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SITTING DAYS—2010

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FORTY-SECOND PARLIAMENT  
FIRST SESSION—EIGHTH 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. Julia Eileen Gillard MP  
Deputy Leader—Hon. Wayne Maxwell Swan 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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<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
GILLARD MINISTRY

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

Deputy Prime Minister and Treasurer
Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

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

Minister for Trade
Hon. Simon Crean MP
Minister for Foreign Affairs and Deputy Leader of the House
Hon. Stephen Smith MP
Minister for Health and Ageing
Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

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

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

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr
Minister for Climate Change, Energy Efficiency and Water
Senator Hon. Penny Wong
Minister for Environment Protection, Heritage and the Arts
Hon. Peter Garrett AM, MP
Attorney-General
Hon. Robert McClelland MP
Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry and Minister for Population
Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP
Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law
Hon. Chris Bowen MP

[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

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

Leader of the Opposition
Hon. Tony Abbott MP
Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
Hon. Julie Bishop MP
Shadow Minister for Trade, Transport and Local Government and Leader of The Nationals
Hon. Warren Truss MP
Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP
Shadow Minister for Employment and Workplace Relations and 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 Attorney-General and Deputy Leader of the Opposition in the Senate
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 Regional Development and Water 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
Shadow Minister for Finance and Debt Reduction and 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, Customs and Border Protection  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 and Deputy Manager of Opposition Business in the Senate  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 and Shadow Parliamentary Secretary for Innovation, Industry, Science and Research  Senator Hon. Richard Colbeck
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The SPEAKER (Mr Harry Jenkins) took the chair at 10.00 am and read prayers.

BUSINESS

Days and Hours of Meeting

Mr ALBANESE (Grayndler—Leader of the House) (10.01 am)—I move:

That standing order 31 (Automatic adjournment of the House) and standing order 33 (Limit on business) be suspended for this sitting.

As Leader of the House I shall continue to consult during today with the Manager of Opposition Business. At this stage it is expected that the other place will sit extra hours to deal with some legislation. It is therefore anticipated that the House will sit this evening. If it is the case that there is no business ready to be returned to this House, we will have a dinner break. I would propose that later this day I would move a motion suspending the sitting of the House until such time as the bells ring. I will agree on the time with the Manager of Opposition Business so that all members can be informed. I will then inform the House as such.

I put on record my thanks, as I did in the caucus—where it was not necessarily well received—for the cooperation, for the dignity of the parliament, of the Manager of Opposition Business and the Leader of the Opposition this morning.

Question agreed to.

AIRPORTS AMENDMENT BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Albanese.

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (10.03 am)—I move:

That this bill be now read a second time.

Like no other country, Australia combines vast internal distances with isolation from the rest of the world.

The aviation industry is critical to Australia’s economy and our society. It connectsustralians to each other and to the world.

Airports, in particular, serve as significant transport and economic hubs, handling over 120 million passenger movements in 2008-09 and generating hundreds of thousands of jobs, both directly and indirectly.

In 2008, almost a century after the birth of the Australian aviation industry, the Australian government commenced the development of our first ever national aviation policy.

Comprehensive engagement with the community and aviation industry stakeholders started with the release of the Aviation Issues Paper in April 2008. Submissions to the issues paper underpinned the development of the green paper, which was released in December 2008.

The green paper gave all stakeholders a further opportunity to have their say on the future direction of Australia’s aviation industry.

Over 600 submissions were received to the issues paper and the green paper, underscoring the wide interest in aviation and the level of community and industry engagement in the policy development process.

In December 2009, the government released Australia’s first ever national aviation policy white paper, Flight Path to the Future.

Today, I present to this parliament the Airports Amendment Bill 2010 which will give effect to many of the government’s airport planning and development policies that were announced in the white paper.
These policies have been subject to extensive consultation with stakeholders in the aviation industry and the community, and also with state, territory and local governments.

We have learnt a lot since the original Airports Act commenced in 1996.

Significant reforms are needed to get the balance right between the investment in aviation infrastructure, community consultation and the integration of airport planning with local and state planning regimes.

This government is committed to ensuring the right regulatory settings are in place to support sustainable growth in aviation, underpinned by meaningful engagement and consultation with industry and community stakeholders.

The government’s aim is to give industry the certainty and incentive to plan and invest for the long term, to maintain and improve our excellent aviation safety record, and to give clear commitments to travellers, airport users and the communities affected by aviation activity.

As airports get busier and our major cities grow, airport planning assumes an increased importance.

It is vital for airports and for the amenity of surrounding communities that airport development plans be properly integrated with land planning around airports.

The public rightly demands better information and consultation when it comes to airport development, and especially when it comes to the effects of aviation on communities close to our airports. Better planning is essential. This government is committed to better urban planning—and that includes for federal leased airports and the areas around them.

Better integration of on- and off-airport planning is in everyone’s interests—airport operators, airlines, fare-paying passengers, local communities and businesses.

The current legislative reforms have been developed with this in mind.

Furthermore, the amendments contained in this bill underscore the objects of the Airports Act as enunciated in section 3 of the act, particularly the first three objectives. These are:

- to promote the sound development of civil aviation in Australia;
- to establish a system for the regulation of airports that has due regard to the interests of airport users and the general community; and
- to promote the efficient and economic development and operation of airports.

The primary role of the leased federal airports is to provide aviation infrastructure that serves the Australian community.

The planning framework should above all facilitate the development of airports as aviation infrastructure. It should do this not only by encouraging investment in aviation facilities but also by enhancing the place of airports as key transport hubs to support our communities, jobs and the economy.

The need to strengthen airport master plans was a recurring theme in submissions and meetings during the 20-month consultation and development period for the white paper.

The Airports Amendment Bill 2010 will strengthen airport master plans through a number of new requirements.

Firstly, airport master plans will need to include a ground transport plan which has detailed information on the airport’s road network and transport facilities. It will also have to show how the airport’s facilities connect with the road and public transport system outside the airport.
Secondly, airport master plans will need to include additional detail on proposed use of land in the first five years of the plan. As well as details on aviation infrastructure improvements, master plans will have to include detailed information on proposed non-aeronautical developments and other developments not directly related to airport services.

Thirdly, airport master plans will need to have information on the number of jobs likely to be created, anticipated traffic flows, and the airport’s assessment of the potential impacts on the local and regional economy and community.

Fourthly, airport master plans will need to include detailed analysis on how they align with state, territory and local government planning laws, as well as a justification for any inconsistencies.

Fifthly, airport environment strategies will now be part of airport master plans. This will ensure the airport and community can focus on a single public consultation and approval process. Airport environment strategies set out the operational framework for the environmental management of airport sites. Under the amendments, the airport environment strategy will be part of an airport master plan to ensure that planning for an airport site is comprehensive and holistic.

Community consultation over major developments at airports is very important, and this bill will add an important extra trigger for major development plans.

The process for major development plans involves 60 days mandatory public consultation, after which the plan is submitted for ministerial approval.

The current triggers for major development plans will be supplemented by a new requirement that any proposed development that is likely to have a significant impact on the local or regional community will be required to go through the major development plan process. This will ensure the community is better consulted on specific developments proposed for an airport site.

This is an important amendment to improve community consultation and the oversight of airport developments.

The changes to the act which ensure the community is better consulted on proposed airport developments are supported by other non-legislative reforms contained in the government’s white paper. These include the requirement for all leased federal airports to have community consultation groups with independent chairs, and for capital city airports to also have a high level planning forum with the state government and my department.

The bill also supports infrastructure investment and encourages best practice planning. It does this by ensuring that developments that are covered in detail in the master plan can be considered for a reduced period of public comment if the development proposal is consistent with the master plan and, very importantly, does not raise any issues that have an impact on the community.

In recognition of how important aviation is to the economy, the bill also allows for the approval process for aeronautical developments to be streamlined where appropriate safeguards are met.

Together this suite of reforms significantly enhances the exchange of information and the involvement of the community and other governments in the planning of the federal leased airports.

As I indicated earlier, the primary purpose of an airport is the provision of aeronautical services. There are a range of activities that are likely to be incompatible with the long-term operation of an airport as an airport. These activities include long-term residential developments, residential aged or commu-
nity care facilities, nursing homes, hospitals and schools. These incompatible developments will be prima facie prohibited unless the airport is able to demonstrate to the minister that there are exceptional circumstances for taking the development to the next stage. If justified, developments will then go through a major development plan process which includes 60 days public consultation before the development is submitted to the minister for consideration.

Airports are not islands. Their activities provide a major source of employment for the local communities and contribute significantly to the economic and social outcomes of their host cities and regions. Aviation operations and other activities at the airport site can also have a major impact on surrounding neighbourhoods in terms of aircraft noise and ground traffic flow. This is why any alteration of a runway, including a runway alteration that changes flight paths or patterns of levels of aircraft noise, will be subjected to public consultation under a major development plan approval process.

Other minor technical and housekeeping amendments will be made by this bill, including amendments to:

- remove certain items that have been made redundant by previous amendments to the act,
- update the names of a couple of airports; and
- clarify the operation of certain sections of the Airports Act.

The government’s aviation white paper was Australia’s first ever national blueprint for aviation. It contained a balanced set of planning and development reforms to improve planning at Australia’s leased federal airports.

This bill gives effect to those planning and development reforms. It will result in better consultation, improved integration and coordination of on- and off-airport planning schemes whilst continuing to recognise the importance of continued investment in Australia’s airport infrastructure.

This bill gets the balance right and demonstrates this government’s commitment to support appropriate and efficient airport services and facilities for the Australian community.

I commend the bill to the House.

Debate (on motion by Dr Southcott) adjourned.

ACCESS TO JUSTICE (FAMILY COURT RESTRUCTURE AND OTHER MEASURES) BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (10.15 am)—I move:

That this bill be now read a second time.

Introduction

This bill restructures the Family Court and the Federal Magistrates Court to eliminate confusion for litigants and to reduce current inefficiencies and duplication in the administration of these courts. It does this by amending the Family Law Act 1975 and the Federal Magistrates Act 1999 to merge Federal Magistrates exercising family law jurisdiction into a lower level division of the Family Court of Australia, whilst maintaining their existing terms and conditions.

This bill, along with the Military Court of Australia Bill 2010, which I will shortly move this day, sets out the future shape for the federal courts system. These bills, to-
together, ensure the most appropriate outcomes for parties who need the assistance of the federal courts can be obtained.

The measures in the bill reflect recommendations made in the report, *Future governance options for federal family law courts in Australia—striking the right balance*, which was released in November 2008. The report found that current arrangements for delivering federal family law services have led to confusion among litigants, conflicts over resources, administrative inefficiencies, are financially unsustainable and impede access to justice and the efficient delivery of family law services by the family law courts.

One of the principal recommendations of the report was that Federal Magistrates exercising family law jurisdiction should be merged with the Family Court of Australia.

Nearly all submissions in the public consultation process on the report’s recommendations supported merging Federal Magistrates exercising family law jurisdiction into the Family Court.

The Australian Institute of Family Studies’ findings in the *Evaluation of the 2006 family law reforms*, which was released in January this year, are consistent with this restructure of the Family Court. In particular, the report noted concerns that the parallel operation of the family law jurisdiction in the Federal Magistrates Court and the Family Court has implications for fairness due to the differences in court processes. Concerns were also expressed about the operation of transfers between courts.

The simplification of the federal family law system was also recommended in the House of Representatives Standing Committee on Family and Community Affairs’ report, *Every picture tells a story: inquiry into child custody arrangements in the event of family separation*. These reforms will ensure that there is one federal court with family law jurisdiction to support the delivery of judicial determination in the best interests of the child. It will ensure a proper assessment of the needs of each case and a coordinated referral to the appropriate decision maker.

As one of the most important justice institutions in Australia, the courts play a central role in ensuring fair, simple, affordable and accessible justice and as such need to be available to all Australians.

The Access to Justice Taskforce report, *A strategic framework for access to justice in the federal civil justice system*, which was released in September last year, outlined the need to improve access to justice in the federal courts by requiring the change of culture within the federal court system towards a system where effort and resources are directed at resolving disputes at the earliest possible stage and by the simplest means possible. A key part of the government’s agenda is to improve access to justice and this bill is vital to the achievement of that goal.

**A single federal Family Court**

The bill creates a single Family Court comprising two divisions, the Appellate and Superior Division and the General Division. The Chief Justice of the Family Court will be responsible for ensuring the effective, orderly and expeditious discharge of the business of the Family Court as a whole, assisted by an administrative head in each division.

The Appellate and Superior Division will handle complex first instance family law and child support cases and appeals. All existing Family Court judges will become members of that division. Existing members of the appeal division of the Family Court will become appellate judges within the Appellate and Superior Division and will continue to exercise the functions they had as members of the appeal division.
The General Division will deal with less complex family law and child support cases and will have the same family law jurisdiction as the Federal Magistrates Court currently has. This will ensure that family law disputes continue to be handled at the lowest appropriate level.

Federal Magistrates handling family law matters will be offered appointment to the Family Court as judges in the General Division.

The bill provides that new judicial appointments made to the Family Court must be assigned to the Appellate and Superior Division or the General Division. Judges of the General Division will have the same statutory terms and conditions of appointment as existing Federal Magistrates.

First instance matters will be able to be transferred between the two divisions to ensure that matters are heard at the lowest possible level.

The bill will facilitate the retention of the successful culture of the Federal Magistrates Court in the Family Court. The bill transports a number of procedural processes currently found in the Federal Magistrates Court to the General Division of the Family Court. In addition, a number of provisions are also included in the Family Law Act to ensure more active case management across the whole court.

Common rules of court are to be made by a majority of each division and each division may make rules in relation to the specific case management procedures of that particular division.

The restructure will also make it easier to transfer matters between judges. This will enable judges to help fellow judges with their workload.

In addition to financial and management efficiencies, the restructure will also achieve more effective use of family consultants and organisation of circuit work to rural and regional Australia.

Retaining the Federal Magistrates Court to hear general federal law matters

The Federal Magistrates Court will be retained to hear general federal law matters and provide an appropriate pool of judicial officers from which commissions to the new Military Court of Australia could be made. The Federal Magistrates Court will exercise general federal law jurisdiction.

A single administration

The restructured Family Court will ensure a single administration for family law matters. A single court, and a single administration, will eliminate the conflicts over resources that have occurred in the past.

The bill will also create efficiencies by facilitating the administration of the Federal Magistrates Court by the Federal Court. This is consistent with the government’s objective of delivering cost-effective services and examining shared service initiatives with respect to departments and agencies.

Jurisdiction of the Federal Magistrates Court

The bill removes family law and most child support jurisdiction from the Federal Magistrates Court. This jurisdiction will now be exercised by judges in the General Division of the Family Court. The Federal Magistrates Court will, however, continue to hear (1) matters before the court that have been part heard but not concluded before the day on which the bill comes into effect, as well as (2) proceedings transferred to the court by the Family Court on or after that day.

Other amendments

The bill repeals the office of judicial registrar as there is no intention to appoint future judicial registrars. However it preserves the office and entitlements of the two serving
judicial registrars and provides that they will continue to perform the same functions and exercise the same powers as they do now.

The bill amends the Judges’ Pensions Act 1968 to make clear that judges of the general division of the Family Court are not entitled to pensions under that act.

The bill also removes redundant offices from the Family Law Act and other legislation and will change some titles to reflect the names used in the Federal Court.

AAT Amendment

The bill also makes a minor amendment to the Administrative Appeals Tribunal Act 1975 to expand the regulation-making power to allow the AAT the discretion to impose a fee on decision-making agencies where the AAT makes a determination which is not in their favour after a full hearing. The amendment implements recommendation 10.5 of the access to justice task force report, to which I have referred.

Conclusion

In conclusion, I would also like to acknowledge the outstanding work of officers of the Attorney-General’s Department, and the government’s legal advisers, who have worked hard to develop this legislation. I thank them for this work.

This bill is a major step in achieving the government’s goal of improving access to justice and making the federal courts user friendly for all Australians. It will provide a one-stop shop for family law litigation and, importantly, ensure that people can appropriately access assistance. Further, it will make better use of public resources provided to the courts and will result in the elimination of administrative duplication and reduction in inefficiencies and enable the seamless handling of family law matters. I commend the bill.

Debate (on motion by Dr Southcott) adjourned.

TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL (No. 2) 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 McCLELLAND (Barton—Attorney-General) (10.26 am)—by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

COMPETITION AND CONSUMER 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 McCLELLAND (Barton—Attorney-General) (10.27 am)—by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MILITARY COURT OF AUSTRALIA BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr McClelland.
Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (10.28 am)—I move:

That this bill be now read a second time.

This bill establishes the Military Court of Australia in accordance with chapter III of the Constitution of the Commonwealth of Australia. The Military Court will be created to try all serious service offences under the Defence Force Discipline Act 1982, taking into account the important role that discipline has in supporting the operational effectiveness of the Australian Defence Force.

This bill, along with the Access to Justice (Family Court Restructure and Other Measures) Bill 2010, sets out the future shape for the federal courts system. These bills, together, ensure the most appropriate outcomes for parties who need the assistance of the federal courts.

The new Military Court will replace the interim measure put in place by the government to re-establish the pre-2007 system of courts martial and Defence Force magistrates. The interim system was necessary following the High Court of Australia’s decision in the case of Lane and Morrison in August last year. In Lane and Morrison, the High Court found the provisions of the Defence Force Discipline Act 1982 that created the Australian Military Court, established by the previous government, to be invalid under the Constitution.

This bill will ensure that serious service offences are tried by an independent and impartial court, the Military Court of Australia, lawfully constituted under chapter III of the Australian Constitution.

The Military Court will provide a long-term solution to the delivery of justice in a manner that takes into account military service and is transparent and accountable.

Less serious offences will continue to be heard by summary authorities at unit level.

The enactment of this bill will be followed by consequential amendments to the Defence Force Discipline Act 1982 and other legislation, contained in the Military Court of Australia (Consequential Amendments) Bill 2010, which the government will introduce in the next sitting of parliament.

Discipline is an essential component of command within the Australian Defence Force. Morale and discipline are diminished if those who are required to abide by stringent rules see others disregard or fail to follow them and not be held accountable. Commanders and service personnel must have confidence in the utility, fairness and credibility of the Defence Force discipline system.

The Military Court of Australia will be a separate and uniquely identifiable federal court. The credibility that comes with a specialist court for Defence Force discipline will strengthen morale and operational effectiveness in the Australian Defence Force.

The right to a fair trial for Australian Defence Force members, like all other members of the community, is a cornerstone of Australia’s federal justice system. Timely and fair trials in the Military Court will enhance Defence Force personnel’s access to justice.

The bill will provide the Military Court with the necessary independence and constitutional protections for an impartial judiciary. To ensure that the Military Court has the necessary understanding of the importance of discipline to the operational effectiveness of the defence forces, all judicial officers appointed to the court must have experience or knowledge of the nature of service in the Australian Defence Force. This will be in addition to the usual criteria for appointment to other federal courts. Judicial officers may not, however, be serving Australian Defence
Force members or members of the reserves. This will ensure the independence of the court.

Judicial officers will be appointed to the Military Court of Australia in accordance with the government’s policy on transparent and merit based appointment of judicial officers. The Attorney-General will also consult with the Minister for Defence before an appointment is made.

Judicial officers in the Military Court may hold dual commissions in other federal courts on the same terms and conditions. Consistent with all other federal courts, judicial officers in the Military Court will have tenure to the age of 70 years.

The Military Court will maintain a separate distinct identity from the Federal Court. However, it will utilise, to the greatest extent practicable, the existing administration and registry services of the Federal Court of Australia to eliminate duplication.

The presence of some members of the Australian Defence Force working in the Military Court will provide a visible means of promoting the service nature and identity of the court and will be under the direction and control of the court and not subject to the military chain of command. This, again, will ensure the independence of the court.

The Military Court will be expected to try service offences in Australia as often as is practicable and regardless of where the offence is committed. Where it is necessary for a trial to be conducted overseas, the Military Court will be able to deploy, provided that the deployment and any conditions required by Australia are acceptable to the host nation. In deciding whether to sit overseas, the court will be required to consider, among other things, whether doing so is in the interests of justice. The court will have to take into account where the offence occurred, the location of the accused or witnesses and the inability of the witnesses to give evidence in Australia.

Where the interests of justice require the trial to be heard overseas but the Military Court is unable to deploy, a court martial or Defence Force magistrate will be convened to conduct the trial overseas.

The Military Court will consist of two divisions: the General Division and the Appellate and Superior Division. The General Division will comprise judicial officers at the level of Federal Magistrate who will hear serious service offences at first instance. The General Division may also try less serious service offences that would usually be heard by a summary authority. This may occur where the accused elects to be tried by the Military Court rather than a summary authority or where the summary authority refers the matter to the Military Court. This will enhance the Defence Force members’ access to justice by allowing prosecutions to be heard at the most appropriate level in each case.

The Chief Justice will also be able to direct that a matter which would normally be tried by the General Division at first instance be tried by the Appellate and Superior Division.

Very serious service offences will be tried in the Appellate and Superior Division of the Military Court by judicial officers at the level of Federal Court Judge at first instance. Very serious service offences are prescribed in the bill and comprise offences that go to the very core of maintaining discipline and morale in the Australian Defence Force. Very serious service offences also include those so serious in nature that they require the Commonwealth Director of Public Prosecution’s consent for prosecution in the military justice system. These include offences such as murder and sexual assault.

The Appellate and Superior Division will also hear appeals from decisions at first in-
stance of both divisions of the Military Court. Appeals from a decision of a court martial or Defence Force magistrate deployed overseas will also be heard by the Appellate and Superior Division. This jurisdiction will be exercised by a full court.

All matters in the Military Court will be tried other than on indictment. This is consistent with the current court martial system, which does not provide for trial by jury. The High Court has repeatedly held that the prerogative of parliament is not limited or constrained in its legislative determination of which offences are or are not to be tried on indictment. There are strong policy reasons for not having a civilian jury to determine service offences for the Military Court. For example, where there is a need to try a service offence overseas, a requirement to empanel a civilian jury would be a practical barrier to the efficiency and effectiveness of prosecutions.

I take this opportunity again to acknowledge the hard work of the Attorney-General’s Department, the Department of Defence and the government’s legal advisers in developing the new Military Court. They have done tremendous work, and I thank them. I also acknowledge the efforts of my colleague the Minister for Defence in this regard.

A specialist court to address military discipline reflects the unique nature of military service and the distinct role of the Australian defence forces. An impartial arbiter for Defence Force discipline reflects the importance of fair trials for Australian Defence Force members and access to justice in matters of military discipline. The court will be clearly identifiable to Defence Force members and the wider community as being judicially independent and having a singular military justice focus. The government is confident that the Military Court of Australia will provide a robust framework for military justice. I commend the bill to the House.

Debate (on motion by Dr Southcott) adjourned.

SEX DISCRIMINATION 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) (10.38 am)—I move:

That this bill be now read a second time.

Introduction

The Sex Discrimination Act has now been in place for over 25 years, and has proven to be an important tool in addressing discrimination and changing attitudes about the participation of women and men in a range of areas of public life. Progress has been made in the community’s awareness of the importance of gender equality in all areas of public life. However, the Sex Discrimination Amendment Bill 2010 implements amendments to enhance protections under the legislation to:

- ensure protections from sex discrimination apply equally to women and men,
- extend existing protections from discrimination on the ground of family responsibilities to both women and men in all areas of work,
- establish breastfeeding as a separate ground of discrimination, and
- provide greater protection from sexual harassment for students and workers.

These amendments form part of the government’s response to the report of the Senate Standing Committee on Legal and Constitutional Affairs on the effectiveness of the
Sex Discrimination Act in eliminating discrimination and promoting gender equality.

Other recommendations in the Senate committee’s report which have wider implications for anti-discrimination laws will be considered by the government as part of its review of anti-discrimination laws under Australia’s Human Rights Framework.

Equal protection for women and men

The bill broadens the constitutional basis of the Sex Discrimination Act to ensure that it provides equal coverage to women and men from discrimination.

Australia has ratified a range of international conventions which are directed at promoting gender equality, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and core International Labour Organisation Conventions Nos 100, 111 and 156.

The government believes that Australia can and should afford equal protection to both men and women, and give effect to Australia’s international obligations.

Family responsibilities

The government is committed to taking action to support working families and ensure there are adequate protections in place. By referring to a broader range of international conventions, the Sex Discrimination Act will provide equal protection to men and women from discrimination on the basis of their family responsibilities.

Likewise, to be competitive, it is in the interest of Australian workplaces to provide greater flexibility to workers to allow all Australians to fulfil their caring responsibilities.

Last week was a historic occasion with the implementation of the government’s Paid Parental Leave scheme.

This reform was long overdue. This government funded Paid Parental Leave scheme will give thousands of families the financial support to make their own choices about work and parenthood.

Parents will get more support to stay at home with a new baby, and children will get the best start in life. But it is also a win for business as employers will be able to retain more skilled workers.

This bill will make amendments to strengthen protections for working families.

Currently, as the Senate committee identified, the Sex Discrimination Act provides only limited protections for workers against discrimination on the grounds of their family responsibility. For example, the act provides that it is only unlawful to discriminate on the ground of family responsibility where an employee is dismissed.

This bill will broaden the prohibition on discrimination on the ground of family responsibilities to provide protection from discrimination in all areas of work, and will also prohibit indirect discrimination for both men and women.

These amendments recognise that Australian workers are entitled to greater protection so that they are able to work and look after their families.

It will also harmonise protection for workers with family responsibilities by bringing the Sex Discrimination Act into line with the antidiscrimination protections of the Fair Work Act.

Breastfeeding

The bill also establishes breastfeeding as a separate and distinct ground of discrimination. Making this a separate ground alongside other grounds such as marital status, pregnancy and potential pregnancy emphasises that breastfeeding is a protected attribute.
These changes will also ensure that special measures can be taken to accommodate the needs of breastfeeding women, both in the workplace and in other areas of public life.

**Sexual harassment**

The bill also includes important amendments to strengthen protections against sexual harassment. As the large number of submissions to the Senate committee’s inquiry highlights, sexual harassment continues to be a widespread problem in the workplace.

There is a need to ensure that there are adequate protections, as the Sex Discrimination Commissioner, Elizabeth Broderick, has reported on the disturbing prevalence of sexual harassment, including the following facts:

- Nearly one in five complaints received by the Australian Human Rights Commission under the Sex Discrimination Act relate to sexual harassment. The vast majority of these take place in the workplace.

- Twenty-two per cent of women and five per cent of men have experienced sexual harassment. Women are four times as likely to experience sexual harassment in the workplace compared to men.

- More than one in 10 Australians has witnessed sexual harassment in the workplace in the past five years.

- Only 16 per cent of those who have been sexually harassed in the last five years in the workplace formally reported or made a complaint.

The bill makes amendments to address gaps and uncertainties in the operation of the protections against sexual harassment that are contained in the act.

For example, the test for sexual harassment will be clarified by providing that rather than just requiring that a reasonable person would have anticipated that the person would be harassed, a person will need only to show that the reasonable person has anticipated the possibility that the unwelcome sexual conduct would offend, humiliate or intimidate the harassed person.

A list of circumstances which may be relevant to assessing this possibility will be inserted into the act for guidance. This includes factors such as race, age, sex and disability. The list is intended to provide guidance to the courts and to make it easier for businesses to develop effective policies to prevent sexual harassment. However, the list is not exhaustive, and courts may take into consideration other factors that are relevant in the particular circumstances of the case.

An important amendment is that students of any age will now be protected from sexual harassment. Sexual harassment can have a devastating impact on a student’s ability to realise their full potential. Students will also be protected from sexual harassment by students and staff members from other institutions that they come into contact with through things such as interschool events.

These changes will provide younger victims of sexual harassment with another option for redress against the growing problem of cyberbullying and harassment by electronic means, alongside the existing procedures that many schools have in place.

And for the first time at the Commonwealth level, workers will be protected from sexual harassment by customers and clients, as well as by colleagues from other organisations that they interact with through their work.

**Conclusion**

These amendments are designed to ensure that protections in the act continue to be relevant and effective to the Australian community. These amendments will strengthen protections for working families.
and also send a strong message that sexual harassment is unacceptable, especially in the workplace.

Ensuring that antidiscrimination laws meet the needs of contemporary Australians is an important part of the government’s broader commitment to the promotion and protection of human rights and improving the effectiveness and accessibility of the justice system.

I commend the bill to the House.

Debate (on motion by Dr Southcott) adjourned.

TELECOMMUNICATIONS INTERCEPTION AND INTELLIGENCE SERVICES 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) (10.48 am)—I move:

That this bill be now read a second time.

The reality of the modern security environment and the emergence of new threats crystallised by globalisation and advances in technology was set out in the Prime Minister’s National Security Statement.

The National Security Statement and the government’s counterterrorism white paper acknowledge that responding to these threats requires an intelligence-led, coordinated effort across government and between our national security agencies.

To achieve this, agencies must be well connected and free from technical and other barriers to sharing relevant information and expertise.

Vital information is less likely to fall through the gaps if agencies can draw on the expertise of others within the law enforcement and national security communities for assistance.

This bill amends three acts to facilitate greater cooperation between law enforcement and intelligence agencies and removes legislative barriers to information sharing within Australia’s national security community.

Interception Assistance

Currently, under the Telecommunications (Interception and Access) Act, law enforcement agencies can seek the assistance of other law enforcement agencies in exercising an interception warrant.

This ability has enabled smaller agencies with limited interception capacity to rely on larger agencies to intercept on their behalf. However, the Australian Security Intelligence Organisation, or ASIO, does not fall within the group of agencies from whom assistance can be sought.

This distinction does not reflect the reality of the modern security environment and the cooperative basis within which law enforcement agencies and intelligence agencies now operate.

The bill will amend the Telecommunications (Interception and Access) Act to enable ASIO to intercept on behalf of other agencies and to ensure that ASIO has greater flexibility to support whole-of-government efforts to protect our communities.

In assisting law enforcement agencies, ASIO will continue to be subject to the existing legislative requirements set out in the interception act and the ASIO Act.

As the assistance ASIO will be able to provide falls within its existing expertise, it will not detract from ASIO’s primary function of gathering and analysing intelligence.
Other Assistance

In addition to assisting law enforcement agencies in relation to interception, the bill also enables ASIO to cooperate with and assist law enforcement and intelligence agencies in other areas.

The bill will amend the ASIO Act to enable ASIO to cooperate with and to assist the following agencies in performing their functions:
- the Defence Signals Directorate,
- the Australian Secret Intelligence Service,
- the Defence Imagery and Geospatial Organisation, and
- law enforcement agencies (such as police forces) at a federal, state and territory level.

Similarly, the bill will amend the Intelligence Services Act to enable ASIS, DSD and DIGO to cooperate with and to assist each other and ASIO.

These measures will enhance the ability of law enforcement and intelligence agencies to work together in an even more collaborative way.

It will facilitate greater interoperability in multi-agency teams, such as the recently announced Counter-Terrorism Control Centre, and enable agencies to harness resources in support of key national security priorities. Assistance provided may also include assistance with logistics and analytical advice.

The failed terrorist attack on Northwest Airlines flight 253, which occurred on 25 December 2009, Christmas Day just past, reminds us of the need to remain vigilant to the ongoing threat of terrorism.

This bill will help to ensure that our national security agencies are able to work together in responding to our increasingly fluid and evolving national security environment.

The amendments retain the distinction between law enforcement and intelligence functions and that the accountability frameworks within which the agencies are required to operate are maintained.

Other amendments

The bill also makes several amendments to the interception act that will improve the operation, responsiveness and integrity of the interception regime.

This bill will amend the interception act to require carriers and service providers to inform the communications access coordinator of proposed changes that could significantly affect their ability to comply with their statutory obligation to assist interception agencies. This includes changes relating to business management practices, such as maintenance and support, and the storage and administration of customer information.

Once a notification has been received, the communications access coordinator will be able to consult with certain government agencies about the proposed changes.

Importantly, early notification will ensure that carriers and service providers can meet their obligations to assist and avoid the need for costly alterations once a change has been implemented.

Amendments are also contained in the bill that will support police forces to find missing persons and to solve crimes where the victim cannot be found or cannot consent to their communications being accessed.

Currently, data about telecommunications, such as call records, cannot be provided to police to help locate missing persons because finding a missing person is not a criminal matter. However, in many circumstances, access to such data would help the speedy resolution of missing persons’ cases.

This bill will amend the interception act to allow carriers and carrier service providers to
provide telecommunications data and stored communications to police for the purpose of locating missing persons.

The bill provides constraints on the disclosure of this information to acknowledge that there are circumstances in which missing persons may not want their location revealed.

The bill will improve the operation of the interception act by allowing a representative of the carrier or service provider who has been authorised by the managing director to receive notice of the issue of an interception warrant.

Finally, the bill makes several minor and technical changes to address formatting and typographical errors and to better reflect plain English drafting conventions.

Conclusion

Ensuring that our national security and law enforcement agencies have the ability to respond to threats to our national security is a key priority for this government.

The measures contained in this bill build on the steps previously taken in this area to facilitate better communication and cooperation between our law enforcement and national security agencies.

By shaping and supporting a national security community we will strengthen the capacity of all agencies to protect our communities from criminal and other activities that threaten our national security and personal wellbeing.

I commend the bill to the House.

Debate (on motion by Dr Southcott) adjourned.

SUPERANNUATION LEGISLATION AMENDMENT BILL 2010

First Reading

Bill and explanatory memorandum presented by Mr Bowen.

Bill read a first time.

Second Reading

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (10.56 am)—I move:

That this bill be now read a second time.

This bill amends superannuation and taxation laws to implement a range of improvements to Australia’s laws.

Schedule 1 to this bill amends the Superannuation (Unclaimed Money and Lost Members) Act 1999, and the Income Tax Assessment Act 1997 to facilitate the transfer of superannuation unclaimed moneys from state and territory authorities and public sector superannuation schemes to the Commissioner of Taxation. The amendments will also enable the commissioner to accept, and subsequently pay out amounts transferred by state and territory authorities and public sector superannuation schemes.

Currently, state and territory public sector funds typically report and pay unclaimed superannuation moneys to the relevant state or territory authority. In contrast, private sector superannuation funds are required to pay unclaimed superannuation to the Australian Taxation Office.

States and territories currently also hold a stock of private sector unclaimed superannuation which was paid to the states and territories prior to 1 July 2007. Since that date all private sector unclaimed superannuation has been payable to the ATO.

These amendments will allow both state and territory authorities and public sector superannuation schemes to transfer unclaimed superannuation, including unclaimed superannuation of former temporary residents and lost member accounts, to the ATO.
Individuals will still be able to claim back their money from the ATO at any time.

The legislation will operate so that it only applies to those Commonwealth, state and territory schemes that are prescribed in the regulations.

This schedule also contains amendments which will enable the ATO to subsequently pay out, and apply the correct taxation treatment to, amounts transferred from Commonwealth, state and territory public sector schemes.

These amendments will facilitate more uniform treatment of unclaimed money across the public and the private sectors and assist in the central administration of unclaimed superannuation moneys.

These amendments will have an ongoing gain to revenue, estimated to be $29.6 million over the forward estimates.

Schedule 2 to this bill provides transitional relief for income tax deductibility of total and permanent disability insurance premiums, known as TPD insurance premiums, paid by superannuation funds. To this end, the bill amends the Income Tax (Transitional Provisions) Act 1997, and the Income Tax Assessment Act 1997.

The transitional relief will broaden the application of the current law regarding deductibility of TPD insurance premiums for the 2004-05 to 2010-11 income years. It will allow complying superannuation funds to fully deduct TPD insurance premiums, regardless of the definition of TPD contained in the policy.

The provision of the transitional arrangements will minimise the disruption to the superannuation industry and will allow superannuation funds enough lead time to make the necessary administrative changes to apply the current law from 1 July 2011.

This is achieved by allowing, in the transitional period, broader definitions of ‘death or disability benefits’ in the Income Tax Assessment Act 1936 and ‘disability superannuation benefit’ in the Income Tax Assessment Act 1997 to the extent they relate to the deductibility of TPD insurance premiums. For the transitional relief to apply to a TPD insurance policy premium, the insured permanent disability must be one that is described in regulations made for the purposes of the transitional provisions. The content of these regulations is being developed in consultation with industry.

By way of background, superannuation funds commonly take out death and disability insurance policies to insure their risk for a liability they may incur to their members. Disability insurance taken out by superannuation funds includes TPD insurance. The current law allows superannuation funds to claim an income tax deduction for TPD insurance premiums to the extent that the policies have the necessary connection to a liability of the fund to provide disability superannuation benefits.

The amendments do not limit the operation of the current law. The current provisions of the Income Tax Assessment Act 1997 will apply throughout the transitional period. Funds who have claimed a narrower deduction pursuant to the current law will be able to choose whether to amend their assessments to claim a broader deduction.

This amendment will give certainty to the superannuation industry and allow lead time for arrangements to be put in place that will enable funds to comply with the current law upon the cessation of the transitional period. There is at least one insurance provider has developed products to meet the requirements of the law from 1 July 2011.

In addition, as announced as part of the 2010-11 budget, the government intends to
introduce a tax deduction in relation to the
provision of terminal medical condition
benefits. This will be a new deduction which
is consistent with retirement income policy
objectives.

Schedule 3 to this bill amends the Super-
annuation Industry (Supervision) Act 1993 to
allow the trustee of a regulated superan-
nuation fund to acquire an asset in-specie from a
related party of the fund, following the relation-
ship breakdown of a member of the fund.

This schedule also amends subdivision D
of division 1 of part 8 of the Superannuation
Industry (Supervision) Act 1993 to ensure
equitable application of the transitional ar-
rangements in relation to in-house assets
where an asset transfer occurs as the result of
the relationship breakdown of a member of
the fund. Relationship covers those in respect
of marriage, and opposite sex and same-sex
de facto relationships.

These amendments will ensure that sec-
tion 66 is not an impediment to separating
partners achieving a ‘clean break’ from each
other in terms of their superannuation ar-
rangements, and does not discriminate
against opposite-sex and same-sex de facto
relationships.

Schedule 4 to this bill makes a number of
minor amendments which will:
• allow an individual to give a notice of
intent to deduct a contribution to a suc-
cessor superannuation fund where the
contribution was made to the original
superannuation fund;
• allow employers to claim a deduction for
superannuation contributions made in
respect of a former employee within four
months of the employee ceasing em-
ployment and at any time after the em-
ployee ceases employment for contribu-
tions made to defined benefit interests;
• clarify that the due date of the shortfall
interest charge for the purposes of excess
contributions tax is 21 days after the
Commissioner of Taxation provides no-
tice of the amount payable;
• allow the Commissioner of Taxation to
exercise discretion to disregard or allo-
cate to another financial year all or part
of a person’s contributions for the pur-
poses of excess contributions tax before
an assessment is issued;
• provide a regulation making power to
specify additional circumstances when a
benefit from a public sector superannua-
tion scheme will have an untaxed ele-
ment; and
• streamline references to the immigration
secretary and the immigration depart-
ment in relation to disclosure of migra-
tion and citizenship information for the
legislated purposes.

These amendments will improve the op-
eration of superannuation provisions of the
income tax legislation.

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

Debate (on motion by Dr Southcott) ad-
journed.

This bill contains two separate but related key measures, both aimed at improving investor trust and confidence in the Australian share market and cracking down on those doing the wrong thing.

The first measure reforms the regime governing access to information contained on company member registers, specifically banning improper uses of company registers.

The second measure strengthens the penalties for market offences in the Corporations Act, such as insider trading, and enhances the investigative powers of the Australian Securities and Investments Commission to catch those who would commit these offences.

**Access to Registers**

A company’s register of members is required to contain members’ names, postal addresses and shareholding details. Until now, anyone could demand a company provide a copy of its register without providing any indication of the purpose for which they intend to use the information.

Today, the government has introduced legislation to prevent members’ contact details being used for improper purposes.

The purposes will be spelled out in regulations but the government has made it clear that we intend this reform to have the effect of stamping out the predatory practice of making unsolicited below-value share offers to vulnerable shareholders.

The bill will do this by limiting the instances in which a copy of a register of members of a company or registered scheme may be obtained.

A person seeking a copy of the register will have to apply to the company and state the purpose for which they intend to use the information contained in the copy of the register. The company can refuse to provide a copy where the purpose is listed as an improper purpose, which will be provided in the Corporations Regulations.

Examples of these improper purposes are:

- the solicitation of a donation from a member of a company;
- the solicitation of a member of a company by a broker;
- gathering information about the personal wealth of a member of a company; and
- making an unsolicited off-market offer to purchase shares in a listed company—other than as part of a genuine takeover offer.

As such, the bill will ensure that vulnerable investors are protected from individuals or businesses that seek to profit by purchasing their shares for less than their value.

**Penalties for Market Offences**

The second arm of the bill increases the criminal penalties associated with breaches of the insider trading and market misconduct provisions in part 7.10 of the Corporations Act.

Insider trading and market manipulation unfairly distort Australia’s financial markets and cause serious harm to their fair and efficient functioning. These markets function best when information is widely dispersed and investors have confidence in their fairness.

It is therefore essential that the penalties reflect the serious impact that breaches of these provisions have on financial markets.

Moreover, the benefit that can be gained from engaging in insider trading or market manipulation often far outweighs the maxi-
mum penalty that can currently be imposed for a breach.

Therefore, the maximum fine for individuals found to have breached the provisions will be increased to 4,500 penalty units (currently $495,000) or three times the benefit attributable to the breach. The maximum term of imprisonment will be increased to 10 years.

The maximum penalty for a corporation will be:
- 45,000 penalty units (currently $4.95 million);
- three times the benefit attributable to the breach; or
- 10 per cent of the corporation’s annual turnover during the applicable period.

The bill also clarifies how criminal liability is imposed under section 1041B of the Corporations Act.

**Improved Offence Detection Powers**

The bill also includes the insider trading and market misconduct provisions in part 7.10 of the Corporations Act in the list of serious offences in section 5D of the Telecommunications (Interception and Access) Act 1979.

Insider trading and other market offences are difficult to investigate, as these offences by their very nature involve complex networks of people, technological sophistication and avoidance of paper and traceable communications. In addition, the transactions often occur in real time, meaning that telephone conversations are often the only evidence of the offence.

This bill enables authorities to obtain direct evidence of these offences—such as the content of conversations—rather than simply relying on circumstantial evidence, such as the mere existence of suspect telephone calls.

These amendments bring ASIC into line with the Australian Competition and Consumer Commission.

Of course, when serious powers such as these are provided, proper protections must also be in place as a safeguard. For that reason, the bill makes it clear that such material can only be obtained by a proper agency, such as the Australian Federal Police, under a judge-issued warrant.

Separately, the bill amends the search warrant power in the ASIC Act to permit ASIC to apply for a search warrant without first having to issue a notice to produce the material sought by the warrant. The current arrangements provide those under investigation with an opportunity to destroy incriminating material.

**Minco Approval**

The Ministerial Council for Corporations has been consulted and has approved the amendments contained in this bill. I commend the bill to the House.

Debate (on motion by Mrs Markus) adjourned.

**COMMITTEES**

**Public Works Committee**

**Approval of Work**

Mr TANNER (Melbourne—Minister for Finance and Deregulation) (11.10 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 work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Infrastructure and upgrade works on identified immigration detention facilities.

On 18 April 2010 the government announced that a significant number of irregular maritime arrivals would be transferred from the Christmas Island detention centre to the Aus-
tralian mainland. As a result of this announcement, the Department of Immigration and Citizenship has identified that various infrastructure and upgrade works are required in order for the facilities to meet detention standards. These sites include RAAF Base Curtin in Western Australia, which will accommodate single males, Northern Immigration Detention Centre Darwin, which requires upgrade and expansion works to increase the current amenities available to clients accommodated within the centre, and Christmas Island, which will undergo further works, including a security system upgrade, client amenity upgrades and additional staff accommodation.

The estimated outturn cost of the proposal is $190.29 million plus GST and is inclusive of capital and operational expenditure. Subject to parliamentary approval, construction will commence immediately and be completed by May 2011.

I note that a proposal to proceed with a 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.

**Public Works Committee**

**Approval of Work**

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.12 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of housing for the Department of Defence at Muirhead, Darwin, Northern Territory.

The Defence Housing Authority Australia, DHA, 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 166 residential lots to deliver up to an expected 178 dwellings 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 of defence housing. Community standard defence housing is vital to Defence attracting and retaining skilled personnel.

DHA will develop the site as an economically viable, sustainable and affordable master-planned community. The 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.

In its report, the Public Works Committee has recommended that these works proceed subject to the recommendations of the committee. Defence Housing Australia accepts and will implement these recommendations. 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 by June 2012. On behalf of the government I thank the committee for its support and I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.15 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Proposed construction of housing for the Department of Defence at Voyager Point, Liverpool, New South Wales.

Defence Housing Australia proposes to develop a 15.74 hectare site at Voyager Point, New South Wales. The site was formerly the Department of Defence’s East Hills Barracks. The proposal will provide an additional 59 homes for Australian Defence Force personnel and their families, particularly for those members serving at the Holsworthy Army base. The site will be divided into lots capable of accommodating a total of 137 homes. The lots that are not required by 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, and 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 specifications 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 cost reduced through the sales of surplus lots. In its report, the Public Works Committee has recommended that these works proceed. Subject to parliamentary approval, construction will commence in March 2011 and be completed by December 2013. On behalf of the government I thank the committee for its support and I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.17 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Pawsey High Performance Computing 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 outturn cost of $66 million plus GST. Funded by the government’s Super Science Initiative, the Pawsey centre will provide a high-performance computing facil-
ity that supports a diverse range of high-end research, including 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 Australia’s high-ranked supercomputing systems. 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, the 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. The Pawsey centre will be specifically designed to house the petascale HPC system and provide an appropriate and secure working environment for support staff. The building services and external infrastructure will incorporate energy conservation initiatives and comply with all relevant local, state and Commonwealth standards, codes and regulations.

In its report the PWC recommended that these works proceed. Subject to parliamentary approval, construction will commence in early 2011 and be completed by mid 2012, consistent with the HPC procurement, installation and commissioning program, which will be completed in 2013. On behalf of the government I thank the committee for its support and I commend the motion to the House.

Question agreed to.

**Public Works Committee**

**Approval of Work**

**Dr KELLY** (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.20 am)—I move:

That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of a centre for Accelerator Science and extensions to other facilities for the Australian Nuclear Science and Technology Organisation at Lucas Heights, NSW.

The Australian Nuclear Science and Technology Organisation proposes to undertake at its Lucas Heights, New South Wales, site the construction of (1) a new centre for accelerator science; (2) an extension to the Bragg Institute; and (3) an extension to the OPAL reactor building. The proposed Centre for Accelerator Science will enhance Australia’s capability for the vital studies of climate and environmental science, nuclear safeguards and forensics, materials science, human history, medical physics and radiation physics.

In the 2009-10 budget the government allocated $20 million under the Education Investment Fund to establish the new Centre for Accelerator Science. ANSTO’s OPAL reactor’s neutron beam instruments are used by Australian and international researchers and industry in an extremely wide range of science. Those instruments are operated by ANSTO’s Bragg Institute. Given the increasing demand for the operational instruments and the impending addition of new instruments together with increasing demand for the other services provided by the OPAL reactor, the Bragg Institute and the OPAL reactor building have reached capacity and require extensions. ANSTO therefore proposes to construct and fit out additional offices and laboratories at the Bragg Institute to accommodate approximately 150 staff, students and visiting researchers.
ANSTO further proposes to construct and fit out additional offices, workshops and laboratories at the OPAL reactor building to support reactor operations. This project will also provide additional facilities and accommodation to optimise ANSTO’s ability to produce radioisotopes and irradiate silicon. The estimated out-turn cost of the proposal is $62.5 million including GST. In its report, the parliamentary Public Works Committee has recommended that these works proceed. Subject to parliamentary approval, construction will commence in November 2010 and be completed by September 2012. On behalf of the government I thank the committee for its support and I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.24 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Proposed fit-out of new leased premises for the Department of Climate Change and Energy Efficiency at the New Acton Nishi building, Edinburgh Avenue, Canberra City, ACT.

The Department of Climate Change and Energy Efficiency proposes to undertake a fit-out of new leased premises at the New Acton Nishi Building, Edinburgh Avenue, Canberra City, ACT, at an estimated cost of $20.5 million plus GST. The DCCEE currently occupies offices at 2 Constitution Avenue and 20 Allara Street, Canberra City, ACT. The existing leases expire on 31 December 2012 and 14 June 2011 respectively. The existing fit-outs at these locations are in poor condition—in most cases more than 20 years old—are not related to the DCCEE’s organisational and operational needs and are not capable of economical refurbishment to modern standards. As a result of the machinery-of-government changes announced on 26 February 2010, the DCCEE also has staff currently accommodated in the Parliamentary Triangle and Forrest in offices which are managed by other Commonwealth agencies.

The proposed fit-out will provide the opportunity to co-locate all DCCEE staff and provide significant benefits in relation to functionality, operating efficiencies, administrative overheads and environmental ratings. In its report the parliamentary Public Works Committee has recommended that these works proceed. Subject to parliamentary approval, construction of the fit-out is expected to commence in September 2011, with completion scheduled for August 2012. On behalf of the government I would like to thank the committee for its support and I commend the motion to the House.

Question agreed to.

Publications Committee
Report

Mr HAYES (Werriwa) (11.26 am)—On behalf of the Joint Committee on Publications I present the committee’s report entitled Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Papers Series.

Ordered that the report be made a parliamentary paper.

Mr HAYES—by leave—It gives me great pleasure to present today the joint committee’s report of the inquiry into the development of an electronic parliamentary papers series. The Parliamentary Papers Series (PPS) is a unique series which brings together information that documents many aspects of public policy formulation and the administration of government since Federa-
tion, including all the committee reports presented to this House and the Senate.

When it first began the series was widely distributed. There have always been issues associated with the series and how regularly and widely the series should be distributed. As early as 1917, in the interests of ‘cost, distribution and efficiency’, the joint committee recommended that members of parliament only receive the series upon request. Since then many decisions have been made, which has resulted in the series no longer meeting one of its main objectives: to be available as widely as possible.

I report that in 2006, still maintaining its interest in the ‘cost, distribution and efficiency’ of the series, the committee held an inquiry into the distribution of the Parliamentary Papers Series. A principal recommendation from that report was for the chamber departments to ‘investigate and implement the development of an online digital repository for the Parliamentary Papers Series’.

The initial efforts to progress this recommendation were not fruitful for a number of reasons. There was a lack of technological capability and concerns about the capital and human resources required to develop a digital repository were problematic. However, in light of Commonwealth innovations in using the internet and the development of systems within Parliament House which could support an electronic series, the committee decided last month to revisit its 2006 recommendations to try to make an electronic series a reality.

The committee contacted various organisations by letter requesting submissions and I would like to thank those who kindly responded and made contributions to the committee. As a result of their overwhelming support for the development of an electronic Parliamentary Paper Series, the committee has made a number of recommendations in this report which will result in the parliamentary departments developing a digital format repository for the PPS to be based in the parliament.

Further, the committee has recommended that the repository be implemented in time to coincide with the start of the 2011 PPS. I would like to stress at this point that there is no intention to stop the printed copy of the series. The committee acknowledges that the electronic access may result in a decreased demand for the printed series. However, the committee also acknowledges that the series needs to be maintained in perpetuity and that paper is the only medium in which this can be guaranteed.

I am personally proud to be the Chair of the House Publications Committee and Deputy Chair of the Joint Publications Committee which, through the recommendations in this report, will enable anyone, at any time, anywhere, to access the PPS online. This will go a long way to making the series more relevant in today’s society and will ensure the continuing existence of the series into the future.

Finally, I would like to take this opportunity to personally thank Sue Blunden and Matt Keele—the secretariat has diligently assisted the committee in formulating these recommendations, assembling the submissions and coordinating the final development of the report. I commend the report to the House.

Privileges and Members’ Interests Committee Report

Mr RAGUSE (Forde) (11.31 am)—On behalf of the Committee of Privileges and Members’ Interests, I present a report entitled Publication of the Register of Members’ Interests on the Australian Parliament website.
Ordered that the report be made a parliamentary paper.

