek a forensic examination of the photograph which appeared in the Sunshine Coast Daily. I thank the House. I table the extracts from the Sunshine Coast Daily and The Weekend Australian.

Mr Melham—You should review the tape as well. It would be on the tape.

The SPEAKER (9.04 am)—Order! The member for Banks can get an early warning if he likes. If he wishes this to be taken seriously, his advice through interjection is not helpful at all.

As in these cases where a member raises with me an alleged matter of privilege, I will take that on board. I will again look at material that has been supplied and I will then report back to the House. I do not think that the member for Fisher would mind that I indicate to the House that we have been in correspondence about this, because I have taken the correspondence that I have received from him as fulfilling that he has raised this with me at the earliest point of
The House would also be aware that last Thursday the member for Denison raised this matter. On that occasion, I indicated that it was best if an aggrieved party to the incident raised it with me; therefore, the actions of the member for Fisher fulfil that. On the matter of privilege, I will report back to the House. As I indicated to the member for Fisher in my correspondence, I will be taking the opportunity to make a statement about matters to do with photography in the chamber and the use of electronic devices. I do that because of the seriousness of these matters and I think it is fair that I make my views known to members.

The taking of such a photograph would indeed be outside the guidelines for photography in the chamber. It would also be contrary to the advice that has been given to members about the use of mobile devices in the chamber. I understand that in this case the Serjeant-at-Arms has reviewed the available footage of the proceedings at the time the photograph was apparently taken, but at this point I am advised that it is not conclusive about who may have been responsible. Members will realise that the guidelines for filming and photography in the chamber do not even contemplate the taking of photographs by members. I would be most concerned if those on the floor of the chamber were to use their mobile devices as cameras. I would hope that any such concerns would be widely shared amongst members.

I remind those on the floor of their obligations in respect of conduct generally and particularly in respect of the use of mobile devices. Along with my predecessors, I have felt that in this day and age members should be able to use laptops and mobile devices in the chamber in ways that enable them to make more efficient use of their time but in ways which do not infringe on the ability of the House to operate as a debating chamber. Certainly if a member were found to have used a mobile device to take a photograph during proceedings, I would regard the member as having behaved in a most disorderly manner and accordingly as subject to disciplinary action by the House.

I am sure that Speakers before me have proceeded on the assumption that care would be taken that the use of such technology would not be allowed to contribute to any lowering of the standing of the House in the eyes of the wider community or that it would be used in a way that would lower trust or cause problems between members. I do hope that members will recognise their responsibilities in these matters. Again I indicate to the member for Fisher that I will come back to the House and report on the matters that he has raised with me.

COMMITTEES
Cyber-Safety Committee
Membership

The SPEAKER—I have received messages from the Senate informing the House that Senator Lundy, Senator Wortley and Senator Ludlam have been appointed members of the Joint Select Committee on Cyber-Safety.

Electoral Matters Committee
Report

Mr MELHAM (Banks) (9.08 am)—On behalf of the Joint Standing Committee on Electoral Matters, I present the committee’s report, incorporating a dissenting report, entitled Report on the 2007 federal election—events in the division of Lindsay: review of penalty provisions in the Commonwealth Electoral Act 1918.

Ordered that the report be made a parliamentary paper.

Mr MELHAM—I move: That the House take note of the report.
The SPEAKER—The debate is adjourned and the resumption of the debate will be made an order of the day for a later hour.

Electoral Matters Committee

Report: Referral to Main Committee

Mr MELHAM (Banks) (9.09 am)—by leave—I move:

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

Question agreed to.

Economics Committee

Report

Mr CRAIG THOMSON (Dobell) (9.10 am)—On behalf of the Standing Committee on Economics, I present the committee’s report entitled Review of the Reserve Bank of Australia annual report 2009 (first report) together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

Mr CRAIG THOMSON—I move:

That the House take note of the report.

The SPEAKER—The debate is adjourned and the resumption of the debate will be made an order of the day for a later hour.

Health and Ageing Committee

Report: Referral to Main Committee

Mr GEORGANAS (Hindmarsh) (9.11 am)—by leave—I move:

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

Question agreed to.

Australian Crime Commission Committee

Report

Mr HAYES (Werriwa) (9.12 am)—On behalf of the Parliamentary Joint Committee on the Australian Crime Commission, I present the committee’s report entitled Examination of the Australian Crime Commission annual report 2008-09, together with the evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Mr HAYES—I move:

That the House take note of the report.

The SPEAKER—The debate is adjourned and the resumption of the debate will be made an order of the day for a later hour.

Health and Ageing Committee

Report

Mr GEORGANAS (Hindmarsh) (9.11 am)—On behalf of the Standing Committee on Health and Ageing, I present the committee’s report entitled Regional health issues jointly affecting Australia and the South Pacific: report of the Australian parliamentary committee delegation to Papua New Guinea and the Solomon Islands, together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

Mr GEORGANAS—I move:

That the House take note of the report.

The SPEAKER—The debate is adjourned and the resumption of the debate will be made an order of the day for a later hour.
Publications Committee

Report

Mr HAYES (Werriwa) (9.13 am)—I present the report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are placed on the table.

Report—by leave—agreed to.

Privileges and Members’ Interests Committee

Documents

Mr RAGUSE (Forde) (9.13 am)—As required by resolutions of the House I present copies of notifications of alterations of interests received during the period 26 November 2009 and 17 March 2010. Also, in accordance with standing order 216, on behalf of the Committee of Privileges and Members’ Interests, I present the report concerning the registration and declaration of members’ interests during 2008 and 2009.

Ordered that the report be made a parliamentary paper.

BUSINESS

Rearrangement

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (9.14 am)—On behalf of the Minister for Families, Housing, Community Services and Indigenous Affairs, I move:

That consideration of government business order of the day No. 1, Social Security and Indigenous Legislation Amendment (Budget and Other Measures) Bill 2010, be postponed until a later hour this day.

Question agreed to.

NATIONAL SECURITY LEGISLATION AMENDMENT BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.15 am)—I move:

That this bill be now read a second time.

Introduction

An effective legal framework is fundamental to our ability to address Australia’s security environment.

In December 2008, the government announced its response to a number of independent and bipartisan reviews of national security and counterterrorism legislation. Those reviews included:

- The Clarke inquiry into the matter of Dr Mohamed Haneef
- The Parliamentary Joint Committee on Intelligence and Security, Review of security and counterterrorism legislation
- The Parliamentary Joint Committee on Intelligence and Security, Inquiry into the proscription of ‘terrorist organisations’ under the Australian Criminal Code, and
- The Australian Law Reform Commission’s review of Australia’s sedition laws.

The National Security Legislation Amendment Bill 2010 implements the government’s responses to these reviews. The government will also be introducing the Parliamentary Joint Committee on Law Enforcement Bill as part of a package of reforms to Australia’s national security legislation.

Broad aims of the Bill

The proposed measures are well considered, balanced and suited to the achievement of a just and secure society.

The proposed amendments included in this package of reforms are designed to give the Australian community confidence that our counterterrorism laws are precise, appro-
appropriately tailored and that our law enforcement and security agencies have the investigative tools they need to counter terrorism.

**Public consultation**

The legislative amendments contained in this bill are the culmination of a close and measured examination of the laws and a public consultation process.

In August 2009, the government released a discussion paper to seek public views on all the legislative measures contained in this bill, as well as the Parliamentary Joint Committee on Law Enforcement Bill, apart from the proposed amendments to the Inspector-General of Intelligence and Security Act.

The discussion paper contained the exposure draft provisions as well as extensive explanatory material in order to provide for meaningful consultation.

The government was encouraged by the level of public participation and submissions received in response to the discussion paper, including from interested members of the public, human rights advisory and advocacy groups, public interest bodies, law societies, legal academics and community interest groups.

The government has taken into account some valuable suggestions made by those who provided feedback on the proposals.

Indeed, the process exemplified the level of consistent, well focused community consultation and responsive participation that will ensure our counterterrorism legislation is properly understood, appropriately framed, meets community needs and expectations and is consistent with community values.

I would like to take this opportunity to outline some of the key amendments contained in this bill.

1. **Treason and sedition (urging violence)**

As I have already mentioned, the bill implements recommendations made by the Australian Law Reform Commission in its review of sedition laws in Australia.

The government supports the implementation of the Australian Law Reform Commission’s recommendations including repealing outdated provisions that are currently contained in the Crimes Act relating to unlawful associations.

The bill will amend the treason and sedition offences in the Criminal Code in response to recommendations from this review and the reviews by the Parliamentary Joint Committee on Intelligence and Security and the Security Legislation Review Committee.

The name of the sedition offences will be changed to ‘urging violence’ to better reflect the nature of the offences.

It is already an offence to urge force or violence against a group on the basis of race, religion, nationality or political opinion, where the use of the force or violence would threaten the peace, order and good government of the Commonwealth. The bill will expand this offence to also cover urging force or violence on the basis of ‘ethnic’ or ‘national’ origin. The offence will also be expanded so that it applies to the urging of force or violence against an individual, not just a group, and covers the urging of force or violence, even where the use of the force or violence does not threaten the peace, order and good government of the Commonwealth.

2. **Part 5.3 measures**

The package of reforms contains several amendments to part 5.3 of the Criminal Code.

Amendments will be made to improve the terrorist organisation listings provisions, including extending the duration of listings from two to three years, consistent with a
recommendation of the Parliamentary Joint Committee on Intelligence and Security.

This change will be closely monitored to ensure terrorist organisation listings continue to meet the legislative requirements for listing in accordance with the current practice of keeping listed organisations under ongoing review.

The bill will also make miscellaneous amendments to definitional provisions to implement the government’s policy of ensuring equality of same-sex partnerships in Commonwealth legislation.

A majority of the states and territories have agreed to these proposed amendments to part 5.3 of the Criminal Code in accordance with the Inter-governmental Agreement on Counter-Terrorism Laws.

The government appreciates the support of the states and territories which has enabled the government to bring forward these amendments.

3. Part 1C of the Crimes Act

The proposed amendments in the bill will also clarify and improve the practical operation of part 1C of the Crimes Act which sets out the investigation powers of law enforcement officers when a person has been arrested for a Commonwealth offence.

The proposed amendments to part 1C are in direct response to the issues raised in the Clarke inquiry into the Case of Dr Mohamed Haneef.

4. Enhanced police powers to investigate terrorism

The bill also introduces amendments which are designed to provide law enforcement officers with improved capacity to deal with terrorism, while ensuring that these extended powers are balanced by appropriate safeguards.

The bill will amend part 1AA of the Crimes Act to provide police with a power to enter premises without a warrant in emergency circumstances relating to a terrorism offence where there is material that may pose a risk to the health or safety of the public.

This is not a general search warrant power. The provisions are appropriately limited in terms of what police may do once they have entered the premises.

The bill will also modify the existing general search warrant provisions in the Crimes Act so that, in emergency situations, the time available for law enforcement officers to re-enter premises under a search warrant can be extended to 12 hours, or, where authorised by an issuing authority in exceptional circumstances, a longer time not exceeding the life of the warrant.

5. Bail provisions for terrorism offences

Currently, state and territory legislation is relied upon to provide appeal rights to the prosecution or defendant against bail decisions in relation to terrorism and national security offences.

The bill will amend the bail provisions relating to terrorism and serious national security offences in the Crimes Act to include a specific right of appeal for both the prosecution and the defendant against a decision to grant or refuse bail.

This amendment will establish a nationally consistent right of appeal to overcome limitations and inconsistencies under state and territory bail laws.


The proposed amendments to the Charter Act of the United Nations Act 1945 will improve the standard for listing a person, entity, asset or class of assets by providing that the Minister for Foreign Affairs must be satisfied ‘on reasonable grounds’ of prescribed matters before they can be listed.
The Charter Act will also be amended to provide for the regular review of listings under the Charter Act.


The National Security Information (Criminal and Civil Proceedings) Act 2004 provides a legislative framework for dealing with the disclosure, storage and handling of national security information in federal criminal proceedings and civil proceedings.

Since its commencement, the legislation has been invoked in a number of federal criminal matters and one civil proceeding.

While the experiences of these cases have demonstrated that the national security information act is working well in practice, there are several aspects of the act that could be improved.

The proposed amendments are designed to improve the practical operation of the regime, by, for example, clarifying court procedures to ensure processes are flexible and efficient, minimising unnecessary processes and facilitating consensual agreements between the parties about the disclosure of national security information in a proceeding.

8. Inspector-General of Intelligence and Security Act 1986

Currently, the Inspector-General of Intelligence and Security may only examine matters relating to the 6 Australian intelligence community agencies: ASIO, the Australian Secret Intelligence Service, Defence Imagery Geospatial Organisation, Defence Intelligence Organisation, Defence Signals Directorate and Office of National Assessments.

The bill will amend the Inspector-General of Intelligence and Security Act to enable the Inspector-General, on the request of the Prime Minister, to inquire into an intelligence or security matter relating to any Commonwealth agency.

The amendment recognises the increasing cooperation between the intelligence community agencies and other Commonwealth agencies on intelligence and security matters, and will ensure that, in appropriate cases, the Inspector-General can conduct a thorough and robust investigation into an intelligence or security matter.

This is an important step in helping to improve accountability on national security matters.

The amendment is a key part of the government’s response to the report of the inquiry by the Hon. John Clarke QC into the case of Dr Mohamed Haneef.

The Inspector-General of Intelligence and Security Act amendments were not included in the discussion paper. Although these amendments were announced at the same time as the government responses to the reviews, they were initially intended to be taken forward in a separate bill preceding this bill. The other bill has been delayed due to other legislative priorities.

As amendments to this act are an important accountability measure, the government has decided that they be taken forward as part of the National Security Legislation Amendment Bill.

Measures contained in the Discussion Paper which are not being pursued

I should take this opportunity also to point out that some of the measures that were included in the discussion paper that was circulated are not in this bill.

These include proposed amendments to the definition of terrorist act and the proposed new terrorism-based hoax offence. These amendments will require the states to amend their legislation which referred power to the Commonwealth. The government will continue to work closely with the states to progress these measures.
Another measure which was canvassed in the discussion paper but is not being progressed as part of this package of amendments is the proposed humanitarian aid exemption to the providing training to a terrorist organisation offence under section 102.5 of the Criminal Code.

The public consultation process raised some issues about the practical application of the proposed scheme. As the government needs to ensure that any such initiative is workable and properly responsive to aid delivery needs, the government is committed to further consultation with NGOs and aid organisations to determine whether such an exemption scheme is the best solution.

Compliance with international human rights

The Australian government is committed to fulfilling the Australian government’s responsibility to protect Australia, its people and its interests, while instilling confidence that our national security and counterterrorism laws will be exercised in a just, accountable and balanced way.

By ensuring the laws are precise, clearly articulated and properly tailored, the proposed amendments make a real contribution to the fulfilment of this fundamental goal.

Concluding remarks

The measures outlined today are designed to give the Australian community confidence that our law enforcement and security agencies have the tools they need to fight terrorism, while ensuring these laws and powers are effectively framed.

In implementing the various reviews, the government has taken the opportunity to re-examine key aspects of the legal framework to promote greater clarity, bolster existing safeguards and ensure the laws are appropriately accountable in their operation.

The government is confident that this package of reforms delivers strong laws that protect our safety whilst preserving the democratic rights that protect our freedoms, and helps prepare us for the complex national security challenges of the future.

I commend this bill.

Debate (on motion by Mr Wood) adjourned.

PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.30 am)—I move:

That this bill be now read a second time.

The Parliamentary Joint Committee on Law Enforcement Bill 2010, along with the National Security Legislation Amendment Bill, forms part of the package of reforms being progressed by the government to Australia’s national security legislation. These reforms are aimed at promoting transparency and ensuring that our laws are appropriately accountable in their operation.

The bill will improve oversight of the activities of the Australian Federal Police by establishing the Parliamentary Joint Committee on Law Enforcement which will replace and extend the functions of the current Parliamentary Joint Committee on the Australian Crime Commission.

The new committee will be responsible for providing broad parliamentary oversight of the Australian Federal Police and the Australian Crime Commission. It will continue the work of the Parliamentary Joint Committee on the Australian Crime Commission by
also monitoring and reporting to parliament
on the performance by the Australian Crime
Commission of its functions.

The committee will also have the ability
to examine trends and changes in criminal
activities, practices and methods and report
on any desirable changes to the functions,
structure, powers and procedures of the Aus-
tralian Crime Commission or the Australian
Federal Police.

The establishment of the Parliamentary
Joint Committee on Law Enforcement ex-
emplifies the government’s commitment to
improving oversight and accountability in
relation to the exercise of the functions of
Commonwealth agencies.

I commend this bill.

Debate (on motion by Mr Wood) ad-
journed.

SOCIAL SECURITY AND
INDIGENOUS LEGISLATION
AMENDMENT (BUDGET AND OTHER
MEASURES) BILL 2010

First Reading

Bill and explanatory memorandum pre-
sented by Mr Shorten for Ms Macklin.

Bill read a first time.

Second Reading

Mr SHORTEN (Maribyrnong—
Parliamentary Secretary for Disabilities and
Children’s Services and Parliamentary Secret-
ary for Victorian Bushfire Reconstruction) 
(9.33 am)—I move:

That this bill be now read a second time.

This bill introduces an important measure
from the 2008 budget supporting Australia’s
carers. The bill also introduces two non-
budget measures.

The carers measure in this bill is the final
instalment of the government’s legislative
commitment from our response to the Report
of the Carer Payment (child) Review Task-
force, Carer Payment (child): A New Ap-
proach. These changes are part of a $294
million package from the 2008 budget to
better support carers of children with disabil-
ity and serious medical conditions.

The Improved Support for Carers legisla-
tion was introduced and passed in 2009. The
centre-piece of that legislation was a new as-
essment process to determine qualification
for carer payment paid in respect of a child.
Central to this new assessment process was
the introduction of the Disability Care Load
Assessment (Child) Determination 2009.

The government is now pleased to intro-
duce further amendments that will deliver
consistency in the assessment of carers of
children for carer payment and carer allow-
ance.

This Disability Care Load Assessment
(Child) Determination will now also be used
for qualification purposes for carer allow-
ance, bringing consistency to, and improving
the overall efficiency and effectiveness of,
assessments for carer allowance and carer
payment paid in respect of children under 16.
As is currently the case, the list of recognised
disabilities will also continue in determining
eligibility for carer allowance.

The government recognises the demands
on carers and we are pleased to introduce
also an amendment that allows carers a fur-
ther three months after the child or children
they are caring for turns 16 in which to com-
plete the Adult Disability Assessment Tool to
test their eligibility for carer allowance
(adult).

Presently, when a child in respect of
whom a carer is qualified for carer allowance
turns 16, the carer loses their carer allowance
unless they have been assessed and given a
successful rating under the Adult Disability
Assessment Tool. Under these changes, the
carer has up to three more months more in
which to have the care receiver assessed and
rated under the Adult Disability Assessment Tool.

A similar provision in relation to carer payment was introduced in 2009, and this amendment will align the provisions for carer allowance and carer payment paid in respect of children.

This bill will also include some minor improvements to the income management provisions in the social security law on administrative matters such as appropriation, debt recovery and financial transactions.

For example, one of the amendments will apply when a third party organisation that holds income managed funds for a person, such as a community store, ceases to operate. Under current legislation, those amounts become debts to the Commonwealth and the person cannot be reimbursed until the debt recovery process is finished.

The amendment will make sure the customer can be reimbursed from the Consolidated Revenue Fund before the debt recovery action is completed. Then, once the debt recovery action has been completed, any recovered funds from third parties will be recredited to the Consolidated Revenue Fund.

Further income management amendments will include fixing some current debt recovery inconsistencies between people’s income managed funds and their substantive payments under the social security law. They will also remove any ambiguity about the appropriation for income management payments, and align the reimbursement processes for unauthorised transactions under the BasicsCard with the electronic funds transfer code.

Lastly, the bill will make amendments to the Aboriginal and Torres Strait Islander Act 2005 to ensure a reliable income stream for the Indigenous Land Corporation, which is established under that act. The corporation’s purpose is to help Aboriginal people and Torres Strait Islanders to acquire and manage Indigenous-held land so as to provide economic, environmental, social and cultural benefits.

The Indigenous Land Corporation’s main source of funding in a financial year is a payment, made from the land account established under the act, equal to the realised real return on the investments of the land account in the previous financial year. Over the past several years, the value of payments to the corporation from the land account has fluctuated because of changes in the value of the realised real return. These fluctuations have caused difficulties for the corporation in long-term strategic planning.

The government is committed to securing for the Indigenous Land Corporation a more reliable level of funding. To achieve this, the bill introduces a guaranteed annual payment, of $45 million from 1 July 2010, and indexed for later years according to the consumer price index. The bill will also provide for additional payments to be made to the corporation where the actual capital value of the account exceeds the real capital value of the land account. The amount to be paid is the excess above the real capital value. The real capital value of the land account will be maintained. An independent review of the effectiveness of the funding arrangements after three years is also introduced.

Debate (on motion by Mr Wood) adjourned.

**TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES NO. 2) BILL 2010**

*First Reading*

Bill and explanatory memorandum presented by Mr Griffin.

Bill read a first time.
Second Reading

Mr GRIFFIN (Bruce—Minister for Veterans’ Affairs) (9.39 am)—I move:

That this bill be now read a second time.

The Bill amends the tax law to further progress a package of reforms announced in the 2009-10 budget aimed at simplifying and streamlining the administration of the GST, this time in the area of grouping, invoices and rulings.

These amendments arose from recommendations of the Board of Taxation in its review of the legal framework for the administration of the GST.

Schedule 1 amends the A New Tax System (Goods and Services Tax) Act 1999 and the Taxation Administration Act 1953 to adopt more principled and flexible rules for GST groups and GST joint ventures. The measure applies from 1 July 2010.

In particular, schedule 1 replaces the current inefficient system of requiring the Commissioner of Taxation to formally approve the formation and subsequent changes to a GST group and GST joint venture with a self-assessment system. In future, entities will be able to self-assess their eligibility to form or change a GST group or joint venture and need only notify the commissioner of their action provided this is done before the due date for lodgement of the GST return for the tax period. Entities will also be able to form or change a GST group or GST joint venture with a retrospective date of effect. However, to preserve the integrity of the GST system, such actions will require the commissioner’s approval.

Schedule 1 also greatly increases the flexibility of the grouping rules. Entities will be able to form, change and dissolve a GST group or GST joint venture at any time during a tax period, rather than needing to wait until the beginning of a tax period or to unwind transactions back to the start of a tax period. This will greatly assist groups that acquire or dispose of entities by allowing a change in membership of the GST group or joint venture to take effect from the date of change of ownership of the entities concerned, regardless of whether or not that day happens to be at the beginning of a tax period. It will avoid delaying commercial decisions or unwinding transactions for GST purposes to the beginning of a tax period, as occurs under the current arrangements.

Finally, schedule 1 further increases certainty for members in GST groups and participants in GST joint ventures in relation to their exposure to group debts. Entities will be able to enter into indirect tax sharing agreements to limit their joint and several liabilities in respect of indirect tax law liabilities to a contribution amount agreed with the representative member for GST groups or the joint venture operator for GST joint ventures. A particular benefit of indirect tax sharing agreements is that an entity can leave a GST group or GST joint venture clear of any indirect tax law liability that has not yet become payable.

Schedule 2 amends the Taxation Administration Act 1953, the A New Tax System (Goods and Services Tax) Act 1999, the Excise Act 1901 and the Income Tax Assessment Act 1997 to include indirect tax rulings and excise advice in the general rulings regime.

Schedule 2 addresses problems which arise from not having an express legislative framework for GST rulings, including no formal review rights and no framework setting out taxpayers’ rights and obligations.

Schedule 2 expands the income tax rulings regime to include GST, luxury car tax, wine equalisation tax and excise matters. In doing so, it simplifies the tax law and provides consistent rules that apply across different
taxes. Specific differences between the rulings regimes are retained in cases where essential characteristics of the different taxes require a different approach. One such case is that, unless otherwise provided for, indirect tax rulings will continue to apply unless withdrawn.

Schedule 2 applies to rulings made by the commissioner on or after 1 July 2010. In order to reduce any transitional compliance costs resulting from the changes, the amendments also apply to rulings applied for before 1 July 2010. In addition, private indirect tax rulings in operation immediately prior to 1 July 2010 will be treated as if made under the revised rulings regime. This ensures that the rulings remain valid and do not impose additional compliance costs on affected parties by requiring new rulings to be obtained. Indirect tax rulings in operation immediately prior to 1 July 2010, that are gazetted or labelled as public rulings will also be treated as if made under the revised rulings regime.

Schedule 3 amends the A New Tax System (Goods and Services Tax) Act 1999 to introduce a more flexible set of requirements for tax invoices. It also allows recipients of supplies to disregard certain errors in a document intended to be a tax invoice where missing information can be obtained from other documents provided to the recipient by the supplier. These changes apply from 1 July 2010.

Tax invoices are a key element of GST integrity. A recipient must hold a tax invoice issued by the supplier in order to substantiate any claim for input tax credits in relation to a creditable acquisition. However, concerns have been expressed that the present requirements are overly restrictive, often invalidating tax invoices where all of the required information is available.

These amendments revise the requirements for a document to be a tax invoice so that key information will now need to be omitted before a document is not a tax invoice. Further, where recipients have received a tax invoice lacking required information, but can obtain this information from other documents issued by the supplier, then the recipient will be allowed to treat the document as a tax invoice.

These changes will ensure that, consistent with the recommendation of the board, it is only significant errors involving key information that cannot be obtained from other sources that will prevent a document being a tax invoice.

Full details of the measures in this bill are contained in the explanatory memorandum.

Debate (on motion by Mr Wood) adjourned.

BUILDING ENERGY EFFICIENCY DISCLOSURE BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Combet.

Bill read a first time.

Second Reading

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

That this bill be now read a second time.

The Building Energy Efficiency Disclosure Bill 2010 aims to ensure that credible and meaningful energy efficiency information is given to prospective purchasers and lessees of large commercial office space. This information will help these parties to make better informed decisions and take full account of the economic costs and environmental impacts associated with operating the.
buildings they are intending to purchase or lease.

Energy efficiency represents one of the easiest and most cost-effective ways we can reduce our nation’s greenhouse gas emissions, and the commercial building sector has the potential to deliver some of the lowest cost abatement. Requiring the disclosure of commercial building energy efficiency is an important part of the government’s approach to unlocking this abatement potential.

This will not only help lead to more informed purchasers and lessees, it will also help to transition the market to a low-carbon future. It will reward current market leaders and encourage owners of inefficient buildings to pay more attention to energy efficiency opportunities, some of which might be as simple as turning off the lights and air-conditioning when nobody is in the building, or putting someone in charge of monitoring energy use.

Recognising the major role that energy efficiency can play in tackling climate change, the government made a commitment at the last election to introduce a disclosure scheme of this nature. Building energy efficiency disclosure was subsequently included as one of the key building sector measures in the National Strategy on Energy Efficiency, which was signed off in July 2009 by the Council of Australian Governments.

The development of this scheme has been managed by a working group from the Australian, state and territory governments and has involved significant research, analysis and public consultation spanning the past three years. A full regulatory impact statement has been undertaken. Industry has been engaged throughout the process and has indicated a broad level of support for this scheme.

In essence, the bill will create a legal requirement for owners of large commercial office buildings to obtain energy efficiency information for their building and then to disclose it to prospective purchasers and lessees. It will also require head tenants who are subletting office space to disclose this information.

The requirement will apply when office space covering 2,000 square metres or more is offered for sale, lease or sublease.

Under the scheme, a full building energy efficiency certificate will be made available to interested parties including possible purchasers, lessees and sublessees. The information in the certificate will include a star rating of the building’s energy efficiency, an assessment of the efficiency of lighting and additional guidance on improving the building. The star rating for the building will need to be included in any advertisement.

By instituting a building energy efficiency disclosure scheme such as this, Australia continues its move to the forefront of global action to mitigate greenhouse gas emissions from the built environment—joining jurisdictions in the European Union and California which have already begun comparable schemes.

While there is more work that both government and industry can do to unlock the abatement potential of commercial buildings, this bill represents an important step in the right direction. It harnesses the power of the market, providing a powerful incentive for businesses to operate buildings efficiently and reduce their impacts on the environment. I commend the bill to the House.

Debate (on motion by Mr Wood) adjourned.
BROADCASTING LEGISLATION
AMENDMENT (DIGITAL
TELEVISION) BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Gray.

Bill read a first time.

Second Reading

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (9.51 am)—I move:

That this bill be now read a second time.

The Broadcasting Legislation Amendment (Digital Television) Bill 2010 amends the Broadcasting Services Act 1992 and related legislation to address areas of digital television signal deficiency, or black spots, and to enable the provision of all free-to-air television services to every Australian.

On 5 January 2010, the Minister for Broadband, Communications and the Digital Economy announced that the government would fund a new satellite service to bring digital television to all Australians who cannot adequately receive terrestrial digital television services.

The new satellite service is intended to deliver the same number of digital television channels to these areas that are available in the metropolitan markets. In addition the service will provide regional viewers with access to the local news currently broadcast in their local terrestrial licence areas via a dedicated news channel.

This bill introduces a legislative framework for the implementation of the new satellite service.

The amendments will create three new commercial television licence areas specifically for the new satellite service. These are:

- Northern Australia which will encompass the Northern Territory and Queensland;
- South eastern Australia which will encompass the Australian Capital Territory, New South Wales, South Australia, Tasmania and Victoria; and
- Western Australia.

There will be one new commercial satellite service licence per satellite licence area. Initially, only existing remote commercial television broadcasting licensees will be eligible to apply for the licences.

The satellite service will encompass both national and commercial channels, delivered over a common satellite platform. Access will be through a satellite dish and a set-top box.

Satellite delivery of the national broadcasting services, the ABC and SBS, will be available to any viewer in Australia in their local time zone through the new satellite service. The main standard definition services offered by the national broadcasters, ABC1 and SBS ONE, would be delivered on an individual state and territory basis with the exception of the Australian Capital Territory, which would be served by the New South Wales services.

Access to commercial channels will be managed by a conditional access system administered by regional broadcasters, and overseen by the Australian Communications and Media Authority. All Australians living in remote television licence areas will have access to the new commercial satellite service. Any Australians in non-remote regional or metropolitan television licence areas, and who do not receive adequate terrestrial digital television, will also have access.

From the commencement of the satellite service, the licensee of the satellite service will be required to provide a service that of-
fers an equivalent number of commercial digital television channels as is enjoyed in metropolitan markets—that is, three main channels, three standard-definition multichannels, and three high-definition multichannels.

It is expected that the commercial digital television channels on the new satellite service will be provided by existing remote commercial television broadcasting licensees using affiliation and supply arrangements agreed with metropolitan networks. To allow the licensee of each satellite service to meet its licence conditions in the absence of such arrangements, this bill places an obligation on remote commercial television broadcasters to supply their digital television channels to the relevant satellite service licensee. There is then a corresponding requirement on the satellite licensee to broadcast them.

If, at the commencement of the satellite service, a remote commercial television licensee is unable to provide one or more digital television multichannels, the satellite service licensee will be required to provide equivalent replacement channels from a metropolitan television broadcasting licensee.

Metropolitan commercial television broadcasting licensees will also be required to make their programming content available on the satellite service if requested by a satellite service licensee.

Satellite service licensees will not be required to provide identical programming to that provided in metropolitan areas. The satellite licensee will have the flexibility to adjust or substitute programming subject to commercial agreement, for example, to show sporting events or advertising that may be more relevant to the local audience served by the satellite service.

Importantly, the new satellite service will provide news and information sourced from the regional commercial television broadcasters operating in the relevant satellite licence area.

In the South-Eastern Australia and Northern Australia satellite licence areas, the regional news service will be delivered via a dedicated channel that will aggregate local news content from the relevant regional commercial broadcasters. In Western Australia, a separate news channel is not required, as the satellite licence area will be geographically the same as the existing remote licence area. Hence the satellite licensee will be able to provide local news and information through the main channels of the relevant Western Australian remote broadcasters provided on the satellite service.

To support the news channel, regional commercial television broadcasting licensees will be required to make available local news and information program material to the relevant satellite service licensee. The satellite service licensee will be required to provide that local news on the satellite service as soon as practicable after the regional licensee begins to broadcast the program in the regional licence area. This addresses the cyclical nature of local news and information provided by regional broadcasters.

The government expects that commercial agreements between broadcasters will underpin the delivery of programming to the satellite service licensee. In circumstances where appropriate commercial agreements are not in place, the bill introduces amendments to enable the continued provision of television services. The bill will insert a statutory licensing scheme into the Copyright Act 1968 to permit, subject to equitable remuneration, the use of programming provided to a satellite service licensee by the remote, regional or metropolitan broadcasters.

Should a satellite service licensee contravene its licence conditions about the provi-
sion of digital television services and local news, the Australian Communications and Media Authority may give the licensee written notice that if the contravention continues for more than 30 days, the licence may be cancelled. If the contravention continues, the Australian Communications and Media Authority must cancel the satellite service licence and commence a re-allocation process open to any applicant with the capacity to provide the satellite service.

Although unlikely, it is conceivable that there could be circumstances where, after the commencement of the satellite service, a remote television broadcasting licensee stops providing digital television services to their terrestrial licence area. This would mean that the remote commercial broadcaster would then be unable to provide their digital television channels for broadcast on the satellite service, potentially placing the satellite licensee in breach of its licence condition. In such a situation, satellite service licensees would not be required to immediately replace that remote broadcaster’s channels (although they could choose to do so). However, they would be required to broadcast them as soon as the remote broadcaster’s channels are re-established.

Satellite service licensees will be required to comply with the relevant program standards and captioning requirements that apply to terrestrial commercial television broadcasting licensees. But the bill will also take into account the regulatory and technical complexities that satellite service licensees face when broadcasting across a number of time zones.

The Australian content standards, the Children’s Television Standards, and the Commercial Television Industry Code of Practice, all impose requirements on broadcasters in relation to when certain material can be broadcast. This will cause difficulties for a satellite service transmitting a single program stream in several states or territories with different time zones (for example, across South Australia and New South Wales in the South-Eastern Australia satellite licence area).

To address this, the amendments in the bill will allow a satellite service broadcaster to nominate the time in a particular geographic location against which their broadcasting services shall be regulated.

The bill will also ensure that the regulation that applies to the terrestrial transmission of anti-siphoning events will also apply to services provided by a satellite service licensee. This includes the rules that apply to the transmission of anti-siphoning events on digital multi-channel services.

The bill also introduces measures to allow all commercial free-to-air digital television services, including digital multi-channels such as GO!, 7TWO and ONE HD, to be provided to Australians no matter where they live. Currently, legislation does not allow commercial broadcasters to provide the full range of digital television services in a small number of licence areas where historically there were fewer than three commercial broadcasters. The bill amends the Broadcasting Services Act 1992 to allow commercial broadcasters in regional South Australia, Griffith and Broken Hill to apply for a third, digital-only commercial licence.

This means that broadcasting licensees in such ‘underserved’ areas may have the same opportunity as other regional and metropolitan broadcasting licensees to provide a full suite of digital television services in their licence area.

Further, in recognition of the special circumstances of terrestrial broadcasters operating in these smaller markets, the amendments permit these broadcasters to provide all of their digital services in standard defini-
After switchover, commercial television broadcasters in these markets, like all other commercial television broadcasters, will have the option of providing any combination of standard and high-definition channels within their allocated spectrum.

The measures in this bill will help broadcasters provide the same range of digital television services to all Australians wherever they live, whether they access through terrestrial transmission or via satellite. It will dramatically improve the choice and quality of digital television services for regional Australia as we move towards digital switchover. I commend the bill to the House.

Debate (on motion by Dr Southcott) adjourned.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (FIBRE DEPLOYMENT) BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Gray.

Bill read a first time.

Second Reading

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (10.02 am)—I move:

That this bill be now read a second time.

The Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 amends the Telecommunications Act 1997 to provide a legislative framework for the installation of optical fibre and fibre-ready telecommunications infrastructure in new developments in Australia.

On 7 April 2009 the Australian government announced its historic decision to establish a new company to build and operate a new superfast National Broadband Network. The NBN has an objective of connecting up to 90 per cent of all Australian homes, schools and workplaces with fibre based broadband services and connecting other premises in Australia with next generation wireless and satellite broadband services.

At the same time the government announced the NBN, it indicated it would progress legislative changes that would facilitate the rollout of fibre networks, including requiring greenfields developments to use fibre-to-the-premises technology from 1 July 2010.

As the Minister for Broadband, Communications and the Digital Economy has stated, ‘It doesn’t make sense for most new houses to be fitted with old copper technology, particularly when it is easier to put fibre or fibre-ready technology in when they are first built’.

High-speed broadband is becoming a critical utility service, almost as important as water, electricity and gas. The government wants to see people in new estates getting access to superfast broadband as soon as possible.

Installing fibre or fibre-ready facilities in new developments will facilitate the provision of superfast broadband to new property buyers as soon as practicable and provide ready access to the fibre based online world of the future, in line with the growing expectations of Australians.

The available evidence suggests that the extra costs of installing fibre instead of copper are relatively low, comparable or even lower than those for the installation of other utilities and fibre is expected to add value to new properties. The available evidence also indicates that it is easier and cheaper to put fibre or fibre-ready technology in when homes are first built.
The government has taken a consultative approach to the development and implementation of this policy.

In May 2009, the government released a consultation paper, in response to which it received over 80 submissions. It has also held a large number of face-to-face meetings with stakeholders.

There is widespread support for the objective of the government’s policy, and there has been significant consultation around the implementation details.

In August 2009, the Minister for Broadband, Communications and the Digital Economy announced the formation of a stakeholder reference group to discuss implementation issues, including the form of the Commonwealth’s legislation. The group has 29 formal members, including representatives of the development and construction industry, the telecommunications industry, consumers and all tiers of government.

In December 2009, the government released an exposure draft of the bill for public information and comment.

The bill being introduced today is a product of these extensive and detailed consultations.

Ours is a sensible, targeted and measured approach to implementing this policy. The legislation will allow the targeting of those estates where it is practicable to have fibre now, while ensuring others are ready to have fibre installed as soon as it is possible and cost-effective in the future.

The consultations have informed the government’s view that its legislative framework should provide for the installation of fibre-ready fixed line facilities—that is, passive infrastructure like trenches, conduits, and pits—in some developments to facilitate the easier and cheaper installation of optic fibre in the future.

The government is aware that the start date of 1 July 2010 for estates that receive planning approval is fast approaching. The government is therefore proposing a targeted and phased implementation of this policy. There are two limbs to this. First, where the immediate installation of optic fibre is not mandated there will, in most cases, be an obligation to install fibre-ready infrastructure. Secondly, the obligations in the bill will be triggered only if the planning approval process has reached a prescribed stage. The relevant stages of the planning process will be defined in subordinate legislation. The consultation process has assisted the government in better understanding this issue, and will continue to assist the government in developing the subordinate legislation.

In summary, the bill provides a legislative framework under which the minister can put in place detailed arrangements to have optical fibre and fibre-ready fixed line facilities installed in new ‘real estate development projects’.

Most of the framework is set out in item 10 of part 1 of schedule 1 of the bill.

Item 10 inserts a new part 20A into the Telecommunications Act. Part 20A provides for the minister to specify in subordinate legislation developments or classes of developments in which:

• fixed lines which are installed to building lots and/or units must be optical fibre; and
• fixed line facilities which are installed to building lots and/or units must be fibre-ready facilities.

The bill enables the minister to define what fibre-ready facilities are.

The bill makes extensive use of subordinate legislation. The subordinate legislation developed will be disallowable and subject to full parliamentary scrutiny. The use of
subordinate legislation ensures requirements can be specified in sufficient detail and provides flexibility, particularly to allow for the targeting and phasing in of requirements. This provides scope for stakeholders to adjust to the requirements over time.

Criteria that will be set out in the subordinate legislation will determine whether the fibre connection or the fibre-ready requirement applies in a particular development. These criteria could be based on thresholds relating to the anticipated cost of installation of fibre and/or the size of developments.

The Minister for Broadband, Communications and the Digital Economy has indicated that the subordinate legislation needed to bring the framework into full operation will be developed in close consultation with the stakeholder reference group. It is his intention that the substantive approach to be taken in the subordinate legislation will be publicly released enabling parliamentary scrutiny when the bill is considered by a Senate committee and subsequently debated.

The bill will enable the minister to exempt specified conduct from any fibre or fibre-ready facilities requirements. This could allow, for example, the installation of copper lines in specified circumstances should this be appropriate.

The bill also enables the minister to set conditions in subordinate legislation to be met by both fibre and fibre-ready facilities. This allows for the application of specifications or standards, developed with input from industry, to these types of facilities. Such conditions would be directed at, for example, achieving NBN-consistent consumer experiences in new developments across Australia.

The bill also provides for a regime to facilitate third party access to fibre-ready facilities to be set out in regulations. This will ensure this passive infrastructure is readily accessible for the later rollout of optical fibre lines. Such a regime could be administered by the Australian Competition and Consumer Commission.

Failure to meet the fibre or fibre-ready requirements in the bill will be subject to civil penalty provisions under the Telecommunications Act. The enforcement regime will apply to both carriers and non-carriers, consistent with application of the act.

The bill provides for a number of new definitions to support the operation of part 20A. In relation to ‘real estate development projects’, the bill enables subordinate legislation to refine the definition of this term should it be needed.

In addition to proposed part 20A, the bill amends the industry codes and standards processes under part 6 of the act to make it easier for codes and standards to be made about optical fibre infrastructure and services where this is required.

On 2 July last year the Council of Australian Governments agreed to work cooperatively to facilitate the speedy rollout of the National Broadband Network, including in greenfield developments. Accordingly, the government is working with state and territory governments to encourage them to include complementary measures in their planning arrangements.

The government looks forward to the cooperation of state, territory and local governments as the planning and rollout of the National Broadband Network continues around the country.

The government is keen to provide stakeholders with clarity about the requirements for the provision of fibre and fibre-ready infrastructure in new developments. This bill provides the framework to deliver this certainty.

The bill envisages there will be a competitive market for the installation of fibre and
fibre-ready facilities within new developments allowing developers to select from multiple fibre providers, including NBN Co. These providers will need to meet necessary standards and deliver consistent service outcomes.

It has always been envisaged that NBN Co could service new developments. However this is something that the company needs to consider in its ongoing planning. It is also something that the government will consider further in its detailed examination of the implementation study.

The cost recovery arrangements that may ultimately apply in greenfields will depend on the commercial arrangements that emerge between all relevant parties as fibre-to-the-premises is deployed more widely.

The government envisages that fibre networks in new developments will operate on an open access basis, just like the NBN, and that wholesale services will be offered on an equivalent basis. There is scope for the ACCC under part XIC of the Trade Practices Act to declare access and regulate access pricing. The government is also prepared to look at more direct regulation in the future if required.

The government recognises that the future structure of the telecommunications sector is an issue that needs to be addressed. This is why we have separately introduced the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009.

Under the current regulatory arrangements, Telstra, as the universal service provider, has an ongoing obligation to provide access to standard telephone services in new developments, using either its own platform or that of another carrier. As the government has said previously, once the detailed operating arrangements for the NBN have been settled, the government will consider the broader range of issues associated with the delivery of universal access in an NBN environment.

To support the legislative framework, the government is working with stakeholders on related matters such as technical guidance, accreditation and certification and awareness raising.

The bill will help residents and businesses in new developments access the most up-to-date telecommunications services. It is a key complement to the government’s historic National Broadband Network. As such the bill will play an important role in helping us prepare Australian homes, workplaces, schools and other premises for the high-speed online digital world of today and the future.

I commend this bill to the House.

Debate (on motion by Dr Southcott) adjourned.
worthy Army Base. The site will subdivided into lots capable of accommodating a total of 137 homes. The lots that are not required for Defence will be sold to the general public, creating a mixed civilian and Defence community and reducing DHA’s net outlay.

The proposal is part of ongoing activity to replace houses that do not satisfy the current standards for ADF housing that were introduced in 2007. Community standard housing for families is vital to the ADF in attracting and retaining skilled personnel. The site is conveniently located three kilometres from the Holsworthy Army Base and six kilometres from the Liverpool city centre. The homes constructed will deliver an excellent lifestyle opportunity for Defence families.

The development of the site and the construction of houses will be governed by DHA through a number of contractors, in accordance with DHA’s national specification covering performance and design requirements for DHA housing. The total out-turn cost of the proposal is estimated at $45.1 million, inclusive of GST and land acquisition, with the net costs reduced through the sale of surplus lots. Subject to parliamentary approval, construction will commence in March 2011 and be completed by December 2013. I commend the motion to the House.

Question agreed to.

Public Works Committee
Reference

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (10.16 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of housing for the Department of Defence at Muirhead, Darwin, Northern Territory.

Defence Housing Australia proposes to develop stage 1 of a 167 hectare former Department of Defence site at Muirhead, Darwin, Northern Territory. It is intended that the site be developed in stages over the next eight to 10 years. Stage 1 will develop 178 residential lots, with DHA constructing 50 houses to accommodate Defence families in Darwin. Under a memorandum of understanding between DHA and the Northern Territory government, 25 lots will be offered to the Northern Territory government to support its affordable and community housing initiatives. The remaining lots will be sold to the public.

The proposed development is part of ongoing activity to replace houses that do not satisfy the current standards for Defence housing. Community standard Defence housing, as in the previous item, is vital to Defence attracting and retaining skilled personnel. DHA will develop the site as an economically viable, sustainable and affordable master planned community. Lot layout and house design will recognise Darwin’s climate and unique lifestyle, paying particular attention to minimising energy consumption.

Site development and housing construction will be governed by DHA through its contractors and in accordance with DHA’s national specification covering housing performance and design. The gross outlay for stage 1 is estimated at $41.4 million, inclusive of GST, with net costs reduced through the sale of surplus lots. Subject to parliamentary approval, the stage 1 estate development works will commence in March 2011, with the construction of the 50 homes to be completed in June 2012. I commend the motion to the House.

Question agreed to.
Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (10.18 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Pawsey High Performance Computer Centre for SKA Science at Kensington, Western Australia.

The Commonwealth Scientific and Industrial Research Organisation—CSIRO—proposes to construct the Pawsey High Performance Computing Centre for Square Kilometre Array science at Kensington, Perth, WA, at an estimated out-turn cost of $66 million plus GST. Funded by the government’s Super Science Initiative, the Pawsey Centre will provide a high performance computing—HPC—facility that will support a diverse range of high end research into radio astronomy, nanotechnology, biotechnology, geoinformatics, engineering, atomic physics and chemistry. It will also provide the computing support and data-processing capabilities required for the Australian SKA Pathfinder and Murchison Widefield Array radio telescopes.

The Pawsey centre is crucial to the government’s strategy to address the paucity of high-ranked supercomputing systems in Australia. The HPC system will rank among the world’s top 20 supercomputers at the time of its commissioning in 2013. iVEC, an unincorporated joint venture between CSIRO, Curtin University of Technology, Edith Cowan University, Murdoch University and the University of WA, will be responsible for the Pawsey centre’s operation, while CSIRO will own and maintain the Pawsey centre building.

Question agreed to.

Mr TANNER (Melbourne—Minister for Finance and Deregulation) (10.21 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, and by reason of the urgent nature of the work, it is expedient that the following proposed work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: NBN First Release Sites.

This motion is in relation to the National Broadband Network first release sites announced by Senator Conroy and NBN Co. CEO Mike Quigley on 2 March 2010. The five first release sites are to achieve high-speed fibre-to-the-premises broadband on mainland Australia as part of live trials of NBN Co.’s network design and construction methods. The test sites are a part of the suburb of Brunswick in Melbourne; an area of Townsville covering parts of the suburbs of Aitkenvale and Mundingburra; the coastal communities of Minnamurra and Kiama Downs south of Wollongong; an area of West Armidale, NSW, including the University of New England; and the rural town of Wil-
lunger in South Australia. Each site contains approximately 3,000 premises, except the rural towns, where there are fewer dwellings. The sites were selected by NBN Co. network planners and engineers because they represent the diverse situations NBN Co. will encounter during the network rollout.

The sites will provide NBN Co. with an opportunity to test and document different design and construction techniques in a range of situations and variety in terms of geography, housing type and density, local infrastructure and other local factors. NBN Co. will be proactively consulting with the local communities about plans during the design phase. It may be necessary to dig trenches in some circumstances. However, NBN Co. will be considering other methods to minimise disruption during the rollout such as using the existing ducts or overhead power poles where possible. The estimated cost of the first release sites is above the threshold for referral to the Public Works Committee. The first release sites are on the critical path for the main rollout. Getting the first release sites underway is urgent as risks of delay are high.