Mr RAGUSE—by leave—The committee has been considering the issue of the publication of the details of members’ interests on the Australian Parliament website and how such publication might be achieved. The committee presented a discussion paper to the House on the matter in November 2009 and invited comment. Under the standing orders and resolutions of the House, a decision to make the register available on the AP website, and the form it would take, is one that the committee can make. The committee proposes the following changes to the way in which the register is published to enable online access from the commencement of the 43rd Parliament:

- at the commencement of each parliament each member’s initial interest return will be scanned and immediately after the returns have been tabled in the House, the full set will be posted to the AP website in a PDF version. The initial comprehensive statements by members will thus be available on the same day as they were presented to the House;
- notices of alterations will be copied and scanned and then be posted with updates occurring at least weekly;
- the details of alterations will be posted with the initial declarations for each member enabling easier checking of individual members’ declarations; and
- the main point of access on the AP website will be a new item—Statements of Members’ Interests. There will also be a link to the committee’s own home page.

The committee is also proposing to have a number of security features included in the entries, and details of these are in the report. The committee understands that the Committee of Senators’ Interests is proposing to adopt a similar approach to that of this committee in publishing the details of senators’ interests in the 43rd Parliament.

The committee will continue, as it is required to do by the resolution of the House, to table in the House copies of the initial statements of interests by members and periodically the notification of alterations. The register will also continue to be available for inspection, although it is expected that having the statements available online will reduce the number of inspections significantly. The committee believes that the approach it is proposing to electronic publication of the Register of Members’ Interests will provide for a sensible balance between considerations of integrity of the data, ease of access for those using the system, transparency and administration.

Privileges and Members’ Interests Committee Report

Mr RAGUSE (Forde) (11.34 am)—On behalf of the Committee of Privileges and Members’ Interests, as required by the resolution of the House I present copies of notifications of alterations of interests received during the period 18 March to 23 June 2010.

DELEGATION REPORTS

Parliamentary Delegation to the 55th Commonwealth Parliamentary Association Conference, Tanzania and to Rwanda, 26 September to 6 October 2009

Mr FORREST (Mallee) (11.35 am)—I present the report of the Australian Parliamentary Delegation to the 55th Commonwealth Parliamentary Association Conference, Tanzania and to Rwanda, 26 September to 6 October 2009. I move:

That the House take note of the report.

Mr FORREST—I seek leave to make some brief remarks on the report.

Leave granted.
Mr FORREST—The Commonwealth Parliamentary Association Conference in Tanzania was an essential event. It was good that Australia had a strong delegation participating in that conference, but I think the key thing and the sweetener was the bilateral visit we made to Rwanda. We learned so many things from the experiences we had in the Rwandan parliament, among them the view we got of the participation of women right across the community and particularly in the parliament.

I refer particularly to two members of the parliament who stuck with our delegation every day. That is quite unusual, and they added a special presence to the delegation. Their names were Gideon Kayinamura and Senator Agnes Mukabaranga. I commend those two members of that parliament. They added wonderfully to the experience of the Australian delegation, which comprised the member for Forde and Senators Moore and Humphries along with me as deputy leader. Rwanda is an encouragement to the whole of Africa. It is a model of reconciliation. It has got on with the job after the dark years it has seen there, and it was refreshing to be part of that delegation. I commend the report to the House.

The DEPUTY SPEAKER (Hon. Peter Slipper)—In accordance with standing order 39, the debate is adjourned and the resumption of the debate will be made an order of the day for a later hour this day.

Delegation Report: Referral to Main Committee

Mr FORREST (Mallee) (11.38 am)—I seek leave to move a motion to refer the matter to the Main Committee and also to make some brief remarks about this report.

Leave granted.

Mr FORREST—I move:

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

Question agreed to.

FARM HOUSEHOLD SUPPORT AMENDMENT (ANCILLARY BENEFITS) BILL 2010

Second Reading

Debate resumed from 23 June, on motion by Mr Burke:

That this bill be now read a second time.

The DEPUTY SPEAKER (Hon. Peter Slipper)—I advise the House that it has been agreed that no points of order be taken during the contribution of the honourable member for McEwen to the debate on the Farm Household Support Amendment (Ancillary Benefits) Bill 2010.

FRAN BAILEY (McEwen) (11.39 am)—It is 20 years since I first entered this chamber as the member for McEwen. In doing so, I became the first woman to represent a rural electorate in the House of Representatives and the first Victorian Liberal woman to win a seat in this chamber. During these 20 years, I have had constant and unconditional support from my two daughters, Amanda and Abby. Amanda is here in the chamber today. She has always described herself as the non-political member of the family, but she has frequently in her own forthright manner been able to tell me if we as a party were connecting with the public on various issues. Abby is watching this broadcast on her computer in Brussels at 3 am, and although she has worked outside Australia for the past seven years she has always been up to date and on the mark with Australian political life. They are wonderful, intelligent, articulate, forthright, loving and caring young women—and I am not at all biased! I thank them for their support and understanding of a mum who was often late for school or social functions. They always had to buy the cakes I was supposed to make for the cake stalls!
Twenty years ago, with a slender margin and as the shadow minister for consumer affairs and secretary of Fightback with responsibility for selling the first version of the GST, I became known as ‘Mrs GST’. I was an easy target for negative campaigning and lost my seat in 1993 by a few hundred votes. While I felt at the time that this was my political baptism by fire, it actually taught me valuable lessons, the most important of which was to stand up for what I believe in but at the same time to ensure that the people whose support I am asking for through their vote clearly understand a policy and its impact at both the local and national levels.

It was a difficult decision to stand again and attempt to win back McEwen three years later. I acknowledge the late Worrall Jones, my first electorate chairman, for encouraging me to stand again. History records that I did win my seat in 1996 and have won it at every election since, albeit with very slim margins. Each election has been a real challenge because of the huge outer urban population growth with demographics unfavourable to my side of politics. However, the last election made political history with a recount and a High Count challenge that resulted in my increasing my margin to 31 votes out of 106,000.

From the 1996 election to the present day I have had the good fortune to have the same team as my federal electorate council. To express my appreciation of Peter McWilliam, my chairman and campaign manager for the past five elections, the word ‘thankyou’ is totally inadequate. Peter and his wife, Kerrie, have become firm family friends and are here in the chamber today, along with Barb and Craig Jones. Barb has managed polling booth rosters with over 800 volunteers and, at one election, managed 106 polling booths. My heartfelt thanks go also to Chris Thomas, John Lithgow, Heather Tivendale and the other members of our McEwen campaign team.

I have always described working in McEwen as like being on a high wire without a safety net, but the reality is that my branch members, the Liberal women’s groups and the Liberal Party membership at large have provided me with a safety net, and I thank them all. I still vividly remember the first time I entered this chamber. I was nervous, excited and almost overwhelmed by the soaring dimensions of the chamber. I was aware of the great parliamentarians who had occupied these benches, but I had a keen sense of responsibility to all those in my electorate who had sent me here. I have always tried to do my best for the people of McEwen, and I have loved every minute of having had the privilege of representing them.

Chairing the Standing Committee on Primary Industries and Regional Services was very rewarding, and I experienced how a group of politicians from both sides, with diverse expertise, could work together to produce recommendations covering issues ranging from biosecurity to fisheries management to trade, and I thank Dick Adams, the member for Lyons, who was deputy chair, not just for his spirit of cooperation but also for his culinary expertise at the completion of an inquiry. Like so many members, I would like to see the work of committees taken more seriously by government. I am aware that the Deputy Speaker is seeking to achieve greater recognition and better responses by government, and I wish her well.

My parliamentary career has largely been spent as a member of government, the majority of which was as a member of the executive of that government—a rare opportunity for a marginal seat holder. My time as the Parliamentary Secretary to the Minister for Defence and as the Minister Assisting the Minister for Defence was hugely rewarding.
My responsibilities included defence estate, corporate services, infrastructure and personnel. And I had the privilege of working with both General Peter Cosgrove and Air Chief Marshal Angus Houston. I am particularly proud of being able to vastly improve the living conditions for defence families and single personnel and commend the work of the Defence Housing Authority. Running the defence cadets and establishing the first Indigenous defence cadets in both the Tiwi Islands and Wadeye was very challenging but also very rewarding.

I used to joke with people who asked me what I did in the defence portfolio that if I described what I did I would then have to shoot them. However, commercial and strategic sensitivities meant that I could say very little. But what I have always had is the ability to tell any and every audience that I had the greatest privilege to serve in this area of responsibility because I saw firsthand the extraordinary sacrifice, level of training and commitment of men and women who were prepared to put their hands up and wear the uniforms of our Defence Force in the service of our country. They perform an extraordinary job on our behalf.

I should explain that I did have a prior strong relationship with defence as I have Puckapunyal in my electorate, but that relationship almost floundered initially. As a new MP I was invited to visit Puckapunyal, my first ever visit to a defence base. I was taken on a tour of inspection, and at the time Australia had 42 Leopard tanks and they were all lined up for my inspection with members of the School of Armour in attendance. Naively I asked the brigadier in charge, ‘Why do we need so many tanks in peacetime?’ There was an audible gasp of horror, and I am sure they were thinking, ‘What on earth have we got here?’ However, Brigadier Gordon Jones quietly took me aside and invited me to lunch, where he instructed me—or, as he says, ‘guided my thinking’—about the use of armour. He was very persuasive because within a month I was on my feet in this chamber extolling the virtues of armour in peacetime to anyone who would listen.

I should also come clean to my leader and the member for Mackellar that I am the person who argued the case to move the School of Artillery from that very exclusive piece of real estate with the okay views, known as North Head, to Puckapunyal by portraying Puckapunyal as the Tuscany of the south. But I confess the ability to fire live ammunition was really the determining factor.

I was a member of the Small Business Association of Australia before entering parliament, and a strong advocate for reform for that sector. I was therefore thrilled when Prime Minister John Howard made me the Minister for Small Business and Tourism and enormously proud that we reformed the Trade Practices Act in favour of small business. Other highlights were reducing the compliance burden for small business by over $450 million by both harmonising and eliminating regulations, overhauling the franchise code of conduct, increasing transparency for franchisees and establishing a code of conduct for the smash repair industry, replacing a decade of infighting and disagreement.

I am proud that during my time as the minister for tourism the industry grew to an $87 billion industry, and that very cheeky advertising campaign ‘So where the bloody hell are you?’ added $4.2 billion to the industry’s bottom line. While that advertising campaign certainly had its detractors here in Australia, it was designed for the international market and particularly the UK, US and European markets. Industry there loved it, and it was seen as typically Australian: friendly and inviting. There was, however, one negative response overseas, from the
British advertising standards board. It controlled TV advertising and decided it would ban our ad. I was dispatched to London by the Prime Minister with instructions to ‘sort it out’. The media frenzy began as soon as I landed at 6 am and did not stop for three days. A certain Blair cabinet minister facing yet another sex scandal was eternally grateful as we pushed him off the front page of major newspapers. My thanks to our high commission staff and to Sir Alastair Goodlad, the former British High Commissioner to Australia, for their assistance.

British people, and no doubt many expat Australians, helped by ringing in to talkback shows and asking how an authority could allow shows like Little Britain to run in prime time but not our ad. Our campaign became the talk of the town, and we certainly could not have afforded to pay for all the free publicity we received. The end result was that the BASB, which had never in its history reversed a decision, did so and decided in our favour—a great result for our tourism industry.

My thanks to all my ministerial staff for being so dedicated to their jobs—never simply agreeing with me but always willing to push me—and to my former chief of staff, Dan Tehan, in particular, who hopefully will join my colleagues as the next member for Wannon.

To be the member for McEwen has been a personally fulfilling experience. The people, the 107 communities, their issues, their achievements and their hopes for the future have always inspired me to work harder. There have been many successes and challenges over the years, but there has been no bigger challenge, with more impact on individuals, than the Black Saturday bushfires that devastated so many of my communities. I would like to share with the House a description of bushfire:

From early morning the fire was accompanied by a hot wind, almost the strength of a hurricane and throughout the day, the surface of the country was exposed to the full power of its withering influence. Bushfires raged across hundreds of miles of country, sweeping along with almost the speed of lightning and destroying almost instantaneously, men, women, children, homes, fences, gardens, crops, animals.

That, however, was not a description of Black Saturday, 7 February 2009 but a description of Black Thursday of 1851, written in the Argus. People said then that such a fire could never happen again. The reality is that bushfire presents the greatest threat of disaster. Since 1851, when the number of deaths resulting from bushfire was first recorded, 815 people Australia wide have died—but, significantly, 561 of those deaths have occurred in Victoria and almost half of those Victorian deaths have occurred in my electorate.

When I spoke in this chamber on 24 February 2009, I nominated key issues that must be addressed if we are to prevent a disaster of the magnitude of Black Saturday, when those 173 people lost their lives, from ever happening again. The key issues I nominated were an efficient and sustained fuel reduction program, an early warning system, safe shelters and the use of early fire detection technology. Sixteen months on, we do not have one of these measures in place. To give credit where it is due, however, both the former Prime Minister and the Attorney-General listened to my presentation of the FireWatch early fire detection technology that I brought back from the German Aerospace Centre and have funded a pilot program that is currently being assessed by the CSIRO. This technology has reduced forest fire in Germany by 93 per cent—but, most importantly, it has saved lives. To install this system in fire risk areas will be expensive, but I say to the future government: consider
partnering with the insurance industry to install this technology. It has recently paid out $1.2 billion just on homes that were destroyed in Victoria as a result of Black Saturday.

We have learnt a great deal from our recent experiences in Victoria, and I believe it is imperative that we as a nation learn from them. I strongly believe—that after many months of working side by side with people, listening to them, attending meetings, sharing their frustrations and disillusionment, and researching—that the model for recovery that was implemented in Victoria and funded extensively by the Commonwealth is the wrong model. It is based on the command and control model, where decision making is centralised and hierarchical, is part of the Department of Premier and Cabinet and has no decision-making power in its own right.

Of course governments at all levels through their agencies play a vital role. In the aftermath of Black Saturday, there were 12 federal government departments involved and they performed magnificently. However, research from around the world shows us that greater emphasis is placed on organised community action and control in determining the nature of the response to the disaster. It is local people who are best placed to coordinate and prioritise activities, use their local knowledge to advise government officials and be actively involved in decision making. All the research I have studied agrees that it is the local communities who provide the sense of continuity—the connection that people need. I have found that people look for and need the social and economic structures that existed before the disaster, and their priority is to regenerate those rather than having to create new ones.

Philip Berke, who is internationally recognised for his work in this area, says:

Effective response to recovery after disaster cannot be achieved through top down, inflexible approaches. Success is based on a process of bottom-up policy and organisational development. I agree wholeheartedly. Whether the disaster is bushfire, flood or cyclone, there is a need for the Commonwealth as the major source of funding to take a leadership role in ensuring that disaster recovery models are community based, with a board independent of government, to ensure strategic targeting of funding for recovery. I encourage every member of this House to support this proposal. Disaster can occur anywhere with tragic results. The recovery process should never further traumatised affected people.

The past 16 months have been the most challenging ever for my staff and I place on record my thanks and appreciation to them. They have acted with compassion and commitment that has far exceeded any job description. I do have some regrets in leaving the parliament. I regret that in a country as affluent as ours we have not better looked after our disabled fellow Australians and their families, I regret that we do not have a Noel Pearson in this parliament and I regret that governments feel the need to spend vast amounts of money on spinning their message. Imagine the benefits for every Australian if that same funding was invested in medical research. Who in the next parliament will have the courage to cap the amount of funding government spends selling itself? Overwhelmingly, I leave this parliament with a great appreciation of what this parliament achieves and an enormous sense of appreciation for having the privilege of having served as the member for McEwen.

The SPEAKER—Order! To the member for McEwen: as the member for Scullin, I apologise that within partisan politics I may have caused her some headaches. But she has the solace that they were largely unsuccessful. Beyond partisan politics, I thank her
for her cooperation in the fulfilment and pursuit of aspirations of those that we jointly represent in this place in the outer north-east of Melbourne. I wish her all the best for her voluntary retirement. In the preliminaries, before I call the member for Riverina, I understand it is the wish of the House that the member should not be interrupted by points of order.

Mrs HULL (Riverina) (12.03 pm)—Who would have ever imagined that an insignificant girl from Guyra could be one of those fewer than 1,000 people to have been elected to the Commonwealth Parliament of Australia in over 100 years? On this historic day I am more acutely aware of the significance and the privilege of being an elected member of this House. On this day, 24 June 2010, I am here in this place to witness the entrance of the first female Prime Minister of Australia, Julia Gillard. I guess the question now has to be asked: is it the gender of the Prime Minister that is important or is it the quality of the person who is at the helm? Let us not forget that the woman who is now Prime Minister of Australia has been at the table and has exerted extreme influence in support of every decision that has been responsible for the demise of Kevin Rudd. Julia Gillard has supported and championed every single bad decision that has put this country into significant debt. She has strongly supported the introduction of a mining tax and is directly responsible for the $1.7 billion blowout of the BER; for a wasted $5 billion simply through mismanagement; for a $1.2 billion blowout of the computers in schools program, still only 300,000 of the 970,000 laptops having been delivered; for promising the 260 childcare centres, delivering only 38 centres and then abolishing the program; and for removing the opportunity for thousands of our regional kids to get access to a tertiary education by changing the rules on youth allowance. So today is indeed a significant day.

I came to this place with a determination to use my voice to ensure that the voice of regional people was heard, particularly those in the electorate of Riverina. It was my choice to not take a seat on the frontbench when it was offered. However, I did feel honoured and I appreciated the fact that I was approached, but I have never regretted my decision. I place on record my appreciation to the voters of the Riverina who have given me the honour and the privilege to have served in this parliament. I am deeply moved to have had such amazing support over the years.

I have been fortunate to have been able to deliver some really good outcomes for the Riverina. I feel that I can justifiably take full credit for the fact that RAAF Base Wagga with 1,000 jobs is now secured and that, rather than close as it was scheduled to do, we were able to expand it. Now all the Defence recruit training commences in Wagga Wagga. I feel very proud of this outcome and I will never forget the day that Prime Minister Howard rang me to tell me that I had been successful in presenting my case and that the base would stay open. I was also successful in securing millions of dollars in health program grant funding for two linacs in the Riverina Cancer Care Centre, which was built entirely through communities raising over $4 million from across the Riverina and has delivered some equity in treatment for cancer sufferers. I am so aware of the significance of having this facility in a regional community, having lost my brother, my father and my mother to this disease.

Charles Sturt University now offer veterinary science, and their remarkable new dental school will see dentists once again returning to practise in regional Australia. I am honoured that the veterinary science and
animal hospital has been dedicated with my name.

It is exciting to get hundreds of millions of dollars for projects we have worked hard for, but it is equally exciting to deliver small projects that build and sustain our communities, such as walk-in walk-out medical centres, rural transaction centres and regional communications centres. Our Regional Partnerships program was something to be proud of in the way it delivered local answers to our local communities in the Riverina. Every dollar spent was truly accounted for and never ever questionable.

There have been many issues that have taken an exhaustive commitment. Thus was my five-year, three Assistant Treasurers battle trying to change legislation that would see hundreds of millions of dollars spent on water infrastructure replacement projects rather than going back to the Treasury as income tax for Murrumbidgee Irrigation after the privatisation of water companies in 1999. Winning the Coleambally Irrigation mutuality issue took a little longer still. But, again, we never gave up, and I really do need to thank former Assistant Treasurer Helen Coonan for not just accepting the advice that it could not be done and for listening to us. The Coleambally community are very special to me and I am very proud of my ‘Kay Hull’ bridge on the Sturt Highway over the main canal.

This takes me to our Pratt Water project in the Murrumbidgee. Richard Pratt was a man with vision before his time. Had we listened to and acted on Richard Pratt’s advice on water, then we would not be in the position that we are today—fighting to maintain food security to feed our nation and securing access to water for productive use.

During the years that I spent as part of the coalition government we faced a deluge of challenges. This government may think it has done it tough with the GFC. Well, let me say we on this side of the House know what tough really is! There was a new tax system in the GST, and the Labor Party did all that they could to instil fear into the hearts and minds of all Australians. We had the job of trying to overcome that extreme mischief, and we did it. We had to bear the collapse of HIH that impacted on industry and businesses right across our nation. Then UMP collapsed, leaving all of our medical practitioners without insurance, and our obstetricians left the workforce en masse because of the difficulty getting indemnity. Tony Abbott rose to the challenge at this time and underwrote those medical services when he was the health minister. Labor throughout the entire process were scathing of our government for doing that.

We then had the collapse of Ansett. Minister John Anderson made the courageous decision—with a fair bit of persuasion, might I add—to stake a regional carrier, and from that we have seen Rex emerge and win many awards, including one for the best regional carrier internationally. I am very proud of this significant success and of my dedicated Saab VHTRX in recognition of my fight for Rex. I also need to praise the efforts of QantasLink at that time for the sensational way that they supported regional areas through those difficult times.

We governed through the worst drought in 100 years. That required huge investments in EC and interest rate subsidies over 10 long years. We had to stand by the decision to send our troops to war in Iraq, which was terribly unpopular, and each and every member of the government at that time felt that pain personally. These are just a few of the big issues that one dealt with as a backbencher in government, and it was not easy. However, one of the hardest things I had to bear was the decision by the Howard gov-
ernment, and then later supported by the Labor Party, to sell the remainder of Telstra.

I argued my case strongly that we should structurally separate Telstra and sell off the retail arm, keep the wholesale section and build a state-of-the-art network and then rent it off to all of our competitive carriers. That sounds a bit familiar! It was a significant and disturbing time for me, and I must say that I had to endure quite a lot of hostility. I certainly was not popular in my electorate because my local daily paper had beat up a story that said I had missed a critical party meeting where the decision was made to sell Telstra. This was categorically untrue. I was at a meeting advocating for those with a disability. There was absolutely no notice on the party room agenda that Helen Coonan was going to come to the party room and declare that she was preparing a scope for the sale of Telstra. I was assured afterwards by the attendees at that party meeting that when Senator Coonan announced this in the joint party room there was no debate on it, there were no questions asked on what and when she was doing it and there was no vote on whether or not we should agree to sell Telstra. There was no discussion at all. But that did not stop my local press from running what I believe to have been the most offensive article that I have ever had to endure. If I was ever maligned unfairly and unjustly in my career it was by this one article. In fact, the issue and the legislation did not come back to the party room for discussion for some nine months.

Then came the day of the vote. I will never forget that day of despair. In the sitting weeks leading up to the vote I had to case the parameter of the chamber, as I knew that my crossing the floor would not be simple on that day. I knew that there would be pious amendments thrown in from the Labor Party that were not serious to them, or acceptable to the coalition, and that there could be many divisions. So I had to find a place where I could follow the proceedings but still make it into the House in a one-minute division. So there I was, stepping out the House and timing myself to the chamber and in through the door—and it just simply wasn’t working from anywhere! It was always taking longer than one minute. I bought a stopwatch and I kept walking and clicking the routes. I could not be in my office because it was in R.1.76 and it took much longer than a minute from there. I finally found a solution. I waited in the downstairs library, I watched what was happening in the chamber on the TV, and then I made my dash. Having timed myself over and over, I was willing my legs to carry me even though they felt like jelly. It was a one-minute division and I was coming down that walkway, the guard was holding the door open and mouthing, ‘Hurry, hurry,’ and I was praying, ‘Please don’t shut the door.’ And then I was inside, taking my seat on the opposite side to the party members that I loved and respected. I was in despair, but I knew my actions were right. When I look at what is happening today, I know I am vindicated.

The pain I felt that day has only been surpassed once since, and that was when I sat in this chamber and watched the Rudd Labor government dismantle the single desk on wheat. I watched this House take action that would damage people who were salt-of-the-earth Australians who had done absolutely nothing wrong but been faithful to a company that had been imposed upon them by a former government. They were Australians who faced the most gigantic challenges known to man at times and they overcame them, yet they were sold out here in this House. I could not help but cry tears of despair for them on that day here in this chamber. These battling farmers told us that the Iraqi AWB wheat sales were nothing to do
with the single desk on wheat, and they were correct.

I have been given many opportunities in this place. I have had the privilege of meeting the Queen of England; the US President George Bush; the British Prime Minister Tony Blair; and the most spiritual of all men, the Dalai Lama. I have been encouraged to pursue my advocacy on behalf of those I believe to be the most marginalised people in Australia and across the world, and they are people who are living with HIV. I have been supported by this parliament in my four-year appointment to the Inter-Parliamentary Union Advisory Group on HIV-AIDS. Working with people living with HIV is not everyone’s ambition; however, I have found within me a skill that I would like to continue to cultivate. I have been confronted with some of the most shocking experiences and I know that I can make a small difference to the lives of some people living with HIV.

I believe that the work that I have done on committees has assisted people across Australia. The committee that I chaired—the House of Representatives Standing Committee on Family and Community Affairs—along with my very good friend and very capable deputy chair, Julia Irwin, handed down two very good reports. The report entitled Road to recovery was on substance abuse, and the members of the committee were faced with overwhelming and confronting issues that were affecting the everyday lives of so many, and I thought I would never have to do anything more difficult. Sadly, that was not the case. We then went on to do the child custody inquiry and handed down the report entitled Every picture tells a story. This report has been mentioned in valedictories in the last few days. It set the standard in committee reports and is widely recognised as one of the best reports to have been delivered in this place. It was an inquiry that left many on the committee feeling that they might never be the same again. We saw the grief, the pain and the trauma of partner separation and the effect that it had on the children of those relationships. Every picture tells a story had 28 recommendations; the Howard government implemented all but one of those recommendations.

I chose to stand down as chair of the family and community affairs committee in order that I could join every committee that would deal with the recommendations, from 2004 to 2007. I did this and guided the legislation through the legal and constitutional affairs committee and then the Standing Committee of Attorneys-General. We then introduced the legislation, and it was enacted in late 2006 and early 2007. It is extremely disappointing to see that the current Attorney-General is now looking to unwind that very good work that was recommended in a bipartisan report. He is committing an assault on the Federal Magistrates Court by moving the family law cases back into the Family Court. I have a strong commitment from the coalition that, if they are elected, they will immediately stop this action and leave family law where it is best managed—that is, within the Federal Magistrates Court.

Thank you to all of those fabulous, hardworking committee secretariats over the years; to the attendants who have become such good friends; to the Comcar drivers and the security staff; and, of course, to the valuable clerks, who have always been there to give advice and comfort. I thanked Ian Harris before he left the Clerk position, but I would like to give particular thanks to Bernard Wright. Thank you, Bernard; you have been such a wonderful confidant for me, and what I said upon Ian’s departure is exactly true—that they searched all over the world for a replacement for Ian only to find you, the best man for the job, right here in Australia, in Parliament House. Mr Speaker, you
have been an accomplished and splendid Speaker of this House. In addition, you have given me significant encouragement in my endeavours on HIV, and I truly thank you for your genuine interest.

I appreciate all of the friendships that I have made in the House and I would like to correct the misconception that government and opposition members are always at war. I have the deepest and most abiding respect for many Labor members of parliament. In fact, I would consider the member for Throsby, Jennie George, to be one of the finest people I know; and again, in the last parliament, I valued my friendship with the member for Eden-Monaro, Mike Kelly, among many others. Thank you to Jill Hall, the Government Whip, for the great working relationship we have had when counting on the floor of this chamber. Working with you, Alex Somlyay, whip to whip, has been so special. Also, to Nola, Patrick and the fabulous staff: you have all been a warm and most refreshing experience.

I have enjoyed my relationships with Liberal members, including the member for Wagga Wagga, Daryl Maguire. I have been privileged to have known you all and to have worked so closely with such committed members of parliament. Members like Judi Moylan, such a good friend, have my absolute respect and admiration for their integrity and their commitment to their beliefs.

I would like to acknowledge an amazing woman here today. Emily Gardner has shared her home with me for almost 10 years. Thank you, Em; you are so very, very special. Your true spirit has shone in your battle with lung cancer. You are an inspiration of positive thought power, and this has been such a lesson in life for me, Em. Thank you so much.

The Nationals celebrate 90 proud years this year, and I have enjoyed every moment of my association with them. I have been honoured to have worked with National leaders Tim Fischer, John Anderson and Mark Vaile as deputy prime ministers and now with the outstanding and loyal Warren Truss as the Leader of the Nationals in opposition. I would like to say to my fellow Nationals members and senators how deeply I respect each of them for the energy, drive and determination they all display in representing the people of regional Australia. It is very tough being the small party that we are, but it is not the size of the dog in the fight; it is the size of the fight in the dog—and I am very proud of the size of the fight in each and every one of you. Regional Australia needs us, and I wish you all a resounding re-election, with even more Nationals joining you in our friendly party room.

The Nationals branch members have been such tireless supporters and have never once let me down. My campaign team over four elections have proven that they certainly have what it takes to get the Nationals elected. Thanks to all of those energetic and committed polling booth workers who have manned over 90 booths all these years. I know that we will also be successful in getting the Nationals candidate Michael McCormack seated in this House after the next election.

My dedicated staff members, both past and present, have served the Riverina electorate with distinction on every occasion. I have had the most amazing staff and I have sincerely appreciated each and every one of you for your loyalty and dedication not only to me but to the entire Riverina electorate, regardless of politics. In particular, I need to thank you for the way in which you have all treated those who suffer from mental health disorders; you have given them the respect and dignity that they deserve, and your patience and empathy have been uniquely compassionate.
Today I have in the gallery Angela, Donna, Tina, Lucy, Joe, and Gerrie, who was the Nationals whips clerk for over 30 years. Doris, who has been with me the entire time I have been a member, unfortunately could not be here today. I thank you all from the bottom of my heart. I could never have done it without your team work, expertise and attention to detail. You are all so precious to me and I am so proud of you.

I need to give thanks for the job that gave me the most amazing addition to my family. In 2000 I met a humble little Ethiopian man who had been forced apart from his wife and two little girls, aged four and two, by war atrocities in his country. He lived only for the day that he could be reunited with his family. Then he found that his young wife had lost her life and his children had no parents to guide them. This gentle man filled me with a need to make his dream come true. He had suffered so much but he had never lost hope. He continued to search for his children, even in the most dangerous of circumstances, and he needed help. The most incredible and long journey began—of finding a son who was not known of; of commencing the immigration process for three children and a fourth born in Addis Ababa; of reuniting the children with their father after 14 years and introducing him to his little grandson; of finding out a secret, that he had one more child, who had been born in the village; and of then reuniting him with the mother he had never known. Watching them learn about each other gave me the most amazing satisfaction. The story of this heart-warming journey is a book to some day be written.

Seated in this chamber with my husband, Graeme, who has always supported this special journey, is Feseha Takele. Together, we are the father and mother to Freweni, Tsega, Walta Aman, Aduny and now Abi, who came from Ethiopia last year and was welcomed into our family when he and Freweni married in August last year. Walta could not be here today as he has just returned from his second tour of duty in Afghanistan as an Australian soldier. Thank you for giving us a greater understanding and appreciation of the gift of life.

To my sister, Pam, and her husband, Harley, who are sitting here on the floor today; Pam, you are not just my dearly-loved only sister; you are my deepest and most cherished best friend. Thank you for taking such wonderful care of our mother during her battle with cancer whilst I was so busy doing this job. I will always be indebted to you. There is only one regret in my life here in this House and that is that I did not take leave and spend more time with mum as she fought the hardest battle of all and lost it.

Finally, I offer my gratitude and my deepest love and respect to my husband, Graeme, the long-suffering man who has kept everything afloat whilst I have been committed to this role. Thank you for always being my rock and my greatest supporter. We have been a team for 35 years. We have had our children, started our business and worked through some tough times. You have spent many years now without companionship, and I look forward to re-establishing a normal life together, but just for the record: I will not be walking the greyhounds!

To my much-loved sons, Darren, Danny and Brett; their partners, my lovely and beautiful daughters-in-law, Tonie, Anne and Chloe; and my most cherished grandchildren, Nicholas, Joshua, Aaron, Emily and baby Ashton: there is nothing that compares with my pride in and the love I have for you all. Thank you for the unconditional love and support you have all given me over the years. Without your sacrifices and understanding, I could not have managed to commit myself so entirely to my work. I am eternally grateful for your devotion. I thank you for being here
with me today and for never, ever leaving me to walk alone in the troubled times.

This chapter in the life of a girl from Guyra is now concluded. Thank you.

The SPEAKER—May the member for Riverina, as a true champion of social justice, fulfil all the visions that she has for her life beyond this place.

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (12.27 pm)—by leave—I rise to speak again on the Farm Household Support Amendment (Ancillary Benefits) Bill 2010. We get it wrong in agriculture when we fail to take hard, pro-business decisions. So I would like to take this opportunity to acknowledge the contribution Dr Henry Schapper made to the great agricultural industry of Western Australia through agricultural economics, public policy, farm management and strong business practices in farming. Dr Schapper was an articulate and determined man who lost his battle with illness on 27 April this year. He fought his battle in the same way that he lived: with strength, integrity, courage and a grumpy sense of self-reliance and self- assurance.

Dr Schapper was an extraordinary man often known for his sceptical views, which he put forward in a frank, provocative and compelling manner. He had been a farm labourer, a clerk and a factory hand when at 25 he began studying economics in order to better understand society. This decision paved his future path and led to the significant contribution that he made to agricultural economics.

Dr Henry Schapper introduced agricultural economics to Western Australia in both policy and farm management business accounting. He often incensed the agricultural community with his direct and confrontational manner. In spite of this, he made sure people discussed, thought about and frequently acted upon what he was saying. In the Western Australian wheat belt, success was made through the application of science, chemistry and capital. Farmers went from subsistence to prosperity through science based farming and rational business practices. This made Henry Schapper a household name in the Western Australian wheat belt. Whether the direct and confrontational manner I have referred to was Dr Schapper’s natural style or simply a means of ensuring his logic was heard is for others to determine. It was successful as a tactic because people certainly listened to what he had to say.

We need to remember the message he had: the need for the application of hard, dry, market-driven policy in agriculture. It was largely anathema to postwar agriculture anywhere in the developed world. Subsidised agriculture was then the norm; indeed, in Europe and the United States featherbedding continued to be the mainstay of agricultural policy for decades. Dr Schapper’s logic was neither populist nor particularly welcome in many circles. Dr Schapper had concerns about traditional agricultural extension programs—such as the former Premier Sir Charles Court’s land release policy of a million acres a year—and how such schemes diminished attempts to control land value, salinity and good farm practices. This policy was overturned by Labor in 1983 and has not been restored since.

Henry’s views may have been confronting and somewhat controversial, but they became the basis for building the most competitive agricultural industry in the developed world. There is no doubt that Dr Schapper was a tremendous advocate for the agricultural sector in regional Australia. He played a major part in setting up some of the first farm management groups and mentored them through the Farm Management Foundation to make sure they were effective. Dr
Schapper used antiprotectionist thinking, which emerged after the Depression, to communicate with farmers. By bringing modern thinking to Western Australia, he made farmers aware of the importance of managing their affairs.

Dr Schapper was also a champion for Aboriginal development. While undertaking a study of investment in the Kimberley cattle industry, Dr Schapper was aghast at the conditions the Aboriginal people were living in there. He found it ironic that Australian agricultural economists travelled abroad to advise on rural development when one of the most intractable development issues in the world was not being addressed by them at home. It led him to publish *Agricultural Advancement to Integration* in 1970. He continued to press strongly for Aboriginal development thereafter.

A lecturer at UWA from 1959 until his retirement in 1984, he made an excellent Dean of the Faculty of Agriculture and left a lasting impression on many students, including Professor Mike Ewing, the Deputy Director of the Future Farm Industries CRC; David Morrison of the Department of Treasury and Finance; Dr Ross Kingwell, senior economist with the Department of Agriculture and Food in Western Australia; Dr Brian Martin, a private consultant and former Head of the Division of Marketing and Economics in the Department of Agriculture; Sally Marsh, a research assistant professor at the University of Western Australia; John Salerian, Assistant Commissioner of the Productivity Commission; and, of course, Alan Robson, Vice-Chancellor of the University of Western Australia.

He also made a significant impression on political figures, such as former finance minister Senator Peter Walsh, former agriculture minister John Kerin, former WA agriculture ministers Kim Chance and Julian Grill and former Minister for Forestry and Conservation and later Minister for Regional Services, Territories and Local Government Wilson Tuckey. All have achieved great things.

It is only right to honour his ability to encourage students to think critically for themselves. In 1999 Dr Schapper was recognised when he was awarded a distinguished fellow by the Australian Agricultural and Resource Economics Society. In April 2006, Dr Schapper’s commitment to agricultural economics earned him a place in the Agricultural Hall of Fame. This is a significant achievement—one we should not overlook. Although always humble about his role, Dr Schapper’s commitment and dedication to the agricultural community and regional Australia was absolutely outstanding. He was an exceptional economist and has left a firm imprint on the farming community and agricultural sector in Western Australia. He has left his mark.

Dr Schapper’s perseverance, courage in life and dedication to the community and his students is inspirational. I am reminded that in the condolences book at Henry’s funeral the following words were written: ‘The only thing that matters is love.’ Derek, Henry’s son, wrote in reply: ‘Why is it that we only receive this late in life?’ My thoughts go to Dr Schapper’s family, including his feisty, assertive and pugnacious daughter-in-law Alannah MacTiernan, the Labor candidate for Canning. He is survived by three children—Kathleen, Paul and Derek—six grandchildren and three great-grandchildren.

Dr Schapper’s experience is a reminder to us all that we should evaluate arguments on their merits, listen to alternative views and challenge our own perhaps comfortable traditional positions. Dr Schapper showed through his career that we must be open to new ideas and new ways of thinking. The bill we are debating today is a new way of think-
ing about exceptional circumstances, EC. It is time that the government reviewed the appropriateness of current arrangements and created a better system—one that Dr Henry Schapper would have been proud of. I hope he would be proud of us today. I commend the bill to the House.

Dr STONE (Murray) (12.33 pm)—I too wish to support the Farm Household Support Amendment (Ancillary Benefits) Bill 2010. It is of critical concern to the coalition that farmers who are in what we have called exceptional circumstances do get some support from state, federal and local governments. After all, if we want to have sustained food security in this country and if we want to be able to go into the supermarket and see fresh and manufactured foods that are grown in our country then we have to make sure that our farmers survive. There are a whole range of reasons why it is more difficult right now to survive, particularly under the Rudd-Gillard Labor government, than before.

There has been a long period when exceptional circumstances have focused on drought relief, particularly in my electorate of Murray. In fact, we have had the worst drought on record. It is continuing now into its 10th year. There is absolutely no doubt that, without the payments from the exceptional circumstances program to thousands of my farm families over that period of time, we would have had a complete collapse of the economy in northern Victoria and more farmers would have exited the business. The economies of scale of dairy production in particular but also livestock and cropping production would have been so reduced without that EC support that our food manufacturing sector would also have collapsed, leading to major losses of jobs in manufacturing, transport and the commercial supports for the food-manufacturing businesses.

We have to get it right in terms of support for the farm sector when faced with circumstances beyond their control. This bill looks at a pilot in Western Australia which is going to assume that the people involved in the pilot are in fact exceptional circumstances designated. They will have offered to them a series of measures. I understand this government will measure the impact of this pilot, which will then direct them in framing special support in the future for farmers who are caught up in difficult circumstances, which might be due to drought, climate change or another desperate circumstance that is beyond their control.

The Western Australian trial will include Farm Family Support with income to help meet basic household expenses. I presume that will echo what is currently happening with the exceptional circumstances payment. There will be Farm Social Support, including better ways to meet mental health issues, counselling and other social needs of farm families and communities. There will be a Building Farm Businesses set of grants of up to $60,000 to help farm businesses prepare for the impacts of drought, reduced water access and changed climate.

We are told there will also be support for on-farm Landcare activities. I am very pleased to see Landcare mentioned there because this government has gutted the funding for Landcare, a most important and significant program for more than 20 years in Australia and one that has kept a lot of our landscape in reasonable condition. It has rehabilitated a lot of landscape. Without additional funding those who are the land carers just simply cannot go on.

There is also support in this trial with Farm Planning, where farmers will be able to undertake training that will help them in their farm businesses in the future. We are told that the training will relate to future chal-
challenges. There will be stronger rural communities grants. They will go to local governments, and local governments will then try to ensure their rural communities are more resilient in downturns. There will be Farm Exit Support, with grants up to $170,000 to support farmers who have to leave their properties. There is, we are told, Beyond Farming, a special measure that will put current farmers in touch with previous farmers to help them understand what opportunities there might be outside farming, given they have to exit what they do.

This pilot is, as I say, part of the process of looking at how better we can prepare farm families for the seasonal and other catastrophes that meet them in the future. We are looking forward to a careful evaluation of how this pilot works out on the ground. There are some issues that have not as yet been properly dealt with, unfortunately. One is the guidelines for the Farm Family Support Scheme. We do not yet know what those guidelines are. Clearly they need to be made public and we need to ensure that they are appropriate. We also do not know yet how ‘hardship’ is to be defined. Of course, farmers have to demonstrate they are in hardship in order to access support through this pilot program. How is hardship defined? Is it a measure of income loss? Is it a measure of something else? We need to know what that is, obviously, to be assured that this pilot is going to be on a sound footing.

We commend the pilot and we hope it succeeds. There are serious implications for the future of our nation as we face a whole range of seasonal challenges, but there are other problems as well for the farm sector. I want to talk about those and put to this government the question of how they are to be dealt with if we are going to continue to have Australian grown food on our tables and if our food production is to be secure. It is under threat on so many fronts.

We know that if you have a non-viable farm sector, since the farm community actually manages the environmental services production of this country, your environment itself becomes degraded. By that I mean that a viable farm sector manages water quality, soil quality, biodiversity protection and habitat protection. When a farm is on a sustainable footing there are sufficient funds to put back into fencing out that last remnant of vegetation, for example, or to make sure that the groundwater is properly managed and soil cover is retained so there it is not a blow when it gets into dry conditions. All of that is contingent on the farm being viable. Unfortunately, we have right now a situation where, due to a number of factors, too many farms are becoming or are heavily indebted. Therefore, it is much more difficult for these farms to maintain and sustain the landscape, the natural resources and to produce the environmental services which all of the Australian population—indeed, our society itself—depends on. The connection between the environment and viable farms is of critical and highly significant importance, and I do not think it is understood at all by this government—this new Labor government. I just hope the new Prime Minister begins to understand differently.

We have in Australia a duopoly in the form of the incredible concentration of supermarket ownership. That duopoly squeezes prices to the farm sector for both fresh and manufactured food product. Squeezing those prices and making the margins so slim constantly puts pressure on farmers to survive commercially. We have to look very closely at how to manage better the concentration of ownership and at how to make sure there is not unconscionable action so that farmers—at the bottom of the value chain as the initial suppliers of the goods that end up on our plates—are not the victims of this duopoly. Those supermarkets can so easily reach off-
shore for alternative product. It is cheaper. If imported product goes into their own generic labels, it is hard for the shopper to distinguish where that product has come from. Is it beetroot from the Balkans or is it beetroot from somewhere in Australia? We need to be able to have the shopper understand exactly where their food is coming from. Unfortunately, because of the confusion of our food labelling laws, too many of our discerning food shoppers—our household buyers—cannot work out just how much of the can or jar of product actually comes from Australia and how much is overseas in origin. We have to do better with our food labelling laws, because unfortunately we are jeopardising the future of Australia’s own food security. That will continue for as long as we do not carefully identify just what is in that product—and in that manufactured product, in particular.

We also have the disastrous Labor government water buyback policy. It comes at a time when we have the worst drought on record and some of the lowest prices for commodities, like milk and cereals, on record. When you combine the disastrous water buyback policy with the commercial pressures, cost-of-production increases and farm family distress, you have disaster. In my electorate of Murray, farmers are in their 10th year of drought. Their banks and other lenders have been patient, but now there are a series of water buy-back tenders and these farmers are being told: ‘You owe us hundreds of thousands of dollars. Your water is worth about that or a little more. Sell your water, get yourself out of debt and we as your lenders will be the happier because you are at the end of your lending possibilities.’

Selling your water in a region which has low natural rainfall is the same as selling your dairy herd. Your means of production are gone. But there is a win-win solution, an alternative, which I am afraid this government refuses to tune into. Why can’t we have a win-win scenario instead of water buybacks from so-called ‘willing sellers’? There is no such thing as a willing seller when you are a young farmer with a dairy herd and with investment of perhaps many hundreds of thousands of dollars in capital for dairy, laser grading and a whole range of other on-farm works and when you have gone through 10 years of drought. There is no hope for you unless you have on-farm water use efficiency support. But what we have at the moment is just buyback.

We keep having groups like the Wentworth group of so-called independent scientists saying, ‘Look, it’s much cheaper to just go into the market and buy the water off these food producers.’ Yes, it is cheaper. You can get that water for about $1,400 a megalitre. But, if you are in fact to have a sustainable food production capacity for this country, you have to have water security. Water security can be a by-product of better environmental security and management as well—for example, if you have on-farm water use efficiency support funding for something like subsurface irrigation or more pressured irrigation systems. These technologies are not always in place, particularly in horticulture. Where you invest in those measures you have the outcomes of higher production and lower water use, and the water that is saved can be put back into our rivers and streams.

At the moment, this government talks about a hierarchy of need. It has the environment at the top, then critical human need and then under that is the use of water for production—for example, irrigation or tourism. In fact, it is not a hierarchy of need; it is a virtual circle. In relation to the environment and its management, whether it is rivers and streams and/or the landscape itself, that environment depends on viable human communities to manage it. Once you beggar
the human communities that have for generations in Australia managed that landscape effectively and constantly improved their practices and drive them out of business, what you have left is degraded farmland—that is, farmland where there is no-one to kill the weeds, destroy the feral animals, maintain the remnant vegetation, manage the soils so that they do not blow away, manage the groundwater systems or manage the surface water systems. If you have impoverished the human communities, they cannot do the environmental service production that I referred to at the beginning of my remarks. But that is what is happening throughout the southern Murray-Darling Basin.

I invite the Minister for Climate Change, Energy Efficiency and Water, Senator Penny Wong, to come and visit northern Victoria at the height of summer and to look at the properties that were once highly productive in dairying, fruits, oil seeds, cropping and livestock. Those communities have been forced to sell their water. The landscape in those communities is now blowing dust and is knee-high in weeds. The remnant vegetation is dying and the Landcare work that was done on roadside and other vegetation is not being maintained because those human communities have been deprived of their means of production and their capacity to sustain their properties and make a reasonable living. Is that what this government actually wanted? Is that what their so-called ‘environmental policy’ was meant to produce—the destruction of human communities, of country towns and of country places?

It was those country places that managed the landscape. If you say: ‘Oh, it’s not a problem. We can bring in the public servants. We’ll just simply pump up the numbers of contractors and people working for the department of sustainability and environment or the department of primary industries. We’ll put all of them out there on the ground to do the work that was once done as part of their farming activity by the land managers, who were farmers. They’ll do the work that should be done to maintain the landscape and the environment.’ They do not do it. There has never yet in the history of Australia been enough resources to put into the public sector to do the sort of environmental service, management and protection that needs to be done.

I am desperately worried about how we can maintain our farming populations when they are under such incredible threat across so many sectors, whether it is the price pressures on the domestic market brought about because of the duopolies and the power of the supermarkets or whether it is because when they export their foods they do so into corrupt world food markets. Everyone knows that the food trade internationally is subject to a whole range of different government interventions. Food trade is often confused with aid, so we have a long-established market that is often corrupted and distorted by dumped product—that is, product that is moved around the world in response to political pressures back home rather than in response to a market that responds to supply and demand.

Too often food sales into our export markets do not give back to the primary producer their costs of production. There is no long-term security for how we go about growing those markets in the face of government interventions in food trade. Then, as I have mentioned, we have problems with food labelling laws in Australia. We have serious issues with the growing costs of production. Even the new mining tax changes that this government wants to bring about will cost our farmers enormously in the inputs to all that they do, including the superphosphates and other fertilisers that are extracted out of the ground. They will get caught up in the mining laws.
Most of all, I am hugely concerned about the new sustainable delivery limits that are about to be announced in the Murray-Darling Basin by the Murray-Darling Basin Authority. They will take more of the water supply that food producers—that is, the farmers—are currently able to access. When those SDLs are announced, we presume in the coming weeks, how will farm family communities survive with even less water and with a government that has no intention of investing in on-farm water use efficiency support?

There was a tiny grant basket offered for on-farm water efficiency by this government. It was not the more than $3 billion that the coalition offered for the Murray-Darling Basin, but a tiny basket of grant moneys was made available recently by the minister, Penny Wong. Then she put all these caveats over what that money could be used for. In my electorate, for example, where we know sub-surface irrigation has major potential as a way to reduce water use but increase productivity, we were told that was not allowed to be one of the ways that such a grant could be used. We were also told that the use of things like overhead sprinklers—big centrifugal sprinklers—would also not be allowed. Who decided what technology was appropriate? It was clearly not anybody who understood anything about what works best in my part of the world.

We have nonsense coming out of this federal government on the risks that farmers now face and how they are best supported. We support this trial in Western Australia to work out how best to assist farms, farm communities and their local governments to survive disasters which are beyond an individual or community’s control. We have to do much better. Let us hope that, when this trial is completed, it is looked at with eyes that are better informed and there are better motives than this government has shown in relation to the Murray-Darling Basin. That goes for its water buyback schemes, its cutting back on Landcare funding and its cutting back on regional development support—in all shapes and forms. I can tell you that, where I come from in rural and regional Australia, my communities are in despair. They wonder why it is that they are overlooked—

*(Time expired)*

Mr KATTER (Kennedy) (12.54 pm)—I rise to speak on the Farm Household Support Amendment (Ancillary Benefits) Bill 2010. The events of the last 24 hours should bring home with a vengeance to the politicians in this parliament and the members of parliament—and I think they are two different things—that the people of Australia really have had enough. The people of Australia watched this place completely destroy manufacturing industries. The policies of this parliament destroyed manufacturing in this country. When Mr Keating spoke about free trade, I thought: ‘Is the man completely mad? Does he think that we are going to work for Asian Third World wages? Or are we going to close down the industries?’ There was no in-between there. I did not think for one moment that he had countenanced that the industries would be closed down. But, since he must have known they were being closed down and he never changed his policies, he decided that we would not have any manufacturing industries in this country.

We then moved on to the next government, the Howard government. Whilst great destruction had been wreaked by Keating, it continued for the next 12 years under the coalition government. It amuses me no end to see people from the National Party—not that there is much left of it. There are only four members from New South Wales and two from Victoria in this place. The others are members of the Liberal Party. Their leader is a member of the division of the
Liberal Party and I think it is about time the House sorted out that problem as well.

We went into a second phase when agriculture was completely shattered. It was shattered initially by Mr Keating in the wool industry. Few people realise that in 1990—not ancient history—wool was earning more for this country than the golden coal industry. Wool was a bigger export earner than coal. What has happened to it? It has vanished. It does not get a mention in the top 15 export items. Mr Keating decided to deregulate it. Whilst I very much respect the wisdom and wit of the honourable member for O’Connor from Western Australia—and I read with interest his speech on this bill—I was sorry for his speech because he mentioned the wheat industry but he completely failed to mention the wool industry.

I was very much aware of the collapse of the wool industry back in the late sixties and arguably the early seventies. I thought there was absolutely no hope for wool. That very great Australian Doug Anthony introduced the wool scheme. Having had somewhat of a university education, I said: ‘Supply and demand will determine price. You cannot really get around that.’ I said that the next year when the price rose 30 or 40 per cent and I said that the next year when the price rose 30 or 40 per cent, and after five years of watching the price rise I sort of forgot about what I had been taught at university. It was quite clear to me that collective aggressive marketing policies would dramatically increase the return that you received for a product. Orderly marketing schemes—as they are sometimes called—or statutory marketing schemes were needed if we were going to prosper.

The great Jack McEwen—one of the finest and greatest men to ever set foot into this parliament—said, ‘It was one of my proudest boasts that when I left the federal parliament every single industry was under statutory marketing arrangements.’ In fact, he was wrong. The wool and cattle industries were not. Doug Anthony, in the teeth of opposition from graziers, introduced the scheme. For the next 20 years we had continuing prosperity in this industry. It was not a great prosperity; a lot of people said, ‘You precipitated a great growth in numbers.’ There was never any great growth in numbers. The wool numbers never moved up dramatically. They moved up significantly, but most certainly not dramatically, so that effect did not occur. It is false to say that it did.

The price doubled over the next three years after the regulatory marketing scheme was introduced. We had this marvellous scheme for 20 years. Mr Keating deregulated the scheme and—surprise, surprise—within three years the price had dropped clean in half. I was corrected the other day when I said that there has been a 40 per cent drop in sheep numbers. A person shouted out that there has been a 60 per cent reduction. There is no doubt that the sheep industry’s numbers have dropped clean in half.