While the importance of the role of the Public Works Committee is acknowledged, in this instance the selection of the first release sites was not able to be finalised until the completion of critical work, including the acquisition of appropriate geospatial mapping tools necessary to generate appropriate network designs. This work was not completed in time to allow for referral to the committee. However, I note that the program has been and remains within the scope of the Senate Select Committee on the National Broadband Network and is therefore subject to scrutiny in that forum. Subject to parliamentary approval, the works are scheduled to commence in April 2010 and be completed in early 2011.

I note that a proposal to proceed with the construction project without referral to the Public Works Committee is not common. The government very much supports the work of the Public Works Committee and has not taken this decision lightly. I commend the motion to the House.

Question agreed to.

INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR BILL 2010
Second Reading

Debate resumed from 17 March, on motion by Mr McClelland;

That this bill be now read a second time.

Mr DREYFUS (Isaacs) (10.24 am)—When I was speaking last night on the Independent National Security Legislation Monitor Bill 2010, I was referring to the contribution we have heard from those opposite, in particular the member for Stirling and the member for Mitchell, who regrettably, having professed bipartisan support for this legislation, sought to gain some partisan advantage by referring to the work of the member for Kooyong, who introduced a private member’s bill in 2008 dealing with the same subject. I wish to acknowledge the work of the member for Kooyong, which has been very important in drawing to public attention the model that has been employed in the United Kingdom now for many years: an independent monitor or an independent reviewer of national security and antiterror legislation.

But those oppose who referred only to the recent work of the member for Kooyong, notably the private member’s bill he introduced in 2008, really need to properly explain the context in which this parliament now comes to be considering the proposal contained in this bill for a national security legislation monitor. Put in its full context, what we can see is that the member for Koo-
yon, as far back as 2005 in a paper that he gave to the Castan Centre for Human Rights Law, which does great work—it is a centre associated with Monash University—was even then urging that Australia adopt the model of an independent reviewer or an independent monitor for national security legislation. Regrettably—and I can be a bit partisan about this—the Howard government, which introduced this large suite of antiterror legislation from late 2001 to 2005, did not take up the suggestion that was made by the member for Kooyong, not only in the paper he gave in 2005 but repeatedly and publicly in all the years since, and it has been left to the present government to act on not merely the suggestion made by the member for Kooyong but also the suggestions, recommendations and proposals put forward by successive public calls elsewhere to act on those calls and introduce a national security legislation monitor, which is what is now the proposal contained in this legislation.

It is worth referring to the analysis and suggestions put forward by the Sheller review in 2005, tabled by the then Attorney-General in 2006, where there was consideration of a number of possible models for achieving review of national security legislation. It is worth referring, in particular, to the unanimous report of the Parliamentary Joint Committee on Intelligence and Security from 2006, which made the clearest possible call for a recommendation that the government appoint an independent person of high standing as an independent reviewer of terrorism law in Australia, that the independent reviewer be free to set priorities and have access to all necessary information calling for regular reporting and indeed recommending an appropriate link between the Parliamentary Joint Committee on Intelligence and Security and an independent reviewer, if one were to be introduced. The Parliamentary Joint Committee on Intelligence and Security, of which I am proud to be one of the present members, returned to the topic in a report in September 2007, again reminding the government that it had earlier called for the establishment of an independent reviewer and again calling for the introduction of such a mechanism. More recently, in the investigation that was conducted by retired Supreme Court judge John Clarke in 2008 into the case of Dr Mohamed Haneef, John Clarke QC recommended that consideration be given to the appointment of an independent reviewer of Commonwealth counterterrorism laws.

Across the board there have been repeated calls for the introduction of an independent reviewer or an independent monitor, and it is very pleasing to see in this bill the introduction of that particular oversight mechanism. The member for Kooyong, in all of his calls for this, has referred to the longstanding institution of the same type in the United Kingdom. I met with Lord Carlile, who is the present occupant of the monitor role in the United Kingdom, here in Canberra and again last July in London. His precise title is ‘independent reviewer’. I have had the benefit of speaking to him and hearing his views about the role that he has been able to play as the independent reviewer. If any member of this House is interested in the role of the independent monitor that this legislation establishes, I commend to them the multiple reports of Lord Carlile. His most recent report is dated 1 February 2010 and it looks in very considerable detail at the role of control orders, a device that has been adopted here in Australia and happily one which is infrequently used in Australia. In his most recent report in the United Kingdom, Lord Carlile looks at their control order system and makes some very considered and thoughtful recommendations about the continuing need for a control order system, and suggests that the
number of cases in which control orders are really needed to be used is very small. He also suggests that other mechanisms might be adopted where the objective is to prevent travel abroad by particular persons.

If anyone is seeking to learn or contemplate what role an independent reviewer or the independent monitor might play, the recent reports of Lord Carlile show just what a useful role can be played by an independent reviewer because it has the effect of taking out of day-to-day partisan political debate consideration of what should be very important issues for the community. They are long-term issues and they enable a more measured consideration of the balance between empowering our authorities in a sufficient way to fight terrorism and, at the same time, maintaining respect for individual liberty and maintaining the rule of law. What must never be forgotten in all of the consideration of this kind of legislation, in considering what should be the extent of powers that are given to authorities and what should be the extent of oversight of those powers, is that maintenance of the rule of law and preserving individual liberty are key weapons in the fight against terrorism.

The bill, as initially introduced by the government, has been looked at in very considerable detail by the Senate Finance and Public Administration Legislation Committee, and I commend to the House the work of that committee. The committee received dozens of submissions, most of them commending the essence of the proposal to establish a national security legislation monitor, but many of the submissions also expressed some detailed criticisms of some aspects of the bill. Following the receipt of that report from the Senate committee, the government has accepted many of the recommendations made by the committee. The House now has before it a considerably improved model for the national security legislation monitor.

We have now an amendment to the bill which includes the word 'independent' as the description of the monitor. We have better reporting requirements. We have better arrangements for the monitor to be able to receive suggestions from the Parliamentary Joint Committee on Intelligence and Security. It is hoped that the legislation will pass quickly and that an appointment can be made to the monitor position soon. Coming into operation will be processes to enable review of the large body of antiterror and national security legislation that has come into existence since the dreadful attacks in New York in 2001. I am hoping that we are going to see improvements to Australia’s national security legislation out of the process of review, both regular and special, that is to be conducted by the monitor. We are going to see measured consideration of Australia’s national security legislation. We are going to see discussion conducted slightly outside the atmosphere of partisan political debate about where the balance should be struck between the protection of individual liberty and arming our authorities with appropriate powers. I commend the bill to the House.

Mrs MOYLAN (Pearce) (10.36 am)—Since the 9-11 attack and attacks on the Australian people and infrastructure abroad, action by the Australian government to amend the Criminal Code Act 1995 was understandable, notwithstanding the unease that rippled through the Australian community about the concerns and issues of freedom and liberty—as the member for Isaacs has just said. The amendments were necessary in order to widen the scope of the act and give the Australian Federal Police and other government agencies unprecedented power through the antiterrorist legislation. Prior to this, Commonwealth criminal law did not explicitly recognise the nature of terrorist crimes against the community. Since then the Commonwealth has passed over 40 pieces of leg-
islation to do with security and intelligence in response to terrorist threats.

The significance and potential impact of a vast body of antiterrorism laws calls for continuous independent monitoring of the laws and their operation. This is something the British government did when they established an independent reviewer of terrorism in 2000. The reviewer in the United Kingdom, as the member for Isaacs has said, is Lord Carlile QC, and it has engendered greater public confidence in antiterrorism measures in the United Kingdom due to the provisions of independent reports through the government and the parliament. Valuable insights into the operation of the laws have been provided, and Lord Carlile’s role has actually been expanded since his initial appointment.

The need for antiterrorism laws in view of the unprecedented terrorist attacks around the globe is, in my view, indisputable, but the public must know that the government is taking all reasonable steps to protect people’s lives and national infrastructure. George Williams, who heads the Terrorism and Law Project at the University of New South Wales, quite sensibly warned that, ‘Getting counterterrorism law right is the greatest challenge facing lawmakers anywhere.’ It must be acknowledged that such laws create considerable tensions between the wider public interest and safety and the individual’s right to freedom and liberty—characteristics that have underpinned the very fabric of our Western democracies.

The government has a responsibility to act to protect Australian people and to protect Australian interests but, as the Hon. Simon Sheller AO, QC, the chair of our Security Legislation Review Committee established by the Howard government in 2006, reported:

The protection of public right of security and the rights of the individual are not mutually exclusive, but interrelated obligations. Notwithstanding the ever-present threat of terrorist acts in the contemporary world, our responsibility as legislators is to always strive to retain a rational, proportional and fair response to the threat of terrorism. It was out of concern for these principles that my colleague the member for Kooyong, who is here in the House today, had the foresight to draft a private member’s bill for debate in this House in March 2008, two years ago. The bill was seconded by me, but unfortunately this important piece of legislation—which sought to safeguard public interest by establishing an independent reviewer of terrorism laws—was gagged in this chamber. The bill retained a rational and fair response to public disquiet about the passage of antiterrorism legislation. Not to be deterred, and to his great credit, the member for Kooyong worked with Senate colleagues to have the bill introduced into the Senate in October 2008. The bill was subsequently referred to a Senate committee, which endorsed it with some amendments, and its passage through the Senate took place in November 2008. It never returned to the House of Representatives.

There was already a sound basis for such legislation following the parliamentary review of Australia’s terrorism laws in 2006, which I just referred to, and the review that was conducted by the Parliamentary Joint Committee on Intelligence and Security, which indeed drew on the work previously undertaken by the Hon. Simon Sheller. The committee noted in its report to the parliament that there were some existing oversight mechanisms but they were sporadic, inadequate and had limited effectiveness. According to the committee, up to 2006 there were 479 investigations under existing laws with about five per cent of those resulting in
prosecutions. In two cases there was a plea of guilty to charges under the legislation.

In bringing to the House in 2008 the Independent Reviewer of Terrorism Laws Bill, the member for Kooyong hoped to give voice to the recommendations of the PJSCIS and install an office of independent reviewer to oversee the operation of the whole package of antiterrorism laws. An independent reviewer can take a holistic approach that will serve the task of protecting Australians and ensure the smooth functioning of the legislation. Given the exceptional circumstances that have given rise to these far-reaching laws and extraordinary powers, the review process needs to be ongoing and focus on more than isolated elements of the legislation. The review needs to give weight to the operation, effectiveness and implications of those laws. Speaking on the Anti-Terrorism Bill (No. 2) 2005, I said:

I understand the necessity for the government’s endeavours to balance the safety and security of citizens against some restrictions on our accustomed freedoms. Nevertheless, such a worrying time requires cool heads and a commitment to use only such laws as are absolutely necessary to protect human lives and critical infrastructure.

In response to concerns that the new laws could lead to the undermining of the fundamentals underpinning our liberal democracy, undertakings were given by the government to review the operation of the legislation and to apply a sunset clause. These concerns included the lack of adequate oversight mechanisms, the operation of control orders and preventative detention, expansion of sedition laws, disclosure offences and the length of the sunset clause.

The case for an independent reviewer is compelling. I quote from the Sheller review executive summary:

... legislation must be well framed and have sufficient safeguards to stand the test of proportionality and fairness and to withstand administrative law challenge. This is particularly so where, as here, there is no sunset clause on the provisions under review, as is the case here. Australia has no formal Charter of Human Rights.

The Sheller executive summary went on to state:

The SLRC considers that some parts of the amendments to Part 5.3 of the Criminal Code appear to have a disproportionate effect on human rights and could be subject to administrative law challenge.

It is important to understand that the need for an independent reviewer arises from the broad sweep of antiterrorism laws which stand apart from traditional criminal law principles. The parliament has given the executive the legal powers and resources they need to deal with possible terrorist threats against Australian people and interests. Few would argue against a proposition that it is the duty of this parliament to provide the government with adequate powers. However, with such sweeping and unprecedented powers, there must be checks and balances on the exercise of those powers by executive government. Given the sheer volume of legislation dealing with terrorism and security adopted by the Commonwealth, we must make sure that adverse, unintended consequences are minimised to ensure public confidence.

Australia has a proud history as a world leader in administrative law, allowing citizens great access to reviews of administrative decisions in the Administrative Appeals Tribunal. We should strive to maintain that level of confidence in our law-making and implementation in all areas. The Georgiou bill had the effect of establishing a rigorous and arms-length review process. Until the government accepted some of the changes proposed by the Senate committee, the one important element missing from the government’s bill was the independence of the reviewer and I am pleased that the government
has reconsidered this and that the title of the bill refers to an ‘independent’ monitor.

There are some who have postulated that those who fear the invasive terrorism laws are those who have something to hide. If we are going to be consistent in the application of this logic, then we should also apply it to this proposal. We should not have anything to hide in the workings of our antiterrorism laws, so we should have nothing to fear from the appointment of an independent reviewer.

In his response to the government’s original bill, following the gagging of his bill for an independent reviewer, the member for Kooyong wrote an article published in the Age in October last year, titled ‘How to thwart a bill in three easy steps’. In part it read:

The Government has now introduced the National Security Monitor Bill, which it claims reflects the recommendations for an independent reviewer. Nothing could be further from the truth.

The notion of an independent reviewer crystallised over time. In 2005, I pointed to an appropriate model, the British Independent Reviewer of the Terrorism Laws, who has for years reported publicly on the effectiveness and fairness of the British terror laws.

It is instructive to read the member for Kooyong’s account of how this bill reached this place in its present form. He also says, in that article:

The incoming Labor Government did not commit to an independent reviewer before its election.

The “just ignore it” manoeuvre was exhausted by 2008 when the Independent Reviewer of Terrorism Bill was introduced by private members. The Government gagged debate in the House of Representatives, and it was introduced into the Senate. The multi-party Senate committee charged with examining it unanimously recommended that the bill be supported subject to some changes. The Attorney-General’s attempt to flick the review role to the Inspector General of Intelligence and Security miscarried. The amended bill was passed by the Senate, supported by Coalition, Greens, the independent and Family First senators. Labor Senators opposed it, claiming they wanted to consider it in light of the recommendations of the Clarke inquiry into the Haneef affair. Eight days later Clarke recommended appointing an independent reviewer.

It was a good thing that the member for Kooyong spoke out loudly for some of the welcome changes that the government has made.

Apart from the independence of the monitor, these changes include the empowerment of the monitor to initiate reviews and to accept references from the Parliamentary Joint Committee on Intelligence and Security, restrictions on the Prime Minister’s power to set the priorities and amend terms of reference for those inquiries referred by the Prime Minister and the abandonment of compulsory vetting of the report by ministers. The Prime Minister is required to table in the parliament a declassified version of any report provided to him and this does greatly improve the reporting mechanism. So these are important changes and I think we can all thank the member for Kooyong for pressing these important points home. We are now seeing these issues better reflected in this bill, the Independent National Security Legislation Monitor Bill 2010, which is before the parliament today.

There are, though, some remaining concerns. These include the monitor’s power to examine any law that has not been applied currently or in the past financial year. Under these provisions, that power remains ambiguous. Further, the only reports the monitor can provide to the parliament are the annual report and reports on matters referred by the Prime Minister. Another concern is that any operational reports covering a part of the year, or any special reports produced at the initiative of the monitor, can only be included in the annual reports—it is not permitted for them to be presented separately,
outside that mechanism. In addition, despite the standard provisions providing flexibility in the appointment of a statutory officer, allowing them to be appointed on either a full-or part-time basis, this bill differs from the standard in that this bill has a statutory provision that the monitor be appointed on a part-time basis only. So there is little flexibility. Also of concern is that the monitor will not be permitted to review the priorities of, and use of resources by, agencies involved in the implementation of Australia’s counterterrorism and national security legislation.

Having a truly independent reviewer who can conduct annual reviews into key antiterrorism legislation has indeed proved highly effective in the United Kingdom and it has been influential in shaping future policy decisions, as it should. So we are very grateful for the changes that have been made and, particularly, for the change to having a truly independent reviewer. Lord Carlile observed that such an independent reviewer as we are legislating for today:

… should have independence of mind, political independence and ‘a willingness to think out of the box and look in a conceptual way at counterterrorism law and policy.

There has been a lot said over the years about this issue. It is an issue that has challenged many liberal democracies around the world. Indeed, Lord Denning, in the House of Lords debates on the UK Prevention of Terrorism Bill in 1984, made, I think, quite an interesting comment. In speaking about an amendment to the bill, he said:

The whole object of this amendment, as I understand it, is to have a commission. I had, at one time, a good deal to do with inquiry into security matters. I should have thought a commission was extremely good … [T]hey should have suitable Privy Counsellors who will be able to inquire, not into actual details of individual cases but into how the Secretary of State is exercising his powers in this regard. That can only be done if they are monitored and a report is made to Parliament from time to time so that we can see that these exceptional powers have been well exercised.

They are timely words—although they were spoken quite some considerable time ago.

Before I conclude my remarks today, I would also like to acknowledge the significant contribution that the member for Kooyong has made in this place to ensure that all Australians can have reasonable confidence that the balance has been struck between the need to protect the nation against terrorist attacks and the solemn duty of maintaining the core of our liberal democracy—the principles of freedom and of liberty.

Mr GEORGIOU (Kooyong) (10.53 am)—This is an important bill, and I am very grateful to be able to be here today to listen in person to the very insightful contributions of the member for Isaacs and the member for Pearce. I think they have contributed a lot to the debate—a debate which will continue for a while. The need to establish an independent reviewer of Australia’s counterterrorism legislation has long been apparent, but it has been resisted by both coalition and Labor governments. The bill before us, the Independent National Security Legislation Monitor Bill 2010, is therefore a very welcome step forward.

Terrorism has always been a part of human conflict, but we now recognise that the terrorist threat has escalated into a new dimension. I do not underestimate this threat. Prior to the attacks on the US in 2001, I had spoken about ‘a new generation of terror movements committed to the destabilisation of democratic society’ and observed that ‘terrorist leader Osama Bin Laden has decreed that the attainment of weapons of mass destruction to deploy against the West is a religious duty.’ While recognising this new danger, I cautioned at that time that ‘the meas-
ures we employ to combat the new terrorism must not undermine democratic core values.’

The responsibility of democratic government is to protect both the security of its citizens and the liberty of its citizens. The pressure on governments to unduly subordinate democratic values and processes to the demands of security is, however, immense. Prompted by the terrorist attacks of September 2001, the Australian parliament began enacting what became an avalanche of counterterrorism legislation. At last count, around 50 antiterrorist laws have been passed in the last 8½ years. The parliament has, on occasion, tempered some of the more draconian aspects of these laws. Overwhelmingly, however, the parliament has, on a bipartisan basis, supported the multitude of tough, antiterrorist laws introduced by the executive, and we have witnessed the strengthening of police and security powers and a curbing of freedoms and legal protections against the state.

The challenge of effectively protecting security without undermining fundamental rights requires constant, rigorous vigilance. Accordingly, legislators and government-appointed inquiries from both sides of the House—bipartisan committees—have increasingly pressed for an independent and ongoing review of the fairness and effectiveness of these laws and their impact on basic human rights and liberties.

In 2005, amidst a new surge of legislation following the London bombings, I raised the need for regular, authoritative and public reports on the operation of the antiterrorism laws. The United Kingdom seemed to have an appropriate model, a statutory independent reviewer of terrorism laws—a reviewer who scrutinises and reports on whether the counterterrorism laws in the UK are effective and being used fairly.

In April 2006, the Security Legislation Review Committee, appointed by the Howard government, recommended that consideration be given to establishing an independent reviewer of terrorism laws, to examine the operation and effectiveness of the terrorism laws and any government proposals to amend them. This was strongly supported in 2006 and again in 2007 by the bipartisan Parliamentary Joint Committee on Intelligence and Security. The committee recommended that the reviewer be free to set his or her own priorities and report annually to the parliament. The then government did not respond to the calls. But the calls did not go away.

In March 2008, the member for Pearce and I, as private members, introduced the Independent Reviewer of Terrorism Laws Bill 2008. I thank the member for Pearce for her very active participation in the whole process of debate on the counterterrorism laws and their implications and for her co-sponsoring of that bill. The debate on that bill was gagged by Labor in the House. In June 2008, Senator Judith Troeth and Senator Gary Humphries introduced the bill in the Senate. In October 2008, the multiparty Senate Standing Committee on Legal and Constitutional Affairs unanimously recommended that the bill be passed and strengthened. In November 2008, the bill passed the Senate, supported by the coalition, the Independents and the Greens. Labor voted against the bill on the grounds that it was awaiting John Clarke QC’s report on the Haneef case. Eight days later, Mr Clarke did report. He found that an independent reviewer could play an important role and strike the necessary balance between preventing terrorism and protecting individual rights and liberties, and he accordingly recommended.

It seemed the government could no longer refuse to face this issue and, in June 2009, I
was genuinely glad that the government introduced legislation entitled the National Security Legislation Monitor Bill 2009. Sadly, when I examined the bill, I wondered whether the bill had been drafted by Sir Humphrey Appleby’s craftier brother. The government’s bill subverted every essential principle of an effective independent reviewer who would command the respect of parliament and the community. The bedrock of all the recommendations for a reviewer was that the reviewer should be independent and free from executive control and censorship. This requires the freedom to initiate reviews to determine priorities and to examine all terrorism laws and it requires the freedom to report publicly in an unimpeded manner on the results of an inquiry. The government’s original bill did not permit any of these things. There was no legislative provision for the monitor to initiate his or her own reviews or to determine the priorities of reviews. Instead, reviews were to be initiated and priorities assigned by the Prime Minister who could alter the terms of reference at any stage.

The monitor’s report on these investigations would not be presented to the public or the parliament. The monitor could only report to the parliament once a year in an annual report. The report had to be vetted by every relevant federal, state and territory minister. The bill was unsupportable. Thankfully, this is not the same bill that is before us today. The government has responded to the bill’s critics and the recommendations of the Senate’s Standing Committee on Finance and Public Administration inquiry. My coalition colleagues, together with the Australian Greens, have secured vital amendments in the Senate. The monitor is now explicitly empowered to initiate his or her own reviews. The monitor is now able to accept references from the parliamentary Joint Committee on Intelligence and Security. The Prime Minister’s powers to set priorities and amend the terms of reference of an inquiry have been restricted to those inquiries that have been directly referred by the Prime Minister.

The reporting mechanisms have been improved. Where before there had been no mechanism for public reporting on a matter referred to the monitor by the Prime Minister, there is now a requirement that a declassified version of any report provided to the Prime Minister—including any interim report he might ask for—must be tabled in the parliament. The compulsory external vetting by ministers of any of the monitor’s reports has been abandoned. Instead the monitor may use his or her own discretion to decide whether or not a report contains sensitive information. If the monitor does decide that such is the case, the monitor is to present an original, classified version to the Prime Minister and provide an additional declassified version for tabling in parliament. I would expect that this would empower the monitor to report publicly in a way similar to Mr Clarke in his inquiry on the Haneef affair. Mr Clarke said:

I readily gave assurances that I would conduct the Inquiry in such a way as to protect any information that might jeopardise national security or other sensitivities. Notwithstanding these limitations, the hope was that most of the inquiry’s business could be managed in such a way as to allow the public to be informed and to gain some understanding of and have input to the Inquiry’s proceedings.

I think that the sort of declassified report that Mr Clarke presented is an appropriate model for the sorts of things that the independent reviewer can look at and for the way in which he can report. Overall, the amendments that have been made substantially bolster the monitor’s capacity to act independently in initiating and directing investigations...
There are still some concerns, however. Firstly, there is the requirement that the monitor give particular emphasis to the provision of legislation that has been applied in that financial year or the immediately preceding financial year. The explanatory memorandum to the original bill—in one of the more brutal statements I have seen in an EM—states:

Reviewing the laws when they have not been used would be considered an ineffective use of the Monitor’s time and resources.

That shows the high regard for the monitor’s independence that the first bill reflected. This rationale is a bit puzzling, given that one of the monitor’s explicit functions under the amended bill is to consider whether any legislation remains necessary. To perform this function, the monitor will axiomatically have to consider redundant laws that have not been used. This is an apparent inconsistency within the bill. I suggest that the minister make it clear that the monitor’s functions, as set out in the amended bill, render this part of the explanatory memorandum null and void.

Let me turn to some other concerns. While there have been improvements regarding the tendering of the monitor’s reports, significant issues remain about the limited nature of those reports and their timeliness. The annual report and the reports on matters referred to the Prime Minister are the only reports that the monitor can provide to the parliament. The monitor cannot submit a report to the parliament on his operations covering part of the year or any special reports written on his own initiative. These inquiries can only be reported in the monitor’s annual report. This means that the monitor’s public report on a self-initiated inquiry could be very considerably delayed regardless of the urgency or impetus of the inquiry. A far better model of reporting is contained in the Ombudsman Act. This enables the Ombudsman to submit own-motion reports or part-year reports to the minister and have them tabled by the minister within 15 sitting days of receipt.

It is also a matter of concern to me that the bill has a statutory provision that, in my experience, is unique—the requirement that the monitor shall only be appointed on a part-time basis. The standard provision in legislation governing appointments is that a statutory officer may be appointed on a part-time or a full-time basis, which gives the executive the flexibility without legislative amendment to go for one or the other, whatever they find most appropriate in the circumstances and in the person that they intend to appoint. The government has provided absolutely no justification for imposing such a unique restriction and, given that this is a new authority, the appropriate approach, in my view, would have been simply to employ the standard flexible provision that the monitor is to be appointed on a full-time or a part-time basis.

The bill also specifically precludes the security monitor from reviewing:

… the priorities of, and use of resources by, agencies that have functions relating to, or are involved in the implementation of, Australia’s counter-terrorism and national security legislation.

This will clearly preclude the monitor from making findings such as those made in the UK in Lord Carlile’s June 2008 report—for example, that:

… it is not a good use of precious resources if they—

that is, police—

waste them on self-evidently unmerited searches.

and—

From time to time police officers are still being abstracted from counter-terrorism work to other
police duties. This is rarely acceptable, especially where the special branch is small.

I do not believe that the independent monitor could make those sorts of observations, since they obviously go to the priorities and resource allocations of the agencies.

This might well be the last opportunity I have to contribute to a debate on terrorism in this House, so I would like to conclude with some general observations. The issues of terrorism and the appropriate responses to it have been of major concern to me for over thirty years, ever since I was working for Malcolm Fraser at the Sydney Hilton Hotel when the hotel was bombed in the first terrorist outrage to be perpetrated on Australian soil and when the decision was taken for the first time in Australian history to call out the Australian Defence Force in support of the civil power.

There is no doubt that terrorism is a real and present threat to innocent people today and to the fabric of all societies. The government of a democratic society has a fundamental obligation to protect its citizens from terrorist outrages and to have laws and security agencies that are effective in achieving this end. It is also imperative that the means a democracy uses to combat and defend against terrorism do not undermine the core values to which we as a society are committed—to the rule of law, due process, civil liberty and human dignity. There is a tension between security and democratic values. This tension cannot be dismissed by asserting: ‘The most fundamental right of all is the right to human security.’ I believe that over recent years we have gone too far in subordinating our core values to the demands of security. There is an almost irresistible tendency for governments facing threats to their society to implement responses that unduly erode the freedoms that are at the very basis of democratic life. But I also believe that our democratic commitments, institutions and practices can work to restore the balance. They do not provide an automatic, self-correcting mechanism, however. The concerted efforts of people in various sectors are necessary. Politicians, journalists, lawyers and concerned citizens—and more generally as well.

The parliament has a vital role to play and parliament has on occasion played it. When one thinks back on the excessive measures that the executive sought to introduce in the first tranche of antiterror bills in 2002 and how many of those proposals were abandoned, one can have significant pride in the capacity of our parliament to temper excesses in a context of profound and widespread anxiety about the possibility of horrific acts being committed on our territory. Had the executive had its way, some people could have belonged to proscribed organisations without even knowing it and could have been jailed for 25 years. The onus of proof in terrorist cases would have been reversed. People would have had to prove their innocence. Strict liability would have been imposed on people for outcomes that they had no reasonable way of anticipating—or even an unreasonable way of anticipating. That we do not live in such a society is to a significant degree a credit to our parliamentary processes, to backbench activism and to the operation of our parliamentary committees.

I think it is important to recognise that the lack of government control of the Senate has made the establishment of this office possible. What has been achieved is not perfect; few things in politics are. But the bill before us is at least a world away from the neutered monitor, the monitor set up to fail, that the government tried to pass off on its first try. What we now have is not just the addition of the word ‘independent’ to the title of the monitor but a statutory office that has a de-
cent chance of making a difference. I commend the bill to the House.

Mr SIMPKINS (Cowan) (11.12 am)—I welcome the opportunity to make comments on the Independent National Security Legislation Monitor Bill 2010. Just last week at the luncheon for the Indonesian President I was having a discussion with some of my colleagues from the other side of the chamber. Someone—I think it was the member for Deakin—said to me that we all remember where we were on September 11. Certainly, I remember it very clearly. I was still an Army officer at that point—the highest ranked member of the regular Army with headquarters 13 Brigade over in Perth, the Army Reserve brigade. It was a Tuesday night. It was a parade night for the Army reservists so we were all there. I was sitting in my office doing some paperwork when one of the corporals came into my office and said, ‘Sir, someone has just flown an aircraft into one of the towers of the World Trade Centre.’ That was a little bit on the surprising side. Apparently the event had happened several minutes before. I got up and I walked into the room where there was a television playing. Most of the headquarters staff were gathered around the television. There was commentary on the TV about what had happened and then, right in front of the cameras, the second aircraft flew into the second tower. For those reasons a lot of people remember where they were on that day. America had had issues in the past, but this was such a significant, high-profile event that had happened. I think it really shook the world in a lot of ways. It shook the Western world in a lot of ways. I think that we need to look at the actions that took place after that through that context.

Here in Australia we have to remember that it was just the year before that we had the Olympics. I worked on this security operation when I was in what we called JTF 112—that is, Joint Task Force 112. It was Joint Task Force Gold, the non-anti-terrorist part of the Defence support of the Olympics. In that task force I was involved with the bomb search and other elements. I know what happened during the Olympics and how trouble-free the Olympics were. There was a lot of talk beforehand about the possibilities of sarin gas attacks in railway stations and things like that, so a lot of scenarios had been worked through and a lot of effort had been put into the preparations for the Olympics, but it all went off pretty well. Basically they were incident free and certainly terrorist free.

Having gotten that confidence and certainty here in Australia, just a year and a bit later we saw such a dramatic attack on what most would describe as our lead ally. It was a dramatic attack on the No. 2 city in their nation and I think it shook a lot of people. When we look beyond September 11 we look to the Bali bombings, the bombings in London and indeed the local threats that have been realised and have come to prosecutions and convictions. I think that these events have sharpened the focus. I know that preventative detention and control orders were a function of the response to September 11. I think a lot of people in this country have a belief that those were essential at the time and that the reaction, whilst significant, was not an overreaction.

Nevertheless, we need to keep in mind that the difference between democracies and authoritarian regimes is that democracies put in place laws for the protection of their citizens—I look upon that a little more widely than just the security aspects to include the protection of rights as well—whereas the laws of authoritarian regimes seem to be there to protect the regimes and control the citizens. I do not think we need to back away from what we have done in the past or to think any less of ourselves because of the
actions that needed to be taken after September 11 and that have been reinforced in a lot of ways through the threats that we have seen realised around the world in the years since. Nevertheless, these laws should not be undertaken lightly. As a democracy, we need to keep reviewing these sorts of laws and we need to be prepared to critically examine what we have done in the past to make sure that the rights of our citizens are protected in congress with the safety and security of our people and our institutions.

We heard from some very good speakers in this parliament—and they are all very good speakers—including the member for Isaacs, the member for Pearce and the member for Kooyong. On this side, the members for Pearce and Kooyong have a history of involvement in this area. I do not see eye to eye with them on all matters within this parliament, but I appreciate their history and their advocacy for independence and openness regarding these matters. I still endorse what happened before and the actions of the previous government to put in place the safeguards to look after our citizens because I think the threats were there at the time. I think the threats remain and we always need to be on guard against them. But we should never be worried about trying to conceal those laws or protect them from scrutiny because when we look at the threat and the laws that were put in place those laws can stand up.

I welcome this bill and the provisions for a national security legislation monitor. As I said, I pay tribute to the member for Kooyong and the member for Pearce for their advocacy and their putting this up towards the start of 2008. I also acknowledge the efforts of Senators Troeth and Humphries in the Senate to bring these matters to the fore and their advocacy to increase the clarity, independence and visibility of the laws that have been put in place. After putting down the bills from the member for Kooyong and putting the efforts of Senators Troeth and Humphries to the sword in many respects, I understand that at the end of 2008 the government announced that they would take up this matter of having a monitor, and that is good. However, as the member for Kooyong said, what the government brought forward in the first version of this bill would not provide this independence and scrutiny. It was going to be pretty much a government executive directed control of the reviewer, so it is hardly right to suggest that that would be independence. Following the amendments, we have seen the removing of the requirement for the monitor to be subject to the direction of the executive and the Prime Minister.

Of course, the purpose of this bill is to appoint a national security legislation monitor who will assist ministers to ensure that Australia’s counterterrorism national security legislation is effective in deterring and preventing terrorism and terrorism related activities which threaten Australia’s security, is effective in responding to terrorism and terrorism related activities, is consistent with Australia’s international obligations—including human rights obligations—and contains appropriate safeguards for protecting the rights of individuals.

I look forward to the progress of this bill and I look forward to this bill passing in the amended form, because I think that this will bring the scrutiny, the openness and the independence to security and antiterrorism legislation that this country should have. I say again that in my view we do not need to withdraw, back away or apologise for what had to happen at the time. We had been shaken. We had come from a certain level of confidence and security in this country with the Olympics, then we progressed roughly to September 11 and then bombings in other places around the world—including direct
attacks on Australians. I think we should always be prepared to put in place laws to protect our citizens. But we should never be afraid of the scrutiny that goes with it.

I welcome the amended version of this bill and I look forward to its passing.

Mr HUNT (Flinders) (11.23 am)—The Independent National Security Legislation Monitor Bill 2010 reminds us of the very simple proposition: who will watch the watchers? Who will guard the guardians? Who will protect against abuse of power by the protectors?

This parliament makes laws to protect Australians but we must always make sure that those laws and the actions we take are subject to scrutiny and independent observation and do not put at risk the fundamental freedoms and liberties which are the very reason we exist as a parliament. We exist not to further the work of the government; we exist to give people the best chance to pursue the life of their choice in a country which is free and open and which tolerates dissent but which does not tolerate threats upon the life or liberty of others. That is the essence of what we believe in as a parliament and as a party and a political movement. It is a statement of where we should be going in this century.

The context for this debate is very simple. September 11 heralded a new phase in global terrorism. Global terrorism has been with us for a long period now. It started, in essence, with the hijackings of planes which we saw throughout the 1970s. But it has progressed and we now face the spectre of nuclear terrorism through the agency of the dirty bomb, which is something that our generation and coming generations will have to deal with in this place. It is my sincere hope that as the world reaches towards the year 2050 we will not have faced such an attack, but it is utterly foreseeable, it is forewarned and we must take steps to ensure that there is no prospect ever of nuclear terrorism in the form of the dirty bomb or a lesser-grade of nevertheless hideous terrorism. We should take all possible steps to ensure that these concerns do not come to pass.

It is a clear and present danger: it is tangible, it is real and it is desired by those who seek to cause havoc, whether it is out of a sense of nihilism, out of a sense of venal mendacity or out of political desire. There is clearly a destructive intention, there is the capacity to carry out that intent and there is the willingness to bring these things to pass. If September 11 could have been carried out in a larger way than that in which it was done they would have wreaked that havoc. So let us be clear that whether it is al-Qaeda or an offshoot, whether it is another grouping, such as those who carried out the Oklahoma bombing, or whether it is those with just the pure political will or intent, the prospect of terrorism is a clear and present danger which will continue throughout the coming decade and beyond.

We certainly see that there are sects and sections within the Islamic world, such as extremist Wahhabism, which present a danger. Mainstream Islam is a great and beautiful religion, and it is a force for good in the world—I make that absolutely clear in my words. But there are those who will pervert the edges of that for political purposes, for personal advancement or for carrying forth individual grievances—as there are in Christianity or other religions. But the most clear and present danger, as we see at present in parts of Iraq, Afghanistan and Pakistan, and in the desire to take control of Indonesia, Egypt and Saudi Arabia, are some elements of extremism which are a violent force.

Against that background we need strong laws which allow us to deal with the world as it is now, and that means communications
and dealing with and discovering those plans which are hatched in secrecy and carried out under the cover of darkness. I make no apologies—none—for supporting strong laws in terms of national security and intelligence gathering.

But if we have those laws we need laws such as this, the Independent National Security Legislation Monitor Bill, which was the child of the member for Kooyong, Petro Georgiou. It was similarly supported by Senators Troeth and Humphries and also the member for Pearce, Judi Moylan. They outlined the need for this bill. It was resisted by the government; it has now been adopted and under such circumstances we will offer bipartisan support. It is about ensuring that there is independent observation of the laws which we set down for Australia with regard to intelligence, security and counterterrorism activities. Those laws are needed but, similarly, this law in this place at this time is overdue. I commend it, I support it and I give great respect to the members for Kooyong and Pearce and to Senators Troeth and Humphries. I thank the government for having finally adopted that which they had previously proposed and brought before both this House and the Senate.

It is time for a national security legislation monitor who is genuinely independent, who reports to the parliament, who is not subject to executive control and who will call it as he or she sees it. That is the safeguard we need in Australia. It complements the safeguards we take against those of malicious intent. I endorse this legislation and I congratulate the member for Kooyong.

Mr OAKESHOTT (Lyne) (11.30 am)—I welcome the Independent National Security Legislation Monitor Bill 2010 as a form of push back by capital L Liberty. We have seen over the last decade too many of our rights and freedoms as individuals and as a society lost in this global definitional battle around concepts such as terrorism, national security, safeguards and freedom. Conceptually, this is an important piece of legislation. I note, listening to many of the speakers, that success has many fathers. It is a compliment to those who write legislation when both sides of this chamber want to claim it as their baby.

The former speaker, the member for Flinders, made reference to several on the coalition side. I fully endorse his comments, in particular those comments about the members for Kooyong and Pearce, who I can say I now know personally. I fully respect the position they have taken on these issues for a long time through some very difficult times when a government of the day was faced with some very confronting issues around the definitions of terrorism and national security. For the members in question to have held the line on behalf of liberty and to have recognised that the first and safest port of call for this country is openness and transparency and that all else follows from there is a credit to the individuals involved. Politically, in hindsight, it has not helped their careers, but they can put their heads on their pillows at night and have very clean consciences that they have done some very good work for the people of Australia and for the future of this country.

Likewise, from a government perspective and the executive in question it is always hard to introduce legislation that provides greater access to the decision-making processes within a government executive, so hats off to this government for actually doing it rather than just talking about it. This is a substantial step and, conceptually, it is a sensible move as we try and strike the balance between those definitions of freedoms and national security and terrorism.

From a constituency point of view this is important. I know it might not be very excit-
The Independent National Security Legislation Monitor Bill 2010 ... establishes the position of the Independent National Security Legislation Monitor ... The establishment of the Monitor is consistent with recommendations made by the Security Legislation Review Committee in June 2006, the Parliamentary Joint Committee on Intelligence and Security in December 2006 and September 2007, and the Inquiry by the Hon. John Clarke QC into the Case of Dr Mohamed Haneef.

The standing function of the Monitor will be to review the operation, effectiveness and implications of the counter-terrorism and national security legislation and report his or her comments, findings and recommendations to the Prime Minister, and in turn Parliament, on an annual basis. As well, the Monitor must consider whether Australia’s counter-terrorism and national security legislation contains appropriate safeguards for protecting individuals’ rights, remains proportionate to any threat of terrorism or threat to national security, or both, and remains necessary. The Monitor must also assess whether Australia’s counter-terrorism or national security legislation is being used for matters unrelated to terrorism and national security.

The main purpose of the Bill is to ensure the counter-terrorism and national security laws operate in an effective and accountable manner, are consistent with Australia’s international obligations, including human rights, counter-terrorism and international security obligations, and help to maintain public confidence in those laws.

The review of the counter-terrorism and national security legislation will concentrate on the legislation which has been used or considered during the reporting year so that the review can take into account the operational and judicial experience with the legislation. In reviewing the legislation, the Monitor must have regard to Australia’s international obligations and the agreed national counter-terrorism arrangements between the Commonwealth, States and Territories.

I read that because I like it. I read it because it is worthy of generating public discussion and it is a very good summary of the point and the proposed intent of the legislation. Having read it, I do want to make some points about the detail because, whilst this is excellent, in layman’s terms the proof will be in the pudding. The proof will be in its use and application, and that is always where the tricks begin within the ranks of government regardless of whichever political persuasion holds office in this place. This is, I might add, in the comments that I am going to make as much a call to arms for the Public Service generally as it is for the majority governments of the day.

This legislation can be read very widely. Reporting to the parliament is a fantastic principle, for example, and there should be more of it, I say, in the general running of business in Australia. But, when we dig down to some of the clauses about how this annual report is going to be constructed and some of the issues that may fall outside that reporting process, I think the job is not done in regard to the vigilance of liberty, the principles I talked about before and making sure government is true in accounting for its use of powers on an annual basis.

I refer to clause 29(3), which talks about the restrictions in annual reporting. I quote: Subclause 29(3) restricts the nature of what the Monitor may publish in the annual report ... This would exclude from the annual report any operationally sensitive information or information that would or might prejudice Australia’s national security or the conduct of Australia’s foreign relations or the performance by an agency of its functions or may endanger a person’s safety.

It also excludes information obtained from cabinet documents and information that
would disclose government’s deliberations or decisions. As someone reading this legislation today, I can accept that, but with these powers, at the time when decisions are being made about difficult issues in regard to the release of information, it is going to be a watching brief to see how these laws are applied. I would urge the Attorney-General in the chair and his department generally to read as widely as possible the definitions that will be contained around some very nice conceptual ideas in this legislation. This will be a battle of definitions in how this is applied in the future.

If this is read as widely as possible, Australia is stronger because of it. Yes, there may be short-term, thorny, difficult political implications in release of information or an uncomfortableness around the truth of an issue being revealed, but in the long term we are stronger if this legislation and the role of the monitor are allowed to be as broad as possible in the definitions in this document, because if they are tight then we are going to be presented on an annual basis with an incredibly skinny document. We could rule out just about anything under clause 29(3), and I would hope that in the future that is not the case. I really hope the intent of the government is to deliver liberty and deliver on behalf of the Australian community in regard to reviewing, on an annual basis, this difficult tension in what it is to provide government safeguards on behalf of national security and how that sits alongside individual rights, freedoms and liberties. So it is important conceptually, and I therefore hope it remains important in practice.

I know I have been banging on about definitions, and I would hope no-one turns around and points to really obvious cases of terrorism—for example, to say to me, ‘You’re kidding yourself; it’s obvious.’ September 11, for example, was raised before. I think that is a no-brainer for all of us. This will be played out in the grey—in those boundaries of the grey—and that is where I hope there is plenty of focus from government in the delivery of this legislation.

I want to finish with one example of the grey that presented itself to me last week. We had the Indonesian President here last week, and as part of that there were all sorts of people with an interest in Indonesian-Australian relations floating around this building. One fellow I ran into was a guy called Clinton Fernandes. Clinton was the principal policy analyst for the East Timor desk between 1988 and 1989. He has seen all the documents. He knows the story. Yet even today he is before the Administrative Decisions Tribunal trying under the Archives Act to see the release of documents from that period which in his eyes are not sensitive. I cannot do a ruling on that, and it is very difficult for any of us to pass judgment, but here is someone who has seen them and who says there is only one document that should be classified; the rest are publicly uncomfortable, but only one is a national security issue. Yet, 35 years after the incidents in regard to the independence of East Timor, an individual in the Australian community is still taking on government over a very unusual act, the Archives Act, to try and see the release of documents so the truth can be told.

I ask this House: why should one individual have to go through that process when we have a 30-year rule? I hope, as is the intent of this legislation, that there is a desire for the truth to be told and for as much information as possible to be in the public domain so the truth can be told. Let the politics sort itself out from there. But unfortunately we continue to see examples of this. I raise that as an example of the grey. Is this guy, in the eyes of this place, a terrorist? I certainly hope not. Is he a whistleblower? I hope so. Is he, somewhat ironically, demonstrating in taking on government what I hope the intent
of this legislation is from government in being open and transparent with the community?

So the definitions are important in this, and the grey is where the action is. I therefore will continue to watch, and I hope this House and the people of Australia watch, because that is the best we can do in relation to how, in administrative law, government answers the many, many definitional questions, not only in clause 29(3) but throughout the document. If you as a government define widely, I take my hat off to you; Australia will be a stronger place and I am sure that not only today but for many years to come we will see that success still has many fathers. All the various members of this chamber will say, as a compliment to those that actually drafted it, that this is their piece of legislation. I wish the government luck in its application. I hope the monitor who is appointed is someone of eminence, and I hope they are given a wide-ranging use of their powers. We are stronger if the government allows that.

Mr McCLELLAND (Barton—Attorney-General) (11.45 am)—in reply—First of all, I would like to thank everybody who has participated in the debate on the Independent National Security Legislation Monitor Bill 2010. The government in the Senate have made a number of amendments to the bill in response to recommendations made by the Senate Finance and Public Administration Legislation Committee. I thank the committee and the Senate for their valuable contribution to the bill.

Since 2001 a number of incidents have served to remind us that Australia is not immune from the threat of terrorism. Terrorism is a heinous crime. The consequences of a terrorist attack in Australia are likely to be severe in not only the damage and destruction, the loss of life and the maiming that would occur but what it would do to our social fabric and our tolerant multicultural community. Accordingly, Australia now has a highly developed legal framework reflecting the seriousness of terrorism related activity. This framework is and must remain a key component in Australia’s counterterrorism strategy.

This legal framework provides Australian law enforcement and intelligence agencies with appropriate tools to deter, investigate, apprehend and prosecute perpetrators of terrorism and other threats to national security. Australia has moved beyond the immediate response phase to the threat of terrorism following the attacks of 11 September 2001. The government is committed to ensuring this legal framework is robust enough to be able to adapt to future events and developments, and also incorporates appropriate review mechanisms to ensure the full suite of counterterrorism and national security laws remain necessary and effective.

The bill establishes the independent National Security Legislation Monitor. The monitor will ensure that the laws underpinning Australia’s counterterrorism and national security regime are effective as the threat to Australia’s national interests evolve. Importantly, the impartiality and independence of the monitor will strike a necessary balance between the need to prevent terrorism activities from threatening Australia’s way of life and the need to protect our individual rights and liberties.

There has been considerable debate on the bill and I take this opportunity to thank all members for their general support for the bill. I note that many have made constructive comments, including the member for Lyne, who spoke immediately before me. I also take this opportunity to clarify one matter to do with the role of the monitor which a number of members have touched upon in their
speeches on the bill. Some members have commented about the monitor’s ability to examine any laws, not just those that have been used, and suggested that it is ambiguous in the bill. We do not believe that is the case and my comments will clarify it.

There is nothing in the bill that precludes the monitor from looking at any of Australia’s counterterrorism and national security legislation, as defined in the bill. Clause 9 of the bill provides that the monitor must give particular emphasis to the provisions of the legislation that have been applied, considered or purportedly applied during that financial year or the immediately preceding financial year. While emphasis must be given to the legislation that has been used recently, this is simply a matter of efficiency and practicality. In other words, it is prioritising but not prescriptive.

The emphasis reflects the fact that it will generally be of most value for the monitor to consider legislation that has been used, as the monitor will be able to consider how the legislation has operated in practice as opposed to purely hypothetical scenarios about how the legislation might operate. It does not prevent the monitor from looking at any laws because, as the member for Kooyong has indicated, this may well be necessary in the monitor’s role of determining whether laws remain necessary.

I should indicate that the title of the bill, as I noted in the second reading speech, deliberately includes the term ‘independent’. The monitor will be accountable through the processes of the Department of the Prime Minister and Cabinet rather than the Attorney-General’s Department because of the fact that I am responsible for the operation of the better part of the national security laws. This is just an example of one mechanism but the specific provisions of the statute obviously apply to ensure that independence.

In conclusion, I would like to thank all members again for their contributions to the bill. The bill reflects the government’s commitment to ensure that Australia has a strong counterterrorism and national security legal framework that protects the security of Australians while preserving the values and freedoms that are part of the Australian way of life. I commend the bill to the House.

Question agreed to.
Bill read a second time.

Third Reading

Mr McCLELLAND (Barton—Attorney-General) (11.51 am)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

COMMITTEES

Cyber-Safety Committee

Membership

The DEPUTY SPEAKER (Hon. DGH Adams)—Mr Speaker has received advice from the Chief Government Whip and the Chief Opposition Whip nominating members to be members of the Joint Select Committee on Cyber-Safety.