From then on we saw, sadly, the Howard government—which I was part of, initially—deregulate all the other industries: eggs, maize, tobacco, fishing and sugar. All of them were deregulated. You would have thought, after the enormous destruction of manufacturing and the complete collapse of the wool industry under deregulation, that someone in here would have said: ‘Hold on a minute, fellas. This ain’t such a good idea. This is working out really badly.’ There was a most wonderful cartoon which I thought epitomised the era magnificently well. It showed Mr Keating reading a book on the Japanese economy and saying: ‘They’re doomed to failure. It works in practice but it’ll never work in theory.’ I thought, ‘That says it all.’
I watched the wipe-out of the maize industry. We buried a hero son from the Atherton Tablelands who lost his life in Afghanistan. The great landmark and icon of Atherton were the grain silos. It was a huge maize-growing area for the dairy industry. We did not need it, of course, because now we have hardly any dairy industry left. We have gone from 240 farmers under deregulation down to 60 farmers. There is no sense of responsibility in this place. There is no sense of failure. There is no admission of being wrong. In the dramatic events of the past 24 hours it was interesting to see that the Australian people have had enough. They have had the two-party system telling them that this is going to be wonderful. They watched the annihilation of the manufacturing industry and then they watched the slow and agonising death of agriculture in this country.

I will be very specific. I have not checked on the wool figures recently, but I am told that they are down 60 per cent. Sheep numbers in Australia have most certainly fallen by half and they will not come back. Cattle numbers are down 20 to 25 per cent. The sugar industry is closing six mills every 10 years. We have only 23 mills to go, and then it will all be gone—wrapped up. This industry has been among the top 10 export earners for this country—minerals, coal and everything thrown in—for the nation’s entire history. The sugar industry was the industry that dragged us out of the Great Depression. It employs 50,000 people and it was shattered and wrecked by the removal of tariffs. It is a great idea to remove tariffs if other people are doing it; it is a really dumb idea if nobody else is doing it. Of course, we fit into the really dumb class.

Just to give you some idea, last time I looked at the figures, a few years ago now, the Europeans were getting $1,000 a tonne for their sugar, the Americans were getting $660 a tonne for their sugar and the Australians were getting the world price of $270 a tonne for their sugar. The Brazilians admitted in the WTO that there was a $2,000 million a year subsidy to their industry via the ethanol industry. In fairness to them, they had done as much to clean up the pollution and to help people dying of lung disease in Sao Paulo as they had done to help their farmers and to provide themselves with a safe source of petrol. They did not have to rely on outsiders.

Having said all those things, government is here to help, to ensure that our industries win. Government is not a spectator sport. Yes, risks have to be taken. Doug Anthony placed his entire political career and income for his family upon his judgment that he was right in introducing that wool scheme. I, for one, did not think he was right at the time, but I admired the man and I went along with him in loyalty to a party that had served us greatly and well in rural Australia. He proved to be dead right and I became a very enthusiastic supporter of the sorts of philosophies and policies that were expounded in this place by Jack McEwen and then later by Doug Anthony. They made us one of the most successful and aggressive farming nations on earth.

Where are we today in farming? We are a joke. The wool industry has almost ceased to exist. The cattle industry is currently collapsing. The dairy industry, which is the next biggest industry, is down by 15 per cent, which quite amazes me—I would have thought that people still have to drink milk. The loss of the manufacturing sector is so huge that it has dragged down the overall demand for dairy throughout Australia. The fifth giant industry that we have is the sugar industry, and, as I said, we are closing six mills every 10 years and have only 20-odd mills to go before we have no industry at all. This is something to be proud of! Australian governments over the past 30 years have had
great achievements: they have wiped out manufacturing and destroyed farming! But, over the past two months, the Australian people have jacked up; they have had enough. When this place was going to put the king hit on mining, they said: ‘No. We’ve had enough of your stupidity and your stupid two-party system, where you agree with each other on your stupidities. You’ve wrecked every industry in the country, but you’re not going to wreck mining.’ And we have seen the events of the past 24 hours.

It appears that people in this place could not care less about their country. They could not care less that in this nation a farmer commits suicide every four days. Is that something to be proud of as a race of people—that every four days a farmer in your country commits suicide? I unfortunately have the indignity of presiding over two of the towns with the highest suicide rate in Australia, both of them in the heartland of the dairy industry—or what was once the dairy industry area. It was wrecked by this place.

I will illustrate your incredible stupidity. There are a million people—five per cent of the Australian population—living in North Queensland. Their milk is now being sent down to southern Queensland—because they have access to Woolworths and Coles—and southern milk is being transported to North Queensland. They wave to each other as the milk trains go past and say: ‘Hello, fellows. How are you going?’ So now we are carting milk 2,000 kilometres south and 2,000 kilometres north—4,000 kilometres the milk is being carted, whereas before it was being carted 100 or 200 kilometres at the outside. And five per cent of the nation are being serviced this way. That is so very clever! Is it any wonder that the people of Australia hate politicians? When I go into a bar, the last thing I own up to, if they do not know who I am, is to being a politician, I can assure you.

We have taken away the EC and I would agree with the remarks of the member for O’Connor when he says there is probably a better way to deal with exceptional circumstances than the way we have been dealing with them to date. In the last floods, the people who stood on their hind legs and fought to get government assistance to rescue the industry of the frontier of Australia—the Gulf Country of Australia, our frontier—were not just fighting for themselves. A number of them could sell up and retire as very wealthy people. They include Ian and Ellen Martin; Mick, Nola and Troy Gallagher and Ashley, who was also mayor of Normanton; Paul Edwards at Delta Downs; another mayor of North Queensland in Fred Pascoe; Luke and Helen Synons; the Secombes, a pioneering family of Central Queensland and now a pioneering family of the Gulf Country; Noeline Gross, a tenacious little fighter who has earned the great admiration of everybody who has come into contact with her; and John Nelson, my good friend, one of the most successful cattlemen in the country and one of the most successful businessmen in North Queensland, and his dynamic daughter, Sarah, who was a real tiger in the battle over the flooding devastation in North Queensland—her wonderful work brought it home to every single person in Australia and we pay great tribute to her.

We also thank the Minister for Agriculture, Forestry and Fisheries for having an enlightened attitude towards our situation. People said: ‘It is for droughts. Have you got a drought?’ Yes, we had a drought that was created by flood. It killed all of the grass, so we had no grass for the cattle to eat. If that is not a drought, I do not know what is. We thank the minister, because we think his aggression on this matter helped us get agreement out of the state government, which was very critical. I also thank the state minister. At first he was recalcitrant, but I think he
found his conscience and God bless him for doing so. We thank those people.

We set up a state bank in Queensland. People think that we troglodyte people who live in the past, those of us from the old Country Party, are a bunch of hick numbskulls. Yes, we were the hick numbskulls that created the greatest agricultural nation on earth. That is what we created. What the hell did you do? You destroyed it, all you clever people in here.

The DEPUTY SPEAKER (Mr S Sidebottom)—No, I did not destroy it. Please speak through the chair.

Mr KATTER—Yes, Deputy Speaker Sidebottom. I speak to the Parliament of Australia in saying this and I do not apologise for my remarks—far from it. On almost a weekly or monthly basis at the very least, I have to sit and watch people I know in North Queensland committing suicide thanks to the decisions of this place. If I speak with great passion and anger, it is because I feel great passion and anger.

I conclude by saying that we were a Queensland government of business people—people who had backed our judgment with our own money and who had dirt under our fingernails. We had not asked other people to do the work for us; we had done it ourselves. We had lived in the mustering camps; we had worked down the mines; we had cut cane by hand. Of the cabinet ministers, 13 had cut cane by hand. Those were the sorts of people who manned the cabinet in Queensland.

We decided that we could do a lot better by having our own bank—one that would look after our people. We conceived of this bank to help people, but it was the government of Queensland that it helped most. We made a huge amount of money out of it. We laugh at all the great free marketeers. Unfortunately, the party lost its way. It was actually the National Party that sold the bank and they made a thousand million dollars out of it. Bill Gunn and I were made responsible to cabinet for that bank. It pulled 25 per cent of the sugar industry through. In this place a lot of people dragged up the fact that I had been personally responsible for sacking the head when we were turning it into a bank. Yes, I had been. He said: ‘Bob, we are men of the world. Thirty per cent of the sugar industry has to go.’ I said: ‘Listen, Graham, the price of sugar goes up and down like a yo-yo, you imbecile. I will bring you down the graphs.’ I did not say ‘imbecile’. I was more restrained in those days. I took him down graphs of beef industry prices, wool industry prices and sugar industry prices. They go up and down, but what happens to us in agriculture is that, when the price goes up, it is truncated by taxation. When the price goes down, the banks add on, add on, add on. The interest rate was 17 per cent. In my last year in St Francis, we paid 29 per cent—an extra 2½ per cent because we were an at-risk industry, an extra three per cent because we were in an at-risk area and another three per cent because we were in drought. By the time you added it all up, we were paying 29 per cent and that is how we overcame the development bank. (Time expired)

The SPEAKER—Before calling the member for Hughes, I understand it is the wish of the House that she not be interrupted by points of order. I call the member for Hughes.

Mrs VALE (Hughes) (1.14 pm)—I had great difficulty starting this speech. How do you distil 14 years into 20 minutes? There is a lot to tell, a lot of successes, a few monumental stuff-ups, a lot of memories and a lot of good people to thank, including the 97,000 people in the electorate of Hughes. In a way, this valedictory is a companion to the first speech I made in this House as a member of the ‘Class of 96’. As bookends they
will provide my constituents, my family, my friends and supporters, indeed all the people of Australia, with a measure by which they can judge if I have discharged the awesome responsibility and been worthy of the hope and trust they placed in me back in 1996.

The road to Canberra was hard and long, but it was not a lonely road. There were many good people who began the walk with me and without whose support and assistance I would not have been able to serve as the member for Hughes during the golden years of the Howard coalition government. We should never forget that the real reason the Australian economy is doing so well today is the tough decisions made by the Howard government and that Costello legislation that imposed the strong prudential rules that underpin our banking here in Australia. I was proud to be on team Howard during those challenging years.

Women often define themselves and their place in the world by their relationships. So, firstly, I acknowledge my long-suffering husband, Bob, for his love and his friendship and his longstanding support. Before the journey began, I did seek his permission and I did ask him what he thought about me standing as the member for Hughes. Actually, I knew what he thought. It was a safe Labor seat, I was going against a minister of the Crown, I needed a 6½ per cent swing, I was an unknown working mum: I had no chance. But he said, ‘You go for it, love. You know I’ll support you.’ Much to his astonishment, we did win the election in 1996 and we won with a swing of 11.6 per cent. His world has never been the same since. But he has been true to his word. Despite the fact that he has often said, ‘I married her for better or for worse; she never said a word about politics at the time,’ he has been there to support me in the good times and in the tough times and I am grateful for his love and affection and for the fine character of the man that he is.

The role of a federal member of parliament and its impact on time and distance places a lot of pressure on relationships. Of the 39 members of that unique Class of 96, there are not very many of us left who are still married to the same person. There were times when I wondered if Bob and I would be one of those casualties. Yet, in so many ways, we have grown stronger for the journey. As we go towards our 45th anniversary, it is now my turn to honour him and to start cooking those home baked dinners that he has missed so much. After all, he is the only husband I have and I plan to make him last!

I also acknowledge the strong relationship that I have had with my local branch members of the Liberal Party and I publicly record the high value I place on the friendship I share with all members of the Hughes Federal Electoral Council. They began their journey with me and, with their hard work and commitment on election day, made the success possible. While I cannot name each and every one, my special thanks do go to Brett Thomas, who took the onerous role of campaign manager back in 1995 and has remained at the helm for the following four elections and is a great campaign director. Thanks to our generals in the field: core stalwarts like Lee Evans and his late dad, Keith; Gary and Julie Law; Peter Vermeer; Coral Slattery; Berenice Nixon; Don Minehan and his son Matthew; Michael Darby; Simon Newport, who is also doing a sterling job as our FEC president; Bob Osborne; Kristine Thomas; Pat White; Max Lombe; Councillors Ned Mannoun and Melanie Gibbons; and special friend Michael Henry. Dear friends Bill Meehan and his son Luke must be added also to that list. Bill ef-
ficiently managed my electorate office for me for over eight years. When I first met Bill, his son Luke was only seven, but he would always come along with his dad on the campaign. At the last election Luke captained his own booth for us. Like so many friends and supporters, young Luke has been with us every step of the way.

Warm thanks also go to my branch president, Lorraine Rodden, and branch treasurer, Val Wilkinson, for their commitment and treasured friendship formed over many years. I found Lorraine to be a formidable woman of substance when, as mayor of Sutherland Shire Council, she stood with me to fight against the Holsworthy airport proposal on behalf of our local community. We have been firm friends ever since. Also on the team in another way were our faithful supporters, who have contributed in so many ways to the success of our campaign. I say thanks to the Britton boys, Bob and Steve; to the laughing Brett Thompson; to Ron Stapleton; to John Emond; to my late friend Max Vidler and his family; and to my old boss, solicitor Mr Sam Macedone and his wife, Margaret.

Special thanks must also go to my electorate staff over the years who have helped me to serve the people of our electorate. Thanks to our blonde bombshell, Ros Bowker, who has been with me for nearly 12 years and who is in the gallery today. Thanks Marc Landrigan, Britt Keneally, Alan Hornery, Aarron Findlay and workers Rita Leghissa, Neville Ashdown and Michelle Cotterill.

Since 1996 the electorate has had four boundary changes, yet the well-honed Hughes campaign team secured the success of all our campaigns in 1998, 2001, 2004 and 2007. In the 1998 election Hughes was the only seat in Australia that recorded a swing to the Howard coalition government. In 2001 we won every one of our 47 booths. The Hughes campaign team deserves to be applauded. I would not be here without them.

I acknowledge with humble thanks the reason that I am here: the special relationship that I have with the people of my electorate. I spent eight months doorknocking the electorate before the 1996 election. Because we did not have any money, Bob paid for a small business card out of our family budget that I left with residents. Written on the back was an old Chinese proverb which encapsulated my values and which has been on the back of my cards ever since. I also promised the residents of Hughes that I would be their public voice in Canberra. At the time I did not realise how soon that promise would need to be delivered.

In the early days of the Howard government a second airport for Sydney was proposed for Holsworthy in my electorate. My very first speech in the party room was a declaration of war. Some colleagues here may still remember. Not long after, I was grateful for a telephone call from the legendary Peter Reith who advised, ‘You stick to your constituents, Danna, and they will stick by you.’ There are no instruction books on how to be a parliamentarian and as a brand-new member with training wheels I was greatly encouraged by the kindness of this senior cabinet minister. His sage advice proved to be true. I have stuck by the people of my electorate and they have stuck by me. Together we were ultimately successful in our community campaign against the Holsworthy airport. It provided valuable lessons and I met so many people from all corners of the electorate.

It is the pastoral nature of the role of a member of parliament in caring for and supporting the people in the electorate that has given me great satisfaction. While I cannot change the world, I learnt that I could change the world for one person and I did many
times. The people of Hughes are well-educated, articulate, very community minded and they know how to press a cause. We had many successes and in the finite space available I would like to mention only two.

Local parents, Senia Gaunson and Brad le Hay of the Moorebank junior cricket club made representations to me about the need for a new cricket field some years ago. Working together we eventually gained a new playing field for the Moorebank Sports Club located near Harris Creek. I was able to secure excess defence land and a sum of $750,000 from the government for its development. Known as Kokoda Field, it has now been in use for almost two years and is being put to excellent use by our local junior cricket and AFL teams.

Another successful effort began when working with passionate local resident Judie Stevens to amend the tax act to allow accident victims to take a compensation payment as a structured settlement without attracting a tax liability. After a very tragic motor vehicle accident involving her family, Judie saw the urgent need for such an amendment and it was a great outcome for Judie and a great satisfaction to me to see the Taxation Laws Amendment (Structured Settlements and Structured Orders) Act 2002 become law for the benefit of many of our fellow Australians.

There were other less public efforts made on behalf of the people of my electorate which I saw as my clear responsibility. One was to put a stop to a cabinet discussion to put a nuclear waste reprocessing plant in my electorate at Lucas Heights. Prime Minister Howard finally saw it my way and I had a great sense of relief when the suggestion was dropped.

ARPANSA was another matter. It stands for Australian Radiation Protection and Nuclear Safety Agency and, depending on your point of view, I will either take the blame or the credit for its existence. With the prospect of a new reactor at Lucas Heights to replace the ageing HIFAR reactor, I convinced Prime Minister Howard that, following world’s best practice, it was high time Australia had its own independent nuclear oversight agency. While I do thank the then minister for health, the honourable Dr Michael Wooldridge, for his efforts in this regard, I make no apology for my harassment of him in pursuing the progress of the legislation. I was a woman on a mission and was immensely satisfied when the mission was finally accomplished and the enabling legislation was passed in 1998. The establishment of this independent nuclear oversight agency was essential, not just for the people of my electorate, but also for Australia. I also acknowledge the fine work of the first CEO of ARPANSA, Dr John Loy, and thank him for establishing the excellent reputation for which this institution has since been renowned.

Australia is a gold-clad democracy; it is the finest in the world. The reach of our backbench can stretch into the cabinet room and can provide members in this place with a real opportunity to make real changes for the benefit of the people we represent. Sometimes, however, an issue might arise which is not about your electorate but is one about which one feels very deeply and may drive one to consider committing political harikari for a higher cause. For me, one such defining issue was that of mandatory sentencing in the Northern Territory in 1998. Prior to coming to parliament, I had been a Children’s Court
duty solicitor and was the founding coordinator of the Sutherland Community Aid Panel for First Offenders. Those Northern Territory mandatory sentencing laws were an anathema to me. Amongst other things, they dealt with 17-year-olds as adults and sent them to adult prison on their very first offence. I thought, ‘Not in my country they don’t.’ The issue ran hot in the media for weeks and my colleague, the member for Murray, Sharman Stone, may remember being with me on that Tuesday morning. The then Prime Minister had suspended the party room.

A private member’s bill on topic by the late Peter Andren, the member for Calare, was to come before the House the following Monday and that morning three of us in the party room had indicated we would reserve our right. That morning, I asked Prime Minister Howard and Treasurer Peter Costello for funding for diversionary programs for the Territory, for a juvenile court protocol, for funding for interpreter services, to raise the age of majority to 18 years, to hold a review of the initiative in 12 months’ time and, not very humbly, to appoint me on the committee to oversee the program—then I would not need to cross the floor.

I take this time to record my respect and admiration for two of my fellow members, who I found to be men of outstanding principle and commitment on this issue. They appeared to share my outrage and I name them. They were the member for Kooyong, Petro Georgiou, and the then member for Astin, the late Peter Nugent. I was grateful that they were both prepared to support this solution, which secured $20 million over the next four years, to implement these initiatives for the young people in the Territory, and this was later repeated for a second four-year period. Speaking for myself, I thought I had committed political harikari that day. I did learn a lot about political leverage though and I learnt a lot about the character of the good people with whom I was privileged to work in this House.

In the end, we three did get a good result and it did change the world for the young people in the Territory. To that end, I also acknowledge the fine efforts of Ms Jane Halton, who was then of PM&C, and Police Inspector Graham Waite, an officer of first rank with the Northern Territory Police Force, who is here with me today in the gallery. Both were charged to ensure the delivery of the initiatives and the diversionary programs and both were committed to exemplary outcomes.

After this, it was a bit of a shock to receive a telephone call from the Prime Minister in 2001 inviting me to be the new Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence. I recall I was painting the front bedroom at the time and I fell off the ladder.

To me, this ministry was a sacred responsibility and in my role as minister I was exceptionally well served by the highly professional people in my ministerial office. Thank you to Paul Evans, a sound political and strategic thinker who worked tirelessly as my first chief of staff; to advisers Ben Hayes and Eacham Curry and to the diligent Jo Hutchinson; to my first media adviser, the excellent Rachel Thompson, and latterly, the efficient Clare Bannon. Thanks also to my last Chief of Staff, the venerable Warwick Bracken, valued not only for his sagacious advice but also for his treasured friendship and that of his wife, Fay, ever since. They all put in long hours and worked very hard to ensure I had an efficient and effective team—and as a team they did their best to keep me out of trouble as their minister. However, because I often managed to thwart their best efforts, I confess here for the record that any stuff-ups were mine.
I was deeply aware of the profound privilege to serve our veteran and war widow community as minister. Like many Australians, my own family was touched by war. I was the granddaughter of a digger whose name is on the Menin Gate. Private Donald Peter Dempsey died at Ypres, in the third battle of Passchendaele in October 1917. I thank John Howard for one of the defining moments of my life when, as Minister for Veterans’ Affairs, I was able to represent Australia at the Menin Gate on Anzac Day in 2003. My grandfather’s name on the gate was marked with a flower, from Passchendaele, by the good people of Ypres—I am not really crying, Mr Speaker. That day is indelibly etched upon my soul and will remain there for my eternity. After the Great War, my grandmother raised my mother in great hardship. There was no welfare then. There was no Legacy, because it did not exist in those early days.

As minister, it was satisfying to know that we were able to deliver in real terms to increase and enhance the service in support of our veterans and war widows, because this community so richly deserved it. During my watch, from 2001 to 2004, the budget for this portfolio increased from around $6 billion to $10 billion. In an initial response to the Clarke Review of Veterans’ entitlements, we increased services and benefits by almost $280 million. My appreciation and thanks must go to my friend the member for Gilmore, the indomitable Joanna Gash, and to the very able member for Dunkley, Bruce Billson, for their strong support and advocacy.

I had the benefit of the best professional support from executive teams of both the Department of Veterans’ Affairs and the Department of Defence. As other members have found, it is an edifying experience to work with our defence personnel. To work with officers of the calibre of General Peter Cosgrove, then Chief of Defence Force; Lieutenant General Peter Leahy, then Chief of Army; Air Marshal Angus Houston, then Chief of Air Force and now CDF, is to name only a few—it is to work with Australia’s finest, but I could name any private. We have all been inspired by their shining integrity, their disciplined focus, their strong work ethic and, when appropriate, a larrikin camaraderie. Such values are legendary in our defence personnel and one is left ennobled by the experience of exposure.

A similar ethos operated at Veterans’ Affairs and I was extremely fortunate to have been so ably served by Dr Neil Johnson as secretary of the department. Thoughtful and measured, his quiet presence reflected the authority of an exemplary public servant at the top of his game. Together with his tough-minded deputy, the forensic Ian Campbell, and two excellent repatriation commissioners, Major General Paul Stevens and later Rear Admiral Simon Harrington, they were the Repatriation Commission and they presented a formidable team. I also acknowledge with great respect and regard the remarkable Brigadier Bill Rolf, Chair of the Repatriation Tribunal. Also, I applaud the excellent efforts of the intrepid Air Vice Marshal Garry Beck, then Director of Australian War Graves, who created an Australian legend in London. He tackled the impossible and built a unique war memorial for Australian service men and women at Hyde Park Corner in London in less than 11 months from design concept to completion, despite the distance of over 13,000 kilometres. Her Majesty was to officiate at its opening with our Prime Minister on the morning of Remembrance Day 2003. The landscaping of the memorial was completed at midnight on 10 November 2003. His success in meeting the full completion of his warrant on time is testament to his immense executive
ability, and I publicly acknowledge his excellent effort.

One other significant memorial built on my watch, by Air Vice Marshal Beck, and one in which I took a personal interest, is the elegant but powerful memorial at Isurava on the Kokoda Track, which literally sets in stone the legends of the ANZACs that forged the foundation of our nationhood. Etched in gold on four mighty granite pillars are these words: courage, endurance, sacrifice and mateship. They stand framed by the beautiful Kokoda Valley in the background. I thank my friend and colleague Bronwyn Bishop, who walked on the Kokoda Track and was there for the opening of that memorial.

The most important area of responsibility in the portfolio is the care of our serving personnel and their families. I was pleased to see the Military Rehabilitation and Compensation Act come into law in 2004. This benchmark legislation was framed and passed on my watch and set in place the most comprehensive changes in military compensation legislation in nearly two decades. Its drafting meant tough, long hours for Dr Johnson, Ian Campbell and Paul Stevens and those DVA officials who had the complex task of melding two pieces of earlier legislation—drafted for different purposes—the VEA and the SRCA. While I congratulate all departmental officers involved, special recognition must go to the principal officers for the intellectual rigor they each brought to the table. I also thank Arthur Edgar, Andrew Moorhead and Bill Maxwell from the Department of Veterans’ Affairs and Mal Pierce from the Department of Defence. This military-specific legislation makes realistic provision for the widows and families of our defence personnel and it was long overdue—it benchmarks the world.

In the rarefied atmosphere that marks this place there are many fellow members who I have come to respect and admire for the values and other worthy attributes that they bring to this place. I feel a better person for having worked with them. I have been warned not to name anyone if I cannot name them all. But I do need to recognise one or two, because I have worked in close association with them for some purpose or another. I want to recognise the admirable Brendan Nelson, the best Prime Minister we never had, and Kerry Bartlett, Kay Elson and Gary Nairn, who have gone before. I will miss you, Joanna Gash, Margaret May, John Forrest, Kay Hull, Judy Moylan, Andrew Robb, Russell Broadbent, Nola Marino, Don Randall, Dennis Jensen and Alex Somlyay. From the other place, I will miss senators Nick Minchin, Ian Macdonald, Cory Bernardi, Gary Humphries and Marise Payne. It was great to serve with you here in Parliament House in our great Liberal Party and I regret that I will not be here with you fighting the good fight next time. And we do have a winning chance next time.

The House standing committees are very much part of the real nuts and bolts of parliament and are very rewarding. Many of our members recognise this. I have found goodwill and sound cooperation across party lines as committee members work together at meetings and public hearings and I thank the secretariat, led by the excellent Anna Dacre and her team, who make the work appear easy. It has been rewarding to work as deputy to the chair of the Joint Standing Committee on Migration, Michael Danby. I thank him and all the dedicated members of that committee. It is good to know that some of our recommendations have already become law, which just goes to show how effective committees can be at addressing issues of concern to the wider Australian community.

I also acknowledge the chair of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs,
Bob Debus, and the earlier chair, Richard Marles. I hope that we get to finish our important report on Indigenous juvenile justice, in which I am passionately interested. At public hearings across Australia committee members meet fellow Australians at the delivery end of the legislation that we create here in this place. Sometimes we come across some good success stories. Back in 2006, this ATSI committee, chaired by Barry Wakelin, then member for Grey, we discovered the Cairns and District Regional Housing Corporation under CEO Jack Szydzik and his board of Indigenous traditional owners, who not only provided quality housing for local Indigenous families but had an Indigenous employment component on their maintenance teams of around 70 per cent. That is not bad when the national average for Indigenous employment was two per cent. It is hard to argue with audited success, but this corporation, which operates under sound business principles and world’s best practice, cannot even get an appointment with the minister. One has to ask why not.

Regrets, I have a few. I regret that I could not do anything about bad government industries, especially those related to Indigenous issues and the methadone program, which I believe is a program that uses a dirty, synthetic, addictive opioid that kills people. But they are battles for another time in another place.

Mr Speaker, thank you for being the Speaker. Thank you, too, to all your staff here in Parliament House. I know that I have had the benefit and privilege of working with you on parliamentary standing committees. I also thank the Clerks, Ian Harris and Bernard Wright; the House attendants; the security officers; and especially our Comcar drivers. In one way or another, they have all looked after me since I arrived.

The future offers an unknown adventure but I surrender to ‘the Greater Destiny’ which shapes all our ends because I leave this place with a spirit that has been forged to a higher tensile strength by the unique pressures of the role. I thank the worthy John Miller, Jock Cameron, our Parliamentary Chaplain Peter Rose and other spiritual leaders for their stewardship and good counsel when I found myself on the edge of the political plank, which seemed to happen often. If I fell, I was aware that the media were ready to publicly disembowel me. You have to know who you are when you come to this place and what values you fly by. Otherwise, you do not fly at all. The reasons I stood against embryonic stem cell testing, abortion drugs and pornography are well documented in Hansard for the world to see. They are an extension of my Christian faith and my values.

Mr Speaker, for the record I would like to share with you and the House the Chinese proverb of which I spoke which is on the back of my card:

Where there is light in the soul,
Where there is beauty in the person,
Where there is harmony in the house,
Where there is order in the nation,
Where there is peace in the world.

That means that peace starts with me, and I accept the responsibility.

I wish all my colleagues every good success at the next election. Tony Abbott is prime minister material. He is a man of principle, of soul and of great intellectual velocity and I wish him and the team the success that they deserve in the election. We have a good chance to win in Hughes with our Liberal candidate, local resident and local busi-
nessman Craig Kelly. I will be working with Craig to ensure that we continue to have a Liberal member for Hughes.

I hope to continue to make a contribution to my community. But the immediate future belongs to the long-suffering Bob. We will earn our stripes as grandparents and learn to be enchanted by the wonderful grandchildren that our fine sons and their wives—our Robert and Belinda; Christopher and Suzanne; Matthew and Sonja, and Alexander and Melanie—have presented to us. I say to my children: you are the only glory that I ever wanted and I love you so much. And I love you, too, Bob; I love you, darling. I know that these last fourteen years have not been easy for you. Thank you for saving the last dance for me.

God bless you all, and God bless Australia.

The SPEAKER—I wish the member for Hughes continuing happiness with family and friends beyond this place.

Debate (on motion by Mr Marles) adjourned.

RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—

(1) Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

3 Schedule(s)

(1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

(2) Schedule 1, page 3 (after line 15), after item 4, insert:

4A Subsection 5(1)
Insert:

clearing house price has the meaning given by section 30LA.

(3) Schedule 1, page 4 (after line 7), after item 8, insert:

8A Subsection 5(1)
Insert:

GST inclusive clearing house price has the meaning given by section 30LA.

(4) Schedule 1, item 58, page 15 (before line 12), before section 30M, insert:

30LA Clearing house price etc.

(1) The clearing house price is:

(a) subject to paragraph (b)—$40; or

(b) if the Minister, by legislative instrument, specifies a lesser amount as being the clearing house price for the purpose of this subsection—the amount so specified.

(2) The GST inclusive clearing house price is the amount equal to 110% of the clearing house price.

(3) Before making an instrument under paragraph (1)(b), the Minister:

(a) must take into consideration:

(i) whether the total value, in MWh, of small-scale technology certificates created in 2015 exceeded or is expected to exceed 6,000,000; and

(ii) any changes to the costs of small generation units and solar water heaters; and
(iii) the extent to which owners of small generation units and solar water heaters contribute to the costs of small generation units and solar water heaters; and

(iv) the impact of the clearing house price, and the number of small generation units and solar water heaters installed, on the electricity market, including on electricity prices; and

(b) may take into consideration any other matters that the Minister considers relevant.

(4) If the Minister is considering a matter mentioned in paragraph (3)(a), the Minister must obtain, and take into consideration, independent advice about that matter.

(5) An instrument made under paragraph (1)(b) must not be expressed to commence earlier than the first 1 April following the making of the instrument.

(6) If:

(a) an instrument is made under paragraph (1)(b); and

(b) on a particular day (the tabling day), a copy of the instrument is tabled before a House of the Parliament under section 38 of the Legislative Instruments Act 2003; then, on or as soon as practicable after the tabling day, the Minister must cause to be tabled before that House a written statement setting out the Minister’s reasons for making the instrument.

(5) Schedule 1, item 58, page 15 (line 22), omit “$44”, substitute “the GST inclusive clearing house price”.

(6) Schedule 1, item 58, page 16 (line 15), omit “$44”, substitute “the GST inclusive clearing house price”.

(7) Schedule 1, item 58, page 16 (line 17), omit “$40”, substitute “the clearing house price”.

(8) Schedule 1, item 58, page 17 (line 28), omit “$44”, substitute “the GST inclusive clearing house price”.

(9) Schedule 1, item 58, page 17 (line 31), omit “$40”, substitute “the clearing house price”.

(10) Schedule 1, item 96, page 58 (lines 28 to 30), omit subparagraph 141AA(c)(ii), substitute:

(ii) a statement that the certificate was created in relation to a solar water heater other than an air source heat pump water heater, or that it was created in relation to an air source heat pump water heater, or that it was created in relation to a small generation unit (as appropriate); and

(11) Schedule 1, item 99, page 59 (lines 16 to 21), omit the item, substitute:

99 Section 162

Repeal the section, substitute:

162 Biennial review of operation of renewable energy legislation

(1) The Minister must cause an independent review of the following to be undertaken as soon as practicable after 30 June 2012 and every 2 years after that date:

(a) the operation of this Act and the scheme constituted by this Act;

(b) the operation of the regulations;

(c) the operation of the Renewable Energy (Electricity) (Large-scale Generation Shortfall Charge) Act 2000;

(d) the operation of the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Act 2010;

(e) the diversity of renewable energy access to the scheme constituted by this Act, to be considered with reference to a cost benefit analysis of the environmental and economic impact of that access.

(2) A review must be undertaken by a person who, in the Minister’s opinion,
possesses appropriate qualifications to undertake the review.

(3) The person undertaking a review must give the Minister a written report of the review before 31 December in that year.

(4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

(5) The report is not a legislative instrument.

(12) Schedule 1, page 60 (after line 2), before item 100, insert:

99A Subsection 5(1)
Insert:
air source heat pump water heater means a device that uses a vapour compression cycle incorporating a compressor, an evaporator that collects energy from the latent and sensible heat of the atmosphere and a condenser that delivers heat either directly or indirectly to a hot water storage container.

(13) Schedule 1, page 62 (after line 26), after item 116, insert:

116A At the end of section 21
Add:
(4) If a solar water heater is an air source heat pump water heater, certificates may only be created for the installation of such an air source heat pump water heater if it has a volumetric capacity of not more than 425 litres.

(14) Schedule 1, page 63 (after line 29), after item 119, insert:

119A After section 23A
Insert:
23AAA Regulations to establish scheme for inspection of new installations of small generation units
(1) The regulations must establish a scheme for the inspection of the installation of small generation units for which certificates have been created.

(2) Without limiting subsection (1), regulations made under that subsection must provide, for small generation units installed after the commencement of this section:

(a) that each year a statistically significant selection of small generation units that were installed during that year must be inspected for conformance with Australian standards and any other standards or requirements relevant to the creation of certificates in relation to that small generation unit;

(b) that an inspection of a small generation unit is to be carried out by a person or organisation who:

(i) is independent of the person or organisation who designed and/or installed that small generation unit; and

(ii) does not have a conflict of interest in relation to that small generation unit or administration of the matters being inspected;

(c) for the transfer of information, about any failures to comply with standards or other requirements relevant to the creation of certificates in relation to small generation units, to State, Territory or Commonwealth bodies with responsibility for the enforcement and administration of those standards or requirements.

(15) Schedule 1, page 63 (after line 29), after item 119, insert:

119B Subsection 23B(2)
After “multiplied by”, insert “a number that does not exceed”.

(16) Schedule 1, page 63 (after line 29), after item 119, insert:

119C Subsection 23B(3)
After “However,”, insert “subject to subsections (3A) and (3C),”.

119D After subsection 23B(3)
Insert:
(3A) However, in the case of an off-grid small generation unit, the regulations must provide for a number of certificates to be multiplied only if the certificates relate to the first 20kW of the rated power output of the unit.

(3B) In subsection (3A):

**off-grid small generation unit** means:

(a) a small generation unit at least 1 kilometre from the nearest main-grid line; or

(b) in the case of a small generation unit less than 1 kilometre from a main-grid line—the owner has provided written evidence from the local network service provider that the total cost of connecting the unit to the main-grid is more than $30,000, making it uneconomic to connect the unit to the main-grid.

(3C) The regulations must provide that the number of certificates that may be created under subsection (3A) as a result of a multiplier in subsection (2) for a period specified in column 1 of an item in the following table must not exceed the number specified in column 2 of the item.

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Period</th>
<th>Column 2 Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 July 2010 to 30 June 2011</td>
<td>250,000</td>
</tr>
<tr>
<td>2</td>
<td>1 July 2011 to 30 June 2012</td>
<td>250,000</td>
</tr>
<tr>
<td>3</td>
<td>1 July 2012 to 30 June 2013</td>
<td>200,000</td>
</tr>
<tr>
<td>4</td>
<td>1 July 2013 to 30 June 2014</td>
<td>150,000</td>
</tr>
<tr>
<td>5</td>
<td>1 July 2014 to 30 June 2015</td>
<td>100,000</td>
</tr>
</tbody>
</table>

(17) Schedule 1, page 63 (before line 30), before item 120, insert:

119E Subsection 23B(3)

Omit “the first 1.5kW”, substitute “not more than the first 3kW”.

(18) Schedule 1, item 124, page 66 (before line 3), before subsection (2), insert:

Adjustment of targets according to number of valid certificates as at the end of 2010

(1A) If, as at the end of the year 2010, the total value, in GWh, of valid renewable energy certificates exceeds 34,500, the table in subsection (1) has effect in accordance with the following paragraphs:

(a) the number of GWh specified in the table for each of the following years is taken to be increased by half of the excess:

(i) the year 2012;
(ii) the year 2013;

(b) the number of GWh specified in the table for each of the following years is taken to be reduced by one quarter of the excess:

(i) the year 2016;
(ii) the year 2017;
(iii) the year 2018;
(iv) the year 2019.

(1B) As soon as practicable after the end of the year 2010, the Regulator must publish on its website the total value referred to in subsection (1A).

Adjustment of targets if there is a WCMG start day

(19) Schedule 1, item 124, page 66 (line 5), omit “has effect as”, substitute “has effect (after first taking account of subsection (1A))”.

(20) Schedule 1, page 67 (after line 6), after item 124, insert:

124B After Division 2 of Part 4

Insert:
Division 2AA—Emerging renewable energy technologies

40AB Inclusion of emerging renewable energy technologies

The Minister may, by legislative instrument, determine that an emerging renewable energy technology be included as a renewable energy technology for the purpose of the scheme constituted by this Act.

(21) Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

Renewable Energy (Electricity) Regulations 2001

138 Paragraph 22ZA(4)(a)

Repeal the paragraph.

Mr COMBET (Charlton—Minister for Defence Materiel and Science and Minister Assisting the Minister for Climate Change and Energy Efficiency) (1.44 pm)—I move:

That the amendments be agreed to.

Firstly I thank the opposition for ensuring the opportunity to deal with the Renewable Energy (Electricity) Amendment Bill 2010 at this point in time. I indicate to the House that the government proposes that all amendments agreed to by the Senate be agreed to here. I will briefly explain the implications of what the government proposes in this respect.

The Senate has returned to the House the Renewable Energy (Electricity) Amendment Bill 2010 with a series of amendments, as we have heard. The government moved a number of those amendments in the Senate and will obviously be accepting them in this place. The government amendments firstly provide a contingent arrangement whereby the large-scale renewable energy target annual targets can be adjusted should the stock of renewable energy certificates, which are known as RECs, exceed 20 million as at 31 December 2010 net of the February 2011 surrender amount and voluntarily surrendered RECs. Secondly, the amendments strengthen the process for review of the $40 price for RECs in the Small-scale Renewable Energy Scheme to ensure the price remains appropriate over time. Finally, the amendments provide flexibility to deal with changes in the cost of solar panels by enabling the Renewable Energy Regulator to adjust the solar credits multiplier to ensure that it remains well targeted. I indicate to members opposite that these amendments were all agreed to in the Senate when they were debated there and I trust that assists in the consideration of the issues by the opposition in this place.

A number of amendments were also moved by the opposition in the Senate, along with amendments by the Australian Greens and Senator Xenophon. I will indicate now that, in order to ensure the swift passage of this bill, the government will also be accepting these amendments in the House. These amendments include the following provisions: to exclude air sourced heat pumps of over 425 litres capacity from the ability to create renewable energy certificates; to allow for exemptions in respect of emissions-intensive trade-exposed activities for the costs associated with the first 9,500 gigawatt hours of the RET where the price of the renewable energy certificates exceeds $40, which I think was an amendment moved in the Senate by the opposition; to provide a definition of air sourced heat pumps and require the Renewable Energy Regulator to specify on the register of small-scale technology certificates whether each certificate was created for a solar water heater, air sourced heat pump or small generation unit; to enable the minister to prescribe by legislative instrument that an emerging renewable energy technology is to be included in the Renewable Energy Target Scheme; to provide for a review of the scheme every two years, commencing from 30 June 2012; to
establish a scheme to inspect small generation unit installations for compliance with Australian standards and other requirements relevant to the creation of RECs; to allow for regulations to be made to specify what multiplier applies under the solar credits regime for systems up to three kilowatts in size up to the level specified in the act; and to increase the capacity limit for which the solar credits multiplier applies in relation to off-grid small generation units up to 20 kilowatts subject to an annual cap on the total number of certificates. That is a concise summation of the amendments that were carried in the Senate. For the assistance of the member for Flinders, the shadow minister who has carriage of this issue in the House on this occasion, they include all of the amendments that were carried by the Senate.

In conclusion, the bill before us today will support the deployment of both major renewable energy projects and household-scale renewable energy systems. The renewable energy target is a key measure in Australia’s climate change policy and these changes will deliver significant and timely sets of enhancements that will put the Australian economy firmly on the pathway to a low-carbon future. The enhanced renewable energy target will drive significant investment, accelerating the deployment of a broad range of renewable energy technologies like wind, solar and geothermal. These changes are designed to ensure that 20 per cent of our electricity supply comes from renewable energy sources by 2020. On behalf of the government I would like to thank leaders and members of the parties in the House and the Senate for their cooperation to secure passage of this important bill in anticipation of that occurring. I think the numbers, when one considers them, speak for themselves. This is a scheme that will help unlock more than $19 billion of investment in the clean energy sector and help create thousands of new clean energy jobs. Its passage reminds us that it is both possible and in our national interest to take strong, long-term and bipartisan action on climate change. I commend the amendments to the House.

Mr HUNT (Flinders) (1.50 pm)—From the outset let me make it clear that the Renewable Energy (Electricity) Amendment Bill 2010 and this set of amendments should not have been necessary. We warned about the problem created by phantom renewable energy credits back in August. We provided amendments to ensure that the crowding out of large-scale renewable energy generation would not occur. We had an alternative. That alternative was dismissed by the government. That alternative was ignored. We again provided in our direct action policy in February a solution to this problem, which was ignored. Now we have found that the government has recognised that it was a problem and that we had the solution, and they have adopted a variation on that. We are pleased that they have accepted the problem and accepted our basic solution. We are somewhat dismayed that the cause of renewable energy has been set back by almost a year through the government’s failure to consult properly, the government’s failure to manage its business properly and the government’s failure to recognise the consequences of its action. It is part of a pattern of consistent underperformance and consistent chaos in the implementation of basic policies.

Having said that, we are believers in renewable energy. We are proponents of renewable energy. We are advocates of renewable energy. Last year we led the case in the cause to ensure that renewable energy—solar, geothermal, tidal and wave, being the great new energy sources of the future—would not be delayed by having it tacked onto and tied and held hostage to the emissions trading scheme. We won that battle. We brought renewable energy forward. We of-
fered to bring these amendments forward to 1 July of this year but, because of a sad intransigence on behalf of the government, what has occurred is very simple: they have now put back the effective date of implementation until 2011. So it was an unnecessary problem on the first occasion, it was an unnecessary delay, and the effect was that wind, solar, geothermal and tidal—the great new energy sources of the future—were delayed and put at risk and investment was slowed on the path of Australia to being an increasingly clean-energy economy.

I now turn to the amendments. I pay great respect to my colleague Ian Macfarlane, the member for Groom, and Senator Simon Birmingham as they have done a tremendous job in securing most of the coalition’s amendments, particularly Mr Macfarlane in negotiating with the government—and we accept their amendments and we appreciate the fact that they have accepted our amendments. I do note, however, that this bill in its current form represents a death knell for many in the waste coalmine gas sector. I do not believe that is this minister’s fault. I do believe that this government has turned its back on rural jobs in areas such as the electorates of Flynn, Shortland and Newcastle and on regional jobs in the electorate of Macarthur. Many areas of Australia will see the loss of potential jobs in the waste coalmine gas sector—and that is a shame. That was avoidable, that should not have occurred and that is a breach of faith—but we ran that, we lost that and unfortunately there is no prospect in these amendments of pushing it further forward.

I say to the minister that this could all have been avoided. Renewable energy in Australia should have been settled in August last year. The nature, the scope and the problems were all identified. At the very heart of this Labor government is policy chaos. The chaos continues and what we see now is that we have to fix it all up. We saw the problem and we identified the solution. Both the problem and the solution were denied. Now they have been recognised and addressed, so we accept these amendments. We will not oppose these amendments as these are what were negotiated. But I note that the waste coalmine gas sector will be the poorer as a result of the breach of faith by the government. Working people right throughout regional Australia and, sadly, their job prospects will be diminished as a result of the government’s failure to adhere to its previous commitment.

Question agreed to.

**BANKRUPTCY LEGISLATION AMENDMENT 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 4, item 1, page 26 (line 6), omit “$10,000”, substitute “$5,000”.
(2) Schedule 4, item 2, page 26 (line 8), omit “$10,000”, substitute “$5,000”.
(3) Schedule 4, item 3, page 26 (line 10), omit “$10,000”, substitute “$5,000”.
(4) Schedule 4, item 5, page 27 (line 6), omit “28”, substitute “21”.
(5) Schedule 4, item 11, page 27 (lines 24 and 25), omit the item.
(6) Schedule 4, item 13, page 28 (line 2), omit “(1)”.
(7) Schedule 4, item 13, page 28 (lines 5 and 6), omit subitem (2).

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (1.56 pm)—I move:

That the amendments be agreed to.

There are seven government amendments to the Bankruptcy Legislation Amendment Bill
Government amendments (1) through (3) increase the thresholds for issuing bankruptcy notices, creditors’ petitions and petitions for the administration of deceased estates in bankruptcy from $2,000 to $5,000. Government amendment (4) will increase the period of effect of a declaration of intent to file a debtor’s petition from seven days to 21 days. Government amendments (5), (6) and (7) reflect the government’s decision not to progress an amendment that would have increased the income asset and debt thresholds for entering into debt agreements to make debt agreements more widely available.

Question agreed to.

TRADE PRACTICES AMENDMENT (INFRASTRUCTURE ACCESS) 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 7, page 6 (line 20) to page 7 (line 11), omit the item.

(2) Schedule 1, item 11, page 7 (line 29), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(3) Schedule 1, item 13, page 8 (line 23), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(4) Schedule 1, item 34, page 15 (line 5), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(5) Schedule 1, item 42, page 18 (line 18), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(6) Schedule 1, item 44, page 18 (lines 24 to 26), omit the item.

(7) Schedule 1, item 46, page 19 (line 14), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(8) Schedule 1, item 51, page 22 (line 12), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(9) Schedule 1, item 53, page 22 (lines 15 to 17), omit the item.

(10) Schedule 1, item 55, page 23 (line 3), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(11) Schedule 1, item 66, page 27 (line 17), omit “subsection 44ZZOAA(7)”, substitute “section 44ZZOAA”.

(12) Schedule 1, item 68, page 27 (lines 24 and 25), omit “the power to request information under subsection 44ZZBCA(1) and”.

(13) Schedule 1, item 70, page 28 (line 12) to page 30 (line 29), omit section 44ZZOAA, substitute:

44ZZOAAA Information to be given to Tribunal

Tribunal to notify decision maker

(1) If an application for review of a decision (however described) is made under this Part, the Tribunal must notify the decision maker of the application.

(2) If the application is made under section 44K, 44L, 44LJ, 44LK or 44O, the Tribunal must also notify the Council of the application.

Decision maker to give material to Tribunal

(3) The decision maker must give the following information to the Tribunal within the period specified by the Tribunal:

(a) if the decision is taken to have been made because of the operation of subsection 44H(9), 44J(7), 44LG(6), 44LI(7), 44N(4) or 44NB(3A)—all of the information that the Council took into account in connection with making the recommendation to which the decision under review relates;

(b) if the decision is taken to have been made because of the operation of subsection 44PD(6), 44XA(6) or
44ZZBC(6)—any information or documents given to the Commission in connection with the decision to which the review relates, other than information or documents in relation to which the Commission could not have regard because of subparagraph 44PE(6)(c)(iii) or 44ZZBD(6)(c)(iii);

(c) otherwise—all of the information that the decision maker took into account in connection with the making of the decision to which the review relates.

Tribunal may request further information

(4) The Tribunal may request such information that the Tribunal considers reasonable and appropriate for the purposes of making its decision on a review under this Part.

(5) A request under subsection (4) must be made by written notice given to a person specifying the information requested and the period within which the information must be given to the Tribunal.

(6) The Tribunal must:

(a) give a copy of the notice to:

(i) the person who applied for review; and

(ii) if the application is made under section 44K, 44L, 44LJ, 44LK or 44O—the Council; and

(iii) if the application is made under section 44PG, 44PH, 44ZP, 44ZX or 44ZZBF—the Commission; and

(iv) any other person who has been made a party to the proceedings for review by the Tribunal; and

(b) publish, by electronic or other means, the notice.

(7) Without limiting the information that may be given in accordance with the notice, information may include information that could not have reasonably been made available to the decision maker at the time the decision under review was made.

Certain material before the Tribunal not to be disclosed

(8) The Tribunal may, on the application of a person, prohibit or restrict the disclosure of the contents of a document or other information given to the Tribunal under this section if the Tribunal is satisfied that it is desirable to do so because of the confidential nature of the document or other information, or for any other reason.

(9) In this section:

decision maker, in relation to an application for review under this Part, means:

(a) if the application was made under section 44K, 44L, 44LJ or 44LK—the designated Minister; or

(b) if the application was made under section 44O—the Commonwealth Minister; or

(c) if the application was made under section 44PG, 44PH, 44ZP, 44ZX, or 44ZZBF—the Commission.

44ZZOAA Tribunal only to consider particular material

For the purposes of a review under this Part, the Tribunal:

(a) subject to paragraph (b), must have regard to:

(i) information that was given to the Tribunal under subsection 44ZZOAAA(3); and

(ii) any information given to the Tribunal in accordance with a notice given under subsection 44ZZOAAA(5); and

(iii) any thing done as mentioned in subsection 44K(6), 44L(5), 44LJ(5), 44LK(5), 44O(5), 44PG(5), 44PH(5), 44ZP(5), 44ZX(5) or 44ZZBF(5); and
any information or report given to the Tribunal in relation to the review under subsection 44K(6A), 44L(5A), 44LJ(6), 44LK(6), 44O(5A), 44PG(5A), 44PH(5A), 44ZP(5A), 44ZX(5A) or 44ZZBF(5A) within the specified period; and

(b) may disregard:

(i) any information given to the Tribunal in response to a notice given under subsection 44ZZOAA(5) after the period specified in the notice has ended; and

(ii) any information or report of the kind specified in a notice under subsection 44K(6A), 44L(5A), 44LJ(6), 44O(5A), 44PG(5A), 44PH(5A), 44ZP(5A), 44ZX(5A) or 44ZZBF(5A) that is given to the Tribunal after the specified period has ended.

(14) Schedule 1, item 71, page 31 (table item 2), omit "44ZZOAA(4)", substitute "44ZZOAAA(5)".

(15) Schedule 1, item 72, page 34 (lines 6 to 8), omit the item.

(16) Schedule 1, item 72, page 34 (line 13), omit "44,.

(17) Schedule 1, item 72, page 34 (line 13), omit "53,.

(18) Schedule 2, item 7, page 47 (lines 16 and 17), omit "subsection 44ZZOAA(7)", substitute "section 44ZZOAA".

(19) Schedule 2, item 7, page 49 (lines 2 and 3), omit "subsection 44ZZOAA(7)", substitute "section 44ZZOAA".

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (1.58 pm)—I move:

That the amendments be agreed to.

There are amendments here in relation to limited merits review. These amendments vary the scope of the limited merits review arrangements that the Trade Practices Amendment (Infrastructure Access) Bill 2009 is to introduce. The bill provides that, when reviewing decisions made under the National Access Regime, the Australian Competition Tribunal would have regard only to the information that was before the original decision maker as well as any further information the tribunal sought to clarify the original information. These amendments would expand the information available to the tribunal during merits review to include any information the tribunal considers reasonable and appropriate for the purposes of making its decision. Importantly, this may include information that could not reasonably have been made available to parties or to the original decision maker at the time of the original decision. This exception is consistent with the Council of Australian Governments’ 2006 Competition and Infrastructure Reform Agreement.