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (11.52 pm)—by leave—I move:
That Ms Vamvakou, Mr Perrett, Mr Ripoll, Mr Danby, Mr Fletcher, Mr Hawke and Mr Oakeshott be appointed members of the Joint Select Committee on Cyber-Safety.
Question agreed to.

NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010

Second Reading

Debate resumed from 24 February, on motion by Mr Martin Ferguson:
That this bill be now read a second time.
Mr IAN MACFARLANE (Groom) (11.52 am)—The National Radioactive Waste Management Bill 2010 seeks to repeal and replace the coalition’s Commonwealth Radioactive Waste Management Act 2005 to establish a national radioactive waste management facility for low-level and short-lived intermediate-level waste. While the bill seeks to repeal the coalition’s act, fundamentally this bill still maintains, for the purposes of the establishment of a national facility, many of the clauses contained in the current legislation.

From the outset, I indicate that the coalition does not oppose the passage of the bill, as it is has been a longstanding policy of the coalition to establish a central waste repository for the storage of Australia’s low- and intermediate-level radioactive waste. Whilst that is a long-term policy of the coalition, it is new-found wisdom for the Labor Party and current federal government. Such a repository would have been delivered long ago if it were not for the blatant hypocrisy of state and federal Labor governments who, at every opportunity, sought to thwart this process despite the fact that they first began the search for a national repository and first trucked federal radioactive waste to Woomera in the time of the Keating government. The Minister for Resources and Energy argues that this bill implements an ALP election commitment to repeal the Commonwealth Radioactive Waste Management Act 2005. Whilst this bill does repeal the act, it does so merely by replicating many of the clauses of the existing act in this current bill. Labor are seeking to implement a policy that the Howard government advocated strongly but which the current federal government opposed consistently when in opposition. For all of Labor’s bluster about the coalition being obstructionist, we are not as hypocritical in opposition as they were during the Howard government. The coalition support good policy in the national interest. We always have; we always will. In fact, our support of good policy, particularly under the Hawke-Keating government, is on the record, and I suggest that the Labor government look hard at it and that, when their turn comes—and may it be soon—to return to opposition they make a more constructive fist of it than they did last time. The Rudd Labor government have not sought to implement much good policy, and that is why from time to time we find, both in this House and in the other place, that we are forced to amend, not vote for or vote down their proposals.

The coalition is supporting this bill as it is coalition policy to have a sensible and coordinated approach to radioactive waste. When the tables were reversed in 2005, Labor in opposition voted against the coalition’s legislation to allow for a national radioactive repository. They voted against it, and now they have introduced a bill that tinkers at the margins with the existing legislation and, as I say, exposes the sheer hypocrisy of those on the other side who wish to use populist politics of fear and lack of facts in arguments against nuclear energy and nuclear waste.

Unlike Labor in opposition, the coalition have enough concern for the national interest to put petty politics aside and support this bill. But make no mistake: nobody should believe Labor’s bluster about coalition policy; if the government put forward decent policy the coalition will support it. The coalition appreciate that most Australians benefit either directly or indirectly from the medical,
scientific and industrial use of radioactive materials—and I am one of those—and that, while safe, the current storage of radioactive waste across this country is not ideal. In fact, that is an optimistic view. When I was Minister for Industry, Tourism and Resources, I remember the campaigns run by those who now sit on the other side when we tried to progress issues in relation to the storage of nuclear waste and proposals to give consideration to including nuclear energy in our future mix. I remember the rubbish that went on about the dangers of nuclear waste, yet their counterparts in Labor governments around Australia have now been exposed for storing radioactive waste in containers in the middle of car parks, in the basement of hospitals and in the bottom of government buildings in the middle of cities, and it is great to see their hypocrisy completely exposed on this matter. If this sort of stupidity persists in the area of nuclear energy, we will again see the day when they have to capitulate on the basis of common sense.

Nuclear energy has a role to play in Australia just as the use of nuclear medicine has a role. Nuclear energy is used in every other OECD economy in the world. It is not used here because of the politicisation, scare tactics and cheap populism of those who sit opposite. If ever there were a time for leadership on clean energy, if ever there were a time for these people to stop their hypocrisy, if ever there were a time to plan for Australia’s clean energy future, it is now. Yet they continue to run this line that everything nuclear is dangerous.

We have got them a little way on this. We have got them to accept that radioactive waste in Australia is a reality; that there are Australians alive today—and I am one of them—because of radiotherapy, because of nuclear medicine. They accept that, begrudgingly, now that they are in government—now that they actually have to behave responsi-
why this bill has a strong stench of hypocrisy about it. The search commenced during the term of the last Labor government. In September 1991 the then primary industries minister, now the Minister for Trade, Simon Crean, officially sought the participation of all state and territory governments in a coordinated search for a site for a single national radioactive waste facility. In August 1994, the then Labor government announced that CSIRO radioactive soil waste and other radioactive waste from ANSTO would be moved to the Department of Defence facility at Woomera for interim storage. The South Australian Labor Party turned a blind eye on that occasion to the Keating convoy transporting around 120 semitrailer loads of radioactive waste to Woomera in 1994-95.

This was also when the federal Labor Party listed the central north of South Australia as one of the possible sites for the repository. In 1996 the coalition government gave in-principle support to a national store in response to a Senate committee inquiry, and in 1997 the Commonwealth-State Consultative Committee on Radioactive Waste Management also reached an in-principle agreement on the need for a national radioactive waste repository. A number of further site selection studies subsequently occurred until it was announced in May 2000 that the search for a suitable location for the repository had been narrowed to five sites in central northern South Australia.

After forming government in 2002, the Rann Labor government, in a sign of pure populist politics—I hope the people in South Australia are remembering this—that has become synonymous with that government, announced that they opposed the creation of a waste repository in South Australia. The state that was basing its future economy on mining, and a big piece of that future mining operation was uranium, said they would not take radioactive waste. What absolute hypocrites. It was as if they did not produce any radioactive waste of their own—of course they did. Like all Australians, like all human beings, South Australians were benefiting from the use of nuclear medicine—were benefiting from radiotherapy and were seeing lives saved. Despite the economic wealth that that state was reaping and the obvious benefits to the community of the use of nuclear medicine, the government of that state—a government which is standing for re-election on Saturday—said no, they were just going to play political games, as they have in myriad areas over the term of their government. They said, ‘No, we will not have the repository.’ They used every trick in the book, including legislation and the court system, to frustrate the establishment of a national repository, despite agreeing in principle that one was required—a typical lack of leadership which now so highlights the failings of the Rann government.

Two of the preferred sites in South Australia passed environmental assessment, and a site of 40 acres on a pastoral lease 20 kilometres west of Woomera was named as the preferred site. Premier Rann is the Prime Minister’s biggest supporter—the only state premier not to ask for more details about the hospital plan before offering his wholehearted support and commitment. Again, you would wonder why—it has nothing to do with the election! I wonder whether Premier Rann would have been so obstructionist if he had been dealing with a federal Labor government, given that the South Australian Labor Party did not so much as bat an eyelid when Premier Keating trucked into Woomera 2,000 cubic metres of low-level waste and 35 cubic metres of intermediate-level waste without any public consultation.

In July 2005, the coalition government decided it would proceed to build a site for Commonwealth generated radioactive waste on Commonwealth land. We had conceded
that the lack of leadership and the obstructionist attitude of the Labor Party, particularly in South Australia, had meant that we had to make another decision and quickly. In making that decision we stated that each state and territory would be required to build their own facility to house waste generated by their agencies within their respective states. I note with interest but not surprise that no Labor state government has moved to develop such a facility. We have seen them deny the existence of radioactive waste storage in their own cities. We have seen them deny the existence of radioactive waste in government owned buildings. They did nothing. It is typical of Labor governments—talk, talk, talk and nothing happens. Luckily, the parliament passed the Commonwealth Radioactive Waste Management Act in late 2005. This legislation—which was opposed at every step by the current government, by the Labor Party, in this House—facilitated the search for a site in the Northern Territory. Labor voted against the coalition’s bill at the second and third readings. The act specified three defence sites in the Northern Territory for further site investigation and facilitated nominations for other sites in the Northern Territory, including from a land council.

In 2007, the Howard government announced that the Northern Land Council’s nomination of Ngapa land as a potential site for the Commonwealth radioactive waste management facility had been accepted. In fact, as they always do, Indigenous communities were prepared to show leadership even when the Labor Party did not. This site was nominated under the existing act and a site nomination deed was entered into in 2007 between the Commonwealth and the traditional owners, which also permits the nomination of other sites by the Northern Land Council on this land. Labor has indicated that they will honour this deed and the current bill permits this.

Federal Labor called the coalition’s decision to locate Commonwealth radioactive waste repository on Muckaty Station in the Northern Territory a ‘fiasco’ and the 2005 legislation as riding ‘roughshod over the rights of all Territorians and Australians’. I wonder what they are saying today. I wonder what the member for Lingiari is saying as he travels around the Northern Territory. I wonder what the Prime Minister is saying. I wonder if they are actually prepared to admit they got it so badly wrong.

The Labor opposition that voted against the coalition’s bill in 2005 is now, in government, proposing a bill that is very similar—in fact, almost identical—in content and will likely result in the same outcome. Unlike Labor, the Northern Land Council took a particularly mature and responsible leadership approach during the debate on the 2005 legislation and the coalition applauds them for their approach. We are pleased that the government have indicated that they will honour the site nomination deed that was entered into between the Commonwealth and the traditional owners in 2007 in relation to a potential site on Ngapa land. If only Labor had had enough foresight in opposition to acknowledge that a national repository was a sensible approach that required strong and decisive action. The coalition highlighted, when we were seeking federal Labor’s support for our approach, that the current approach to storage by state governments meant that in basements in universities, hospitals and car parks across this country low-level radioactive waste was being stored—safe but not ideal.

Overall, the establishment of a national radioactive waste repository is a longstanding coalition policy that was frustrated by Labor for the entirety of the Howard government. It is much more sensible for waste to be stored in a specially designated facility rather than in ad hoc sites across the country.
Further, there is a contractual obligation on Australia to accept the return of waste shipped overseas for reprocessing in the mid-1990s. Labor has a longstanding history of playing politics on this issue, refusing to support action in the national interest, but the coalition is putting sensible policy ahead of populist politics in helping to facilitate the passage of this bill. That is in stark contrast to the lack of leadership we have seen not only from those who sit opposite but also from the South Australian Premier and the Labor Party in general. I have to say that I am pleased that something good has come out of this delay and this hypocrisy—that is, this facility will be able to deal with that state owned nuclear waste. That is the only good thing that has come out of a decade and a half of hypocrisy from the Labor government.

Having settled this issue—and assuming that they can actually hold their ground and see this facility built—the next challenge for the Labor Party will be to see if they can have a scientific, fact based debate on the inclusion of nuclear energy in Australia’s future. I am not saying we need a power station in everyone’s backyard, but I am sure the Minister for Infrastructure, Transport, Regional Development and Local Government will say that. I am not saying that we need to rely heavily, or even to the percentage that we rely on coal, on low-cost, baseload energy, but I am saying it is totally irresponsible for this country to continue to go forward in a climate challenged world striving for reliable, low-emission energy and not to have a sensible discussion about nuclear energy and the role it plays. I know—and I will not embarrass them—there are those who sit on the other side of this chamber who support nuclear energy, who understand fully the importance it plays all over the world, who understand fully the standard of living it secures all over the world, who understand fully the economic development it secures all over the world and, most importantly, who understand that at the moment it is the only clean energy baseload supply other than hydro—which will not be built in Australia in the future—that we can rely on.

So, having made the only sensible decision on the storage of nuclear waste, the question for the government is: can they be big enough, can they show enough leadership and can they set aside their political opportunism and participate in a debate that will secure Australia’s future? I challenge them to that and I support the bill.

Mr Trevor (Flynn) (12.14 pm)—I thank the member for Groom for his contribution. I rise to speak on the National Radioactive Waste Management Bill 2010 and the importance of it to our country’s future. This bill seeks to establish at a single site a facility for managing radioactive waste that is generated, possessed or controlled by the Commonwealth—waste that is currently stored at a host of locations across the country. It also outlines nomination, approval and selection processes that will lead to a site being acquired by the Commonwealth in order for this facility to be established. The bill will repeal and replace the Commonwealth Radioactive Waste Management Act 2005 and amend the Administrative Decisions (Judicial Review) Act 1977.

I have elected to speak on this bill because it is important that people understand the absolute necessity of the changes that we will make. This bill will put in place measures that will effectively and efficiently select a location for the establishment of a radioactive waste management facility. It is fundamentally and critically essential to the future of our country that this bill is passed so that the changes it introduces can come to fruition. The situation as it currently stands is
as follows: our country has accumulated approximately 4,000 cubic metres of low-level and short-lived intermediate level radioactive waste over the past 50 years through important medical, industrial and research use of radioactive material. This waste is currently stored in interim facilities which include a multitude of small stores located in suburban and regional areas across Australia. None of these facilities are purpose-built for the disposal and storage of radioactive waste.

It is undeniable that the current interim facilities which are not purpose-built to handle radioactive waste will not last for ever and will reach capacity. To prove this point, I bring attention to the fact that the Australian Nuclear Science and Technology Organisation’s existing low-level waste store at Lucas Heights is already approaching capacity. To make matters more urgent, we have 32 cubic metres of long-lived intermediate radioactive waste returning to Australia in 2015-16 in the form of the Australian Nuclear Science and Technology Organisation’s spent research reactor fuel—that is to say, 32 cubic metres of radioactive waste that will need safe and effective storage. It is simply irrefutable that we must act now to establish a storage facility that is suitable for this waste. With current facilities reaching capacity, this leaves only one viable and possible solution: a facility must be established that is purpose-built to manage both the arrival of this radioactive waste and all future radioactive waste that is generated, possessed or controlled by the Commonwealth.

Unfortunately, the approval, construction and commissioning phases of a project to establish this facility will require at least a minimum of four to five years lead time. If we are to prepare for the arrival of the radioactive waste in 2015-16, we must act now and put in place the measures in this bill to ensure that we as a country are ready to handle this challenge and the future challenges we face in managing our radioactive waste. By establishing a facility for the purpose of storing and disposing of this waste, we can protect our future by ensuring that our country is able to continue to reap the benefits of using important radioactive materials.

There are many, many benefits that people may not realise come from the use of radioactive materials. The use of these materials is important in many industries in Australia, particularly in vital medical research. To provide an example of this, radioisotopes are used in medical procedures such as cancer diagnosis and treatment. Radioisotopes can help speed up diagnosis of cancer, helping to pinpoint the exact area affected, and are an incredibly effective method of treating cancers. The use of radioisotopes benefits approximately 500,000 patients annually. This is a massive number of people who, in effect, benefit from the use of radioactive materials. But, of course, with great benefit comes the reality that we must deal with the waste produced from the beneficial use of these materials. We cannot continue to reap the benefits without accepting responsibility for the waste. And whilst the interim facilities we have at current are filling this role, a long-term solution must be found. Fortunately, this bill provides us with the means to achieve this solution.

This bill provides an outline for nomination, approval and selection processes that will lead to a site being acquired by the Commonwealth. Part of the bill also provides procedural fairness on decisions about the site and where the facility should be built. This bill will introduce procedural fairness into the process of establishing a radioactive waste storage facility. We as a government recognise the fact that it would be irresponsible to simply decide on a location for the facility. It is necessary for the people to be heard, especially the people who will be impacted upon by the establishment of a facil-
ity. The current act provides that no person is entitled to procedural fairness in relation to the key decisions to be made under the act. This is utterly irresponsible and completely out of touch. This bill will require the government to accord procedural fairness in relation to such decisions. By taking into consideration the opinions of those people impacted upon, we can ensure that the location of a facility is appropriate and that it is satisfactory to the affected parties.

In addition to the introduction of procedural fairness in relation to decisions, this bill will also amend the Administrative Decisions (Judicial Review) Act 1977 so that it will now apply to declarations and decisions made by the minister under this bill. This means that, unlike the current legislation where key decisions are not susceptible to review under this act, decisions will be reviewable under this bill. The introduction of procedural fairness and the introduction of key decisions being susceptible to review will enable the facility to be established at a site that is most suitable. The first step in establishing a facility is to identify a site for its establishment. The nomination, approval and selection processes needed in order for this to be achieved have been outlined in this bill. While the establishment of a facility is critically important, it is also vital that the facility is established on the most appropriate site.

Several sites were identified and nominated under the current legislation. In 2007, a site on Ngapa clan land at Muckaty Station in the Northern Territory was nominated and approved as a site under the current act. As a result of this a site nomination deed was entered into between the Commonwealth, the Muckaty Aboriginal Land Trust and the Northern Territory Land Council. Provisions present in this bill will enable the Commonwealth to act in good faith and good spirit with respect to the site nomination deed and ensure the site remains an approved site. However, procedural fairness requirements will apply to any decision to select this site as the site for a facility.

Three sites on Defence land in the Northern Territory that were identified by the former government have been removed from further consideration. These sites include the locations identified at Harts Range and Mount Everard in the Alice Springs region and at Fishers Ridge in the Katherine region. In order for more sites to be nominated this bill provides that a land council in the Northern Territory may nominate land as a potential site, but procedural fairness will apply to any decisions to approve that potential site.

This bill also provides that the minister may open a nationwide volunteer site-nomination process. The current act does not allow for nationwide nominations; it allows that a site can be selected only in the Northern Territory. In deciding to allow such nominations, the minister would need to have regard to whether it is unlikely that a facility will be able to be constructed and operated on Aboriginal land that has been nominated land as a potential site under the bill. Procedural fairness will apply to any decision in relation to the opening of a nationwide volunteer site-nomination process.

Once a site has been nominated it must go through a selection process. This bill allows relevant persons to conduct activities for the purpose of selecting a site. These include low-level impact activities such as geological investigations, archaeological and heritage investigations and collection of samples of flora and fauna. Cautious and comprehensive evaluation is necessary to verify whether a site is suitable for a facility. This is to ensure that the radioactive waste can be managed safely without putting at risk the protection of people and the environment.
This bill is imperative for the future of our country. It is in our national interest. We are currently storing radioactive waste in interim facilities that are beginning to fill to capacity. These facilities are only interim facilities and as such are not designed for long-term storage of radioactive waste. Measures need to be put in place to ensure our country is prepared to manage our radioactive waste in the future. Given that we have a four- to five-year lead-up for approval and other related matters, it is essential that the process begin as soon as possible. It is also important that procedural fairness apply to decisions relating to the selection of a site and opening a nationwide volunteer site-nomination process. There is no denying people being heard. This bill will enable our government to ensure the storage and disposal of radioactive waste is handled appropriately in accordance with procedural fairness and to ensure the site to construct a management facility is found in a timely fashion to prepare for the 32 cubic metres of radioactive waste that will return to Australia in 2015-16. It is irrefutable that radioactive waste must be managed appropriately to ensure it is safely and effectively stored and disposed of. We must act quickly to prepare for this. If we are to continue to reap the benefits of the use of radioactive materials in the future, a long-term sustainable waste management facility must be established. The solution to both the arrival of this waste and the future sustainable use of radioactive material is the establishment of a purpose-built facility. This bill provides the means for this to be achieved. It is for these reasons that I fully support the National Radioactive Waste Management Bill 2010 and commend it to the House.

Dr JENSEN (Tangney) (12.27 pm)—I also rise to speak on the National Radioactive Waste Management Bill 2010. Labor has belatedly accepted the necessity for a radioactive waste facility after typically in opposition embarking on a scare campaign regarding a radioactive waste repository. Now in government, they have belatedly come to accept the political, economic and scientific reality with regard to setting up a nuclear waste repository. This is given that in a few short years we will have the legal requirement to take back the waste generated by the Lucas Heights facility. It has to be remembered that the benefits that accrue from this facility—be they for fundamental science, applied science or nuclear medicine—are huge and far outweigh the small negatives associated with it.

This brings up another nuclear related issue—that is, the issue of nuclear power. This is an issue that the technologically illiterate Rudd government choose to not even communicate or debate on. Instead, they proffer either various technologies that will be introduced in the never-never or some technological pixie dust that they see as solving all their problems. The most compelling argument for nuclear power has nothing to do with climate science. As an aside, it is interesting how the whole environmental debate has become a glorified carbon dioxide tax debate. Where is the concern for the real environmental issues that are killing people today and not for some supposition about some people who may be impacted in some distant time period? Consider, for example, particulate emissions from diesel and coal fired power stations. These emissions kill approximately 3,000 people every year. You never hear about them despite this being approximately double the national road toll. Why don’t we debate that?

I will go back to nuclear power. The most compelling argument for nuclear power has to be the economics of electricity generation. I shall outline here the economic benefits, the renaissance of the nuclear energy industry, the safety issues and the progress in nuclear technology. The price of electricity is
increasing. In Western Australia the average power bill will rise by $220 next year and gas will cost families about $35 a year more. Quite simply, for nuclear energy to become a reality it has to be economically viable. With increasing power prices the argument for nuclear becomes more compelling every day.

Consider this thought on the viability of nuclear energy: if the cost of nuclear energy were indeed prohibitive and thus economically uncompetitive, there would be no need to outlaw nuclear energy by legislation. After all, what company would build an uncompetitive power station? When you run the numbers, nuclear power is an economically competitive technology. It is significantly cheaper than wind or solar, though it is marginally more expensive than coal in the current Australian context. The capital costs associated with nuclear power are more than for coal and significantly greater than for gas, but these are outweighed when it comes to the cost of the fuel. A briefing by General Electric, which builds nuclear power stations, gas fired power stations, wind and solar, indicated that, in the case of the US, nuclear power was the cheapest method of generating power. Similarly, Eskom, the utility providing 95 per cent of South Africa’s electricity, showed data that nuclear is the cheapest method of power generation—despite South Africa, like Australia, having abundant cheap coal.

The US has begun opening up new nuclear stations under President Barack Obama. At the same time, the United Kingdom is opening up new nuclear power stations and South Korea has recently opened up new reactors as well. Nuclear power is an economically viable choice for baseload power. President Obama has committed the US to a significant expansion in its commercial nuclear power industry, a process that halted after the Three Mile Island partial meltdown in 1979. It must be noted here that no lives were lost in and no injuries resulted from this accident.

Interestingly, Kevin Rudd, in stark contrast, will not even countenance a detailed debate on the issue in the Australian context, so hypocritical is he. There are some inherent contradictions and breakdowns in logic in Mr Rudd’s attitude. There are no valid reasons for banning nuclear power in the Australian context, but he is blinkered by a 1970s antinuclear mindset—or perhaps, being a spin cycle politician, he simply uses that expedient argument as the basis for yet another fear campaign. He is certainly not actively evaluating alternatives. If Kevin Rudd genuinely believes that nuclear power presents a clear danger for Australia, then I believe that he is being grossly irresponsible to say the least, not only in continuing to export uranium but in opening up the first new mine in years.

While it is true that nuclear power has had a relative hiatus over the last couple of decades, it is a fact that there are massive expansions in the pipeline in the US, Europe and Asia. Australia stands to lose by not being in the game, both in power generation and in the intellectual capacity to compete in this rapidly advancing technological industry. New nuclear power stations can be constructed and become operational within five years of the first sod being turned, but approvals tend to slow the process down—regardless, I must add, of the electricity-generating method employed. It should be remembered that the first commercial nuclear power station began generating electricity a mere 12 years after the first employment of the atomic bomb. There was no corporate memory of how to achieve nuclear power generation; they had to start from scratch. This was an amazing achievement.

The economic benefit of nuclear power is self-evident. If the method were economi-
cally uncompetitive, why bother banning it? No company would choose to lose money. The final decision on which technology to use should be the generators’ and thus the market’s. As such, legislation should encompass issues relating to safety and emissions but not prescribe which method may or may not be employed to generate electricity. Despite the best attempts of green groups, the question of safety is no longer an issue. New generation IV reactor designs will be built to such a level of safety specifications that the physics of a meltdown are impossible—no China syndrome. Advanced generation III reactors similarly have an extremely high safety factor. Simply put, the safety of these reactors renders safety arguments for not using nuclear power irrelevant. Essentially they are Homer Simpson-proof.

I noted in 4 March’s WA Business News that in terms of decommissioning nuclear power stations John Jacob stated:

You switch off the lights, lock the doors, and then nobody ever, ever goes there—ever again.

This is errant nonsense and totally disingenuous, which would make it precisely the sort of argument which this government would pick up. The fact is there are many nuclear power stations undergoing decommission worldwide. In the United States alone, seven commercial nuclear power stations have been completely decommissioned and returned to greenfield status, meaning that the site can be used for any purpose—including, dare I say, construction of a school or playground.

The issue of waste disposal is a major consideration with nuclear energy. There is a permanent repository underway in Sweden, but at present there are no others. The issue is one of a lack of political will. For the last 50 years the spent fuel has been stored in cooling ponds. Technology is moving on, however, and the fact that no fuel has yet been permanently sequestered may be a blessing in disguise. Some of the generation IV reactor designs use a fast neutron process, meaning that all the uranium is used rather than just the U235; thus the spent fuel rods will become a resource. When the fuel is depleted in these fast neutron reactors the waste form has a much shorter storage period than is required for current waste.

In the WA perspective most reactor designs are too large to swallow at a single gulp unless accompanied by the decommissioning of a coal fired or large gas fired power station. A Westinghouse AP600, generating 600 megawatts of electricity, would be appropriate. Given the time and approval period likely in the WA context, however, something like a pebble bed reactor, with 165-megawatt modules, would be ideal and could be easily incorporated into the grid. These reactors could, by virtue of high operating temperatures—which also mean very high thermodynamic efficiency—directly desalinate water or produce hydrogen as bonus operations. This would give the power station considerable flexibility of operation—something to think about in shaping our future energy market.

However, this government is far more interested in politics than in our future. Consider that energy is, after food, water and shelter, the major issue of concern for all generations and then consider how inept and disinterested this government is in this critical issue. There are a lot of platitudes about our energy future, particularly with regard to various renewable technologies that are in no position at present, and may never be, to provide baseload electricity. The government’s attitude reminds me of a T-shirt my wife gave me early in our relationship. The T-shirt had the heading ‘Wish or Work?’ and smaller print that had to do with needing to work to get anywhere. It is clear that this government does not want to put in the work
behind setting up Australia’s energy future for the next half century. It simply wishes
that renewables would cut it and that geosequestration will be feasible technically and
economically, but is taking no steps.

So why have we banned nuclear power? Economics is a nonissue. As already stated,
industry will not choose the technology if it is uncompetitive. Is it safety? I doubt it.
Even with Chernobyl, nuclear power is demonstrably, by far, the safest method of gen-
erating power. I gave data to this House in a speech in March 2005, so I will not repeat it
here. Furthermore, modern reactor designs are Homer Simpson-proof, with passive
safety measures that mean there is no requirement for operator intervention. Genera-
tion IV designs will be inherently safe. Melt-down will be physically impossible due to
the actual physics of the design.

It must be the waste? The simple fact is that waste is quite manageable and is actu-
ally, as I have already stated, a resource for the future. Fast neutron reactor designs use
all the uranium, not just the U235, and there are two benefits that accrue. First, uranium
will last at least 60 times longer than it does for slow neutron reactors, so whatever story
you have heard about ‘we only have enough fuel for so many years’ you can multiply that
number by at least 60. Then there is the situation that these reactors can use fuel spent in conventional reactors as fuel for the fast neutron reactors. The waste from these
fast neutron reactors is safe to handle, literally, within 300 years, and that is certainly
not a show stopper.

The reality here is that the Labor Party simply see this as a very convenient political
scare campaign for elections. Shame on you for playing with our nation’s energy and
technological future on the basis of political expediency! Just as with anthropogenic
global warming, where there are many of
you who do not agree with the so-called consensus position, there are many on your side
who I know believe that Australia should have nuclear power. Shame on you for play-
ing politics with our children’s and grand-
children’s futures! Don’t you have any desire
to do what is in the national interest and the
interest of our children’s futures rather than
what is politically expedient in terms of the
next election?

I have laid out the potential objections to
nuclear energy, so I, as well as very many
Australians, would like to know what your objections are, rather than simply hearing
rhetoric. Let us have those objections, and let
us have a national debate on the issue, with a
view to repealing the ban on nuclear power
generation—or, like the Prime Minister, is
there a lack of the intestinal fortitude to even
discuss what is in the national interest, as
that would remove a potential scare cam-
paign for the next election?

There are many factors related to nuclear
energy and technology that we need to con-
sider. In the Australian context, we could
lose out on massive opportunities by ignor-
ing a significant method of power genera-
tion, one that is likely to have major growth
as well as technological opportunities. In my
view, we need to become involved in the
Generation IV International Forum. This is
the forum that will shape the future of the
nuclear power generation industry. This fo-
rum is involved in the standards for the vari-
ous generation IV reactor designs that will
proliferate in the near future. For us not to be
involved in this will be similar to Australia
missing the boat on transistors and solid state
electronic circuitry in the 1950s. The as-
essment at that time was that it would be a
niche electronic technology and the main
game was, and would continue to be, thermionic valve technology. When was the
last time you saw a valve in your local elec-
tronics store? We stand to miss the boat here
as well technologically. Not only that but there will be a whole range of technological spin-offs that result from the forum that will either benefit us or cost us in the long term when it comes to both scientific expertise in high-tech industries and the royalties that accrue—or cost—in the intellectual property domain.

Looking a little further into the power generation future, it is clear that nuclear fusion—the power of the sun—will be the generation method of choice. In 1997 a critical result was obtained by the Joint European Torus program, or JET, investigating plasma fusion. At that time, for the first time, a Q factor, or energy out divided by energy in, exceeded one. That means that more energy was obtained from the fusion reaction than was needed to sustain the fusion reaction.

There is a very large multinational science program called ITER, the International Thermonuclear Experimental Reactor, currently underway in France, where the Q factor will be between five and 10 if no more technological breakthroughs are obtained or higher if there are breakthroughs. Australia can become a minor partner in this program for a mere $63 million over 10 years. That is mere chump change when compared with the pink batts program and the fixes that are now required. We will, in decades to come, either benefit from the royalties and technologies which result from this, the world’s largest scientific experiment, or we will have to pay for the technologies, the development of which we could have been a part of. It really is time for Australia to become a significant player in high-tech industries.

We punch above our weight globally in scientific terms, and it is time for us to benefit from this. We will not be able to trade off and massively benefit from our mining sector forever. We need to diversify and spread our portfolio. So what is our future to be? Investing in our future, choosing to boldly face the challenges and embracing the opportunities that our highly educated population should grasp? Or do we go forth timidly, rejecting the bravery of our forebears who built this great nation, all on the altar of a scare campaign built on political expediency in the mere desire to cling to power?

Debate (on motion by Mr Clare) adjourned.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009 [No. 2]

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—
(1) Clause 2, page 2 (table), omit the table, substitute:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement Date/Details</td>
<td></td>
</tr>
<tr>
<td>1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1, items 1 and 1A</td>
<td>1 April 2010</td>
<td>1 April 2010</td>
</tr>
<tr>
<td>3. Schedule 1, items 2 to 3A</td>
<td>1 July 2010</td>
<td>1 July 2010</td>
</tr>
<tr>
<td>4. Schedule 1, Part 1, Division 2</td>
<td>1 April 2010</td>
<td>1 April 2010</td>
</tr>
<tr>
<td>5. Schedule 1, Part 2, Divisions 1 and 2</td>
<td>1 July 2010</td>
<td>1 July 2010</td>
</tr>
<tr>
<td>6. Schedule 1,</td>
<td>1 July 2012</td>
<td>1 July 2012</td>
</tr>
</tbody>
</table>
Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement Date/Details</th>
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<tbody>
<tr>
<td>Part 2, Divisions 3 and 4</td>
<td></td>
</tr>
<tr>
<td>7. Schedule 2, Part 1</td>
<td>1 April 2010</td>
</tr>
<tr>
<td>8. Schedule 2, items 5 to 16</td>
<td>1 April 2010</td>
</tr>
<tr>
<td>9. Schedule 2, item 17</td>
<td>Immediately after the commencement of the provision(s) covered by table item 2.</td>
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<tr>
<td>10. Schedule 2, items 18 to 34</td>
<td>1 April 2010</td>
</tr>
<tr>
<td>11. Schedule 3</td>
<td>Immediately after the commencement of Schedule 1 to the Social Security Amendment (Training Incentives) Act 2009.</td>
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<tr>
<td>12. Schedule 4</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
</tbody>
</table>

Age when person becomes independent

<table>
<thead>
<tr>
<th>Item</th>
<th>Period</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The period starting at 24 years</td>
<td></td>
</tr>
</tbody>
</table>

(2) Schedule 1, item 1, page 4 (lines 8 to 11), omit subsection 1067A(4), substitute:

(4) For the purposes of Part 2.11, this Part and section 1070G, a person is independent at a time in a period specified in an item of the table if at the time the person is at least the age specified in the item:

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

1A Application of amendment affecting independence age

Subsection 1067A(4) of the Social Security Act 1991 as amended by item 1 applies for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 April 2010.

(4) Schedule 1, item 3, page 4 (line 23), omit “or (10C)”, substitute “, (10C) or (10E)”.

(5) Schedule 1, item 3, page 5 (line 1), omit “January”, substitute “July”.

(6) Schedule 1, item 3, page 6 (after line 9), after subsection 1067A(10D), insert:

(10E) This subsection applies to a person if:

(a) the person’s family home is in a location categorised under the Remoteness Structure as Outer Regional Australia, Remote Australia or Very Remote Australia; and

(b) the person is required to live away from home (see section 1067D); and

(c) the person is undertaking full-time study (see section 541B); and

(d) the person’s combined parental income (as defined in point 1067G-F10 of the Youth Allowance Rate Calculator in section 1067G) for the appropriate tax year (see Submodule 3 of Module F of that Calculator) is less than $150,000.

(10F) For the purposes of paragraph (10E)(a), Remoteness Structure means the Remoteness Structure described in:
(a) the document entitled “Statistical Geography Volume 1 Australian Standard Geographical Classification (ASGC) July 2006”, published by the Australian Statistician, that was effective 1 July 2006; or

(b) a document specified in a determination under subsection (10G) to be a replacement document.

(10G) The Secretary may, by written determination, specify a document for the purposes of paragraph (10F)(b). The document must be one published by the Australian Statistician.

(10H) A determination under subsection (10G) is not a legislative instrument.

(7) Schedule 1, page 6 (before line 10), after item 3, insert:

3A Application of amendments about workforce participation

(1) Subsections 1067A(10), (10A), (10B), (10C) and (10D) of the Social Security Act 1991 as amended by items 2 and 3 apply for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 July 2010.

(2) Subsections 1067A(10E) and (10F) of the Social Security Act 1991 as amended by item 3 apply for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 January 2011.

(8) Schedule 1, heading to Division 3, page 6 (lines 14 and 15), omit the heading.

(9) Schedule 1, item 5, page 6 (lines 16 to 23), omit the item, substitute:

5 Application of amendment

The amendment made by this Division applies for the purposes of working out a person’s eligibility for, or amount of, fares allowance for a journey on a day that is on or after 1 April 2010.

(10) Schedule 1, item 11, page 8 (line 7), omit “January”, substitute “July”.

(11) Schedule 1, item 18, page 13 (line 3), omit “January”, substitute “July”.

(12) Schedule 2, item 4, page 20 (line 19), omit “$717”, substitute “$650”.

(13) Schedule 2, item 4, page 20 (line 22), omit “$1,127”, substitute “$1,064”.

(14) Schedule 2, item 14, page 27 (line 25), omit “1 March”, substitute “15 April”.

Mr CLARE (Blaxland—Parliamentary Secretary for Employment) (12.45 pm)—I move:

That the amendments be agreed to.

Question agreed to.

NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010

Second Reading

Debate resumed.

Mr HALE (Solomon) (12.48 pm)—I rise today to make my contribution to the debate currently before the House on the National Radioactive Waste Management Bill 2010. I had the privilege of entering this place in 2007, elected to represent the seat of Solomon in the Darwin and Palmerston areas, as well as to support the people of the Northern Territory. As a proud member of the Australian Labor Party in the Northern Territory and a strong supporter of the union movement in the north I am compelled by my convictions to convey the opposition by the people I represent to the proposed nuclear waste dump in the Northern Territory.

I have been on the public record as opposing a nuclear dump in the Northern Territory since my preselection and that will remain my position. I represent the people of my electorate, regardless of whether they voted for me, the colour of their skin, where they were born, their social standing, their sexuality, their gender, whether they have a disability and the size of their bank account. They
are my people and I am their voice in this place.

I am compelled by the many representations I have received about this issue through letters, at meetings, at markets or whilst doorknocking in my electorate, all wanting me to convey to this House their concerns and the far-reaching implications for future generations. Very few pieces of legislation introduced during my time in this place will have such a long-term impact on people, on industry and on the reputation of an area and our country as this particular bill before us today. In poker terms, let me say that the Minister for Resources and Energy was dealt a very average hand from the get-go!

The important search for a repository site was left in a mess by the former government, which did nothing for a decade on this issue, and then the Howard legislation of 2005 overrode the laws of the Northern Territory permitting the process of identifying a site. You have only to look at the history of this debate to see that successive governments have failed to address what is essentially a very important issue for the country, and we now find ourselves in a situation where our time line has tightened significantly. In order to meet our international obligations we need to build a facility as soon as we possibly can before we begin to receive our waste from abroad in 2015.

I am a firm believer that in politics it is the people who will be the most affected by a policy decision made by government who need to be consulted the most. I am not a supporter of the notion that others know best simply because they are in a position of having the most influence over policy and the process of policy development.

The Labor member for Barkly, Gerry McCarthy, made a representation to me outlining his concerns regarding the National Radioactive Waste Management Bill 2010. Gerry has lived in the Barkly area for the past 30 years. Gerry and his wife, Dawn, have worked, lived and raised their children in this remote part of Australia. As a schoolteacher and now a minister in the Henderson Northern Territory government, Gerry has a vast knowledge of Indigenous culture, the region’s Indigenous clans, the dynamic relationship between the people and their land, as well as the challenges that face Indigenous Australia in remote and regional areas.

Gerry’s representations to me are balanced and well informed and without the emotion which for so long has stifled this debate in Australia. Emotional arguments have been put forward from both sides of the debate. Gerry brought to my attention a number of issues he has with the legislation in its current form and I wish to convey them to the House on his behalf and on the behalf of the people he represents. Gerry highlighted a number of issues he had with the minister’s second reading speech, delivered on Wednesday, 24 February 2010. Gerry wrote to me regarding the purpose of the bill and said:

To repeal the Commonwealth Radioactive Waste Management Act 2005 was an honourable move in support of the NT however to merely ‘cut and paste’ off the Howard Government legislation that continues to override Northern Territory legislation enacted to oppose the establishment of a nuclear waste facility in prime pastoral country was disappointing and a dismissal of our normal rights of administrative appeal.

On 4 March 2010, 100 people turned out in Tennant Creek to hear and voice concerns about the proposed nuclear radioactive waste dump at Muckaty Station. The question is: what would be the impact on pastoralists in the Barkly area who have successfully marketed their beef as clean and green? Henry Burke, the deputy chairman of the Tennant Creek branch of the NT Cattlemen’s Association, said:
As an industry view, we need to be fully engaged in the process and we need to be kept up to speed with how and when this is taking place.

Mr Burke personally feels that the people who are directly involved in making the decision should be informed of all the details and implications of what is being proposed. He went on to say:

We need to make sure what the safety process is around this. Why is it that it’s got to be stuck out in the middle of the Northern Territory at Muckaty Station? What’s dangerous about it?

He added:

There seems to be a whole lot of reasons and issues for the Government people to be sticking it out in the middle of nowhere without a lot of consultation.

The cattle industry is an enormous contributor to the nation’s GDP and plays an even bigger role in the growth of the economy in the Northern Territory. There is a very high rate of Indigenous engagement in the industry and, as I have already stated, it has a reputation second to none on the competitive global market. We are making a grave mistake if we put this industry at any risk because we do not listen to their concerns.

In addressing the issue of Australia’s international obligations to properly manage its own radioactive waste, let me echo once again the representations made to me from the member for Barkly. He wrote:

I agree and that directly relates to this issue as a matter of national significance and national security therefore making it negligent to base a decision to site Australia’s first and most critical nuclear waste management facility on a remote cattle station as determined by a group of Indigenous land owners now in conflict with their larger moiety and tribal groups opposed to a decision viewed as of self interest and at odds with traditional kinship and law relating to shared dreaming tracks across vast areas of Aboriginal land.

This is such an important issue for all Australians that the decision must be made on the correct science for what is best for the nation. It is wrong for any government to look for a quick fix to this problem in a part of the country which is rich in biodiversity, cultural significance, history and heritage, and which is reliant on the cattle industry for its economic survival and future growth.

A final and most compelling point that the member for Barkly made was in response to Minister Ferguson’s second reading speech, when the minister said:

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

To this comment the member for Barkly wrote the following:

In essence if the decision is based on the testimony of an extended family group living away from Muckaty Station then the dislocation of the Warumungu and Warlmanpa tribal communities of the Barkly that I represent is at stake.

Any determination to proceed without direct, open and accountable consultation with the wider contemporary Indigenous community representing the neighbouring clans, moiety and tribal groups of the central Barkly will effectively lead to generational division and conflict among the very people the Minister has set out to support!

He goes on to add:

Division and conflict among remote Indigenous people in an “alcohol fuelled environment” leads to bloodshed in the streets of our towns and communities and if you wish to dismiss my language as alarmist then I urge you to visit our region, town and accident & emergency department of our hospital to personally witness the legacy of “grog fuelled” violence that results from conflict and disputes within the indigenous community.

I commend the member for Barkly for his tireless effort in making representations on behalf of his community.

In September 1991 the then Minister for Primary Industries and Energy, Simon Crean,
officially sought the participation of all governments in a coordinated search for a site for a single national radioactive waste facility; all except WA agreed to participate. Over the next 20 years there were various studies, reports, public consultations, scientific analyses, information kits, sites nominated, sites dismissed, drillings done and construction licences applied for. The entire process has suffered from paralysis through analysis and has failed to move forward during this time. As the timeline tightened along came the Commonwealth Radioactive Waste Management Act 2005. It was legislation removing procedural fairness and imposing a waste dump on the Northern Territory. The people of the Northern Territory realised at that point something the rest of Australia has known for a long time—they do not have the same rights as other Australians. The Howard government was able to impose a nuclear waste dump on the Northern Territory, not based on the science but based on the constitutional clout the Commonwealth has over the Northern Territory. The NT does not have the right to say no.

It should be noted that the then member for Solomon, David Tollner, voted to support the bill as well as amendments on five occasions from 1 November to 8 December 2005. Senator Nigel Scullion also voted to pass the bill in the Senate on 8 December 2005. All the time they were saying that they were here to protect the rights of the Northern Territory—after all, that is why they were elected. It was an example of saying one thing in the NT, walking along one side of the street and then crossing the street, and then voting another way in Canberra.

I have never pretended to get everything right in the way I represent the people in my electorate. However, when it comes to my position on government policies, there is consistency in my position both when I am in Canberra and when I am in my electorate of Solomon. My position does not alter during the flight north. While flying home on Friday I had a chance to read the synthesis report on a proposed Commonwealth radioactive waste management facility in the Northern Territory by Parsons Brinckerhoff. With all due respect to this report, it is a preliminary report that recommends further consideration, data collection, community consultation and scientific evidence be collected on the Muckaty Station site.

However, the radioactive waste repository for Australia site selection study released in November 1997 clearly outlined a number of sites scientifically suitable for such a repository. Of the 13 criteria listed for a suitable site, it was only the Olary site in New South Wales and South Australia and the Billa Kalina site in South Australia that met all the criteria listed as scientifically suitable sites. The more I have read about this proposed area, the more I am convinced we have got it wrong. None of the sites in the Northern Territory stacked up in this particular report.

As a nation, we need to have a holistic approach to the disposal of nuclear waste. I am aware of the need for this to occur quickly as the time line has tightened for us. Currently this waste is being stored in hospital car parks, in drums, in filing cabinets and in storerooms at more than 100 sites around the country. It is a bizarre situation we find ourselves in. We have all benefited at various times or know somebody who has benefited because of nuclear medicine, and thus we have all contributed to this waste in some way. Is it not only fair that all Australians take responsibility in how to deal with its safe disposal?

On 25 February this year, the Senate referred the National Radioactive Waste Management Bill 2010 for inquiry and report to the Senate Legal and Constitutional Affairs Committee. The committee has noted that
other Senate committees have previously conducted inquiries into radioactive waste management legislation, most recently in 2008. In light of the previous opportunities for consideration of environmental and other issues relating to radioactive waste management in Australia, the focus of the current inquiry will be on legal and constitutional matters, including issues relating to procedural fairness and the bill’s impact on, and interaction with, state and territory legislation. I note submissions to the Inquiry have closed and it should be recognised that 128 submissions have been received. The reporting date for the Committee is 30 April 2010. Two public hearings are proposed: the first is on Tuesday, 30 March in Canberra, and the second is on Monday, 12 April in Darwin. Whilst I appreciate the efforts of the Committee, I am at a loss as to why the Committee is not holding a public hearing in Tennant Creek. I know it would be appreciated by the people in the region.

I am not without a solution to this situation and I understand fully that any facility should be based on the correct science and not because of constitutional weak links. I urge the minister to revisit the entire process again, to engage with state governments, to have a shared responsibility to a whole-of-nation response for the need to have a safe, scientifically based and fully consultative, transparent process to find the best possible site for such a facility. We, as legislators, have a responsibility to future generations to make the most informed decisions on this issue and they are decisions we cannot afford to get wrong. While I acknowledge the difficulty associated with this issue, I remain opposed to a nuclear waste dump in the Northern Territory and will continue to fight for the rights of the people I was elected to represent.

Mr TUCKEY (O’Connor) (1.03 pm)—I suggest the member for Solomon stay in the chamber because I do have a couple of remarks to make regarding his speech. Prior to commencing my comments on the National Radioactive Waste Management Bill 2010, I wish to say that I have just left a luncheon in the Great Hall promoting research for type 1 diabetes in young children. Seated at my table were two young people from my electorate of O’Connor, Lauren Hope-Blythe and Rebecca Slater. They were sitting next to me when I had my finger-prick test and I am pleased to say that my sugar level was 5.3. These wonderfully brave young people are here to ask the government for additional funding for the promotion of diabetes research. I want it put on the record that I hope this parliament will unanimously decide to provide more grants for this issue. It is one of the outstanding opportunities to improve young people’s lives. The two youngsters sitting next to me got their meal a little earlier than the rest of us. Their meal was fish and chips. They were gloating over those chips because they are not allowed to eat them very often. One youngster had to turn up their insulin pump to be able to accommodate this treat. Anyway, the lunch was too good an opportunity to miss.

I will now speak on this bill. I was a bit disappointed that the member for Solomon chose to mention David Tollner and Senator Nigel Scullion. There is only one way he can justify those remarks and that is to call a division on this issue and have his vote recorded as being against it. Otherwise he is equal to them. I am sure that when the previous government proposed these matters they too had concerns. When you join this parliament, you do so with an obligation for the national interest.

As for the member for Solomon’s remark, ‘Why is it in my backyard?’ I can concur with that. It is so difficult to really substantiate the outcomes that are predicted around this issue and the associated issues relating to
nuclear waste and I think that is why this campaign has created all the sadness and anger that it has. I wish to speak about some of those matters, but in referring to the dump—and let me return to my comments with the children—nuclear isotopes are, as you well know, Madam Deputy Speaker, created in a reactor in your electorate. They are transferred to hospitals all around Australia and injected into people’s veins. And people survive that injection. However, the syringe that is used and the rubber gloves that the doctor quite properly puts on before he commences the treatment are low-level radioactive waste. They are presently being stored in 44-gallon drums or cardboard boxes—you name it—in the cellars or other storerooms within the hospitals. It is silly, and it is probably not necessary to treat them as such; but that will take up a major amount of space in the proposed nuclear waste facility. It will not be glowing in the dark. In fact, with the exception of some of the waste that might be transferred from the Lucas Heights facility, there will be very little high-level waste that Australia has to accommodate at this time.

In my early period in this parliament, during the Fraser government, these issues became of note. I think Sir John Carrick was the relevant minister at the time. In my ignorance I asked him in conversation, ‘At the lower end of the radioactive scale, how thick a piece of concrete or lead would we need to protect other persons from this radiation?’ He said, ‘Wilson, how about a bit of cardboard?’ That was the level of the threat—you would be protected by a sheet of cardboard, according to his expert knowledge. So for goodness sake, let us take this legislation for what it is. We are talking about a relatively low-level facility, it is being located in a place where—with due respect to the remarks of the member for Solomon—no cattle will walk. There will be a buffer zone of probably millions of hectares, and I presume the fence might even be high enough to stop the kangaroos jumping in. It will not contaminate animals, and there is no more chance of it affecting our export market in that field than, for example, the contamination that a farm worker would pick up in a hospital where they go for health services before they then go back to their property in the Northern Territory. It is equally logical to argue that they might take that radiation back with them and then they might ride a horse and then that might somehow transfer to a cow.