The amendments retain the notice mechanism previously contained in the bill whereby the tribunal would issue a notice to parties when seeking additional information. This is necessary because the notice acts as a clock-stopper to ensure that seeking the information does not unduly encroach on the time available to the tribunal to make its decision. However, nothing in the bill or the amendments seeks to alter the standard procedures of the tribunal. Typically the tribunal holds preliminary hearings with all parties present to consider the issues before it. It is envisaged the parties would be free to draw to the tribunal’s attention any additional information that the tribunal may wish to seek by issuing a written notice. These amendments are designed to ensure that the tribunal has sufficient information before it to assist in making accurate and timely decisions.

As for the amendment in relation to deemed decisions, this amendment is to remove the measure in the bill relating to
deemed decisions. Previously the bill would have provided that, should the designated minister not make a decision in a declaration matter within the prescribed 60-day period, he or she should would be deemed to have decided to accept the recommendation of the National Competition Council.

Mr BILLSON (Dunkley) (2.00 pm)—Just quickly on this important day, I add, on the two points about the notification process and constraints on the tribunal, that we accept the government’s assurance that they will keep an eye on those factors and that we support the amended bill.

Question agreed to.

CONDOLENCES
Private Timothy Aplin
Private Benjamin Chuck
Private Scott Palmer

Report from Main Committee

Order of the day returned from Main Committee for further consideration; certified copy presented.

Ordered that the order of the day be considered immediately.

The SPEAKER—The question is that the motion be agreed to. I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (2.01 pm)—Mr Speaker, this morning I was elected as leader of the parliamentary Labor Party. I was subsequently sworn in by the Governor-General as Prime Minister. The honourable Wayne Swan has been elected as the deputy leader, and will be the Deputy Prime Minister of Australia. I table for the information of the House a revised ministry list reflecting those events. I seek leave to have the document incorporated into Hansard.

Leave granted.

The document read as follows—

GILLARD MINISTRY
24 June 2010

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Cabinet Secretary</td>
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<td>The Hon Lindsay Tanner MP</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<td>Minister Assisting the Prime Minister for Government Service Delivery</td>
<td>Senator the Hon Mark Arbib</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Anthony Byrne MP</td>
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<td>Minister for Education</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Kim Carr</td>
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<td>Minister for Employment and Workplace Relations</td>
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<td>Minister for Social Inclusion</td>
<td>The Hon Julia Gillard MP</td>
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<td>Minister for Early Childhood Education, Childcare and Youth</td>
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<td>Minister for Employment Participation</td>
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<td>Parliamentary Secretary for Social Inclusion</td>
<td>Senator the Hon Ursula Stephens</td>
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<td>Parliamentary Secretary for Employment</td>
<td>The Hon Jason Clare MP</td>
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<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Minister for Population</td>
<td>The Hon Tony Burke MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon Chris Bowen MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Assistant Treasurer</td>
<td>The Hon Dr Craig Emerson MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Minister for Immigration and Citizenship (Leader of the Government in the Senate)</td>
<td>Senator the Hon Chris Evans</td>
<td>The Hon Wayne Swan MP</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>The Hon Laurie Ferguson MP</td>
<td>The Hon Robert McClelland MP</td>
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<td>Minister for Defence (Vice President of the Executive Council)</td>
<td>Senator the Hon John Faulkner</td>
<td>The Hon Greg Combet AM MP</td>
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<td>Minister for Veterans Affairs</td>
<td>The Hon Alan Griffin MP</td>
<td>Senator the Hon John Faulkner</td>
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<td>Parliamentary Secretary for Defence Support</td>
<td>The Hon Dr Mike Kelly AM MP</td>
<td>The Hon Nick Sherry</td>
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<td>Minister for Trade</td>
<td>The Hon Simon Crean MP</td>
<td>Senator the Hon Kim Carr</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Anthony Byrne MP</td>
<td>Senator the Hon John Faulkner</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon Bob McMullan MP</td>
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<td>Minister for Health and Ageing</td>
<td>The Hon Nicola Roxon MP</td>
<td>Senator the Hon Joe Ludwig</td>
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<td>Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery</td>
<td>The Hon Warren Snowdon MP</td>
<td>Senator the Hon Joe Ludwig</td>
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<td>Minister for Ageing</td>
<td>The Hon Justine Elliot MP</td>
<td>Senator the Hon Joe Ludwig</td>
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<td>The Hon Kate Ellis MP</td>
<td>Senator the Hon Mark Arbib</td>
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<td>Senator the Hon Chris Evans</td>
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<td>Parliamentary Secretary for Disabilities and Children’s Services</td>
<td>The Hon Tanya Plibersek MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>The Hon Tanya Plibersek MP</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>Parliamentary Secretary for the Voluntary Sector</td>
<td>The Hon Bill Shorten MP</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>Minister for Infrastructure, Transport, Regional Development and Local Government (Leader of the House)</td>
<td>The Hon Anthony Albanese MP</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
<td>The Hon Maxine McKew MP</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Parliamentary Secretary for Western and Northern Australia</td>
<td>The Hon Gary Gray AO MP</td>
<td>The Hon Lindsay Tanner MP</td>
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Ms GILLARD—With your indulgence, Mr Speaker, and the indulgence of the Leader of the Opposition, I will make some very brief remarks. Obviously I have already had the opportunity to speak to the Australian people through the press about my intentions and plans as Prime Minister. I will not repeat all of those words now. Can I simply say it is my intention to lead a government that is focused each and every day on meeting the needs of working families around the country. I accept that the government has lost track. We will get back on track. I have taken control for precisely that purpose.

I say about the former Prime Minister, the honourable Kevin Rudd, who is in the parliament with us today, that he certainly has the gratitude and respect of the Labor Party, and I believe that every member of this place would be full of admiration for the remarkable and dignified way in which he has conducted himself today and the fortitude and strength of character he is showing, including by attending question time today.

Can I say to my deputy, Wayne Swan, congratulations on taking the position. I very much look forward to us working even closer
Can I say to the Leader of the Opposition, we are very different people. We have different outlooks on life, different policies, different views and different personalities. We have made very different life choices. I believe, though, we both understand what an honour and a duty it is to serve as Prime Minister and Leader of the Opposition, and I also believe we understand the responsibility upon us to lay before the Australian people, clearly and precisely, the things for which we stand and the things that we will do if we are elected at the election due this year, which I will call in coming months.

Mr ABBOTT (Warringah—Leader of the Opposition) (2.04 pm)—On indulgence, Mr Speaker, I note that the Deputy Prime Minister has become the Prime Minister, I note that the Treasurer has become the Deputy Prime Minister, and I congratulate both of them on their promotions. I understand, perhaps not as well as they do but I certainly understand, that to hold high office is a great privilege and we all understand that it must be discharged in the best interests of the Australian people.

May I offer commiserations to the member for Griffith. He was elected Prime Minister of Australia by the Australian people, and he should have been allowed to face the judgment of the Australian people. A midnight knock on the door followed by political execution is no way for the Australian Prime Minister to be treated.

I accept that there is a big challenge for all of us in this place to offer the right policies to the Australian people. The new Prime Minister has admitted that the government has lost its way, and her challenge will be to demonstrate how things will be different given that she is as committed, it seems, to the policies of the former Prime Minister as he was himself. Regardless, I think the Australian public can expect a fierce contest. It will be a tough contest—I respect the abilities of the Prime Minister—and I hope, as well as being a tough contest, it will also be a clean and fair contest.

QUESTIONS WITHOUT NOTICE

Budget

Mr ABBOTT (2.07 pm)—Mr Speaker, you will not be surprised to know that my question is indeed to the Prime Minister. Given the Prime Minister’s claim to want genuine negotiations over the design of her great big new tax on mining, I ask: as a sign of good faith, will she remove from the budget the $12 billion in net revenue estimated to be generated by the tax in its current form?

Ms GILLARD—I thank the Leader of the Opposition for his first question to me. What I can say to the Leader of the Opposition is that this government, led by the Treasurer with the Minister for Resources and Energy, Martin Ferguson— the responsible minister—will negotiate with the mining companies of this nation. I have said to the mining companies of this nation publicly that the government is opening its door and asking them to open their minds. I have also said that as a show of good faith, and this has been enacted, the government will remove its advertising from Australia’s television screens. In return I have asked that the mining companies do the same, and I am advised that BHP has already taken that step. The negotiations will proceed in an orderly fashion, step by step and piece by piece and led by the Treasurer, and at the appropriate time the government will make further announcements about the resource profits tax.

Government Services

Ms LIVERMORE (2.08 pm)—Will the Prime Minister outline to the House the im-
portance of maintaining government services? Are there any threats to this?

Ms GILLARD—I thank the member for Capricornia for her question, and I thank her for her friendship over all of these years we have been in parliament together. As I said earlier today, I grew up in South Australia. I am the daughter of a hardworking family. My father and my mother worked unbelievably hard to provide a safe and secure household for me and for my sister, Alison. From them I learned the value of hard work. I also learned the importance of government services—the importance of quality schools and the importance of quality health care—to making a life, because as a family were relied on both. Families around the nation rely on both. They need to have a job, they need to have a job with decent working conditions and they need to have those quality services.

As a government, we are committed to ensuring that we take the steps necessary so that Australians have work. That is why, during the global financial crisis, we did what we had to do to keep Australians in work. As a government, we are committed to decent working conditions, and the threat to that is the Leader of the Opposition’s plan to reintroduce Work Choices. As a government, we are committed to lifting the quality of Australian schools. The threat to that is the cutbacks proposed by the Leader of the Opposition to trade training centres, computers in schools and quality teaching. As a government, we are committed to making sure Australians can see a healthcare professional—that they can see a doctor or a nurse—and to do that we are investing in ensuring that this nation has more doctors and more nurses, and we are investing in Australian hospitals. Of course, the threat to that is the predisposition of the Leader of the Opposition to cut health funding, demonstrated when he was the minister for health.

These are the great issues for Australian working families. These will be the great issues at the forthcoming election, where we as a government will say to Australians that we will provide the services families need, we will protect their jobs and ensure they have decent working conditions.

Budget

Mr ABBOTT (2.11 pm)—My question is again to the Prime Minister. I ask her: how can there be a genuine negotiation over the mining tax if the outcome has to be the same $12 billion in net revenue as is expected to be raised by the tax in its current form?

Ms GILLARD—I thank the Leader of the Opposition for his question. I do not know if he has ever conducted a genuine negotiation, but I have. As a government, we were elected with our fair work policy. We were elected to get rid of Work Choices. We were elected to get the balance right. Of course, we have honoured the policy commitments in our Forward with Fairness policy but, along the way, we sat with the representatives of business and we talked about the details. We negotiated. We talked. We sat with the representatives of working Australians—representatives of our great trade union movement—and talked. We sat especially with the representatives of small businesses around the nation and talked. Those talks led to a better outcome. They led to a better Fair Work system than we otherwise would have had. It is that spirit that the Treasurer, on my behalf and working with the minister for resources, will take to these negotiations with the mining industry.

DISTINGUISHED VISITORS

The SPEAKER (2.13 pm)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the National Assembly of Vietnam led by the Vice-President of the National Assembly of Vietnam, His Excellency...
Mr Uong Chu Luu. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Workplace Relations**

Ms JACKSON (2.13 pm)—My question is to the Prime Minister. Will the Prime Minister outline to the House the importance of fairness in the workplace? Are there any risks to this?

Ms GILLARD—I thank the member for Hasluck for her question, I thank her for her representation of her local community and I thank her for her the amount of her lifetime that she has devoted to ensuring that Australians have fair and decent working conditions. The 2007 election was fought very, very clearly on the proposition of whether Australians wanted fair and decent working conditions or they wanted the now Leader of the Opposition’s Work Choices plans. The Australian people spoke in 2007, and they rejected Work Choices. They rejected it because of its power in stripping away pay and conditions. They rejected it because of the insecurity it gave them, never knowing if that was the day that they would be presented with an Australian workplace agreement that took basic conditions away. They rejected it because of the insecurity and unfairness of never knowing if that was the day they would be told that they no longer had a job and that they had no right to look for a remedy or contest the reasonableness or fairness of their dismissal.

These things were not abstract; these things were real. They were real for people like Sonya and Chrissie who feature in reports analysing the impact of Work Choices. They worked in aged care, a 24-hour industry, and they lost their penalty rates under Australian workplace agreements. They told in the lives of people like Jo, a young casual kitchenhand who faced pressure to sign an AWA against her will. For three months she refused, so the boss refused to give her any shifts. It is this kind of unfairness that we have eradicated with our Fair Work system. It is exactly this kind of unfairness that will be back if the Leader of the Opposition has the opportunity, as Prime Minister, to resurrect his much-loved Work Choices.

**Budget**

Mr ABBOTT (2.15 pm)—Mr Speaker, again my question is to the Prime Minister. I ask her: is she committed to raising $12 billion from the mining tax as stated in the budget?

Ms GILLARD—Once again I thank the Leader of the Opposition for his question. As the Leader of the Opposition knows, I have said today there will be genuine negotiations. I have said today that it is about those who agree that Australians are entitled to a fairer share of the mineral wealth in our grounds working together to get the right result. Now the government believes Australians are entitled to a fairer share of the mineral wealth in our grounds. We believe that is the birthright of Australians, the minerals that we all jointly own and have inherited—minerals that can be dug up and sold only once. The mining industry has acknowledged that it can pay more tax, so the government and the mining industry have an agreement that they can pay more tax. We believe they should pay more tax. That is a very firm foundation stone for negotiations and, with the Minister for Resources and Energy and the Treasurer, we will build on it.

Interestingly there are people in this parliament beyond that consensus, who do not believe that Australians are entitled to a fairer share, who do not believe that the mining industry can pay more tax. Those people are the Leader of the Opposition and the team that he leads. They are outside the consensus on which we will build. As we build
on that consensus, of course, we will keep the Australian people informed, as is proper and appropriate, but our intention is to genuinely negotiate. And once again I would take this opportunity to thank, as I am advised, BHP for exhibiting goodwill today by removing its advertising, as the government has removed its.

Economy

Mr CRAIG THOMSON (2.18 pm)—Mr Speaker, my question is to the Treasurer. Deputy Prime Minister, why is it so important Australian families get the tax relief they need to help with the costs of living?

Mr SWAN—I thank the member for Dobell for this very important question because the government is about supporting the living standards of Australian families, particularly when times are tough. Of course, that is why the government moved so swiftly and powerfully when the global recession, through the global financial crisis, had such a dramatic impact on economies around the world and led to such a reduction in demand for our economy. We moved powerfully to support employment. We moved powerfully to support small business. Because nothing is more fundamental to your living standards than the capacity to earn a wage, to have a job, to keep your small business open and operating. That is why the stimulus has been so important.

And, although it is being withdrawn, it is still supporting employment in a whole range of sectors in the Australian economy, because this government understands that not everybody is doing as well as others. And, even though we have a strong economy, and even though we have a low unemployment rate, which is absolutely important to supporting living standards, there are many people in some sectors of the economy who are still doing it tough. There are many people, for example, in non-residential construction who are significant beneficiaries of the stimulus programs that we have put in place, that the Prime Minister has put in place, that the Minister for Housing has put in place. These are very important for keeping the doors of small business open and for keeping many tradies, in particular, in employment. That is one way you can support living standards, particularly when you have uncertain international events in countries such as Greece. It is very important to support living standards, and that is why the government’s action was so important to stimulate our economy.

This was, of course, opposed by those opposite. We know that if they were to have had their way, they would not have supported the stimulus packages. They certainly did not support the bank guarantees. Of course that would have had a dramatic impact on unemployment in this country. The thing about unemployment is that, when it is high and when it is there for a long time, it destroys skills and it destroys capital and it destroys small businesses and it destroys communities. So this government is absolutely up for supporting the living standards of the Australian people.

Now that the global economy is recovering, we have to do more. We understand that many people are still under financial pressure. For many people they still find it pretty tight when the family budget comes down, and it is hard to wrap it around the pay cheque. So a lot of people out there have trouble making ends meet, which is why we have done a number of things since we have been in government. First of all we had the historic increase to the age pension. Single pensioners on the base rate of pension had been living in poverty for a long period of time, but we took the gutsy step to make a fundamental, historic increase in the age pension, which is so important to the living
standards of so many people on fixed incomes.

But it is not just what we did in terms of the age pension. It is what we have done with the education tax rebate—so important to families when they are sending their kids back to school, finding it difficult to buy everything that they need, to get the kit for the kids to go to school. The education tax rebate is absolutely important, also what we have done to increase the childcare tax rebate. All of these things have been very important to living standards.

But a very important measure that is continuing is the three sets of tax cuts delivered by this government. We understand that, when you work hard and you do a bit of overtime, you do not want all of that being gobbled up, either in the tax take or in the withdrawal of family payments. That is why the tax cuts which will commence next week are so important. They are not large, but they will help people get by—they will make life a little bit better. A worker on $50,000 will get an extra tax cut of $450 per year from 2010-11. Over the three rounds of tax cuts, for a worker on $50,000 that is a tax cut of $1,750. For a worker on $80,000 it is an extra $300 a year, but for that worker over three rounds of tax cuts that is $1,550. That is what we are doing to support living standards, but it is also important when it comes to the tax system because you reward effort. These tax reforms and these tax cuts are an important part of strengthening the economy by giving people extra incentive to work. That is important as well.

We know that those opposite opposed our stimulus. I do not know where we would be in this country in terms of levels of unemployment had they been in power through last year and the year before. And, of course, they have not supported many of the other initiatives that we have put in place as well. But we do know what would put a wrecking ball through family finances and security if they were in power, and that would be Work Choices. This, more than any other policy, demonstrates how those opposite do not understand the importance of supporting living standards, because when they last were given a chance to support the workers of Australia they attacked them viciously—and they are coming around for Work Choices mark 2.

We on this side of the House are proud of what we have been able to do to support living standards. We know more needs to be done, but at least there is a bit of extra help coming next week.

**Budget**

Ms JULIE BISHOP (2.24 pm)—My question is to the Prime Minister. Given that the Prime Minister has confirmed today that the same ministers will be conducting the same negotiations with the mining industry for the same $12 billion outcome as before today’s unprecedented political assassination of the former Prime Minister, what policy change has occurred? Or is the change what many suspect—a new face but still same old Labor, same old tax?

Ms GILLARD—I thank the same old Deputy Leader of the Opposition for her question and wish her well as she serves her third leader.

*Honourable members interjecting—*

The SPEAKER—Order!

Ms GILLARD—I have made very clear the government’s attitude.

*Opposition members interjecting—*

The SPEAKER—Order! The member for Sturt! The Prime Minister has the call.

Ms GILLARD—They just need to settle down a little bit, Mr Speaker. I have made very clear the government’s view about the negotiations: our door is open; we are asking the mining industry to also open its mind. I
believe that people of goodwill can sit around a table when there is already a foundation stone of agreement, and here we have one—that the mining industry can pay more tax and that Australians are entitled to their fair share. When you have that foundation stone of agreement and you have people of goodwill sitting around a table, then you can work issues through.

I particularly am reinforced in that view because it is only a few short hours ago that I indicated publicly that the government would remove its advertising from Australia’s television screens and I asked the mining industry to reciprocate that act of goodwill—and already we are seeing our goodwill reciprocated. This does give me confidence that there is room for negotiation; there is an ability to work together in a spirit of goodwill. And we will.

Broadband

Ms KING (2.26 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. What benefits does comprehensive high-speed broadband offer for the development of smart infrastructure?

Mr ALBANESE—I thank the member for Ballarat for her question. The member for Ballarat is, of course, chairing the inquiry of the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government into smart infrastructure. The first meeting was held here in the parliament, attended by over 200 experts in a full-day seminar. I congratulate the member for Ballarat on her work on that committee, and also the member for Hinkler. This is a committee that works in the best traditions of bipartisanship in this chamber.

The Gillard Labor government is working very hard to deliver a high-speed national broadband network—

Opposition members interjecting—

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

Mr ALBANESE—because we understand that high-speed broadband will be the communications backbone for smart infrastructure. This is about an agenda for the future. Intelligent transport systems will be able to provide commuters with real-time information about relative congestion, the time to be taken and the pricing of various travel options to facilitate informed decisions. Smart energy meters will give you an informed choice of energy source, price tariff, emissions intensity or just-in-time hot water heating.

Already Australians can see the promise of smart infrastructure in reality—like our investment in the Kwinana Freeway in Perth to install advanced technologies like variable speed limits and real-time lane management systems, making a real difference today; or our $100 million investment in the Smart Grid, Smart City demonstration project, trialling advanced technologies to improve energy efficiency for homes and businesses; or our $45 million investment to trial advanced train management systems in South Australia with satellite based GPS and wireless broadband communications to manage train movements.

We take these issues seriously as part of the future agenda because we know that Access Economics has found that the application of smart infrastructure could increase GDP by between $35 and $80 billion over the first 10 years. This is one of the reasons why a national broadband network is so important to our future. It is at risk from the opposition, and it is just one of the reasons why this Labor government deserves to be re-elected.
Australian Labor Party: Leadership

Mr HOCKEY (2.30 pm)—My question is to the Prime Minister. How can the people of Australia trust the Prime Minister’s word when on at least six separate occasions over the past 30 days she pledged loyalty to the member for Griffith, yet this morning this loyalty was betrayed?

Ms GILLARD—I thank the shadow Treasurer for his question—although, coming from him, it somewhat surprises me. Obviously, as Deputy Prime Minister I worked with and supported closely Prime Minister Kevin Rudd. That was the appropriate thing to do. It was also appropriate for me, as a senior member of the Labor government, to think and particularly to canvass in my own mind views about the performance of the government and the best way of making sure that we were a government that was always, each and every day, serving the interests of the Australian people.

As is now a matter of record, and I said it this morning, I did form the view that this was a good government that in some areas had lost its way. I also did form the view that the best way of making sure that this government was back on track, providing to the Australian people the leadership that they deserve—focused on their jobs, their working conditions, health, education, the infrastructure they need for the future and the big challenges like climate change—was to take the course that I took last night and this morning. I am well aware that there are others who will look at that and will form a view as to whether I took the correct course. That is the nature of politics; that is the nature of making decisions about the questions of how the national interest is best served. I made a decision, and I stand by it absolutely.

Afghanistan

Mr BEVIS (2.32 pm)—My question is to the Minister for Foreign Affairs. Will the minister update the House on Australia’s commitments in Afghanistan?

Mr STEPHEN SMITH—I thank the member for his question. Australia’s commitment to Afghanistan is, of course, displayed not just by our military commitment but also by our civilian commitment and our civilian contribution. This reflects our view that the effort in Afghanistan will not be successful by military action or security enforcement alone but by civilian reconstruction and reconciliation as well—a political strategy.

Yesterday the Minister for Defence and I welcomed the new command structures in Oruzgan Province announced by the International Security Assistance Force. The Minister for Defence yesterday and today detailed the military arrangements. I do not propose to retail those for the House, but it is important to have a very clear understanding of our civilian contribution. Australia will play a significant role as far as capacity building, reconstruction and the civilian contribution in Oruzgan Province are concerned. A senior Australian official will be the lead administrator of the provincial reconstruction team, effectively coordinating the civilian reconstruction effort. This follows on from a commitment that the government made in April of this year to substantially enhance our civilian and diplomatic presence not just in Oruzgan Province but in Afghanistan generally. By the end of September we will see that complement increased from 30 to 50, with increases not just from the Department of Foreign Affairs and Trade on the diplomatic front but also from our development assistance agency, AusAID, and from the Australian Federal Police. That is a substantial contribution which we continue to make. This sees in Oruzgan Province a continuation of the building of roads, the building of schools and a significant capacity-building effort.
The necessity for these changed arrangements has of course come as a result of the Dutch decision to withdraw from Oruzgan Province. I make the point to all members of the House that we very much compliment the Dutch on their efforts. We have worked very closely with them in Oruzgan Province in respect of both military matters and civilian reconstruction matters. I have had many conversations with my Dutch counterpart, Foreign Minister Verhagen, up to the recent Dutch election, and we welcome very much the prospect and the hope that the Dutch will continue to make some civilian and military contribution in Oruzgan Province.

We know that Afghanistan is difficult and dangerous. At the beginning of question time, all members of the House rose to formally pay their respects to the three soldiers recently killed. In that context, we are of course very conscious of the security and protection of our civilians. As I have indicated publicly, Australian defence forces will continue to make judgments about the protection and safety of our civilians who operate in Oruzgan Province and in Afghanistan generally. We will continue to make those security judgments and provide force protection when they make decisions, to use the defence phrase ‘beyond the wire’.

I conclude by drawing the House’s attention to the changed arrangements which have recently been made—indeed, made overnight—to the personnel command as far as the International Security Assistance Force is concerned and the appointment of General Petraeus. We welcome General Petraeus’s appointment. We have worked well with him in the past. We know him well. Indeed, the Minister for Defence recently presented him with an Order of Australia in the United States for the contribution he had made in the Iraq effort in cooperation with Australian forces. We worked very closely with General McChrystal.

I finish on this point. We very much support the Obama strategy, which was developed as a result of the Riedel review and as a result of General McChrystal’s review, in which General Petraeus also took part. The basis and substance of that strategy is that we can only be successful in staring down international terrorism in Afghanistan if we make our efforts not just on the military side but also on the political, reconstruction, capacity-building, reconciliation and political rapprochement side. We look forward to working closely with General Petraeus as he assumes his leadership of the ISAF military forces.

**Australian Labor Party: Leadership**

Mr TRUSS (2.37 pm)—My question is also to the Prime Minister and I refer the Prime Minister to her admission in her last answer that the Labor government had lost its way. Will the Prime Minister now tell the House which decisions of the government were not signed off by the infamous gang of four, of which she was a central member?

Ms GILLARD—I thank the Leader of the National Party for his question. What I say to him is what I said publicly this morning, which is that I accept my fair share of the responsibility for the decisions taken by the government—of course I do. I also accept the responsibility for forming the view that the government needed to do a series of things better and I am here, obviously, in this position as Prime Minister to ensure that we do just that. In doing that, we will be addressing questions like the future of the resource super profits tax, and that has already been canvassed in the parliament today. We will be addressing questions like investments in the great wind and solar power of this country. We will be addressing questions about how we can continue to improve our education services, how we can continue to deliver better health services and how we can
ensure, having protected jobs during the global financial crisis and having done what we needed to do to protect jobs, that we continue to modernise our economy, including by providing to it the benefits of high-speed national broadband so that we can seize those economic opportunities of the future.

Mrs Bronwyn Bishop—Mr Speaker, my point of order is on relevance. The Prime Minister was asked specifically which decisions she was not part of. While she is answering that, could she tell us—

The SPEAKER—Order! The member for Mackellar will resume her seat. The member for Mackellar will resume her seat! The member for Mackellar, not having resumed her seat, can now travel out of the chamber for one hour under standing order 94A.

The member for Mackellar then left the chamber.

Mr Pyne interjecting—

The SPEAKER—Order! Is the member for Sturt running his own little afternoon TV show here? I simply say to him that, 2½ years down the track, this is really getting tiring. He started off so well today, but he might just sit there and listen to others rather than talk to himself.

Ms GILLARD—I do acknowledge that the member for Sturt is a performer in search of an audience but, whilst he continues that search, we in the government will continue to focus, as we have today, as we will tomorrow, as we will the day after, on the needs of working Australians. I would have to say that sometimes when I come into this parliament—and today seems to be one of those days—it seems to me that the Leader of the Opposition has forgotten that the purpose of this place is to serve the national interest and particularly to meet the needs of working families.

Business

Mr RAGUSE (2.42 pm)—My question is to the Minister for Finance and Deregulation. Minister, what progress is the government making in relieving the regulatory burden on business?

Mr TANNER—I thank the member for Forde for his question. The government is committed to delivering long-term sustainable growth for the Australian economy. As part of that commitment, there are a number of specific strategies that are being pursued. These include infrastructure development, improvement in our skill formation, the National Broadband Network, tax reform and, specifically within my own portfolio, the area of deregulation—of reforming the regulatory arrangements in our country to relieve the burden on business.

There are many different things occurring on a range of fronts, none of them in itself dramatically transformational but in aggregate a very important program of reform across our economy that will eliminate inefficiency, reduce costs and red tape and boost productivity in the medium term. The most important process is the Business Regulation and Competition Working Group of COAG, which is gradually progressing 27 separate items of reform that are being implemented one by one over a three- to four-year period, with a payment of $550 million, or a proportion thereof depending on delivery and performance, to be paid to the states at the end of that period.

There have been occasional wobbles. Every now and then there have been small delays, but I am happy to report to the House that the total package is on track—that this very broad, detailed process of regulatory reform is on track. Every now and then a state upper house causes a bit of a problem. Every now and then there is a slight delay
because of a state election, but nonetheless this process is on track.

I will give an illustration of some of the very important areas: the development of a uniform national occupational health and safety regime, the development of harmonised environmental assessment processes between the states and the Commonwealth, a national trade-licensing scheme so that individuals in trades such as plumbing do not have to have separate licences for separate states, the development of uniform national consumer credit legislation, uniform national consumer protection legislation, a uniform national regime for registering business names—particularly important for smaller businesses—and, of course, the standard business reporting mechanism that is due to commence very shortly that enables businesses to have a single channel of information reporting to governments, state and federal.

There is also a process of Commonwealth reform occurring which involves me, as Minister for Finance and Deregulation, partnering with individual line ministers to pursue particular processes of regulatory reform, such as improving product disclosure statements under the financial services reform process, getting them down from 50 and 80 pages to a sensible size. We have pursued this reform across a number of areas already, such as managed investments and superannuation, in partnership with the respective ministers for superannuation and corporate law, formerly Senator Sherry and now Mr Bowen.

There is also a process under way of reforming our visas to ensure that we reduce the total number of different kinds of visas available. There are now over 150. That is going to be rationalised, working in partnership with the Minister for Immigration and Citizenship. We are well advanced in the process of improving the approval process for health technologies, in partnership with the Minister for Health and Ageing. There are a number of other processes that are under way: rationalising antidiscrimination legislation, improving the regime for the Australian Pesticides and Veterinary Medicines Authority and improving the excise arrangements that are administered, in some cases, with overlap between the Australian Taxation Office and Customs.

There are many other areas that are going to require our dedicated attention. I would like to pay tribute to the work of my minister assisting, Craig Emerson, who has been a very diligent and dedicated contributor to this process. There is much more work to do to improve the regulatory arrangements and relieve the burden on business, but very substantial progress is occurring and this is a key part of the government’s wider strategy to deliver long-term sustainable economic growth for Australia’s future.

Deputy Prime Minister

Mr HOCKEY (2.47 pm)—My question is to the Deputy Prime Minister. How can the Australian people trust the Deputy Prime Minister’s word when, on at least three separate occasions in the last 10 days, he pledged his loyalty to the member for Griffith, yet today he betrayed that loyalty?

Mr SWAN—Because yesterday I took a decision that I believed was in the national interest. Each and every one of us comes to this House to look after the national interest, to do the right thing and to make the calls as we see them. I did that yesterday and I did it for the very best of reasons. I did it for all of the reasons that the Prime Minister outlined before. I did it for all of those reasons because I believed it was in the national interest of this country—in the interests of the government and in the national interest.
Paid Parental Leave

Mrs D’ATH (2.48 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. How is the government improving support for working parents?

Ms MACKLIN—I very much thank the member for Petrie for that question. She understands, through her personal life as well as her working life, just how important it is to support the work and family choices of all families in Australia. We know how critical it is to value hard work, especially of mothers, whether they are in the paid workforce or at home.

The member for Petrie understands that all women will most likely spend some periods of their lives in the workforce or at home, combining both their work and family responsibilities. That is why the government provides financial support, through family tax benefit part A and part B and the baby bonus. From 1 January the government will deliver Australia’s first Paid Parental Leave scheme. Australia will finally catch up with the rest of the developed world. Eligible working parents will be entitled to 18 weeks of paid parental leave, paid at the federal minimum wage. The government made sure that this was budgeted for, paid for, in last year’s budget.

The government are making sure that our Paid Parental Leave scheme is fair to both business and families. This is a huge win for Australian families. It is also a particularly important win for those families who have traditionally missed out on paid parental leave. Access to paid parental leave is certainly rare for women on lower incomes. As a result of the government’s Paid Parental Leave scheme, we estimate that around 30,000 working families with incomes of less than $50,000 are expected to benefit. We also know that there are many casuals, many part-timers, many contractors and many self-employed women who have previously missed out. As a result of our scheme, around 10,000 self-employed women will gain access to paid parental leave each year. Many of those women will get paid parental leave for the first time. These are very real benefits for families in Australia, delivered by this government.

Building the Education Revolution Program

Mr PYNE (2.51 pm)—My question is to the Prime Minister. I refer the Prime Minister to the $75 million now being withheld from the New South Wales government as a result of their bungling of her scandal-plagued school hall building program. Isn’t this a damning admission from her that her alibi over the last 12 months that waste, mismanagement, profiteering and gouging were isolated examples was simply untrue and that her program has in fact been beset with failure from the outset?

Mr Albanese—Mr Speaker, I raise a point of order. While it is the case that you have allowed some argument, this is all argument and the question is out of order.

The SPEAKER—I would say that it is replete with argument and I am sure that the member is getting to his question. The caution that has been illustrated by the point of order of the Leader of the House should be taken into account in the preparation of questions, because there does have to be a limit about how far we are going to allow the argument to be put into the question, which is outside, as he knows, the standing orders.

Mr PYNE—My final question to the Prime Minister is: rather than delivering her programs successfully has she been more focused on delivering the blood stained knock on the door at midnight?

The SPEAKER—Order! The Leader of the House will resume his seat. I think that I
would have to, because of the way in which the question has now concluded, rule the question out of order.

**Child Care**

Mr BRADBURY (2.53 pm)—My question is to the Minister for Early Childhood Education, Childcare and Youth and Minister for Sport. Will the minister outline to the House government initiatives to assist Australian families with the costs of child care?

Ms KATE ELLIS—I thank the member for Lindsay for his question and also for his passionate advocacy for affordable, accessible childcare solutions for his community. This government has a very clear record of supporting Australian families to manage their budgets, particularly when it comes to the costs associated with early childhood education and with child care. This is perhaps most clearly demonstrated by the $17.1 billion investment in early childhood education and child care over the next four years from this government. To put this in context this $17.1 billion in investment is around $10 billion more than that offered by the previous government in their last four years.

We, of course, have delivered on our election commitment to increase the childcare rebate from 30 to 50 per cent of parents’ out-of-pocket expenses, with this extra support going directly to parents to help them with the cost of living. We also met our election commitment to increase the maximum that families could claim from $4,354, as it was under the previous government, to $7,500 per child per year, under this government, a substantial increase of some $3,146 a year or 72 per cent.

Last year, 670,000 Australian families benefited from these significant reforms, which enabled them to claim up to half of their out-of-pocket childcare costs, up to $15,000 per year per child. We also know that, as a result of the childcare rebate increase, a family earning $80,000 with one child in full-time care receives some $2,239 more in childcare rebate under this government than they would have under the previous government.

As a result of these changes ABS statistics also show us that childcare costs to parents fell by some 20 per cent. In 2004, the out-of-pocket costs for a family with an income of $55,000 a year with one child in long day care was 13 per cent of their disposable income. This has significantly declined to seven per cent by 2009. For a family with an annual income of $115,000 per year the amount of the family budget spent on child care has declined from 11 per cent to seven per cent over that same period.

In addition to the childcare rebate, we are also providing $8.4 billion in childcare benefit over four years to low- and middle-income earners across Australia, which means that the Australian government will cover around 80 per cent of the costs of child care for these families. We absolutely know that it can be really tough for family budgets and it can be tough to provide childcare solutions for those families. That is why, in total, we will provide $14.4 billion over four years for parents through the childcare rebate and through the childcare benefit. This is $8 billion more than the Howard government provided in childcare fee assistance in their last years.

We have shown time and time again that we recognise the importance of child care and early childhood education. We are committed to affordable and high-quality child care. Unlike those opposite we are absolutely prepared to put our money where our mouth is and deliver for Australian families.

**Asylum Seekers**

Mr MORRISON (2.58 pm)—My question is to the Prime Minister. I refer the Prime Minister to her statement as shadow
Another boat on the way, another policy failure.' Given that under the Howard government there were three boats arriving illegally per year, while under the current government there are three boats arriving per week, will the Prime Minister now admit that this is an area where the government has lost its way and adopt the strong border protection policies proposed by the coalition that previously stopped the boats?

Ms GILLARD—I thank the member for his question. Of course, I understand that Australians feel a sense of discomfort, disquiet and even anxiety when they see boats intercepted at sea and asylum seekers taken to Christmas Island and potentially other locations for processing. It does make people anxious; I understand that. They look to the government to make sure that we are managing these questions, to make sure we are understanding the full complexity of these questions and to make sure that we are protecting the nation’s borders.

I have a copy of the press release that the member refers to, which I issued as shadow minister in 2003 so it was quite some time ago. But if one looks at the content of the press release, as opposed to just the headline, it indicates that it was my view in opposition that, in order to deal with questions of asylum seekers and refugees, we needed strong, regional engagement with our neighbours, particularly Indonesia. I still believe that. If we look at the content of the press release, as opposed to the title of it, it was also indicating that I thought it was appropriate that there be additional naval assets protecting our border. And guess what? Under this government we have more assets patrolling our border, more than ever before under any other government. What I would say—

Opposition members interjecting—

The SPEAKER—Order! The Prime Minister has the call. She is responding to the question. She should be heard in silence.

Ms GILLARD—I understand that this is a complex area of management and a complex area of policy. I also understand that this is an area of policy where views can differ and people want to put forward different views in the debate. The only thing I would say is that, when views are put forward, we owe it to the Australian people, as we address these questions, to make sure those views are properly informed by the facts.

Economy

Mr DREYFUS (3.01 pm)—My question is to the Minister for Home Affairs. How is the government making airports and air travel in Australia safer for passengers and staff?

Mr BRENDAN O’CONNOR—I thank the member for Isaacs for his question and his interest in ensuring we maintain the security and safety of our airports and our aircraft. That is why this government is proposing tougher laws for aviation related crime. Under the proposal of the government there will be maximum penalties for aviation related crimes. Penalties will increase as a result of the consultations that we have had with the airline industry, the major airports and the state and territory governments. We have also spoken with the representatives of the employees, the workforce in those places.

We have to do everything we possibly can to make sure that our airports are safe and our aircraft are safe. It is for that reason I would also ask that the opposition quite genuinely consider supporting the regulations that have been proposed by the Minister for Transport on the capacity to enter cockpits. That is also very important and incidental to this very important initiative. We would increase jail terms for serious
hoax offences—such as calling an airline and saying a bomb is on a plane or threatening to bomb an airport—to up to 10 years jail. This currently carries a two-year maximum jail term. It is the view of the government—and I think the view of the opposition, having seen their comments—that this is not a significant enough penalty for such a serious offence. For that reason, we are looking to increase the threshold to make it more similar to penalties for other types of hoaxes. For example, where people might say they have contaminated goods in supermarkets, which could endanger the community, there are currently penalties of up to 10 years. This would match that type of penalty.

There are 14-year jail sentences proposed for offences against aircraft or aviation environments, such as damaging a runway or air traffic control facilities at a major airport, which currently carry a maximum jail term of seven years and 10 years respectively—we look to lift that—and 20-year jail sentences for very serious offences that pose danger or cause harm to groups of people, such assaulting a pilot or endangering an aircraft while in flight. These offences currently carry maximum jail terms of seven, 14 or 15 years. It is the view of the state and territory governments, the sector and others that we increase that penalty. There will remain, of course, life in jail for those who would commit offences such as hijacking or destroying an aircraft and being reckless as to causing death. The increase in penalties will provide greater consistency with other criminal legislation and will provide greater safety and greater deterrence to commit such offences.

These measures build upon the significant achievements of this government in aviation security. The government announced in February this year a $200 million package to enhance our aviation security. That was a very important initiative. These laws, if enacted, will complement those initiatives and will also complement the announcement, made in December last year, that we will go from the unified police model at our major airports to an all-in model which, in effect, means we will have the Australian Federal Police undertaking the security of our major airports. It will probably take three to five years for the transition to occur. We are working very closely with our state counterparts to ensure we do that as seamlessly as possible and to make sure we provide security at our airports as we bring about that very important initiative.

These are very important penalties. They are enclosed within legislation before the House and we would call upon the opposition to support them, in order to ensure that our airports are safe and our aircraft are safe for Australians and for visitors to this country.

Home Insulation Program

Mr HUNT (3.07 pm)—I refer the now Prime Minister to her central role as Deputy Prime Minister in the design, approval and delivery of the disastrous pink batts program, which has been linked to four tragedies, 174 known house fires, 1,500 potentially deadly electrified roofs and the installation of dodgy or dangerous insulation in 240,000 Australian homes. Will the Prime Minister apologise to the families affected by this program and will she ensure that every one of the more than one million homes at risk is inspected for safety as a matter of urgency?

Ms GILLARD—I thank the member for his question. Of course I regret and am sorry for any harm caused or inconvenience or anxiety that Australian families have felt arising from the Home Insulation Program—of course I do. As is well known in this parliament and well known in the community, there were some tragic deaths involving young people that are the province of proper
inquiries—coronial inquiries, occupational health and safety inquiries and the like. When any person dies at work, obviously that is a tragedy. We have proper processes to investigate such tragedies and they are in train now.

I say to the member that the government acknowledged, and I acknowledge on the government’s behalf, that this program did become a mess and the government had to act. We did act and we continue to act through the relevant minister to deal with the consequences of this program, including the need for inspections. But what I would also say to the member who has asked the question is that he is well aware that the insulation program was part of the urgent delivery of economic stimulus as we did what had to be done in response to the global financial crisis. These were difficult circumstances: the biggest global economic downturn since the Great Depression. We faced a prospect where hundreds of thousands of additional Australians could have been out of work. I understand from the voting record of the member and the voting record of the Leader of the Opposition that they continue to be and were at the time less concerned than us about keeping Australians in work. But we are driven by a passion of ensuring that we keep Australians in work.

Mr Hunt—Mr Speaker, I rise on a point of order on relevance. Is the Prime Minister saying that these tragedies were acceptable collateral damage?

The SPEAKER—The member for Flinders will resume his seat. The raising of a point of order is not an opportunity to raise a supplementary question. The Prime Minister is responding to the question. The Prime Minister has the call.

Ms GILLARD—And of course I can say to the member that that is not what I am saying. What I am saying is that we provided urgent economic stimulus because we were deeply and passionately concerned about the circumstances of working Australians and wanted to enable them to have the benefits and dignity of work and the ability to take a pay packet home, to pay their mortgages and provide all of the things that families need for the care of children and for looking after themselves. That is what is drove us to provide economic stimulus.

On the Home Insulation Program, we have and I am prepared to fulsomely acknowledge the major problems with this program that caused the government to terminate it and which means now that the relevant minister, Minister Combet, is dealing with arrangements including the making available of home inspections.

Health

Mr SULLIVAN (3.11 pm)—My question is to the Minister for Health and Ageing. How will the government’s health reforms deliver more accessible care? What is the government doing to train more GPs to deliver more primary healthcare investments?

Ms ROXON—I thank the member for Longman for his question. I know that he has been following the health debate with great interest and that constituents in his electorate are already benefiting from the investments of the North Lakes health precinct, particularly those constituents that need renal dialysis. I was asked about the broad range of our health reforms, particularly the investments we are making to train more GPs to deliver more services to working families, particularly the elder, who are big users of health services.

A major part of our health reforms is looking at what we can do in the provision of GP services, whether that is through GP infrastructure, GP training places, rural incentives to make sure that we have enough GPs working in our regional capitals and in the bush,
after hours support or making sure that we pay for practice nurses so that they can assist GPs in their work. I am very pleased to advise the House that tomorrow applications will open for GPs to apply for funding of up to half-a-million dollars for more than 400 GP practices across the country to expand their facilities, to employ extra staff and to train the future workforce. We are very excited about this development because it means that our constituents across the country have the opportunity of having enhanced services in their areas. It will make it easier for them to see a GP when they need a GP.

Unfortunately, this investment is opposed by those opposite. We know that the Leader of the Opposition has a bit of an issue when it comes to GPs. He capped their training places when he was the health minister. He has on his budget list already savings that will pull hundreds of millions of dollars out of GP areas. One of the things that he did not do when he was health minister is adjust the rates that were payable to supervisors who are prepared to train GPs. I can also announce that I have just recently provided information to the AMA, the AGPN and the College of GPs to provide an increase of 20 per cent in the funding to support those GPs who want to train young GPs to stay in general practice in the future.

We are very proud of our record. We know that when we commit to training 5,500 GPs over the coming decade that we will need to encourage more of our existing GPs to help train others. That is what this announcement this week will provide for. I hope that the Leader of the Opposition will seriously reconsider the budget cuts that he has flagged, because I am sure that we will be overwhelmed with GPs across the country from electorates on this side of the House and on that side of the House anxiously wanting to apply for these funds, which will expand their services and provide more benefits to families across the country.

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

MEMBER FOR MELBOURNE

Mr TANNER (Melbourne—Minister for Finance and Deregulation) (3.15 pm)—On indulgence, I rise to advise the House that I will not be contesting the forthcoming federal election. I just wish to outline some of the reasoning behind my decision. A couple of weeks ago I spoke with the then Prime Minister indicating that it was my intention not to contest the forthcoming federal election. I just wish to outline some of the reasoning behind my decision. A couple of weeks ago I spoke with the then Prime Minister indicating that it was my intention not contest the coming election. He asked me to delay consideration of this decision, indeed to reconsider. He indicated that he wanted me to stay on as a minister even if I did choose to step down. I concurred with his request and we agreed that we would revisit the matter at the end of the parliamentary sitting period. In fact, we had an appointment scheduled for 9.30 this morning to consider this matter. As you all know, by one of those strange quirks of fate that tend to occur in politics, other matters intervened. So I found myself doing what I expected to do—namely, confirming my intention not to recontest the election—slightly later in the day to a different Prime Minister, the incoming Prime Minister. I am now formally advising the House of my decision. I have indicated to the incoming Prime Minister that I am equally happy to continue serving in my current ministerial position until the election or to step aside without demur should she choose to ask me to do so.

I want to say a number of things to the House about this decision. First, I would like to make it plain that I have no future employment organised as yet, in case anybody is suspicious that I have been bought off. I do expect that I will pursue opportunities somewhere in the business and academic worlds, but that is a matter for the future. I
also wish to indicate that, once I do cease to be a minister and a member of parliament, I do not intend to play a serious or significant future role in politics. I will of course do everything within my power to ensure that the government is re-elected and that the Labor Party holds my seat of Melbourne.

Once the election is over, I expect to play very little role in the future political discourse of this nation, with one significant exception. For a number of years I have been heavily committed to and heavily involved in seeking to advance the interests of a particular group of people in our nation—African Australians. That is something that I am very passionate about and something that I would urge all members of the House to pay more attention to. They are a particularly disadvantaged group in our community and I will certainly be offering my assistance to them in any way that they may find useful.

I want to stress that this decision is driven entirely and absolutely by matters of personal circumstances. There are, frankly, two little girls and two older kids who need me more than the country needs me. When I married my wife, Andrea, nine years ago, I said in the speech at the celebration that every day that we were apart was painful. I am afraid that is still true. These are circumstances that I am sure most members of the House will understand only too well—indeed, better than many in the community.

People will know from media reports that I and my wife have purchased a property just outside Melbourne. This of course is not unrelated to my decision. I am aware that in the current political environment—a rather unusual environment—all kinds of speculation and conspiracy theories will emerge with respect to the decision that I have taken. I want to assure the House that this decision is totally and absolutely unconnected with the events of the past 24 hours. It involves no reflection on either the previous Prime Minister or the incoming Prime Minister. It involves no reflection on the government’s policies and it involves no reflection on the prospects of Labor holding the seat of Melbourne. In fact, it is a little-known fact that my margin, or the margin that my successor as the candidate for Melbourne will inherit, is slightly better than it was between 2001 and 2004 in the wake of the Tampa election.

I would like to conclude by thanking, most obviously, my dear wife, Andrea, our four children and my mother, who is an ex-parliamentary staffer, believe it or not. Sadly it was for the National Party, but that is another matter. She did learn her lesson late in life, I hasten to say. I would like to thank all of my staff, past and present, ministerial and electorate, and especially my chief of staff, deputy chief of staff, media adviser and personal adviser—that is, Anthony Baker, Angela Jackson, Nardia Dazkiw and Mary Day—for their extraordinary commitment and dedication. I would like to thank the staff of Parliament House. I would particularly like to thank the people working in the Department of Finance and Deregulation, who in my view are the best public servants in the nation. I have found them virtually uniformly outstanding. Only yesterday we were celebrating a particular achievement with the reform of government travel with people in the department. I particularly thank the two heads that I have served with, Dr Ian Watt and David Tune.

I would like to thank all of my colleagues in the labour movement and the trade union movement, particularly those I served with in the Federated Clerks Union, which is now the Australian Services Union, state colleagues in my part of Melbourne, branch members and supporters in my electorate, and a range of very important individuals who have been critical mentors during the course of my career—Peter Redlich and Mi-
Michael Schaefer from Holding Redlich; former senator Barney Cooney; my intellectual inspiration, Michael Schluter from the Relationships Foundation in the UK; and a range of close friends, who I do not wish to name at any great length, particularly people like Tony Douglas, Stephen Howells and Martin Foley, who is now the state member for Albert Park.

I would also like to thank the Essendon Football Club, which has paid me an honour that is at least as good as anything that I have achieved in politics and probably better—that is, being the No. 1 ticket holder for the Essendon Football Club. I would like to thank David Evans, Ray Horsburgh and Ian Robson for that. I would anticipate that, as I am now slightly devalued currency as a result of today’s announcement, I will have to step down from that position sooner rather than later. I will at least endeavour to prolong my tenure in that position until the end of the football season. I suspect it is only about eight or nine weeks away for the Bombers. Maybe I can string out my position—five and eight; it’s not looking that great.

I would like to thank my colleagues, in particular of course the now former Prime Minister and also the incoming Prime Minister. I would like to thank the Treasurer and various ministers that I have worked very closely with, such as my colleagues on the ERC, ministers that I have worked with directly, such as the minister for competition and small business, Craig Emerson, and Senator Nick Sherry. Particularly my sincere thanks go to now, sadly, former Prime Minister Kevin Rudd for giving me the opportunity to serve at the highest level in a Labor government.

My final brief observations, which could well be the last things I get to say in this chamber depending on what happens between now and election day: I am conscious that there will be people out in the community, including a number of people I am close to, who will feel let down or disappointed by my decision today. I am very conscious of that. A lot of people, as with most other people in this chamber, have invested in me over many years. It is a responsibility I take very seriously, so to those who do feel let down I apologise.

I would remind everybody on our side of the chamber, everybody in the Labor caucus—I think the logic applies to most of the others in this chamber as well but they can form their own view—that there is only one reason that any of us are here, no matter how brilliant we are. It is that on about 100,000 ballot papers once every three years our name appears with the words ‘Australian Labor Party’ underneath it. That is the only reason any of us here are in the Labor caucus—that reason alone. It is for that reason that I have always sought to be loyal to the labour movement, to the trade union movement and to the Labor Party and to behave as loyally as I can to the great labour movement and the great collective good that we seek to pursue for working people in this country. I do not intend to make any further public comment about my departure irrespective of my immediate future, remaining or not remaining as a minister.

I conclude by saying that I feel as if I have walked in the footsteps of giants. It has been an extraordinary privilege to be part of a Labor government. It has been an extraordinary privilege to be a member of the House of Representatives. It has been an extraordinary experience that I will remember and value for the remainder of my life. I wish all members well but particularly I wish well those who continue to carry the great banner of Labor. Thank you very much.

Honourable members—Hear, hear!
The SPEAKER (3.25 pm)—Before calling the Leader of the Opposition, I thank the member for Melbourne for a display of true parliamentarianship by making the announcement in this institution. That is very much appreciated. On a day that has had extraordinary twists and turns, when once I had thought that I had seen everything, the shock of his announcement has caught me a bit unawares. But, if the House would allow me the indulgence, I thank him for his efforts and his comradeship.

Mr Abbott (Warringah—Leader of the Opposition) (3.25 pm)—On indulgence in a similar spirit, Mr Speaker, may I rise and, on behalf of the opposition, acknowledge the contribution of the member for Melbourne and Minister for Finance and Deregulation. He has been a well-respected minister in the government and he has been a worthy opponent. Can I also acknowledge the comments that he has made about his family and his desire to be restored to them. This life is very difficult on families. Our families deserve us as well as our constituents but they do not see us as much as they should. I think families are the unsung heroes of politics and sooner or later all of us should return to them. So I pay tribute to the member for Melbourne and minister for finance for his decision. I suspect that there are political families all around this country who are wishing their family member in this place would do likewise and follow the example of the member for Melbourne.

Ms Gillard (Lalor—Prime Minister) (3.28 pm)—Mr Speaker, if I could add some remarks about my colleague Lindsay Tanner: I was sitting in the chair then trying to calculate how long we have known each other and, unfortunately, that is a calculation that is going to reveal something about our ages. But I think I first met Lindsay Tanner when I was 19 years old and I was involved in the Australian Union of Students. I suspect his early memories of me are not necessarily the fondest ones, because I do recall, in what seemed in the hurly-burly of student politics to be a crisis of remarkable dimension—and obviously now I have completely forgotten what it was about but I do remember this—in one of those pressurised moments, knocking on his door in Carlton in the middle of the night in order to seek his counsel about this crisis. It says something about the man that he never complained that I did bash on the door for a discussion at 2, 3 or 4 am about something that I am sure he considered of no particular moment. He was very generous with his time.

Obviously we have known each other all of those years since, in the Victorian branch of the Labor Party and in this place. We have
worked together, we have had our moments of agreement and we have had our moments of disagreement, but I think across all of those years we have had a friendship and a respect for each other. I certainly very much respect the hard work that he has done as Minister for Finance and Deregulation, and I can understand how enthusiastic he is to return himself to his family, to break out of the windowless cabinet room and get to go home. All of our very best wishes and thoughts go with him as he moves to that next stage of his life.

Mr TRUSS (Wide Bay—Leader of the Nationals) (3.30 pm)—On indulgence, Mr Speaker, I join with those extending best wishes to the Minister for Finance and Deregulation on the announcement of his retirement today. The finance minister would often come to the dispatch box during question time with a relatively sharp tongue, and quite often his most aggressive remarks were directed towards the Nationals. I have to say I often wondered what went wrong, because he is one of the few people on the front bench with some genuine country roots. Somebody must have done something really bad to him in his little country town, because he has managed to carry this ill-feeling right through his time as minister for finance. In spite of a loving wife, in spite of all sorts of people who may have chosen to counsel him in different directions, he always managed to find some way to criticise the worthy role of the Nationals in this parliament.

In his retirement remarks the minister spoke about how he loved the people in the finance department. Maybe I understand that better than most, and I do not think there have been too many other people in the ministry who could think of anything nice to say about the finance department. They are lovely people, but they sometimes do things that other ministers do not like very much. The burden and responsibility of being minister for perhaps the most unpopular department in the whole of the government is something that he has carried with distinction.

My very best wishes go to the member for Melbourne, the minister for finance, on his retirement. We wish him happiness and every success in his future life.

Mr WINDSOR (New England) (3.32 pm)—On indulgence, Mr Speaker, I wish to make a few remarks on the Minister for Finance and Deregulation—a visionary in terms of the National Party!

The SPEAKER—I remind the member for New England that he is speaking on indulgence, even if he has some support somewhere in this chamber!

Mr WINDSOR—Thank you, Mr Speaker. I recognise his very hard work, and I also recognise the work that he did on telecommunications while in opposition. The benefits that we will hopefully enjoy in coming decades will be partly due to the work that he put in during that period, and I congratulate him for that.

On behalf of the crossbenches, I also congratulate the Prime Minister, and the former Prime Minister for the very hard work that he did for this nation. I wish the new Prime Minister the very best of luck. I would urge her not to forget our country constituents. This is a time of challenge, when we all need to pull together—particularly in the country, where people are experiencing some difficulty.

SOCCER WORLD CUP

Mr ABBOTT (Warringah—Leader of the Opposition) (3.33 pm)—On indulgence, Mr Speaker: the events in this House were not the only contest overnight. There was another contest in the great game of football—soccer—and Australia won that contest 2-1 over Serbia. It is important to acknowledge
the fact that our Socceroos gave their all. Yes, it is sad that their World Cup campaign is over, but I am sure that Australians everywhere are proud of the guts and the commitment they displayed and wish them well in their sporting futures.

Ms GILLARD (Lalor—Prime Minister) (3.34 pm)—Mr Speaker, on indulgence, I suspect when it comes to many sporting codes I will need to defer to the expertise of the Leader of the Opposition. I know about my AFL, but my knowledge gets a little bit more limited as we move away from Australian football. I know the Deputy Leader of the Opposition is more of my way of thinking, with her attachment with West Coast—and I have heard her talk on that very passionately at the North Melbourne grand final breakfast. I join with the Leader of the Opposition in his remarks. He is absolutely right and we should not let the moment pass by without the parliament noting the performance of the Socceroos and congratulating them on their efforts.

AUDITOR-GENERAL’S REPORTS

Report Nos 49 and 50 of 2009-10

The SPEAKER (3.35 pm)—I present the Auditor-General’s Audit reports of 2009-10 entitled Audit report No. 49 Performance audit: Defence’s management of health services to Australian Defence Force personnel in Australia; Department of Defence and Audit report No. 50 Financial statement audit: interim phase of the audit of financial statements of major general Government sector agencies for the year ending 30 June 2010.

Ordered that the reports be made parliamentary papers.

COMMITTEES

Reports: Government Responses

The SPEAKER—For the information of honourable members, I present a schedule of outstanding government responses to reports of House of Representatives and joint committees, incorporating reports tabled and details of government responses made in the period between 26 November 2009, the date of the last schedule, and 23 June 2010. Copies of the schedule are being made available to honourable members and it will be incorporated in Hansard.

The schedule read as follows—

ABORIGINAL TORRES STRAIT ISLANDER AFFAIRS (HOUSE, STANDING)

Indigenous Australia at work: Successful Initiative in Indigenous employment

The government response is being considered and will be tabled in due course.

Open for business: Developing Indigenous enterprises in Australia

The government response is being considered and will be tabled in due course.

Everybody’s Business: Remote Aboriginal and Torres Strait Islander Community Stores

The government response is being considered and will be tabled in due course.

AGRICULTURE, FISHERIES AND FORESTRY (HOUSE, STANDING)

Taking control: a national approach to pest animals

The government response is being considered and will be tabled in due course.

Skills: Rural Australia’s need

The government response was tabled on 11 February 2010.

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY (JOINT, STATUTORY)

Inquiry into law enforcement integrity models

The government response was tabled in the Senate on 22 June 2010.

Examination for the annual report of the Integrity Commissioner 2007-08

The government response was tabled in the Senate on 22 June 2010.
AUSTRALIAN CRIME COMMISSION
(JOINT, STATUTORY)
Review of the Australian Crime Commission Act 2002
The government response was tabled on 13 May 2010.
Examination of the Australian Crime Commission Annual Report for 2004-05
The government response was tabled on 13 May 2010.
Inquiry into the manufacture, importation and use of amphetamines and other synthetic drugs (AOSD)
The government response was tabled on 13 May 2010.
Inquiry into the future impact of serious and organised crime on Australian society
The government response was tabled on 13 May 2010.
Examination of the Australian Crime Commission Annual Report 2006-07
The government response was tabled on 13 May 2010.
Inquiry into the Australian Crime Commission Amendment Act 2007
The government response was tabled on 13 May 2010.
Examination of the Australian Crime Commission Annual Report 2007-08
The government response was tabled in the Senate on 22 June 2010.
Legislative arrangements to outlaw serious and organised crime groups
The government response was tabled on 13 May 2010.

CLIMATE CHANGE, WATER, ENVIRONMENT AND THE ARTS (HOUSE, STANDING)
Managing our coastal zone in a changing climate: the time to act is now
The government response is being considered and will be tabled in due course.

COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS (HOUSE, STANDING)
Digital Television: Who’s Buying It?
The government response is being considered and will be tabled in due course.
Community Television: Options for digital broadcasting
The government response is being considered and will be tabled in due course.
Report: Tuning in to community broadcasting
The government response is being considered and will be tabled in due course.
CORPORATIONS AND FINANCIAL SERVICES (JOINT STATUTORY)
Report on the regulations and ASIC policy statements made under the Financial Services Reform Act 2001
The government response is being considered and will be tabled in due course.
Review of the Managed Investment Act 1998
The government response is being considered and will be tabled in due course.
Inquiry into Regulation 7.1.29 in Corporations Amendment Regulations 2003 (No. 3), Statutory Rules 2003 No. 85
The government response is being considered and will be tabled in due course.
Corporations amendment regulations 2003
The government response is being considered and will be tabled in due course.
Property investment advice – Safe as houses?
The government response is being considered and will be tabled in due course.
Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h)
The government response is being considered and will be tabled in due course.
Statutory oversight of the Australian Securities and Investments Commission, December 2005
The government response is being considered and will be tabled in due course.
Corporate responsibility: Managing risk and creating value
The government response is being considered and will be tabled in due course.

Structure and operation of the superannuation industry
The government response is being considered and will be tabled in due course.

Statutory oversight of the Australian Securities and Investments Commission, August 2007
The government response is being considered and will be tabled in due course.

Better shareholders – better company – Shareholder engagement and participation in Australia
The government response is being considered and will be tabled in due course.

Statutory oversight of the Australian Securities and Investments Commission, February 2009
The government response is being considered and will be tabled in due course.

Aspects of agribusiness managed investment schemes
The government response is being considered and will be tabled in due course.

Review of the Australian Competition and consumer commission annual report 2003
The government response is no longer required.

Australian manufacturing: Today and tomorrow
The government response was tabled on 2 February 2010.

Economics, Finance and Public Administration (House, Standing)
Review of the Australian Competition and consumer commission annual report 2003
The government response is no longer required.

Economics (House, Standing)
Competition in the banking and non-banking sectors
The government response is being considered and will be tabled in due course.

Education and Training (House, Standing)
The government response is being considered and will be tabled in due course.

Adolescent Overload? Report of the inquiry into combining school and work: supporting successful youth transition
The government response is being considered and will be tabled in due course.

Electoral Matters (Joint Standing)
Report on the conduct of the 2007 federal election and matters related thereto
The government response was tabled on 18 March 2010.

Employment and Workplace Relations and Workforce Participation (House, Standing)
Making it work: Inquiry into independent contracting and labour hire arrangements
The government response is being considered and will be tabled in due course.

Employment and Workplace Relations (House, Standing)
Making it Fair: pay equity and associated issues related to increasing female participation in the workforce
The government response is being considered and will be tabled in due course.

Environment and Heritage (House, Standing)
Sustainable cities
The government response is being considered and will be tabled in due course.

Sustainability for survival – Creating a climate for change: Report on the inquiry into a sustainability charter
The government response is being considered and will be tabled in due course.

Foreign Affairs, Defence and Trade (Joint, Standing)
The government response was presented out of sitting in the Senate on 25 March 2010, and tabled on 11 May 2010.

Australia’s relationship with ASEAN

The government response was tabled on 18 March 2010.

Sealing a just outcome: Report from the inquiry into RAAF F-111 Deseal/Reseal workers and their families

The government response was tabled on 13 May 2010.

Australia’s relationship with India as an emerging world power

The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.

HEALTH AND AGEING (HOUSE, STANDING)

Weighing it up: Obesity in Australia

The government response is being considered and will be tabled in due course.

Treating impotence. Roundtable forum on impotence medications in Australia

The government response is being considered and will be tabled in due course.

INDUSTRY, SCIENCE AND INNOVATION (HOUSE, STANDING)

Seasonal forecasting in Australia

The government response is being considered and will be tabled in due course.

INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT (HOUSE, STANDING)

Rebuilding Australia’s coastal shipping industry: Inquiry into coastal shipping policy and regulation

The government response is being considered and will be tabled in due course.

Funding regional and local community infrastructure: Proposals for the new regional and local community infrastructure program – Interim Report

The government response was tabled on 3 February 2010.

Funding regional and local community infrastructure: Proposals for the new regional and local community infrastructure program – Final Report

The government response was tabled on 3 February 2010.

Level crossing safely: An update to the 2004 Train Illumination Report

The government response was tabled on 22 June 2010.

The global financial crisis and regional Australia

The government response was tabled on 23 June 2010.

INTELLIGENCE AND SECURITY (JOINT, STATUTORY)

Review of the re-listing of six terrorist organisation under the Criminal Code Act 1995

The government response was tabled on 13 May 2010.

Review of the re-listing of Hizballah’s External Security organisation (ESO) as a terrorist organisation

The government response was tabled on 13 May 2010.

Review of Administration and Expenditure No. 6 Australian Intelligence Agencies

Response not required.

Annual report of Committee Activities 2008-2009

The government response is being considered and will be tabled in due course.

Review of the listing of Al-Shabaab as a terrorist organisation

The government response was tabled on 13 May 2010.

LEGAL AND CONSTITUTIONAL AFFAIRS (HOUSE, STANDING)

Inquiry into older people and the law

The government response was tabled on 26 November 2009.

Reforming the Constitution: A roundtable discussion

The government response was tabled on 27 May 2010.
Whistleblower protection: a comprehensive scheme for the Commonwealth public sector

The government response was tabled on 17 March 2010.


The government response was tabled on 15 March 2010.

MIGRATION (JOINT, STANDING)

Negotiating the maze – Review of arrangements for overseas skills recognition, upgrading and licensing

The government response is being considered and will be tabled in due course.

Immigration detention in Australia – A new beginning – Criteria for release from detention

The government response is being considered and will be tabled in due course.

Immigration detention in Australia – Community-based alternatives to detention

The government response is being considered and will be tabled in due course.

Immigration detention in Australia: Facilities, services and transparency

The government response is being considered and will be tabled in due course.

NATIONAL CAPITAL AND EXTERNAL TERRITORIES (JOINT, STANDING)

Inquiry into the Immigration Bridge proposal

The government response was tabled on 4 February 2010.

PETITIONS (HOUSE, STANDING)

Electronic Petitioning to the House of Representatives

The government response is being considered and will be tabled in due course.

PROCEDURE (HOUSE, STANDING)

Motion to suspend standing orders and condemn a Member: Report on events of 10 October 2006

The government response is being considered and will be tabled in due course.

Re-opening the debate: Inquiry into the arrangements for the opening day of Parliament

The government response was tabled on 3 February 2010.

The display of articles: An examination of the practice of the House of Representatives

Response not required.

PUBLIC ACCOUNTS AND AUDIT (JOINT, STATUTORY)

Report 413 – The efficiency dividend and small agencies: Size does matter

The government response was tabled on 4 February 2010.


The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.

PUBLIC WORKS (JOINT STANDING)

Report 5/2009—Referral made May to June 2009—Fitout and external works, ANZAC Park West, Parks, ACT—Fitout of Tuggeranong Office Park, Greenway, ACT

The government response is being considered and will be tabled in due course.


The government response is being considered and will be tabled in due course.

Ferguson and Townsville, QLD—Redevelopment of Tarin Kowt, Afghanistan

The government response is being considered and will be tabled in due course.

SCIENCE AND INNOVATION (HOUSE, STANDING)

Between a rock and a hard place: The science of geosequestration

The government response was tabled on 26 November 2009.

TRANSPORT AND REGIONAL SERVICES (HOUSE, STANDING)

The great freight task: Is Australia’s transport network up to the challenge?

The government response was tabled on 16 June 2010.

TREATIES (JOINT STANDING)


The government response was presented out of sitting in the Senate on 17 December 2009, and tabled on 2 February 2010.


The government response was tabled on 18 March 2010.


The government response was tabled on 4 February 2010.

Report 99 – Treaties tabled on 3 December 2008 and 3 February 2009

The government response is being considered and will be tabled in due course.

Report 100 – Treaties tabled on 25 June 2008 (2)

The government response is being considered and will be tabled in due course.

Report 102 – Treaties tabled on 12 and 16 March 2009

The response was provided direct to the committee on 29 September 2009. No further response required.

Report 103 – Treaties tabled on 12 March and 13 May 2009

The government response was tabled on 13 May 2010.

Report 104 – Treaties tabled on 20 August 2009

Response not required.

Report 105 – Treaties tabled on 13 May, 25 June and 20 August 2009

Response not required.

Report 106 – Nuclear Non-proliferation and Disarmament

The government response was tabled on 25 February 2010.

Report 107 – Treaties tabled on 20 August (2) and 15 September 2009

The government response is being considered and will be tabled in due course.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.36 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings, and I move:

That the House take note of the following documents:

Department of Defence—Special purpose flights—Schedule for the period July to December 2009.

Department of Finance and Deregulation—Reports—for the period July to December 2009.

Former parliamentarians’ expenditure on entitlements paid by the department for the period July to December 2009.

Parliamentarians’ expenditure on entitlements paid by the department for the period July to December 2009.

Parliamentarians’ overseas study travel reports for the period July to December 2009.

Education Services for Overseas Students Act 2000—ESOS Assurance Fund—Reports on provider defaults—LKJ Beauty Lab Pty Ltd., Proflite Australia Pty Ltd., Sydney Business Institute Pty Ltd.

Ministerial statements—Afghanistan—Senator the Hon John Faulkner, Minister for Defence, 23 June 2010.
Debate (on motion by Mr Hartsuyker) adjourned.

**LEAVE OF ABSENCE**

Mr ALBANESE (Grayndler—Leader of the House) (3.37 pm)—I move:

That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question agreed to.

**MATTERS OF PUBLIC IMPORTANCE**

**Gillard Government: Policies**

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 failure of the Government to provide stable and competent government at a time of increased cost of living pressures for Australian households and families.

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 ABBOTT (Warringah—Leader of the Opposition) (3.38 pm)—I again congratulate the Prime Minister on her accession to what would normally be regarded as the highest elected office in the country, even though she has not at this point been elected to the prime ministership. I also acknowledge the fact that she is in this chamber to respond in this matter of public importance debate. I am pleased that she is prepared to debate me today, but I note that just a couple of hours ago the debates that we have been having every Friday morning on the *Today* program were cancelled by the Prime Minister. It is very disappointing that the Prime Minister is denying the Australian people that opportunity to see a regular debate between the incumbent Prime Minister and the alternative Prime Minister of this country.

It is a historic day when there is change of Prime Minister in this country, but this has not been a clean change. This is not a change that has been brought about by the will of the people; this is a change that has been brought about by the will of the union and faction warlords. Other prime ministers, I regret to say, have been assassinated by their own parties. Former Prime Minister Hawke was brought down by the machinations of a disloyal party and former Prime Minister the late John Gorton was also brought down in an internal party coup. But what has happened in this parliament overnight is historic in the sense that this is the first time in the 109 years of the Commonwealth of Australia that a Prime Minister has been brought down by his own party in a first term of government.

This was a Prime Minister who until very recently had been the most popular politician in the history of Newspoll, and he has now been politically assassinated. He was not left by a loyal and grateful party to the judgment of the Australian people; he was assassinated because of a sleazy, shoddy factional deal that said that the replacement would serve the purposes of the factions and the unions better than the incumbent. I think that the reaction to this from the Australian people, which has been flooding into the offices of Labor members and been there for all to see on Labor Party websites, is one of dismay and disgust that the methods of the New South Wales Labor Party—the methods that have brought the once great state of New South Wales to such a sorry state—have now been translated to Canberra. The methods of the New South Wales Labor mafia have now been translated to Canberra.
The leader of this country has not been chosen by the Australian public, who elected the member for Griffith; the leader of his country has been chosen by the faceless men and backroom wheeler dealers of the Labor Party, particularly the assassins of Sussex Street. The midnight knock on the door, a feature of other countries and other political cultures, has now come to Canberra courtesy of the assassins of Sussex Street. This is modern Labor—leaders elected by the people but executed by the factional warlords. No wonder people are disillusioned with politics. And for what?

According to the incoming Prime Minister, the government had lost its way, yet she has not been able to offer us any serious or substantial change that will happen as a result of her prime ministership. In the speech that she will shortly make, I challenge the incoming Prime Minister to give us real examples of how the government will be different under her leadership. In what way will policy change? How will the boats be stopped? How will the mining industry be protected? How will the fires in the roofs of hundreds of Australian houses be guarded against? How will Australian families living in houses that have been so shoddily insulated by this government be protected? How will Australian schools get value for money from taxpayers’ money under this Prime Minister, given that they were so badly let down and betrayed by her when she was the Deputy Prime Minister? How is the government going to find its way, given that the only way that has been found so far is the incoming Prime Minister’s way to the Lodge? That is all that has changed today—the former Deputy Prime Minister has found her way to the Lodge. The ideals, the courage and the commitment of the former Prime Minister and member for Griffith have all been killed by this Prime Minister just so that she could find her way to the Lodge. There was no difference of principle and there was no difference in policy. All the commitments that he had, good and bad, she has signed up to. The only difference is that nothing has been allowed to stand in her way—nothing has been allowed to obstruct her path to the Lodge.

The Australian people are not mugs; they understand politics. And what they understand is that this is the same government with the same policies, the same shabby ethos, telling the same fibs, using the same recycled rhetoric and engaging in the same meaningless negotiations. All that has changed is the face that will front the television cameras on a nightly basis. And the fine words that will no doubt slip from the lips of the new Prime Minister are all very well, but they cannot be allowed to cover up for what will undoubtedly be the same incompetent government. What the factional warlords and what the union bosses are hoping is that the government can get to an election and sneak past the defences of the Australian people before they wake up to the fact that nothing has really changed, because nothing has really changed as was abundantly clear in question time today.

The big issue, by far the biggest issue, is the mining tax, which is a dagger aimed at the heart of every Australian’s prosperity. The only thing that really counts is how much extra money is the government intending to gouge from the mining industry, and the one thing this new Prime Minister made crystal clear is this: it is the same old gouge, the same old tax grab for $12 billion in these forward estimates and hundreds of billions of dollars as the years unfold—the same addiction to taxation to feed the same addiction to spending. Nothing has really changed as a result of this change of Prime Minister.

And there is the same lack of understanding of the fundamentals of our economy. She
does not understand, any more than her predecessor, that the mining industry is responsible for 50 per cent of our exports. It is how we pay our way in the world. And, if you cannot pay your way in the world, the whole of the economy is compromised. There may not be a mine in every electorate of this country, but almost every electorate in this country has a mining industry and every electorate, every neighbourhood, every shopping centre, every suburb, every town in this country is dependent upon the mining industry because, without the income that that industry generates, the economy of this country simply does not and cannot work.

What the new Prime Minister wants to do, just as surely as her predecessor, is to increase the rate of tax on mining from about the international average to the highest in the world. She wants to increase the rate of tax on mining from about 40 per cent to about 57 per cent. Sure, there will be plenty of words, there will be plenty of fiddles, but at heart it is the same great big new tax. It is the same fundamental misunderstanding of what makes this country and this economy work. She thinks, just like her predecessor, that any rate of return greater than what can be achieved from leaving your money in the bank is a superprofit that should be subjected to a supertax. Just like her predecessor she wants to penalise economic success. Well, it is not good enough. As I said, the Australian public are not mugs and they will see through this PR exercise.

The new Prime Minister has been part of every dud decision that this government has made. Her decisions, as much as those of the former Prime Minister, have been responsible for turning a $20 billion surplus into a $57 billion deficit, turning a $60 billion net asset position into a $100 billion net debt position. She is just as guilty as her predecessor at the flow of boats because she, just as much as her predecessor, wanted to parade her compassion credentials rather than do what was necessary to maintain the border security of our country. Just as much as her predecessor, she is in denial about the tragedies that have taken place thanks to the government’s pink batts program—even today she lacked the decency to apologise to the families of those who have died as a result of the incompetence of this government.

She is personally responsible, more so than her predecessor, for the rip-off after rip-off which has taken place as part of her school halls program. Even now, if she were to demonstrate any skerrick of concern for the taxpayer, she would suspend the final $5.5 billion outlay under this program until she has received the value for money report. If she wants to demonstrate that she really is different, that she really might be a different Prime Minister to her predecessor, that she really has learned something from the agonies that her party has been put through as a result of her ambition and the work of her assassination squads overnight, if she really wants to demonstrate that something good will come out of this, why doesn’t she stand up in this parliament and say, ‘We will not spend that last $5.5 billion until at least I have Mr Orgill’s report.’

What she is doing now is absolutely patently obvious. She is trying to trick the mining industry into believing that things are different and she is suspending the $38 million worth of ineffective government ads in the hope that she will bluff the mining industry out of their campaign, but there is nothing real in it whatsoever until she also dumps from the budget the $12 billion worth of tax revenue that the tax in its existing form is supposed to raise.

You cannot trust this Prime Minister with money, you cannot trust this Prime Minister with the economy and, I regret to say, you
cannot even trust this Prime Minister with the truth. She is still recycling the same—I do not want to say ‘lies’, but certainly un-truths about members on this side. Let me remind the House: Work Choices is dead; when I was the minister for health there was a 16 per cent real increase in Commonwealth funding for hospitals. She protested her loyalty to the former Prime Minister time and time again and then betrayed him, just as she will protest her willingness to negotiate to the mining industry in the hope of getting through the election and then she will betray them.

Let me make it absolutely crystal clear. If you want to stop the boats, it is not good enough to change the leader; you have to change the government. If you want to stop the tax, it is not good enough to change the leader; you have to change the government. If you want to restore cabinet processes and truth in government, it is not enough to change the leader; you have to change the government. The only risk that this country faces is that this trick might persuade enough of the people that the government really has changed. It is the same government and we must get rid of it before it does any more damage to the future of our country.

Ms GILLARD (Lalor—Prime Minister) (3.52 pm)—I rise to speak in a matter of public importance debate that was filed by the opposition and was supposedly about the cost-of-living pressures for Australian households and families. How can the Leader of the Opposition be so out of touch that, even though those words are written on a piece of paper, the one thing he says absolutely nothing about is cost of living pressures on working families? Instead, he chose to pose a question about what is different and what is the same today after the events in this parliament. I will speak about the cost of living pressures on working families, but let me just for a moment respond to the question that the Leader of the Opposition has really raised in this parliament: what is different and what is the same?

The truth is that for the Leader of the Opposition there is much that is the same. He is the same man. He is the same man who sat around a Howard cabinet table and supported Work Choices and rejoiced in its outcomes. I clearly remember being in this parliament, sitting where the Deputy Leader of the Opposition sits now, looking over here at the current Leader of the Opposition, as they would come to the dispatch box and not just defend but rejoice in examples like Billy, the minimum wage worker who lost every award condition, including penalty rates, overtime and shift loadings—you name it. That was justified. That was okay. That was Work Choices. The Leader of the Opposition is the same man who used to come to the dispatch box and say that Work Choices was good for working families, as the statistics flooded in about how young workers were being ripped off and about how women workers were being ripped off—statistics that are undeniable. It is not that the Leader of the Opposition did not know these things. I do not allege incompetence. He knew every fact; he knew every statistic; he knew the detail of every rip-off. He had the same dataset available to him as was available to us and the Australian people—and he still defended it as good.

When we on this side of the House said it was unacceptable for working families to face that kind of insecurity and indignity at work, he said it was fine. When working Australians in their workplaces came to the conclusion it was unfair and joined the Your Rights at Work campaign, he said it was fine. When the trade union movement of this country identified individual workers who had lost their rights, he said that was fine. Whilst the Leader of the Opposition poses the question—what is the same and what is different?—what is the same is his absolute
commitment to Work Choices. When he sat here and defended Work Choices he told the truth. He believes in it; he is committed to it; he thought it was the right way for Australia.

The Leader of the Opposition says that he hopes there will be debates between him and me, and as we lead up to the election there most certainly will be in many, many contexts. In those debates what I would suggest the Leader of the Opposition really does is have the fortitude to present and argue for the things he really believes in. He says he is a conviction politician. Well, let’s stump up. Let’s have a red-hot go. Let’s put before the nation the real choice—the choice he believes in, Work Choices, versus the choice I believe in, Fair Work. Let’s be conviction politicians. Let’s follow those convictions. Let’s debate them long and loud right around this country. I am happy to do it. I am happy to wear my convictions on my sleeve. The one thing I ask the Leader of the Opposition to do is to have the fortitude and the guts to wear his convictions on his sleeve—and his conviction is Work Choices.

The Leader of the Opposition poses the question: what is the same and what is different? The Leader of the Opposition is the same man who took $1 billion out of our hospitals. It just seems to me truly remarkable that a man who is so keen to find fault in others and who has presented himself to the Australian people in the guise of a plain-speaking conviction politician resorts to graphs and figures and statistics about growth compared with what it could have been, or should have been or was going to be, to try to explain this $1 billion cutback. The Leader of the Opposition is a man of conviction, as he says he is and as he wants to be perceived. Why doesn’t he just front out a debate that says: ‘Yep, I took a billion dollars out of health care. I did it because I thought it was right and I would do it again given the opportunity.’ Why doesn’t he front out that debate? Why doesn’t he wear his convictions on his sleeve?

Again there is the question: what is the same and what is different? There are other things that are the same about this Leader of the Opposition. I have been opposed to him before in this parliament in many guises, including as shadow minister for health and as Manager of Opposition Business. We are back where we have been. It is a remarkable serendipity that brings us to this point, him and me, back debating as we have over so many years.

Let me say to the Leader of the Opposition: on the questions in the debates of the past—on the questions he seeks to raise about political honesty and being forthright—does he recall going to an election giving a rock-solid, ironclad guarantee and then taking it away? Then, after the election, having promised the Australian people that the Medicare safety net would not be cut back, he said, ‘I got rolled at Expenditure Review Committee’ or ‘Peter Costello didn’t like me’ or some mumbo jumbo. He said, by way of explanation to Laurie Oakes: ‘It’s okay, because I did consider resigning. I didn’t resign, but I did have one dark night of the soul, and surely that’s enough to square up a promise smashed as well as that one was smashed—a promise as big as that one was.’ That is the track record on honesty of this Leader of the Opposition.

Why does the Leader of the Opposition not actually own that? Why does he not go out to the Australian population and say: ‘I want to have a debate about political honesty. This is my track record; I own it and I stand for it.’ With all of this affectation to conviction, the real question in front of the Australian people from today is: who stands by their convictions, who lives by them, and who is the phoney? That is the real question before the Australian people today.
On the question of conviction, let me say to the Leader of the Opposition that I have a conviction about serving the interests of working families. I have been in the Labor Party all of my adult life because I believe in some things that I will never let go. I believe in working hard. I believe it is appropriate to work hard—to give of your all—and I believe fundamentally in the power and the dignity of work. I believe that there is nothing more self-destructive for an individual—for their self-perception, for their perception of their role in a community and for their sense of self-worth—than to be excluded from the benefits and the dignity of work. That is why I have been driven, as a member of this government, by a conviction that if we can do things to ensure, during bad economic times, that people have the benefits and the dignity of work then we should do them. Not everything has gone right. I freely and absolutely concede that. I expect that the Leader of the Opposition will make much use of that between now and election day, but I stand by this. It is the right thing to do if you can extend the benefits and the dignity of work to working Australians to do just that. And we did.

The other conviction by which I have lived and which is the explanation of my own life is the constructive power of education. I am here as a result of great schooling. I have lived a different life from that of my father and my mother because of the power of education—education provided versus education denied. The truth is that in this country today there are kids who effectively still experience education denied. If we have the ability to change that—and it is not easy—then we should. What drives the Building the Education Revolution and what drives my passion for and commitment to education each and every day is that delivering on this nation’s promise as the nation of a fair go requires us to look at and say to each other in honesty that every child has the benefit of a great education provided and no child is held back because a great education has been denied.

I say also to the Leader of the Opposition that I, obviously, opposed him as shadow minister for health. I do not claim the great intellectual depth and fortitude of the current Minister for Health and Ageing. She is far better than I ever was with the details, the understanding, the depths and the dimension of the portfolio. She is truly remarkable. What I take from those days as shadow minister for health is that it is so important for people to know that the healthcare system is going to be there for them when they need it. That is not an easy thing in an era of an ageing community. It is not an easy thing in an age of increasingly sophisticated and expensive technologies. It is not an easy thing in a vast continent like this one, but it is a task that we are building on and working towards. Benefits have already been delivered and we are absolutely determined to deliver more. That stands in contrast to the Leader of the Opposition’s measly record as health minister. Will anybody ever bother to write the book about the Tony Abbott era of reform? The answer to that is no, but I warrant that in five, 10 or 15 years time they will be writing books about the Nicola Roxon era of reform in health.

On the question of cost-of-living pressures on working families, we have taken action to support our economy during difficult economic days. We did what had to be done in order to keep Australians in work, and we were opposed every step of the way by this Leader of the Opposition. Our efforts have obviously been rewarded in the sense that we have kept Australians in work and our unemployment rate is at 5.2 per cent, but there are families out there doing it tough. The Leader of the Opposition is so out of touch with cost-of-living pressures that he wrote down
the term ‘cost of living’ on his MPI and forgot to use it. I say to the Leader of the Opposition that we want to work with working families to help them manage those cost-of-living pressures. That is what the tax cuts on 1 July are about. That is what our childcare tax rebate reforms are all about—taking the amount of that tax rebate to 50 per cent. That is what our education tax rebate is about—helping with the costs of educating kids at school.

I conclude by saying to the Leader of the Opposition that when I walked into the chamber today for the first time as Prime Minister I shook his hand and said, ‘Game on.’ I mean it.

Ms JULIE BISHOP (Curtin) (4.07 pm)—Today is a historic day, as many commentators will contend. This is a historic day as the backroom operators and the union heavyweights of the Labor Party have achieved their goal of taking control of the Labor Party and installing one of their own as the Prime Minister, a person who is now beholden to their interests. This was a day of betrayal and naked ambition, a day that an elected Australian Prime Minister was brutally assassinated before he was able to complete his first term in office.

What a destabilising few months this Labor government has put the country through, with the then Deputy Prime Minister professing undying loyalty to her leader but all the time preparing to do the union bosses’ bidding. Thankfully, it is not often that the Australian public gets an insight into the ugly internal politics of the Labor machine, but today it was exposed in all its shocking glory. The union bosses decided that the elected Prime Minister would no longer serve their interests, so they installed their own Prime Minister. There is no place in the Labor Party for the national interest. Regardless of how many times the carefully scripted lines are repeated, ‘whatever it takes’ is the Labor way.

Labor shot the messenger but, sadly, for Australian families and the Australian people Labor’s message will remain the same. It is clear, as my leader said, that the ugly politics of state Labor have now come to Canberra. This poll driven party knives its leaders rather than face the judgment of the Australian people. If history is any guide, the new Prime Minister needs to turn the polls around immediately and significantly or she will have to look over her shoulder for the inevitable knives from the backroom boys—the union bosses.

It is interesting to read the feedback from Labor’s very own website. I managed to print off just 25 pages, but there were hundreds of emails in just under an hour from people expressing their outrage that the union bosses have taken over the Labor Party and thrown out—assassinated—an elected Labor leader. People are giving their names, addresses and email addresses. One email from Queensland said:

What a bunch of cowards to slit the throat of an honest, hard-working Prime Minister just because things get tough.

Another email from Victoria said:

A very shameful day for Australian politics. The appointment of Australia’s first woman Prime Minister should have been a memorable and forward-looking occasion, not a backstabbing of the man elected by the Australian people.

Another email, again from Queensland, said:

Until last year, I was constantly disappointed that I wasn’t old enough to vote Labor. This year, with my first election, I am able to vote in this looming election and I was excited at being able to support Kevin Rudd and its honest Australian policies. Today I became a Liberal.

It goes on. This next one is again from Queensland and it reads:
I am so sad today I have actually resigned from the Labor Party. The first female Prime Minister is a great achievement if it had been obtained through an election and Julia Gillard would have had my support. Kevin Rudd did what he believed was the right thing for Australia. He’s been bullied out by his own party. It is a disgrace he was not allowed to face an election.

But that is the Labor Party. The losers from Labor’s brutal and damaging process will be the Australian people, for the change of leader does not change Labor’s policies. It does not change the mining supertax, which is causing so much damage to Australia and which will drive up the cost of electricity and the cost of building materials, cost jobs, hurt small businesses and hurt family businesses. The new Prime Minister has decided to retain the tax in all its damaging glory and has continued the same flawed rhetoric of her predecessor in claiming that mining companies have been ripping off the Australian people. This is about funding Labor’s continuing spending splurges.

The grand gesture of cancelling the government funded advertising campaign was a decision based on the fact that the advertising was not working. The Australian people had seen through it. What courage the new Prime Minister demonstrates in cancelling advertising that was actually hurting the government! This is the brave new Labor world under this Prime Minister. She lacks the courage to make the decision that must be made and that is to scrap the mining tax. We know the Labor way. Graham Richardson told us the Labor way: consult, consult, consult, negotiate, negotiate, negotiate and then do exactly what you intended to do in the first place. That is the Labor way.

The new Prime Minister has also sought to claim the moral high ground on the question of asylum seekers but has exposed her rank hypocrisy and her fake moral outrage. How does she reconcile her statements today with her infamous media release of April 2003, when the now Prime Minister described every boat of asylum seekers as a policy failure—the screaming, scare-mongering headline ‘Another boat on the way, another policy failure’? That was a year when only one asylum-seeker boat came to our shores, because the Howard government’s policies had stopped the people-smuggling trade. Yet the now Prime Minister could not resist the fear mongering—‘Another boat on the way, another policy failure’ she said in 2003. Yet, having promised in opposition to stop the boats, this government changed its policies, changed the laws, weakened our border protection and damaged the integrity of our orderly immigration program. The people-smuggling trade was reinvigorated under the gang of four and 140 boats have made the dangerous journey across the dangerous Indian Ocean to our shores. So, according to this Prime Minister, 140 boats means 140 Labor government failures—140 policy failures by this Labor government.

But the defining features of the Labor government have been waste, mismanagement and absolute disregard for evidence based policy. Among the numerous examples of ludicrous, staggering waste and mismanagement, the standout would have to be the Building the Education Revolution and that is a program for which this Prime Minister was personally and directly responsible. This Prime Minister will have the ignominy of being the minister responsible for the most wasteful spending in any federal government program in federal government history.

This was fundamentally flawed from its needlessly rushed inception and yet the now Prime Minister stuck her head in the sand and refused to take ministerial responsibility for billions and billions of dollars of taxpayers’ funds being wasted. It began as a $14.7 billion program to provide libraries and halls
for schools, but it blew out by over $1½ billion. In a competent government, a minister who was responsible for a $1½ billion blowout would have been sacked, but in this government incompetence is rewarded. The Prime Minister justified it at the time by saying, ‘It’s hugely popular. It’s a runaway success.’ But we now know that the Prime Minister was covering up the huge rorts, the ripoffs, the incompetent management and the massive waste. It has been estimated that taxpayers and schools will probably get less than $8 billion in actual value from an over $16 billion program. That is a disgrace. The Prime Minister admitted that there was no cost-benefit analysis undertaken to look at whether this program would be effective or have any long-term benefit, and no consideration was given by this Prime Minister as to whether this massive expenditure would have any impact on the quality of teaching and education or whether it would lift educational standards.

Another defining, stand-out policy that has been an absolute disgrace is the $2½ billion Home Insulation Program. It has been nothing short of disastrous. This government is incapable of implementing a government program. There have been four deaths and more than 170 house fires, and 240,000 homes have substandard or dangerous insulation. But it should not escape anyone’s attention that this Prime Minister was the senior minister responsible for the training component of this disastrous pink batts scheme. The government has to find hundreds of millions of dollars to fix this scheme, but this Prime Minister was responsible for the training component that failed young people in Australia so disgracefully. It was this Prime Minister’s responsibility to ensure that a proper training program was put in place. She failed the Australian people, as this Prime Minister has failed the Australian people with her record over the last two years.

We can list the blow-out in the school halls program, the dumping of her commitment to build childcare centres, the dumping of the computers in schools program and the promises there, and the delivery of only a couple of trade training centres out of the 2,650 promised. Given this pattern of failure, why would Australia trust this Prime Minister? (Time expired)

Mr SWAN (Lilley—Deputy Prime Minister) (4.17 pm)—I welcome the opportunity to talk in this matters of public importance debate about competent government and cost-of-living pressures. We have had yet another demonstration from the Leader of the Opposition of what a risk he would be to our national economy should he come to be on the government benches. He revealed yet again his complete ignorance of economics. As Peter Costello said, the Leader of the Opposition is bored by economics—and didn’t it show in those comments we heard earlier. As the Prime Minister pointed out, this is supposed to be an MPI about cost-of-living pressures. Not once in his 15-minute contribution did the Leader of the Opposition talk about one cost-of-living pressure.

Mr Symon—He’s out of touch.

Mr SWAN—I am not surprised about that because, yes, he is out of touch. I have a vivid memory from shortly after we were elected to government, early in 2008. He had been in hibernation for some time, although he was on the front bench. His most significant early remark as an opposition front-bencher was to complain that because he no longer had a ministerial salary and was only on an MP’s salary he could not afford to live. That demonstrates just how out of touch he is. He is completely out of touch. That was demonstrated by the complete absence of any discussion about what life is like around the kitchen table, what are the policy issues that impact on the cost of living—nothing,
because he does not have a clue about what life is like around the kitchen table for an average Australian family. He would not have a clue about what it was like out in Penrith or down in Tasmania or up in Dobell or over in Petrie. He simply would not have a clue, living as he does, and has done for all of his life, in the leafy North Shore of Sydney. It is pretty good if you can get it. It is a great place to be and to go to, but most Australians do not live like that, do not earn the those salaries and do not live in those suburbs. They live right across the country, on modest incomes, trying to get by.

The hide of him to come in here and talk as if the Liberal Party care about jobs! It would make a cat laugh! People on this side of the House remember vividly what happened in this House back in February 2008 when we were trying to get the second stimulus package through this parliament. It was rejected and fought against tooth and nail by every one of the Liberal and National Party members who sit opposite. This is the package that saved Australia. It was rejected in the Senate on the first run through, then it went back up and finally it went through. But I vividly remember the night we were here debating it. It was about four or five o’clock in the morning and they were still fighting it. They were saying things like, ‘It won’t create a single job.’

Mr Burke—That’s right: not one.

Mr SWAN—Not one single job. They did not care about employment then and they do not care about it now. Nor do they have any understanding of what must be done in the uncertain international environment to support our small businesses and to broaden the economy. Not only that, they have little knowledge of what we must do as we go forward to reform and strengthen the economy. They have no knowledge about any of that.

I would have to check this—I think my memory is pretty correct—but I do not think that the Leader of the Opposition even spoke in that debate. At the time he was the opposition spokesman on family and community services but he could not come into the parliament to debate one of the most significant economic initiatives in the history of this country.

Mr Bradbury—He was in the dining room!

Mr SWAN—I have just been reminded and, in fact, it is coming back to me now. He was actually in the dining room with two other people, the former Treasurer and who was the third? I cannot remember who the third was.

Mr Bradbury—Andrews.

Mr SWAN—Andrews, that is right! They were up in the dining room having a few drinks while we were down here debating the future of employment in Australia. They only bothered to walk into the House, in a dishevelled state, when the vote was on. So much for their concern for employment!

Because we acted, because we are competent, because we are concerned about employment, because we understand economics and because we knew the threat that was coming from elsewhere in the world, where is Australia today? Australia today is one of the strongest advanced economies in the world. It is one of the strongest developed economies, which is celebrated by everybody on this side of the House. And what does it mean? It means low unemployment. What is absolutely critical to coping with the cost of living, to making ends meet and to educating your children and getting health care and housing is a decent job.

Where are we in Australia today? As I said, our economy is one of the strongest in the developed world. Our unemployment rate is 5.2 per cent, but it is in double digits
right across Europe and just around nine-plus in the United States. We are creating jobs while the rest of the world has been losing jobs. In fact, we have created something like 280,000 jobs in the past year—something everyone in this House is going to be proud of for a long time. When the economic history of this country is written in the fullness of time it will say that the decision to put in place that stimulus package was absolutely critical. It is not just for jobs but also for business and for small business to keep their doors open. And it is still keeping the doors of tens of thousands of small businesses open right around this country in projects which are denigrated in this House day after day by those people who are sitting opposite.

They said it would not create a single job. I will never forget Malcolm Turnbull at the Press Club who said it would never create a job. They may have those views, but there is a lot of support for what Australia did, which is recognised as being first class. This is what a number of people had to say about it. The Governor of the Reserve Bank said stimulus had, ‘worked a treat’. The Governor of the Reserve Bank does not make those comments lightly. The OECD said:

… in no small part shielded businesses and citizens from the initial damaging impacts of the global recession.

The chief economist at Deutsche Bank said, ‘The absolute reliance of the Australian economy on policy stimulus since the second half of 2008 has been absolutely critical.’ The evidence is in. This government has a fine record in supporting employment, in supporting small business, in underpinning confidence and in understanding the nature of the threats that this country faced in the past and faces as we go forward. Of course, we have done all that and we have come out the other end with the lowest deficit and the lowest debt of any advanced economy.

I listened very closely to the Leader of the Opposition. He did not once in his critique of everything that had gone wrong even acknowledge that there has been a global financial crisis let alone a global recession. It simply passed him by. Well, I suppose it might if you lived where he lives. It may well have passed you by. But I tell you what, it did not pass by Australians the length and breadth of this country. They knew what the challenge was and they got behind it and so did so many of the employers in this country.

We on this side of the House understand the future challenges as well. We understand we are going to be in the Asian century. We understand that there are great opportunities coming for this country and we do need to reform our economy. We also understand that there are many people who are not doing as well even in an economy which is in as good shape as ours is compared to everybody else.

Not everybody is sharing in that and that is why we have continued with our tax cuts. The third lot are coming through next week. They are modest tax cuts but because we understand that many people around the kitchen table are doing it tough we introduced the education tax rebate. When you are trying to send your kids back to school it is a difficult time of year. It is a bit of extra cash to help you get by when all the bills come in after Christmas, when the kids are going back to school and you have to get the uniforms, and when the credit card bills are coming in. The education tax rebate is a big help for those people. Do we ever hear mentioned by those opposite what we have done in terms of child care? All of these things are vitally important because we understand cost-of-living pressures.

Then there is what we did with the age pension. It was something they could not find the whit to do in over 12 years despite the fact that it was raining gold bars at the
time they were in government. They could not find time for pensioners below the poverty line. They did not care. They did not give a toss. They just simply do not understand the cost-of-living pressures facing families. That is why they are such extremists when it comes to Work Choices; they simply do not get it. (Time expired)

Mr TRUSS (Wide Bay—Leader of the Nationals) (4.27 pm)—I begin by congratulating the Prime Minister on her election. While we will be working as hard as we possibly can to make her term as short as possible, the reality is she has been given the great honour of a being a prime minister of this country, and I am sure that she will treasure this day.

Even in amongst her own celebrations she must be feeling a bit uncomfortable in her stomach about the way in which she got where she is. She is there as Prime Minister today because of the intervention of the New South Wales Labor mafia. If you are relying on the mafia, the faction bosses, the union thugs and the factional warlords to keep you in office, one day they will knock on your door too. One day it will happen to this Prime Minister as well. Just as the New South Wales thugs and factional warlords came across from Sydney to mount a coup in the national capital, one day they will come again and this Prime Minister will face a similar fate.

This is the kind of behaviour you might expect in a Third World dictatorship where people unelected, union bosses and factional thugs, think that they can override the decision of the Australian people, ignore our democratic processes and put in place somebody of their choice to be Prime Minister. These people, still with blood on their hands from the last political execution in New South Wales, came across to do the same thing in the national capital. And their people quickly got behind their factional leaders and knocked on the Prime Minister’s door and within hours he was gone.

Just as a succession of New South Wales premiers are simply there as puppets of the factional leaders, this Prime Minister is simply a puppet of the New South Wales Labor machine. When they are sick of this Prime Minister—when the merry-go-round does another turn—they will be over again to knock on the door and to say, ‘Your time is up.’ Wasn’t it disgraceful to see on television last night the gloating Paul Howes. Who was he? No-one had even heard of him. He was not elected by the Australian people to the parliament. But he was gloating on television about how he was deposing the Prime Minister and he went on about class warfare and the like. He said there was nothing wrong with the way Labor was governing. If that is the case, why was he so determined to get rid of the Prime Minister? In fact, a lot is wrong with Labor in government. Higher electricity and food prices mean real costs to the Australian people. The debt and slashed services will be an additional burden for future generations of Australians. And, of course, the decline in hospitals and health care and other services is simply a national disgrace in a country with the potential of Australia. Labor is that is now the problem, as it has always been. No matter who the leader is, it is the same lemon: a new face but still bad policy.

The Labor faceless men who wanted the emissions trading scheme and then wanted it dumped now seem to want it back. The only climate that these powerbrokers care about is the political climate and their chances of electoral survival. From day one, the current Prime Minister was part of the kitchen cabinet of four—now down to two—that decided all of the government’s agenda over the past three years. She is just as culpable as the man she deposed for the government’s performance. She is just as much to blame. In-
deed, her own portfolio mismanagement has been at the top of the pile of Labor troubles.
The reality is that she has wasted more taxpayers’ money in her department—with her BER and all sorts of other programs—than anyone else. If the left-winger Julia Gillard tries to pretend she is an economic conservative, nobody will believe her. If she makes the same promise about how she cares about all Australians, no-one will believe her. I have been trying over the last hour or so to find any connections she has with regional Australia and I cannot find any.

An opposition member—She flies over it!

Mr TRUSS—Yes, she flies over it. She goes past it but she has no commitment to people who live outside the capital cities. That was very evident when it came to the way she trashed the independent youth allowance so that people living in regional Australia could not get fair and affordable education. It is a change of face, but what we need is a change of government. (Time expired)

Mrs D’ATH (Petrie) (4.32 pm)—I am pleased to speak on this matter of public importance, although I did have to check what the matter of importance was about. We have had the Leader of the Opposition, the Deputy Leader of the Opposition and now the Leader of the Nationals and not one of these three speakers has mentioned the cost-of-living pressures, which is actually listed as their matter of public importance. We heard the Leader of the Opposition making the statement, ‘The Australian people are not mugs.’ The opposition are trying to make comparisons and trying to identify similarities between the current Prime Minister and the previous Prime Minister of this government. The Leader of the Opposition has got one thing right: the Australian people are not mugs. They know they can expect the same thing no matter who is speaking on the opposition side, which is the same old scare campaign. They also know that Tony Abbott, the Leader of the Opposition, is the same man who applauded Work Choices, the same man who said he would introduce paid parental leave over his dead body and the same man who said, ‘You cannot trust what comes out of my mouth unless it is in writing.’ This is the man who holds himself out as the alternative Prime Minister.

I am going to talk about cost-of-living pressures. I am going to talk about what this government has done since being elected to assist families and households with cost-of-living pressures. It has increased the child-care benefit by 50 per cent, paid quarterly, to help families. The most important way of assisting with cost-of-living pressures is to support jobs in this country. That is what this government has done and will continue to do. We supported jobs through the global financial crisis. We made sure that over 70 per cent of the stimulus that was put forward to invest in public infrastructure in this country went to supporting jobs—infrastructure both small and large, including in our schools.

Let us talk about what losing a job does to cost-of-living pressures. If the Leader of the Opposition got into government and scrapped the building of halls, libraries and trade training centres, what does he think that would do to jobs and cost-of-living pressures? If he scrapped the roads to recovery program and the jobs that are created in fixing those roads and building new roads, what would that do to cost-of-living pressures? The opposition, when in government, squandered the revenue that they got from the resources sector. They did not invest in infrastructure, they did not invest in education and not only did they not invest in health but also they pulled money out of the health system. The opposition’s idea of assisting or
supporting cost-of-living pressures would be to, when in government, reintroduce individual agreements. They will once again rip away unfair dismissal protections for workers. They think that creating job insecurity is somehow going to improve cost-of-living pressures. This is the gospel truth from the Leader of the Opposition. Another way they are going to help cost-of-living pressures is to scrap the National Broadband Network, which will create tens of thousands of jobs in this country.

What this government has done is provided three lots of tax cuts—including tax cuts coming on 1 July—for households, increased the pension with the largest increase we have seen since the pension was introduced, created additional support payments for carers and provided affordable housing and new social housing in our suburbs across this country. That is how this government is supporting households; that is how this government is dealing with cost-of-living pressures. This government, with its leadership, its executives and its members, will go forward and continue to support families, pensioners and householders across this country at a time when they need support because of cost-of-living pressures. That is what this government is about: supporting jobs and looking after families and those most in need in our community—unlike those on the other side.

The DEPUTY SPEAKER (Ms S Bird)—Order! The time allotted for this discussion has now expired.