I make this comment very seriously: it is time for this parliament to take a much more objective view about the whole nuclear issue. Let me say at this stage, as I have said publicly, I am not frightened of nuclear generators. However, it is my view, on a scale of one to 10, that there are less expensive options, per kilowatt hour, available to Australia and, if properly applied, there are renewables available within Australia: our sunlight. That is not utilising the roofs of the buildings in Melbourne but in our desert areas. As I said to some CSIRO people the other day, the sun actually takes close to 20 hours to traverse Australia. If we had strategically placed across the Nullarbor Plain a series of large—and I mean gigawatt size—solar generation units, we could be harvesting the sun throughout its journey. What do we need for that? What do we need to connect the low-emission resources of the Pilbara and the Kimberley in natural gas? What do we need to connect the huge tidal resources of the Kimberley? We need a transmission system, which has already been invented. It does not take $500 million, as proposed, to try to find a carbon capture and sequestration response for coal. For $5 billion an adequate transmission system can interconnect all of Australia and our deserts—which are a major source of energy— and our Kimberley tidal region to give us the electricity we need. That is the
reason I do not think a nuclear power station is necessary in Australia. But I am not frightened of it and, if it were the best option to meet the various challenges that we face today, whatever they really are, then I would welcome it anywhere.

It got to the height of the ridiculous when, in the last election, the state Labor member in the town of Albany put out a press release to the effect that ‘Wilson Tuckey wants a nuclear power station in Albany’. Why wouldn’t I have a nuclear power station in Albany? It is a lousy place, from a technical perspective, to put it. Where are we going to send 70 per cent of the electricity—down to the penguins in Antarctica? Of course you would not put it there, and he is a fool for making such a silly comment. Western Australia uses only three gigawatts. When people make those silly remarks it does nothing for the debate we have got to have.

Let us think of that debate. Let us think of the legitimate concern about nuclear materials getting into the hands of terrorists or terrorist states. I do not have to mention the international concern over the behaviour of the Iranians. If you want to worry about how they might treat the rest of the world, just have a look at how they are presently treating their own people. It is a severe risk. People are comfortable—many not very comfortable—with, by international standards, the huge uranium resources of Australia being exported as yellowcake. It is the cheapest stage of the whole system and after we export it, wherever it goes, we virtually say ‘Goodbye’ and promises after promises are made, including in my state of Western Australia, that we will not take anything back. What does that tell us? Somewhere in the world, that uranium, as it is converted to fuel rods, might get into the hands of a rogue state or a terrorist individual. Is that a good idea? Should it not be more closely monitored?

I ask the question rather than make the statement, but I have thought very seriously about it: if we have this wonderful resource and if the French, for instance—I do not know whether they have any major resources of their own, but something like 60 or 70 per cent of their power generation is nuclear—want uranium, why do we not turn it into fuel rods in Australia and lease it to them? Yes, the spent fuel rods would be returned in due course and, under those lease conditions, we could have requirements that within their facilities we would have reputable Australians monitoring what they were doing so that, as we say with beef and other things, there is total traceability. Why would we not do that in the interests of ensuring, or certainly improving the prospects, that none of that nuclear product ever gets into the wrong hands? And why do we not in that process open up a huge industry for Australia? What would we be taking back? We would be taking back the very product we first exported—in a concentrated form, admittedly.

I am not saying that the locality which is presently being proposed is the right repository for those rods and I am not saying that this should be a policy of the Liberal Party. What I am challenging this parliament with is whether it would be better to know where our uranium is throughout its lifespan rather than export it as yellowcake, with a relatively low financial return to Australia, than not know where it is and maybe have a little arrive-back at the head of a rocket? That is just a challenge. Why should we not talk about it and why should silly people put up the argument, ‘Not in my backyard’? There are parts of Australia that are recognised as having the best geological capacity to store such waste—I have not raised the question of anybody else’s waste—and, according to my understanding, Australia is the only such continent which also has the political stabil-
ity necessary to protect the world, were there to be a repository of some significance in it.

These are international issues. What is Australia’s responsibility in all of this? Were the government of the day to bring to this parliament an idea of total processing—never selling, only leasing and maintaining control of our nuclear products throughout their life span—I would think that would be in the world’s interests and certainly in Australia’s interests.

Let me just frighten the place no end by reminding everyone that, when I went to live in the town of Carnarvon, we had a magnificent river. It has demonstrated time and time again its capacity to carry enough water to fill Sydney Harbour in four hours. Throughout its course, the country is as flat as the desk that is in front of me. There are practically no mountains or valleys where we could build a dam. Furthermore, we discovered that, with 10 inches of rain falling in the catchment, the floods came to the doorstep of my hotel and were 10 miles wide. A year later, we had 20 inches of rain and we panicked. We said, ‘If 10 inches comes to this point in the town, then 20 has to be up there.’ So we evacuated the town. What happened? I stayed. All my assets and my life were situated there and, if they were going to be washed away, the flood might as well have taken me with them. I got up throughout the night, as the floods crept in towards my hotel, to check where the water was against the beer bottles I had put on the road to show how much the flood had advanced. In the early hours of the morning, I went out and it had gone backwards. Why? Because in this flat country it had found another route. It was 30 miles wide at the sea but never any higher than last time.

Having given you that evidence, how would you store the water? There is an amazing mini-industry up there—the most efficient in Australia in the returns it provides per litre of water used. There is this huge quantity of water arguably going to waste. I have read papers about how that could be corrected by the American Plowshare program—a program which, in my living memory, was quite well accepted. In this arrangement you went off the riverbed, and there was a technology to reduce the amount of debris. You drilled a hole 1,500 feet deep and eight inches in diameter—so less than a third of a metre in diameter—and you were then able to lower a nuclear device down that 1,500-foot deep hole, pack it up and let it off and you were left with a 600-foot deep reservoir, the bottom of which was 1,800 foot above where the actual explosion occurred.

I thought that was a pretty good idea. I gave an interview to the ABC, and a state member of parliament said, ‘For goodness sake; we might end up with radioactive cabbages.’ But the funny thing was that Charles Court, who was then the minister for the north west, turned up in town with an eight millimetre movie of the Russians doing just that in one of their remote rivers. Of course, they did not hold a popularity poll or have any consultation, but they did that and they were standing within filming distance using an old-style eight-millimetre camera.

We have got a water problem—but nobody likes dams. I wonder how they would like a few holes in the ground. I want to say to this parliament that, when we have got the guts, we will talk about all these things and we will belittle those who put forward foolish arguments. Yes, the scientists might say, ‘That would give you radioactive water’—but the Russians had people swimming in it days after the job. But the point I make is that we cast all this aside when there may be great benefits for society. (Time expired)
Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (1.23 pm)—I rise today in support of the National Radioactive Waste Management Bill 2010. In so doing, I note the contribution of the member for Solomon, whose position is forthright and consistent both within Labor Party forums and in this place. This important bill will repeal the Commonwealth Radioactive Waste Management Act 2005. It will pave the way for Australia to fulfil our international obligation to manage our own radioactive waste. The bill will allow the government to nominate a single site as a radioactive waste repository. It will put in place a structured and well thought out process to treat and store affected material. It is an approach which is necessary and responsible.

In 2007, the government committed to repeal the former government’s Waste Management Act. It is time to deliver on that commitment. This bill will develop a long-term answer to the safe storage and management of radioactive material. It will also amend the Administrative Decisions (Judicial Review) Act 1977 by making site nomination fairer and open to review. Under the current act, introduced by the former government, there was blatant and deliberate disregard for communities living and working around a nominated site. Under this bill, greater community consultation and rights of review are introduced.

At this time, Muckaty Station in the Northern Territory is the only site volunteered as a potential radioactive waste repository. Since Simon Crean began the search for a national radioactive waste repository almost 20 years ago, there have been almost 20 years of reports, studies, tests and, finally, we have Muckaty Station. So it is now ‘make up your mind’ time. The site, 120 kilometres north of Tennant Creek, belongs to the Ngapa people, who were dispossessed of their land, now known as Muckaty Station, at the turn of the 20th century. In 1991, the Ngapa people took control of the pastoral lease for Muckaty Cattle Station. The title deed was returned to the traditional owners in 1999. At that time, there were more than 400 traditional owners of the station and more than 1,000 people with traditional attachments to the land.

The Northern Land Council’s nomination in 2007 of land at Muckaty Station on behalf of the Ngapa people was properly conducted. The Northern Land Council has reported that support from the Ngapa groups was overwhelming. There was also substantial support from members of neighbouring Aboriginal groups. In the words of senior Ngapa elder Amy Lauder, as reported in the Tennant and District Times on 19 September 2008:

… only a few noisy individuals in other groups have opposed our decision about our country.

The Northern Land Council provided a detailed explanation of its consultations and the anthropological basis of the nomination in a Senate committee submission in 2008. The government will act in good faith on Muckaty Station. The bill will give the Ngapa community the right to be heard, consulted and engaged throughout the site assessment of Muckaty Station. This is quite simply the right thing to do.

A structured, science based approach to radioactive waste management is not only necessary but also absolutely essential to the sustainability and productivity of the nuclear sector and our economy. It is crucial that we meet our international obligation to manage our own radioactive waste. A working waste repository will deliver significant economic benefit through job creation, through infrastructure and through an investment in education and housing. This bill takes us in the right direction.
Australia produces both low- and intermediate level radioactive waste. Low-level waste includes contaminated paper, plastic, protective clothing and gloves, glassware, tainted soil, smoke detectors and all manner of minor items, such as luminescent emergency exit signs. Intermediate level waste includes operational wastes from the research reactor and also arises from nuclear medicines, including disused radiotherapy materials. Nuclear medical treatments and diagnostic tools create waste materials.

The bill will put an end to the ineffective way we have managed radioactive waste until now. Currently, waste is stored in more than 100 sites across regional and metropolitan Australia, as well as in every urban hospital, university and Commonwealth research institution. As the member for Solomon has said, it is also stored in shipping containers, filing cabinets and car parks. While safe, this situation is unsustainable and does not comply with world’s best practice or our international obligations. This is an efficient and counterproductive way to do things.

This bill will bring us into line with modern economies such as Britain and France; both of which have purpose-built repositories. These countries produce 25,000 cubic metres of joint waste per annum. In comparison, 4,500 cubic metres of waste has been produced in Australia since I was born. We produce less than 50 cubic metres of waste every year. To put this into context, an Olympic swimming pool holds 2,500 cubic metres of water. The total amount of radioactive waste in our nation is less than two Olympic swimming pools.

Our economy, medicine and lifestyle all rely on radioactive material in some way. We benefit from it in medical diagnosis and treatments, industry, agriculture, veterinary science and veterinary services, communications and our homes. Let us be clear: the benefit of radioactive material is significant. It is a driver of wealth creation in our nation and it saves lives. The benefit of nuclear technology, however, is not restricted to large-scale industry and the health system.

Every person in this chamber should have a life-saving smoke detector fitted in their home. They should encourage their constituents to fit them, too, and they should remember that 1 April is smoke detector test day. Smoke detectors often use low-level radiation. I note also that many people in the chamber wear a watch. Some watches and clocks also emit low-level radiation, and all of us have mobile phones. Other household items that use radioactive materials include ceramics, glass, fertiliser and even food. So, as we can see, the products of nuclear industrial processes are all around us.

The OPAL research reactor at Lucas Heights is a significant creator of wealth in the Australian economy. The main purpose of the Lucas Heights reactor is to provide neutrons for scientific research and industry through neutron scattering and irradiation. This has been described as an essential tool in many modern industrial processes, including the production of everyday items such as ipods, mobile phones, MP3 players, laptops and hybrid cars. They are all manufactured using nuclear technology in some small way. The fact is that we rely on radioactive materials.

In health, approximately 500,000 patients benefit annually from diagnosis and treatments which use radioactive material. Most of these benefits come from improved diagnosis. Our hospital departments of nuclear medicine can now examine any organ with accurate low-dose scans to avoid invasive investigative procedures. The scans are painless and easy, and they improve the capacity to make the right decision about diagnosis, treatment, survival and quality of life.
This is the technology which extended the life of my father last year, shrinking his oesophageal cancer and restoring his capacity to swallow, adding quality to his life. These are real people and they are real lives and nuclear medicine provides very real health benefits.

The industry also contributes revenue of approximately $62 million annually to our economy. In accepting the benefit, we must face the challenge of responsibly and sustainably storing our waste. Australia is party to the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management. This means we have a binding international obligation to safely process and store the waste we produce. This bill will ensure that we are able to meet our obligations.

Schedule 1 of the bill provides review rights while schedule 2 honours the Commonwealth’s existing commitments to the Ngapa traditional owners made by the former government in 2007. It will allow for Muckaty Station to remain an approved site. Part 2 of the bill will repeal the restriction of sites to the Northern Territory and ensure other sites throughout Australia can be nominated. Three sites on defence land in the Northern Territory have been removed, in line with the 2007 Australian Labor Party pre-election commitments. Part 3 of the bill will ensure that comprehensive environmental, meteorological, hydrological and heritage valuations must be considered prior to the final selection of a site. These assessments will be permitted to proceed unhindered by state and territory laws.

Part 4 of the bill will ensure land surrounding a nominated site can be assessed and reserved for supporting infrastructure. This will provide the government with the means to acquire and develop land identified for access roads. It will ensure selected sites are able to be developed as a repository. Part 4, in line with earlier parts of the bill, will also allow a regional consultative committee to be established to ensure ongoing community consultation and engagement.

Part 5 will permit environmental assessments on a selected site without obstruction from state or territory laws. It is essential that environmental evaluations are performed. It should be noted, however, that many of our very high environmental standards in mining started life as part of the regulatory framework created for and by the uranium mining industry in the Northern Territory—for example, the valuable processes of environmental impact statements. It may well be that Australia gets better waste management protocols as a consequence of the initiatives in this bill too. Part 6 of the bill will ensure acquired rights and interests can be granted back to the original owners in the case of land already volunteered by a land council. Part 7 will ensure affected parties are compensated if required.

This bill is absolutely necessary for Australia to meet its international obligation to manage its own radioactive waste. It will allow the government to nominate a single site for a radioactive waste repository. It will put in place a structured, scientific and well-thought-out procedure to treat and store affected material. The bill will provide the government with appropriate powers to develop a research based approach to storing low and intermediate level waste. It will provide greater emphasis on community consultation, environmental assessment and international responsibility. The bill will also provide a foundation on which the Commonwealth can work with the Muckyt Aboriginal Land Trust and the Northern Land Council following the environmental assessment. It will put an end to our overreliance on Britain and France to store the waste
which delivers economic and health benefits to Australians.

In conclusion, every Australian is responsible for creating a small amount of nuclear waste every day and, therefore, every Australian is responsible for finding a sustainable solution to waste storage. I am pleased our country will for the first time take responsibility for the processing and storage of waste material generated here in Australia. We can no longer accept the benefits of radioactive waste without the responsibility. This bill will deliver economic and social investment to the Northern Territory. It is well-thought-out and is quite simply the right thing to do. I commend this bill to the House.

Mr RAMSEY (Grey) (1.37 pm)—I rise to speak on the National Radioactive Waste Management Bill 2010. The history of the national low- and medium-level waste repository in Australia is the history of a political stampede to the moral low ground—led, it must be said, by various components of the Australian Labor Party. The long-term storage of medium- and low-level nuclear waste in Australia has been a story of sheer hypocrisy. The part of the Labor Party which has been the most hypocritical of the lot has been the Rann Labor government in South Australia, but I will speak more of that later. This bill is about political reality, about decisions which must be made and about the responsibility of government. Now in power, the federal Labor Party must face up to the responsibility for the waste spread all over the country and face up to the fact that the luxury of opposition for opposition’s sake is gone. The bill repeals the Commonwealth Radioactive Waste Management Act 2005 and replaces it with a new act which largely does the same thing but gives the Commonwealth the extra teeth to override the state powers and effectively make the decision that the repository go in the most suitable location in the country.

It is worth while taking a look at exactly what this waste is. Low-level waste is contaminated laboratory waste such as plastics, glassware, paper, protective clothes, contaminated soil, smoke detectors and emergency exit signs. It is hardly the stuff of nuclear bombs, just the absolutely necessary used product of a modern technological society. Intermediate waste is the by-product of nuclear medicine, of the reprocessed nuclear fuel rods used in Australia to produce the medical isotopes and of disused medical and industrial equipment such as radiotherapy and soil moisture meters.

In the last 50 years, Australia has accumulated about 4,000 cubic metres of this waste in total, and much of it is currently stored in small stores in suburban and regional Australia. The rest of it is in temporary storage at Woomera in my electorate. The fact that the bulk of it is stored in temporary makeshift storage in suburban Australia says much about its nature. As the member for the seat in Australia formerly most preferred as the site for this facility, I have been asked on a number of occasions whether I support the establishment of a facility in my electorate. My answer has been consistent: the facility should go in the most suitable place in Australia, regardless of where that is, whether it be in Sydney, Perth, Adelaide, North Queensland, Woomera or Muckaty Station. Local politics should not come into it. It should go at the best site.

Of course, after the rejection of Woomera, following the Federal Court appeal by the South Australian government in July 2004 and the clear message that South Australia would never accept a national repository from Mike Rann, the federal government abandoned the attempt and said it would instead build a repository for just Common-
wealth waste and the states would have to look after their own because they had all individually refused to cooperate. Clearly this is nothing like a desirable outcome. If this waste has any harmful effects at all, then having one repository must be safer than having six or seven. Anyway, common sense was not to be one of the criteria for reaching a decision in this case. As a result, the South Australian Premier committed to developing a state repository.

What has the Premier done since that time? It will probably not come as a great surprise to the people of South Australia that the answer is: absolutely nothing. So this terrible waste that we would not store on behalf of the nation is not so terrible at all, because apparently it is quite safe, in the eyes of Mike Rann, to continue to store our share of it in hospital basements around the state. And nothing has changed. Most would be aware we are having a state election on Saturday in South Australia. Over the last few weeks, Mike Rann’s team has waged a public campaign against Isobel Redmond for an old statement, a historical statement, on the proposed repository in Woomera in which she said ‘the solution was probably the right one’. They continue to rush to the political low ground, to a scare campaign, at the same time as they deny the reality of the waste in hospital basements. It is a disgrace. Every country in the world has to store waste like this somewhere. Australia is probably the most suitable continent in the world for this type of project. It cannot be beyond our capability to get the job done.

All of this is an indictment of the level of political debate in this country—we see people as high in the system as a state leader and the federal leader of the Labor Party waging campaigns which they know to be dishonest and leaving issues to be addressed in the future by someone else. So here we are now in 2010, and the federal government is compelled by the circumstances to take its medicine and get on with the job, because in the end the decision can no longer be deferred. But it is worth remembering what the federal Labor Party’s attitude was in 2005. They opposed the moves to give the Commonwealth the power to establish the repository at the best site. They, too, were in the race to the political low ground, voting against the bills, totally committed to short-term opportunity. They know better. We know they know better, because now, we find that they are after all in favour of a national repository. They have been mugged by political reality. This bill is not about the establishment of nuclear electrical generation in Australia. But it does offer some powerful points on where that debate is likely to go while we have at least one side of politics which is prepared to lead this rush to the political low ground with public scare campaigns.

I recently attended a presentation by respected agriculture writer Julian Cribb where he informed the audience that the world will have a population of 11½ billion people by 2060. The demands for energy and resources will be enormous. There has been a billion tonnes of empty rhetoric in the world in the past few years about the need for the whole world to radically reduce our carbon emissions and to try and forestall climate change. In fact Prime Minister Rudd even said it was the ‘most important moral issue facing the world’. So we would assume that, as we grapple with this most important moral issue facing a generation, we would at least be considering all possible non-carbon-emitting technologies available.

In Australia we know we have the one technology that we may not even consider. Of course, that is the nuclear option. I agree with my leader, Tony Abbott, when he says there is no likelihood of a nuclear industry in Australia until we have a measure of bipartisanship. In fact, recent history dictates that if
someone from my side of politics were to suggest we should have a national discussion about the possibility of a nuclear industry the shrill cries from the other side of the House would be, ‘Where you going to put it?’ If you speak to individuals on the other side they will tell you we should at least be talking about the possibility of a nuclear industry, but it cannot happen when the lowest form of scaremongering like this takes place. Of the G20 countries just one falls into the category of not having, is not building or is not planning to have nuclear generation capacity. That one country is Australia, the country with the biggest reserves in the world—around 40 per cent of total proven, easily-recoverable uranium. Why on earth would we not be considering the possibility of our own industry?

If climate change is indeed the biggest moral question facing our generation, as the Prime Minister used to say—I do hear too much of that any more—and carbon emissions are the cause then surely the biggest and most popular source of zero-emission generation in the world should be on the agenda? In fact, the biggest possible contribution Australia is ever likely to make to avoid worldwide CO2 emission reductions is to supply the nuclear reactors around the world with our uranium. If this industry is good enough, clean enough and safe enough for the rest of the world and we are prepared to export uranium, why on earth is not good enough for us? Would it be okay for us to poison overseas people, for them to disintegrate in a nuclear holocaust when it is not okay for us? It is an illogical argument. If it is safe enough for them, we should at least be considering it. The only ground we should be considering is the economic viability of nuclear reactors. If they do not stack up in Australia, we will not build them. That makes sense, but we should at least be considering them.

The Labor Party’s history on this subject is pathetic. In South Australia, Premier Mike Rann led the charge against the establishment of Roxby Downs in the early 1980s. Roxby Downs is predominantly a copper project, but it does have significant uranium supplies. Mr Rann even wrote a book called A mirage in the desert—I do not think it is in print anymore, I would be surprised if it was and I do not know if it has sold any more copies than the book by the Minister for Finance and Deregulation. The mine, the primary product of which is copper, was totally opposed by the Labor Party. The mine would never have been established if it were not for the personal courage of Norm Foster, who crossed the floor and voted against his party because he knew that the project was essential. The industry was safe, it was desirable and the arguments against its establishment were nought but political opportunism. Norm Foster was rewarded for his courage and his strength of character with expulsion from the Labor Party that he had served all his life. Now we in South Australia have to watch Premier Mike Rann swanning around the state, giving the impression that if he did not discover the resource at Roxby Downs he did at least dig the mine himself single-handedly. You have never heard such hypocrisy. Where are the statesmen on this issue?

Mr Gray—On a point of order, Madam Deputy Speaker: we have been patient but the title of the bill is the National Radioactive Waste Management Bill and I would draw your attention to the fact the speaker is way off the subject.

The DEPUTY SPEAKER (Ms AE Burke)—I ask the member for Grey to return to the bill. He has had some latitude from the chair.

Mr RAMSEY—I would be pleased to, Madam Deputy Speaker. The reason I brought the subject into the House is the po-
political debate in the past on the establishment of the low-level repository in South Australia is a clear indicator of why this subject is so dangerous for political parties in Australia to broach unless we have some sign of political bipartisanship or at least a discussion on the subject. To return to the bill, I was pleased with the comments by the member for Brand in his summing up. He does recognise that most of this waste is hospital waste, industrial waste or smoke alarms and is not highly dangerous. The scare campaign run in the past had people from my electorate ringing up and saying, ‘We just heard there’s been a shipment go to temporary storage in Port Augusta. What if it falls off the bridge?’ If it fell off the bridge it would have less of an effect on the upper Spencer Gulf than if a load of industrial chemicals fell off the bridge or even if a load of cement fell off the bridge. It is not that dangerous and yet we have had a continued rush to the political low ground where people seek cheap, short-term political advantage on a subject that should never have raised any contention at all. This establishment should have been completed probably 10 years ago and certainly five years ago. The waste should not be in temporary storage in Woomera and it should not be in hospital basements all over Australia as the member for Brand, the Parliamentary Secretary for Western and Northern Australia, pointed out. I am pleased that at last this is being addressed in an appropriate manner. It is a shame that it has taken so long to get to this point.

Mr HAASE (Kalgoorlie) (1.51 pm)—With the few moments left in this debate before a very important question time, I take this opportunity gladly. The National Radioactive Waste Management Bill 2010 is going to resolve finally the vexed issue of who is going to be playing host to the storage of our industrial waste of a radioactive nature. But I remind you it is just that: industrial waste. In the main, if one checks the detail, it includes 4,020 cubic metres of low-level and short-lived intermediate-level waste.

The majority of this is a product of ANSTO at Lucas Heights. Presently, that material is stored in lined—yes, plastic lined—44-gallon drums stacked very high in tin sheds in the middle of a population of 150,000 or thereabouts. It is a clear indication that the hype and the terror that is being created in our society at large with the mere mention of ‘radioactive waste’ is simply an unnecessary alarmist condition that has been underlined by a number of political operators in this field for many decades. It is time that the situation was brought into the light of day and that the debate was put to rest once and for all.

This proposition to site this single management facility in the Northern Territory is the continuity of a proposition that was put together by the Howard government. There was never any expectation from the current Labor government that we would resist the passage of this legislation because it clarifies the situation. If the public of Australia are a little better informed about the reality of radioactive waste after this debate then henceforth we will be living in a better Australia—an Australia where there is a little less hype and fear mongering and a little more reality and, frankly, better and more efficient management of the storage of industrial waste.

A colleague associated with the uranium industry said to me only yesterday that it is time Australians at large took a different view of radioactive waste material. He explained to me that at a press conference not so long ago he used descriptive terms for his audience, for instance, that ‘this is your waste’. It is the waste that has been accumulated after use by many Australians right across the nation.
If there were a proposition put forward because of the result of fear mongering in the community that we should shut down the use of radioactive materials for fear that the depleted materials had to be stored somewhere there would be a great and justified hue and cry across the nation because one particular component of radioactive waste comes from radioactive isotopes, which are saving lives and speeding up diagnostic activities right across Australia. To propose that we suddenly took ourselves back to the Dark Ages and ignored the use of the facility of radioactive isotopes in X-ray to diagnose diseases would be unheard of. There would be a justified hue and cry about us taking medicine back to the Dark Ages and the bloodied bandages of the blood-letter in the barber shop. It is just nonsense, and yet there is an equal amount of nonsense being trotted out by those with a political objective in mind to put the fear of God into the population of Australia because there is a proposition to store in one single well-managed location the industrial waste which results from our use of radioactive materials.

Every time somebody goes into a building in Australia and sees an exit light, that is radioactive material. In the good old days I used to have a Phantom ring that glowed in the dark. I thought it was wonderful and that it was the greatest acquisition I had ever made as a boy. That was radioactive material. As we look around ourselves radioactivity is used as an asset by mankind every day of our lives.

The storage of radioactive material today, with its high-class regulation, is probably less dangerous than the storage of LPG or petrol. I know that if I were, for instance, asked to store a drum of yellowcake or a bucket of petrol in my garage, I would certainly refuse to store the bucket of petrol. I would much rather store the drum of yellowcake. I might add that I have held yellowcake in my hand, I suggest with no detrimental effects. It is something that is quite innocuous. But many people would scoff at that idea because they have no understanding whatsoever of the nature of yellowcake and they have no understanding whatsoever of the danger associated with industrial waste as a result of our use of radioactive material. It is just industrial waste, albeit with some of the most highly regulated storage conditions one could ever imagine because it has this connotation of ‘radioactive’.

All of us know about Chernobyl, All of us know about the Three Mile Island accident, and all of us know about Hiroshima. Radioactive nuclear materials can be used in a very dangerous way, but we are not talking about that sort of radioactivity or nuclear material: we are simply talking about industrial waste that happens to have previously been of a radioactive nature.

We have had, for instance, in the House today a luncheon for kids suffering from juvenile diabetes. Those children are desperately seeking a solution to be found in medical research for their condition. That is one of the very conditions shared by 140,000 Australians, a condition for which the solution will be found by modern medicine and modern medical research. That research will involve radioactive materials, and having been used in that research they become industrial waste and that waste needs to be stored somewhere. So if after this debate there continues to exist in any microcosm of Australian society the idea that industrial waste of a radioactive nature is somehow so forbidden or horrendous that no-one is going to store it, then that is a condition that we must not tolerate as leaders of opinion in Australia today.

We have sitting on the frontbench of the government right now somebody whose whole previous career was predicated on the
basis of nuclear being evil: anything nuclear had to be put down and removed from the vocabulary of Australians.

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

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister) (2.00 pm)—I inform the House that the Minister for Families, Housing, Community Services and Indigenous Affairs will be absent from question time today. The Minister for Housing and the Minister for the Status of Women will answer questions on her behalf.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mr MORRISON (2.00 pm)—My question is to the Prime Minister. I refer the Prime Minister to his statement in question time yesterday:

… assessments under section 501—

of the Migration Act—

are contingent on convictions for serious crimes.

Prime Minister, as the character test can also be contingent on:

… the person’s past and present general conduct …

Will the government now revoke the permanent protection visas granted to the three individuals found to be ‘part of a plan to cripple’ SIEV 36?

Mr RUDD—I thank the honourable member for his question. I would also say, in addition to the answer I gave him yesterday, that the decision taken by the department of immigration on 7 October 2009 was consistent with the advice received from the Northern Territory Police. They said, ‘The NT Police supports the granting of permanent visas for the passengers.’

This advice was received one week before the 42 asylum seekers were granted protection. In taking decisions, obviously, the department of immigration has been exceptionally mindful of also the law enforcement mechanisms of the country including where those procedures may lead in terms of the individuals who were on that vessel, particularly those against whom particular allegations have been made which are now subject to judicial process.

Hospitals

Mr HALE (2.02 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on the government’s actions to achieve better health and better hospitals for all Australians?

Mr RUDD—I thank the member for Solomon for his question. I well remember our visit recently to Darwin and the inspection of the new integrated cancer centre which is now next to the Royal Darwin Hospital. It reminds me of a visit I undertook the other day to the Royal North Shore Hospital.

Mr Abbott interjecting—

Mr RUDD—I can hear already the interjections from the Leader of the Opposition on this question. The Royal North Shore Hospital is a pretty interesting example of what we have been talking about with health and hospital reform because the hospital has been engaged in representations to the previous Australian government from 1997 in order to obtain a PET scanner.

I was pleased to actually be present with the member for Bennelong for the opening of that PET scanner last Friday. To be true it was operating for three days before that, but it had been installed during the period of this government. Before the Leader of the Opposition again intervenes on his own particular
role here, multiple representations, as advised by the Royal North Shore Hospital, were made to the previous government from 1997 on, but nothing happened until the eve of the 2007 election, when the previous government said, based on representations from the indefatigable member for North Sydney, that they were going to do something about it. It only took 12 years before the previous government said they were going to do something about it. Which government actually did something about it? This Australian Labor government did something about it.

I spoke with an 80-year-old man, whose name was Gordon, who has cancer. He was one of the first patients to use the services provided by the new PET scanner. Gordon and others like him are now benefiting from this facility at the Royal North Shore Hospital. I thank the member for Bennelong for her strong representations, the commitments that she undertook, and the delivery on those commitments when it comes to the Royal North Shore Hospital.

This goes of course to the much wider challenge of how we properly fund our health and hospital system for the future. I heard, as I came into the chamber today, one of the other honourable members from the opposition benches speaking about the problem of juvenile diabetes. Together with the health minister, many members opposite and many members on our side of the House, I attended an event called Kids in the House, which was held in the Great Hall in Parliament House today, and I see many of the participants in the gallery today. These are great kids who come from all over Australia. I commend members opposite and members on this side of the House for being with their kids as they attended that event today. It was about one thing: how do we make it better for kids who are diagnosed with juvenile diabetes to deal with the challenges of that disease?

What I outlined to the gathering today in the Great Hall in Parliament House was the action that the government has now taken in terms of the subsidisation of the cost of insulin pumps. I outlined this to those who were gathered in the Great Hall today. These comments, as I indicated in the House, relate to a particular and significant increase in the amount of the subsidy for insulin pumps. I say to those opposite that all efforts need to be made by governments at all levels to support kids who are suffering from this condition. That is how we deal with those who are currently living with this condition. The other part of my comments today went to how we properly fund research for juvenile diabetes in the future. I indicated the Australian government was currently funding some 360-odd researchers, I think, to the tune of some $63 million to try and find a cure for juvenile diabetes.

These are the bread and butter concerns of working families right across Australia—the bread and butter concerns about how we properly fund medical research in the future; the bread and butter concerns about how we deliver PET scanners in hospitals like the Royal North Shore in the future. I say to those opposite that what we must ensure for the future is that we have a properly funded, properly structured health and hospital system for Australia.

That is why the Australian government has put forward its plan for a new National Health and Hospitals Network—one which will be funded nationally and run locally with, for the first time, the Australian government becoming the dominant funder of the Australian public hospital system, which means that in the future, when you are looking at the need for PET scanners at hospitals like the Royal North Shore Hospital, the Australian government will not just stand to one side; it will be there as a partner in making sure that those projects are delivered.
means that in the teaching and research function of our hospitals we are partners in ensuring that those services are delivered and that, when it comes to the capital needs of our public hospital system in the future, we are ensuring that we are partners—and the dominant funding partners—to make sure that those hospital services are delivered. That is our plan for the future. That is what we propose to do. That is why we have put forward this plan for the nation.

But I could say to those opposite that, nearly two weeks into this debate on health and hospitals, I have a simple question for the Leader of the Opposition, which is this: does he support or does he oppose this plan? We have waited for two weeks now to hear what the answer is: does he support or does he oppose?

Mr Abbott interjecting—

Mr Rudd—The interjection from the Leader of the Opposition is, ‘Let me see the plan.’ I say to the Leader of the Opposition that a 72-page document outlining this plan in detail is there for all to see. I would note that the Leader of the Opposition, the day before the plan was released, said he was opposed to it—before he even saw it and before anyone else in the country had seen it. But my question again today, two weeks into this debate—plenty of time to review its content—is: does the Leader of the Opposition support this plan or oppose it? The Leader of the Opposition remains stoically silent. Let me try another question. If the Leader of the Opposition—

Mr Abbott—Mr Speaker, on a point of order: if the Prime Minister wants to give me leave, I am happy to speak on health and hospital policy in this parliament.
brought allied health professionals into the Medicare net for the first time—

Honourable members interjecting—

The SPEAKER—The next person that displays a sign, even if it was within the guidelines that I set earlier in the parliament, will be marched.

Mr ABBOTT—The Prime Minister comes into this parliament today, puts his hand on his heart and boasts about the opening of the new cancer centre in Darwin. I provided that money in 2007. It ought to be called the Tony Abbott Cancer Centre in Darwin. The Prime Minister comes into this parliament, puts his hand on his heart and boasts about the PET scanner at Royal North Shore Hospital. I promised that money. It ought to be called the Tony Abbott PET Scanner at Royal North Shore Hospital.

Government members interjecting—

The SPEAKER—Order, those on my right!

Mr ABBOTT—The more they squeal, the more their embarrassment shows. The Prime Minister comes in and talks about insulin pumps. I provided the funding for insulin pumps. What a fraud! What a phoney! What a complete fake this Prime Minister is! What a disgrace to the great office of the prime ministership of this country this man is!

I suppose we cannot expect anything remotely approaching magnanimity or graciousness from this Prime Minister, but let us, if we may, look at his health and hospital policies. He asks what my response is. My response is the same response as that of the state Labor premiers. Some of them question it; some of them oppose it. I question all of the policy and I oppose much of the policy because, just as his climate change policy is a great big new tax on everything, his hospitals policy is a great big new bureaucracy. That is what his health and hospital policy is.

He says that what he wants to do is to have a hospitals system which is nationally funded and locally run. He is wrong on both counts. It will not be nationally funded because the states will still have to provide 40 per cent of the funding. Believe me, a Prime Minister trying to make the states put up that money is a Prime Minister who has never had the kind of experience that any Prime Minister who is really going to bring about public hospital reform needs. He says that it is locally run. The only way it will be locally run is if he can persuade the state Labor governments to provide genuine local control of public hospitals.

This is the test of his local hospital networks. Will each significant public hospital have its own board? Will each of those boards comprise people who are genuinely experts in the fields of health management and governance? Will those people be genuinely independent of government and not just the sort of union hacks which this government typically appoints to boards? Will they have real management authority and real autonomy over the public hospitals? Will they be able to make decisions about the public hospital’s budget without reference to head office? And if they are able to raise money locally, can the Prime Minister guarantee that there will not be any compensating adjustment to the funding that they get from the states and the Commonwealth?

He cannot answer any of those questions. How do we know he cannot answer any of those questions? Because the state premiers have put those questions to him and they have told us that he has not been able to provide any detail. They have told the world that there is no detail. The trouble with the Prime Minister’s health and hospitals plan is that it will not end the blame game because the states still have to provide 40 per cent of the funding. It will not produce any extra money until 2014. What it will do is provide just
another bureaucracy as the only people who currently know anything about casemix funding transfer from the states to the Commonwealth. Casemix funding does make some sense in principle, at least for our larger public hospitals, but the only people who know anything about casemix funding in this country are the people running the Victorian public hospital system, and the one person who is most ferociously opposing the Prime Minister’s plans is the Premier of Victoria. To the great credit of the Victorian Labor government, they have left the hospital system put in place by the former Premier Jeff Kennett largely in place.

Victoria is the large eastern state with by far the best public hospital system, and it does not want its public hospital system wrecked by this Prime Minister. It does not want its public hospital system wrecked by someone who is engaging in amateur hour experimentation. It does not want its public hospital system wrecked by someone who made such a mess of the nation’s roofs through his failed and disastrous Home Insulation Program.

Why would Premier Brumby want to put in charge of his public hospital system the same man who, when he tried to take charge of the nation’s homes, created up to 50,000 electrified roofs and 240,000 dodgy and dangerous roofs and who is responsible for the greatest public administration disaster in this country’s history? Why would you trust this Prime Minister with something as serious as public hospitals when he could not be trusted with simple as insulating the nation’s homes? He could not be trusted with fixing schools, he could not be trusted with fixing roofs and he should not be trusted with the nation’s public hospital system.

This Prime Minister has form when it comes to public hospitals. Not for nothing did they call him Dr Death, because the first thing he did when he was the Director-General in Queensland was close—

Mr Albanese—Mr Speaker, on a point of order: I ask that that be withdrawn.

The SPEAKER—Order! The Leader of the Opposition will refer to members by their parliamentary titles, but seeing that it has been raised—

Mr ABBOTT—I accept that admonition (Extension of time granted). I will happily stand here and talk and ride out question time. I am happy to talk throughout question time.

Mr Symon interjecting—

The SPEAKER—Order! The member for Deakin is warned!

Mr ABBOTT—While members opposite are terribly embarrassed—understandably embarrassed—by the Prime Minister’s record in health, in public hospitals when he was Director-General of the Queensland Public Service, let me make these important points: what do our public hospitals right around Australia need right now? First, they need more beds and, second, they need local control. What did the Prime Minister do when he was the top public servant in Queensland? The first thing he did was to cut 2,200 beds out of public hospitals—a great record! Some hero, some Mr Fixit he was in Queensland. The second thing he did in Queensland was to abolish the local boards. This is typical of this hypocrite and phoney whom we have in the highest elected office in this country. He stands up, puts his hand on his heart and says, ‘I’ve always supported local control of public hospitals.’ Wrong. He abolished the public hospital boards, which had done a substantially good job in Queensland for many decades. That was almost the first thing he did when he became Queensland’s top public servant.
Because this Prime Minister is a man who is slippery with the truth, he tries to avoid the legitimate questions that are put to him by not just members on this side of the parliament but even the state Labor Premiers. I put the questions to him that he needs to address in the 10-minute speech that he is about to make. Who will administer the casemix funding system that he says is the salvation of the public hospital system? Don’t yawn, Prime Minister; answer the question. Don’t stare at your notes; listen. Make some notes and you might actually be able to answer this question. Who will administer the casemix system? What is going to happen to the public servants currently with the Victorian government who understand it? Will they march en masse to Canberra? How are the local hospital networks going to be established? Who will run them? Will they be determined by federal law and federal regulation or will it be entirely a matter for the states? If the states do not actually meet the requirements to put in 40 per cent of funding, what penalties will be imposed on them? Does he give a guarantee that no country hospital will close as a result of his casemix funding? That is the question on the lips of just about every person in rural Australia right now. Will their public hospital be safe under the amateur hour experimentation that they will get from this Prime Minister, who could not even organise to give pink batts away almost for free? These are the questions that this Prime Minister has to answer. Above all else, what is going to happen to the funding now we know that he is going to confiscate 30 per cent of the state’s GST funding? How can we be confident that this Prime Minister will be any better using GST money on health than he was using tax funding on home insulation or Building the Education Revolution?

The Premiers know that they cannot trust this man. That is why they are not prepared to sign up to his hospital plan until they have seen the details. They know they cannot trust this man. That is why they are not prepared to sign up until they have seen the Henry review. They do not think they can trust this Prime Minister and, if his own Labor Premiers do not trust him, why should I trust him and why should the Australian people trust him?

Mr Rudd (Griffith—Prime Minister) (2.26 pm)—It is good to have Mark Latham back—not in the pages of the Financial Review today but here at the dispatch box opposite! On the substance of health policy, what we have had finally after an entire week in this place is an intervention by the Leader of the Opposition on health and hospitals policy. Day by day we have waited for a question but we have waited in vain, because it took today and the challenge to the Leader of the Opposition to come to the dispatch box and just say something, however little, however small, however insignificant, about health and hospitals.

I posed the Leader of the Opposition a question before, which was: does he support or does he oppose the government’s health policy? I thought that was a pretty reasonable question—not to ask him on day one after the policy came out, not even on day two, but you would think that, two weeks later, he might have formed a view. So his definitive position on the health and hospitals policy of the government of the Commonwealth of Australia is: I question all of it and I oppose most of it. That is the definitive conclusion on the part of the Leader of the Opposition. In other words, ‘Give me a fence to sit on for a few more weeks, a few more months; I’ll wait to see where the weathervane turns and then make a decision.’ The Leader of the Opposition knows a lot about weathervanes. He knows that the weathervane actually constitutes his moral compass—that is, whichever way it blows, so then will he take the politics of his position.
On the way through, he made an extraordinary claim about the cancer centre up there in Darwin. He said it should be called the Tony Abbott Cancer Centre. Did I hear that correctly? The minister for Health and Ageing reminds me that in fact I got it wrong. I said earlier today that they had promised it prior to the last election. I got it wrong; they promised it prior to the last two elections. Pardon me for understating their level of commitment. They were so committed that they committed to it twice! As of when we went to the election at the end of last year, did we see a brick or any mortar? Did we see any evidence of anything on the ground? No, we did not.

We actually delivered the funding. We actually delivered the construction. We actually delivered a comprehensive cancer centre for the good people of Darwin so that in the future they do not have to travel all the way to Adelaide to receive their cancer services. That is what making a difference is all about. It is not just making a speech prior to the previous election when he was health minister and hoping that people will just forget about it once he captured the headlines—because that is the overall important thing in life for the Leader of the Opposition—and that someone else picks up the detail.

He also made reference to that PET scanner at Royal North Shore Hospital. We were advised by the local doctors that, in fact, they started making representations in 1997. The local doctors could not get the member for North Sydney to even organise a visit to the hospital by the Minister for Health and Ageing—1997, 1998, 1999 went by. When did they finally visit the Royal North Shore Hospital? I am told it was in that magical year of 2007. I am told it was pretty late in the year of 2007 because a particular event was looming: an election. We have funded that PET scanner and we are proud to have done so. Again, it makes a difference on the ground.

The Leader of the Opposition has raised questions about the National Health and Hospitals Network put forward by the government. Our plan is very straightforward: it is for a new National Health and Hospitals Network. For the first time, hospitals will be funded nationally and run locally. The Leader of the Opposition said: ‘How dare you consider such a plan? How dare you consider such a possibility?’ Yet I remember him saying, in the four or five years that he was the minister for health, that the Commonwealth government should take over the system. Did I get that right or did I get it wrong?

The former minister for health, now the Leader of the Opposition, had nearly five years as health minister to act on this matter of deep conviction. We all know that Tony is a straight-talking politician. We all know that he is a politician with conviction. When he said that the Commonwealth should take over the system the health system, you knew for sure he was going to be a man of action and do it. But five years later and nothing happened. The position he now occupies is that this government is doing the wrong thing by becoming the dominant funder of the system—a system that is funded nationally and run locally through local hospital networks across the country, so that clinicians, doctors, nurses and others can have a major role in the management of the system.

On top of that, the other day we made an announcement to deal with the massive shortfall in the delivery of doctors, specialists and GPs across the nation. We made an investment in 6,000 more doctors. That is action. When the Leader of the Opposition was minister for health, do we know how many times he received warnings about the workforce shortage in health? Not once, not twice, not three, not five, not seven times, but altogether some 23-plus warnings when he was health minister about the looming
crisis in the workforce in the Australian public hospital system. A National Health and Hospitals Network will be funded nationally and run locally, and for the first time the Australian government is becoming the dominant funder of the system.

The Leader of the Opposition, regrettably, welched on his commitment to bring about fundamental reform, and we all remember what he said about the public hospitals. He said that come November 2007, having been health minister for five years, he was going to do something about it. The credibility of the Leader of the Opposition on health is in tatters. He gouged $1 billion out of the public hospital system of Australia. He put a cap on the GP training places for Australia. The Leader of the Opposition sat there as health minister while they abolished and continued the removal of the dental health scheme for Australia’s seniors, leaving 650,000 seniors without a Commonwealth dental health program.

Then we had that promise of all promises, that rock solid, ironclad guarantee about the Medicare Safety Net. Where did that one go? Leader of the Opposition, where did that promise go? Leader of the Opposition, where did that core commitment on your part to go—that principled position you put to the Australian people? Or was that one of those ones where Peter Costello was saying quietly to himself: ‘Tony, Tony, Tony. Whatever you do, if you go out there and promise all that, mate, I am not going to be funding it after the election.’ Guess what happened? He did not. So a rock solid, ironclad guarantee evaporated into a pool of water. Nothing happened.

We come to this question of the billion dollars. This is a really interesting point. We say he gouged a billion dollars out of the system. Who did we cite as our evidence? We cite that noted purveyor of untruths, Peter Costello and Peter Costello’s budgets of 2003-04, 2004-05, 2005-06, 2006-07 and the forward estimates for 2007-08. We have one figure after another of money being gouged out of the system. What is his defence on this? It goes to the question of indexation. Under the previous healthcare agreement, his predecessor had an indexation clause of 6.3 per cent. That was based on a calculation about the costs in the system. In the subsequent healthcare agreement, which this minister for health presided over—the now Leader of the Opposition—he reduced it to 5.3 per cent. He gouged a billion dollars out of the system. He pretends that that is not a gouge out of the system.

I say to the Leader of the Opposition: is he seriously arguing that the costs of the hospital system went down? The Leader of the Opposition, are you suggesting in that five-year period that the costs of the hospital system went down? It is a bit like saying that if you are an age pensioner and you are depending on 25 per cent of MTAWE as the basis for indexing your pension in the future, and then suddenly you have a government which reduces that to 24 per cent, that not a gouge on pensioners. This is a one billion dollar gouge out of the health and hospital system of Australia.

This is the system that the Leader of the Opposition, the then minister for health, left this government with. That is why we have acted to invest with a 50 per cent increase in the health and hospital’s budget. That is why we have acted to deal with the shortage of doctors and nurses. The Leader of the Opposition said, ‘I do not claim to have been necessarily the world’s greatest health minister.’ He may make that claim. I can say this to him: he will go down in history as Australia’s worst health minister. (Time expired)
DISTINGUISHED VISITORS

The SPEAKER (2.37 pm)—We have present in the House this afternoon the Governor of Wyoming, Governor David Freudenthal. May I say to the governor that, even after this debate, he has brought some cooperation—across the aisle in your terminology but across the chamber in our terminology. A number of members from either side have asked that you be acknowledged. You are warmly welcomed to the House this afternoon.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Federal Election

Mr Abbott (2.37 pm)—My question is to the Prime Minister. I refer the Prime Minister to his 2007 commitment. I quote:

I think it’s far more decent if we have, as I’ve already proposed, something run by the national press gallery, three debates, across the election season…

Does the Prime Minister intend to keep his October 2007 election promise to have three leaders’ debates in the run-up to the federal election, and will he improve his debating style in the interim?

Honourable members interjecting—

Mr Albanese—Mr Speaker, I rise on a point of order. Surely, given the Leader of the Opposition’s track record, that question is ironic.

The SPEAKER—The Leader of the House will resume his seat. The Prime Minister has the call.

Mr Rudd—Mr Speaker, I do welcome these questions from the Leader of the Opposition. He has more front than Myer. At the last election there was a certain debate on health. I remember on the eve of the election the shadow minister for health showing up for a debate on time and no-one else was there. I wonder why that was the case? I wonder who the minister for health was at the time? Could it have been the Leader of the Opposition? It was the Leader of the Opposition; my memory does not fail me! There was a debate—I think I was at the National Press Club—and the shadow minister for health was there, ready to go, but no minister for health was there. Instead, he chose to utter unkind remarks—

Mr Pyne—Mr Speaker, on a point of order: the question was very simple. Would he debate the Leader of the Opposition three times, or will he scurry away from the debate?