BUILDING ENERGY EFFICIENCY DISCLOSURE BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE
TECHNOLOGY SHORTFALL CHARGE) BILL 2010

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

EXCISE TARIFF AMENDMENT (AVIATION FUEL) BILL 2010
CUSTOMS TARIFF AMENDMENT (AVIATION FUEL) BILL 2010
TAX LAWS AMENDMENT (2010 MEASURES No. 3) BILL 2010
TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES No. 3) BILL 2010
TAX LAWS AMENDMENT (FOREIGN SOURCE INCOME DEFERRAL) BILL (No. 1) 2010
INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL (No. 1) 2010
NATIONAL HEALTH AMENDMENT (CONTINENCE AIDS PAYMENT SCHEME) BILL 2010
CORPORATIONS AMENDMENT (CORPORATE REPORTING REFORM) BILL 2010
FINANCIAL SECTOR LEGISLATION AMENDMENT (PRUDENTIAL REFINEMENTS AND OTHER MEASURES) BILL 2010
TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL (No. 2) 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 1, page 16 (line 2), before “In this Schedule:”, insert “(1)”.

(2) Schedule 1, item 1, page 16 (after line 28), after the definition of assert a right to payment in section 2, insert:

associate regulator:

(a) for the purposes of the application of this Schedule as a law of the Commonwealth—means a body that is, for the purposes of the application of this Schedule as a law of a State or a Territory, the regulator within the meaning of the application law of the State or Territory; or

(b) for the purposes of the application of this Schedule as a law of a State or a Territory—means:

(i) the Commission; or

(ii) a body that is, for the purposes of the application of this Schedule as a law of another State or a Territory, the regulator within the meaning of the application law of that other State or Territory.

(3) Schedule 1, item 1, page 22 (after line 31), after the definition of materials in section 2, insert:

mixed supply: see section 3(11).

(4) Schedule 1, item 1, page 28 (after line 9), at the end of section 2, add:

(2) In this Schedule:

(a) a reference to engaging in conduct is a reference to doing or refusing to do any act, including:

(i) the making of, or the giving effect to a provision of, a contract or arrangement; or

(ii) the arriving at, or the giving effect to a provision of, an understanding; or

(iii) the requiring of the giving of, or the giving of, a covenant; and

(b) a reference to conduct, when that expression is used as a noun otherwise than as mentioned in paragraph (a), is a reference to the doing of or the refusing to do any act, including:

(i) the making of, or the giving effect to a provision of, a contract or arrangement; or

(ii) the arriving at, or the giving effect to a provision of, an understanding; or

(iii) the requiring of the giving of, or the giving of, a covenant; and

(c) a reference to refusing to do an act includes a reference to:

(i) refraining (otherwise than inadvertently) from doing that act; or

(ii) making it known that that act will not be done; and

(d) a reference to a person offering to do an act, or to do an act on a particular condition, includes a reference to the person making it known that the person will accept applications, offers or proposals for the person to do that act or to do that act on that condition, as the case may be.

(5) Schedule 1, item 1, page 28 (line 10) to page 29 (line 5), omit section 3, substitute:

3 Meaning of consumer

Acquiring goods as a consumer

(1) A person is taken to have acquired particular goods as a consumer if, and only if:

(a) the amount paid or payable for the goods, as worked out under subsections (4) to (9), did not exceed:

(i) $40,000; or

(ii) if a greater amount is prescribed for the purposes of this paragraph—that greater amount; or

(b) the goods were of a kind ordinarily acquired for personal, domestic or household use or consumption; or

(c) the goods consisted of a vehicle or trailer acquired for use principally in the transport of goods on public roads.
(2) However, subsection (1) does not apply if the person acquired the goods, or held himself or herself out as acquiring the goods:

(a) for the purpose of re-supply; or

(b) for the purpose of using them up or transforming them, in trade or commerce:

(i) in the course of a process of production or manufacture; or

(ii) in the course of repairing or treating other goods or fixtures on land.

Acquiring services as a consumer

(3) A person is taken to have acquired particular services as a consumer if, and only if:

(a) the amount paid or payable for the services, as worked out under subsections (4) to (9), did not exceed:

(i) $40,000; or

(ii) if a greater amount is prescribed for the purposes of subsection (1)(a)—that greater amount; or

(b) the services were of a kind ordinarily acquired for personal, domestic or household use or consumption.

Amounts paid or payable for purchases

(4) For the purposes of subsection (1) or (3), the amount paid or payable for goods or services purchased by a person is taken to be the price paid or payable by the person for the goods or services, unless subsection (5) applies.

(5) For the purposes of subsection (1) or (3), if a person purchased goods or services by a mixed supply and a specified price was not allocated to the goods or services in the contract under which they were purchased, the amount paid or payable for goods or services is taken to be:

(a) if, at the time of the acquisition, the person could have purchased from the supplier the goods or services other than by a mixed supply—the price at which they could have been purchased from the supplier; or

(b) if:

(i) paragraph (a) does not apply; but

(ii) at the time of the acquisition, goods or services of the kind acquired could have been purchased from another supplier other than by a mixed supply;

the lowest price at which the person could, at that time, reasonably have purchased goods or services of that kind from another supplier; or

(c) if, at the time of the acquisition, goods or services of the kind acquired could not have been purchased from any supplier except by a mixed supply—the value of the goods or services at that time.

Amounts paid or payable for other acquisitions

(6) For the purposes of subsection (1) or (3), the amount paid or payable for goods or services acquired by a person other than by way of purchase is taken to be the price at which, at the time of the acquisition, the person could have purchased the goods or services from the supplier, unless subsection (7) or (8) applies.

(7) For the purposes of subsection (1) or (3), if:

(a) goods or services acquired by a person other than by way of purchase could not, at the time of the acquisition, have been purchased from the supplier, or could have been purchased only by a mixed supply; but

(b) at that time, goods or services of the kind acquired could have been purchased from another supplier other than by a mixed supply;

the amount paid or payable for the goods or services is taken to be the lowest price at which the person could, at that time, reasonably have
purchased goods or services of that kind from another supplier.

(8) For the purposes of subsection (1) or (3), if goods or services acquired by a person other than by way of purchase could not, at the time of the acquisition, have been purchased from any supplier other than by a mixed supply, the amount paid or payable for the goods or services is taken to be the value of the goods or services at that time.

Amounts paid or payable for obtaining credit

(9) If:

(a) a person obtains credit in connection with the acquisition of goods or services by him or her; and

(b) the amount paid or payable by him or her for the goods or services is increased because he or she so obtains credit;

obtaining the credit is taken for the purposes of subsection (3) to be the acquisition of a service, and the amount paid or payable by him or her for the service of being provided with the credit is taken to include the amount of the increase.

Presumption that persons are consumers

(10) If it is alleged in any proceeding under this Schedule, or in any other proceeding in respect of a matter arising under this Schedule, that a person was a consumer in relation to particular goods or services, it is presumed, unless the contrary is established, that the person was a consumer in relation to those goods or services.

Mixed supplies

(11) A purchase or other acquisition of goods or services is made by a mixed supply if the goods or services are purchased or acquired together with other property or services, or together with both other property and other services.

Supplies to consumers

(12) In this Schedule, a reference to a supply of goods or services to a consumer is a reference to a supply of goods or services to a person who is taken to have acquired them as a consumer.

(6) Schedule 1, item 1, page 46 (line 6), before “Without”, insert “(1)”.

(7) Schedule 1, item 1, page 47 (after line 5), at the end of section 25, add:

(2) Before the Governor-General makes a regulation for the purposes of subsection (1)(n) prescribing a kind of term, or a kind of effect that a term has, the Minister must take into consideration:

(a) the detriment that a term of that kind would cause to consumers; and

(b) the impact on business generally of prescribing that kind of term or effect; and

(c) the public interest.

(8) Schedule 1, item 1, page 79 (after line 3), at the end of section 61, add:

(4) This section does not apply to a supply of services of a professional nature by a qualified architect or engineer.

(9) Schedule 1, item 1, page 80 (after line 7), at the end of Subdivision C, add:

64A Limitation of liability for failures to comply with guarantees

(1) A term of a contract for the supply by a person of goods other than goods of a kind ordinarily acquired for personal, domestic or household use or consumption is not void under section 64 merely because the term limits the person’s liability for failure to comply with a guarantee (other than a guarantee under section 51, 52 or 53) to one or more of the following:

(a) the replacement of the goods or the supply of equivalent goods;

(b) the repair of the goods;

(c) the payment of the cost of replacing the goods or of acquiring equivalent goods;
(d) the payment of the cost of having the goods repaired.

(2) A term of a contract for the supply by a person of services other than services of a kind ordinarily acquired for personal, domestic or household use or consumption is not void under section 64 merely because the term limits the person's liability for failure to comply with a guarantee to:

(a) the supplying of the services again; or

(b) the payment of the cost of having the services supplied again.

(3) This section does not apply in relation to a term of a contract if the person to whom the goods or services were supplied establishes that it is not fair or reasonable for the person who supplied the goods or services to rely on that term of the contract.

(4) In determining for the purposes of subsection (3) whether or not reliance on a term of a contract is fair or reasonable, a court is to have regard to all the circumstances of the case, and in particular to the following matters:

(a) the strength of the bargaining positions of the person who supplied the goods or services and the person to whom the goods or services were supplied (the buyer) relative to each other, taking into account, among other things, the availability of equivalent goods or services and suitable alternative sources of supply;

(b) whether the buyer received an inducement to agree to the term or, in agreeing to the term, had an opportunity of acquiring the goods or services or equivalent goods or services from any source of supply under a contract that did not include that term;

(c) whether the buyer knew or ought reasonably to have known of the existence and extent of the term (having regard, among other things, to any custom of the trade and any previous course of dealing between the parties);

(d) in the case of the supply of goods, whether the goods were manufactured, processed or adapted to the special order of the buyer.

(10) Schedule 1, item 1, page 82 (after line 25), after subsection 69(1), insert:

(1A) The consumer is not taken, for the purposes of subsection (1)(c), to have invited the dealer to come to that place, or to make a telephone call, merely because the consumer has:

(a) given his or her name or contact details other than for the predominant purpose of entering into negotiations relating to the supply of the goods or services referred to in subsection (1)(c); or

(b) contacted the dealer in connection with an unsuccessful attempt by the dealer to contact the consumer.

(11) Schedule 1, item 1, page 94 (after line 20), after subsection 88(1), insert:

(1A) Subsection (1) does not apply to:

(a) bringing, or asserting an intention to bring, legal proceedings against the consumer; or

(b) taking, or asserting an intention to take, any other action against the consumer;

to enforce a liability under section 85(3), or a liability of a kind referred to in section 85(6).

(12) Schedule 1, item 1, page 125 (line 7), omit “of a particular kind”.

(13) Schedule 1, item 1, page 125 (lines 8 to 10), omit paragraph 131(1)(b), substitute:

(b) the supplier becomes aware of the death or serious injury or illness of any person and:

(i) considers that the death or serious injury or illness was caused, or may have been caused, by the
use or foreseeable misuse of the consumer goods; or

(ii) becomes aware that a person other than the supplier considers that the death or serious injury or illness was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods;

(14) Schedule 1, item 1, page 125 (lines 17 to 20), omit paragraphs 131(2)(a) and (b), substitute:

(a) it is clear that the death or serious injury or illness was not caused by the use or foreseeable misuse of the consumer goods; or

(b) it is very unlikely that the death or serious injury or illness was caused by the use or foreseeable misuse of the consumer goods;

(15) Schedule 1, item 1, page 125 (line 21), after “supplier”, insert “, or another person,”.

(16) Schedule 1, item 1, page 125 (line 25), after “supplier”, insert “, or another person.”.

(17) Schedule 1, item 1, page 125 (line 27), after “supplier”, insert “or other person”.

(18) Schedule 1, item 1, page 126 (line 26), omit “of a particular kind”.

(19) Schedule 1, item 1, page 126 (lines 27 to 29), omit paragraph 132(1)(b), substitute:

(b) the supplier becomes aware of the death or serious injury or illness of any person and:

(i) considers that the death or serious injury or illness was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods to which the services relate; or

(ii) becomes aware that a person other than the supplier considers that the death or serious injury or illness was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods to which the services relate;

(20) Schedule 1, item 1, page 127 (lines 1 to 6), omit paragraphs 132(2)(a) and (b), substitute:

(a) it is clear that the death or serious injury or illness was not caused by the use or foreseeable misuse of the consumer goods to which the services relate; or

(b) it is very unlikely that the death or serious injury or illness was caused by the use or foreseeable misuse of the consumer goods to which the services relate;

(21) Schedule 1, item 1, page 127 (line 7), after “supplier”, insert “, or another person,”.

(22) Schedule 1, item 1, page 127 (line 11), after “supplier”, insert “, or another person,”.

(23) Schedule 1, item 1, page 127 (line 13), after “supplier”, insert “or other person”.

(24) Schedule 1, item 1, page 128 (after line 6), at the end of Division 5, add:

132A Confidentiality of notices given under this Division

(1) A person must not disclose to any other person a notice given under this Division, or any part of or information contained in such a notice, unless the person who gave the notice has consented to the notice, or that part or information, not being treated as confidential.

(2) This section does not apply if:

(a) the disclosure is made by the Commonwealth Minister to:

(i) another responsible Minister; or

(ii) the regulator; or

(iii) an associate regulator; or

(b) the disclosure is made by the Commonwealth Minister and the Commonwealth Minister considers that the disclosure is in the public interest; or

(c) the disclosure is made by a member of the staff of the regulator, or an associate regulator, in the performance of his or her duties as such a member of staff, and is made:
(i) to another member of the staff of the regulator or associate regulator; or

(ii) if the person making the disclosure is a member of the staff of the regulator—to an associate regulator; or

(iii) if the person making the disclosure is a member of the staff of an associate regulator—to the regulator or another associate regulator; or

(d) the disclosure is required or authorised by or under law; or

(e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty.

(25) Schedule 1, item 1, page 207 (lines 15 to 25), section 231, omit the item.

(26) Schedule 1, item 1, page 235 (lines 8 to 25), omit section 265, substitute:

265 Termination of contracts for the supply of services that are connected with rejected goods

(1) If:

(a) under section 259, a consumer notifies a supplier of goods that the consumer rejects the goods; and

(b) the supplier is required under section 263(4)(a) to give the consumer a refund; and

(c) a person supplies, in trade or commerce, services to the consumer that are connected with the rejected goods;

the consumer may terminate the contract for the supply of the services.

(2) The termination takes effect:

(a) at the time the termination is made known to the supplier of the services (whether by words or by conduct indicating the consumer’s intention to terminate the contract); or

(b) if it is not reasonably practicable to communicate with the supplier of the services—at the time the consumer indicates, by means which are reasonable in the circumstances, his or her intention to terminate the contract.

(3) The consumer is entitled to recover, by action against the supplier of the services, a refund of:

(a) any money paid by the consumer for the services; and

(b) an amount that is equal to the value of any other consideration provided by the consumer for the services;

to the extent that the consumer has not already consumed the services at the time the termination takes effect.

(27) Schedule 1, item 1, page 238 (lines 12 to 16), omit subsection 269(3), substitute:

(3) The consumer is entitled to recover, by action against the supplier of the services, a refund of:

(a) any money paid by the consumer for the services; and

(b) an amount that is equal to the value of any other consideration provided by the consumer for the services;

to the extent that the consumer has not already consumed the services at the time the termination takes effect.

(28) Schedule 1, item 1, page 244 (after line 34), at the end of section 276, add:

(3) This section does not apply to a term of a contract that is a term referred to in section 276A(4).

(29) Schedule 1, item 1, page 245 (before line 1), before section 277, insert:

276A Limitation in certain circumstances of liability of manufacturer to seller

(1) Despite section 274, if goods are not of a kind ordinarily acquired for personal, domestic or household use or consumption, the liability under that section of the manufacturer of the goods to a person (the supplier) who supplied the goods to a consumer is limited to a li-
ability to pay to the supplier an amount equal to:

(a) the cost of replacing the goods; or

(b) the cost of obtaining equivalent goods; or

(c) the cost of having the goods repaired;

whichever is the lowest amount.

(2) Subsection (1) does not apply in relation to particular goods if the supplier establishes that it is not fair or reasonable for the liability of the manufacturer of the goods to be limited as mentioned in subsection (1).

(3) In determining for the purposes of subsection (2) whether or not it is fair or reasonable for the liability of a manufacturer to a supplier in relation to goods to be limited as mentioned in subsection (1), a court is to have regard to all the circumstances of the case, and in particular to the following matters:

(a) the availability of suitable alternative sources of supply of the goods;

(b) the availability of equivalent goods;

(c) whether the goods were manufactured, processed or adapted to the special order of the supplier.

(4) This section is subject to any term of a contract between the manufacturer and the supplier imposing on the manufacturer a greater liability than the liability mentioned in subsection (1).

(30) Schedule 2, item 1, page 256 (after line 27), after the definition of enforcement order in section 130, insert:

Family Court Judge means a Judge of the Family Court (including the Chief Judge, the Deputy Chief Judge, a Judge Administrator or a Senior Judge).

(31) Schedule 2, item 1, page 322 (after line 2), after section 139D, insert:

139DA Application of section 229 of the Australian Consumer Law to a person other than a body corporate

If, as a result of the operation of Part 2.4 of the Criminal Code, a person other than a body corporate is:

(a) convicted of an offence (the relevant offence) against subsection 229(1) of the Australian Consumer Law; or

(b) convicted of an offence (the relevant offence) against section 11.4 of the Criminal Code in relation to an offence referred to in subsection 229(1) of the Australian Consumer Law:

the relevant offence is taken to be punishable on conviction by a fine not exceeding $550.

(32) Schedule 5, page 351 (after line 23), after item 6, insert:

6A Subsection 4(1) (definition of Family Court Judge)

Repeal the definition.

(33) Schedule 5, page 362 (after line 21), after item 100, insert:

100A Subsection 87CB(1)

Omit “section 82”, substitute “section 236 of the Australian Consumer Law”.

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (4.39 pm)—I move:

That the amendments be agreed to.

The Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010 represents the final legislative step at the Commonwealth level to implement the most significant reforms in consumer law since the enactment of the Trade Practices Act 1974. It is truly a generational change in consumer law and the process has been a triumph for cooperative federalism. The government acknowledges the constructive approach taken by the opposition, particularly the shadow minister for consumer affairs. The govern-
ment thanks the opposition for their support for this important bill. The amendments moved in the Senate address recommendations made by the Senate Economics Committee, including coalition minority recommendations, and make other minor and technical amendments. This bill demonstrates the government’s commitment to enhancing the wellbeing of all Australian consumers. I commend the bill to the House.

Question agreed to.

ELECTORAL AND REFERENDUM AMENDMENT (HOW-TO-VOTE CARDS AND OTHER MEASURES) 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 1, page 3 (lines 15 to 21), omit paragraphs (b) and (c) of the definition of how-to-vote card, substitute:

(b) that lists the names of 2 or more of the candidates or registered political parties in an election, with a number indicating the order of voting preference in conjunction with the names of 2 or more of the candidates or parties; or

(c) that otherwise directs or encourages the casting of votes in an election in a particular way, other than a card, handbill or pamphlet:

(i) that only relates to first preference votes; or

(ii) that only relates to last preference votes.

(2) Schedule 1, item 6, page 4 (line 6), after “top”, insert “or bottom”.

(3) Schedule 1, item 6, page 5 (line 13), omit “10 penalty units”, substitute “50 penalty units”.

(4) Schedule 1, item 6, page 5 (line 30), omit “10 penalty units”, substitute “50 penalty units”.

(5) Schedule 1, item 7, page 6 (line 2), after “top”, insert “, bottom”.

Mr GRAY (Brand—Parliamentary Secretary for Western and Northern Australia) (4.41 pm)—I move:

That the amendments be agreed to.

The government has introduced the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 to improve authorisation requirements so that electors know on whose behalf a how-to-vote card is being distributed. The government thanks the Senate for passing this bill with amendments. The government accepts these amendments, including government amendments to refine the definition of how-to-vote cards to ensure that it captures only those materials which express two or more preferences and does not unintentionally include material which simply encourages an elector to simply vote 1 candidate Y or vote 1 party X and opposition amendments to increase the penalties for breaches of offences in the bill to 50 penalty units. I commend the bill to the House.

Question agreed to.

FARM HOUSEHOLD SUPPORT AMENDMENT (ANCILLARY BENEFITS) BILL 2010

Second Reading

Debate resumed from 23 June, on motion by Mr Burke:

That this bill be now read a second time.

Mr WINDSOR (New England) (4.42 pm)—When I was first running for the seat of New England, one of my people suggested that a good bumper sticker might be, ‘The Windsors have done a great job in Old England; give a Windsor a go in New England.’ It was decided not to proceed with that
bumper sticker. I support the Farm Household Support Amendment (Ancillary Benefits) Bill 2010. The trial that is being pursued in Western Australia is very significant. All of us, particularly those from country areas, should look closely at how this trial works. I have some concerns. I will not get into expressing too many of those today because I do not think that it pays to be negative when we are trying to assess a different way of looking at drought policy. It seems to me that both sides of parliament and, to a growing extent, the farm organisations are coming to recognise that the existing drought policy may not be the best way of addressing drought into the future. Particularly if climate change is a reality, there are going to be changed circumstances in some areas. So people are genuinely looking at various options in terms of drought policy.

I have been involved with the parliamentary committee that has been looking at some of these options and the potential impact of climate change on agriculture. Those who do not believe in climate change can substitute the word ‘drought’ and they will be able to make their own arrangements in terms of what sorts of policies should be occurring into the future. I think there are some significant things that do stand out, but before I get to those issues I would just like to reflect on the existing policy, which has been in place now for something like 18 years. I think it was the Keating government that put in place the arrangement where a drought that was greater than one in 25 years was deemed to require an exceptional circumstances response. Over time that has grown into what is called household support and also the EC interest rate subsidy assistance.

I have been in this parliament since 2001 and I have heard the previous government and the current government—I even heard it this morning from a country member of parliament—perpetuate a myth. I am not suggesting that the current system is correct, as we can always improve upon it, but a myth has developed in this parliament that somehow billions of dollars have been expended in country areas in relation to drought assistance. If you walked out into the street now people would say, ‘You cannot keep giving the farmers these vast amounts of money.’ The coalition did it brilliantly because they wanted to suggest that they were doing an enormous amount for the farm sector during the worst drought in living memory. The Labor Party did not do anything to fix the problem either. It seems to me that it has been in the interests of the major parties to paint the farm sector into a corner where it is seen to be in some sort of begging bowl arrangement, with the eventual goal of removing exceptional circumstances as a drought policy.

I would like to elaborate on that if I could. The exceptional circumstances arrangements are broken into two parts. The first part is household support, and the bill we are addressing today, the Farm Household Support Amendment (Ancillary Benefits) Bill 2010, is to do with the trial that is occurring in Western Australia. The household support is no different to Centrelink payments or unemployment benefits. The farmers who are getting that benefit are unemployed in the sense that they are not earning any income. They do not earn an income, but they are still working. They received the Centrelink payment because they needed to work to maintain the farm even though they were not earning any income. That is the same treatment that any unemployed person or any person who is not able to earn an income would receive.

The second part of the existing policy is the assistance to businesses through interest rate subsidy arrangements. There is a myth out there that this particular interest rate assistance has been propping up the broken-
down farmer, that this has stopped a natural transition of people out of agriculture. There are viability requirements—the Minister for Agriculture, Fisheries and Forestry would be fully aware of them, and I thank him for being here—with exceptional circumstances interest rate assistance. If you are broke, you cannot get it. You have to show that during this exceptional circumstance you are viable enough that with some assistance you will tread water and, when the major event removes itself from the premises, you will be ready to produce again and be a productive contributor to the economy. I repeat: if you are a broken-down farmer, you cannot get assistance because the viability requirements disallow you from getting it. You might be able to get some household support, which any unemployed person who is not earning an income can avail themselves of.

The coalition perpetuated this myth—and I used to pick them up every time—that they were spending billions of dollars on propping up agriculture. That was the message and the farmers were all supposed to be out there saying, ‘Thank God you are here looking after us.’ When you look at the business assistance to agriculture over the first seven years of the drought—unfortunately I have left all my notes up in my office so I will operate on memory; I think you will find I am pretty close—the average assistance was $217 million a year. Two hundred and seventeen million dollars, in the worst drought in living memory, to one of the biggest contributors to our economy is a pittance, but this myth has developed out there that you cannot help these people while they are going through one of the worst traumas from a climate event that we have ever seen, yet the money that has been presented out there is a pittance.

As I said, I agree with some of the changes. I agree with the trial. I think it is very worthwhile and we should look very closely at it. But I do not think we should use any financial argument to suggest that there are not circumstances where some direct assistance in terms of business assistance should be perpetuated. These are viable farmers who are becoming severely stretched. If you let them slip through the system, the productive activity that comes out the other end will be far less, and the investment of some money into the system to keep them ready to go, when eventually the drought breaks, would cost far less.

In my view, part of what the Minister for Agriculture, Fisheries and Forestry is trying to achieve—and I think it is a good idea—is to look at some of the ways in which we can pre-empt drought, remove drought. There is absolutely no doubt in my mind that, particularly with the better soil types, there are ways and means of doing that. The minister spent a few days in my electorate, where one of the things that we looked at very early in the piece was the advent of no-till farming. That has been an extraordinary adaptation to climate change that has taken place in recent years. I was fortunate enough to be interested in that sort of technology many years ago, and we have a block of land that is currently one of the longest blocks of land that has
been no-till farmed continuously. That is coming up to 33 years. So I have some idea about what that actually does in terms of drought—the member for Parkes, who is at the table, would have a lot of knowledge of that too—and removing from the scenery the potential downside of weather events or dry spells, from climate change or whatever else. With the better soils, it produces the equivalent of another six inches of rainfall. That is due to a change in technology that has occurred over time. In a theoretical sense at least, with the advent of that technology you could effectively have a reduction of six inches of rain through climate change and break even in terms of the moisture available to plant with nothing else happening, so we have got to encourage that. There are such technologies in farming, and in grazing as well, that we should look very closely at and encourage.

There are various other landscape technologies that the minister is aware of. A man called Peter Andrews and others are looking at variations on the theme of how we keep more of the water in the landscape rather than letting it rush out to sea. There are some conflicts there, particularly with the Murray-Darling Basin Authority and the inter-valley caps and things that are being produced at the moment through the accountancy process that is going on in relation to water. If you were to encourage technologies that retain water on the land, reduce erosion and increase infiltration—all these very positive things to produce food or fibre—what would happen to the accountancy process in terms of the water that used to run off through bad management? I do not think they have really come to grips with that in some of their accounting processes. Take plantation forestry, for instance, which will have a significant impact on the availability of water downstream when you remove land that would have allowed run-off so you can plant on it trees that do not allow run-off.

So there are these conflicting policy areas that are starting to develop. Maybe that will put pressure on the irrigation water that is available, particularly in the Murray-Darling system. So I would suggest that, as part of this policy—and I am sure that it is in place—we should really look at encouraging the technologies that remove moisture loss as being a problem. We will never negate drought totally—nor should we try, as we are in a dry nation—but there are technologies to which funding could be provided to encourage the people involved. It might be through machinery, or it might be through the investment allowance that is out there at the moment, or it might be through reducing certain taxation of the various chemicals that are particularly good for various agricultural systems, or there might be management techniques that suffer from various taxation issues and government could play a role by removing those issues—so not giving money but removing increases in variable costs.

The other thing that I would like to do is to briefly note, Minister, while you are at the table in the chamber, that you are fully aware of the Bundarra area exceptional circumstances arrangement. It highlights some of the great difficulties with the existing system as to where the rain falls, the rain gauges, the rain events and the lines on maps. The people in Bundarra are looking for some answer as quickly as possible so that they can have some certainty as to where they are actually going, so I would encourage you to take that on board. It is a pocket of land in my electorate that unfortunately has been dealt a fairly bad hand in recent years, whereas other areas around it have been doing quite well. This area of little doughnuts is not doing very well at all in terms of rainfall.
Another issue I would like to raise is in conjunction with land use. We have developed this theme in Australian agriculture and in our parliaments that all land should be used for food production, that the world needs our food and that if we do not use that land for food production our own food security will slip. Anybody who is involved in agriculture realises that the world might need our food but it will not pay anything for it. Society has downgraded the value of food. Those who really need it have not got any money. Sudan is a classic case. Sudan has magnificent black soils. It has a dry land, like Australia’s, but it has the capacity with our technology to produce six times what Australia produces in grain. Moving into a carbon economy when there is the carting of grain all over the world to those who need the food, when in fact they could produce their own, inadvertently or deliberately corrupts some of the cost structures that have developed in relation to international trade.

When we talk about land use and carbon, we get this mixed message. I am not having a go at New South Wales farmers, but agriculture is all about food production. They are also talking about property rights. If I have the right to a thousand acres of land, why can’t I grow trees on it? Why can’t I grow second generation biofuels? That would have a more positive impact on the carbon economy, though it does not help the food economy. One of our great problems with drought policy—and this completes the circle in a sense—is that when the good years are on there is not enough money being made. We have to look at these technologies that are out there. There is this devotion to using all land for food production, but our problem is that we produce too much of the stuff. We have to find markets. We bribe Arabs occasionally to buy the stuff from us. Then we go down and buy a boatload of oil and so we have this carbon footprint coming across the ocean, whereas in a lot of ways we could use some of that food production land for agroforestry or biofuels—second generation ethanol or sugar for fuel. The sugar industry was nearly destroyed a few years ago, until the Brazilians decided to take enormous amounts of sugar off the world market and grow their own renewable energy instead. Suddenly our sugar producers were saved—not by our policy, but by the Brazilians saying, ‘We’re sick of this; we are not going to accept this global market; what else can we do?’ The world price went up, and our sugar producers were saved. There are enormous opportunities.

Today the shadow minister was talking about renewable energy targets—but nothing about agriculture, nothing about land use. It was all about solar, wind and waves. The coalition put in place some renewable energy targets back in 2001, but there is less renewable energy produced now than there was nine years ago, before they established the target. We have to get serious about this, and if we are serious about drought we will acknowledge that you can afford to grow a quarter of a tonne of wheat to the acre if you are getting paid big prices for it. It is payment for food that is the issue. We can fix it with technology, and I think this bill will go some way towards doing that. If people are not prepared to pay for our food products, we have to look at alternative land uses—whether it be trees or biofuels or whatever—to produce energy for us. We need energy. At the moment we ship our food overseas, cash the cheque, buy energy and bring it all the way back again. In a carbon economy that is going to be terribly detrimental to a country like Australia with its geographical location.

I encourage the minister to look at some of these issues and particularly to look very closely at the Bundarra issue. (Time expired)
Ms LEY (Farrer) (5.03 pm)—I am pleased to speak on the Farm Household Support Amendment (Ancillary Benefits) Bill 2010, and I appreciate the presence of the Minister for Agriculture, Fisheries and Forestry at the table. I give him permission to leave—he must have a lot to do back in his office! He can read my remarks in Hansard later. I am sure he will. I want to acknowledge the efforts of the minister and the government. We in the opposition do not think they are quite there yet in terms of drought support, but we also recognise that drought support, exceptional circumstances relief payments and, more importantly, the interest rate subsidy are enormous costs on the budget and if we can work out a way to support our farmers financially and in other ways we should do so.

This bill facilitates the trial in Western Australia, and I look forward to seeing the outcomes of that trial. I recognise that we might learn valuable things, particularly as it will be conducted in an area that is not actually under exceptional circumstances declaration. It will be good to see what comes out of the trial. Clearly not enough money has been allocated. There are some confusing reports in the media that the dollars are uncapped, but it does appear that only $12 million has been allocated in the budget. If every farmer in the area took up the trial to its fullest extent, there maybe a potential government liability of much more than that—even up to $400 million. That is a problem.

The trial itself I believe is coming at the issue with the right perspective. Farmers might receive $7,500 for farm planning, and if they undertake those farm plans they could then be eligible for $60,000 to put in, for example, better integrated water infrastructure or some other technological investments on their farm—maybe lock-up paddocks for sustainable grazing systems. So the door to another $60,000 would be opened, and then I understand there would also be a further $20,000 for environmental benefits for farms. So it is quite modest. If you compare it with what is available now, sure, the household support, which is the fortnightly payment from Centrelink, is still there, and that is a good thing. We all appreciate the way that that continues to put food on the table for our farming families, but I can certainly say that were it not for the exceptional circumstances interest rate subsidy almost the entire western division of New South Wales would be on its knees right now.

That is the constant feedback I get from every rural financial counsellor, both at state level and at federal level, as I travel in the western part of my electorate. I do acknowledge that these are large sums of money, and that if you have received as a farming enterprise $300,000 of interest rate subsidy from the federal government, even $500,000 in some cases, then that is significant support. We have to look at a policy purpose that is more than just allocating dollars to individual businesses; it has to recognise the vital nature of our farm sector and the need for it to continue. If these farms go under, and frequently they do, they often do not get resumed as working, productive properties. I guess the good thing about those who have gone broke in western New South Wales is that they have been able to sell to businessmen in many cases, and occasionally overseas buyers—people from outside the area who have paid a good price but have not necessarily farmed the land. In many cases they may visit only at weekends, and that becomes a problem for neighbours when they have to deal with an absentee neighbour and feral animals and pests et cetera. We know, and I know, that the productivity of this land is the most important thing that governments should be recognising and facilitating to the greatest extent that they can.
In conversations I have had with our rural financial counsellors, they have acknowledged that a better system needs to be found. They are frustrated by the seeming endlessness of the drought, though in many areas in the west it is now looking pretty good, and it is terrific to see that. However, one hazard gives way to another. We now have plague locusts, and when they hatch in spring and summer they will be extremely problematic. I appreciated the briefing we had last week from the Australian Plague Locust Commission. I recall that outfit from when I was involved in the agriculture portfolio in the last government. It is a bit clumsy because it only has a mandate to deal with plague locusts when they cross state boundaries and therefore has to work in conjunction with the state bodies that do the same thing, and clearly that is messy. What is needed is a national plan and something that gives effect to that national plan while recognising that state and federal funding should be included in it. So now drought has given way, unfortunately, to plague locusts.

I remember having been involved in exceptional circumstances declarations across my electorate. Sadly, most of my electorate is still in exceptional circumstances, although I expect that much of it will come out of exceptional circumstances when those declarations are lifted towards the end of this year or early next year. I can remember having long, intense discussions with the National Rural Advisory Council, which is the independent body that makes the recommendations to government. I do not mind the process, although it did sometimes get unnecessarily complicated. You cannot expect a federal government bureaucracy to understand the lie of the land in terms of rainfall history, drought prospects, stock-carrying numbers and all the other statistics that make up a case for drought relief, but one of the biggest battles that we had as members in this place was to convince the National Rural Advisory Council that low irrigation allocations actually warranted drought support. The criteria had been set for grazing and pastoral enterprises, but what we were seeing in the New South Wales and Victorian Murray in the early years—2003 and 2004—was extreme no-water and low-water allocations. So there were irrigators who were receiving the notionally normal rainfall for their areas but were not able to access any irrigation water because their general security allocation was zero.

I give credit to Wendy Craik, who was the head of NRAC in those days, because she accepted the message and pushed hard, and we had a change of policy in that area which has seen irrigators receive EC relief. I have already talked about the pastoralists being on their knees, but I assure everybody in this House that the irrigators would have been decimated if they had not received that EC relief. I know that water policy, while it has an influence on agriculture policy, does not come under this particular area of government, but it clearly intersects with it, and we are crying out for a better water policy for farmers. Farmers are desperately unhappy with the current government’s approach, and as they are beginning to face the sustainable diversion limits that will come with the draft basin plan due out in a few weeks time I am getting a lot of desperate calls from people who feel that they are being ignored by the hierarchy. Towns will get all the water they need and should get, the environment will get all the water it needs—although, while we want the environment to be well catered for, I am not certain that I would put it above the needs of irrigated agriculture in every case and on every day—but farmers are saying, ‘Okay, so you have towns getting their water, you have the environment getting its water and, if there is any left, we get it; so
we are the ones who have to give up the most.'

Opinion is divided on whether we are facing climate change in the Murray-Darling Basin. Some farmers say they do not believe that we are, but some will quite freely admit that the circumstances that they see on their farms every day strongly indicate that something is changing permanently. But, if we are facing climate change, we have to manage irrigated agriculture with less water, and we are doing that. Previously, there was up to $6 billion allocated to a fund directed towards farmers to enable them to update their own infrastructure on-farm. So a farmer could update their water delivery system receiving a grant by the government—doing that is so capital intensive that you could never do afford to do it on your own—and then give the government back a proportion of the water saved. The disappointing feature of the current government’s policy is that the current Minister for Climate Change, Energy Efficiency and Water has made it very clear that taxpayers’ money should be allocated on-farm to people’s individual farm infrastructure. I think that is a huge mistake, because if you want to achieve the outcome you have to recognise that the main actors in the scheme are the farmers and they really do have to embrace the change and want to make it happen.

The policy currently in place buys back water—at the moment I think about 700 gigalitres of water have been bought back from the Murray Darling Basin—but there has not been the commitment by farmers to see it through. There has not been a recognition of the need for it, and the government certainly has not spelled out a real plan for that 700 gigalitres of water. It is fine to embark on a water buyback and—although I do not agree with this—say, ‘We have to take this out of the system; the system has been overallocated,’ but that is no use unless there is a sensible and comprehensive plan.

I know that an environmental watering plan is being developed which is going to be released with the basin plan and the sustainable diversion limit, but I am not confident that there is sufficient understanding in that plan of how to get the water to all the environmental sites. For example, there are certain wetlands that you can only flood when you have a king tide. So water is needed in order to carry water to a place to produce an environmental outcome, and if there is not enough water to create conditions that are completely counterseasonal—though there should not be, and I can see no reason why you would want to do that—delivery of the water is impossible. There is the Barmah Choke on the way, which has a constraint on the number of megalitres it can pass each day. There is also the interaction between the Menindee Lakes and the Darling River as well as that between the Murrumbidgee River and the Lachlan Catchment, out of which a significant amount of water has been bought. We know that the Lachlan has not flowed into the Murray for at least a hundred years, so it is clear that that water is not going to find its way down the river very easily.

My main concern, as it always tends to be when I am talking on agricultural matters, is the lack of water for irrigated agriculture. It is continually exacerbated by low storages in the Murray-Darling. The Hume Dam is currently only at 22 per cent of capacity; Dartmouth Dam is at 31.9 per cent. The Menindee Lakes, and this is absolutely fabulous, are at 85 percent. A few weeks ago, on a visit to Broken Hill, I travelled out to Menindee and watched the regulators being opened to move water from Lake Pamamaroo into Lake Menindee at, I think, a rate of 15,000 megs a day. It was an absolutely magnificent sight.
I am always so disappointed when the water in Menindee Lakes becomes a political football and various people decide that it is their water and that there are wetlands or Lower Lakes or storages upstream that deserve that water more. Although there is some man-made aspect to Menindee, Menindee itself is a world-class wetland and should be recognised as such. So for the water to be flowing into the fourth lake in the Menindee Lakes system and for some people to describe it as wasted because there is no outlet—well there is a very small outlet, but its carrying capacity is quite limited—is very disappointing to me. I would encourage people to go out there and have a look. Everyone should try to journey into inland Australia and look at the water at Cooper Creek and Innamincka and Birdsville and all the way down the Darling. There are arguments that you can see it better from the air, but it is pretty good from the ground as well.

So it is terrific to see Menindee Lakes at 85 per cent capacity. Lake Victoria further down the system is, at 56 per cent, reflecting better inflows from the Darling River. But it is distressing to see Hume Dam still only at 22 per cent. Until we get really good rains in the upper Murray catchment, we are not going to have the confidence return to the irrigation sector or the feeling that they can cope with government buybacks of water.

The exceptional circumstances regime has served our farmers very well. I would simply ask the government to take really great care in designing its replacement and to recognise that one of the main beneficiaries of the schemes has been the banks. The banks received 50 per cent of farm interest payments and that has enabled banks to, in their words, ‘lend with confidence’, carry on supporting farm businesses and maybe not take the action that they might have considered had that interest rates subsidy not been there.

But it is also incumbent on the banks to recognise the great benefits they have received from the exceptional circumstances interest rate subsidy. There has been a solid and sound transfer of taxpayers’ money to the banking sector to enable rural Australia to stay afloat, and I expect the banking sector to give as good as we gave them. When I talk to the economists for our major banks, I hear that in terms of liquidity requirements after the Basel III discussions that are happening in Europe at the moment that banks may find they have to carry more cash reserves. That will of course affect the amount of money they can lend. I sometimes pick up the sense that the rural sector needs to watch out. Of course, that means it might not be so simple and so on and so on. There is no reason, whatever the liquidity constraints are, for the rural sector to not be looked after by the banks. We know that, whenever there is a rural upturn, banks that have kept quiet in the marketplace—I am not naming names—leap out of the blocks and they are out there starting up a new agribusiness, knocking on farm doors and being aggressive in that marketplace. They need very much to plan for the long term and they need very much to recognise the great benefits they get. If you look at the standard mortgage rate and the margin that some farmers are paying, particularly if you are with one of our pastoral lending houses, those margins are significant.

The member for Mallee mentioned in this place last week his great concern about behaviour of banks. It does concern me when somebody running a farm business has their finances, their livestock and their merchandise all tied up with one lender. Sometimes that is the only lender they are able to access, but it is not a good situation for any business to be in. It gives the lender an unreasonable ability to control the farm operation and it really disturbs me. I have heard of situations where that lender suggests to a farmer: ‘You
need cash flow, so you need to buy sheep; you need to restock. The stock price is sky high but we’ll advance you the money. And everything that the farmer’s better judgment is telling them is that they should just hold back, just wait, just see what the price for livestock does. Maybe the paddocks need to recover more and they are not confident that the rainfall is where it needs to be, but they are pushed into this. That is the situation that the member for Mallee and all of us who represent these pastoral areas of western New South Wales and South Australia are aware of. We are monitoring the situation carefully and closely and we are very keen always to hear about individual circumstances that we feel might be translating into unacceptable banking practices.

I would like to conclude my remarks today by recognising the death of Rob Seekamp on a pastoral property near Broken Hill earlier this week. The minister may have met him. He was the chair of the Pastoralists Association of West Darling. He was lost in his Cessna 172 mustering aeroplane on Monday. He was found yesterday. Tributes are flowing in. The people of Broken Hill and the people of the far west are shattered at the loss of this great fighter for their region. I can remember the pastoralists association, led by Rob Seekamp, coming to Canberra when the dust storms hit the western division. They had a great response from the minister and they appreciated that. We had several meetings in this place and we facilitated not the greatest help that perhaps could have been made, but I am not suggesting that had we been in government we could have done any better. There were state responsibilities there as well. We rely a lot on people who selflessly work to make their areas better places to live and who go through the trying and sometimes difficult and expensive representations they constantly have to make to government. To Rob’s family—Vicki and his children and his adopted children—I pass on my heartfelt condolences and say that he will be remembered in Broken Hill by those of those of us who knew him.

I commend the bill to the House.

Mr BURKE (Watson—Minister for Agriculture, Fisheries and Forestry and Minister for Population) (5.22 pm)—in reply—I thank all members who contributed to the debate on the Farm Household Support Amendment (Ancillary Benefits) Bill 2010. I particularly thank the member for Farrer for the comments at the end of her contribution. I was unaware of the tragic circumstances that befall Rob Seekamp. It is an appropriate thing to bring to the attention of the House, and on behalf of the government I also extend our deepest sympathies. As soon as it was mentioned, I remembered the meeting I had with Rob to discuss the dust storms. Not only was he a thoroughly decent man who was so clearly connected with his community but he had very cleverly brought photographs of properties in the area that he knew I had visited so that I could completely understand the extent of the devastation that the dust storms had caused. So I thank the member for Farrer for making us aware of that, and I extend to Mr Seekamp’s family the deepest sympathies of the government and, I am sure, all members of the House of Representatives.

If I can turn to one other issue, Mr Deputy Speaker, that does not relate to the bill but was referred to in debate by the member for New England, there is an understandable frustration for people in the Bundarra region that there has been such a long wait to get certainty as to whether they would get an exceptional circumstances declaration. A number of issues have contributed to this challenge. One of them has been that state governments, understandably, always want to apply for the biggest possible area they
can for exceptional circumstances declarations. Because the National Rural Advisory Council has to do an averaging across the region, if the region applied for is big, it is harder to get the approval. Bundarra has been going back and forth over a number of applications. With the latest one, the advice from NRAC is with government. I am working to get that through the processes of government as quickly as possible so we can make an announcement and provide certainty. The people of Bundarra should be well assured that the member for New England has been consistent in making their case known to government, and I certainly do hope it is not too much longer before we are able to provide them with an answer.

Turning to the contributions on the bill, first of all, there are occasions when different members of the House, including different members of the opposition, provide very different perspectives. There are times when politically it works and can be convenient to try to drive some sort of wedge and say, ‘There’s a split—there’s a difference of opinion between the Liberal and National parties.’ On this occasion, I can say that the differences that have been expressed in this debate about the future of the trial are, I think, a great example of members of parliament understanding the particular circumstances of their regions. This goes to one of the reasons why we have decided to embark on a trial rather than go immediately to a national rollout of a new drought policy. Getting this right is difficult and incredibly complex. It affects different parts of our nation in very different ways. That is why we have found some members of parliament to be highly supportive of aspects of the trial and some members of parliament to be sceptical, not about whether the program is worth taking forward but about whether it could appropriately be a replacement in the future for the current drought policy settings that we have. I commend all members of parliament on the issues that they have raised—I do think it reflects the complexity of this.

A number of members of the opposition, though, have raised a concern about why the money which has been allocated is not nearly enough to allow all the 6,000 farmers within the Western Australian trial region to be able to apply for and receive the on-farm grants. There is a very good reason why a smaller amount of money has been allocated, and that is: we are embarking on a trial. I do not want to pretend that in a trial we can immediately roll out enough support for 6,000 farmers to develop strategic plans. I do not want to pretend that we can do that in 12 months. I do not believe we can and I want to have the benefit of assisting a much smaller group—I mentioned in the second reading speech that it would probably be in the order of 150—where we can work on the strategies with the farmers, with them having control of it, and get plans together that actually make a difference for those properties into the future and co-invest with them. Doing that with smaller numbers will mean we will iron out the problems and work out how, if we go to a larger rollout, the strategic plans can be made in the most effective way. If you rolled out all 6,000 during a 12-month trial, you would necessarily create a situation where your best quality consultants were being spread too thinly, which would run the very real risk of paying people to assist farmers to put together a strategic plan where the quality of what resulted would not be part of the long-term vision for Australian agriculture that this trial hopes we can get to.

If we take this in a methodical way and are careful initially as to how many farms are involved in the planning process, while making sure that the food on the table money is available for the entire region, as it ought to be—but we are careful with the rollout of anything connected to the strategic plans—I
do believe we will land in a much better pol-
icy zone and the trial will be used for the
actual purposes that you would want a trial
to be used for: to test different methods so
that whoever is in government when the trial
period concludes can look at the results and
say, ‘Okay, if we’re going to roll this out
nationally, these are the bits we would want
to change.’ I think that serves the parliament
very well.

To those members of parliament who have
expressed concern about the trial, I want to
express my deep gratitude that nobody has
sought to prevent passage of the legislation.
The legislation itself simply provides for
extra benefits, such as the healthcare card, to
be made available to recipients of support.
Had the opposition sought to they could have
blocked it. I appreciate that the opposition
have not sought to do that.

Mr Baldwin interjecting—

Mr BURKE—That is right. There is still
time if you wish to, Member for Paterson!
But, in anticipation, I convey my thanks to
those senators from the opposition who I
understand have indicated that they will try
to ensure speedy passage of this legislation
when it is sent to the other place in the com-
ing hours. I commend the bill to the House.
Question agreed to.

Bill read a second time.

Message from the Governor-General rec-
ommending appropriation announced.

Third Reading

Mr BURKE (Watson—Minister for Agri-
culture, Fisheries and Forestry and Minister
for Population) (5.31 pm)—by leave—I
move:

That this bill be now read a third time.
Question agreed to.

Bill read a third time.

AUTONOMOUS SANCTIONS
BILL 2010
Second Reading

Debate resumed from 26 May, on motion
by Mr Stephen Smith:

That this bill be now read a second time.

Ms JULIE BISHOP (Curtin) (5.31
pm)—I rise to speak in support of the
Autonomous Sanctions Bill 2010, which,
according to the government, is designed to:
… strengthen Australia’s autonomous sanctions
regime by allowing greater flexibility in the range
of measures Australia can implement, beyond
those achievable under existing instruments, thus
ensuring Australia’s autonomous sanctions can
match the scope and extent of measures imple-
mented by like-minded states.

This bill will enable Australia to implement
autonomous sanctions without having to rely
on legislation that is, in fact, intended for
other purposes.

While the coalition support this bill in
principle, we propose to refer it to the Senate
Foreign Affairs, Defence and Trade Legisla-
tion Committee because of our concerns
about the domestic privacy implications of
the bill. These concerns arise from this pas-
sage in the second reading speech of the
Minister for Foreign Affairs:

… the bill will facilitate access to information for
purposes associated with the administration of
sanction laws by removing impediments for the
sharing of such information within the Common-
wealth, and allowing specially designated Com-
monwealth entities, responsible for the admini-
stration and enforcement of sanction laws, to re-
quire, by written notice, the production of docu-
ments and written information—including under
oath—from persons outside of government in
order to determine whether a sanction law is be-
ing complied with.

The opposition believes that the government
should elaborate on this aspect of the bill to
satisfy the privacy concerns arising from this
passage in the second reading speech.
Sanctions are an alternative to military force whereby the behaviour of an offending country or regime is punished economically, politically or socially. Sanctions can be imposed through the United Nations system by way of targeted measures aimed at removing a threat or the circumstances that have led to a threat to international peace and security. Autonomous sanctions can be imposed by individual countries.

There is ongoing global debate about the role and effectiveness of sanctions and whether they can achieve their stated aims. Sanctions have been imposed by nations against other nations throughout recorded history. Security analysts have pointed to the trade sanctions imposed by the ancient Athenians against their rivals in Sparta in the 5th century BC, for example. But, as students of ancient history would be aware, that led to essentially a trade war—the Peloponnesian War—which lasted 30 years.

The use of sanctions has been prominent at various times in our history. Currently, we are experiencing a significant increase in the use of sanctions, particularly those imposed by international blocs of nations under the auspices of the United Nations Security Council. I note the Minister for Foreign Affairs argued that sanctions were not effective during the Cold War years because any attempt to impose sanctions by one of the superpowers—the United States or the Soviet Union—was strategically undermined by the other. There is little doubt that this policy of the two global giants at the time of gaining competitive advantage over the other made sanctions an ineffective tool. Throughout the Cold War the only United Nations imposed sanctions were essentially against Rhodesia and South Africa and that action was broadly supported by the international community. It has long been the challenge with sanctions to get all relevant nations to agree to impose and to act to enforce the sanctions.

The ultimate goal of sanctions is to force changes in behaviour from the target government or regime. They will suffer significant economic costs if they refuse to alter their behaviour. A United States publication in 2003 entitled *Economic sanctions: examining their philosophy and efficacy* pointed out that economic sanctions can be imposed in myriad forms and with vastly different impacts on the nations subject to sanctions. It makes the observation that the ability to ramp up the economic cost over time allows for progressively stronger messages to be sent about the behaviour causing concern.

However, the publication also points out that there is an inevitable cost to the nation imposing the sanctions, as its companies and citizens are often prevented from pursuing investment opportunities. It is vital that any nation imposing sanctions has the economic and political means to enforce them for the length of time that it can take to have the desired effect. The longer that sanctions are maintained the greater the pressure on the sanctioned nation. There can also be increasing tension from the commercial domestic interests lobbying for an easing of sanctions. This has led to some nations imposing strict sanctions but turning a blind eye to commercial links or failing to enforce the terms of the sanctions.

Increasingly, sanctions have been regarded as the alternative to military action and are therefore seen as a more palatable method of dealing with rogue regimes, for example. Many international security experts regard sanctions as one of the tools that should first be employed and as a precursor to military action only should that ultimately be required. They also argue that sanctions must be pursued to first convince the public that every possible avenue had been pursued before taking additional further steps, such as military action.
United States security analyst Dr M Shane Smith, now of the United States National Defence University, argued in an essay published in 2004 entitled ‘Sanctions: diplomatic tool or warfare by other means?’ for the imposition of what he described as ‘smart sanctions’, which are carefully targeted and which include an element of incentive as well as punishment—a carrot-and-stick approach. A United Nations report in 2000 entitled The sanctions decade: assessing UN strategies in the 1990s was critical of the approach to sanctions in that punitive measures are often not balanced against rewards for improved behaviour.