The SPEAKER—The Manager of Opposition Business will resume his seat. The Prime Minister is responding to the question.

Mr Rudd—Thank you, Mr Speaker. I would have thought if the Leader of the Opposition is committed to the principle of transparency in debates he might have shown up for the last one. But let us let that question of consistency slide by. We know that consistency is not his first suit; it is not even his second suit. In fact, it is not even within his political repertoire: make a claim today and forget about it tomorrow.

Mrs Bronwyn Bishop—Mr Speaker, I raise a point of order: standing order 104 on relevance. Which of the two words does he not understand? ‘Three’ or ‘debates’?

The SPEAKER—The member for Mackellar will resume her seat.

Mr Rudd—In fact, on that day when he failed to front for the debate with the shadow minister for health, his recourse was to swear at the shadow minister for health. That is obviously his preferred debating style. I will leave that to him to resolve come the next election. I also seem to recall in that period that the Leader of the Opposition, then the minister for health, had some interesting exchanges with Bernie Banton as well. I seem to remember that it was about that time that
he had to apologise for what he had said in relation to Bernie Banton. On the question of transparency, at the last election we asked and asked again whether we could have a debate—more than one, but two or three—with the then Prime Minister, Mr Howard. I welcome debating the Leader of the Opposition—all three occasions I committed to last time, and I look forward to the first of those debates next week on health and hospitals.

Medical Workforce

Ms REA (2.42 pm)—My question is to the Minister for Health and Ageing. Minister, what is the effect of the government’s policies in regard to investment in general practice?

Honourable members interjecting—

The SPEAKER—The House is under a general warning.

Ms REA—Can you explain how the government is actually delivering on health investments in contrast to just promising them?

Ms ROXON—I thank the member for that question. It is particularly pertinent, because the question asks about us delivering on health in a number of ways, but particularly in general practice. I note that we have just heard from the Leader of the Opposition for 15 minutes and there was one word that did not pass his lips, and that was ‘doctors’. The reason that word did not pass his lips in 15 minutes is that the leader of the Opposition knows that, when he was the Minister for Health and Ageing, he ignored one of the biggest problems that the country faced, and that was the shortage of GPs. He did not just ignore the shortage of GPs; he capped the number of young Australians who could come from medical school and go into general practice. In the whole 15 minutes of the health debate, he did not take any opportunity to correct that. He did not want to say one word about the announcement made this week—$632 million to get rid of that cap to make sure that double that number of young students can go into general practice in the future.

I think the first question that will have to be answered in this debate between the Prime Minister and the Leader of the Opposition is: does he support us doubling the cap that he put on students wanting to go into general practice? He has not said a word about it. That is the same approach he took when we announced our National Health and Hospital Network plan, which was to duck for cover and to look for a diversion—everything but singing and dancing. He will have to turn up to the debate and he will have to answer whether he supports this investment in general practice.

In his heart of hearts, the reason he did not mention it for the last 15 minutes is that he knows his record is appalling. He put that cap in place. He was pleaded with time after time by the AMA, by the divisions of general practice and by the student associations, but it fell on deaf ears because the Leader of the Opposition, as the health minister, had other things he was more interested in. What else could he have possibly been more interested in? You might imagine that he might have delivered some other changes to the system, but of course, despite the presumed pleadings of the previous member for Bennelong, and perhaps of the member for North Shore, to invest in the PET scanner, it was ignored until the eve of the election. I noticed that the member for North Shore was interjecting that, in fact, a former health minister, Michael Wooldridge, attended twice and still did not deliver the PET scanner—12 whole years and they could not do it.

We see the same thing from the member for Solomon—happy to promise and promise, election after election, and not deliver. We have seen this again. We see the Leader of the Opposition having the audacity, when
the young kids are here from the Juvenile Diabetes Research Foundation, to say again that he was going to do something about it—never in a budget, never funded, only a promise, never delivered. Now we are able to assist hundreds of young Australians—supported, I might say, by people on both sides of the House passionately interested in delivering for young people with type 1 diabetes. Unfortunately, the Leader of the Opposition does not appear to be one of those people.

I was also lucky, this morning, to be able to attend a breast care nurse conference in Sydney—300 women supporting and providing fabulous services to women and some men across the country diagnosed with breast cancer. Again, I have asked the Leader of the Opposition and I ask those members opposite to consider: who is it that actually funded those breast care nurses? Which government is it that delivered on breast care nurses, for example, in Shoalhaven in the seat of Gilmore, in Hervey Bay in the seat of Hinkler and at Victor Harbor in the seat of Mayo? I see the member for Mayo has his hand on his head—

Mr Dutton—I thought it was a bipartisan program.

The SPEAKER—Order! The member for Dickson. Remember!

Ms ROXON—as he well might, because it was not delivered by his government, despite the protestations of the Leader of the Opposition. We have them in Geraldton. I am sure the member for O’Connor welcomes the fact that there is a breast care nurse in these areas—44 nurses across the country providing services. In a short time, they have already provided care for more than 1,700 women and I hope that this will be supported—

Mr Hunt—Nicola, don’t politicise certain things. You are better than that.

Ms ROXON—It is hard to believe that the interjections opposite are that we should not politicise the health debate. We shouldn’t, should we? We should not politicise it. We should pretend that the then health minister delivered the PET scanner at Royal North Shore. We should pretend that he actually opened that cancer centre in Darwin which, I might tell you, is actually named after a leading doctor in the Northern Territory. No doubt he and his family would be very offended that Mr Abbott should think that the centre should be named after him.

The SPEAKER—The minister will refer to members by their parliamentary titles.

Ms ROXON—I just ask you: who is politicising this debate? We have a record we are proud of; you have a record you are ashamed of. I can understand why the Leader of the Opposition gets very touchy and I understand why he did not want to turn up to the debate before the last election, because it would have been shown that every promise about what he was going to do was something that had not been delivered over the previous 12 years.

Honourable members interjecting—

The SPEAKER—Order! I remind members: there is a general warning. I do not know what possesses the chamber to ignore a simple direction. I ask the House to absolutely display some of its better behaviour. The member for Dickson has sought my indulgence on one aspect of the minister’s speech.

Mr DUTTON (Dickson) (2.50 pm)—On indulgence, I would like to join with the minister for health in congratulating the government on the work in relation to breast care nurses. This is one of those issues in the area of health where there is bipartisan support. The minister will recall that, under former Minister for Health and Ageing, Mr Abbot, a number of nurses were funded, particularly
those employed by the McGrath Foundation. We commend that work. It is work that will continue with bipartisan support. I am sorry that this was politicised by the health minister, but we support the extra funding of the breast care nursing.

**The SPEAKER**—Order! The member for Dickson will conclude his remarks. Order! The general warning is for all members.

**Home Insulation Program**

Ms **JULIE BISHOP** (2.51 pm)—My question is to the Prime Minister. Can the Prime Minister inform the House how many homeowners like Mr Daniel Gouveia, from Bexley in Sydney, have had paper insulation installed in their roofs under the government’s home insulation scheme? Is the Prime Minister aware that homeowners, such as Mr Gouveia, with paper insulation have been told by the government hotline they are not eligible for a safety inspection? Given the New South Wales Fire Commissioner has confirmed there have been 70 house fires in the last year caused by insulation, will the Prime Minister now provide free safety inspections to each of the 1.1 million homes which have had insulation, including paper insulation, installed under the government’s home insulation scheme?

Mr **RUDD**—I thank the Deputy Leader of the Opposition for her question. As the government and the minister responsible have said on many occasions, the government will undertake as many inspections of homes as is necessary.

Mr Tuckey interjecting—

**The SPEAKER**—The member for O’Connor will leave the chamber under standing order 94(a).

The member for O’Connor then left the chamber.

Mr **RUDD**—What we have said is that initially that will focus on the 50,000 or so homes with foil insulation. We have also indicated that we will provide inspections concerning a further 150,000 homes as relates to the particular matters in the particular household which the Deputy Leader of the Opposition has referred to. Can I ask her to take that up specifically with the minister responsible, and we can attend to the circumstances of the homeowner concerned.

**Health**

Mr **DANBY** (2.53 pm)—My question is to the Minister for Finance and Deregulation. Will the minister advise the House of the need for sound financial planning in health and of the reasons for previous reductions in projected health spending?

Mr **TANNER**—I thank the member for Melbourne Ports for his question. I am delighted to get a question about health spending. As finance minister, it seems beyond the capability of the opposition to ask any questions of anybody about health matters—so I am delighted to have the opportunity to address them.

In recent days in the chamber there has been some controversy about the 2003 budget papers: Did the Howard government, or did it not, cut funding for public hospitals for a period of five years, the vast bulk of which was under the stewardship of the now Leader of the Opposition, the then health minister? The Leader of the Opposition is extremely agitated about this question, even more agitated than he usually is. We have had him taking points of order. We have had them moving gag motions on the Prime Minister. We have had personal explanations. We have had fancy charts being waved around in the chamber over several days. He and his team are extremely agitated about this point. There is one aspect of the debate that has not had a great deal of focus—

Mr Briggs interjecting—
The SPEAKER—Order! The member for Mayo will leave the chamber under standing order 94(a).

The member for Mayo then left the chamber.

Mr TANNER—and that is: why in the 2003 budget papers of the Howard government of Peter Costello and Senator Nick Minchin, the then Treasurer and the then finance minister, do we find a very substantial cut to projected spending on public hospitals? There is a very important explanation for this in the Howard government’s budget papers, and I will quote. It reads as follows:

… a reduction in public hospital usage growth beyond growth resulting from demographic changes. This change in usage growth reflects in part the fact that more services are being provided in private hospitals following the introduction of the Government’s 30 per cent Private Health Insurance Rebate and Lifetime Health Cover.

In other words, there was a deliberate decision by the Howard government to move resources out of public hospitals, and that is where the $1 billion of funding that was stripped out of public hospitals came from. It was a deliberate decision by the Howard government to remove that funding from public hospitals—over a $1 billion over a period of five years, the vast bulk of which was when the Leader of the Opposition was health minister.

That shows just how phoney his vociferous protestations are in this debate. This was not some kind of technical revision based on revised demographic assessments or changed calculations with respect to the cost of health technology; this was a deliberate, ideological decision by the Howard government to run down investment in public hospitals. It is there in black and white in the 2003 budget papers that I tabled yesterday—more than $1 billion ripped out of the public hospital by the Howard government. That is why the Leader of the Opposition wants to talk about everything else but health. That is why he has asked no questions of the government about its health reform and its hospitals plans. That is why we had to force him today to come to the dispatch box to debate health issues in this parliament. The Leader of the Opposition has an appalling track record on health and hospitals. He was responsible for more than $1 billion being ripped out of the public hospital system, and he is now trying to deny that fact. The truth is there for all to see in the Howard government’s budget papers.

DISTINGUISHED VISITORS

The SPEAKER (2.57 pm)—I inform the House that we have present in the gallery this afternoon members of a delegation from the Republic of Colombia, led by the foreign minister, Jaime Bermudez. On behalf of the House, I extend a warm welcome to him and his delegation.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Building the Education Revolution Program

Mrs HULL (2.57 pm)—My question is to the Minister for Education. I refer the minister to the case of the Berridale Public School, which received a prefabricated, transportable library under the school halls program with the basic cost being $385,000; yet the total cost of the project is $895,000—an additional $510,000 to deliver and install. How can the minister justify such expense when a standard four-bedroom, two-bathroom Timberline homestead delivered and installed to site within 100 kilometres from Lisarow, New South Wales, costs only $143,000?

Ms GILLARD—I very much thank the member for her question because it will enable me to clarify some claims made about the Building the Education Revolution Program. On the claim made by the member
about Berridale Public School, I am very happy to answer that claim—very happy to answer it. The details of this are actually very obvious and could have been obvious to anybody who made some basic inquiries.

There has been a comparison published about construction at the Berridale Public School of a toilet block and there have been some suggestions that the construction costs for this mean that the construction costs for the new library there are somehow not right. I inform the House that the toilet block there is 36 square metres and the new library facility is 162 square metres. They are not comparable buildings. When you go down to the square metre cost, on the square metre cost you find that one comes in at $4,766 and the other comes in at $5,500—not significantly different.

Then on the question of comparison with residential construction, I inform the honourable member that there are different building codes and different standards for school construction than for residential construction—different glass, different safety standards. All of the things about the building are different and more costly because it will be there for children.

Opposition members interjecting—

Ms Gillard—On the question of the Building the Education Revolution—

The Speaker—The Deputy Prime Minister will resume her seat. The members for Wakefield and Canning will leave the chamber under 94(a).

The members for Wakefield and Canning then left the chamber.

The Speaker—It would be very nice to think that you would be the last Mohican here, but I am not sure. I call the Manager of Opposition Business on a point of order.

Mr Pyne—Can’t get rid of me.

The Speaker—Don’t test me.
Gordon East Public School, a matter about which the member was so concerned that he personally delivered a letter to my office requiring me to attend—

Ms Julie Bishop—Mr Speaker, on a point of order: if the minister wishes to add to an answer from yesterday she can do it at the end of question time. There is a question now about Berridale Primary School and $510,000 in additional costs to install a prefab building. She should answer that question or sit down.

The SPEAKER—Whilst it is not something that is to be encouraged, this is not the first time that an answer has been added to directly in this manner. It becomes in my mind, when it is clearly indicated that that is what happening, six of one and half a dozen of the other about the timing. I am happy to allow the Deputy Prime Minister to continue, but I would urge her in the circumstances to do it briefly.

Ms Gillard—I was asked yesterday by the member for Bradfield about Gordon East Public School. So concerned was he about this matter that he brought a letter round to my office asking for an audit team to attend at the school at 8.30 on Friday morning. I can report to the House that I have investigated the matter. I rang the school principal. I would have thought he would have wanted to know what the school principal had to say.

Mr Pyne—Mr Speaker, on a point of order: this is actually an important point, because another aspect of the standing orders is that you do not allow the Leader of the Opposition to take a personal explanation whenever he is being defamed in the House; you make him wait until the end of question time. So why is there one rule for the government and another for the opposition?

The SPEAKER—that reflection on my actions is through the coloured glasses that the Manager of Opposition Business has. I am happy that what I am doing is consistent with past practice. Let us get it crystal clear about personal explanations. There is nothing in my actions that is in any way different to the way in which they have been handled for at least the last 24 years that I have been a member of this House. In respect of adding to answers, there is ample precedent by both sides of the chamber in that 24 years where this device has been used. The Deputy Prime Minister has the call. I have urged her to come quickly to a conclusion in her answer.

Ms Gillard—Given I do have extensive information about this matter and that clearly the opposition is not interested in what a school principal has to say, I will deal with this matter separately in the House. Obviously, its desperation to cover it up will just mean than I will be continually interrupted if I try to do it now.

Building the Education Revolution Program

Mr Neumann (3.06 pm)—My question is the Minister for Education, the Minister for Employment and Workplace Relations and the Minister for Social Inclusion. Will the Deputy Prime Minister update the House on the rollout of the Building the Education Revolution and of responses to this?

Ms Gillard—What a wonderfully perceptive question from the member for Blair. It enables me to inform the House about the circumstances at Gordon East Public School raised with me yesterday by the member for Bradfield—

Mr Fletcher interjecting—

Ms Gillard—who is yelling and screaming now. He may just want to listen. So concerned was he about this matter that he ran a letter around to my office—

Mr Fletcher interjecting—
The SPEAKER—The Deputy Prime Minister will resume her seat.

Mr Fletcher interjecting—

The SPEAKER—The member for Bradfield will leave the chamber under 94(a) for one hour.

Mr Fletcher interjecting—

The SPEAKER—The member for Bradfield is named.

Mr Broadbent—Mr Speaker, having regard for the newness of the member!

The SPEAKER—I appreciate that, and it hurts me to actually do it, but I think that it has to be done.

Mr Albanese—Mr Speaker, I move that the member for Bradfield be suspended from the service of the House.

The SPEAKER—I am sorry that this has caused that type of disquiet but I can assure all members that—even under the general warning when they were interrupting me in my thought patterns—I have absolutely thought about this very carefully.

Question put.

The House divided. [3.15 pm]

(Your Speaker—Mr Harry Jenkins)

Ayes............ 79
Noes............. 53
Majority........ 26

AYES

Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bird, S.
Bowen, C. Bradbury, D.J.
Burke, A.E. Burke, A.S.
Butler, M.C. Byrne, A.M.
Campbell, J. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Cren, S.F.
D’Ath, Y.M. Danby, M.
Debus, B. Dreyfus, M.A.
Elliot, J. Ellis, A.L.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.

Fitzgibbon, J.A. Garrett, P.
Geoghegan, S. George, J.
Gibbons, S.W. Gillard, J.E.
Gray, G. Grierson, S.J.
Griffin, A.P. Hale, D.F.
Hall, J.G. * Hayes, C.P. *
Irwin, J. Jackson, S.M.
Kelly, M.J. Kerr, D.J.C.
King, C.F. Livermore, K.F.
Marles, R.D. McClelland, R.B.
McKew, M. McMullan, R.F.
Melham, D. Murphy, J.
Neal, B.J. Neumann, S.K.
O’Connor, B.P. Parke, M.
Perrett, G.D. Plibersek, T.
Price, L.R.S. Ragus, B.B.
Rea, K.M. Ripoll, B.F.
Rishworth, A.L. Roxon, N.L.
Rudd, K.M. Saffin, J.A.
Shorten, W.R. Sidebottom, S.
Smith, S.F. Snowdon, W.E.
Sullivan, J. Swan, W.M.
Symon, M. Tanner, L.
Thomson, C. Thomson, K.J.
Trevor, C. Turnour, J.P.
Vamvakianou, M. Windsor, A.H.C.
Zappia, A.

NOES

Abbott, A.J. Andrews, K.J.
Baldwin, R.C. Bishop, B.K.
Bishop, J.I. Broadbent, R.
Chester, D. Ciobo, S.M.
Cobb, J.K. Coulton, M.
Dutton, P.C. Farmer, P.F.
Fletcher, P. Georgiou, P.
Haase, B.W. Hartsuyker, L.
Hawke, A. Hockey, J.B.
Hull, K.E. * Irons, S.J.
Johnson, M.A. Keenan, M.
Laming, A. Ley, S.P.
Lindsay, P.J. Macfarlane, I.E.
Marino, N.B. May, M.A.
Morrison, S.J. Moylan, J.E.
Neville, P.C. O’Dwyer, K.
Oakeshott, R.J.M. Pearce, C.J.
Pyne, C. Ramsey, R.
Robert, S.R. Ruddock, P.M.
Scott, B.C. Seeker, P.D. *
Simpkins, L. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Truss, W.E. Turnbull, M.
Vale, D.S. Washer, M.J.
Wood, J.

* denotes teller

Question agreed to.

The SPEAKER—Order! The honourable member for Bradfield is suspended from the service of the House for 24 hours under standing order 94(b).

The member for Bradfield then left the chamber.

Mrs Bronwyn Bishop—On a point of order, Mr Speaker, I would refer you to footnote 264 on page 552 of the House of Representatives Practice, which sets out how a minister may add to an answer. She has the choice of seeking indulgence from you or alternatively giving a written answer to the Clerk. In either case, if she insists on trying to add to an answer you really must ask her to sit down and follow the proper procedures of the House.

The SPEAKER—Order! The member for Blair has asked a question relating to the update of the rollout of the Building the Education Revolution and the Deputy Prime Minister is responding to this question.

Ms GILLARD—I continue with my response to the question from the member for Blair. The member for Bradfield has now left the chamber having been named and I will explain why he should also be ashamed. Yesterday in this parliament he raised with me a question about the Gordon East Public School. He talked about buildings built there in 2005 and claimed they had a $920-per-square-metre cost. He compared this with the current Building the Education Revolution work and claimed that had a $4,870-per-square-metre cost. He said this matter was of the highest urgency. He demanded that I meet him on Friday at 8.30 a.m. at the school with an audit squad. He was so worked up about it I thought I would look into the matter directly myself, so I rang the principal of the school, Ms Gail Smith—and a lovely lady she is.

Of course, the member for Bradfield is unlikely to know that, because he has never spoken to her in his life about the Building the Education Revolution program. Never once has he spoken to her about the Building the Education Revolution program, but I did and I can inform the House exactly what she said because I noted it down. First and foremost, the first she had ever heard about an audit squad turning up on Friday was when I told her about it, the member for Bradfield having never seen fit to raise the matter with her. On the BER project at her school she said:

The school is so excited. The four new classrooms are just beautiful. The plans are on the Web. The classrooms are state-of-the-art with a sink, a withdrawal room, an environmentally friendly natural cooling system with a special roof cavity and water tanks. The classroom should be finished towards the end of the next term and will be home to the kindergarten class, two year 1 classes and a year 2 class. The kids can’t wait.

The workers are working hard to deliver the new classrooms, even working on Saturday. Some concrete was poured yesterday and the kids were just so excited. From whoa to go the school community has been involved. The plans went to the P&C. To compare these classrooms to the 2005 classrooms is just not right—the principal said, because—

The 2005 classrooms are modular. The new classrooms are brick. The 2005 classrooms do not have any of the facilities like the withdrawal room, the sink, the cooling system and the water tanks. The BER money extended so far it went to refurbishing the administration building—which she described as:

…stunning. It was a once-in-a-lifetime chance.
If the member for Bradfield was one of the clapped-out old stagers from the Howard government who was on their way out to pasture, you might say one thing, but this is one of their new, quality candidates that produced this load of old cobblers. The people they are putting in this parliament!—the member for Bradfield is one of the bright new hopes, a new, quality candidate and he cannot even pick up a phone and ring a principal. That is too hard for him, too complicated. He is so out of touch with his local community. He has absolutely no idea what is going on. Can I make a suggestion to the member for Bradfield, who is now out of this place for 24 hours? He had better spend it eating a lot of humble pie and the very first thing he should do is pick up the phone to this principal and explain he is an idiot and he is sorry.

On the question of moderately better performances by people in the opposition—and this is one moderately better performance out of the box, would you believe it, from the member for Bowman? Yes, I did say that and I cannot believe it. A little bit of honesty once in a while seeps into the Liberal Party member. They try and fight it, but once in a while it makes its way in, and today the member for Bowman said:

Look I’m very grateful for every one of the projects in my electorate. They are all of high quality and the community appreciates them.

Given the campaign they have been running in this parliament, a journalist, with a slightly incredulous tone, said:

Just on school stimulus, though, in your opening statement you said you are happy with the projects in your electorate. Is that right?

And the member for Bowman said:

My projects in the electorate don’t have any of the problems that have been described by others of waste or mismanagement as far as I know. I also talked to all of the principals and they are delighted with them in my electorate. Correct.

The journalist was incredulous, given the nature of the campaign in this parliament, and said to the member for Bowman:

So you are delighted?

And the member for Bowman said:

Absolutely, yes. Yes, I’m happy.

Isn’t this telling us everything we need to know about the shallow, hypocritical, incorrect campaign being run by those opposite? There they are: the member for Bradfield cannot even be bothered speaking to a principal and when the member for Bowman does he finds out the truth which is that they are delighted with the Building the Education Revolution program.

This morning I had more of an insight into the way that the opposition works when it comes to Building the Education Revolution. Let me conclude on this—it is about the member for Calare, and you will want to hear this.

Mr Hockey—Mr Speaker, I rise on a point of order. The point of order is relevance. I would ask her to be relevant—this has been going for how long?

The SPEAKER—Order! There is no point of order. The Deputy Prime Minister is responding to the question.

Ms GILLARD—I understand the member for North Sydney has to remind people that he is still here from time to time. But in conclusion, the member for Calare, obviously preparing for question time today, has put through a call to the Catholic Education Office in Bathurst, obviously hoping to chisel out an anti-BER statement. And what have they said? They said that they are happy; they have got absolutely no complaints.

All I can assume is that today, by the Leader of the Opposition, would have been ‘Biff a Bishop Day’ if they found out some problems from the Catholic Education Of-
office. Obviously they are happy, principals around the country are happy, principals in the member for Bradfield’s electorate and in the member for Bowman’s electorate are happy, and the opposition stands revealed for the shallow pack of hypocrites they actually are.

DISTINGUISHED VISITORS

The SPEAKER (3.23 pm)—I inform members that we have in the gallery today the Hon. Malarndirri McCarthy, who is the Northern Territory Minister for Local Government, for Regional Development, for Indigenous Development, for Tourism, for Women’s Policy and for Statehood. She is welcome on behalf of the House.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Special Schools

Mr HAWKE (3.24 pm)—My question is to the Deputy Prime Minister and the Minister for Education, Employment and Workplace Relations. I can assure the Deputy Prime Minister that these principals, who I have spoken to, are very unhappy.

I refer the minister to the plight of St Lucy’s, St Edmund’s, St Gabriel’s, St Dominic’s and Kingsdene special schools in New South Wales, which desperately need stable funding arrangements to support their students variably with Down syndrome, cerebral palsy, vision and hearing impairment and other special needs. With parents, many students and the principals here today in the parliament, can the minister explain why the government’s priorities see these schools facing funding cuts and closure while she presides over the disgraceful waste endemic in the school halls debacle?

Ms GILLARD—I really thank the member for his question because as it so happens I have met with the principal of St Lucy’s this morning. And as it happens, Jo, the principal of St Lucy’s, said the following to me about her Building the Education Revolution project. These are direct words from the principal, so I presume if the member is genuinely interested in the plight of special schools he will be interested in the words of the principal of St Lucy’s. She said to me that their BER money had enabled them to install a lift and refurbish the toilets. When the school was first built, it was built as a school for the blind—

Mr Ripoll—It had better be good, Chris!

The SPEAKER—Order! The member for Oxley will leave the chamber under standing order 94(a).

The member for Oxley then left the chamber.

Mr Pyne—Mr Speaker, I rise on a point of order. The question was about recurrent funding. It is a serious question, and these parents, the principals and the students in particular are interested in a serious answer, not an irrelevant answer on the basis—

The SPEAKER—There is no point of order.

Ms GILLARD—I am recounting the words said to me this morning by the principal of St Lucy’s. I would have thought that people would want to hear what the principal of St Lucy’s has got to say. What she had to say about the Building the Education Revolution project is that it had enabled them to install a lift and refurbish the toilets. This was important because when the school was first built, it was built as a school for the blind. It now mainly caters for children with autism and developmental delays. The old 1960 toilets were consequently not suitable to assist with the current cohort of students, many of whom are bigger children who are still incontinent. So normal-size toilets did not enable them to have the kind of change facilities that are necessary.
It should not require me to explain to this House why, in a special school, a lift to move students and staff between the floors of the school is important. The words of the principal of St Lucy’s were, ‘It has made such a difference to the staff and the students to have these new facilities’.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order on relevance. How can capital expenditure be relevant when there is no recurrent expenditure which is going to keep it open?

The SPEAKER—Order! The member for Mackellar will resume her seat. On the point of order—it may have assisted if I had ruled the final part of the question out as being argument, because the last part of the question went on to compare the lack of recurring funding with the monies that have been made available under other programs. Therefore, on this occasion—with greater confidence than I usually have—I can say that the Deputy Prime Minister is responding to the question.

Ms Gillard—I just make the point on funding of BER and special schools—and I think this is an important point, and would be celebrated by people of good will—we deliberately drew this program up so that all special schools could benefit from the greater amount of money available under the Primary Schools for the 21st Century program. So even secondary schools that are special schools can get the bigger grants, which I think is fantastic news for special schools around the country that have not had money for capital for a very long period of time.

I will answer the member’s question on recurrent funding. We have increased recurrent funding for students with disabilities. We provide that funding to block grant authorities. In the case of Catholic schools we provide it to the Catholic Education Office, and it works out the division from the Catholic Education Office to Catholic schools—the identical disbursement system for schools’ money operated by the Howard government. If the member wants to be heard to say that the Catholic Education Office cannot be trusted to properly disperse funds, then I would have thought that was a very controversial call. But, given the Leader of the Opposition has somehow said that he has now converted to paid parental leave, I suppose bashing the Catholic Education Office will be next.

Budget

Mr Sullivan (3.29 pm)—My question is to the Treasurer. What role is the community playing in the formulation of the 2010 budget and why is it important that all Australians work together to put in place the economic reforms we need for the future?

Mr Swan—I thank the member for Longman for his question because all members would be aware that this is the last question time before the budget. It is good to receive so many questions about the economy from this side of the House—there have been so few from that side of the House. I do not think we have had a question on the economy from the Leader of the Opposition. I think there may have been two questions in six months from the shadow Treasurer.

The member for Longman asked me about the budget. The budget will be about capitalising on our recent successes, sticking to our fiscal strategy and continuing to build sturdier foundations for our economy. We do face substantial challenges. We saw that with the Intergenerational report. We have seen the government fronting up to the very big challenges of health reform and the ageing of the population. I can report something like two-thirds of all submissions in the budget process do relate to these challenges. I think we can all be confident that we can go on to
meet these challenges because we are in a far stronger position than many other countries coming out of this global recession.

We do not have to go through the rubble of a recession to meet these challenges as so many other advanced economies are doing at the moment. We have preserved our skills base; we have preserved our capital base. That does put us in a very good position to deal with these challenges, so we are confident, but we are not complacent. The fact is that those opposite have no interest in these challenges. For example, the Leader of the Opposition has been in the job something like 108 days. Not only have we not had a single question about the economy but we have not had a single speech about the economy. One hundred and eight days without anything substantial to say about the economy except that he has got a big, new tax. That is the only substantial thing in 108 days that the Leader of the Opposition has said about the economy.

When it comes to the shadow Treasurer, his record is not much better. He was not here last Thursday and I notice that he was off giving a speech at the Grattan Institute. I thought that we might find something that he has to say about the economy, but he said nothing about the economy in that speech at all. It was like a first year lecture on modern political ideologies: nothing about the economy, nothing whatsoever—but a bit of a bid, I think, to put himself over to the left of the Liberal Party and separate himself a little from the Leader of the Opposition. We have had two questions on the economy in six months—one in November and one in March—a stunning record.

Mr Martin Ferguson—A heavy lifter!

Mr SWAN—A heavy lifter. That brings us to Senator Joyce. Senator Joyce has had more to say about the sovereign debt of the United States than the whole economic team has had to say about the Australian economy. I wonder whether Senator Joyce might repeat those remarks next week. I guess we will see. In the bizarre economic universe in which those opposite live, nothing is too bizarre for them. This is what Senator Joyce said on the doors this morning referring to stimulus. He said, ‘They’re spending money on something that doesn’t provide an outcome; there is no outcome from stimulus.’ What is an unemployment rate of 5.3 per cent? Breadwinners are continuing to take a pay check home so that they can sit at their kitchen table and pay the bills.

These things are not important to those opposite. There are all of the small businesses that were able to keep their doors open: small businesses in Longman and right around this country that are there today because this government had the courage, working with the community, to put in place policies which supported small business and supported employment. But they are not important to those opposite. If they could so comprehensively misjudge a global recession, they most certainly cannot be trusted to deal with a global recovery. What we have seen is how reckless they are. The final word on this came from the former Treasurer, Peter Costello. He says that they have trashed their economic credibility. Their silence in this House every day for the last six months demonstrates that.

Building the Education Revolution Program

Mr PYNE (3.34 pm)—My question is to the Minister for Education. I refer the minister to the Hastings Public School in New South Wales, which has now been told that their new school stimulus covered outdoor learning area will cost a whopping $954,000, including $346,000 on management fees, designs and related costs, when in June the same covered outdoor learning area was
slated to cost $400,000—a blow-out of $554,000. How does the minister justify continuing to dismiss as isolated problems what is obviously a systemic failure to use taxpayers’ money wisely?

Ms GILLARD—I thank the member for Sturt for his question. Earlier this week the member for Sturt and I spoke on the phone and he asked me in somewhat excited tones whether I had listened to him on Fran Kelly on Radio National that morning. I did have to inform him that I had not had the opportunity to listen to him and I was very sorry for that. It appears today that he has returned the compliment because if he had bothered to listen to Fran Kelly on Radio National this morning or at any point in the course of the morning read my transcript, he would have been aware of the circumstance of Hastings Public School. I will now just catch him up with the news cycle.

What is happening at Hastings Public School is that an audit is already in progress. The audit had commenced well before the question involving Hastings Public School was in the media at all. It was not associated with the opposition, the New South Wales Teachers Federation or any of the joint claims that they are raising in the public debate at the moment.

Well before this was in the media, the audit processes in New South Wales had identified Hastings Public School for an audit. Indeed, the audit processes in New South Wales have audited 102 schools, and they will continue to audit as necessary. This is obviously all big news to those opposite, but they really do need to catch up, because this was announced. The fact that there would be these audits to ensure robustness in the program was announced by the New South Wales government.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. It is on relevance. I did listen to the interview this morning, and nobody was impressed with the audit being the answer. She was asked to justify—

The SPEAKER—Order! The member for MacKellar will come to her point of order.

Mrs Bronwyn Bishop—The point of order is that the question is: how do you justify a waste of half a million dollars, as distinct from saying, ‘I’m having an audit,’ even—

The SPEAKER—Order! The member for MacKellar will resume her seat. The Deputy Prime Minister is responding to the question.

Ms GILLARD—There we go: the future of modern liberalism at it again.

Ms GILLARD—If she just tried to stay up with the information cycle, it would be of help to all of us. Obviously Building the Education Revolution is a huge program: 9,500 schools and around 24,000 projects. There have been audit arrangements built in through the program. Obviously there are checks that we run. There is the value for money in the guidelines. Then, of course, there are checks taken by block grant authorities. The question of having an audit squad and having these audits was announced by the New South Wales government in—wait for it—September last year. Following the announcement in September last year, do you know what happens when you announce an audit squad? Well, go figure: they go and they conduct audits. That is what they have been doing: auditing 102 schools. They had identified the Hastings Public School for an audit. That audit is taking place now, well before any of these matters were in the media, and it is a fabulous example of the system working exactly as it was designed to do.
National Security

Mr FITZGIBBON (3.39 pm)—My question is to the Attorney-General, and I ask him: what steps is the government taking to ensure an effective legal framework for Australia’s national security and counterterrorism efforts?

Mr McCLELLAND—I thank my friend the member for Hunter for his question, and I acknowledge his contribution to our nation’s national security. Protecting the safety and security of its citizens is the highest priority for a government, and a crucial part of that responsibility is ensuring that there is a legal framework in place that gives our law enforcement and security agencies the right tools that they need to protect our community but, at the same time, ensuring that our laws are balanced, that they have safeguards and that they are accountable in their operation.

In August of last year I released a discussion paper outlining how the government proposed to respond to four key reports, including two reports that were bipartisan, from committees during the time of the former government. One of the more recent reports, of course, was that of the Hon. John Clarke QC in respect of the matter of Dr Mohammed Haneef.

The bills responding to those reports and operational recommendations are extensive, and obviously I will not go through the details of all, but in some cases there is an enhancement of powers, including, for instance, new powers for the police to enter premises without a warrant in an emergency situation where it is necessary to do so to render safe a substance or piece of equipment that could cause danger to the public. There is also provision for an extension of time to re-enter premises, as we would expect, in a potential terror situation if it is necessary to evacuate it for the purpose of exercising a warrant. Significantly, there is also an expansion of the ‘urging violence’ offence so that it applies to individuals as well as groups who incite violence on the basis of race, religion, nationality, ethnic origin or political opinion.

As I have noted, the bill also contains safeguards. As recommended by the Clarke inquiry, we will be establishing a maximum seven-day limit on the amount of time that can be specified by a magistrate and disregarded from the investigation period when a person has been arrested for a terrorism offence. We have also extended the ‘good faith’ defence in respect of the new crime of urging violence to specifically include artistic, journalistic or academic work that has been prepared and undertaken in good faith. Also in terms of accountability, we have established the Parliamentary Joint Committee on Law Enforcement, which will have oversight of not only the Australian Crime Commission but also the Australian Federal Police. In that context, we will be empowering the Prime Minister to refer to the Inspector-General of Intelligence and Security the ability to inquire into any other Commonwealth agency, including the Federal Police.

I should indicate that it is not simply legislation that we have amended as a result of the four inquiries. A lot of work has been done by the agencies to implement recommendations of the Street review and the Clarke review in terms of working together cooperatively. For instance, there is a joint operations protocol between ASIO and the Australian Federal Police and a new counterterrorism prosecution guideline in terms of their relationship with the Director of Public Prosecutions. I think the success of those operations, their expertise and their working cooperatively are demonstrated in the recent successful prosecutions. The government is pleased to have introduced this important
legislation, which represents a significant move to a safer and more secure Australia.

Mr Rudd—Mr Speaker, it being a quarter to four, I ask that further questions be placed on the Notice Paper.

HEALTH

Mr Rudd (Griffith—Prime Minister) (3.44 pm)—On indulgence, further to the debate we had in question time today on the health and hospital system, my office has contacted the National Press Club. I am advised that the next available date for a debate between the Leader of the Opposition and me is next Tuesday. I would therefore look forward to the opportunity to debate him on that occasion. It would give him an opportunity to explain his future plans for the health and hospital system and for the government to explain our plans for the future of the health and hospital system as well.

Mr Abbott (Warringah—Leader of the Opposition) (3.44 pm)—Mr Speaker, on indulgence: I very much welcome the opportunity to debate the Prime Minister next Tuesday on the subject of health, but I think it is only fair to ask him, given his answer earlier in the House, that this is not in substitution for the three election campaign debates, surely.

PERSONAL EXPLANATIONS

Mr Hockey (North Sydney) (3.44 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr Hockey—Yes, by the Prime Minister.

The Speaker—Please proceed.

Mr Hockey—The Prime Minister, in his dissertation on health today and in question time as well, referred to the PET scanner at the Royal North Shore Hospital and said that it took 11 years for us to make a promise. I was first approached in 2004 about this program by Paul Roach, the acting Professor of the Department of Nuclear Medicine. The now Leader of the Opposition, Tony Abbott, as Minister for Health and Ageing, met those people in 2007. He met Associate Professor Paul Roach, Dr Chris Arthur and a number of other representatives on 29 June 2007. As a result of that meeting, he committed $3.5 million in funding for a new PET scanner at the Royal North Shore Hospital. I should add that the money was allocated when this government came in, but I and the members of the Royal North Shore professional nuclear medicine department were so concerned—

The Speaker—Order! The member must go directly to where he was misrepresented and without debate.

Mr Albanese—The Prime Minister said—

Mr Abbott—Mr Speaker, I rise on a point of order. Predictably, my point of order is that the member must go directly to where he has been misrepresented and without debate.

Mr Hockey—The Prime Minister and the Minister for Health and Ageing said that we did nothing. In fact, I seek leave to table a letter from me to the health minister on 5 March 2009 concerned that 16 months after funding was allocated nothing had happened.

Leave not granted.

Mr Hockey—And, finally, I seek leave to table a press release from Northern Sydney and Central Coast Health, where it says,
‘We also enjoy the support of Joe Hockey, who assisted us in securing the funding.’

Leave not granted.

Mr HOCKEY—I am sorry you’re all a bunch of hypocrites.

The SPEAKER—Order! There is no need for those comments on the way out.

Mr ABBOTT (Warringah—Leader of the Opposition) (3.47 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr ABBOTT—Yes, on a number of counts.

The SPEAKER—Please proceed.

Mr ABBOTT—First of all, there were some false claims made in question time today about my record on public hospital funding. For the record, let me just correct the misrepresentation. The Howard government in 2004-05 gave $7.95 billion to public hospitals and in 2007-08 we gave $9.76 billion to public hospitals. In total, it was a $10 billion increase over the period. There was a further misrepresentation when the Prime Minister claimed that I had had nothing to do with the cancer centre in Darwin. I am quoting from the Care newsletter by the Northern Territory Cancer Council:

On 30 March Minister Burns signed a formal agreement with Federal Health Minister Abbott that should see construction of the Radiation Oncology Unit begin later this year, and hopefully operational by early 2009.

I delivered my part; members opposite did not. I further clarify the misrepresentation by quoting the leading doctor, who said: ‘I haven’t met Tony, but certainly things got going when he was health minister. It’s certainly the version I tell patients.’

Ms Roxon interjecting—

Dr Southcott—It’s actually true and you don’t know what you’re talking about.

The SPEAKER—Order! The member for Boothby is not getting the early plane.

PRIVILEGE

The SPEAKER (3.49 pm)—Earlier today, the honourable member for Fisher raised a matter of privilege relating to the taking of a photograph of him in the House of Representatives. Acts which may obstruct or impede the House in performing its functions, including causing this indirectly by bringing the House into odium, contempt or ridicule, or by lowering its authority, may constitute contempts.

While the taking of an unauthorised photograph in the chamber could potentially be seen as a contempt, as I said in my statement to the House earlier today, I would take action directly against a member for disorderly conduct should I become aware of such behaviour. I indicated to the House the responsibilities of members generally for their conduct and the implications for all members if such actions were to become more common.

In the only comparable example of which I am aware, a member of the New South Wales Legislative Assembly raised as a matter of privilege the taking of an unauthorised photograph in the chamber. After investigation, the Speaker reported to the assembly that a staff member in the Premier’s office had admitted to taking the photograph, had apologised unreservedly and had destroyed the photograph. No further action was taken.

The honourable member for Fisher refers to an interference with the free performance by him of his duties as a member as a result of the photograph being passed onto his local newspaper and being published. He states that the photograph was passed on by email but has not provided evidence of the email or its source. Acts which attempt to interfere with the free performance by a member of his duties as a member can be regarded as a contempt under section 4 of the Parliamen-
tary Privileges Act 1987. Such acts must amount to or be intended or likely to amount to improper interference in the free performance of a member's duties.

In this case, I can understand that the publication of the photograph is embarrassing to the member and I can see how it might influence the views that his constituents may have of him. In the absence of more specific evidence of the effect that this has had on the free performance of his duties, and given the consistently held view that the House's privileges and contempt powers should be exercised sparingly, I do not find that a prima facie case has been established.

The honourable member asked me either to conduct a forensic examination of the photograph to establish who may have taken it or to permit him to undertake a forensic examination. I have already noted in my statement earlier that the examination of the available footage is not conclusive. Whilst I am concerned about the matter and its implications, I do not believe that further forensic examination as proposed would be conclusive, so I do not propose to agree to the member’s request.

Mr ALBANESE (Grayndler—Leader of the House) (3.52 pm)—by leave—I move:

That the following matter be referred to the Committee of Privileges and Members' Interests:

Having regard to the matter complained about by the honourable member for Fisher, whether formal rules should be adopted by the House to ensure that the use of mobile devices during proceedings does not interfere with the free exercise by a house or a committee of its authority or functions or with the free performance by a member of his or her duties as a member.

It is quite clear that this incident has caused considerable concern for the member for Fisher, and he raised it in this House as appropriate. There is a specific case which he raises, but I think also what it has raised for all members of the House is the general issue of the impact of new technology on the functioning and performance of members of this House. Hence it is appropriate that the committee have a look at those broad issues and hence the resolution which I have moved and which I gave you notice of, Mr Speaker, which I think is certainly not inconsistent with your determination as to the specifics of the complaint legitimately put forward by the member for Fisher. I think it is appropriate that it be examined by the House of Representatives Standing Committee of Privileges and Members' Interests. It is quite clear that we have a responsibility to act as members of parliament in a way which is appropriate. It is quite clear that the member for Fisher feels sincerely aggrieved by the actions of another member of this House towards him. Hence, it is appropriate that the committee examine this issue. I commend the resolution to the House.

Mr ABBOTT (Warringah—Leader of the Opposition) (3.55 pm)—Without wishing to oppose the motion, I point out that it would have been courteous of the Leader of the House to have raised this with the opposition before he put this motion before the House. It is in fact grossly discourteous of the Leader of the House to raise this matter in this way. The other point I make is that implicit in the Leader of the House's remarks is the suggestion that a member of this House might have done something wrong, and I think it is very wrong of the Leader of the House to make that kind of smear against another member of this House. It is absolutely incumbent upon all members of this House to give each other the benefit of the doubt when it comes to that kind of conduct. It is typical of the kind of nasty politics played by the Leader of the House that he should have made that kind of statement here in this House today.

The opposition is not going to oppose this motion, because we think that the rise of new
media does pose challenges for the operation of this House, and obviously mobile phones should not be used as cameras in this House against the standing orders. I utterly reject any suggestion that members of this House might have acted dishonourably and any suggestion that members of this House have acted poorly against each other. I think it is contemptible for the Leader of the House to come in here and play nasty Sussex Street politics with a matter as important as this.

Mr ALBANESE (Grayndler—Leader of the House) (3.57 pm)—In closing on this issue—

Mr ABBOTT (Warringah—Leader of the Opposition) (3.57 pm)—I move:

That the question be now put.

Question put.

The House divided. [4.02 pm]

(The Speaker—Mr Harry Jenkins)

Ayes......... 47
Noes......... 77
Majority....... 30

AYES

Abbott, A.J.  Andrews, K.J.
Baldwin, R.C.  Bishop, B.K.
Bishop, J.I.  Broadbent, R.
Chester, D.  Ciobo, S.M.
Coulton, M.  Dutton, P.C.
Farmer, P.F.  Georgiou, P.
Haase, B.W.  Hartsuyker, L.
Hawke, A.  Hockey, J.B.
Hall, K.E.  Hunt, G.A.
Irons, S.J.  Jensen, D.
Johnson, M.A.  Keenan, M.
Ley, S.P.  Lindsay, P.J.
Macfarlane, I.E.  Marino, N.B.
May, M.A.  Morrison, S.J.
Moylan, J.E.  Neville, P.C.
O’Dwyer, K  Pearce, C.J.
Pyne, C.  Ramsey, R.
Robert, S.R.  Ruddock, P.M.
Scott, B.C.  Secker, P.D. *
Simpkins, L.  Smith, A.D.H.
Somlyay, A.M.  Southcott, A.J.

Stone, S.N.  Truss, W.E.
Vale, D.S.  Washer, M.J.
Wood, J.  NOES

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

* denotes teller

Question negatived.

Mr ALBANESE (Grayndler—Leader of the House) (4.04 pm)—In response to the comments of the Leader of the Opposition, I did not name any member in this House; the member for Fisher did that this morning in
his contribution. With regard to references to the Privileges Committee, I refer the Leader of the Opposition to the manner in which the member for Mackellar moved a reference of me to the Privileges Committee and the way in which the opposition moved a reference about the member for Robertson to the Privileges Committee. I have not done that. This is a general reference looking at the use of new technology and its impact on members of parliament. I commend it to the House.

Question agreed to.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA TO A JOINT MEETING OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

Mr ALBANESE (Grayndler—Leader of the House) (4.05 pm)—by leave—I move:

That:

(1) the House invite the Honourable Barack Obama, President of the United States of America, to attend and address the House on Friday, 26 March 2010, at a time to be fixed by the Speaker;

(2) unless otherwise ordered, at the sitting of the House on Friday, 26 March 2010;

(a) the proceedings shall be welcoming remarks by the Prime Minister and the Leader of the Opposition and an address by the President of the Republic of the United States of America, after which the sitting of the House automatically shall be adjourned; and

(b) the provisions of standing order 257(c) shall apply to the area of Members’ seats as well as the galleries;

(3) a message be sent to the Senate inviting Senators to attend the House as guests for the welcoming remarks by the Prime Minister and the Leader of the Opposition and address by the President of the United States of America; and

(4) any variation to this arrangement be made only by an action by the Speaker.

In speaking to that motion briefly, members would be aware, as I think members of the general public are aware, that the arrangements regarding the visit by the President of the United States of America will be impacted on by events out of the control of this chamber but events occurring in another parliamentary chamber—that is, in the United States. We will make arrangements and let people know, for the benefit of members and senators and the general public, as soon as they are finalised. At this stage it is intended that the President of the United States of America will arrive in Canberra late on Thursday, 25 March 2010. On Friday, 26 March 2010, there will be meetings with the Governor-General, with the Prime Minister and with the Leader of the Opposition. There will be the address to the parliament and, if time permits, there will also be a luncheon. We will try to let members and senators know as soon as these details are finalised.

Question agreed to.

SPECIAL ADJOURNMENT

Mr ALBANESE (Grayndler—Leader of the House) (4.08 pm)—I move:

That in accordance with the resolution agreed to this sitting, the House, at its rising, adjourn until Friday 26 March 2010 at a time to be fixed, or until an alternative date and hour to be fixed by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker, which time of meeting shall be notified to each Member.

I move that motion to give flexibility should there be a change in arrangements due to circumstances beyond the control of this House.

Question agreed to.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (4.09 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the docu-
ments will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

Civil Aviation Safety Authority—Corporate plan for 2009-10 to 2011-12.


Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia’s relationship with ASEAN—Government response.


Debate (on motion by Mr Hartsuyker) adjourned.

TERRITORIES LAW REFORM BILL 2010

Reference to Committee

The SPEAKER—Order! I have received the following message from the Senate: informing the House that the provisions of the Territories Law Reform Bill 2010 have been referred to the Joint Standing Committee on the National Capital and External Territories for inquiry and report by 11 May 2010.

SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (WEEKLY PAYMENTS) BILL 2010

Returned from the Senate

Message received from the Senate returning the bill and acquainting the House that the Senate has agreed to the bill as amended by the House at the request of the Senate.

MATTERS OF PUBLIC IMPORTANCE

Economy

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

The waste and misuse of public resources caused by Government mismanagement

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 ALBANESE (Grayndler—Leader of the House) (4.11 pm)—I move:

That the business of the day be called on.

Question put.

The House divided. [4.15 pm]

(Ayes 72; Noes 49; Majority 23)

AYES

Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Bird, S.
Bowen, C. Bradbury, D.J.
Burke, A.E. Burke, A.S.
Butler, M.C. Byrne, A.M.
Champion, N. Cheeseman, D.L.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Danby, M.
Debus, B. Dreyfus, M.
Elliot, J. Ellis, A.L.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Garrett, P.
Georganas, S. George, J.
Gibbons, S.W. Gray, G.
PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010

Report from Main Committee

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

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (4.20 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL (NO. 2) 2009

HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2009

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2010

FISHERIES LEGISLATION AMENDMENT BILL 2009

TRANS-TASMAN PROCEEDINGS BILL 2009

TRANS-TASMAN PROCEEDINGS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009
AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES NO. 1) BILL 2009

ANTARCTIC TREATY (ENVIRONMENT PROTECTION) AMENDMENT BILL 2010

APPROPRIATION BILL (NO. 3) 2009-2010

APPROPRIATION BILL (NO. 4) 2009-2010

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

CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010

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 4, page 26 (after line 15), after section 273.2, insert:

273.2A Consent to commencement of proceedings where defendant under 18
(1) Proceedings for an offence against this Division must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (4.22 pm)—I move:

That the amendments be agreed to.

These amendments address issues raised during the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the bill on the issue of sexting. The amendments insert new provisions requiring the consent of the Attorney-General before proceedings can be commenced against a person under 18 for an overseas or internet child pornography offence. I commend the amendments to the House.

The DEPUTY SPEAKER (Ms AE Burke)—The question is that the amendments be agreed to.

Question agreed to.

TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) 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 32, page 9 (after line 33), after section 474.24B, insert:

474.24C Consent to commencement of proceedings where defendant under 18
(1) Proceedings for an offence against this Subdivision must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.
Before formulating the Clothing and Household Textile (BIC) scheme, the Minister must consult with industry about the products that are to be taken, under the scheme, to be eligible clothing and household textile products.

(2) Schedule 1, item 32, page 10 (after line 20), after section 37ZQ, insert:

37ZQA Commitment to Australian operations

It is a policy objective for the Clothing and Household Textile (BIC) scheme that entities that wish to obtain innovation grants under the scheme must be required to demonstrate a commitment to Australian-based manufacturing or Australian-based design for manufacture in Australia activities.

37ZQB Household textile products—manufacture using in-house fabrics

It is a policy objective for the Clothing and Household Textile (BIC) scheme that, for an activity of an entity that consists of the manufacture of household textile products to be taken to be an eligible clothing and household textile activity, such activity must result directly and predominantly in the manufacture of such products using fabric manufactured by the entity (in addition to complying with any other applicable requirements of scheme).

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (4.23 pm)—I move:

That the amendments be agreed to.

I thank all the members and senators who contributed to the debate on the Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009. This is important legislation. It sets the framework for the Clothing and Household Textile (Building Innovative Capability) Scheme, which is a key component of the Australian government’s textile, clothing and footwear innovation package.

The amendments moved by the opposition and accepted by the government in the Senate will reinforce the policy objectives that underpin the BIC scheme and will ensure that the scheme will operate in a manner that will support and encourage innovation in the Australian TCF industries. I thank the opposition for their support of this bill, and I commend the amended bill to the House of Representatives.

The DEPUTY SPEAKER—The question is that the amendments be agreed to.

Question agreed to.

NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010

Second Reading

Debate resumed.

Mrs MOYLAN (Pearce) (4.24 pm)—I am aware that in five minutes the House will adjourn, and I am extremely disappointed that we do not have the opportunity to more fully canvass what I think are very, very important matters for this parliament to discuss and debate—and definitely in the national interest. I had a full 20 minutes to speak on the National Radioactive Waste Management Bill 2010 and I now have about four.

The fact is that the 2007 inventory of radioactive waste shows that the Commonwealth currently holds a total of 3,820 cubic metres of low-level radioactive waste. This originates from many different areas—some of it from smoke detectors and other radioactive materials, including soils. Of course, we know that a lot of it comes from medicine that is used in hospitals. A full list can be found on the department’s website. One thousand, six hundred cubic metres is held in Lucas Heights, right in the middle of suburban Sydney; 2,010 cubic metres of contami-
nated soil is held at Woomera; 210 cubic metres of sealed radioactive sources are held at various defence sites; and further waste is held at various CSIRO sites. With respect to long-lived intermediate level radioactive waste—that is, radioactive waste that may require shielding for handling, transport and storage—the Commonwealth currently is responsible for 430 cubic metres, and the states and territories in total hold approximately 100 cubic metres.

This is always a very emotive area to talk about. Australia does not produce high-level radioactive waste at the present time. In 1999, as chair of the Parliamentary Standing Committee on Public Works, I presented on behalf of that committee to the parliament a report on the replacement OPAL reactor at Lucas Heights. That report highlighted that radioactive material was—and unfortunately still is—held at more than 50 interim sites throughout Australia. The committee found that:

In many cases, the waste is held in temporary storage, in buildings neither designed nor located for long term storage.

As part of that report, the committee recommended that ‘a national repository should be a high priority’. In fact, the search for a suitable site to build a national repository commenced in 1992. The honourable member for Hotham, Simon Crean, the then primary industries minister, was responsible for the initial surveying.

The sites around Australia include suburban hospitals, not just city-based hospitals. The headline of the Northern Territory News on 4 March 2010 is an exemplar as to how we should be considering this matter. The headline read ‘Radioactive waste in hospital basement’. Ad hoc and temporary storage areas are unsatisfactory. The coalition government took action on this issue, legislating for a national repository—to move radioactive material out of our suburban hospitals and into a purpose built facility. That legislation is the Commonwealth Radioactive Waste Management Act 2005. That legislation is enacted today; however, Labor’s policy is to repeal that legislation. Why?

On 22 October 2007, about one month before the 2007 federal election, the member for Kingsford Smith, now the environment minister, circulated a press release. In the press release, the member said:

No working family wants a nuclear reactor or a waste dump in their backyard.

Only a Rudd Labor Government will say no to nuclear reactors and the waste dumps that go with them.

Yet today, here we are considering the National Radioactive Waste Management Bill 2010, presented by the Rudd government to recreate the framework to choose a so-called waste dump. Labor is proposing this bill to investigate and potentially develop a site—

Consideration interrupted; adjournment proposed and negatived.

Mrs MOYLAN—Labor is proposing this bill now to investigate and potentially develop a site that has already been put forward and can be investigated and developed under existing legislation. An area known as the Muckaty Station site, 120 kilometres north of Tennant Creek in the Northern Territory, was volunteered by the Ngapa people and the Northern Land Council under the process in the existing legislation. Under this bill that nomination will remain. In a recent interview on ABC radio, the Minister for Resources and Energy said:

We will proceed firstly with the only voluntary site that we have, and that goes to the Ngapa land with respect to the Muckaty station.

The Northern Territory News summed up the situation in their article ‘How Canberra has wasted territory’ published on 27 February this year. Paul Toohey wrote:
When in opposition, Labor promised to repeal the legislation … In one of the most plainly insincere examples of legislative slight of hand ever seen in this country, Labor this week did repeal the legislation — and reinstated legislation that gives an almost identical outcome. All this for the sake of appearing to keep a promise.

This is not the kind of action that one expects from responsible government on a subject that is already very emotive in the community and often argued without reference to the facts.

Interestingly, this bill actually expands the potential areas that could house a nuclear waste facility. Under section 3A of the Commonwealth Radioactive Waste Management Act 2005, only the Chief Minister of the Northern Territory or an Aboriginal land council can nominate a site for consideration. Under proposed section 6 of the bill, if a person holds an interest in land and the land is in a state, the Australian Capital Territory or the Northern Territory and the estate is in fee simple, the person who holds the interest can nominate the site as a potential radioactive waste facility.

Essentially, anyone who owns land in any state or territory can suggest their land for a waste dump. Quite literally, you could nominate your backyard. However, should you fail to consult with your neighbours as per clause 7(1) of the bill, it is not fatal. Clause 7(4) says that your failure to comply with clause 7(1)—that would be telling your neighbours you want to house nuclear waste in your backyard—does not invalidate your nomination. Further, the minister under clause 8 has ‘absolute discretion’—clause 7(4)—to approve the site. The minister for the environment may believe that no working family would want a waste dump in their backyard, but this bill certainly allows for that possibility.

As much as backyard radioactive repositories are a legal possibility under this bill, as I read it, I would defer to common sense. No minister would ever grant such an application. I urge other members, too, to take a common-sense approach. Nuclear medicine benefits over 500,000 people in Australia every year and that number will only continue to grow. We need to take a mature approach and leave out the hysteria and finally get a national repository to safely store our waste.

As my colleague the member for Kalgoorlie said in his speech earlier in this House, today we saw over 100 children come to this place from all parts of Australia to talk about what it is like to be a child with type 1 diabetes or juvenile diabetes. These children have this condition not through any fault of their own but through a fault in the genes and a pancreas that fails to function properly. Last night we were fortunate to hear from some of the best medical researchers this country has. I know this is moving slightly from the topic of this bill, but we do have a very progressive nuclear medicine facility in this country. We have some of the best researchers in the world and nuclear medicine has become a fact of life. Very few of us remain untouched by the benefits of nuclear medicine. I am sure that someone in most of our families or circles of friends has had that benefit. It is simply closing our eyes to the reality that we cannot continue to store the waste material that comes from modern medicine, and particular from nuclear medicine, in city hospitals and in other city based repositories around this country.

It makes sense for us to talk factually about this matter in the community, to let the community know that this material has been stored at Lucas Heights, right in the middle of suburban Sydney, since the 1950s. To my knowledge, there has never been a serious problem with that. There has never been a serious breach of security or an episode that could give rise to a lack of public confidence
in our capacity to store this material safely. But there simply is not enough room, from a practical point of view, to continue to store the material there. It certainly should not continue to be stored, as I said, on hospital premises and other facilities in less than ideal conditions.

Common sense should prevail. I think those of us on this side of the House are very keen to see this legislation pass. As I said, this issue was canvassed before, when I was Chair of the Public Works Committee in 1999—in fact, we made it a condition of our report to the parliament that, before the new reactor went into Lucas Heights, before the old reactor was replaced, we wanted the government to identify at the very least, a site where radioactive material could be safely stored. So I would just urge everyone to have a cool head on this, to get out in the community and talkfactually about the issues and to make sure that this country can properly deal with its radioactive waste.

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (4.37 pm)—in reply—I express my appreciation to the members for Groom, Flynn, Tangney, Solomon, O’Connor, Brand, Grey, Herbert, Kalgoorlie and Pearce for their contributions to a debate on what is a complex, challenging question for the Australian community to finally front up to and resolve in a mature way.

Whilst I will deal with a few of the issues raised by the opposition members, can I say at the outset that I appreciate the support that is being given to the government by the opposition on this matter. It is time for Australia to resolve this issue—the process, as the member for Pearce pointed out, having commenced in 1988. We have to front up to the fact that as a mature society that wants access to, potentially, the best health care in the world, nuclear medicine has and will continue to be part of our future. Five hundred thousand Australians per year have access to nuclear medicine, and there is not a person in this House who does not have a family member or a personal friend who has not had access to nuclear medicine.

It is in that context that it is about time the hysteria and the misrepresentation of the facts by some in the community ceased—including, I might say by the Greens, who simply do not want this issue resolved. I must say that I give credit to the Indigenous community. The Ngapa people have taken the time to go to Lucas Heights and properly consider the complex issues at hand. What is really worrying the Greens more and more in this day and age is that the Indigenous communities are now making their own decisions. For far too long, representatives of some environmental NGOs and the Greens-

++ party have sought to unduly influence the thinking and decision-making processes of the Indigenous community.

Right across Australia at the moment, with respect to the nuclear repository in the Northern Territory—and the determination of the Ngapa people and the representatives of the Indigenous community in and around Broome with respect to a potential economic development around a gas hub—the Indigenous community is standing up and saying: ‘You wanted to give us independence and a capacity to make decisions about our land. We are now going to do it in the context of what is in our best interests and we are not going to be influenced any longer by emotive, hysterical contributions from some in the community.’ It is in that context that I approach this debate this afternoon.

With respect to the contribution of the opposition members, I simply want to make a couple of brief points. Firstly, the bill that we have introduced into this parliament is different to the one introduced by the Howard
government in four significant ways. I will firstly go to the issue of procedural fairness, which will now apply to declarations and decisions made by the minister under this bill. Secondly, the bill will allow voluntary, nationwide nominations to be made if it is unlikely that a facility will be able to be constructed and operated on Aboriginal land that has been nominated under the bill. This would include the existing nomination or a new nomination on a site of Ngapa land on Muckaty Station in the Northern Territory. Thirdly, the government has removed from further consideration three sites on defence land in the Northern Territory, identified by the former government. These sites are: Harts Range (Alcoota) and Mount Everard in the Alice Springs region and Fishers Ridge in the Katherine region. Fourthly, the bill no longer singles out the Northern Territory as the only location the minister can consider to establish a facility.

In relation to the procedural fairness provisions, I note that under the act introduced by the Howard government procedural fairness was expressly excluded from persons affected by the approval and selection of a site for a facility. Under this bill, procedural fairness will now apply to decisions and declarations made by the minister—including, the approval of land nominated by a land council, a declaration opening up a nationwide voluntary nomination process, the approval of any voluntary nomination if made, and a declaration to select any land at the site for a facility. This approach appropriately honours commitments made to the Ngapa traditional owners of the land at Muckaty Station, who have nominated land under the current act. Procedural fairness will apply to any new site nomination on Ngapa land on Muckaty Station. In addition, procedural fairness will apply if the minister decides to select any site on Ngapa land on Muckaty Station as the site for a facility.

I now want to briefly go to issues raised in a sincere way by the member for Solomon, and I note his concerns which I have listened to carefully. I can assure him, his constituents and the House that it is our intention to consult fully with all native title holders, including those whose land has been nominated to be used for a radioactive waste repository as well as those whose land would be affected. I note that the traditional ownership of land at Muckaty Station is not the subject of any dispute. I only ask that others who are giving their voice to this political dispute in another place have proper regard and respect for Indigenous decision-making processes, which they are seeking to dismiss and undermine despite years and years of struggle by the Indigenous community in Australia to establish such rights.

No-one is challenging the traditional ownership of the land nominated by the Ngappa plan on Muckaty Station. Traditional ownership was established through proper process under the Aboriginal Land Rights (Northern Territory) Act 1976 with the Aboriginal Land Commissioner conducting hearings and publishing a report in 1997 and the appropriate land council, the Northern Land Council, subsequently performing its functions in accordance with the act.

The purpose of this bill is, therefore, to finally establish a facility for managing at a single site radioactive waste currently stored at a host of locations around the country. I remind everyone it is our waste and our responsibility to store our waste because we want the benefit of nuclear medicine. Such a repository will ensure the safe and responsible management of this waste arising from medical, industrial and research uses of radioactive material in Australia. The bill ensures the Commonwealth’s power to make arrangements for the safe and secure management of radioactive waste generated, possessed or controlled by the Commonwealth.
Australia produces low-level and intermediate level waste through its use of radioactive materials. For the information of the House, the low-level waste includes lightly contaminated laboratory waste—such as paper, plastic, glassware and protective clothing—contaminated soils, smoke detectors and emergency exit signs, many of which we are familiar with because they exist in our homes and our workplaces. Intermediate level waste arises from the production of nuclear medicines, from overseas reprocessing of spent research reactor fuel—our spent research reactor fuel—and from disused medical and industrial sources such as radiotherapy sources and soil moisture meters.

The generation of low- and intermediate level radioactive waste is an unavoidable result of many worthwhile activities. Radioactive materials have a variety of important uses—just think about it—in medicine, industry, agriculture, environment and sterilisation as well as in our own homes. As I and others said in this debate, 500,000 patients annually in a population of 22 million benefit from radioisotopes in medical procedures such as cancer diagnosis and treatment. However, accepting these benefits also means accepting the responsibility to safely manage resulting radioactive waste. The two go hand in hand—and so they should. Australia also needs to comply with its international obligations to manage radioactive waste. As a party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management we need to promote the consistent, safe and responsible management of our radioactive waste. We need a long-term solution to this unavoidable but not unmanageable issue. Let mature debate resolve this matter once and for all. I thank those who contributed to the debate in a positive way and I commend the bill to the House.

Bill read a second time.

Third Reading

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (4.49 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

LEAVE OF ABSENCE

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (4.49 pm)—I move:

That leave of absence be given to every Member of the House of Representatives:

(1) from the determination of this sitting of the House to the date of its next sitting; and

(2) if the House sits on 26 March 2010, from the determination of that sitting to the date of its next sitting.

Question agreed to.

ADJOURNMENT

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (4.50 pm)—I move:

That the House do now adjourn.

Question agreed to.

House adjourned at 4.50 pm
The DEPUTY SPEAKER (Ms AE Burke) took the chair at 9.30 am.

CONSTITUENCY STATEMENTS

Mr Arshag Badelian

Mr HOCKEY (North Sydney (9.30 am)—I have long argued that this parliament should recognise the Armenian genocide that occurred in 1915. In the past month, the Swedish parliament and the United States House Committee on Foreign Affairs have both recognised the genocide. These are very welcome developments. More and more legislatures are voting to recognise this past injustice and it is time that Australia joined in. It is all the more important as we remember that so few witnesses to the genocide remain alive today. The few that do survive deserve justice and deserve to leave this world knowing that this atrocity is no longer being swept under the carpet by nations in the name of diplomacy.

In this context, I want to reflect on the life of one of the last survivors in Australia, who recently passed away. Arshag Badelian passed away early this month at the age of 100. Mr Badelian’s story is one that should motivate us all. He was born in the western Armenian district of Kharpert, now in modern-day Turkey. At the age of about six, his family were driven out of their village on the orders of the Ottoman government. Unlike many of his friends, he avoided being drowned in the Euphrates River. He credited his miraculous escape to his mother’s intelligence and tenacity.

Mr Badelian’s love for his homeland meant he returned to his home after the genocide and the fall of the Ottoman Empire, only to be evicted, along with all other Armenians, from his village in 1927. He fled to Aleppo in northern Syria—which is in fact where my grandfather was born—and ended up in Beirut in Lebanon before migrating to Australia in 1980. After arriving on our shores, Mr Badelian became one of the most respected members of the Australian-Armenian community. His was a well-known face at Armenian commemorations and events and he supported community organisations like the Armenian Relief Society, through which he sponsored three Armenian orphans. He has left a legacy of knowledge, personal testament and life experience that can never be replaced.

I therefore take this opportunity to remember the life of an amazing Armenian-Australian who endured the ordeal of living through the genocide and, motivated by that great sense of community that is so typical of Armenians, dedicated his later years to helping others. My thoughts are with his family in this difficult time. His passing on the eve of the Armenian genocide’s 95th anniversary also gives us cause to reflect on these terrible events and to recommit ourselves to the mission of ensuring that such a travesty is never again inflicted on any people simply because of their race and their culture.

Deakin Electorate: Springvale Road

Mr SYMON (Deakin) (9.33 am)—Last Friday, 12 March, I had the pleasure of attending the official opening of the new smart bicycle cages at Nunawading station in my electorate of Deakin. The bike cages are yet another component in the $140 million Springvale Road rail underpass project in Nunawading, with $80 million provided by the Rudd Labor government and $60 million provided by the Brumby Labor government of Victoria.
Unlike the empty promises of the previous Liberal government, who made promises but built nothing at Springvale Road, this is a real project that is right here and right now. The boom gates are gone and six lanes of traffic are flowing without the interruption of 218 trains per day going across the road. We have a brand new landmark underground station that is fully staffed from first train to last, and we have new pedestrian access under Springvale Road along with new car parking facilities and landscaping. The old cold and draughty, asbestos ridden station has gone. The centre of Nunawading is now into an exciting phase of renewal. It took Labor governments to build this project, working together to achieve a great outcome not just for the residents of Deakin but for the tens of thousands of people who use the rail line or Springvale Road every day—delivering in full on the promise made in 2007, on time and on budget.

Joining me at the opening were Martin Pakula, the Victorian Minister for Public Transport; Tony Robinson, the state member for Mitcham; and representatives from Bicycle Victoria, VicRoads and the Springvale Road Rail Alliance. These new bike cages are accessed by use of a swipe card and are secure, well lit and under video surveillance, with access at the push of a button to the remote control centre for users who have difficulty with the system. Only a deposit is needed to access the system. I am sure that many more people will use their bike to get to Nunawading station if they know that it will still be there when they return from their journey.

At the opening I also spoke to Michael Hassett and others from Whitehorse Cyclists about this project and about their proposal for the Box Hill to Ringwood rail trail. This proposal involves using new and existing pathways and roads in and alongside the rail reservation, providing for a safe and relatively level connection between these central activity districts in the eastern suburbs—Box Hill and Ringwood. Using 910 metres of existing shared use paths, 4.6 kilometres of new shared paths, 3.2 kilometres of road paths, 700 metres of upgraded and widened existing paths along with two new overpasses the initial proposal is costed at around $7 million. As the traffic volume in Melbourne steadily increases and traffic congestion builds every year, I believe that encouraging bicycle transport is vital. I look forward to receiving a detailed proposal from Whitehorse Cyclists in the next few weeks as to how this project could be undertaken with support from the City of Whitehorse and the state and federal governments.

Gippsland Electorate: Building the Education Revolution Program

Mr CHESTER (Gippsland) (9.36 am)—I rise to raise my concerns about the so-called Building the Education Revolution program and Primary Schools for the 21st Century. I note from the outset that the costs have blown out for this program by more than $1 billion. My key concern relates to the issue of value for money and the lack of strategic direction in the program. Anyone can dream up a good idea and come up with a policy initiative, but the challenge is delivery on the ground. That is when the reputation of a minister is either made or lost. I can tell you now that the Minister for Education’s reputation lies in tatters around every school construction site in regional Victoria.

I raised this issue with the minister in May last year in relation to opportunities to make sure that schools get the fundamental issue of value for money covered off in any program to dole out funding for construction projects. I argued at that time that the schools should have the opportunity to receive funding directly to ensure that they could drive value for money
and drive local employment opportunities in their own communities. Schools from right across Gippsland contacted me at that time and told me they would prefer to hire local contractors to undertake the work in their area and create local jobs in their local communities, particularly providing local jobs for apprentices in our region.

The schools needed the flexibility also to get what they actually need rather than what they were told to receive by the state government, which is in charge of managing the program. The principals who contacted me directly believed they could do a better job and secure a better price if they had that direct access to the grant money rather than following these strict government guidelines and seeing their funding absorbed by bureaucratic costs at head office.

I invite the schools in my electorate now to write to me—anonymously if they need to, because they are not allowed to speak out on anything against the state or federal government—to raise any concerns and any rip-offs they have seen in their own community from the state government creaming money off the top or from building firms inflating their prices. I note the concerns being raised by the members opposite, and I just say for the record: this is all about value for money; this has got nothing to do with the original decision. I actually supported a smaller package at that time and argued that it was in the best interests of our community to make sure it was strategically delivered to schools who needed it most. But value for money has completely gone out the window while this government has been shovelling money out the front door.

The education minister has a basic character flaw in that she can never be wrong—she can never accept that other people may have advice to offer to her which is constructive and can work in favour of Australian taxpayers. The education minister is a bit like Imelda Marcos in the shoe shop: she is out there just keeping on spending—and let the peasants pay for it! Australian taxpayers are tired of being treated like peasants. They are demanding value for money and demanding that the minister intervenes to stop the rip-offs under this program. I cannot name a single numeracy and literacy benefit to come from the $16.2 billion program. This has all been about shovelling money out the door in a panicked attempt by the government to buy its way out of trouble when it thought the global financial situation was out of control. There is no strategic direction in the program and there is no commitment to the fundamental responsibility of value for money. (Time expired)

**Melbourne Ports Electorate: Melbourne Grand Prix**

Mr DANBY (Melbourne Ports) (9.39 am)—Albert Park, in my electorate, is one of the highest density residential areas in Melbourne. A few people in the area no doubt enjoy the spectacle of the Grand Prix; thousands of others will have their weekends ruined by the 180-decibel drone coming from what for many years had been a tranquil area. For more than a decade my constituents, particularly those in Albert Park, South Melbourne and West St Kilda, and commuters from surrounding suburbs have been restricted and denied access to the recreational facilities in the middle of my electorate by the Grand Prix.

Several weeks ago Linfox proposed construction of a purpose-built racetrack at Avalon Airport. I think this proposal deserves more consideration. Numbers attending the Grand Prix have drastically declined over the last number of years. More than 400,000 people attended the first one; it is down to 105,000 now. As Alan Howe, the former editor-in-chief of the *Herald Sun* pointed out, Grand Prix bosses have been given hundreds of thousands of dollars in performance bonuses in recent years despite the fact that the race is selling fewer tickets and
is causing the state of Victoria unforeseen losses climbing to over $250 million. This includes licence fees paid every year to Formula One boss, Bernie Ecclestone, that perhaps top $50 million. In the first year the Grand Prix lost $2.7 million. It will lose 20 times that amount this year. As Alan Howe said on 28 February:

It’s not just locals who have turned off; the international television audience has plummeted by more than 83 per cent since 2000, and these are viewers unaffected by Melbourne’s fickle weather … That’s why the Australian Grand Prix organisers struggled to get a naming rights sponsor until last week … Qantas has signed up but, tellingly, only for a single year.

It is time the Grand Prix found a new home, and that home is Avalon. I believe the vast majority of my constituents will agree with that. I wish the Grand Prix no ill, but it is better off out of the inner city, away from the recreational areas and disrupting public transport in Melbourne for weeks and weeks. I am sure the state government will bring to mind the rational economic reasons for moving it when it decides, eventually, not to renew the contract of this organisation the Ecclestone Grand Prix.

Swan Electorate: Swan and Canning Rivers

Mr IRONS (Swan) (9.41 am)—Today I rise to speak about the Swan and Canning Rivers in my electorate of Swan. I have on many occasions in the past spoken in this place about the high concentration of nutrients in the Swan and Canning river system.

Mr Sidebottom interjecting—

Mr IRONS—I hear the member for Braddon supporting my call and I know he is interested in the environment. A significant proportion of the Swan River’s nutrient load comes from the upper reaches of the Swan in Perth’s food-producing wheat belt region. However, nutrients also enter the river from the lower reaches of the Swan in the Perth metropolitan area, including from my electorate of Swan.

Members may recall that last year I spoke about the debate in my community about the relationship between the racecourse industry and the river. I spoke about the need to hold a local community forum involving all stakeholders to discuss these matters in some further detail and allow us to move forward as a community to protect our environment and our valuable racing industry. Eventually I managed to get the stakeholders around the table in my office to discuss this issue at the beginning of March. Community representatives and stakeholders from the Swan River Trust, the racecourse industry, two local council representatives and local environment groups were invited to attend, and I am pleased that many did.

There was a productive discussion about the relationship between the racecourse industry and the river system, and the community stakeholders briefed the group on the challenges that needed working on and the progress that is being made. Discussion then moved to the other sources of nutrient flux into the Swan-Canning river system. After some discussion stakeholders noted the most preventable cause in the local area was nutrient seepage from properties and industrial areas unconnected to the local sewerage network. The mayors of the City of Belmont and the Town of Victoria Park both noted that this was an issue in their local council area. According to the City of Belmont, the suburb of Kewdale, and the industrial area in particular, is affected by this problem. The Town of Victoria Park have also indicated that the industrial land and a small piece of land at the end of Goodwood Parade, which has the potential to be developed into a high-density residential property area, needs to be connected to the infill sewerage. I know the City of Belmont are calling for the Kewdale industrial area to be
made a priority area under an expanded infill sewerage program and I will certainly support those calls.

Other issues discussed at the forum included the state government’s Fertiliser Action Plan, the impact of the Belmont Park foreshore development, the Town of Victoria Park’s recent survey of its drainage system and the Burswood Casino levy. All attendees agreed that the Rudd government’s funding cuts to the Perth NRM and the withdrawal of federal funding to a vital river-monitoring program were unhelpful and made it harder to look after and care for the river. Members also noted that one of the most significant problems affecting the Swan River was the deterioration of the river wall infrastructure.

I again urge this government to fund the project submitted to Infrastructure Australia by local councils back in 2008. This project has merit, and I am disappointed that the federal government continue to ignore it. It should not be too difficult to find $85 million when they have spent $2.7 billion on a failed and dodgy pink batts program. In conclusion, this was a productive meeting that highlighted some key issues for the Swan River in my electorate.

**Hindmarsh Electorate: Pooch Park**

Mr GEORGANAS (Hindmarsh) (9.45 am)—I am very pleased to have the opportunity today to speak about an issue of importance and concern in my local community regarding the safety of pedestrians and the safety of families and their pet dogs around Pooch Park. Pooch Park is a joint project by the City of West Torrens and the City of Charles Sturt councils in my electorate. It is a great concept where owners can take their pet dogs along to this park and let them off the leash so that the dogs can get exercise and feel free to run around. It represents an absolutely outstanding achievement for the local community, who have embraced this particular space with gusto. The park has off-leash running space for dogs and is fully equipped with a double gate entrance, agility equipment, benches, tables, gazebos for shade, water fountains for both people and dogs, and doggie bag dispensers and waste bins. The park has become increasingly popular with dog owners not only from my electorate but from all over the city, who use the facility to allow their dogs time to socialise, play and exercise. If you go down there on a Saturday or Sunday morning, it is absolutely jam-packed with cars et cetera. I am a dog owner myself, and my wife Wendy and I regularly take our Maltese-cross terriers, Coco and Bella, down to Pooch Park.

I was alarmed to hear recently about an accident on the road adjacent to Pooch Park in which a dog was run over and killed while crossing the road with all the mayhem of parking and congested traffic there on the weekends. Fortunately, neither the driver of the car nor any other person was injured. One of my constituents, Wayne Brown, of Fulham Gardens, regularly attends the park with his two dogs. On this particular day he witnessed this accident and as a result felt compelled to contact me to see if anything could be done to reduce the risk of future incidents. Because of the popularity of the park, there has been a significant increase in the amount of foot traffic and car traffic in the area, with no extra precautions to warn motorists that there are walkers, dogs and children to look out for. This tragic accident highlights the need for better signage and awareness of the increased pedestrian traffic to the area so that motorists are adequately warned that circumstances have changed and they need to be more careful when driving through the area.

At the time, I wrote to the South Australian transport minister, Patrick Conlon, and the mayors of both the cities of West Torrens and Charles Sturt, requesting action be taken to re-
duce the risk of further accidents. I am pleased to say that the South Australian Department for Transport, Energy and Infrastructure recently confirmed as a result of our requests the upgrade of signage in the area to the latest standard by the end of March 2010. This achievement may seem trivial in the context of billions of dollars announced, but it is the local issues that matter to my constituents, and I stand here today to represent them. I congratulate my constituent Wayne Brown for speaking out to protect his community and the City of Charles Sturt Council, the City of West Torrens Council, the South Australian state government and Minister Patrick Conlon for responding in a timely and effective manner. (Time expired)

Barker Electorate: Digital Television

Mr SECKER (Barker) (9.48 am)—I want to speak today on something that has been a bone of contention with many of my constituents in Barker but particularly those in Mount Gambier and also the Barossa and, more specifically, Angaston. The government plans to introduce some legislation into the House today regarding digital television which is a massive turnaround from what it had proposed initially. I note the member for Braddon would be well aware that, if his residents, like mine, were missing out on their TV services, they certainly would not be very happy chappies. The Minister for Broadband, Communications and the Digital Economy had recently dismissed legitimate concerns of regional residents and the government seemed to have a very careless attitude towards improving their services. I called on the minister numerous times to give regional Australia a better deal, and this legislation is certainly a step in the right direction. I think it is important that you give credit where credit is due.

I hear all the time from my constituents in Mount Gambier that they have a bit of a raw deal down there, and quite rightly as they currently receive only two channels, whereas most of the rest of Australia receive three or more commercial stations. The government has proposed that the broadcasters will have to roll out this full suite of channels or the residents will go to satellite. This is a pretty big stick against the broadcasters that I have to say I am not entirely comfortable with, but if it achieves what we want then we will have to consider that.

The proviso is that the channels will only be in standard definition to start off with. I hope very much that the changeover to high definition happens quite soon after, but I do have concerns about how long it will take. The minister’s office has suggested that it will be only a matter of months, and I will certainly keep the minister to that. The infrastructure involved in this sort of upgrade will be quite costly, and I will be keen to know some definite time lines, which I hope the minister will be providing.

For Mount Gambier residents this is a good thing. For areas such as Angaston and the Barossa, where I also get a lot of complaints about reception, it is not such good news at this stage. The signal there is touch and go and, where analog would perhaps be fuzzy, digital will drop out altogether. In these areas, residents will have to apply for satellite services. Again, from the minister’s office I understand that they will be given the benefit of the doubt, but I have concerns here also that the residents will not in fact come out in front. I am keen that the government take the concerns of rural and regional Australia seriously and take measures to rectify what was a very dim future for digital services in these areas to ensure residents are provided with a service of the same standard as that of their city counterparts.
Youth Allowance

Mr SIDEBOTTOM (Braddon) (9.51 am)—After needless months of obstruction by those opposite there was good news yesterday in the House that the youth allowance and student support system will now go through. I know that thousands of extra families throughout Australia will benefit from this, particularly in rural and regional Australia.

I reiterate for the record that all students who receive youth allowance will receive a $2,128 start-up scholarship every year, indexed for inflation, beginning at $1,300 in 2010. Students who live in very remote, remote and outer regional areas who have to move away from home to study and whose parents earn less than $150,000 a year will be eligible for the existing independence test criteria. The parental income test will be raised so that families with two children studying away from home can earn more than $140,000 before their allowance completely cuts out. Students who choose to move to study may be eligible for an additional relocation scholarship worth $4,000 in the first year of study and $1,000 in each subsequent year. From 1 July 2012, students will be able to earn $400 a fortnight, up from $236, without having their payments reduced. Finally, the age of independence will be reduced progressively from 25 years to 22 years by 2012, which will see an estimated 7,600 new recipients of the independent rate of allowance.

This is very good news, in particular for my region, with so many more families being eligible for youth allowance and the independence allowance. However, I am disappointed, along with other members in this House, that two places in my electorate, Devonport and La trobe, are not eligible for the independence allowance because of the agreement struck with those opposite on the AGSC criteria.

Mr Baldwin—you back Julia, don’t you?

Mr SIDEBOTTOM—Yes, indeed, I will be working with my minister, as I know many on my side and others will be, to see how this anomaly can be overcome. What I do not think we ought to lose sight of in all this is that this system will benefit so many students whom the other mob were quite happy to deprive of the opportunity to go to university and have financial support. When it really comes down to it, those on the other side are all talk, plenty of obstruction and no action. I will be working with my communities to get those two centres under the eligibility rules and to look at a different matrix than the one agreed to by those opposite, which has now put us in a relative straitjacket.

Asylum Seekers

Mr BALDWIN (Paterson) (9.54 am)—I rise today to speak in support of those ADF personnel who risked their lives after the SIEV36 explosion at Ashmore Reef on 16 April 2009. In doing so, I join my colleague Senator David Johnston, shadow minister for defence, in saying absolutely and unequivocally that those Australian Defence Force men and women involved in the SIEV36 incident should be hailed as heroes.

I was personally disappointed with the responses of some commentators who insinuated that ADF personnel somehow acted inappropriately by not first rescuing Afghans from the water following the explosion. I personally conveyed those very sentiments to the Chief of Navy, Vice Admiral Russ Crane, after the incident and to this day I remain disappointed with the unfair treatment those ADF personnel had to endure at the hands of sensationalist commentators and pundits. I was also disappointed by the complete silence of both the Minister
for Defence Personnel, Materiel and Science, Mr Combet, and the Minister for Home Affairs, Mr O’Connor, who did not utter a single word of support regarding ADF personnel and their courageous actions.

The Northern Territory coroner’s report on the SIEV36 incident was released yesterday. While the report identified some issues with regard to the manner in which the vessel was searched, which I understand have now been remedied by Defence, Coroner Greg Cavanagh categorically supported the conduct of the ADF personnel. In the report, Coroner Cavanagh said:

There were many heroic acts that morning in the process of saving the passengers and crew of SIEV36 and also in their treatment thereafter.

He also said:

The fact that the ADF members were recovered and then assisted in the timely rescue and treatment of passengers probably saved many lives.

He went on to say:

… I have concluded that action taken by navy personnel was appropriate and more passengers might have died but for the action they took.

The actions of those ADF personnel involved on that day were those of dedicated, brave and compassionate individuals. They acted with the highest level of integrity and professionalism in what was a very difficult and dangerous set of circumstances. They are the ones charged with the responsibility of dealing with the predictable repercussions of the Rudd Labor government’s failed border protection policy—a policy that will continue to unnecessarily put people’s lives in danger and a policy that will eventually see illegal immigrants processed in Australia. It is a policy that will see refugee visas granted to those very persons responsible for this tragedy.

Our ADF personnel not only followed standard practices which have been proven to save lives; they acted with bravery and compassion for their fellow human beings. They should be praised for their actions on that day, not criticised.

Workplace Bullying

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction) (9.57 am)—I rise to speak on the issue of workplace bullying. We would not think it was acceptable for people to come to work and be exposed to asbestos or toxic chemicals. We should not think, therefore, that it is appropriate for them to be exposed to the toxic behaviour that is sustained and malicious bullying. I believe that this kind of bullying is something which can be eradicated. We have changed attitudes on smoking in the workplace and on sexual harassment; there is no reason why we cannot eliminate forever bullying in the workplace.

Bullying is an absence of kindness and empathy toward one’s fellow human beings. We cannot eradicate the monster of unkindness which lives within some people or make it illegal, but we can remove it from the artificial environment which is the workplace. Bullying does not happen in a vacuum. It flows from the general culture of a workplace. If respect and dignity are absent from a workplace then bullying and cruelty are given a chance to thrive.

We also need to encourage people to report bullying, and there are those who need to be listened to. Too often the bearer of bad news in workplaces is ignored or punished because no-
one wants to admit that their organisation may have a problem. Too often when cases of bullying are eventually exposed we wonder why we did not spot the signs earlier and why nothing was done to intervene.

Tragically, the issue has come to public attention in recent months through the heavy fines laid against four men over the death of Brodie Panlock, a 19-year-old Victorian girl who committed suicide after what a magistrate described as ‘persistent and vicious bullying’ at a cafe in Hawthorn where she worked. The details of the bullying were horrendous. They included physical assault, intimidation and a level of relentless emotional degradation that was enough to make a wonderfully happy and stable person from a loving family believe that suicide was her only option.

The men were charged by WorkSafe Victoria for failing to take reasonable care for the health and safety of persons, and were fined $335,000 by the courts. I think that the unprecedented level of the fines and—even more importantly—the public outrage over the men’s behaviour shows that there is a new lack of tolerance for any such kind of conduct.

Safe Work Australia records that over 4,000 complaints of workplace bullying or harassment were reported to state authorities over the last three years. Sadly, 50 of these cases resulted in suicide or attempted suicide. And these cases are only the ones that are reported to the authorities. For adults in positions of responsibility and authority to bully their fellow workers is absolutely unacceptable. Work makes up a big part of our lives and is a big part of how we define ourselves. To feel unsafe, humiliated or worthless at work damages a person’s life, and the effects last long after the person has left the workplace. (Time expired)

The DEPUTY SPEAKER (Ms AE Burke)—Order! In accordance with standing order 193 the time for constituency statements has concluded.

COMMITTEES

Economics Committee

Report

Debate resumed.

Mr CRAIG THOMSON (Dobell) (10.00 am)—I seek leave to speak without closing the debate.

Leave granted.

Mr CRAIG THOMSON—The Australian economy has performed exceptionally well and suffered less from the impacts of the global financial crisis than almost all other advanced economies. The February 2010 hearing with the Reserve Bank was set against an optimistic forecast for growth and stability. It is notable that Australia was one of the very few advanced economies not to fall into recession.

Through 2009 gross domestic product grew by about two per cent, and in 2010 GDP is expected to reach about three per cent. Unemployment is trending down and hours worked are increasing. The strength of the upturn in the Asia-Pacific is quite strong, which is helping Australia to achieve higher growth prospects. In the large industrial countries, however, growth has been more tentative. The Organisation for Economic Cooperation and Development, the OECD, examined the impact of the global recession on growth prospects for member countries. It found that the near-term adverse impacts on Australia’s potential output were
amongst the lowest in the OECD. Both fiscal stimulus and monetary stimulus have meant Australia has averted the permanent skills and capital distraction that generally accompanies deep downturns and have meant less permanent damage to our economy.

When the government announced its Nation Building Economic Stimulus Plan in February of last year, our economy had contracted in the December quarter of 2008 and was on the brink of recession, and we were facing the bleak prospect of a million Australians out of work. As a government we were determined to do whatever we responsibly could do to protect our economy, to protect jobs and to protect small business. One year on, a combination of economic stimulus and the resilience and hard work of Australian families and businesses has meant we have avoided recession and saved the jobs of tens of thousands of breadwinners. Together we have achieved stronger growth than any other advanced economy. We have created 112,000 jobs over the past year and have so far kept unemployment to under six per cent. Australia’s strong economic performance was highlighted by global ratings agency Standard and Poor’s earlier this month in the Asia-Pacific Sovereign Report Card, which noted: Australia has been the best performing developed economy in the world in recent years … There are encouraging signs of Australia’s continued recovery and more evidence of how well our economy has performed in the face of strong headwinds from the global economy. The recent retail trade figures show that the value of retail trade grew by 2.1 per cent through 2009, notwithstanding a 0.7 per cent fall in December. The volume of retail trade rose by a strong 1.1 per cent in the December quarter to be 3.4 per cent higher through 2009. This demonstrates the role stimulus has played in giving consumers the confidence to keep spending. Building approval figures were also encouraging. These showed that total residential building approvals were up 2.2 per cent in December, increasing by 53.3 per cent over 2009. This was the strongest annual growth in almost eight years.

Last month the Access Economics Investor Monitor showed that investment in our economy was helped by the government’s infrastructure stimulus. Compared with a year ago, there has been a very big increase in the value of defined projects that are now going ahead. Our nation-building investments in schools, roads, rail and ports are a big part of the reason for that improvement. Access Economics said:

… significant government investment also played a very strong helping hand, most notably the Federal Government’s schools upgrade program … economic infrastructure projects are a substantial part of the investment agenda, led by Federal and State Government spending.

As a result of Australia’s positive growth prospects, the Reserve Bank of Australia began lifting the policy cash rate from its emergency lows of three per cent. The cash rate was raised three times in succession between October and December 2009. In March 2010, the cash rate was lifted another 25 basis points, taking the new cash rate to four per cent. It is worth noting that this is still some 300 basis points lower than when we came to government.

During the hearing, the committee examined the RBA on the key forecasts for the economy, focusing on inflation and growth and their influence over the policy cash rate during the next 12 months. The committee examined some of the possible constraints to growth and possible impacts which could lead to inflationary pressures. In addition, the committee examined issues affecting bank funding.
The committee also dealt with the public claim by Senator Joyce that Australia might be at risk of defaulting on its sovereign debt. The committee is of the view that a claim like this is irresponsible and has the potential to undermine the economy. The governor advised:

There has never been an event of sovereign default by Australia as far as I know, and I very much doubt there ever will be.

Economists also called Senator Joyce’s comments irresponsible, especially at a time when financial markets were jittery and overseas investors might have taken his comments seriously. A key ratings agency, Standard and Poor’s, reacted to the statement about sovereign debt and said that it rated the debt of the Australian government at AAA, with a stable outlook. It said that AAA is the highest rating and indicated the agency’s opinion that the government has an extremely strong ability to meet all of its debt obligations. Standard and Poor’s added that the AAA rating was indicative of the extremely strong ability to meet financial obligations and, therefore, in their opinion, there was very little chance of defaulting on debt.

In conclusion, on behalf of the committee I would like to note that this is the 50th anniversary of the Reserve Bank of Australia. On 14 January 1960, the RBA commenced operations under its first governor, Dr HC ‘Nugget’ Coombs. The committee notes the contribution that the RBA has made to the stability of the Australian economy and looks forward to its continuing contributions in the years ahead. On behalf of the committee, I would also like to thank the Governor of the Reserve Bank, Mr Glenn Stevens, and other representatives of the RBA for appearing at the hearing on 19 February. The next public hearing will be on 27 August 2010, in Canberra. I commend the report to the House.

Mr Briggs (Mayo) (10.07 am)—I join with the member for Dobell, following his largely high-quality contribution in this place, in thanking the governor and the staff of the Reserve Bank for their cooperation at the hearing. I also acknowledge the work of the committee secretary, Mr Boyd, and his staff in putting this report together. They obviously do a lot of work to get these things ready.

I thought we had a very high-quality discussion with the Reserve Bank governor. It is one of the main opportunities that the parliament has to interact with the Reserve Bank governor and ask about issues that are driving his thinking in relation to dealing with monetary policy. I thought the Reserve Bank governor was very frank with the committee. I think he was very honest and open about where he thinks monetary policy is going and the factors playing into that. It was welcomed by our side of politics, but probably not by the others so much, when the Reserve Bank governor quite clearly outlined that there is a link between reckless fiscal spending and higher interest rates. I thought that was a pretty telling moment in the morning’s proceedings.

The other aspect that the governor made very clear was his very deep and clear concern that the re-regulation of the workplace in Australia is leading to increased pressures on wage-price increases, leading to bottlenecks in Western Australia through increased strikes, as we have seen. The governor expressed deep concern about that and the impact it will have on our productive performance and, ultimately, on not just interest rates but also the employment levels of Australians. The governor very specifically made that point. I think that is of major concern. It is heartening to see that the putative Prime Minister, the Deputy Prime Minister, indicated through the Australian newspaper yesterday that she is considering winding back
some of her more draconian union based laws. So I think those were the major policy aspects impacting on monetary policy in Australia that we got from the hearing.

I thought there was some other interesting discussion about the structural issues in and around the bank. We had a discussion with the governor about claims aired through the ABC Lateline Business program last year of pre-leaking of board decisions prior to the board meeting. I thought the governor was very strong in his dismissal of those accusations, and it was a good opportunity for the governor to clear that up. It was an important issue; interest rate movement is very market-sensitive information and claims that that information was being pre-leaked to the market were obviously worrying. They were worrying for this place and obviously also for the governor, because he was very strong in his dismissal of those accusations.

We also had a very good discussion about the board structure. There are some who claim, and I have some sympathy for this claim, that we do need to consider this given, as the Reserve Bank governor himself has identified, that there is an increasingly difficult role for the central bank—a more complex role, interacting in global movements. There is some merit in reconsidering the structure of the Reserve Bank board. This is not because it has done a bad job over the years; certainly in recent times it has performed quite well. Part of our role in this place, and an important role of this committee, is looking at the issues that will need to be addressed by the Reserve Bank and by the parliament in the future. It is an appropriate moment, given that the governor in his 50th anniversary speech highlighted the more difficult circumstances in which the bank is operating, to give some consideration to whether there need to be some more market-based professionals, market-based economists, on the board. The governor, while supporting the board, I thought took on board some of those questions and we had a reasonable discussion. I personally would like to see that sort of review or consideration take place, to see whether it is high time to change the structure of the board.

Against that there is the developing and important issue of the consideration the governor is giving to changing the way the bank operates in respect of leaning against the wind, where the bank sees a developing problem in an area like the housing market. We had a very good discussion on this. It is a contentious issue and I think it is a very big policy issue. I am very concerned to make sure that, if that decision is made, it is made in conjunction with the government of the day, with the parliament, and there needs to be a full and open debate about whether that is a good policy or not. I am concerned that with a very weak and ineffective Treasurer these decisions might be made without due consideration being given to them in this place. I am concerned to ensure that the governor undertakes any changes to the way he operates in setting monetary policy in conjunction with the parliament and the Treasurer of the day. There should be a full and open debate about this issue, if in fact we decide to go down this path. It would be a massive change to the way the bank operates and it would have a very real-world effect on people’s house prices and the interest rates that they pay. It is a developing issue. Yes, it is technical and it is pretty dry and it is not a matter that the Daily Telegraph will splash across its front page—the member for Banks does not need to worry about that too much—

Mr Melham—They have in the past; they will in relation to the market.

Mr BRIGGS—They will in relation to decisions on rates, absolutely, so there is a real-world consequence which we face as members of parliament, and how the bank sets its rates
and makes its decisions is a very important issue. They should not be decisions made purely by the bank. That is my point, and I think the member for Banks and I are probably in agreement on that. If the bank is going to change the way it makes its decisions then we should be part of that process. That is a developing issue. With those short remarks, I acknowledge the work of the chair of the committee, who works very hard on this part of his responsibilities, and also again the secretary and the bank.

Debate (on motion by Ms Hall) adjourned.

Electoral Matters Committee
Report

Mr MELHAM (Banks) (10.14 am)—I seek leave to speak without closing the debate.
Leave granted.

Mr MELHAM—Section 328 of the Commonwealth Electoral Act provides guidelines for the printing and publication of electoral advertisements, notices and other material. If a person or organisation wishes to print or publish electoral advertisements then they must include on the advertisement the name and address of the person authorising the advertisement and the name and place of the printer. The penalty for not complying with these requirements is $1,000 for an individual and $5,000 for a body corporate.

On 20 November 2007, then members of the Liberal Party were involved in the distribution of unauthorised election material. The persons involved in the events in the division of Lindsay were in breach of section 328 of the Commonwealth Electoral Act. Mr Gary Clark was fined the maximum amount. Three other persons were found guilty of the crime. Mr Jeff Egan was not convicted, because he claimed he did not know that the electoral pamphlet did not contain the name and address of the person who authorised it and the name of the business of the printer.

While the election pamphlet was unauthorised, it was the content matter that caused distress and disgust. The pamphlet sought to turn voters away from the Labor candidate and to incite racial tensions. The then Prime Minister, the Hon. John Howard MP, commented that the action was ‘tasteless and offensive’. All members of the committee agreed that the actions that occurred in Lindsay were appalling and needed to be stamped out with the introduction of more significant penalties.

The committee recommended that section 328 of the Commonwealth Electoral Act be re-drafted as a strict liability offence and that the maximum penalties be 60 penalty units, or $6,600, for an individual and 300 penalty units, or $33,000, for a body corporate. Strict liability will make it more difficult for people to claim that they did not know that a pamphlet was not authorised. I am hopeful that the government can provide an early response to this report and can draft the relevant amendments and that, with the support of the opposition, the Greens and the Independents in the other place, we can have the amendments to section 328 in place for the next federal election. I think that is important and that it sends the right message to the community in relation to the parliament’s attitude as to how this issue should be responded to.

In reviewing the wider penalties of the Commonwealth Electoral Act the committee was advised that the penalties had not been updated since 1983. It should be noted that the committee, in 1989 and, again, in 1996, recommended that the penalty framework in the Com-
monwealth Electoral Act be updated. Unfortunately, these recommendations were not pro-
gressed. The committee has now recommended that the Special Minister of State, with assis-
tance from the Attorney-General, introduce amending legislation to update the penalty provi-
sions in the Commonwealth Electoral Act. When the amending legislation is introduced to the
parliament, the bill should be referred to a committee for inquiry so that proposed changes can
be publicly debated. The committee believes that these recommendations will help to
strengthen the Commonwealth Electoral Act by increasing penalties to help deter electoral
crimes.

In the appendices of the report we have copies of the unauthorised pamphlet and copies of
the judgment in the Clark and Egan cases. We also have the apologies of Mr Clark and Mr
Chijoff, and copies of the bogus pamphlet that was produced in 2004 in Greenway. The report
is a factual report and people can go to the report to get the full picture. I think it is not insig-
nificant that the report was a unanimous report by government and non-government members.
The dissenting report itself is from Senator Bob Brown, but that relates to truth in advertising.
He has used this report as an opportunity to make some comments in relation to tackling the
problem of truth in advertising in election campaigns.

In conclusion, I want to thank my committee colleagues for their contribution to the report
and those organisations and individuals who prepared submissions and appeared as witnesses
before the committee. I would also like to thank the committee secretariat for their work in
preparing the report and commend the report to the House.

Mr ROBB (Goldstein) (10.20 am)—I rise to speak on the Joint Standing Committee on
Electoral Matters Report on the 2007 federal election—events in the division of Lindsay. In
reflecting on the incident in general, I concur with the view of the then Prime Minister, John
Howard, at the National Press Club on 22 November 2007. He stated:
I condemn what happened. It was an unauthorised document, it does not represent my views, it was
tasteless and offensive. There are many, there are myriad legitimate criticisms that can be made of the
Australian Labor Party, but I do not believe that the Australian Labor Party has ever had any sympathy
for the Bali bombers and I thought it was an outrageous thing to say. That’s my view, I think the party
organisation has dealt with it with lightning speed and great effectiveness.

In my view, this report on that incident—which was a most unfortunate incident—presents an
exhaustive and factual approach to the issue. I am grateful to the chairman, in particular, and
other members of the committee for the approach that was taken. As well, it importantly re-
views the adequacy of the penalty provisions in the Commonwealth Electoral Act 1918 in
light of the events that occurred on the evening of 20 November 2007 that led to five people
being charged with breaching the act. The actions of those individuals were totally unaccept-
able and reprehensible but I think in no way reflective of the Liberal Party, its members, sup-
porters and candidates at large. Those events did, however, bring into focus the inadequacy of the
penalties, as set out in section 328 of the Commonwealth Electoral Act 1918, for breach-
ing the act’s guidelines. The current penalties are $1,000 for an individual and $5,000 for a
body corporate for non-compliance. Opposition members and senators agree that these penal-
ties, which have not been updated since 1983, are inadequate and act as an insufficient deter-
rence. In addition to this, opposition members support recommendation 2 of this report. It
states:
The committee recommends that section 328 of the Commonwealth Electoral Act 1918 be redrafted as a strict liability offence, and the maximum penalties be 60 penalty units for an individual and 300 penalty units for a body corporate.

These increased penalty units currently equate to $6,600 for an individual and $33,000 for a body corporate. We believe these increased penalties and the offence being redrafted as a strict liability offence strike the right balance. As the report states:

In the future, party member or non-aligned persons should think very carefully about the ramifications of undertaking the illegal practice of distributing unauthorised election material.

These penalties do represent, in my view, a significant deterrence and if properly understood and made known by all parties to people associated with their party will act as a significant deterrence and strike the right balance. In brief, recommendation 1 of the report states:

The … amending legislation—

with assistance from the Attorney-General, should use—

the schedule provided by the Australian Electoral Commission … as a guide.

The … Referendum (Machinery Provisions) Act 1984 should be updated—

accordingly, and—

The … amending legislation—

be put—

to the committee so that it can conduct a bills inquiry …

Recommendation 3 states:

The … Australian Electoral Commission should, at the next federal election, record all polling booth offences that are reported, the actions that were taken and provide an appraisal of the adequacy of the powers under the Commonwealth Electoral Act 1918 to deal with polling place offences.

Opposition members support both these recommendations. Finally, I would like to add my thanks to my committee colleagues and, in particular, the chairman, the member for Banks, for the approach taken. Also, I would like to thank the committee secretariat and those organisations and individuals who prepared submissions and appeared as witnesses before the committee.

Mr BRADBURY (Lindsay) (10.25 am)—I wish to add my congratulations to the committee for the work that it has done to try to remedy the situation that led to one of the lowest acts in our democratic history. The events that occurred in the 2007 election in the electorate of Lindsay, where I was the Labor candidate contesting the seat, represented one of the worst examples of a group of individuals seeking to stoop to new lows in trying to use issues of race, ethnicity and religion to divide our community. The one redeeming grace in this whole episode is that the culprits were caught. There will be arguments about the extent to which the individuals that might have been responsible were ultimately prosecuted. I do not wish to engage in any of those. The point remains that had those individuals not been caught red handed as they were then their activities would have gone on without the public scrutiny that has occurred. It was on the basis that those individuals believed that they would be able to do that without getting caught that they engaged in those activities.

The recommendations that the committee has brought forward will be significant because of the way in which they have increased the penalties and changed the nature of the offence so
that it is a strict liability offence. Many people would find it very difficult to believe that sea-
soned campaign professionals, as some of the individuals involved were, could participate in
the distribution of materials of this sort and then be exonerated on the basis that they did not
understand or know that the material was distributed. These proposals are not just targeted at
the seasoned campaign professional; they are targeted at all individuals. The act of distribut-
ing material in a political and campaign context is an act that should always attract some de-
gree of caution and obligation on the part of the person who is distributing that material. Clearly
these proposals will go some way towards requiring that of individuals.

The previous penalties were clearly inadequate—$1,000 for an individual or $5,000 for a
body corporate—for someone guilty of being in breach of section 328 of the Commonwealth
Electoral Act. These proposals would increase those penalties to a maximum penalty of 60
penalty units or $6,600 for an individual and 300 penalty units or $33,000 for a body corpo-
rate. Significantly, as I mentioned earlier, this offence will be one of strict liability.

Clearly people in communities should have an expectation, which should be realised and
adhered to by those of us involved in political campaigns, that material that is distributed is
not of the nature of the material that was distributed in this case. It was material that was fac-
tually incorrect, material that was racially and religiously motivated and material that was by
its nature deeply divisive and intended to cause and incite division.

It is instructive to reflect upon the contents of the pamphlet because so much commentary
and discussion has occurred about the pamphlet that we have sometimes moved a little further
away from the text than perhaps we should. The pamphlet itself has logos of the Australian
Labor Party. It is clearly purporting to be a document distributed by the Australian Labor
Party. It is headed, ‘The Islamic-Australia Federation’. I will not quote all of the contents but I
will focus on a couple of the elements contained in that leaflet.

In the upcoming Federal election we strongly support the ALP as our preferred party to govern this
country and urge all other Muslims to do the same.

It goes on:

The leading role of the ALP in supporting our faith at both State and Local government levels has
been exceptional and we look forward to further support when Kevin Rudd leads this country.
I think it is worth making the point that I was the Labor candidate at that election and had
been a long-serving member of the local council. So, clearly, there was an implication here
that, as the Labor candidate and someone who had been involved in local government, I was
being drawn in personally to the comment being made. If we go on, the leaflet reads:

We gratefully acknowledge Labors support to forgive our Muslim brothers who have been unjustly
sentenced to death for the Bali bombings.

What a disgraceful suggestion. What a disgraceful comment to make. Anyone who had any
basic sense of morality or understanding of the need for tolerance in our community would
agree that to tell a bald-faced lie of that nature, which was clearly intended to be very divisive
and to reflect poorly upon the Australian Labor Party, was disgraceful. We all know it was
untrue. We all know that the Australian Labor Party and members of the party were as dis-
mayed, disgusted and appalled by the events surrounding the Bali bombings as any other Aus-
tralian. The suggestion here that somehow the Australian Labor Party was forgiving of the
individuals involved was clearly designed to push certain buttons within the community and create division over this particular issue. The pamphlet goes on to say:

Labor supports our new Mosque construction and we hope, with the support and funding by Local and State governments, to open our new Mosque in St Marys soon.

Well, there is no existing mosque, there is no new mosque and, as far as I am aware, there is no proposed mosque. Once again, this was a bald-faced lie and an attempt to create division within the community.

The pamphlet goes on, but I do not wish to quote any further from it other than to make the point—a point that is beyond contention, and I acknowledge that those on the other side do accept that this is the case—that the comments that were contained within that pamphlet were clearly factually incorrect. And I think that, as to the motivations of those who penned these comments, we all agree that the comments were intended to incite division and racial and religious disharmony.

This has been an exhaustive process and I do commend the committee for their involvement. But I wish to focus in on some of the unanswered questions that I have an interest in having answered and which I think many members of my community also have an interest in getting to the truth on. I wish to raise a matter that I have raised previously in the House. I have raised the matter to try and seek clarification and answers to my questions but, up to this point, those questions have not been answered.

By way of background, I refer to an article that appeared in the Sunday Mail on 9 December 2007 written by Glenn Milne. It says:

SENIOR Liberals have sought to link Tony Abbott to the “race leaflet” row that helped cost the former government the election.

The article goes on:

According to senior Liberal sources, it was Mr Abbott who advised the former Liberal MP for Lindsay, Jackie Kelly, to defend the leaflet as “a Chaser-style stunt”.

The article goes on a little later to quote Mr Abbott as saying:

‘Jackie’s a great mate—

that is, Jackie Kelly, the former member for Lindsay, is a ‘great mate’—

of mine and the Warringah Conference—

the article notes that to be ‘Mr Abbott’s fundraising arm’—

bankrolled the Lindsay campaign.

The questions that I have asked and which still remain unanswered are: who paid for the printing of these pamphlets? Where were these pamphlets printed? Were they printed using either taxpayer funds—which I think would be an outrage—or alternatively funds that were provided by the Leader of the Opposition’s fundraising arm, as this particular article states? As I understand it, the quote that I have just read was attributed to the Leader of the Opposition. I am not aware of any statement that he has made to distance himself from the financing of the Lindsay campaign, but the question remains: were any of the funds that were raised by his fundraising arm used to print this pamphlet? I do not think it is too much to ask the question and expect that someone who is putting themselves forward as the alternative Prime Minister will answer that question. That is the first question.

MAIN COMMITTEE
One of the other questions that arise from this particular report, as appendix I of the report indicates, is about the bogus pamphlet against the ALP that was distributed in Greenway in the 2004 election. It had some remarkably similar themes in it. In the 2004 election there was a bogus pamphlet distributed—and a copy of this is enclosed as an appendix—where a picture of Ed Husic, who was the Labor candidate for Greenway in the election, appears. The banner sitting underneath the picture says: ‘Ed Husic, Labor candidate for Greenway.’ Then there are some very simple dot points. The pamphlet reads: ‘Ed Husic is a devout Muslim. Ed is working hard to get a better deal for Islam in Greenway.’ We still do not know who printed this pamphlet. In this particular case, the distributors of the pamphlet were not caught red-handed in the early hours of the morning in some sort of almost SWAT-style operation. That is what it took, unfortunately, to uncover the activities in the Lindsay campaign in 2007. So we have this pamphlet. It seems to me that there is a clear pattern here. We might not know who did it, but I think the Australian people have enough circumstantial evidence to draw their own inferences as to what occurred there.

As far as I am aware, the current member for Greenway has not sought to dispute whether the local Liberal campaign had any involvement in this particular leaflet. I am certainly not coming into this place to make an accusation of that sort, but I think it would be helpful for the member for Greenway to clarify her position and to rule out any involvement on the part of those individuals that were working on her campaign in this particular episode.

All in all, I think that the measures that are being proposed are good ones. I dearly hope that they are able to ensure that in the future these sorts of activities are not undertaken. If, at the end of the day, there are people who are not prepared to allow their own moral compass to stop them from engaging in activities of this sort then it is the role of the state to put in place penalties that might discourage those individuals from engaging in these activities. I hope the way in which the penalties have been increased and the way in which we now have a strict liability test will weigh heavily on the minds of many individuals, whether or not they are supported by a party organisation, if they are ever considering printing and distributing a pamphlet of this nature. It was an outrage. I come to this place having lived to tell the tale but only because the activities of these individuals were uncovered when they were caught red-handed. It is a shameful episode in our nation’s political history and I think anyone who reads the report that has been handed down by the committee could not help but agree with that conclusion.

The DEPUTY SPEAKER (Ms AE Burke)—In my role as chair of committees I want to commend the Chair of the Joint Standing Committee on Electoral Matters, the member for Banks, and the member for Goldstein for the way the committee has conducted this report and for their statements in the House today. I think it reflects incredibly well on the parliament. I think that, if the public saw the work that went into this, they would have a greater appreciation of our parliamentary standards. I really want to commend the committee for the work done on what would, in some respects, have been a fairly difficult report. Congratulations on that.

Debate (on motion by Mr Chester) adjourned.
Debate resumed.

Mr GEORGANAS (Hindmarsh) (10.40 am)—I seek leave to speak without closing the debate.

Leave granted.

Mr GEORGANAS—Not many Australians are aware that Australia’s closest international border is only a few kilometres away—in fact, 30-odd minutes away by banana boat—from the Torres Strait and that Australia and Papua New Guinea share a unique treaty arrangement that permits free movement between treaty villages on either side. A number of media reports in the last year or two have intimated that there is an influx of PNG nationals arriving, via the treaty, in the Torres Strait and that infection risks for communicable diseases like TB and HIV-AIDS are very high. The inquiry and a delegation of the health committee sought to examine these issues in detail. We hope that this report goes some way towards highlighting the issues in their complexity, tempering some of the unsubstantiated fears and reaffirming why we permit a relatively small number of sick PNG nationals access to health services in the Torres Strait under specific conditions. We do so for humanitarian and practical reasons, because that is what good neighbours do.

The report shows that a range of structures exist and that systems are in place for managing this process from treaty consultation processes through to Queensland Health treatment guidelines. There are costs associated with treating these individuals and, while the numbers treated are small, costs for serious conditions like MDR-TB are not insignificant. It is in everyone’s interests to try to mitigate these.

The committee heard and saw for itself some of the push factors for why treatment may be sought on the Australian side. There are vast disparities between health facilities in PNG and those in Australia. Major challenges on the PNG side include a lack of human resources, equipment and infrastructure, coupled with rugged geography and governance issues that make difficult the distribution of essential supplies and service delivery.

The committee learnt that the problems are not solely due to a lack of money, especially in the Western Province, which is actually one of the richest provinces in the country. Australian aid in the region is substantial, seeking to strengthen health facilities along the border in the Western Province as well as the national health system in PNG and the Solomon Islands. Extra resources are being allocated to the Saibai Health Clinic—Saibai being in the Torres Strait on our side—in recognition that it caters for PNG nationals, in addition to Torres Strait residents. The Office of Development Effectiveness reports indicate that overseas aid effectiveness is a bit of a mixed bag and that it is more successful in some areas than in others. Placing Australian advisers in line agencies, such as the Ministry of Health, to work alongside host counterparts in the Solomon Islands is one strategy that appears to work well.

On overseas aid it is worth mentioning something not well known: assistance flows two ways. It is not well known in Australia that PNG provided aid to Australia for its victims of natural disasters, of the Victorian bushfires and the Queensland floods. So it does flow both ways. Australia works in partnership with the governments of PNG and the Solomon Islands to achieve better health outcomes and determines priorities in both countries, in line with
what those governments want. PNG and the Solomon Islands are sovereign nations and Australia can only, and only wishes to, assist. Ultimately, the PNG and Solomon Islands governments are responsible for delivering health services to their own citizens.

In this report the delegation highlighted the problems but also what works or could work better in Australia’s role in facilitating these solutions. For instance, Australia has clearly made a fundamental difference to the water and sanitation situations in treaty villages in the Western Province of PNG through supplying rainwater tanks that provide a minimum level of safe drinking water. The delegation also recommended that this installation program be expanded to provide more than the minimum level of water required. Installing adequate water and sanitation in villages is part of getting the basics right for better health outcomes. We saw that, if you do not get those basics right, the health outcomes that flow through obviously are not as good. We know that a lot of illnesses and diseases are eradicated just by having sanitation in these villages.

The delegation also noted that the PNG government, together with Sustainable Development, have undertaken to improve water supply and would like to see this done as soon as possible. That said, the delegation recognises the very real logistic and practical difficulties that stand in the way of any speedy or comprehensive installation.

In the Solomon Islands Australia has built basic but functional health clinics, complete with solar fridges for cold storage of vaccines where electricity does not exist. The delegation learnt that one-off projects, supply deliveries and volunteer or staff placements can sometimes do more harm than good, despite donors’ best intentions. The committee has recommended that a contact point be established that provides community organisations with basic information on the suitability of their intended donations in particular regions. Similarly, when building new health facilities or offering other goods and services to assist, the Australian government and Australian community organisations must consult donor partners and local communities. New health facilities must be consistent with suitable support measures that will need to be put in place for staff and to maintain that new structure.

The delegation heard from nearly everyone it met with during the visit about the huge benefits of twinning arrangements between health institutions in respective countries, be they hospitals, laboratories, universities or parliaments. Developing and maintaining institutional relationships is not up to governments per se; rather, it is up to the institutions themselves. However, the delegation has recommended that the Australian government do all that it can to encourage and support sustainable schemes and exchanges.

Fostering greater people-to-people links, genuine exchange and sharing of information and training lies at the heart of a new era of re-engagement and underscores true partnership. Myriad benefits are being reaped from the Australian Leadership Awards. There is the relationship that exists between the Solomon Islands parliament, for example, and the New South Wales parliament, and there are courses like those run by the Australian National University’s Centre for Democratic Institutions. Women in politics courses are designed to assist participants from the region get more women elected in their national parliaments. The delegation hopes to see more women parliamentarians elected in the region in coming years and for the Australian parliament to do all it can to support that process—hence our recommendation to the Presiding Officers to establish a parliamentary mentoring program, especially for women MPs. The
delegation believes such a program would have reciprocal benefits for and enrich all our parlia-
ments.

This inaugural committee delegation visit to the PNG and Solomon Islands was the first joint parliamentary delegation in recent memory to the treaty villages, and the first parliamentary health delegation in recent memory. The symbolism of such a visit is very important. The delegation visit was warmly welcomed by governments at the highest national and provincial levels, and by institutions and community organisations. Delegates were also made to feel incredibly welcome in the villages and were privileged to spend time in villages that are not easy to get to in either the Western Province of PNG or the Solomon Islands. Wherever the delegation went it experienced and shared the goodwill that exists with the people of PNG and the Solomon Islands.

Of course, governments must go beyond symbolism and in-principle agreements to fund and implement the better health infrastructure and services that are required on both sides of the border. That is something which the Australian and Papua New Guinea governments have both undertaken to do with a new package of measures which is designed to strengthen health services on both sides of the border. This package is in its infancy but already the delegation heard that measures such as installing health communication officers on both sides of the border are proving effective. The delegation has recommended that consideration be given to expanding such positions in the future because their job is so vital and possibly beyond the capabilities of any one or two individuals. The delegation was told that close communication between partners is a key to any program’s success, including that achieved by the national malaria program in the Solomon Islands.

The delegation was fortunate to be able to meet with ministers, parliamentarians, health professionals and communities for discussion on a range of health issues, from TB, HIV-AIDS and malaria to the rise of diabetes in the region and the encroaching impacts of climate change on health. All dialogue was conducted in a frank and very open manner. Delegates were especially impressed, and indeed humbled, by all the health professionals and community workers that we met with in the Torres Strait, PNG and the Solomon Islands. They are so clearly committed to providing the best patient care they can under the circumstances, and often they have limited tools and support. They are the unsung heroes of any health system.

Beyond aid, PNG and the Solomon Islands require robust integrated healthcare systems that incorporate a range of outreach services in outlying areas. Australia has rural and remote areas too that governments find difficult to service. PNG and the Solomon Islands are not alone in grappling with how best to deal with moving a fragmented health system to a less fragmented one. Australia has long struggled with the issue of major health reform, and still we hear the debates as to what level of government—national, state or local—should take responsibility for health services funding and delivery. Major structural reform is again on the agenda here in Australia, so we have something fundamental in common here.

Similarly, we must all deal with the impacts of climate change on health, and we should take note of some of the experiences we learned from each other while we were over there as to what does and does not work. For example, at the hospital on the island of Gizo we saw the effects of climate change on rising sea levels where the water has come right up to the hospital’s border. They had to actually physically move the hospital and they are building a new one. Climate change is a real threat and is already affecting people’s lives. It is already having
an impact on health in the Pacific. The delegation’s visit played a role in that sharing and learning process in that we heard from them and they heard from us. Delegates hope to see the parliamentarians we met in the PNG and Solomon Islands back in Australia in the near future to continue our engagement. It is so important for leaders and communities in our respective countries to have ongoing dialogue about the range of health issues that affect our region.

In the few minutes that I have left, I would like to take this opportunity to thank my committee—my deputy chair, Steve Irons, and the secretariat, Sara Edson, James Catchpole and Penny Wijnberg—for their assistance and their help. The secretariat did an absolutely A-class job in getting the itineraries and the meetings all set up for us and in the development of this particular report. But I must say that we were also warmly welcomed and appreciated in both countries. There was generous hospitality and support provided by our host parliamentarians and governments of Papua New Guinea and Solomon Islands, and we were assisted ably by our high commissions in both countries.

We are very grateful to the many people who helped make the visit such a success. In particular, I would like to thank the Governor of the Western Province of Papua New Guinea, the Hon. Bob Danaya, and, of course, the local member for South Fly in PNG, the Hon. Sali Subam. They accompanied us on our visit to the three treaty villages—our closest neighbours in Australia—of Mabadawan, Sigabadaru and Buzi. We were warmly welcomed with full traditional welcomes when we attended these villages. The three villages, as I said, are some of the most isolated villages in the world. There are no roads leading into them. There are no aeroplanes and airports. The only way you can get to them from Daru, the capital of the Western Province, is by banana boat. We were lucky that we went by helicopter. You can see the problems in getting aid into these places, because, as I said, there are no roads or other infrastructure. I really felt for the people when we saw them. They were so welcoming and so happy to see us. I hope this report does make some sort of difference to their lives.

As I said, I thank my committee colleagues on the delegation for their very hard work, and the committee secretariat and parliamentary relations officers for their efforts in coordinating the delegation’s program. I commend the report to the House.

Mr IRONS (Swan) (10.56 am)—As Deputy Chair of the House of Representatives Standing Committee on Health and Ageing, I am pleased to speak, along with the chairman of the committee and other members, on this report of the Australian parliamentary committee delegation to Papua New Guinea and the Solomon Islands. To give a bit of background about the work we did prior to making the visit, I will read from the report:

Before the delegation travelled to Papua New Guinea (PNG), the Committee wanted to learn more about the Torres Strait treaty, the status of health services in the Western Province of PNG, Australian assistance to the health sector in Western Province, the health concerns of Torres Strait residents and the jointly agreed Package of Measures designed to address health problems on both sides of the border.

The Committee also sought information on some of the major health issues jointly affecting PNG, Solomon Islands (SI) and Australia alike, including, avoidable blindness; child and maternal health; violence against women; water and sanitation; HIV/AIDS; tuberculosis (TB); mosquito borne diseases (malaria and dengue fever); the health impacts of climate change; and a rise in non-communicable diseases like diabetes.

We have just heard from the member for Hindmarsh, the chair of the committee. I thank him for his speech, which covered the details of the report very comprehensively. I also acknowl-
edge his efforts, along with those of the other committee members who travelled, in putting this report together. I would also like to recognise the secretariat staff Sara Edson and Penny Wijnberg, along with James Catchpole. Sara and Penny produced a great effort in protecting us from mosquitoes, organising our days while we were away and providing a supply of water when it was needed.

Although I could not join the delegation on the Papua New Guinea and Solomon Islands leg due to community commitments in my electorate of Swan, I was part of the delegation’s visit to the Torres Strait, an account of which is included in this report. I was fortunate enough to enjoy my birthday whilst on the trip to the Torres Strait, and on that day we flew to Saibai Island. The member for Kingston was horrified that I was offered the opportunity to take control of the plane on the way back from Saibai Island. But I managed to calm her down by not taking control—and I saw the relieved look on her face.

Whilst on Saibai Island we visited the local clinic, which is managed by a Western Australian lady from Mandurah. She is doing a great job there with limited resources. One of the things the committee found while we were away was that there is a lack of resources in these areas. The manager of the clinic related to us a story about a PNG national who had recently collapsed in the reception area of the clinic. The man was revived and sent to Thursday Island but died the next day. He had tuberculosis and HIV, both undiagnosed. This man had been waiting four months to get into the clinic. It is unfortunate that the state of health care on an island that is two kilometres from our resources in Australia is such that this person had to wait four months to get into a clinic and dies with undiagnosed tuberculosis and HIV. It is an indictment of the way our resources are delivered and how underresourced our clinics are. It is no fault of the people who work in the clinic; it is about the way we deliver resources to them.

The visit was arranged in the context of some community concern about the treaty arrangement that permits free movement between certain villages in the Torres Strait Islands and Papua New Guinea. The committee sought to find out more about a range of health issues, including tuberculosis, HIV-AIDS, malaria and diabetes, some of which have been linked to this treaty of free movement between the villages. The report makes various recommendations to the government and I would like to take the time to discuss these in more detail. Recommendations 5 and 14 both refer to improving nutrition and tackling health issues such as diabetes. Recommendation 5 states:

The Committee recommends that the Australian government partner with non-government organisations and communities to find nutritional solutions that promote healthy eating and redress malnutrition, in affected areas in the Torres Strait and Papua New Guinea.

Recommendation 14 states:

The Committee recommends that the Australian government support education programs about diabetes prevention and nutrition in the Torres Strait, the Solomon Islands and Papua New Guinea, in areas where diabetes and nutrition are problematic.

The committee has done plenty of work on the topic of diabetes and diabetes prevention. The more research the committee does, the more we understand how this issue permeates the whole of our society. The report notes:

Hypertension, a precursor to cardiovascular disease, and diabetes are on the rise (through increased salt and sugar intakes) …
The delegation asked what was being done in respect of preventative health and was advised that it is much more difficult to procure funding for prevention than for treatment. The hospital has recently applied for funding from the World Diabetes Foundation.

I continue to support healthy living and activity in the electorate of Swan. I am pleased to inform the House that during April I will be starting a number of walking groups across the electorate to kick off a healthy living program in my electorate of Swan. It is good to see the member for Kingston has arrived. I will not repeat the story about the plane, but I did mention your horror, Member for Kingston, when you thought I was going to take control of that plane!

Whilst type 2 diabetes is largely preventable, type 1 is not. Today’s Juvenile Diabetes Research Foundation 2010 Kids in the House day brings 111 children and teenagers and their families from across Australia to Parliament House in Canberra to raise awareness of type 1 diabetes. I am pleased that Thomas Lyons, a young lad from my electorate, is here in Parliament House today with his mother, Nicki. Thomas was very happy to meet Tony Abbott, the opposition leader, as we were walking down the corridor. Thomas and his family spoke to me about the condition of juvenile diabetes and the challenges that he faces on a day-to-day basis. I was also lucky to meet this morning with Baden Ross-Willmore from Nola Marino’s electorate of Forrest. I look forward to catching up with them all at lunchtime.

The Juvenile Diabetes Research Foundation is lobbying for $40 million of federal government funding to establish a clinical trial network for type 1 diabetes that it says would provide a range of benefits, including access to new treatments, improved diabetes management and reduced medical and hospital costs for people with type 1 diabetes. I will be interested to see the federal government’s response to this request and I ask the government to seriously consider this funding.

Going back to the report, while I am sure the freedom of movement between Torres Strait and PNG villages contributes to health issues, it is worth mentioning that there are certain benefits to that relationship. Given the health related issues, we must keep a watchful eye on this relationship and do all we can to help address the burden of issues.

In conclusion, this is an interesting report that highlights a number of important issues. With you, Deputy Speaker Georganas, being the chair of the committee, I hope the government will take a serious look at the report and that the outcomes from it are beneficial to our closest neighbours. It is important that we do not forget our fellow Australians in the Torres Strait. I also thank the committee members who were on the trip. They helped me celebrate my birthday while we were up there and gave me a nice present, which was very well received. I also thank the people, particularly those in the Torres Strait, who accommodated us, looked after us and gave us all the support we needed to help put this report together. I commend the report to the House.

Ms RISHWORTH (Kingston) (11.04 am)—I am very pleased to rise to speak on the Standing Committee on Health and Ageing report Regional health issues jointly affecting Australia and the South Pacific. This report is the result of the work of some months. The committee travelled to various places to gather significant evidence on some of the health issues affecting our region and, in particular, our nearest neighbours.
This inquiry had as a backdrop the federal government’s new era of engagement in the Pacific, and particularly it enabled not just the government but the parliament of Australia to engage directly with some of its closest neighbours, including Papua New Guinea and the Solomon Islands. The aim of the inquiry was to investigate shared health concerns with some of our closest neighbours, and it was regularly noted by the chair during the visit that one of the primary reasons for this was that diseases do not respect nations’ borders and therefore the health concerns of our nearest neighbours are the health concerns of us all.

Papua New Guinea is Australia’s closest neighbour, and indeed, as previous speakers have mentioned, a lot of Australians do not realise just how close a neighbour it is. In some areas there are only five kilometres separating parts of the Torres Strait from the Western Province of PNG. I was surprised, as I know a lot of people were, to see that while I was standing on the island of Saibai I could actually see the coast of the Western Province. Due to the proximity and traditional movement of the people in the Western Province and the Torres Strait, there are special circumstances that allow for the free movement of people between the Torres Strait and the 13 treaty villages on the Papua New Guinean side.

The committee travelled to the Torres Strait and to three of the treaty villages to investigate how health care was provided on both sides and how the interaction between these two groups of people was impacting on health care. The committee learned that the treaty allowed for people to travel from Australia to the PNG side for traditional purposes, including for trade and family connections. What the treaty does not allow is for people to travel for healthcare purposes. However, what we did learn when we visited both sides was that there is some movement to the Australian side of people who need access to care. This was raised both in the Torres Strait and on the PNG side. We heard from many medical officers who said that for humanitarian reasons, obviously, but also for practical reasons they would not deny health care to those in need because by not treating someone who perhaps presents with tuberculosis you are then leaving both Australia and the Western Province vulnerable to the spread of that disease. We heard that for very practical reasons it is sensible, if PNG locals are travelling across the border, to treat disease.

After travelling to the treaty villages, the reasons that some of the locals would travel to Australia made a lot of common sense to me. To access a hospital in the capital of Daru can take in excess of two hours by boat. Compare that with 15 to 30 minutes to get to Australia. This is one of the major issues. We also learnt that another issue is to do with the level of health services that are available on the PNG side. At times within these treaty villages the level of services can be problematic. There was certainly some discussion about this, and within our recommendations we have talked about supporting an initiative that was discussed in evidence which would allow health workers from Australia to travel directly to the treaty villages, perhaps to assist with health but perhaps also to follow up patients that have presented at Saibai. At the moment health workers would not be able to cross that five-kilometre border; they would have to go through Port Moresby, Daru and then to the treaty villages. Certainly the committee thought that this was a sensible recommendation that would help in a practical way to provide services to that border area.

During our travels to both PNG and the Solomon Islands we also learnt that there are a number of things that Australia is assisting with and needs to be aware of. As previous members have noted, diabetes and lifestyle diseases are occurring in Australia and need to be ad-
dressed if we are going to improve the health of our nation. These diseases have the potential to explode in both the Solomon Islands and Papua New Guinea. These lifestyle issues have the potential to be more prevalent in the capital cities of Honiara and Port Moresby, as people’s lifestyles include more fast foods and less nutrition and they become more sedentary in their jobs. As it is in some of our remote Indigenous communities, malnutrition was also a problem in some remote areas of the Solomon Islands and PNG. We have made some recommendations on how we might look at diabetes and malnutrition, which are areas that do need to be addressed.

We heard a lot of evidence about workforce shortages. We think we have workforce shortages in Australia, but there certainly are workforce shortages both in the Solomon Islands and in Papua New Guinea. This is something that both countries are struggling with. How do they train enough health workers, doctors and nurses to service their population?

Because these two nations are geographically spread out, another issue confronting them both is how they can post workers out to the many islands, towns and villages that are quite a way from the capital city and keep them there. We heard evidence that, if housing was not provided for those workers, especially in the treaty villages, then they would not be able to stay there. If you cannot provide housing for the health workers who are posted there then there is not much incentive for them to stay. We recommend that, when AusAID and other aid organisations invest in aid posts, they take into consideration providing, where practicable, housing and other support for the health workers, who are often very isolated.

Non-government organisations do a huge amount of work in providing health services to many people in both the Solomon Islands and Papua New Guinea. We heard evidence that, while a lot of the NGOs have good intentions, especially some of the smaller NGOs, and send old glasses to the Vision Centre at the Port Moresby Hospital, indeed it is not that helpful because it actually costs more to replace the lenses in the second-hand frames than it does to manufacture new glasses. This was something we heard pretty regularly.

We heard that a lot of doctors visit the Solomon Islands and provide medication to people in the outer islands but that medication is not available from the Solomon Islands government. You can see that it will be problematic if people are provided with one type of medication and cannot get continued access to it. The committee recommended that Australia look at setting up a contact point for small non-government organisations, such as Rotary clubs and Lions clubs, to get advice on the best way to help people in the Solomon Islands, PNG and countries that require support. There are many recommendations, and I encourage everyone to have a good look at the report.

I would now like to say some thank yous. We had a lot of support and a lot of help from so many different people, both here in Australia and in Papua New Guinea and the Solomon Islands. I thank all the Australian organisations and government departments that briefed the committee and provided submissions to the inquiry. For our visit to the Torres Strait, I extend a thank you to the Torres Strait Regional Authority, who met with us and openly shared their perspective. I extend a special thank you to Brett Young, who organised the visit.

For our visit to Papua New Guinea, I thank all the Papua New Guinean members of parliament and officials who welcomed us very warmly to their country and were willing to have frank and open discussions with us. In particular I extend a big thank you to the Hon. Bob Danaya, Governor of Western Province, and Sail Sabam, the local member for South Fly, who
accompanied us on the trip. I also thank all the PNG health professionals in Port Moresby, in
Daru and in the treaty villages who shared with us their experience of training health profes-
sionals and delivering health services on the front line and provided us with their thoughts on
the strengths and weaknesses in their respective areas. I have to comment on the dedication
and commitment of these health workers on the front line. They were quite inspiring to me, as
I know they were to other members of the committee.

I give great thanks to everyone at the Australian High Commission in PNG, especially to
the then high commissioner Mr Chris Moraitis. I also give thanks to all the staff, in particular
Deputy High Commissioner Jon Feakes, Adrian Lochrin and Paul Murphy, who travelled with
us, who provided us with guidance and were particularly patient in answering all of my ques-
tions. I also extend a big thankyou to the AusAID staff, who were able to offer a wealth of
knowledge and support in the healthcare area, and in particular to Dr Ann Malcolm and Ms
Fiona Cornwall.

On our visit to the Solomon Islands, we were very privileged to meet with many members
of parliament and officials in Honiara and in Western Province. I give particular thanks to the
Premier of Ghizo Island for their hospitality. They really gave us a lot of time. I also thank the
health professionals from the Solomon Islands who shared with us their front-line experience
and were very welcoming and honest.

I thank very much the Australian high commissioner in the Solomon Islands Mr Frank In-
gruber and everyone at the high commission. I thank the AusAID staff who helped us. In par-
cular, I give thanks to Kamal Azmi and a special thanks to Justin Baguley, who travelled
with us to Western Province and provided us with a wealth of practical information about
what was happening on the ground.

Finally, the last thankyou needs to go to the secretariat, especially to Sara Edson, who was
particularly helpful to all of us during the trip, especially when I managed to have a knee in-
jury. She made sure that I was okay and that I got the proper treatment. Thank you very much
to Sara and to the rest of the secretariat of the House of Representatives Standing Committee
on Health and Ageing.

This report addresses some of the serious issues in our region, both for today and for the
future. The recommendations in this report are concrete recommendations, practical things
that Australia and the Australian government can do to further improve health in both our
country and the region. I commend the report to the House.

Ms OWENS (Parramatta) (11.19 am)—I am very pleased to stand and speak briefly to this
report of the Australian Parliamentary Committee Delegation to Papua New Guinea and the
Solomon Islands. I went to Tonga on a delegation last year, but not to either of those two
places, with the Clerk of the House. I learned when I was there that there is something that
our New Zealand counterparts do better than we do: they educate themselves about the Pacific
region. In fact, members on the Labour side of the New Zealand parliament are required to
spend their first study grant in the Asia-Pacific region. That is something not required of us
but it is something that is very worth while. When you are in some of those Pacific islands,
particularly in the New Zealand region, you realise how strong the connection is between our
New Zealand counterparts and the members of parliament in those areas because of that con-
sistent flow of people, which is now two-way.
So I am very sad to see that, at the end of this parliament, we will lose two members of our parliament who are perhaps the most informed about the Asia-Pacific region—that is, Bob McMullan and Duncan Kerr. They are both people who have over many years paid significant attention to the needs of the region and who certainly lead in our caucus in terms of knowledge and recommendations. They will be a very great loss. But it is good to see that the Prime Minister has declared that Australia must usher in a new era of engagement with the Pacific and has begun to send delegations to that area in order for us to learn a great deal more and to engage more with what are very important neighbours. The Prime Minister has suggested that we should host next year’s Pacific Islands Forum to send a very clear message to our region that we are really back in business in our relationships with that region.

The relationship is important for many reasons but, in particular, for health reasons because Australia has a very large and growing population from that region. In my area I have a very large population of people from Tonga, Samoa, Papua New Guinea and the Torres Strait Islands. They are very strong communities in my electorate and the health issues that affect their homelands also affect their communities. It goes quite quickly backwards and forwards: whatever issues are being faced in Samoa are also being faced to some extent by people within my community. There are also cross-border communicable diseases such as malaria, tuberculosis and sexually transmitted diseases, including HIV-AIDS. Australia has had a very strong commitment to providing aid in those areas over many years.

When I was in Tonga, I was quite surprised by some of the health issues faced there and the reasons for them. As we all know, Tonga, like Samoa, is a very sporting nation. If you look at the rugby teams you can see their commitment to sport. In Tonga there were young men, in particular, everywhere in their rugby jerseys, particularly Australian rugby jerseys. While I was there, the Australian schoolboys rugby team played the Tonga rugby team. The Australian team only just won, by the way, and they came back looking very bruised and battered. When I asked how many Tongan Australians were on the Australian team, I found that there were six. So one could say that the Australian team had a few ring-ins from Tonga.

Clearly there is a very important role for sport, yet Tonga suffers incredible levels of obesity. According to the locals, the problem of obesity was not always there and in fact is quite a recent phenomenon. Tonga used to be a whaling nation. They ate a lot of whale meat, which is very fatty, but it was one of the first countries to ban whaling, even though whale meat played such an important role in its diet and culture. But they retained their love of fat, which, when they were a whaling nation, was quite rare. The whales did not exactly float up on the beach, so it was a rare thing for the people to consume that much fat. Now when you go to the local stores you find imported cans of pork belly, which is something I cannot imagine we would eat in Australia. Yet so much of the diet in Tonga now is imported very low-quality and extremely fatty meat in tins, which contributes greatly to the obesity epidemic in Tonga, in spite of the people’s extraordinary commitment to sport.

As I read this report it is interesting to note the difference in the focus when we look at Pacific nations and when we look at Australia. In Australia when we talk about our health system we are really talking about a medical services system which, over the years, has focused on the treatment of illness and, more recently, prevention in the early stages of an illness—that is, the identification of illnesses early, such as breast cancer, prostate cancer and, more recently, type 2 diabetes.
This report is clearly talking specifically about issues which prevent people from getting good health in the first place. We are talking about issues as basic as nutrition, hygiene, clean water, the availability of toilets, the treatment of sewage—issues that in Australia we now consider to be quite basic but which, in countries such as these, are preventing people from being healthy in the first place. Clearly Australia has a very important role in assisting our neighbours to provide conditions in which a person can be healthy. Also, though, we have a capacity to learn from the focus on health which we provide when we talk about other nations in terms of our own health system. This is an important report. I understand it has been a very long time coming. When you read it and you see the range of recommendations and how specific they often are to one program or another, you can see how far we have to go in addressing the very real health issues of our neighbours. It is a very important report. It is a report that opens the door and asks a lot of questions of us all in terms of what we do and what we can do for our neighbours. I commend it to the House. It is important. It is a good read. As I said, it points out to me just how far we have to go in making a very real difference in the lives of our neighbours.

Ms HALL (Shortland) (11.26 am)—I would like to put on record my thanks to the member for Parramatta for standing in for me and making a contribution to this debate. I know she is quite passionate about health issues. The reason she stood in for me was that I was in my office meeting with Dane and, his mother, Kim Boyd from the Juvenile Diabetes Foundation. I would like to note that we have present in the House some young people who are here to meet with members of parliament to educate us about juvenile diabetes. I welcome them to the House, and I thank the member for Parramatta for allowing me to meet with Dane and his mother.

To start my contribution to the debate, Mr Deputy Speaker Georganas, I would like to acknowledge the role that you played as chair of the committee. I also acknowledge my colleague the member for Kingston, from South Australia, who was also a part of the delegation that visited PNG and the Solomon Islands. I would like to thank the committee secretariat, particularly Sara Edson, whom I notice is in the House with us today, for her enormous contribution and for looking after us. Every time we turned around she had the sunscreen that we needed and sound advice. Thank you, Sara. I also put on record my thanks to AusAID, DFAT, the government representatives we met in both PNG and the Solomon Islands and the NGO groups that we met with. I would also like to thank those in Australia—Queensland Health, the NGOs and other professionals—who briefed us on the issues prior to us visiting PNG and the Solomon Islands, and when we visited the Torres Strait Islands, which was quite an education in itself.

Mr Deputy Speaker, you would be well aware that the Australian government made an enormous commitment to our relationship with PNG and the Pacific islands in the area of health in the 2009-10 budget. Official development assistance to PNG and the Pacific region was set at $1.9 billion. Of that, $133 million was to be spent in the area of health. This shows Australia’s commitment to developing a strong partnership with the Pacific nations.

It was only when I visited the Torres Strait Islands and saw the treaty and how the treaty worked in practice that I truly understood how close PNG was to Australia and how there were so many shared issues between our two countries. It also made me aware of issues that existed on both sides of the border. When the committee visited the Torres Strait we met with
people that lived in the Torres Strait and we heard their concerns about health issues and about
diseases being brought from across the border, from PNG to Australia, diseases such as TB
and sexually-transmitted diseases, and their concerns that the health resources, particularly on
Saibai where there is an excellent health clinic, were being stretched to the extreme.

It was interesting to visit the clinic. On the day we visited Saibai there were some people
who had come across the Torres Strait from PNG. As a little aside, we met some of those peo-
ple when we visited one of the villages and one of the villagers remembered the member for
Kingston and presented her with a spear, which I know she displays proudly.

But when we were in the Torres Strait we learnt of the health issues that are so predominant
in PNG. There is poor child and maternal health and the backup if a woman gets into trouble
when she is giving birth is limited. We heard of an occasion when a woman had been involved
in giving birth for two days and the baby was actually stuck. It was only because she could
link into the health services that were available within Australia that her life was saved.

I would like to turn very quickly to recommendation 2 of the report, which highlights the
fact that we need to support this partnership. The recommendation was that collaborative re-
search be undertaken between PNG and the Solomon Islands and the Torres Strait Islands into
sexually-transmitted diseases and the network. There is not a lot of information around. We
need to demystify a number of the issues relating to this particular area and it could best be
done by collaborative research on both sides of the border.

I would like to turn to PNG. There are enormous challenges within the health system in
PNG. We talk about challenges here in Australia where we are looking at health reform cur-
cently. Our health reform will actually put Australia at the absolute cutting edge of delivery of
health services. It is only when you visit places like Port Moresby and Daru, where we visited
the hospital, that you can appreciate the challenges faced by health professionals in trying to
deliver health services to people that have very high health needs. We learnt about how chal-
lenging the delivery of health services in those areas can be. And then there are the treaty vil-
lages, which are very remote. As the chair of the committee mentioned, it takes 30 minutes by
banana boat from Australia, but it takes a lot longer to get to Daru. It highlighted a number of
issues when we were in PNG.

There is little likelihood that Millennium Development Goals 4 and 5, which I believe are
very important, will be met in PNG. For things to improve in PNG, we need to commit to a
strong partnership with them. We need to commit to helping PNG develop their resources and
we need to partner with them on programs that are directed at violence against women. I think
that violence against women in PNG and the Solomon Islands is an issue that impacts on the
health of both of those nations. I noticed this morning that a report has been released on alco-
hol abuse in both PNG and the Pacific area. Maybe as this unfolds we will find there is a cor-
relation between the abuse of alcohol and violence against women. It is only by developing
partnerships with PNG and the Solomon Islands within our law enforcement agencies, which
Australia has been doing for quite some time, and between our educational institutions, health
institutions, governments and government departments that this can be effective.

The other thing that struck me both in PNG and in the Solomon Islands was the dedication
of those health workers who are involved in those countries. Unique programs are being run
in those countries. One of the programs that I found particularly exciting was the one where
health workers and other people were going out and working with sex workers in the commu-
nity to teach them about safe sex and trying to educate them in a way that would counteract the effects of HIV, because HIV is quite rampant in PNG. One of the things that actually protects certain areas is the remoteness of the country. As remote settlements are connected, it will lead to an increase in sexually transmitted diseases—in particular, HIV. There is some fantastic work being conducted by aid agencies in both countries.