Incentives can range from the economic to the diplomatic, including the opportunity to participate in international forums, amongst other things. One of the conundrums regarding the effectiveness of economic sanctions is that, the more damaging the sanctions, the more likely they are to work in harming the sanctioned nation economically. This can often impact on the broader population more severely than on the target government or regime. Conversely, economic sanctions can run the risk of hurting the most vulnerable in a nation to the point that that fatally undermines their effectiveness. And herein lies the diabolical dilemma: sanctions can inflict damage to the target country or target population to the point where there is capitulation to the demands of the sanctioning country or powers, yet the sanctioning country or powers are rightly concerned by the moral or humanitarian implications of the sanctions and need to devise ways to get supplies to those most in need.

A case in point is North Korea. While broad based sanctions are called for, a collapse of North Korea would cause a massive flood of refugees into the region. The desired result—the end to North Korea’s nuclear program and its provocative behaviour in pursuit of it—must be put in this context. There is a view that sanctions are more likely to work if there is an organised domestic political opposition force which can build political pressure on the government. However, in the absence of such opposition, sanctions can sometimes bolster domestic public support for a regime that blames an external enemy for all the woes of the nation.

Dr Shane Smith also warns that strong sanctions tend to create a political atmosphere of anxiety and paranoia, which greatly increases the possibility of armed conflict. International economic pressure could also create incentives for authoritarian regimes to be even more repressive toward the opposition forces in order to hold on to power. Burma is a prime example. The more pressure from the international community, the more determined the regime seems to be in its efforts to destroy the chances of the main opposition, the National League for Democracy, as it was, and its leader, Aung San Suu Kyi, from taking any role in the country.

I met with Aung San Suu Kyi in 1995 and I think that any person who has spent any time in her presence could not fail to be overwhelmed by her inspiring and moral example of leadership. The Burma regime, having been humiliated in the 1989 election when Aung San Suu Kyi’s party won 89 per cent of the parliamentary seats, appears ever more determined not to concede to foreign pressure in the event that it weakened its claim, albeit spurious, to legitimacy and popular support.

Despite these risks and consequences, sanctions have proven to be an effective way of encouraging governments to adopt behaviour that is in line with the values of the international community. Historically it is fair to say that sanctions have played an important role in affecting the behaviour of many governments or regimes around the world. While they are far from perfect, I would ar-
gue they have helped avert military conflict in many instances. Sanctions can have a devastating impact on regimes in pursuit of weapons of mass destruction and they did play an important role in preventing Saddam Hussein obtaining nuclear weapons, for example.

Currently, sanctions are imposed on a range of nations, with most attention focused on North Korea and Iran in relation to nuclear programs. There are existing United Nations Security Council sanctions against North Korea that are yet to be fully enforced. For there to be any change, there would need to be a united international front, particularly from the Security Council members. That is not a given. The same applies to Iran. Recently a Russian Foreign Ministry deputy said that he doubted the sanctions imposed on Iran would be effective in this situation.

Iran has been accused of pursuing nuclear weapons, an accusation denied by the regime, but its ongoing refusal to fully cooperate with international nuclear inspectors has raised international concerns. This is a critical issue for the world, as Israel has threatened military action against nuclear facilities in Iran—an action that would almost certainly trigger retaliation from Iran and its proxies, with a potentially devastating impact on the globe. There is an obvious need for sanctions against Iran to work effectively and for Iran to open up its nuclear program to inspectors who can certify that its program is for peaceful power generation purposes. The consequences of the alternative are too terrible to contemplate.

North Korea, in contrast, has detonated nuclear devices in breach of United Nations Security Council resolutions and remains a source of deep tension in the region. Punitive sanctions have impacted on the regime and the long-suffering people of North Korea but have had limited impact on the behaviour of the regime. Its recent provocative action in allegedly sinking a South Korean navy ship has raised tensions close to breaking point. We must continue to trust that targeted sanctions can work to bring about a change in the behaviour of rogue regimes around the world.

In the case of autonomous sanctions imposed by our country, they are in place against Burma, North Korea, Zimbabwe, Iraq, the former Federal Republic of Yugoslavia and Fiji, and they range from financial sanctions to travel restrictions, the suspension of government-to-government links and the like.

Autonomous sanctions against Burma have been in place since October 2007 and against members of the Burmese regime, their associates and their supporters. In response to the regime’s crackdown on pro-democracy activists in 2007, the former, coalition government introduced bans on financial dealings in Australia on about 400 Burmese officials and associates. At the time, foreign minister Downer described them as ‘the strongest financial measures available under existing Australian legislation against countries or individuals that are not subject to United Nations Security Council sanctions’.

North Korea has been subject to Australian autonomous sanctions since 2006, and Zimbabwe since September 2002, targeting the Mugabe regime and its supporters. Autonomous sanctions from Australia were employed against Iran from October 2008 and against the former Federal Republic of Yugoslavia from June 1992, targeting those indicted or suspected of war crimes during the early 1990s. Autonomous sanctions have been in place against Fiji since December 2006.

The coalition believes that autonomous sanctions can in appropriate circumstances
play an important role in sending clear messages to regimes or countries that their behaviour is unacceptable to the norms of our regions. That is why the coalition supports this bill; it streamlines and improves the ability of the government to impose sanctions against regimes whose behaviour is out of step with accepted international behaviour. Sanctions are not a solution to every international situation, nor are they generally able to provide rapid changes in aberrant behaviour—or abhorrent behaviour. They are one of the ways in which the international community can show solidarity with countries where some have adopted behaviour that threatens to undermine stability or threatens their neighbours and beyond.

I note that sanctions are considered by the Australian people to be a productive tool in foreign policy terms. The Lowy Institute for International Policy recently conducted a poll called ‘Australia and the world: public opinion and foreign policy’. One question related to Iran’s development of nuclear weapons. It is interesting to note that, after ‘diplomatic negotiations’ with 85 per cent support, 69 per cent of those surveyed supported ‘economic sanctions’ as a favoured response to Iran’s behaviour.

The Autonomous Sanctions Bill 2010 will provide added flexibility to Australia to implement autonomous sanctions that reflect our belief that a type of behaviour is unacceptable and must be changed to avert more serious action. Rather than having to rely on existing legislation to implement autonomous sanctions, Australia will have available to it a more flexible range of foreign policy options to demand a change of behaviour. Subject to the point about referring the passage on privacy considerations to the relevant Senate committee, I commend this bill to the House.

Mr McMULLAN (Fraser—Parliamentary Secretary for International Development Assistance) (5.47 pm)—I thank the opposition for their support for this measure and I thank the shadow minister for foreign affairs for that contribution. As she was saying, the Autonomous Sanctions Bill 2010, which I of course rise to support, is to support what has been and remains an important facet of diplomacy—not just for Australia, but it has been substantially used by Australia in recent years—that is, autonomous sanctions. Australia is one of a number of countries which seek positive change around the world by supplementing United Nations Security Council sanctions and stepping in in circumstances where it is either inappropriate or not possible for the United Nations Security Council to act and impose sanctions which we as sovereign nation can implement under other legislation. This legislation does not need to cover a Security Council type sanction because we already have a legislative framework for that.

This bill will improve Australia’s capacity to respond quickly to issues of international concern by allowing greater flexibility in the range of measures Australia can implement beyond those that we can achieve under existing arrangements. I note the remarks, reported by the shadow minister, of the former foreign minister, Mr Downer, about the need for us to make these sorts of changes. This bill reflects the government’s intention to allow Australia to participate fully in concerted international action against individuals and regimes of concern.

I want to talk for a moment about why we need autonomous sanctions in Australian diplomacy. The UN Charter authorises the United Nations Security Council to impose sanctions in situations that it has determined breach or threaten international peace and security. In order for UN Security Council sanctions to be implemented, two-thirds of
the 15 members must agree on each of the sanction measures, and—this is usually the most significant element—all five permanent members of the UN Security Council must assent to the measures and be satisfied the situation in question does threaten or breach international peace and security. We can all think of examples where a country like Australia might have wished to take action but a consensus among the P5, as they are called, could not be achieved. There are therefore some situations of serious international concern that have not been subject to Security Council sanctions because one or more of the five permanent members have not assented or the Security Council has not determined that the situation threatens or breaches international peace and security by the required two-thirds majority.

Examples of such situations include, as the shadow minister mentioned, the situation in Burma, which is close to the hearts of many Australians and of course many Australians of Burmese origin, some of whom were in my office only yesterday talking to me about the situation in Burma, particularly on the Thai-Burma border, and welcomed the changes that the foreign minister announced in our approach, particularly with regard to development assistance in Burma—and that is very difficult issue.

We were particularly concerned about the violent crackdown by the Burmese regime on the pro-democracy protests in 2007, but there is a long history of these sorts of repressive activities, going back to the election when the National League for Democracy had the temerity not only to contest the election but to win it! That clearly was not in the regime’s plan. It was okay about them contesting it but not about them doing the unwelcome thing of getting massive public support. So the result was never accepted, and we have had serious extensions of human rights abuses since that time. In a place like Burma, where the human rights and the democratic aspirations of people have been denied, Australia has taken, and will be facilitated to take more effectively in the future, autonomous sanctions.

We have a complicated situation in our region with Fiji, one of Australia’s best friends. The military coup in December 2006 continues to deny the population of Fiji their constitutional rights. Some of the basic freedoms—for example, freedom of the press—are being seriously impaired and we cannot get an agreement for a prompt return to democracy. We need to look at targeted autonomous sanctions. We do not want to see the people of Fiji hurt, we do not wish to see the economy of Fiji collapse, but we do want to see a return to democracy. This requires a scalpel rather than a broadsword. We need to have an array of measures that allow a complex situation like Fiji to be dealt with. There is also, of course, the situation in Zimbabwe. The Mugabe regime has been responsible for many acts that were unacceptable to Australia and the international community. The post-election government of national unity is struggling to establish itself and re-establish the legitimate arms of government. This requires a targeted set of sanctions that are specifically designed for the emerging situation in Zimbabwe.

Australia is one of a number of like-minded countries—including the United States, Canada, New Zealand, the UK and other members of the European Union—which actively seek to bring about positive change by applying pressure through autonomous sanctions. It is not only in situations where the Security Council is unable or unwilling to act; sometimes there are situations where UN Security Council sanctions are in place but Australia and other states may seek to supplement them through additional measures of the kind approved under this legislation. The Security Council has
dealt with issues relating to both Iran and the DPRK, and Australia and other countries have imposed financial sanctions and travel sanctions on a range of persons that are broader than required under Security Council sanctions.

Let me take a bit of time to look at Australia’s use of autonomous sanctions. Australia has actively applied autonomous sanctions as a foreign policy tool for a number of years. So, if we already do it, why do we need this legislation? As the shadow minister for foreign affairs stated in her contribution, we have been using a range of existing instruments that are laws developed for other purposes. We have used these laws for autonomous sanctions but they are imperfect instruments. This bill will allow us to be more effective. I will come back to some of the other implications in a moment, but let me give you some examples. There is the very important question of targeted financial sanctions. Australia has taken financial sanctions from time to time. They were considered to be the most effective sanctions in the case of South Africa. These sanctions are applied under the Banking (Foreign Exchange) Regulations 1959, which were, of course, originally promulgated for entirely different purposes to do with the protection of Australia’s currency and our foreign currency reserves. Arms embargoes are applied under the Customs (Prohibited Exports) Regulations 1958. That does not make them inappropriate but it means they can only apply to tangible goods exported from Australia. They do not apply to intangibles like software or military services, so they are becoming less relevant to the 21st-century challenges we need to address. These are regulations designed in a different era. The government recognises that the types of measures Australia would like to implement whilst working with other like-minded countries are often likely to go beyond the scope of these instruments. Particularly in the future, as technology changes, we will need to take different types of measures that might reflect the significance of these changes but are not facilitated under existing legislation.

The purpose of the bill is to not only strengthen the regime but also ensure that our autonomous sanctions match the scope and extent of measures implemented by like-minded states. We need to keep up with 21st-century demands. What we have at the moment, which we inherited, is a cobbled together patchwork under which good things have been done in the past. But it is not a framework that is sufficient for the future. The bill will provide Australia with more options to achieve the objectives of autonomous sanctions, it will give Australia greater scope and flexibility to apply targeted pressure on oppressive and destabilising regimes across the globe and it will ensure that the adverse impacts on the people of the nations affected are minimised. It is a difficult balance to strike, but this bill will introduce measures that will enable us to do more of that. Our duty to the international community and to the Australian people is to have in place the most effective tools for applying sanctions against such regimes. The bill before us seeks to provide Australia with flexibility to implement measures beyond those achievable under existing arrangements.

I will not outline the details of the bill. That was done by the minister in his second reading speech, but it is important to note that no autonomous sanctions applied under this bill will be able to override our international obligations. They are designed to be measures to make people meet their international obligations. This is constrained by WTO arrangements and free trade agreements et cetera.

Finally, the bill provides and the government will ensure that Australia’s autonomous
sanctions will continue to be subject to regular review and ongoing assessment with regard to changing international needs and pressures. This is a bill for which the purpose is agreed and has been agreed by Australian governments of all political colours for a long time but it will bring a 21st century set of tools to the task. I commend the bill to the House.

Debate (on motion by Mr Albanese) adjourned.

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2010

Assent

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

CRIMES AMENDMENT (ROYAL FLYING DOCTOR SERVICE) BILL 2010

HIGHER EDUCATION SUPPORT AMENDMENT (INDEXATION) BILL 2010

SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2010

AGRICULTURAL AND VETERINARY CHEMICALS CODE AMENDMENT BILL 2010

IMMIGRATION (EDUCATION) AMENDMENT BILL 2010

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

VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2010 BUDGET MEASURES) BILL 2010

VETERANS’ ENTITLEMENTS AMENDMENT (INCOME SUPPORT MEASURES) BILL 2010

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2010-2011

APPROPRIATION BILL (No. 1) 2010-2011

APPROPRIATION BILL (No. 2) 2010-2011

Returned from the Senate

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

BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION) 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 2, page 3 (lines 12 and 13), omit “complies with section 130ZB”, substitute “sets out rules relating to access to services provided under a commercial television broadcasting licence allocated under section 38C”.

(2) Schedule 1, page 3 (after line 29), after item 4, insert:

4A Subsection 6(1)

Insert:

final digital television switch-over day has the meaning given by section 8AE.

(3) Schedule 1, item 7, page 4 (lines 14 to 18), omit the item, substitute:

7 Subsection 6(1)

Insert:

scheme administrator has the meaning given by subsection 130ZB(8).

(4) Schedule 1, page 4 (before line 19), before item 8, insert:

7A After section 8AD

Insert:
Final digital television switch-over day

(1) For the purposes of this Act, the **final digital television switch-over day** is the last switch-over day.

(2) For the purposes of subsection (1), the last day of a simulcast period is a **switch-over day**.

(3) In this section:

**simulcast period** has the same meaning as in Schedule 4.

(5) Schedule 1, item 28, page 14 (lines 4 to 6), omit subsection 41B(1A) (including the note), substitute:

(1A) Subsection (1) does not apply, after the commencement of section 38C, to:

(a) an eligible parent licence; or

(b) an eligible section 38A licence.

Note 1: For **eligible parent licence**, see subsection (2E).

Note 2: For **eligible section 38A licence**, see subsection (2E).

(6) Schedule 1, item 29, page 14 (after line 12), after paragraph 41B(2A)(a), insert:

(aa) an eligible section 38A licence; or

(7) Schedule 1, item 29, page 14 (after line 14), after note 1, insert:

Note 1A: For **eligible section 38A licence**, see subsection (2E).

Eligible section 38A licences in force immediately before 1 January 2009

(2CA) If:

(a) an eligible section 38A licence for a licence area was in force immediately before 1 January 2009; and

(b) the eligible section 38A licence authorised the licensee to provide the following 3 services in the licence area:

(i) the core commercial television broadcasting service;

(ii) a HDTV multi-channelled commercial television broadcasting service;

(iii) a SDTV multi-channelled commercial television broadcasting service;

the eligible section 38A licence is taken to authorise the licensee to provide the following services in the licence area:

(c) the core commercial television broadcasting service;

(d) either:

(i) a HDTV multi-channelled commercial television broadcasting service and a SDTV multi-channelled commercial television broadcasting service; or

(ii) 2 SDTV multi-channelled commercial television broadcasting services;

during the simulcast period, or the simulcast-equivalent period, as the case may be, for the licence area.

Note: For **eligible section 38A licence**, see subsection (2E).

Eligible section 38A licences allocated on or after 1 January 2009

(2CB) If an eligible section 38A licence for a licence area is allocated on or after 1 January 2009 but before the end of whichever of the following periods is applicable:

(a) the simulcast period for the licence area;

(b) the simulcast-equivalent period for the licence area;

the eligible section 38A licence is taken to authorise the licensee to provide:

(c) the following services in the licence area:

(i) a HDTV multi-channelled commercial television broadcasting service;
(ii) 2 SDTV multi-channelled commercial television broadcasting services; or
(d) 3 SDTV multi-channelled commercial television broadcasting services in the licence area;
during the simulcast period, or the simulcast-equivalent period, as the case may be, for the licence area.

Note: For eligible section 38A licence, see subsection (2E).

(9) Schedule 1, item 29, page 16 (lines 8 to 24), omit subsection 41B(2E), substitute:

Eligible parent licence, eligible section 38A licence and eligible section 38B licence

(2E) For the purposes of this section, if:

(a) a person (the original licensee) is or was the licensee of a commercial television broadcasting licence (other than a commercial television broadcasting licence allocated under section 38A or subsection 38B(6), (7), (8) or (9)); and

(b) the original licensee is or was allocated an additional commercial television broadcasting licence under section 38A; and

(c) after the commencement of section 38C, the original licensee is allocated an additional commercial television broadcasting licence under subsection 38B(6), (7), (8) or (9); and

(d) at a particular time, the licences mentioned in paragraphs (a), (b) and (c) are held by the same person (whether or not that person is the original licensee);

then, at that time:

(e) the licence mentioned in paragraph (a) is an eligible parent licence; and

(f) the licence mentioned in paragraph (b) is an eligible section 38A licence; and

(g) the licence mentioned in paragraph (c) is an eligible section 38B licence.

(10) Schedule 1, item 32, page 18 (line 37), omit “43A(3A) or”.

(11) Schedule 1, items 36 to 40, page 21 (line 9) to page 22 (line 9), omit the items.

(12) Schedule 1, item 41, page 22 (line 12), omit “and information”.

(13) Schedule 1, item 41, page 22 (lines 17 and 18), omit “, or a local information program,”.

(14) Schedule 1, item 41, page 22 (after line 18), after paragraph 43AA(1)(a), insert:

(aa) the licensee has not previously broadcast the program in the licence area; and

(15) Schedule 1, item 41, page 22 (lines 23 and 24), omit “, or the local information program, as the case may be,”.

(16) Schedule 1, item 41, page 23 (lines 3 to 7), omit subsection 43AA(3), substitute:

(3) If:

(a) apart from this subsection, a commercial television broadcasting licensee for a regional licence area (the regional licensee) is required by subsection (1) to provide a program to the licensee of a commercial television broadcasting licence allocated under section 38C; and

(b) the regional licensee believes, on reasonable grounds, that the broadcasting of a part of the program in any jurisdiction in the licence area of the section 38C licence could result in the section 38C licensee:

(i) committing an offence; or

(ii) becoming liable to a civil penalty; or

(iii) breaching an order or direction of a court; or

(iv) being in contempt of court;

subsection (1) has effect as if the program did not include that part of the program.
(3A) If:

(a) apart from this subsection, a commercial television broadcasting licensee for a regional licence area (the regional licensee) is required by subsection (1) to provide a program to the licensee of a commercial television broadcasting licence allocated under section 38C; and

(b) the regional licensee believes, on reasonable grounds, that the broadcasting of the program in any jurisdiction in the licence area of the section 38C licence could result in the section 38C licensee:

(i) committing an offence; or

(ii) becoming liable to a civil penalty; or

(iii) breaching an order or direction of a court; or

(iv) being in contempt of court;

subsection (1) does not apply to the program.

(3B) A commercial television broadcasting licence for a regional licence area is subject to the condition that, if:

(a) the licensee broadcasts a local news program in the licence area on 2 or more occasions; and

(b) the licence area is wholly or partly included in the licence area of a licence allocated under section 38C;

the licensee of the regional commercial television broadcasting licence will take reasonable steps to ensure that the licensee of the regional commercial television broadcasting licence does not, on more than one occasion, provide the program to the section 38C licensee.

(17) Schedule 1, item 41, page 23 (lines 8 to 11), omit subsections 43AA(4) and (5).

(18) Schedule 1, item 41, page 23 (before line 15), before the definition of metropolitan licence area in subsection 43AA(7), insert:

local news program means:

(a) a program that consists solely of local news and/or local weather information; or

(b) a program:

(i) that consists primarily of local news and/or local weather information; and

(ii) the remainder of which consists of other news and/or other weather information;

but does not include:

(c) a short segment, or a headline update, that is broadcast for the sole or primary purpose of promoting another program; or

(d) a short segment, or a headline update, that repeats news content that has previously been broadcast by the licensee concerned.

(19) Schedule 1, item 41, page 23 (lines 24 and 25), omit the definition of regional aggregated commercial television broadcasting licence in subsection 43AA(7).

(20) Schedule 1, item 41, page 27 (line 13), omit paragraph 43AD(1)(a).

(21) Schedule 1, item 41, page 27 (line 17), omit “or material”.

(22) Schedule 1, item 50, page 29 (line 1), omit “subsection 43A(3A),”.

(23) Schedule 1, items 57 to 61, page 29 (line 27) to page 30 (line 33), omit the items, substitute:

57 Subsections 122(7) and (8)

Repeal the subsections, substitute:

(7) Standards under subsection (1) do not apply to a commercial television broadcasting service provided by a commercial television broadcasting licensee before the end of the final digital television switch-over day, unless that service is the core/primary commercial television broadcasting service provided by the licensee.
58 Subsection 122(9)
Omit “section 36 or”.

59 Subsection 122(10)
Repeal the subsection.

(24) Schedule 1, page 31 (before line 1), before item 62, insert:

61A After section 123A
Insert:

123B Review by the ACMA—application of code of practice to section 38C licences
Scope
(1) This section applies if:
(a) a code of practice (the original code) is registered under section 123; and
(b) the code applies to the broadcasting operations of commercial television broadcasting licensees.

Review of original code
(2) The ACMA may conduct a review of whether the original code is appropriate in its application to the broadcasting operations of licensees of commercial television broadcasting licences allocated under section 38C.

Request for development of replacement code
(3) If the ACMA:
(a) conducts a review of the original code under subsection (2); and
(b) considers that the original code is not appropriate in its application to the broadcasting operations of licensees of commercial television broadcasting licences allocated under section 38C;

the ACMA may, by written notice given to the industry group that developed the original code:
(c) request the industry group to:
(i) develop another code of practice (the replacement code) that is expressed to replace the original code; and
(ii) give a copy of the replacement code to the ACMA within the period specified in the notice; and
(d) specify particular matters that, in the ACMA’s opinion, should be addressed in the replacement code.

(25) Schedule 1, item 63, page 32 (line 6), omit “either or both”, substitute “any or all”.

(26) Schedule 1, item 63, page 32 (line 11), omit “satellite.”, substitute “satellite;”.

(27) Schedule 1, item 63, page 32 (after line 11), at the end of subsection 130BB(1), add:

(c) community television broadcasting services provided with the use of a satellite;
(d) open narrowcasting television services provided with the use of a satellite.

(28) Schedule 1, item 63, page 32 (line 16), omit “either or both”, substitute “any or all”.

(29) Schedule 1, item 63, page 32 (line 21), omit “and”.

(30) Schedule 1, item 63, page 32 (after line 21), at the end of paragraph 130BB(2)(c), add:

(iii) community television broadcasting services provided with the use of a satellite;
(iv) open narrowcasting television services provided with the use of a satellite; and

(31) Schedule 1, item 63, page 32 (line 27), omit “either or both”, substitute “any or all”.

(32) Schedule 1, item 63, page 32 (line 32), omit “and”.

(33) Schedule 1, item 63, page 32 (after line 32), at the end of paragraph 130BB(3)(a), add:

(iii) community television broadcasting services provided with the use of a satellite;
(iv) open narrowcasting television services provided with the use of a satellite; and

(34) Schedule 1, item 63, page 33 (line 9), omit “either or both”, substitute “any or all”.

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(35) Schedule 1, item 63, page 33 (after line 14), after paragraph 130BB(6)(b), insert:

(ba) community television broadcasting services provided with the use of a satellite;

(bb) open narrowcasting television services provided with the use of a satellite;

(36) Schedule 1, item 63, page 33 (after line 17), after subsection 130BB(6), insert:

Ministerial direction

(6A) The Minister may, by legislative instrument, direct the ACMA about the exercise of its powers to:

(a) determine technical standards under subsection (1); or

(b) vary technical standards determined under subsection (1).

(6B) The ACMA must comply with a direction under subsection (6A).

(37) Schedule 1, item 63, page 33 (before line 25), before the definition of digital mode in subsection 130BB(8), insert:

community television broadcasting service means a community broadcasting service that provides television programs.

(38) Schedule 1, item 64, page 34 (lines 27 and 28), omit “must be”, substitute “complies with this section if the scheme is”.

(39) Schedule 1, item 64, page 36 (line 19), omit “14 days”, substitute “15 business days”.

(40) Schedule 1, item 64, page 38 (lines 18 to 25), omit paragraph 130ZC(1)(d), substitute:

(d) any of the following subparagraphs applies:

(i) the body or association gives the copy of the new scheme to the ACMA within 45 days after the first or only occasion on which a licence for the licence area is allocated under section 38C;

(ii) the body or association gives the copy of the new scheme to the ACMA in response to an invitation under section 130ZCAA;

(iii) the new scheme is expressed to replace another conditional access scheme registered under this section; and

(da) the ACMA is satisfied that the new scheme complies with section 130ZB; and

(41) Schedule 1, item 64, page 39 (line 5), omit “28”, substitute “35”.

(42) Schedule 1, item 64, page 39 (after line 6), after section 130ZC, insert:

130ZCAA ACMA may invite representative body or association to develop a revised conditional access scheme

Scope

(1) This section applies if:

(a) the ACMA is satisfied that a body or association represents commercial television broadcasting licensees; and

(b) that body or association develops a conditional access scheme (the new scheme) for the licence area of a commercial television broadcasting licence allocated under section 38C; and

(c) the body or association gives a copy of the new scheme to the ACMA; and

(d) the body or association gives the copy of the new scheme to the ACMA within 45 days after the first or only occasion on which a licence for the licence area is allocated under section 38C; and either:

(e) the ACMA is not satisfied that the new scheme complies with section 130ZB; or

(f) the ACMA is not satisfied that the new scheme is consistent with the principle that a person in the licence area should have adequate reception of:
(i) all of the applicable terrestrial digital commercial television broadcasting services; or
(ii) all of the commercial television broadcasting services that the section 38C licensee is required to provide under clauses 7B and 7C of Schedule 2.

Invitation

(2) The ACMA must:

(a) by written notice given to the body or association, invite the body or association to:

(i) develop a revised conditional access scheme for the licence area; and
(ii) give a copy of the revised scheme to the ACMA within 30 days after the invitation is given; and

(b) do so within 60 days after the copy of the new scheme is given to the ACMA.

(43) Schedule 1, item 64, page 39 (before line 7), before section 130ZCA, insert:

130ZCAB ACMA may request development of replacement conditional access scheme

Scope

(1) This section applies if:

(a) a conditional access scheme for a licence area is registered under section 130ZC; and

(b) the ACMA is satisfied that the scheme is not achieving one or more of the objectives set out in section 130ZB.

Request

(2) The ACMA may, by written notice given to the body or association that developed the scheme:

(a) request the body or association to:

(i) develop another conditional access scheme (the replacement scheme) that is expressed to replace the scheme registered under section 130ZC; and
(ii) give a copy of the replacement scheme to the ACMA within the period specified in the notice; and

(b) specify particular matters that, in the ACMA's opinion, should be addressed in the replacement scheme.

(3) The period specified in a notice under subsection (2):

(a) must not be shorter than 30 days after the notice is given; and

(b) must not be longer than 60 days after the notice is given.

(44) Schedule 1, item 64, page 39 (lines 9 to 18), omit subsection 130ZCA(1), substitute:

Scope

(1) This section applies if:

(a) the following conditions are satisfied:

(i) a commercial television broadcasting licence is allocated under section 38C for a particular licence area;

(ii) that is the first or only occasion on which a commercial television broadcasting licence is allocated under section 38C for the licence area;

(iii) if the ACMA has not given an invitation under section 130ZCAA in relation to the licence area—90 days pass after the allocation of the licence, and no conditional access scheme for the licence area has been registered, or is required to be registered, under section 130ZC;

(iv) if the ACMA has given an invitation under section 130ZCAA in relation to the licence area—60 days pass after the invitation is given, and no conditional access scheme for the licence area has been registered, or is required to
be registered, under section 130ZC; or

(b) the following conditions are satisfied:

(i) a commercial television broadcasting licence is allocated under section 38C for a particular licence area;

(ii) a conditional access scheme for the licence area is registered under section 130ZC;

(iii) the ACMA gives a notice under subsection 130ZCAB(2) to a body or association in relation to the scheme;

(iv) the body or association does not give the ACMA a copy of a replacement scheme within the period specified in the notice; or

(c) the following conditions are satisfied:

(i) a commercial television broadcasting licence is allocated under section 38C for a particular licence area;

(ii) a conditional access scheme for the licence area is registered under section 130ZC;

(iii) the ACMA gives a notice under subsection 130ZCAB(2) to a body or association in relation to the scheme;

(iv) the body or association gives the ACMA a copy of a replacement scheme within the period specified in the notice;

(v) 35 days pass after the copy is given to the ACMA, and the replacement scheme has not been, and is not required to be, registered under section 130ZC.

(a) the ACMA is satisfied that the scheme complies with section 130ZB; and

(b) the ACMA is satisfied that the scheme is consistent with the principle that a person in the licence area should have adequate reception of:

(i) all of the applicable terrestrial digital commercial television broadcasting services; or

(ii) all of the commercial television broadcasting services that the section 38C licensee is required to provide under clauses 7B and 7C of Schedule 2.

(45) Schedule 1, item 64, page 39 (lines 22 to 30), omit subsection 130ZCA(3), substitute:

(3) The ACMA must not formulate a conditional access scheme unless:

(46) Schedule 1, item 64, page 42 (line 14), omit “14 days”, substitute “15 business days”.

(47) Schedule 1, item 68, page 46 (before line 3), before section 211A, insert:

211AA Time when a television program is broadcast—certain terrestrial licence areas

Nomination of place

(1) The licensee of a commercial television broadcasting licence for:

(a) the Remote Central and Eastern Australia TV1 licence area; or

(b) the Remote Central and Eastern Australia TV2 licence area;

may, by written notice given to the ACMA, nominate a specified place in the licence area for the purposes of the licence.

(2) The nomination must be expressed to be a nomination under subsection (1).

Withdrawal of nomination

(3) If a nomination is in force under subsection (1), the licensee may, by written notice given to the ACMA, withdraw the nomination.

(4) The withdrawal of a nomination does not prevent the licensee from making a fresh nomination under subsection (1).
Time when a program is broadcast

(5) If a nomination of a place is in force under subsection (1) for the purposes of a commercial television broadcasting licence, then:

(a) this Act; and
(b) any program standards; and
(c) any other instrument under this Act; and
(d) any codes of practice registered under section 123;

have effect, in relation to any programs broadcast on a commercial television broadcasting service provided under the licence, as if those programs had been broadcast in all parts of the licence area at the time that is legal time in the nominated place.

(48) Schedule 1, page 48 (after line 13), after item 71, insert:

71A After subclause 7(4) of Schedule 2
Insert:

(4A) For the purposes of paragraphs (1)(k) and (m), if:

(a) a transmitter licence was issued under section 100 of the Radiocommunications Act 1992; and
(b) the transmitter licence authorises the operation of one or more transmitters for transmitting one or more commercial television broadcasting services in digital mode;

ignore any transmission of those services in digital mode by those transmitters.

71B Paragraph 7(8)(a) of Schedule 2
After “subclause”, insert “(4A),”.

(49) Schedule 1, item 72, page 50 (line 34), omit “(d)”; substitute “(c)”.  

(50) Schedule 1, item 72, page 56 (lines 5 to 15), omit clause 7D, substitute:

7D Condition about the provision of local news services

(1) A licence allocated under section 38C is subject to the condition that, if a program is provided, or required to be provided, to the licensee by another licensee under subsection 43AA(1), the section 38C licensee will broadcast the program on a service authorised by paragraph 41CA(1)(c), (f) or (g) as soon as practicable after the other licensee begins to broadcast the program.

(2) Subclause (1) does not apply if the section 38C licensee has previously broadcast the program on such a service.

(3) Subclause (1) does not apply to a program the broadcasting of which in any jurisdiction in the licence area of the section 38C licence could result in the section 38C licensee:

(a) committing an offence; or
(b) becoming liable to a civil penalty; or
(c) breaching an order or direction of a court; or
(d) being in contempt of court.

(51) Schedule 1, page 63 (after line 12), after item 74, insert:

74A Clause 2 of Schedule 4 (at the end of the definition of coverage area)
Add:

Note: For overlapping coverage areas, see clause 5J.

(52) Schedule 1, page 65 (after line 17), after item 87, insert:

87A At the end of Part 1 of Schedule 4
Add:

5J Overlapping coverage areas
If:

(a) apart from this clause, a coverage area (the first coverage area) overlaps with another coverage area; and
(b) the last day of the simulcast period for the first coverage area is earlier
than the last day of the simulcast period for the other coverage area; this Schedule has effect as if the area of overlap were not part of the first coverage area.

(53) Schedule 1, page 65 (after line 20), after item 88, insert:

88A Subparagraph 6(3)(c)(iiia) of Schedule 4
Omit “for 8 years”, substitute “until the end of 31 December 2013”.

(54) Schedule 1, item 94, page 66 (lines 18 to 32), omit the item.

(55) Schedule 1, item 96, page 67 (lines 5 to 19), omit the item.

(56) Schedule 1, page 67 (after line 26), after item 98, insert:

98A After clause 6B of Schedule 4
Insert:

6C Digital conversion of re-transmission facilities
(1) In addition to the policy objectives set out in subclause 6(3), Part A of the commercial television conversion scheme must be directed towards ensuring the achievement of the policy objective set out in subclause (2).

(2) The objective is that, if:

(a) immediately before the commencement of this clause, a self-help provider provided a service that does no more than re-transmit programs that are transmitted by a commercial television broadcasting licensee within the licence area of the licence; and

(b) the self-help provider did so using a radiocommunications transmitter operating at a particular location under the authority of a transmitter licence held by the self-help provider; and

(c) the sole or principal purpose of the service provided by the self-help provider was to enable persons living in a particular area to obtain or improve reception of the commercial television broadcasting service concerned; and

(d) the commercial television broadcasting licensee notifies the ACMA before:

(i) the 9-month period ending on the earliest applicable digital television switch-over date for the licence area; or

(ii) if this clause commences in that 9-month period—the earliest applicable digital television switch-over date for the licence area;

that the licensee is willing to transmit the commercial television broadcasting service, under a transmitter licence held by the commercial television broadcasting licensee, using a radiocommunications transmitter at or near that location; and

(e) such other conditions (if any) as are specified in the scheme are satisfied; then:

(f) the commercial television broadcasting licensee should be authorised, under a transmitter licence held by the licensee, to transmit the commercial television broadcasting service in digital mode using a radiocommunications transmitter at or near that location; and

(g) if the radiocommunications transmitter mentioned in paragraph (b) is the sole radiocommunications transmitter the operation of which is authorised under the transmitter licence mentioned in that paragraph—the transmitter licence should be cancelled; and

(h) if the radiocommunications transmitter mentioned in paragraph (b) is not the sole radiocommunications transmitter authorised by the transmitter licence mentioned in that paragraph—the transmitter licence should be cancelled; and

(i) if this clause commences in that 9-month period—the earliest applicable digital television switch-over date for the licence area;
should be varied so that it ceases to authorise the operation of the radio-
communications transmitter.

(3) For the purposes of this clause, if:
   (a) clause 6 applies to a commercial television broadcasting licence; and
   (b) there is a simulcast period for the licence area of the licence; and
   (c) there is no local market area included in the licence area of the licence;

the last day of the simulcast period for the licence area is the applicable digital television switch-over date for the licence area.

(4) For the purposes of this clause, if:
   (a) clause 6 applies to a commercial television broadcasting licence; and
   (b) there is a simulcast period for the licence area of the licence; and
   (c) a local market area is included in the licence area of the licence;

the day on which the local market area becomes a digital-only local market area is an applicable digital television switch-over date for the licence area.

(57) Schedule 1, page 68 (before line 9), before item 102, insert:

101B After clause 35 of Schedule 4
Insert:

35A Certain transmissions to be disregarded
For the purposes of clauses 34 and 35, if:
   (a) a transmitter licence was issued under section 100 of the Radiocommunications Act 1992; and
   (b) the transmitter licence authorises the operation of one or more transmitters for transmitting one or more national television broadcasting services in digital mode;

ignore any transmission of those services in digital mode by those transmitters.

(58) Schedule 1, item 103, page 68 (lines 15 to 17), omit the item, substitute:

103 Paragraph 38(4)(a) of Schedule 4
Repeal the paragraph, substitute:
   (a) a commercial television broadcasting licence is in force; and
   (aa) the licence was not allocated under section 38C; and

103A Paragraph 38(4)(b) of Schedule 4
Omit “core”, substitute “core/primary”.

103B Subclause 38(4) of Schedule 4
Omit “, during that period.”, substitute “, before the end of the final digital television switch-over day.”.

103C Subclause 38(4) of Schedule 4
Omit “the core”, substitute “the core/primary”.

(59) Schedule 1, item 104, page 68 (line 19), omit “or (2C)”, substitute “, (2C) or (2CB)”.

(60) Schedule 1, page 68 (after line 19), after item 104, insert:

104A Paragraph 38(4A)(b) of Schedule 4
Repeal the paragraph.

104B Subclause 38(4A) of Schedule 4
Omit “, during that period.”, substitute “, before the end of the final digital television switch-over day.”.

(61) Schedule 1, item 105, page 69 (lines 3 and 4), omit “, until the end of the last applicable terrestrial digital television switch-over date for the licence area,”, substitute “, before the end of the final digital television switch-over day.”.

(62) Schedule 1, items 106 to 108, page 69 (lines 13 to 20), omit the items, substitute:

106 Subclause 38(5) of Schedule 4
Repeal the subclause, substitute:
(5) If:

(a) a national broadcaster provides a national television broadcasting service in a coverage area; and

(b) the service is not provided with the use of a satellite;

then, before the end of the final digital television switch-over day, subclause (1) does not require the provision of a captioning service for a television program transmitted on:

(c) a SDTV national television broadcasting service provided by the national broadcaster otherwise than with the use of a satellite; or

(d) a HDTV national television broadcasting service provided by the national broadcaster otherwise than with the use of a satellite;

unless:

(e) during the simulcast period, or the simulcast-equivalent period, as the case may be, for the coverage area, the television program was previously transmitted by the national broadcaster on the national television broadcasting service that is:

(i) provided by the national broadcaster; and

(ii) the service to which clause 19 applies; or

(f) after the end of the simulcast period, or the simulcast-equivalent period, as the case may be, for the coverage area, the television program was previously transmitted by the national broadcaster on the primary national television broadcasting service provided by the national broadcaster.

(64) Schedule 1, item 110, page 70 (lines 7 to 9), omit the item, substitute:

110 Paragraph 38(9)(a) of Schedule 4

Repeal the paragraph. substitute:

(a) a commercial television broadcasting licence is in force; and

(aa) the licence was not allocated under section 38C; and

110A Paragraph 38(9)(b) of Schedule 4

Omit “during that period,”; substitute “before the end of the final digital television switch-over day.”

(65) Schedule 1, item 111, page 70 (lines 15 to 17), omit “last applicable terrestrial digital television switch-over date for the licence area,”; substitute “final digital television switch-over day.”

(66) Schedule 1, page 70 (after line 30), after item 111, insert:

111A Paragraph 38(10)(a) of Schedule 4

Repeal the paragraph.

111B Paragraph 38(10)(b) of Schedule 4

Omit “during that period, the national broadcaster”, substitute “before the end of the final digital television switch-over day, a national broadcaster”.

111C Paragraph 38(10)(b) of Schedule 4

Omit “in the coverage area”, substitute “in a coverage area”.

(67) Schedule 1, item 112, page 71 (lines 10 to 27), omit “last applicable terrestrial digital television switch-over date for the licence area that corresponds to the satellite delivery area,”; substitute “before the end of the final digital television switch-over day.”

(68) Schedule 1, item 113, page 71 (lines 23 to 27), omit the item.

(69) Schedule 1, item 115, page 71 (line 34), omit “or (2C)”; substitute “(2C); or (2CB)”.

(70) Schedule 1, item 118, page 72 (line 12), omit “or (2C)”; substitute “(2C) or (2CB)”.

CHAMBER
(71) Schedule 1, item 123, page 75 (line 25), omit “or (2C)”; substitute “, (2C) or (2CB)”.

(72) Schedule 1, page 81 (after line 8), after item 132, insert:

132A At the end of Part 8 of Schedule 4

Add:

60D Review of content and captioning rules applicable to multi-channelled television broadcasting services

(1) Before 31 December 2012, the Minister must cause to be conducted a review of the following matters:

(a) the operation of Part 9 of this Act and clause 38 of this Schedule, in so far as those provisions apply to:
   (i) SDTV multi-channelled commercial television broadcasting services; and
   (ii) HDTV multi-channelled commercial television broadcasting services;
(b) whether Part 9 of this Act and clause 38 of this Schedule, in so far as those provisions apply to:
   (i) SDTV multi-channelled commercial television broadcasting services; and
   (ii) HDTV multi-channelled commercial television broadcasting services;
   should be amended;
(c) the operation of clause 38 of this Schedule, in so far as that clause applies to:
   (i) SDTV multi-channelled national television broadcasting services; and
   (ii) HDTV multi-channelled national television broadcasting services;
(d) whether clause 38 of this Schedule, in so far as that clause applies to:
   (i) SDTV multi-channelled national television broadcasting services; and
   (ii) HDTV multi-channelled national television broadcasting services;
   should be amended.

(2) The Minister must cause to be prepared a report of a review under subclause (1).

(3) The Minister must cause copies of a report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the report.

(73) Schedule 1, item 141, page 83 (lines 18 to 29), omit subsection 135ZZZG(1).

(74) Schedule 1, item 141, page 86 (lines 20 to 23), omit subsection 135ZZZI(5), substitute:

(5) If:

(a) a copy of an eligible program is made for a purpose referred to in subsection (3) or (4); and
(b) under a law of the Commonwealth, the satellite BSA licensee is required to retain the copy for a period longer than 7 days after the copy is made; and
(c) the copy is not destroyed as soon as practicable after the end of that period;
   subsection (3) or (4), as the case requires, does not apply, and is taken never to have applied, in relation to the making of the copy.

(5A) If:

(a) a copy of an eligible program is made for a purpose referred to in subsection (3) or (4); and
(b) subsection (5) does not apply; and
(c) the copy is not destroyed within 7 days after it is made;
   subsection (3) or (4), as the case requires, does not apply, and is taken never to have applied, in relation to the making of the copy.

(75) Schedule 1, page 101 (after line 11), at the end of the Schedule, add:
Radiocommunications Act 1992

144A Subsection 100(5)
Before “153H”, insert “102AF, 102AH or”.

144B Subsection 101B(1)
Omit all the words from and including “may,” to and including “under this section”, substitute “may apply in writing to the ACMA for the issue of a transmitter licence under this section”.

144C Subsection 101B(6)
Repeal the subsection.

144D Subsection 101C(1)
Omit all the words from and including “may,” to and including “under this section”, substitute “may apply in writing to the ACMA for the issue of a transmitter licence under this section”.

144E Subsections 101C(5) and (9)
Repeal the subsections.

145 Before section 102B
Insert:

102AE Variation of transmitter licences—digital conversion of re-transmission facilities

(1) If:
(a) there is in force a transmitter licence issued under section 102 or 102A; and
(b) the transmitter licence is held by the licensee of a commercial television broadcasting licence (the related licence); and
(c) the transmitter licence authorises the operation of one or more specified radiocommunications transmitters for transmitting a commercial television broadcasting service in digital mode in accordance with the related licence; and
(d) under a scheme in force under clause 6 of Schedule 4 to the Broadcasting Services Act 1992, the ACMA is required to vary the transmitter licence so that the transmitter licence authorises the operation of one or more additional radiocommunications transmitters for transmitting the commercial television broadcasting service in digital mode in accordance with the related licence; and
(e) the requirement that the ACMA vary the transmitter licence is related to the objective set out in clause 6C of the Broadcasting Services Act 1992;

the ACMA must, by written notice to the transmitter licensee, vary the transmitter licence accordingly.

(2) In this section:
commercial television broadcasting licence has the same meaning as in the Broadcasting Services Act 1992.

commercial television broadcasting service means a commercial broadcasting service that provides television programs.

102AF Variation or cancellation of transmitter licences—digital conversion of re-transmission facilities

(1) If:
(a) a transmitter licence is in force; and
(b) the transmitter licence is held by a self-help provider; and
(c) the transmitter licence authorises the operation of 2 or more specified radiocommunications transmitters for re-transmitting programs that are transmitted by a commercial television broadcasting licensee; and
(d) under a scheme in force under clause 6 of Schedule 4 to the Broadcasting Services Act 1992, the ACMA is required to vary the transmitter licence by removing the specification of one or more, but not all, of the radiocommunications transmitters; and
(e) the requirement that the ACMA vary the transmitter licence is related to the objective set out in clause 6C of...
Schedule 4 to the Broadcasting Services Act 1992;
the ACMA must, by written notice to the transmitter licensee, vary the transmitter licence accordingly.

(2) If:
(a) a transmitter licence is in force; and
(b) the transmitter licence is held by a self-help provider; and
(c) the transmitter licence authorises the operation of a specified radiocommunications transmitter for re-transmitting programs that are transmitted by a commercial television broadcasting licensee; and
(d) under a scheme in force under clause 6 of Schedule 4 to the Broadcasting Services Act 1992, the ACMA is required to cancel the transmitter licence; and
(e) the requirement that the ACMA cancel the transmitter licence is related to the objective set out in clause 6C of Schedule 4 to the Broadcasting Services Act 1992;
the ACMA must, by written notice to the transmitter licensee, cancel the transmitter licence.

(3) In this section:
commercial television broadcasting licensee has the same meaning as in the Broadcasting Services Act 1992.
self-help provider has the meaning given by section 212A of the Broadcasting Services Act 1992.

102AG Transmitter licences—re-transmission of commercial television broadcasting services to be in digital mode
(1) The ACMA must not issue a transmitter licence to a self-help provider that authorises the operation of one or more specified radiocommunications transmitters for re-transmitting in analog mode the programs transmitted by a commercial television broadcasting licensee in the licence area of the commercial television broadcasting licence.

(2) Subsection (1) does not apply to the issue of a transmitter licence if the ACMA issues the transmitter licence:
(a) by way of renewal; and
(b) during the simulcast period, or simulcast-equivalent period, for the licence area mentioned in subsection (1).

(3) In this section:
analog mode has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.
commercial television broadcasting licence has the same meaning as in the Broadcasting Services Act 1992.
self-help provider has the meaning given by section 212A of the Broadcasting Services Act 1992.
simulcast-equivalent period has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.
simulcast period has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.

102AH Cancellation of transmitter licences—re-transmission of commercial television broadcasting services
Scope
(1) This section applies if:
(a) a transmitter licence (the analog transmitter licence) is in force; and
(b) the analog transmitter licence is held by a self-help provider; and
(c) the analog transmitter licence authorises the operation of one or more specified radiocommunications transmitters for re-transmitting in analog mode the programs transmitted by a commercial television broadcasting licensee in the licence area of the commercial television broadcasting licence.
Cancellation of transmitter licence

(2) The analog transmitter licence is cancelled at the end of the simulcast period, or the simulcast-equivalent period, for the licence area of the commercial television broadcasting licence.

Definitions

(3) In this section:

*analog mode* has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.

*commercial television broadcasting licence* has the same meaning as in the Broadcasting Services Act 1992.

*self-help provider* has the meaning given by section 212A of the Broadcasting Services Act 1992.

*simulcast-equivalent period* has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.

*simulcast period* has the same meaning as in Schedule 4 to the Broadcasting Services Act 1992.

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (6.01 pm)—I move:

That the amendments be agreed to.

The Senate has agreed to amendments to the Broadcasting Legislation Amendment (Digital Television) Bill 2010 to address issues raised by the Senate committee in its report to the bill and by industry stakeholders since the bill’s introduction. The amendments help facilitate a more effective satellite service and assist the switchover to digital-only television. They also make various technical and other changes to the bill, originally passed in this House on 13 May 2010. The government amendments extend the current exemption from the Australian Content Standard and the Children’s Television Standards and from captioning requirements on multichannel services until digital switchover is completed nationally by 31 December 2013. This will ensure that regional broadcasters can continue to provide the full range of digital services.

The government amendments will also facilitate the rollout of the full range of commercial digital television services to the smaller regional licence areas of South Australia, Broken Hill and Griffith. This will allow the commercial broadcasters in these areas to terrestrialize an equivalent range of digital television services to those available in the metropolitan and larger regional licence areas. The government amendments also address concerns regarding the ability of the new satellite services viewers to access third party services such as the National Indigenous Television service. Passage of this bill will be a major component of the switchover to digital television, which begins in Mildura at the end of this month.

Mr ANTHONY SMITH (Casey) (6.03 pm)—The Broadcasting Legislation Amendment (Digital Television) Bill 2010, which we are now finalising in the House, was introduced in March. The second reading debate was on 13 March. It began that day and concluded that day by agreement between the opposition and the government so that the bill could be before the Senate at the earliest opportunity. In fact, the coalition agreed to reduce our speakers’ list and our speaking times in order for the bill to be through the House on 13 May.

Last week, the government produced more than 40 pages of amendments. On Tuesday of this week, the government sought our assistance to have the bill debated in the Senate on the Wednesday—that is, the following day. We agreed to this because there are, as you would appreciate, Mr Deputy Speaker, a number of very critical elements to this bill, with the switch-over beginning in Mildura in just a few days time. There are 40 pages of amendments. The shadow minister is right
that many of them do pick up recommendations of the Senate committee, but many others pick up other aspects. We feel that this has been an unsatisfactory process. The bill itself should have been introduced much earlier. The amendments should have been produced earlier and there should have been full debate on them in the Senate.

As I said, on Tuesday evening the government requested that the debate occur on the Wednesday, to which we agreed. Unfortunately, overnight, the government itself decided to list the bill so low in the order of business in the Senate that debate during the time for government business was simply not possible. However, given the critical nature of some aspects of this bill, it was agreed that it would be dealt with in the Senate today on a non-controversial basis. The government did agree not to proceed with some amendments which it, by its own admission, said were not time critical—that is, they can be dealt with in the coming weeks and months when at least they can have some proper parliamentary scrutiny, given the importance of the issues. There are many amendments to the bill. In addition to that, given the process and given the government’s track record, we say here on behalf of the opposition that it is likely that there will be more things to fix up down the track.

In order for those important provisions which are time critical to proceed through the parliament before 30 June and for those other regions facing the switch-over in the coming months, the coalition agreed for the matter to be dealt with in the non-controversial business in the Senate today. We point out, as I have said, that the process the government has chosen has been rather chaotic with such an important issue, but it was important that the critical time nature aspects of the legislation that the government highlighted were able to proceed. It was agreed that those aspects that were not time critical and in fact not really part of the Senate committee inquiry process could be dealt with another day. On that basis, it is incumbent on the government to ensure the proper implementation of these amendments. Given the rush and the government’s own listing of the legislation in the Senate which it had had for a few weeks, and given the government’s own decision to list the legislation so low that it could not considered in its own government business, there has not been the normal scrutiny you would expect on such important legislation. Nonetheless, my friend and colleague and representative in the Senate Senator Cormann has expressed in greater detail all of these concerns. But, as I said, we are supporting it.

Question agreed to.