As I think was previously mentioned by the chair—and I am sure the member for Kingston will have mentioned it too—climate change is having an impact on those communities in the Solomon Islands. When we visited Ghizo Island we saw how the water had moved closer to the hospital, and the hospital would need to be moved to ensure its safety. We also saw the impact that climate change has had on surrounding island communities, where they had to leave their homes and move to the island of Ghizo. Associated with climate change are increases in malaria and dengue fever and the creation of more health challenges for those communities. I have to note in my contribution to this debate that there has been some fantastic work done in relation to malaria in the Solomon Islands, and we were fortunate enough to meet with some experts in that area.

I think one of the things that we can really do, other than give financial support, is contribute through partnerships with different organisations and groups and develop the process of mentoring—being there and being able to provide support as requested from communities in both the Solomon Islands and PNG. We were fortunate enough to meet some wonderful women who were interested in politics. I think the women in this parliament could develop some formal relationships to help mentor those women, because entering politics and becoming a member of parliament increases their ability to have input into decisions that will influence the health of women within their nation.

Another important issue is that we as a nation should listen to the communities in those countries. Any expenditure of money, any aid programs that we undertake, should be driven by the communities and countries in which those programs are delivered. We learnt that, quite often, the programs that are unsuccessful have been imposed on the communities from outside, while the ones that are successful are community driven. So I think it is very important that what we do in relation to the delivery of health services and health infrastructure is driven by the countries we are involved with.

The trip was a fantastic experience. I feel very privileged to have visited some places that have never been visited by members of the Australian parliament before. I hope that the recommendations we have made in our report will really make a difference. Once again I thank the secretariat and, in particular, Sara Edson for her contribution. (Time expired)

Debate (on motion by Mr Briggs) adjourned.

Australian Crime Commission Committee

Report

Debate resumed.

Mr HAYES (Werriwa) (11.42 am)—I seek leave to speak without closing the debate.

Leave granted.

Mr HAYES—I am pleased to table the Parliamentary Joint Committee on the Australian Crime Commission report on the Australian Crime Commission’s annual report for 2008-09. Under section 55(1)(c) of the Crime Commission Act 2002 the committee is statutorily re-
required to report on the annual report of the Crime Commission, and that is what this document does. The committee is pleased to report that the Australian Crime Commission has continued to deliver efficient criminal intelligence and operational services during the past financial year. For example, during 2008-09 the ACC disseminated nearly 6,000 items of intelligence and other products to partner agencies, an increase from approximately 4,000 items in the previous year. In addition, the ACC produced more strategic intelligence reports and more operational intelligence reports in 2008-09 than in the previous financial year. What is more, the commission has continued to refine and improve its intelligence and information systems and services, which are well received by client agencies of the commission. This affects the ability of the commission to appropriately target the dynamics and changing nature of criminal activities throughout Australia. The commission has significantly disrupted and deterred serious organised criminal activity. It conducted six intelligence operations, six special investigations and two task forces over 2008-09.

The ACC recorded a surplus of $8.176 million in 2008-09. The annual report states these savings arose from a rationalisation of ACC accommodation across the country, IT initiatives including contract renegotiations and a general reduction in contractors, a reduction in staff, vehicle fleet optimisation and reductions in spending on overseas travel and capital purchases.

While the committee generally welcomes these efficiencies, one issue of concern is the continuing downward trend in staffing numbers of the commission which began several years ago and resulted in a decline in staff numbers in 2008-09 from 573 down to 518. The committee also knows that the number of seconded staff from state and territory police services also fell during this period, from 103 down to 74. This is something the committee feels strongly about, and the committee would like the Australian Crime Commission to encourage and increase secondments from state and territory police forces into the future. We note that the chief executive, Mr Lawler, has cited ‘effective collaboration’ as an important aspect of the Australian Crime Commission’s success, and the committee believes that secondments are to be encouraged on the basis that they provide enhanced intelligence-sharing and jurisdictional cooperation, and build a skills base both in the ACC and in the participating state and territory police jurisdictions which we believe will have a far-reaching impact in terms of law enforcement into the future.

The committee believes the effectiveness of the Australian Crime Commission board has been improved through the implementation of the committee’s previous recommendation to include on the board the Commissioner of Taxation. While the board has functioned effectively, the amount of work requiring financial expertise and ATO cooperation made the commissioner’s appointment a sensible one, and the committee welcomes this change.

Having conducted a thorough inquiry, the committee notes the high quality of and compliance with the annual reporting requirements and also notes the dedication of the people working for the Australian Crime Commission. It is apparent that the commission has worked in an effective and a professional manner with all oversight bodies, including all other participating law enforcement agencies. The committee would like to thank Mr John Lawler and all his officers at the Australian Crime Commission for their contribution to this inquiry and their ongoing professionalism in the way they discharge their duties. The committee looks forward to continuing a very productive working relationship with the Australian Crime Commission.
Before concluding, I think it is appropriate to acknowledge the committee secretariat for the work that they have performed so admirably in servicing this particular committee. I would like to acknowledge Mr Tim Watling, the secretary, and Dr Robin Clough, Dr Timothy Kendall, Ms Danielle Oldfield and Ms Victoria Robinson-Conlon. They have played a significant role, streamlining the activities of our committee and, quite frankly—with due respect to other committee members present—making the work of the committee enjoyable and probably making us look a little bit more efficient than we truly are.

It is also appropriate, whilst welcoming Mr Watling, who took on his role as secretary of this committee only recently, to place on record some comments about Dr Jacqui Dewar, who served the Australian Crime Commission joint parliamentary committee and made a significant contribution to the work. We wish her well in her retirement in Queensland. Since I am joined by one of my colleagues from the committee, Mr Jason Wood, formerly deputy chair of the committee—

The DEPUTY SPEAKER (Hon. Peter Slipper)—The honourable member should refer to colleagues by the name of their electorate.

Mr HAYES—Yes. I am glad I did not rush it and mention he was Senior Sergeant Wood for a while! But I do acknowledge his contribution to the Victoria Police as well as the contribution he makes to this committee in a very practical and thoughtful way. I commend the committee report.

Mr WOOD (La Trobe) (11.49 am)—I thank the member for Werriwa, Chris Hayes, for the great work he did previously with the Police Association of New South Wales. Today, he hit the nail on the head when he spoke of his great concern—one on which I will elaborate—about the reduction in the number of seconded members to the Australian Crime Commission. I also note the comments on this same matter made by the chair of the Joint Standing Committee on the Australian Crime Commission, Senator Steve Hutchins. He said on the public record that, if the Prime Minister knew what was going on with the cut-backs, he would do something about it. Sadly, that has not taken place. However, both government and non-government members realise that this is a big issue.

The government plays a huge role in the ability and effectiveness of the Australian Crime Commission. The budget cuts have really hurt. At one stage, we had an economic crisis and we needed the stimulus package. Sadly, rather than see money go into law enforcement where it should have gone, the government has been cutting back on it. The efficiency dividends imposed on the ACC in 2008-09 resulted in a budget cut of 7.4 per cent in real terms. These efficiency dividends led to 15 staff taking voluntary redundancy packages. During 2007-08, there was a net decrease in ACC staff of 25, which were predominantly people employed on a contract basis. When you get rid of contract staff and unsworn members, someone has to pick up the tab and do their duties. This is similar to what occurred during my days in the organised crime squad. As soon as you lost someone in the IT area, for example, and then something went wrong with the computers that the members could not fix, someone eventually had to come in and fix it. This can happen in the administration area, and its effect can be felt the whole way through the organisation. That is why the support staff are so important.

A further 13 officers seconded from state and territory forces were returned early due to budget cuts. Seconded members also play a vitally important role. For those who do not know, the best way for law enforcement to tackle very serious and organised crime is for the
federal agency, the Australian Federal Police, to work with state and territory police. There is no better example of this than in the gang capital of the world, Los Angeles, where FBI and LAPD teams work together to take on gangs. To me, that is vital in this country. Rather than cutting back the funding of the seconded members, I think the priority should be to keep them there. Obviously, I do not support any budget cuts.

At the budget estimates in May 2009, it was confirmed that staffing numbers had further declined in 2008-09. At 30 April 2009, the ACC had a total of 584 staff—a reduction of 57 staff from June 2008. The decline was all in contract staff. Between 2008-09 and 2009-10, the Australian Crime Commission’s workforce was cut back from 688 to 584—a net loss of 104. More than 100 officers who had been seconded from the states and territories were sent back home, leaving only 15 full-time investigators. That is not enough for an AFL footy team. This shows us how bad it has been getting nationally. During recent inquiries into the ACC’s annual report, it was revealed that the current budget is $94.904 million. That is a reduction on the previous financial year of $2.5 million. In that time, there were also wage increases of 2.75 per cent.

Last year, when there was the bikie brawl at Sydney Airport, the Prime Minister promised to act on organised crime and gang violence. When he visited Washington last year, he again promised to act on organised crime and gang violence. The committee has made recommendations time and time again, which the government has ignored. This is no fault of committee members of both sides. What has been very good about this committee is that, under the previous government, government members like me spoke out on this issue, and the current government members on the committee are doing the same now. I ask the government: what is it doing to tackle organised crime and violence, especially through the ACC?

If you go back to the initial tabling of the report on the set-up of the ACC, it clearly states that the organisation’s role is intelligence gathering and investigation. If you listened carefully to the member for Werriwa’s words, a lot of them were about intelligence. The reason was that it is hard to talk about investigation when the capacity for investigation has been ripped out of the heart of the ACC. Remember that anyone employed at the ACC does not have the power of arrest and does not have the power to take out a firearm. The only way that can happen is with the help of seconded members from the state and territory police forces and also the AFP. The act says that AFP members must be seconded to the Australian Crime Commission and that state and territory members may be seconded. It is a vital partnership.

There is another issue I want to raise which greatly concerns me. In the inquiry into legislative arrangements to outlaw serious and organised crime groups, a number of government members and I were greatly concerned about the lack of information on outlaw motorcycle gangs in particular. The ACC appeared before the committee a number of times and we tried to put together a picture of the impact of outlaw motorcycle gangs in this country. We specifically looked at the anti-association laws which the South Australian government had introduced. I believe Queensland, New South Wales and Western Australia have now done the same. I also read in today’s Herald Sun that the Victorian opposition have that as one of their policies.

When we had the recent inquiry into the ACC’s annual report, the ACC officers and John Lawler himself were a bit perplexed when I asked what they are doing about establishing a national gangs task force. A recommendation of the inquiry was:
The committee recommends that the ACC work with its law enforcement partners to enhance data collection on criminal groups and criminal group membership …

To me, that means looking at gangs in particular, whether it be OMCG or mafia gangs or serious organised crime groups. The quote continues:

… in order to quantify and develop an accurate national picture of organised crime groups within Australia.

The ACC were of the opinion that that was nothing to do with crime gangs. I recently received a letter from the ACC referring to that and to the inquiry that was held on 22 February 2010. That letter said that they had heard my reasons for setting up a national gangs database but that it was not possible because of the concerns about sensitive information on organised crime gangs getting out there. They would rather not have a national gangs database for the states and territories to use. Can I say that that is completely wrong. The ACC are so far off the mark with this. But, in fairness to them, I firmly believe it is because of government cutbacks and the fact that they do not have the ability to do it.

If the ACC want to have a look at a first-class gangs database they should have a look at the background of Sheriff Baca. He was the Los Angeles County Sheriff who established the CalGang database. Cal stands for California. California is the gangs capital. His database is so good that the FBI have used it and now the LAPD are using it. It is used right across America. They realised that to have a national gangs database you have to, firstly, work out how many gangs you have in the country and, secondly, their membership. If you go to the UK, you find that they have a national gangs database. In France they also have a national gangs database. Therefore, they can work out how many gangs they have, and which gangs are the most violent and troublesome, and then they can direct their police resources accordingly. I hope the ACC really have a good look at that, because it is one thing they need to do. With that, I again thank my fellow committee members and, in particular, the committee secretary, Mr Tim Watling, and the former secretary, Jaqui Dewar. They have done a fantastic job. I therefore commend the report to the House.

Debate (on motion by Ms Owens) adjourned.

The DEPUTY SPEAKER (Hon. Peter Slipper) — Before I call the next item of business I would like to take the opportunity to welcome representatives from the Juvenile Diabetes Research Foundation, Sandra Genovese, Amanda Bedford and Lucy Bedford, accompanied by our colleagues the honourable member for Melbourne Ports and the honourable member for Oxley. I hope that you enjoy your visit to the second chamber of the House of Representatives and that you enjoy seeing Australia’s parliament in action. You are very welcome. You represent an excellent cause. I was privileged to go to the dinner last night and I am going to the lunch today after my stint in the chair. Whatever we can do as a country to encourage research in juvenile diabetes is a step very much in the right direction.

PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010

Second Reading

Debate resumed from 3 February, on motion by Mr Andrews:

That this bill be now read a second time.

Mr RANDALL (Canning) (12.01 pm)—I am pleased to rise in support of the Protection of the Sea Legislation Amendment Bill 2010. This bill seeks to amend two acts to enhance Aus-
Australia’s maritime environmental protection regime in light of international conventions and standards. The coalition is committed to the sustainable growth of Australia’s shipping industry by ensuring that Australia’s maritime sector is as safe, competitive and efficient as possible. The maritime industry is an incredibly important part of Australia’s national and international transport network, with sea transport carrying over 99 per cent of international cargo by weight and domestically carrying 26 per cent by weight.

This bill amends the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, the PPS act, and the Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008, the bunkers act. Schedule 1 implements the revised version of annex VI on air pollution of the International Convention for the Prevention of Pollution from Ships, MARPOL, adopted by the International Maritime Organisation, the IMO, on 10 October 2008. Schedule 2 gives immunity from liability to persons or organisations acting reasonably and in good faith to provide assistance following a spill of fuel inadvertently making the damage worse. In supporting this bill the coalition continues its longstanding commitment to and involvement in the IMO and its conventions over many years.

As background to schedule 1, Australia has been a member of the IMO since its inception in 1948 and has played an active role in the development of conventions and treaties over many years. The six annexes of MARPOL deal with different aspects of marine pollution, and all six have been implemented by both Labor and Liberal governments over time. While about 150 countries have adopted some of the annexes, over time Australia has adopted all six. The previous coalition government introduced the initial version of annex VI, with De-Anne Kelly, the then Parliamentary Secretary to the Minister for Transport and Regional Services, describing the introduction as ‘continuing the coalition government’s efforts to prevent pollution by ships.’

Annex VI is intended to reduce air pollution from ships to prevent the adverse public health costs associated with it. In October 2008 annex VI was revised by the IMO to enhance its requirements and further reduce the potentially harmful emissions from ships. The changes will see a progressive reduction in sulfur oxide and nitrogen oxide from ships’ exhausts over time, with sulphur content being reduced from 4.5 per cent to 3.5 per cent on 1 January 2012. This will have little practical effect in Australia, as Australian ships already use fuel with sulfur below this content limit.

Schedule 1 of the bill also proposes a feasibility review by the IMO in 2018, which will consider whether further reductions to sulfur content of fuel are appropriate, which may result in sulfur content of one-half of one per cent from 1 January 2020. Finally, schedule 1 of this bill allows for the creation of emissions control areas near heavily populated zones in which further reductions in emissions will be required. Presently, the Baltic Sea and the North Sea have been designated as emissions control areas.

Schedule 2, as I have said previously, amends the Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008, the bunkers act, to give immunity from liability to persons or organisations acting reasonably and in good faith to provide assistance following a spill of fuel but inadvertently making the damage worse. In doing so, the bill introduces a so-called responder immunity. The bunkers act, when introduced in 2008, was supported by the coalition, and implements Australia’s obligations under the International Convention on Civil Liability for Bunker Oil Pollution Damage, which established a strict liability and compensa-
tion regime to apply in cases of pollution damage resulting from a spill of fuel from ships. Schedule 2 amends the original act to address a particular industry concern but still maintains shipowners’ general liability for damage resulting from a spill, as well as damage inflicted either with intent or recklessly with knowledge that damage would probably result.

It is interesting to note that, at this stage, we have to refer to the Pacific Adventurer spill. I note that, in the minister’s second reading speech, he attempted to tie the introduction of this bill to the Pacific Adventurer oil spill—which his government, together with the Bligh government, clearly sought to use for political mileage in the lead-up to the Queensland state election. After speaking with some stakeholders, I am aware that they have expressed their dissatisfaction with the government’s handling of this incident.

According to the bunkers act, usually, if a ship is involved in an incident which causes damage, including damage to the environment, there is a limit on the maximum amount of compensation payable, calculated according to the size of the ship, irrespective of the amount of damage caused by the incident. The liability of shipowners is strict but limited. Some industry stakeholders have raised concerns about the uncertainty imposed by the government’s handling of the Pacific Adventurer spill, with the government disregarding international convention and determining that costs would be recouped from the industry at large through a 3c increase in the protection of the sea levy administered by AMSA. I understand that the government has approached the IMO to increase the current ceiling on the limitation of liability imposed by the bunkers act to increase the liability to shipowners, but this is still going through the IMO’s processes.

Thankfully, incidents like the Pacific Adventurer oil spill are rare, but the risk imposed on Australia’s shipping industry by muddying the waters of liability is real and should be addressed. The government’s handling of the Pacific Adventurer oil spill epitomises its approach—that of a reactionary government making policy on the run. This is a government that, in its haste, has plunged our country into $128 billion worth of debt with its ‘spend, spend, spend’ attitude on everything, which has included spending $13 million on the failed GroceryWatch scheme; sending cheques to the value of $46 million to deceased people who were resident overseas under the cash splash; and introducing, and then suspending, its failed Pink Batts scheme, which not only has been a waste of taxpayers’ money and made use of by dodgy installers out for a quick buck but also has endangered the lives of Australian householders. All that is not even to mention the National Broadband Network that has not seen a single home connected yet and the costs of which have blown out from $4.7 billion to $43 billion.

In conclusion, I am pleased to be able to speak on this bill which will further enhance Australia’s maritime protection legislation and continue our close relationship with the IMO and its international conventions. It is important that Australia has the best possible regulatory regime that keeps pace with technological and industry developments and reflects international consensus.

The DEPUTY SPEAKER (Hon. Peter Slipper)—I thank the honourable member for Canning. Before I call the next speaker, I would like to take this opportunity, from the chair, of welcoming staff from Indonesia and from the national parliament of Timor-Leste on the professional development course. You are very, very welcome. I see you are accompanied by our former Clerk, and he is particularly welcome as well. I hope that you find your experi-
ences educational. The good relationship that this country has with both Timor-Leste and Indonesia is well known. I hope that you have the opportunity to revisit Australia in the future. Thank you very much for being present.

Ms HALL (Shortland) (12.10 pm)—I rise to support the Protection of the Sea Legislation Amendment Bill 2010. The purpose of this bill is to implement revised measures to reduce air pollution by ships in accordance with changes agreed to by the International Maritime Organisation in October 2008. It is also to ensure that persons and organisations who provide assistance following a spill of fuel oil from a ship are not themselves likely to be exposed to liability.

MARPOL is one of a number of conventions adopted by the International Maritime Organisation to reduce pollution of the sea. It entered into force in October 1983 and in Australia in January 1988. Australia’s obligations under the convention were given domestic effect on behalf of the Commonwealth of Australia by amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act and the Navigation Act 1912. MARPOL has six technical annexes, which deal with the following aspects: prevention of pollution by oil, control of pollution by noxious liquid substances, prevention of pollution by harmful substances in packaged form, prevention of pollution by sewage from ships, prevention of pollution by garbage from ships and prevention of air pollution from ships.

This is very important legislation. It ensures the safety of our seas. It ensures that our seas are not polluted. As a representative of a coastal electorate—the electorate of Shortland, which is very vulnerable to pollution of the sea by ships traversing the coastline—I have on many occasions risen in this House to express my concerns about safe shipping and ensuring that our coastline is protected. In the electorate of Shortland, we have many pristine beaches. I believe that the greatest threat to our beaches and marine life in that area comes from pollution from ships. Therefore it is vitally important that legislation such as this is put in place to ensure protection of both the sea and the coastline. Often we forget that the ocean around our nation is a highway for ships carrying goods around our coastline, delivering from one port to another. As any highway is busy, so the highway surrounding our country is busy.

We have discussed a number of MARPOL amendments over a long period of time. It is laudable that we as a nation support these amendments. Unfortunately, over the years of the Howard government, our maritime shipping industry and the industries associated with it declined. The previous government did not make a commitment to a sustainable shipping industry. Along with failing to make a commitment to a sustainable shipping industry, it also allowed practices that I feel do not ensure the safety of our sea and our environment. With us being an island nation, I believe it is very important that we embrace the opportunities that a strong shipping industry provides. As such, we need to be very supportive of the MARPOL amendments.

It is interesting that countries like the UK and the USA have made a commitment to developing their shipping industry. It is only now that we are really looking at the opportunities that are created by our shipping industry in the way that we should. The MARPOL protocols are vital because, as I have already mentioned, they protect our environment. It is important from a global perspective that Australia becomes a contracting party to all these protocols because, by our ratification and by introducing legislation, we can ensure that the shipping industry worldwide is environmentally sound. In Australia we have many foreign ships traversing our
coastlines, so we really need to make sure that these protocols are in place. In the Shortland electorate we have the MV *Wallarah* taking coal from Catherine Hill Bay to the port at Newcastle on a daily basis. We are always mindful of the fact that this is an Australian ship and the standards that apply to it are supported by the MARPOL legislation.

The legislation we have before us today is about the protection of the sea. It will protect the environment from activities associated with shipping. Sulfur oxide in the atmosphere is one particular thing we are looking at in relation to this legislation. It produces adverse health effects and also contributes to the development of acid rain. We therefore need to ensure that this protocol is in place and this legislation is passed. Despite the comments of the member for Canning, the government is supporting this legislation. The bill will implement incremental changes to the maximum sulfur level of marine fuel oil, as agreed by the International Maritime Organisation in 2008, leading to a corresponding reduction in the amount of sulfur oxide in the exhaust gases of ships. The bill also provides protection for persons or organisations assisting in clean-ups following oil spills. It is therefore essential that persons or organisations are not deterred from responding to fuel oil spills. The bill has been put out for consultation. I support this excellent piece of legislation.

Ms MARINO (Forrest) (12.18 pm)—I rise to support the Protection of the Sea Legislation Amendment Bill 2010. The coalition is committed to the sustainable growth of Australia’s shipping industry by ensuring that our maritime sector is as safe, competitive and efficient as possible. Our maritime history is a vital component of Australia’s national and international transport network. As we know, sea transport currently accounts for over 99 per cent of international cargo by weight and 26 per cent of freight. This legislation aims to amend two schedules. The first schedule implements the revision of the annex relating to air pollution of the International Convention for the Prevention of Pollution from Ships, adopted by the International Maritime Organisation on 10 October 2008. The bill continues the coalition’s effort to prevent pollution by ships and maintains the close alignment Australia has with the IMO’s international conventions. Australia has been a member of the IMO since its establishment in 1948 and has played an active role in the development of conventions and treaties over many years.

The coalition believes that the changes to the annex will see a progressive reduction in sulfur oxide and nitrogen oxide from ship exhausts over time, with the sulfur content being reduced from 4.5 per cent to 3.5 per cent on 1 January 2012. It should also be noted that this alteration will have little practical effect on Australian ships which already use fuel with a sulfur content below this particular limit. This legislation will allow for the creation of emission control areas in which further reductions in emissions will be required. Also, due to the progressive nature of the changes, this bill provides for the establishment of regulations to set the maximum allowable sulfur content. These amendments will come into effect on 1 July 2010.

The second schedule of this legislation will give immunity from liability to persons or organisations acting reasonably and in good faith which provide assistance following a spill of fuel but inadvertently make the damage worse. The bunkers act, the Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act, which was introduced in 2008 with the support of the coalition, has established a liability and compensation regime to apply in cases of pollution damage which are the result of a spill of fuel oil from ships. Schedule 2 creates a
responder immunity, meaning that organisations and persons assisting in the clean-up of a spill will not be held liable for the damage caused if they act reasonably and in good faith. This, however, does not affect a shipowner’s general liability for damages resulting from that spill. Immunity from actions, suit or proceedings will not apply in relation to actions or emissions that were intended to cause damage or which were undertaken recklessly knowing that damage would probably result.

In my electorate of Forrest, this legislation will have an impact on the Bunbury Port Authority, which, in 2008-09, had a total throughput of 13.3 million tonnes with exports accounting for approximately 88 per cent of that total trade and imports 1.5 million tonnes, which included caustic soda, mineral sands, coal, urea, methanol, potash, vegetable oil and petroleum coke. The port exported a record of nearly 9½ million tonnes of alumina in that same period, as well as exporting mineral sands, silica sand, spodumene and woodchips. The port authority is forecasting a 15 per cent increase in total port trade for 2009-10 to over 15 million tonnes and there are plans to expand trade through the port with exports such as coal, bauxite and, potentially, urea. Of course, there is a genuine need for expansion of the existing port and its facilities, part of an overall $750 million worth of work needed on infrastructure in the south-west area alone. This legislation will be an issue in practical terms for the Bunbury Port, which is expecting at least 392 commercial vessel movements in the current year.

The Bunbury Port Authority raised a number of questions in relation to the legislation. They questioned whether ships will require insurance certificates to be inspected and, if so, by whom. Is it incumbent on the port authority to ensure that the certificate is valid? Another area they would like clarified is whether the port is expected to provide certificates when it receives plastics and contaminated rubbish similar to the requirements for ships with garbage loads. From an environmental perspective, the Bunbury Port Authority stated that they see no detrimental outcomes from the proposed legislative amendments. For instance, the Bunbury Port Authority’s total revenue was nearly $29 million, which is significant for a regional port, particularly in the south-west of WA. A recent example relating to this piece of the late legislation is the Pacific Adventurer oil spill, which occurred in March 2009 and exceeded the $30 million in clean-up costs. Industry expressed their dissatisfaction with the government’s response to the Pacific Adventurer oil spill incident and, as a result, in August 2009 the Labor government announced that it had initiated proceedings at the IMO to increase the limit to shipowners’ liability for the future. However, there has been no further action on this to date.

During Senate estimates on 9 February this year, Senator Back questioned Mr Peachey from the Australian Maritime Safety Authority on the current status of proceedings to increase the limit for shipowners’ liability for clean-up costs. Mr Peachey stated in his response that the extent of the limitation is in fact too limited. However, the information on a suitable figure and the consultation processes were vague and, in certain parts, inconclusive.

The coalition takes the prevention of pollution by ships very seriously and, as I stated earlier, is committed to the sustainable growth of Australia’s shipping industry by ensuring that our maritime sector is as safe, competitive and efficient as possible. The coalition believes that the revised version of the annex and immunity from liability to persons or organisations acting reasonably and in good faith are positive steps to the further protection of the sea. I support this legislation but in practical terms seek clarification from the government on the issues raised by the Bunbury Port Authority.
Ms McKEW (Bennelong—Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government) (12.25 pm)—I thank members for participating in this debate on the Protection of the Sea Legislation Amendment Bill 2010, and the opposition for its support of the bill. I note the comments of the previous speaker but I can assure members opposite that safety is at the heart of this bill. In relation to comments made during the debate in relation to the Pacific Adventurer spill, on 10 March this year the Australian Maritime Safety Authority released the report of the incident analysis team into the response to the oil spill from the Pacific Adventurer in March last year. The incident analysis team was established by AMSA and Maritime Safety Queensland under the auspices of the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances, as has been the practice in the past.

The report found that overall the response to the incident was effective and generally in accordance with the policies and procedures in the national plan. The report made 16 recommendations relating to how national, state and territory marine pollution preparedness and response arrangements might be improved throughout the country. Most of the recommendations of the report are already being acted upon by agencies involved in the response. The recommendations will also be considered by the national plan management committee as part of a wider review of the national plan to be taken in 2010-11.

This bill makes an important contribution to reducing air pollution by ships. Australia, of course, is almost entirely dependent on shipping for trade. This government believes that pollution from the transport sector should be reduced where practical. In shipping this is best achieved by ensuring that ships which visit Australian ports comply with internationally agreed emissions standards. This bill implements standards developed by the International Maritime Organisation to reduce the amount of sulphur oxides in ships’ exhaust gases. This will contribute to a reduction in air pollution and thereby improve human health. The bill will also ensure that people who assist with the clean-out of a spill of fuel oil will not become liable for pollution damage so long as they act in good faith. The passage of this bill reinforces the high safety standards applied to ships trading in Australia. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

ADJOURNMENT

Ms GRIERSON (Newcastle) (12.28 pm)—I move:
That the Main Committee do now adjourn.

Higgins Electorate: Parking

Ms O’DWYER (Higgins) (12.28 pm)—I rise today to speak on an issue that is critical to residents and small businesses in Higgins—extended clearway times. In my first speech I spoke of Higgins as a seat filled with aspirational people. Critical in this group are small business people—people who roll up their sleeves, take a chance and create jobs. In Higgins there are around 19,000 small businesses—from one-person operations right through to people who employ over 100 people. These businesses are part of the nation’s 2.4 million small businesses. As we on this side of the House understand, small business is critical to the engine
room of the Australian economy. Governments of federal and state persuasions must be ever-
mindful of the impact of their decisions on small business, because adverse decisions can af-
fect the viability of businesses, which affects jobs and, ultimately, affects our economy.

In Higgins we have a wonderful strip-shop culture. We have: Chapel St, Windsor; Chapel
St, South Yarra; Toorak Rd, South Yarra; Toorak Rd, Toorak; High St, Armadale; High St,
Prahran; Malvern Rd, Hawksburn; Malvern Rd, Malvern; and Wattletree Rd, Malvern East.
These are just a few. Frequented by local residents, particularly during that busy period of
after-school drop-offs and pick-ups, they are very much a critical part of our community.

Without warning and with no consultation, the Brumby Labor government made a unilat-
eral decision in April 2008 that, from 1 July 2008, they would apply new and extended clear-
way operating times on major roads within 10 kilometres of the city centre. These extended
clearway operating times would apply from 6.30 am to 10.00 am and from 3.00 pm to 7.00
pm. There was obviously an outcry in the local community. This was done without consulta-
tion with residents, small business or local council.

The Stonnington council commissioned economic modelling on the impact this decision
would have on small businesses, because the decision was made without any economic im-
 pact statement. The council’s economic modelling revealed that extended clearway times
would, conservatively, impact daily earnings for retailers by 5.5 per cent and annually by 4.5
per cent, at a cost of around $6 million annually.

Thirty thousand people signed a petition to reject this terrible decision by the Brumby La-
bor government. They do not want to see small businesses go to the wall. They want to be
able to shop locally. What reaction did the Brumby government have to this petition? What
genius solution did they come up with? They left the morning hours as they had unilaterally
decided, but in the afternoons they changed the clearway times to start from 4.00pm, except
within 100 metres of an intersection, where they would start from 3.00 pm. If there is any-
thing designed to be more confusing for residents I cannot think of what that would be. This
means that, on the same road in the same shopping strip, you have two different clearway
times, depending on whether you park 99 metres from the intersection or 101 metres from the
intersection.

By stealth on New Year’s Eve, the Brumby Labor government, through the Minister for
Roads, Tim Pallas, delivered notification to the City of Stonnington that it must implement
this unpopular, unjust and unclear clearways policy, commencing in February 2010. This was
before they had properly analysed the impact of extended clearway times already underway in
Boroondara and before they had actually analysed whether these extended clearway times
would in fact be effective. Today, people who are trying to park according to the street signs
in the local area, on these arterial roads, are being towed and fined. The City of Stonnington
have done the right thing: they have taken on the Labor government and have challenged the
decision, standing up for residents and small businesses. We will know the outcome of that
challenge with the conclusion of the legal proceedings, due to commence around 25 May.

The clearway times have been opposed by local traders groups, the Stonnington Traders
Group and the Inner City Business Group. It has been opposed by local council, as I have
mentioned. The former mayor, Claude Ullin, and the current mayor, Tim Smith, have done
excellent work standing up for small businesses and residents. It has been opposed by local
members Andrea Coote, the member for the Southern Metropolitan Region, and Mr Michael
O’Brien, the member for Malvern. (Extension of time granted) One person who has been missing in action on this critically important issue is the member for Prahran, Mr Tony Lupton. In fact Mr Tony Lupton has made a very clear statement on this issue. He says, ‘This plan is good for the community, good for business and good for the environment.’

He is not opposing the decision, and it is good news for us that the people of Higgins and the people of Prahran will be able to make a decision on him in November of this year. There is a very strong candidate in Clem Newton-Brown, who has campaigned hard on this issue and will oppose the extended clearways policy. The local state government members have said very clearly that they will reject it if they win office in November. I think it is critically important that we stand up for small business and that we stand up for the local residents who reject this plan. I would like to commend the work that has been done by all in the local area on this most critical issue.

**Shortland Electorate: Youth**

Ms HALL (Shortland) (12:35 pm)—Last Friday I invited school leaders from local high schools to a working luncheon. Representatives from most schools were able to attend, and another luncheon is being organised for those unable to take part in the discussion. At the luncheon we had representatives from Gorokan High School, Northlakes High School, Lake Munmorah High School, Swansea High School, Whitebridge High School and St Mary’s High School. The purpose of this luncheon was to develop formal dialogue with youth leaders in the electorate, to learn from them what issues are important in their school communities and to provide a venue in which to share experiences. It was very edifying for me to see the level of commitment that these leaders have not only to their school community but also to the community in which they live. At the luncheon we decided that we would set up quarterly meetings with the local schools to discuss issues that were important to youth in the area and that they would act as an advisory board to me.

I would like to share with the House some of the ideas that were discussed at the meeting. I would like to start by putting forward one of the activities that were undertaken by the school leaders of Swansea High School whereby the whole school community was in the high school hall and all were given pieces of paper and on their piece of paper each person had to write what they were passionate about and what they valued. Once that had been written on the paper, the paper was made into a paper aeroplane and was thrown across the hall. Every student picked up an aeroplane, a piece of paper, and read what was on it. After the exercise was completed, the school leaders sat down and composed a list of the issues. I think that is an excellent, innovative idea that that school undertook, given it involved everyone in the school community and it gave them an idea of the things that were important to students in their community.

One of the things that we did at the meeting was talk about the issues that were important to students in their local area, issues such as apprenticeships, TAFE, youth connection programs, work programs in libraries and the need to have vocational courses that were important in a number of these schools. I was very impressed that the students from Whitebridge High School raised a local government issue, which was the extension of Warren Road and the impact that would have on their school community. They told me about the exercise that they had undertaken in lobbying the local council.
Youth centres, skate parks and other issues were raised, along with promotion of sports clubs. We then discussed what issues the representatives, the school leaders, felt were important. Sport was identified as an issue, because it improved health and happiness. It was also pointed out that good health led to good mental health. Support needs were raised, as there was a need for support for families and students within a school. The importance of the surf life saving movement was emphasised because the Shortland electorate, as I have already mentioned in previous debates, is a coastal electorate.

The students also highlighted particular subjects and areas that they were passionate about, such as trades and the environment. It was also highlighted that women’s sport did not get the same level of support as men’s sport. The cultural area was also highlighted as an area of great importance to young people. Motivation and enthusiasm amongst young people should be highlighted and harnessed. It was an excellent activity, one that I was really pleased to be involved with. I thank all the students who came along to that luncheon.

Mr OAKESHOTT (Lyne) (12.40 pm)—I rise today to appeal again to the Minister for Health and Ageing about an application that has been put forward under the very welcome announcement by the government in last May’s budget in regard to regional cancer centre funding. Going back to May last year, the minister made an announcement saying $560 million would be spent:

… to build a network of up to ten best-practice regional cancer centres and associated accommodation centres, to help close the gap in outcomes for cancer patients in rural and regional Australia. The centres will be selected following a national tender process open to both the public and private sectors—and may establish new—or enhance existing—regional centres. This will include a centre in Canberra to service the local community and south-east NSW.

We, the communities of the mid-North Coast of New South Wales, were very excited when we heard that news, because it fits in very nicely with some of the growth plans that we have in the provision of cancer services on the mid-north and north coasts. Therefore, following a range of meetings over the last six months, an application was put forward by the North Coast Cancer Institute. There are several parts to that application that I want to reaffirm for the minister and to the House this afternoon.

The first and most important step for our community is to get access to a second linear accelerator. A facility has been built in Port Macquarie, where one linear accelerator has been placed, with a second about two hours up the road at Coffs Harbour. Both locations work together in radiation oncology and the provision of cancer services. The demand that continues to come from a very broad catchment around both locations now sees Port Macquarie screaming for that second linear accelerator. The bunker has been built and we are now at the point where the machine is required. There are unacceptable delays at the moment for patients with particular types of cancer—rectal cancer, breast cancer, lung cancer and prostate cancer. We are still too slow in the provision of those services, and families have to move out of town whilst those procedures take place. That is the first and most important request.

The second request that we have put forward is for a small amount of funding to assist in the recruiting of trainee medical oncologists and radiation oncology registrars to assist the cancer specialists within the North Coast Cancer Institute, but also to train the next generation of regional cancer specialists. The area at the moment is very focused on the importance of
training and building a sustainable model for the future. Some small assistance in the recruiting of trainees would be an important step as part of providing regional cancer services throughout Australia.

The third, final and repeated request—and I know I am a bit of a broken record—of the government, the health minister, the Prime Minister and the executive generally relates to the Port Macquarie Base Hospital master plan and the urgent need for more beds to be provided. There are 161 beds for what is now a regional base hospital. It is a critical factor in the provision of any health service in our local area that more beds be made available. I once again ask for that to be considered as a third and critical step. In relation to cancer services, we are very lucky to have some specialists in gastrointestinal surgery, a liver surgeon, two colorectal surgeons, a breast surgeon, three urologists and four gynaecologists. It is disappointing that the beds are not there to back them up. (Time expired)

Ms JACKSON (Hasluck) (12.46 pm)—I rise today to talk about the launch of Dave the Kangaroo at Maddington Primary School in my electorate. I was very fortunate to be invited to participate in a school assembly at Maddington Primary School on Monday, 15 February. Maddington Primary School is composed of a primary school as well as an education support unit. It is a very small school located on the very busy Albany Highway. It has about 160 students in the primary school, with 20 at the education support unit. According to the My School website it has about 16 per cent Indigenous students and a further 10 per cent from non-English-speaking backgrounds, such as refugees and recently arrived migrants, as well as the children of people on 457 visas. On the index of community socioeducational advantage, where most schools range from 900 to 1,100, it rates at 902.

When the kids returned to school this year, in each classroom they encountered a half-metre-high stuffed kangaroo. This created much mystery and suspense around the school, and that was added to by mysterious posters put up around the school saying, ‘Dave is coming.’ So the kids were in suspense, wondering who on earth this Dave might be. It culminated in a school assembly with the wonderful involvement of the staff of the Maddington fire station. With sirens wailing and horns blaring, the Maddington fire station fire-engine arrived at the school assembly and out jumped Dave the Kangaroo. Dave was introduced to the kids. He handed out key rings and bookmarks, all reinforcing the values which the school is attempting to promote from the national framework for values education.

Of course, Dave stands for ‘developing Australian values education’, and Dave will be appearing every week or so at Maddington Primary School, participating in school assemblies and taking other actions to promote greater understanding of those values. The school is very much hoping that families will become involved. There is going to be a focus on a particular one of the nine values each week, and families will be asked to identify where the children who attend the school have actually demonstrated or promoted that value at home.

Maddington Primary School is unique for a number of different reasons. One of the things that I really found enjoyable about the program is that Dave’s message is being administered day to day in the school by the BEEP boys. They are a bunch of black-T-shirt-wearing boys in years 4 to 7 who are taking leadership roles in the school as part of the Boys Effective Education Program, or BEEP. The black T-shirts with gold logos were provided by the local city council, the City of Gosnells, which is actively supporting BEEP. The BEEP boys are respon-
sible for organising lessons for the teachers around Dave’s value for the fortnight or week. They help with photocopying, collating class sheets and presenting the lessons to teachers.

The BEEP boys have also been responsible for putting on sausage sizzles for the kids at the end of school term, and since the school established its kitchen garden I am pleased to say that this has evolved into healthy burgers that the BEEP boys prepare and hand out to students. There are currently 16 BEEP boys at the school and I commend them for their work.

Maddington Primary School is being funded for this program from multiple sources—local, state and federal governments, as well as the Maddington Kenwick Community Leadership Network, the Real Life Church and YouthCare as well as a number of local businesses. I thank them very much for their support. I pay my respects and give credit to the staff at Maddington school for their imaginative and committed approach to instilling pride and leadership skills in the students as well as reinforcing these important values. I especially acknowledge the deputy principal, Peter Jakimowiez, and I thank him very much for the invitation to be involved in the launch of Dave the Kangaroo at Maddington Primary School.

**Mr FLETCHER (Bradfield) (12.50 pm)**—I rise to address the issue of value for money in Commonwealth procurement, particularly in the area of education. I refer to the specific case of the Gordon East primary school. I asked a question about this of Minister Gillard in the House yesterday and I was brushed off with the standard answer that when the government looks into these issues it usually finds that the opposition has got it wrong in some way and in fact the quote that we are comparing the actual cost of the BER funded project with is a quote that has been done on a different basis. The very distinctive thing about the case I mentioned yesterday in my question is that when I was talking about the comparator in the experience of Gordon East primary school, I was talking about actual spending in the last five years. The Gordon East primary school built a 180-square metre large special learning room for a total cost of $170,000. That comes to $920 a square metre. In contrast, the block which is presently being built at Gordon East primary school under Building the Education Revolution will cost, together with a little bit of work in the administration area, $2 million. When you do the maths, as I pointed out to the minister in my question yesterday, that produces a cost per square metre of $4,870, roughly five times as much as was paid by the school in 2005.

There are, I believe, a number of important principles at stake here that demonstrate what is fundamentally flawed in the way Building the Education Revolution, so-called, is being administered. They are principles which were not addressed in the minister’s brush-off remarks to me in response to my question. She did make the point that when these matters are investigated it is often found that the comparison is not apples for apples. It is true that the comparison would not be apples for apples in this regard: the $170,000 building in 2005 included air conditioning; the Building the Education Revolution building for $2 million does not include air conditioning. So it is true that the comparison is not apples for apples, and the comparison is not a favourable one.

But let us go to the underlying principle, because the underlying principle is this: the reason the Gordon East primary school secured vastly better value for taxpayers’ money in 2005 was, firstly, that the total cost of the program was not paid for by the taxpayer; there was some local contribution as well. In fact, of the $170,000, $150,000 came from a Howard government program and $20,000 was money raised by the local P&C.
The second important point is this: under the program in 2005 the parents and citizens association were given the option to go out and manage the procurement of the building themselves. The alternative was to have the New South Wales Department of Commerce manage it for, of course, a fee. I am not precisely sure what the percentage fee was, but it was a significant fee. The parents and citizens association of the Gordon East primary school chose to manage it themselves and that is why they were able to deliver such an outstanding outcome in terms of value for money and an outstanding outcome in terms of addressing the educational needs of the students of the Gordon East primary school. Because a small proportion of the money had been raised by the P&C themselves, they naturally took very considerable care to get value for money. That is a feature which is wholly absent in the scandalous way that the Building the Education Revolution program has been administered nationally. There is no focus on value for money. On the contrary, there is simply a focus on shovelling the money out the door as quickly possible. We see a very stark contrast here which the present government would do well to reflect upon.

St John’s Lutheran Church, Ipswich
Bethany Lutheran Primary School

Mr NEUMANN (Blair) (12.56 pm)—I speak to congratulate the Lutherans of Ipswich on 150 years of worship in the Ipswich area. I was pleased to attend the weekend celebrations on 20 and 21 February 2010, when the sesquicentenary was celebrated. It was interesting, because Johann, son of Johann Fleischmann and Charlotte Fleischmann, was born on 25 December 1859 and was baptised on 19 February 1860 at Ipswich. The Lutherans in Ipswich celebrate their 150 years of worship and involvement in the community at the same time as the city of Ipswich celebrates 150 years as a municipality in Queensland. I want to congratulate parish team pastor Reverend John O’Keefe and parish team pastor Reverend Tim Jarick for their stewardship and pastoral care of the Lutherans in Ipswich. I particularly congratulate Pastor Tim for the written history of the Lutheran church in Ipswich. A terrific service took place on the Sunday of that weekend, and Reverend Noel Noack, the president of the Lutheran Church of Australia, Queensland district, presided with a great sermon on service and community.

The Lutheran church in Ipswich runs a very fine school called Bethany Lutheran Primary School. Neil Schiller is the principal there and has been for a long time. The school’s emphasis on quality and Christian education is exemplary in the Ipswich community. It has a fine reputation. The school was formed back in 1982, having been planned for many years. The Bethany Lutheran congregation began in 1970 at Raceview in Ipswich, and the school is located there. As part of the Building the Education Revolution funding, the school is receiving $2.125 million, and I know that the school is greatly appreciative of the funding that is going towards upgrading the school. I have been there on many occasions. In fact, I was there serving as an independent observer and contributor to their accreditation process. In term 3 of 2009, under the BER funding, the administration building and computer laboratory, which were built in 1995, were demolished. A library, including a new computer library, a teaching area, stacks, storage, a presentation area, a reading area, a kitchenette and a toilet area, is currently under construction and due to be completed in the next few months. A new boys toilet block is also being constructed. Unlike the previous speaker, I know that the community in
Ipswich, in Raceview and beyond, is greatly appreciative of the funding under the Building the Education Revolution funding.

The history of the Lutheran church in Ipswich is a fine one, contributing in many and various ways. For instance, when the terrible tragedy of Box Flat took place the Lutheran church came to the party. In 1972 we saw more than 1,000 miners attend the funeral services at St John’s Lutheran Church in Ipswich. That was the year of the beginning of the very successful Ipswich Bargain Shop. The histories of the churches in Ipswich are all intertwined, and in 1850 German immigrants settled in the Ipswich area. For many years the German language was used during church services, and almost invariably the pastor of the congregation had a Germanic surname. I said when I was speaking at the service on the celebration weekend that I do not think that the English had much to do with the settlement of Ipswich and the rural areas outside, because it was settled by Irish Catholics and German Protestants.

The Lutheran church have played an important role in building communities of faith caring for our young people, helping the challenged, the vulnerable and the depressed and building up the community. They are an important part of the Ipswich community, helping those who are challenged. I can think of many people that I know who have personally been assisted by the great work and the great ministry. They have thriving congregations and a communitarian approach. They involve our young people in good-quality education. The Lutheran church are an important part of the Ipswich community and I congratulate them on their sesquicentenary.

Question agreed to.

Main Committee adjourned at 1.01 pm, until Wednesday, 12 May 2010, at 9.30 am, unless in accordance with standing order 186 an alternative date or time is fixed.
QUESTIONS IN WRITING

Defence: High Readiness Reserve
(Question No. 1212)

Mr Robert asked the Minister representing the Minister for Defence, in writing, on 9 February 2010:

(1) Per annum, how many High Readiness Reserve (HRR) soldiers have received the tax free bonus of $10,000 after completing their two year HRR service obligation.

(2) How many HRR soldiers have withdrawn from the HRR program before completing their two year commitment?

Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) 2008—one;
    2009—471; and
    2010—12 (as at 17 February 2010).

(2) 69. A breakdown by reason is as follows:
    Discharge—26;
    Transfer to Australian Regular Army—27;
    Downgrade of medical status—12; and
    Geographic transfer (no HRR unit in new location)—four.

Defence: High Readiness Reserve
(Question No. 1213)

Mr Robert asked the Minister representing the Minister for Defence, in writing, on 9 February 2010:

By specialisation and state/territory, how many Reservists have enlisted in the High Readiness Specialist Reserve since its inception?

Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) All members of the High Readiness Specialist Reserve are health professionals. The number of personnel who have enlisted in the scheme by State/Territory is as follows:
    QLD—1
    NSW—20
    VIC—0
    SA—2
    TAS—0
    WA—4

MAIN COMMITTEE
Defence: Capital Projects  
(Question No. 1221)

Mr Robert asked the Minister for Defence Personnel, Materiel and Science, in writing, on 22 February 2010:

In respect of approved major capital facilities projects by state and federal electorate in the 2009-10 budget and forward estimates (Department of Defence, Defence Portfolio Budget Statements, Canberra, Table 28, page 57), what progress has been made on each project, and at what cost (per project).

Mr Combet—The answer to the honourable member’s question is as follows:

Defence’s statutory publications (the Portfolio Budget Statements, Portfolio Additional Estimates Statements, Defence Annual Report) provide comprehensive information to Senators, Members of Parliament and the public on a range of portfolio matters; these include the cost and progress of major capital works. The Portfolio Budget Statements 2010-11 will be released on 11 May 2010 and will provide a timely and up-to-date summary of these projects. Given the resources required to prepare an answer to this question, this publication will provide the most timely response.