BUSINESS

Mr ALBANESE (Grayndler—Leader of the House) (6.09 pm)—Mr Deputy Speaker, on indulgence: I inform the House as to the processes this evening. It would appear that we have at least one further piece of legislation due to come back. That is the Electoral and Referendum Amendment (Modernisation of Other Measures) Bill 2010. It is my understanding that that will be returned to the House within the next half hour. Therefore, I propose to continue sitting the House at this stage so that it returns for the convenience of members and particularly the staff of the parliament. It is therefore appropriate that we return to the debate on Autonomous Sanctions Bill 2010. I know that the member for Fadden is tearing at the bit literally to give his speech on this legislation.

MEMBER FOR MELBOURNE

Mr ALBANESE (Grayndler—Leader of the House) (6.10 pm)—Mr Deputy Speaker, on indulgence: I put on the record my regard for the member for Melbourne, noting his announcement today that he will not be re-contesting the next election. I have known
Lindsay Tanner literally since I was at school when I stayed at his place in Melbourne with him and his then partner Cindy Hogan. They looked after me for a couple of weeks when I was on an extended holiday in Melbourne whilst attending my first national Young Labor conference. Lindsay Tanner was also someone whom I had considerable involvement with over a long period in the labour movement. When I first came to Canberra I shared a flat with Lindsay Tanner and Alan Griffin. They were sort of like the odd couple, except they were two Oscars and no Felix in their flat in Queanbeyan and I very quickly made a decision to gain my own premises.

Lindsay Tanner has made an extraordinary contribution to the Australian Labor Party, to the labour movement and to the Labor government. He in opposition held a number of portfolios, some of which related directly to my electorate. As the shadow minister for transport, he visited residences in my electorate adversely affected by aircraft noise and was always prepared to listen to their concerns and, indeed, he made the first commitment to have Fort Street High School insulated from aircraft noise.

He has considerable policy ability. He has an ability also to engage across a broad spectrum of the business community right through to grassroots community based organisations. He is extremely well respected and I am sure that he will have a good career outside politics. His speech today reminds us of the sacrifices that we all make in terms of our families, and the fact that he is making the decision to spend more time with his two young children and also his two older children as well as his wife Andrea is a courageous one for him and I wish him well. I thank him for the mentoring that he gave to me as a new member of the parliament when I arrived in the House of Representatives. I look forward to continuing to enjoy his friendship for many years to come.

Mr ANTHONY SMITH (Casey) (6.13 pm)—Mr Deputy Speaker, on indulgence: I would just like to join with the Leader of the House to make some remarks about the member for Melbourne. As someone from Victoria, albeit from a different political party, I have obviously got to know the member for Melbourne over the years. I just want to say here in the House that I think he handled himself with great eloquence today and the decision he has made has obviously been one that he has been considering for some time. I have worked very closely with the member for Melbourne. I worked with him when I was the Chair of the Joint Committee of Public Accounts and Audit. As you know, Mr Deputy Speaker, there is so much work that is done at a level that the public do not see and he was a very active and productive member of that committee.

In more recent years, I have had the opportunity of sparring with him on TEN's Morning News on Friday morning on a regular basis. Despite political differences and the fact that we are engaged here in this parliament and in the public arena in verbal combat, I have always found him to be personable and tough but fair in all his dealings. I do wish him very well for the future. If my memory serves me correctly, he was elected in 1993 and served a first term, obviously as a backbencher and for a long period in opposition, before becoming a very senior minister as the now Minister for Finance and Deregulation. Helping put together a federal budget is an enormous task, and being a member of parliament and a member of this House for 17 years is an enormous contribution. I wish him all the best in his future endeavours and I wish his family all the best in having more time with him at home, as he goes about the next stage of his life and career.
FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET MEASURES) BILL 2010

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered at the next sitting.

AUTONOMOUS SANCTIONS BILL 2010

Second Reading

Debate resumed.

Mr ROBERT (Fadden) (6.17 pm)—I will make some very brief comments on the Autonomous Sanctions Bill 2010. The purpose of the bill is to strengthen Australia’s autonomous sanctions regime by allowing greater flexibility in the range of measures that Australia can seek to implement, therefore allowing our sanctions, which we autonomously can put in place, to match the scope and indeed the range of measures that like-minded countries are seeking to put together. There is also a range of administrative and compliance issues that go along with the bill.

Suffice to say, we live in an uncertain world. In 1986, the International Year of Peace, 46 wars ravaged the globe. I look across the desk and see the Parliamentary Secretary for Defence Support. He and I have spent a fair bit of time together in uniform and overseas on operations serving our nation in uncertain times. War is a dreadful thing. Everyone would concede that it is a horrendous thing. To send young men and women into harm’s way is not something an executive would seek to do lightly. At times, the profession of arms and forced combat is indeed necessary, but it behoves all executives and the parliaments which keep them accountable to ensure that we do everything possible before engaging in the ultimate battle of wills that is armed combat. Indeed, armed combat—the force of arms—should be used only as an absolute and utter last resort.

There is any number of options that any nation of the world can take forward before resorting to force. I think I join all members of the House in hoping, and indeed praying, for a world where the force of arms is not needed. Unfortunately, the reality is we must do everything to ensure the security of our borders, of our nation and of our national interest. One of the key measures that needs to be considered before the use of force has to be the use of sanctions, of economic might, of political muscle, of the strength of our argument and our ideas, backed up by the strength of our commerce, to achieve our political end state first, before the ultimate battle of wills may be necessary. This is the role of sanctions.

As we know, there are United Nations imposed sanctions whereby the UN seeks and passes a resolution for sanctions against a particular nation. And of course there are autonomous sanctions—sanctions imposed by individual countries. In the case of Australia, we currently have a range of sanctions in place against countries such as Burma, North Korea, Zimbabwe, Iran and Fiji. These sanctions range from financial sanctions to travel restrictions and, of course, suspension of government-to-government links, not allowing ambassadors and the like to be there. The purpose of these sanctions is to send a very clear message that we as a nation will seek to stand up to tyranny, that we will not allow other countries to sink into anarchy, that we will protect the rights of democracy and that we will set an example of a First World nation as it seeks to do its bit in bringing about a world far freer from the threats of violence, from disease and from hunger. That is why various governments have taken the move to put sanctions against such dictato-
rial and brutal regimes as Burma, North Ko-
rea, Zimbabwe and Iran, and nations where 
constitutional democracy has unfortunately 
failed, like Fiji.

The challenge is that currently sanctions 
are imposed by relying on legislation that is 
intended for other purposes. I thought the 
Minister for Foreign Affairs in his second 
reading speech gave a very good example of 
where governments currently do that. For 
example, financial sanctions imposed 
automously by Australia are actually ap-
piled by using the Banking (Foreign Ex-
change) Regulations 1959. These regulations 
were originally promulgated for the protec-
tion of our nation’s currency and the regula-
tion of our foreign currency reserves. How-
ever, we have used that bill to provide the 
基础 for financial sanctions against some 
nations of the world.

The purpose of the bill before us today, 
the Autonomous Sanctions Bill, is to provide 
greater flexibility and responsiveness in im-
posing sanctions from our nation on a range 
of countries without having to rely on using 
a range of other legislation that was not fit 
for purpose. Providing this flexibility and 
giving government the vehicle and the pow-
ers it needs to appropriately and legally im-
pose sanctions for the betterment of mankind 
in other parts of the world is sensible, is right 
and is supported. Sanctions, where appropri-
ate, are absolutely supported, especially if 
they are targeted and mindful of past events.

The coalition believes autonomous sanc-
tions can play a very significant part in send-
ing a very clear message. If we look at re-
gimes like those in Iran, North Korea and 
Burma—regimes where democracy is not 
permitted, where human rights are grossly 
violated, where independent political parties 
seeking to represent people are not allowed 
and where trade unions are not permitted—
for these countries it is appropriate for a na-
tion like Australia to seek to use sanctions to 
send a very clear message that freedom is not 
just for a few; freedom is for all. People in 
countries must be free to assemble under 
trade unions. As a Liberal, I actually take 
great pride in fighting for the rights of people 
to assemble in a trade union. They have that 
right and they should have that right to seek 
to come together. They should also have the 
right not to be a member of a union. They 
should have the right to join a political party 
and to seek office. People should have the 
right of free speech, cognisant of course of 
the needs of others. People should have the 
rights of travel and expression.

People should be able to enjoy freedom in 
all its realms and, as a first-world nation, we 
are not ignorant of the plight of others nor do 
we ignore them or turn the other way. We 
seek to use every measure at our disposal 
that is sensible, appropriate and warranted to 
achieve the end of sending a clear, appropri-
ate and compassionate message that, whilst 
we care for the peoples of other nations, at 
times we do not care for their unelected dic-
tatorial representatives. I would rather use 
sanctions to achieve a political end state and 
I would rather we seek to continue to use 
sanctions than move to rely upon force.

I am not blind to the fact that force is 
sometimes required, that it can be all too 
necessary. As we speak, there are 3½ thou-
sand Australian combat soldiers deployed 
overseas on a range of operations seeking to 
assist, help and support people who are suf-
ferring under dictatorial, oppressive and bru-
tal regimes and insurgencies. I am not blind 
to the fact that the force of arms is necessary 
and that the price of peace is eternal vigi-
lance. There is no way for us to move away 
from that, but this bill provides the platform 
we need to allow appropriate measures to be 
used first, one of those being sanctions.
I note that there has been a range of privacy concerns raised by the coalition on this bill. I believe the bill is being referred to a Senate inquiry to further tease out some of those privacy issues that arise, because the bill facilitates access to information for purposes to allow the bill to be enacted. Whilst on the surface this would seem appropriate, the due course of parliamentary oversight does require the bill to be analysed in greater detail, and I certainly applaud the Senate for taking that move. The Autonomous Sanctions Bill 2010 will provide an appropriate framework for the executive to undertake the role of seeking to preserve freedom and protect the rights of individuals through sanctions, and it certainly enjoys our support.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (6.27 pm)—I endorse the comments of my colleague the member for Fadden on this important bill, the Autonomous Sanctions Bill 2010. It is a pleasure to speak on the bill which is another tool in the armoury of the Australian government in our efforts to improve the circumstances of peace, freedom and democracy, to alleviate conditions of those suffering from oppression and to prevent those who would seek to acquire and use weapons of mass destruction in a world so threatened by such developments.

This bill will provide greater flexibility in the range of measures Australia can implement, thus ensuring Australia’s autonomous sanctions match the scope and extent of measures implemented by like-minded countries. Through this mechanism, we can work together with countries such as the United States on making sure such sanctions are effective. It will also assist the administration of, and compliance with, sanctions measures by removing distinctions between the scope and extent of autonomous sanctions and UN sanction enforcement laws.

The framework under which the regulations will be set up in this legislation will enable that flexibility to occur, with each set of regulations containing specific measures to be imposed in response to a particular situation. Dealing with these matters by regulation provides for the degree of flexibility that we need to respond to international developments in a timely way. It will also enable the government to harmonise its administration of autonomous sanctions and UN sanction enforcement laws, simplifying compliance arrangements for those entities whose business requires a regular and active engagement with the operation of such laws.

The regulations may make provision relating, amongst other things, to proscription of persons or entities, restriction or prevention of uses of, dealings with and making available assets as well as restriction or prevention of the supply, sale, transfer or procurement of goods or services. The Minister for Foreign Affairs has to be satisfied that the proposed regulations will facilitate the conduct of Australia’s relations with other countries or with entities or persons outside Australia or otherwise deal with matters, things or relationships outside Australia.

The offences under this legislation, for those who contravene the sanctions law, will involve a conviction with a possible maximum of 10 years jail and also a fine, which could be the greater of three times the value of the relevant transaction or transactions, if this can be calculated, or 2,500 penalty units. The consequences of contravening these sanctions are now identical to the contravention of Australian laws implementing the relevant United Nations Security Council sanctions under the Charter of the United Nations Act 1945. These sanctions laws will restrict the trade in a narrow class of goods and services, such as military and security goods and services, to specific regimes. They will also restrict financial transactions in-
volving designated members or supporters of those regimes that the Australian government assesses are facilitating the repression of populations or the commission of regionally or internationally destabilising acts, including the acquisition or proliferation of weapons of mass destruction. The contravention of such restrictions is thus directly comparable to the relevant provisions of the Charter of the United Nations Act.

The use of sanctions is a contentious issue and has been for many years. A good colleague and friend of mine whom I served with in Iraq has produced a seminal text on the issue called Shrewd Sanctions: Statecraft and State Sponsors of Terrorism. Her name is Meghan O’Sullivan and she subsequently became an adviser to the National Security Adviser in the United States. It is relevant to refer to something she stated in that work. She said:

… the use of sanctions must be appropriately coupled with that of other policy tools. Sanctions on their own will result in little more than raised expectations, ones that are almost certain to be disappointed. Imposing sanctions in itself does not constitute a foreign policy strategy; sanctions are policy instruments that need to be combined with other tools in order to form coherent and effective strategies.

I can only endorse those words. Sanctions are one of a range of approaches that must be taken to achieve success. There are many historic examples of where that has been the case, where sanctions have been successful—for example, in dealings with Libya and in Bosnia, in the former Yugoslavia, back in the nineties.

One of the most important examples when looking at the impact of sanctions is the situation that applied in Iraq, which I had a very close association with. We are aware that the sanctions regimes that were put in place after the first Gulf War in 1991 were aimed at preventing Iraq from acquiring weapons of mass destruction. The Iraqi regime of Saddam Hussein at the time sought to exploit that situation, however, by transferring the pain of sanctions to his own population while attempting to use his revenue from oil to develop weapons capabilities and to also satisfy his own lust for power.

Later on, the United Nations introduced the oil for food program, which was meant to ameliorate that situation for the population. This of course became a notable incident in our own history through the Australian Wheat Board saga. That was an issue that I became closely involved with, as we were going through the material and examining the sources of information that revealed the extent of the contravention of the oil for food program in Iraq. That became a sorry saga of note which was also delved into by the Cole commission of inquiry. It is a matter of record that it was a great travesty that this country went to war to enforce sanctions which were in fact being actively undermined by the Australian Wheat Board, which was putting into the back pocket of Saddam Hussein around $300 million. That was going into his war chest at a time when we were sending soldiers in to fight Saddam Hussein. It was a travesty of a situation in this nation’s history.

The effects of the sanctions regime in Iraq were catastrophic in many ways. Other than creating the effect that was sought, in limiting Iraq’s ability to acquire weapons of mass destruction, sanctions created a criminalised economy, particularly the spawning of a widespread smuggling regime in relation to oil. It became a primary responsibility of mine to try to defeat that while I was in Iraq. Sanctions also helped to destroy a diversified economy, which made it very difficult in the reconstruction phase post the combat phase in Iraq, and we subsequently went to war with Iraq in 2003.
On the positive side, the effect of the sanctions did in fact keep $250 billion, approximately, out of the hands of Saddam Hussein during that time and slow him down in his attempt to acquire weapons of mass destruction. The episode in Iraq is quite an interesting example of where sanctions can have positive and negative effects as a policy tool. It shows that they need to be complemented by other policy actions.

One of the primary purposes of being able to introduce this Autonomous Sanctions Bill is to target, in particular, oppressive and abhorrent regimes. One of the primary examples of that in the world today is Iran. Just recently we have seen the introduction of yet another United Nations Security Council resolution, 1929, imposing new sanctions against Iran. They have had a terrible record of not complying or being honest in their dealings with the International Atomic Energy Agency. This concerns their attempts to acquire weapons of mass destruction—that is, nuclear weapons—and to weaponise their nuclear capability.

The ongoing failure of Iran to comply has led to this latest resolution, which strengthens obligations on states to prevent the supply to Iran of any goods or services that could contribute to Iran’s proliferation-sensitive nuclear industry and missile delivery and technology programs. There are additional obligations on states to prevent the supply of military equipment and related services to Iran. The resolution also targets, importantly, Iran’s transport and financial sectors, as well as the Islamic Revolutionary Guard Corps in response to its role in Iran’s nuclear activities and the development of nuclear weapons delivery systems. This resolution includes new financial sanctions against 41 individuals and entities in Iran.

Australia will impose sanctions additional to those outlined or required by UN Security Council resolution 1929, in particular against one individual and two organisations that assist Iran in its violation of its obligations under the Security Council resolution regime. We have been imposing autonomous sanctions on Iran since October 2008, so this will now bring to a total of 21 individuals and 20 organisations subject to our autonomous sanctions. The additional organisations include Bank Mellat and the Islamic Republic of Iran Shipping Line. The individual now included is General Rostam Qasemi, the commander of the Khatem ol-Anbiya Construction Organisation, a company owned by the Islamic Revolutionary Guard Corps. These are important inclusions in the sanctions regime.

To date we should note that there have been four financial institutions that have been included as special targets under the UN sanctions regime 1747, 1803 and 1929 and these include Bank Sepah, Bank Melli, Bank Saderat and the First East Export Bank. But the United States Department of Treasury has expanded that out further to designate another 17 Iranian banks, charging them with the use of deceptive financial practices to support terrorist groups and their nuclear program.

I have seen research which indicates that there are probably another 44 international banks providing corresponding banking services to those 17 banks designated by the US treasury department. This highlights the need for us to be able to promote a broader application of these sanctions, to promote broader measures, to promote broader compliance and to tighten that net in relation to the Iranians financial services. I would call upon all Australian banks—and there is some suggestion that there are Australian banks associated in these correspondent banking activities—to have a look at their relationships, and how they may relate to other Iranian financial institutions they ought not to be deal-
Let us be absolutely clear about the nature of this Iranian regime and why these sanctions are so important. It really does dishearten me that we see certain quarters of the Left in this country take it as a fashion statement to vilify Israel, for example, but do not pay due heed to, or demonstrate against or take other action to target regimes in the world like Iran and North Korea. Since the travesty of the 12 June elections last year in Iran we have seen a new wave of massive human rights violations, massive detentions without trial, extrajudicial killings, rape, torture and beatings on a massive scale whereby the Basij militia as well as the Revolutionary Guards have been involved. We have seen the great frustration of the creative genius of the Iranian people through the repressive activities of this heinous regime.

But it is not just the massive violations of human rights that this regime is responsible for in its own country; it is what it is responsible for all around the Middle East. I watched first-hand how Iran was engaged in activities promoting terrorism and insurgent activities in southern Iraq, for example, where they were involved in funding and supplying weapons to Muqtada al-Sadr’s militia forces and other insurgent groups. Iran was responsible for the permeation of the insidious improvised explosive device known as the EFP or explosively formed projectile or penetrator, which is now much more prevalent around the region and is such a lethal weapon against even armoured vehicles. This insidious weapon has certainly been sourced from Iran.

But of course it is not just in Iraq and Afghanistan that we are seeing this appear. Iran has also played a very bad faith role in its promotion of Hezbollah in southern Lebanon and, of course, Hamas, in the Gaza Strip. They have been actively involved in supplying weapons to those groups as they have been involved in supplying weapons and promoting instability among Shiite minorities throughout the region. In my dealings as Director of Middle East and Strategy Group within the defence department, it became very clear to me that many regimes, in fact all regimes in the region, were much more concerned about the intentions and activities of Iran than ever they were or would be in relation to Israel. They are certainly deeply disturbed and alarmed about Iran’s attempts to acquire nuclear weapons. Iran is a greatly destabilising force in the region and the in world in general. Their promotion of the Islamist extremism is abhorrent and we do need to confront it as aggressively as we possibly can.

This brings me to their activities to smuggle weapons into Gaza and into southern Lebanon, which relates to the incidents that we have seen recently in the unfortunate circumstances of the Gaza flotilla. We need to be aware that Israel does face the massive influx of weaponry from Iran through these various smuggling attempts, including very heavily through marine activities. Not long ago we saw the interdiction of the MV FranCop, which contained 320 tonnes of ammunition destined for Hezbollah. Not long ago the Karine A was apprehended, which contained 52 tonnes of ammunition and weapons. These were high-calibre rockets and other weapons systems aimed at terrorising the population of Israel, indiscriminately targeting civilians. There is widespread smuggling that happens by land through Sudan and Yemen into Egypt and the Gaza Strip through tunnels, which Egypt is now taking vigorous action to prevent through closing off those tunnels. It was perfectly legitimate for Israel to be concerned about the smuggling of weapons, in particular through maritime means.
I will not comment on the situation that evolved in relation to the Gaza flotilla incident. This is subject to further inquiry and investigation. We should all reserve judgment until that investigation and inquiry is finished, as indeed was our position in relation to the SIEV 36 incident, where there were five lives lost and 51 injured. We must allow these processes to occur before we rush to judgment. We do know a few facts about this incident, which we should bear in mind. Certainly we know that claims of passive resistance may be in question. As far as I know, Mahatma Gandhi was a passive resister. He never shot anyone in the stomach, never beat anyone to a pulp with an iron bar and never stabbed anyone. We must query questions of passive resistance in circumstances where these things occur.

Also, we should be completely eyes-open about some of the aspects of the involvement of elements in that flotilla. For example, two of the vessels were operated by the Islamic NGO known as IHH. This organisation has a long history of having been involved in and connected with Islamist fundamentalist activities. I would commend to anyone a reading of the Danish Institute for International Studies’ deep analysis of IHH activities. This is a highly credible paper that was issued in 2006-07. This IHH organisation has been raided in the past by Turkish authorities, which revealed that the leaders of IHH were purchasing automatic weapons from other regional Islamic militant groups. Their bureau in Istanbul was thoroughly searched and local officers were arrested. Security forces uncovered an array of disturbing items, including firearms, explosives, bomb-making instructions and a jihad flag. After analysing and seizing documents from IHH, Turkish authorities concluded that detained members of IHH were going to fight in Afghanistan, Bosnia and Chechnya.

IHH President, Bulent Yildirim, directly conspired in the mid-1990s to recruit veteran soldiers in anticipation of the coming holy war or jihad. In particular, some men were sent into war zones in Muslim countries in order to acquire combat experience. An examination of IHH’s phone records in Istanbul showed repeated telephone calls in 1996 to an al-Qaeda operations house in Milan and various Algerian terrorist operatives. IHH played an important role in the al-Qaeda millennium bomb plot for Los Angeles airport. One of the French intelligence experts has detailed:

The IHH is an NGO, but it was kind of a type of cover-up … in order to obtain forged documents and also to obtain different forms of infiltration for Mujahideen in combat. And also to go and gather [recruit] these Mujahideens. And finally, one of the last responsibilities that they had was also to be implicated or involved in weapons trafficking.

We should be well aware of what was involved here. The Israeli authorities had, of course, repeatedly offered to move that humanitarian material itself into the Gaza Strip. It did offer to do that once these vessels were seized, but Hamas—using the population of Gaza to hostage—refused to receive that material.

It only takes a reading of human rights reports on how Hamas behaves in the Gaza Strip to understand that that is also a repressive and brutal regime that must be neutralised. I also state on the record here that my absolute commitment is to a two-state solution in the Middle East, but I absolutely defend—to the last breath in my body—the right of the six million Jews of Israel to survive and not be annihilated by Iran or others who make that threat as part of their fundamental charter.

Debate (on motion by Mrs Bronwyn Bishop) adjourned.
Mr FLETCHER (Bradfield) (6.47 pm)—by leave—I present a petition concerning Hornsby Ku-ring-gai Hospital, which has been approved by the Standing Committee on Petitions. I have previously raised the issue of the Hornsby Ku-ring-gai Hospital in this chamber. Hornsby Ku-ring-gai Hospital is the major public hospital in Bradfield. It is unfortunate indeed that the physical condition of this hospital is poor and that the fine medical and other staff of that hospital have to work in very difficult circumstances in providing treatment and services to the many patients who go through that hospital on a daily basis.

The situation has become so urgent that the hospital’s medical staff and other staff have obtained over 30,000 signatures, I am told by the Chair of the Medical Staff Council, Dr Richard Harris, on a petition which calls for the facilities of the hospital to be upgraded. I have myself been with Dr Harris and other members of the hospital staff in the Hornsby Mall collecting signatures for this petition. It is unfortunate, as I have mentioned before, that the New South Wales Labor government failed to include within its application to the Rudd government’s $3.1 billion health and hospitals fund any reference to Hornsby Ku-ring-gai Hospital.

There were many fine words from the present Labor government in the lead-up to the 2007 election, but those fine words have to date produced no action at Hornsby hospital. But the people of Hornsby and surrounding districts have spoken in signing in very large numbers this petition that seeks to highlight the very difficult conditions in which staff work at that hospital and in which patients are treated and which seeks the assistance of the House in addressing this matter. I am therefore pleased to table this petition.

The petition read as follows—
To the Honourable The Speaker and Members of the House of Representatives
This petition of the staff and community of Hornsby Ku-ring-gai Hospital draws to the attention of the house that the media have highlighted the appalling difficulties under which medical, nursing and allied health staff work at Hornsby Ku-ring-gai Hospital. Despite these difficulties, the service provided by staff to their patients is of the highest quality.
We therefore ask the House to act to rectify problems that have been steadily deteriorating for decades. We call on the government to rebuild our local hospital.

from 13,597 citizens
Petition received.

COMMITTEES
National Capital and External Territories Committee
Report
Mr NEVILLE (Hinkler) (6.50 pm)—by leave—I wish to spend a short time giving the tabling statement that accompanied the report of the Joint Standing Committee on the National Capital and External Territories that was tabled in the House earlier in the week. I thank the Parliamentary Secretary for Defence Support, who is at the table, for his indulgence. I refer to the committee’s report in connection with its visit late last year to New Zealand. This was a unique visit, the first of its kind. The committee welcomed the opportunity to represent the Australian parliament in its participation in the 2009 New Zealand committee exchange program. The committee undertook its visit to New Zealand in the context of gaining a better understanding of how New Zealand administers its external territories of Tukulu in the Pacific and the Ross Dependency in Antarctica. In addition, in line with the advisory role on the national capital, the committee was interested to compare the way in which
urban design is applied to the capital of New Zealand—namely, Wellington. The committee also renewed its parliament-to-parliament ties.

In regard to New Zealand’s external territory in the Pacific, the committee was able to gain insight into complexities by ensuring adequate service delivery and gain an appreciation of the challenges that may be encountered in seeking to improve the economic development of a small and relatively isolated economy. In addition, the committee was fortunate to be given the opportunity to meet with New Zealand’s Select Committee on Foreign Affairs, Defence and Trade and to discuss ongoing inquiries which are of mutual benefit. At the time of the committee’s visit to New Zealand, it was inquiring into the changing economic environment in the Indian Ocean territories of Christmas Island and Cocos Keeling Islands.

The visit greatly enhanced the committee’s understanding of the types of economic and social challenges which may be encountered through its inquiry and also provided it with the opportunity to relay Australia’s experience in its administration of external territories. In a broader context, the committee gained a greater appreciation of the joint role of Australia and New Zealand in the Pacific through its meetings with the Minister for Foreign Affairs, the Hon. Murray McCully MP and officials of the Ministry of Foreign Affairs and Trade. The committee was also appreciative of the opportunity to meet the Hon. Chris Carter MP, shadow spokesman on foreign affairs.

On behalf of the committee, I would like to thank a range of groups, departments and individuals in New Zealand who participated in the visits, meetings and activities. The support and enthusiasm of all involved ensured that the visit was productive and memorable. I commend this report to the House.

**ELECTORAL AND REFERENDUM AMENDMENT (MODERNISATION AND OTHER MEASURES) 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 6, item 2, page 38 (lines 9 and 10), omit the item.
2. Schedule 6, item 12, page 39 (lines 26 and 27), omit the item.
3. Schedule 6, Part 2, page 42 (lines 1 to 7), omit the Part.

Dr **KELLY** (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (6.54 pm)—I move:

That the amendments be agreed to.

The Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010 has returned. The government supports this bill, as it will improve the integrity of the Commonwealth Electoral Act and allow increased electoral participation by ordinary Australians. The government thanks the Senate for its consideration of this bill and agrees with the amendments made by the Senate. These amendments will remove the requirement that postal vote applications be returned directly to the Australian Electoral Commission and removes the prohibition on material being attached to postal vote applications. The government accepts these amendments in order that the remaining provisions of the bill be accepted and implemented before this year’s election.

I commend the bill to the House.

**Mr BILLSON** (Dunkley) (6.55 pm)—On behalf of the coalition, I would like to ac-
knowledge the government’s support for these important amendments put forward by the coalition. The Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010 and the coalition’s amendments go to enhancing the integrity of the electoral roll and participation. We welcome the fact that the government has recognised that practical experience of late has fed into these amendments. We support the bill as amended.

Question agreed to.

The SPEAKER—The proceedings are suspended until the ringing of the bells, which I am informed is likely to be 8 pm this evening.

Sitting suspended from 6.56 pm to 8.25 pm

FARM HOUSEHOLD SUPPORT AMENDMENT (ANCILLARY BENEFITS) BILL 2010

Returned from the Senate

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

HEALTHCARE IDENTIFIERS BILL 2010

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate’s amendments—

(1) Clause 5, page 2 (line 17) to page 5 (line 6), insert:

Healthcare Provider Directory has the meaning given by subsection 31(1).

healthcare provider organisation means an entity, or a part of an entity, that has conducted, conducts, or will conduct, an enterprise that provides healthcare (including healthcare provided free of charge).

Example: A public hospital, or a corporation that runs a medical centre.

individual healthcare provider means an individual who:

(a) has provided, provides, or is to provide, healthcare; or

(b) is registered by a registration authority as a member of a particular health profession.

network organisation has the meaning given by subsection 9A(6).

organisation maintenance officer:

(a) for a seed organisation—has the meaning given by paragraph 9A(3)(c); and

(b) for a network organisation—has the meaning given by paragraph 9A(6)(b).

professional association means an organisation that:

(a) is a separate legal entity under a law of the Commonwealth or a State or Territory; and

(b) has the following characteristics:

(i) its members practise the same healthcare profession;

(ii) it has enough membership to be considered representative of the healthcare profession practised by its members;

(iii) it sets its own admission requirements, including acceptable qualifications;

(iv) it sets and publishes standards of practice and ethical conduct;

(v) it aims to maintain the standing of the healthcare profession practised by its members;

(vi) it has written rules, articles of association, by-laws or codes of conduct for its members;

(vii) it has the ability to impose sanctions on members who contravene the association’s written
rules, articles of association, by-laws or codes of conduct;

(viii) it sets requirements to maintain its members’ professional skills and knowledge by continuing professional development; and

(c) has members who:

(i) may take part in decisions affecting their profession; and

(ii) have the right to vote at meetings of the association; and

(iii) have the right to be recognised as being members of the professional association.

Defence Department means the Department that:

(a) deals with matters arising under section 1 of the Defence Act 1903; and

(b) is administered by the Minister who administers that section.

Clause 5, page 3 (lines 9 to 17), omit the definition of healthcare provider, substitute:

healthcare provider means:

(a) an individual healthcare provider; or

(b) a healthcare provider organisation.

Clause 5, page 4 (line 27), omit the definition of service operator, substitute:

service operator means the Chief Executive Officer of Medicare Australia.

Clause 5, page 4 (after line 29), after the definition of State or Territory authority, insert:

under this Act includes under the regulations.

Clause 6, page 5 (lines 7 to 12), omit the clause.

Clause 9, page 7 (lines 6 and 7), omit “included in a class prescribed by the regulations for the purpose of this paragraph”, substitute “to whom section 9A applies”.

Clause 9, page 7 (lines 16 to 24), omit paragraphs (3)(a) and (b), substitute:

(a) an identifier that is assigned to an individual healthcare provider; and

(b) an identifier that is assigned to a healthcare provider organisation; and

Clause 9, page 7 (lines 26 to 28), omit all the words from and including “A healthcare provider” to and including “(for example, a sole practitioner)”, substitute “A sole practitioner”.

Clause 9, page 8 (lines 3 to 6), omit sub-clause (5).

Clause 9, page 8 (after line 8), after clause 9, insert:
9A Classes of providers for the purposes of paragraph 9(1)(a)

**Individual healthcare providers**

(1) This section applies to an individual healthcare provider who is registered by a registration authority as a member of a health profession.

(2) This section also applies to an individual healthcare provider who is a member of a professional association that:

(a) relates to the healthcare that has been, is, or is to be, provided by the member; and

(b) has uniform national membership requirements, whether or not in legislation.

**Healthcare provider organisations**

(3) This section also applies to a healthcare provider organisation (a *seed organisation*) that has:

(a) an employee who:

(i) is an identified healthcare provider; and

(ii) provides healthcare as part of his or her duties; and

(b) only one employee (the *responsible officer*) to act on behalf of the seed organisation in its dealings with the service operator in relation to the following:

(i) nominating to the service operator at least one employee to be an organisation maintenance officer for the seed organisation;

(ii) nominating to the service operator any network organisation of the seed organisation for which the nominated organisation maintenance officer is to be responsible;

(iii) requesting the assignment or retirement of a healthcare identifier for the seed organisation;

(iv) requesting the merger or reconfiguration of a healthcare identifier for the seed organisation if the seed organisation was part of a merger or acquisition; and

Example: A request after merger activity between 2 healthcare provider organisations if one is a seed organisation, or the acquisition of one healthcare provider organisation by another if one is a seed organisation.

(c) an employee (an *organisation maintenance officer*) to act on behalf of the seed organisation in its dealings with the service operator, including:

(i) nominating to the service operator, if required, at least one additional employee to be an organisation maintenance officer for the seed organisation or any network organisation of the seed organisation; and

(ii) nominating to the service operator any network organisation of the seed organisation for which an additional organisation maintenance officer is to be responsible;

(iii) requesting the assignment or retirement of a healthcare identifier for any network organisation of the seed organisation; and

(iv) maintaining information that is held by the service operator about the seed organisation, and about any network organisation of the seed organisation for which the organisation maintenance officer is responsible; and

(v) for the seed organisation, or for any network organisation of the seed organisation for which the organisation maintenance officer is responsible, that has consented to its details being included in the Healthcare Provider Directory—
providing current details to the service operator about the organisation for inclusion in the Directory; and

(vi) providing any further information requested by the service operator about the seed organisation, or about any network organisation of the seed organisation for which the organisation maintenance officer is responsible; and

(vii) requesting the merger or reconfiguration of a healthcare identifier for any network organisation of the seed organisation, if the network organisation was part of a merger or acquisition.

Note: More than one employee may be an organisation maintenance officer. An employee may be any or all of the following: the responsible officer, an organisation maintenance officer and an authorised employee (see section 17).

(4) A sole practitioner is taken to be a healthcare provider organisation to which subsection (3) applies if he or she provides healthcare and performs the roles of responsible officer and organisation maintenance officer.

(5) For the purposes of paragraph (3)(b), a delegate of the responsible officer, who is another employee of the seed organisation, is taken to be the responsible officer.

(6) This section also applies to a healthcare provider organisation (a network organisation) that:

(a) is part of, or subordinate to, a seed organisation that:

(i) has been assigned a healthcare identifier that has not been retired; and

(ii) does not object to the network organisation being a network organisation of the seed organisation; and

(b) has a person (an organisation maintenance officer) who complies with subsection (7) to act on behalf of the network organisation in its dealings with the service operator, including:

(i) nominating to the service operator, if required, at least one additional employee to be an organisation maintenance officer for any network organisation of the seed organisation; and

(ii) nominating to the service operator any network organisation of the seed organisation for which an additional organisation maintenance officer is to be responsible; and

(iii) requesting the assignment or retirement of a healthcare identifier for any network organisation of the seed organisation; and

(iv) maintaining information that is held by the service operator about any network organisation of the seed organisation for which the organisation maintenance officer is responsible; and

(v) for any network organisation that the organisation maintenance officer is responsible for and that has consented to its details being included in the Healthcare Provider Directory—providing current details to the service operator about the organisation for inclusion in the Directory; and

(vi) providing any further information requested by the service operator about any network organisation of the seed organisation for which the organisation maintenance officer is responsible; and

(vii) requesting the merger or reconfiguration of a healthcare identifier for any network organisation of the seed organisation, if the
network organisation is part of a merger or acquisition.

Example: A request after merger activity between the network organisation and another healthcare provider organisation, or the acquisition of one healthcare provider organisation by another if one is the network organisation.

(7) For the purposes of paragraph (6)(b), the person must be an employee of:

(a) the network organisation (the first network organisation); or

(b) the seed organisation of the first network organisation; or

(c) another network organisation that is:

(i) linked to the seed organisation of the first network organisation; and

(ii) hierarchically superior to the first network organisation.

(13) Page 8, after proposed clause 9A, insert:

9B Information that may be requested before assigning healthcare identifiers

(1) The service operator may request an individual healthcare provider to provide the following information before assigning the healthcare provider a healthcare identifier:

(a) identifying information of the healthcare provider;

Note: Identifying information is defined in section 7.

(b) information that shows that section 9A applies to the healthcare provider;

(c) information identifying the healthcare provider’s responsible officer and organisation maintenance officer, including the person’s name, work address, work email address, work telephone number or work fax number.

(3) The healthcare provider must give the information in any form requested by the service operator.

Example: A healthcare provider may be asked for original documentation, or for the information to be given in writing or in a statutory declaration.

(4) If the service operator is not satisfied by the information given, it does not have to assign a healthcare identifier to the healthcare provider.

(14) Page 8, after proposed clause 9B, insert:

9C Review of decision not to assign a healthcare identifier

(1) This section applies to a decision by the service operator not to assign a healthcare identifier to a healthcare provider under paragraph 9(1)(a).

Note: This section does not apply to a decision to assign a healthcare identifier to a healthcare recipient under paragraph 9(1)(b), or a decision by a national registration authority not to assign a healthcare identifier to an individual healthcare provider under subsection 9(2).

(2) The service operator must give written notice of the decision to a person whose interests are affected by the decision, including a statement:
(a) that the person may apply to the service operator to reconsider the decision; and

(b) of the person’s rights to seek review under subsection (8) of a reconsidered decision.

(3) A failure of the service operator to comply with subsection (2) does not affect the validity of the decision.

(4) A person whose interests are affected by the decision may, by written notice to the service operator within 28 days after receiving notice of the decision, ask the service operator to reconsider the decision.

(5) A request under subsection (4) must mention the reasons for making the request.

(6) The service operator must:
   
(a) reconsider the decision within 28 days after receiving the request; and

(b) give to the person who requested the reconsideration written notice of the result of the reconsideration and of the grounds for the result.

(7) The notice must include a statement that the person may apply to the Administrative Appeals Tribunal for review of the reconsideration.

(8) A person may apply to the Administrative Appeals Tribunal for a review of a decision of the service operator made under subsection (6).

(15) Clause 12, page 9 (lines 23 and 24), omit paragraph (2)(c), substitute:

   (c) the Defence Department.

(16) Clause 17, page 12 (line 29), omit “section.”, substitute “section; or”.

(17) Clause 17, page 12 (after line 29), at the end of subclause (1), add:

(c) a contracted service provider (the authorised service provider) of an identified healthcare provider, if that identified healthcare provider has, by notice to the service operator, authorised the contracted service provider to act on behalf of that identified healthcare provider under this section.

   (18) Clause 17, page 12 (line 30), omit “or authorised employee”, substitute “, authorised employee or authorised service provider”.

(19) Clause 17, page 13 (after line 6), at the end of note 1, add:

   The authorisation extends to certain employees and contracted service providers of the healthcare provider: see section 36.

(20) Clause 17, page 13 (line 9), at the end of note 2, add “The authorisation extends to certain employees and contracted service providers of the healthcare provider: see section 36.”.

(21) Clause 31, page 21 (line 15), omit “section.”, substitute “section; or”.

(22) Clause 31, page 21 (after line 15), at the end of subclause (2), add:

   (c) a contracted service provider of an identified healthcare provider, if that identified healthcare provider has, by notice to the service operator, authorised the contracted service provider to act on behalf of that identified healthcare provider under this section.

(23) Clause 35, page 23 (line 4), after “this Act”, insert “and the regulations”.

(24) Clause 36, page 24 (lines 3 to 7), omit the clause, substitute:

36 Extent of authorisation

An authorisation under this Act to an entity (the first entity) for a particular purpose is an authorisation to:

(a) an individual who:

   (i) is an employee of the first entity; and

   (ii) whose duties involve implementing that purpose; or

(b) a contracted service provider of the first entity, if:
(i) the first entity is a healthcare provider; and

(ii) the duties of the contracted service provider under a contract with the healthcare provider involve implementing that purpose by providing information technology services relating to the communication of health information, or health information management services, to the healthcare provider; or

(c) an individual who:

(i) is an employee of a contracted service provider to which paragraph (b) applies; and

(ii) whose duties involve implementing that purpose as mentioned in that paragraph.

(25) Clause 37, page 24 (line 18), after “this Act”, insert “or the regulations”.

(26) Clause 37, page 24 (line 22), after “this Act”, insert “or the regulations”.

(27) Clause 37, page 24 (line 26), after “this Act”, insert “and the regulations”.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (8.26 pm) I move:

That the amendments be agreed to.

There are two pieces of legislation before the House, the Healthcare Identifiers Bill 2010 and the Healthcare Identifiers (Consequential Amendments) Bill 2010. I want to make some very short comments that can cover both of them. Today is in fact a very big occasion for the provision of health services in Australia. Today, this parliament—I mean the House and the Senate—is passing the very first piece of legislation required to build the e-health system into the future. It is a necessary foundation stone for us to be able to establish a national e-health record system for Australia. The amendments that were passed in the other place respond to concerns expressed in the minority report of the Senate Community Affairs Legislation Committee, including by moving a number of matters planned to be covered in the regulations into the legislation.

The government would like to thank the opposition and the minor parties for their support of this bill, which is an important step forward in improving the safety, quality and efficiency of health care in Australia. While it might seem very late on a very long day to be doing this, it does ensure that this can come into effect from 1 July—next week—as planned. Across the country, we, the healthcare providers and others can get on with the job of building an e-health system for the future of this country. It is with great pride that I recommend the bill with these amendments and that it be agreed to.

Dr SOUTHCOttt (Boothby) (8.27 pm) On behalf of the opposition, I wish to say that we agree that the unique individual healthcare identifier is an important part of the architecture for e-health. We are supportive of e-health for the efficiencies, the improvements in safety and the avoidance of duplication in clinical practice that it will bring. As the minister said, there was a Senate inquiry into this legislation, the Healthcare Identifiers Bill 2010 and cognate bill, and there was a minority report. The opposition took up the concerns of the coalition senators raised in the minority report and drafted eight amendments. The concerns raised in six of those amendments were taken up by government amendments. There were two further amendments that addressed function creep but, following discussions with stakeholders, with NEHTA and also with Owen from the minister’s office, I am satisfied that those two amendments would not have been workable. The opposition determined in the Senate not to proceed with those amendments. We made the decision in the Senate to support the government amendments. We think that this is an important part of establishing the infrastructure for e-health. I also
note that COAG has set aside $218 million for the adoption of a healthcare identifier service which runs until 30 June 2012. This money has already been allocated. Now the legislation is in place to let this go forward.

Question agreed to.

HEALTHCARE IDENTIFIERS (CONSEQUENTIAL AMENDMENTS) BILL 2010

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 (at the end of the table), add:

5. Schedule 3 The later of:

(a) the commencement of section 3 of the Australian Information Commissioner Act 2010; and
(b) immediately after the commencement of the Healthcare Identifiers Act 2010.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.

(2) Page 6 (after line 15), at the end of the bill, add:

Schedule 3—Amendment of the Healthcare Identifiers Act 2010

1 Subsection 30(1)

Omit “Privacy Commissioner”, substitute “Information Commissioner”.

Note 1: The heading to section 29 is altered by omitting “Privacy Commissioner” and substituting “Information Commissioner”.

2 Subsection 30(1)

Omit “Privacy Commissioner’s”, substitute “Information Commissioner’s”.

3 Subsections 30(2) and (3)

Omit “Privacy Commissioner”, substitute “Information Commissioner”.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (8.30 pm)—I move:

That the amendments be agreed to.

Question agreed to.

House adjourned at 8.31 pm
CONSTITUENCY STATEMENTS

Calare Electorate: Gumnut House

Mr JOHN COBB (Calare) (10.31 am)—When it comes to education I guess we have heard it all from the government: trade training centres, an apparent education revolution, an end to double drop-offs, laptops for every student and 260 new childcare centres. The problem is the Labor Party and the Minister for Education delivered so very little. But whilst the Labor Party have been focusing on other things, their failures have been affecting real people in the community. One such a real person is Tracie Arkley-Smith, who has a son who attends Gumnut House in Lithgow, which will soon be part of my electorate of Calare. Gumnut House is facing closure, and Tracie Arkley-Smith is facing life without child care, all because of another mistake under Labor’s watch.

Gumnut House has recently been told it was overpaid by the Department of Education, Employment and Workplace Relations and will now have to pay back $800 per week. It simply cannot do that. The company has lost its rural grant because there is now more than one childcare facility in Lithgow. The staff at Gumnut House are paying the price of a department’s failure under Julia Gillard’s watch. Tracie Arkley-Smith will struggle because the minister’s department got it wrong. Ms Arkley-Smith’s small business and her three employees will suffer because of this failure. Their families will suffer, other students’ families will suffer and the community will suffer because Labor could not get it right.

This government has spent its way into trouble and is now scrounging to get back any scrap of economic credibility it had. Instead of demanding back the billions it wasted on the BER, Labor has gone after a small business in Lithgow. Why can the government afford $38 million for advertising but not $38,000 for Gumnut House, or at least allow a longer period of time than just 51 weeks for this money to be paid back? Child care is a necessity for families in regional Australia and should be a priority for this government. I call on Julia Gillard to fix this mess. She has the power to do so, and the company’s future is in her hands.

Daw Aung San Suu Kyi

Ms PLIBERSEK (Sydney—Minister for Housing and Minister for the Status of Women) (10.34 am)—I want to talk today about an issue that has been very important in my electorate of Sydney. Many of my constituents have a great deal of interest in, and support and concern for, the issue and have joined the campaign to free Aung San Suu Kyi from detention in Burma, particularly now, in the lead-up to the elections that are scheduled to take place later this year.

Since 1989 Aung San Suu Kyi has spent almost 15 years under house arrest. We know that for most of that time she has been separated from her family; she has been separated from her supporters and her friends. She has had incredibly difficult restrictions placed on her and has been held responsible when other people have broken the ban on making contact with her. Burma also has more than 2,000 other political prisoners currently in detention with numbers increasing as the election comes closer.
I am privileged to be an ambassador for Aung San Suu Kyi for one of the groups supporting democracy in Burma. Her fight for freedom in her country is an example of true heroism in the face of injustice. In support for the campaign to have Daw Aung San Suu Kyi released, I sent this message to a recent meeting:

I extend my strong support in respect for Aung San Suu Kyi’s pursuit of human rights and democracy in Burma. Her long and unrelenting struggle is a symbol of her personal courage and resilience in the face of injustice.

The Australian Government consistently calls for the immediate and unconditional release of Aung San Suu Kyi, and the release of more than 2000 other political prisoners in Burma. I add my voice to this call for meaningful change in Burma and the immediate and unconditional release of Aung San Suu Kyi.

I remain inspired by Aung San Suu Kyi’s unflinching commitment to bring democracy and human rights to the people of Burma and hope that she celebrates her next birthday in freedom.

Democracy in Burma can only happen when the people there are free to express their political opinions and their political will in terms of their government. The Australian government, with the international community, will be watching the upcoming elections in Burma with great interest. We will not forget the struggle when elections occur later this year and we will continue to be committed to peace, genuine democracy and human rights in Burma.

Canning Electorate: Infrastructure

Mr RANDALL (Canning) (10.37 am)—I rise today to mention two significant projects in Canning that will benefit the community for years to come. They are two projects that I have long supported and fought to deliver for the region: the Pinjarra pool and the Sarich paediatric ward at the Peel Health Campus. I have mentioned these projects on several occasions in this parliament. Why? Because they are projects that the Rudd-Gillard government willingly cast aside. For a government that once labelled these very projects ‘regional rorts’, they have quickly changed their tune now as the next election rolls around.

No-one can feign surprise at another complete turnaround by the Labor government but I welcome their $1.2 million backflip on the Pinjarra pool because it delivers a long lasting benefit for Pinjarra. If the Rudd Gillard government was really serious about delivering community infrastructure this pool would have been built two years ago. In 2007 the coalition delivered $1.1 million for the pool but it was ripped up by Labor along with a $10 million commitment to the Pinjarra bypass and $650,000 for the Pinjarra bowling club.

For almost three years my calls on the Rudd-Gillard government, including direct appeals to Minister Albanese, to honour these projects have fallen on deaf ears. Lack of interest by the Labor government until now means the hydrotherapy pool was withdrawn from the initial build to save money. A sudden change of heart and sweeping into town grandstanding about the investment in infrastructure will not hide the fact that the funding being delivered is the same funding that was taken away two years ago. The government even knocked back the project again as recently as last year. Why now? The answer is clear but it is unfortunate that the elderly and the ill in Pinjarra have been left waiting with bated breath about the future of a vital community facility and health treatment options for cynical reasons and political point scoring.

While the government has eventually come good on the pool it was the community that rallied to ensure the paediatric wing of the Peel Health Campus became a reality when the Labor
government cruelly reneged on the coalition’s funding agreement. In fact, they reneged twice. Special mention must go to the state government, who made up the shortfall when the Rudd Gillard government withdrew its commitment, contributing almost $1 million to the total. The $3.4 million Ralph and Patricia Sarich paediatric wing was built from the ground up, predominantly with funds raised by the Peel Health Campus Foundation led by Arthur Marshall. They are true heroes. It took five years of funding and contributions from more than 1,500 local groups. The 12-bed purpose-built facility with family room and playroom was built by the community for the community after lots of cake stalls, dances, raffles, sausage sizzles and old-fashioned money-can shaking in the local streets. I was proud to attend the official opening of the ward by health minister Kim Hames last week. It was clear that this true community effort will benefit health care through the region for years to come, offering real comfort to families during some of the most difficult times of their lives.

**Bennelong Electorate: Disability Services**

Ms McKEW (Bennelong—Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government) (10.40 am)—I rise today to acknowledge a wonderful result for some extraordinary people in my electorate of Bennelong. After a long period of advocacy on my part, the Karonga School in Epping, which provides education for over 50 intellectually and physically disabled children, will be able to substantially rebuild its ageing and inadequate learning areas. In the recent New South Wales state budget $3½ million was allocated for new classrooms and other therapy facilities.

I want to thank the New South Wales Minister for Education and Training, Verity Firth, for making Karonga a priority. When I saw her last year she was entirely sympathetic and fully briefed on this but at that stage unsure whether a budget allocation could be made. But, as we know, persistence pays off. Principal Sue Dennett, P&C President Helen Hukins and Vice-President Kath McLean have never stopped pushing for what the children, teachers and parents at Karonga deserve—that is, a modern learning environment.

Many of the children at Karonga are wheelchair bound. Others have no verbal communication and others need to be tube fed and changed regularly. Teachers have to deal with children with severe challenging behaviours that require specific environments and management. Karonga’s extraordinary teaching and support staff have an exceptional vocational commitment to what they do. For instance, the last time I was there, a few weeks back, one teacher, Sharon, spoke of how the latest in ICT and better diagnosis can unlock what is inside a child who otherwise struggles to communicate in any way we would recognise. I am confident that the new century holds out great promise that those living with a disability can be empowered by advances in both medical science and technology.

I am also acutely conscious that there are other deficits. I hear over and over from stressed and often exhausted parents of disabled children that the system is simply too hard to navigate: it is fragmented, incoherent and inadequate. When you talk to mums about this, as I have done over the last couple of years, you hear different stories of how they access services, of time delays, of huge out-of-pocket expenses and particularly of how uncoordinated the care is. An acute area that needs to be addressed is better after-hours care for children because so many mums I talked to have qualifications but are unable to participate fully in the workforce, as is their right and as they wish to. This is an area we need to rethink and redesign so that we
can have greater equity and fuller participation of parents who are caring for children with disabilities.

**Higgins Electorate: Planning**

Ms O’DWYER (Higgins) (10.43 am)—One of the critical issues in my electorate of Higgins is planning, whether it be in Windsor, Prahran, Armadale, South Yarra, Malvern, Malvern East, Glen Iris, Ashburton, Camberwell, Carnegie, Murrumbeena or Hughesdale. It is an issue that concerns all residents.

The Victorian government has this week introduced new planning amendments through the state parliament that will permanently redefine the built environment and demographics of our local area. These changes will affect all suburban areas of Melbourne, with effects being particularly acute in my electorate.

The Brumby government’s aim is to create a smaller, denser city with a higher population concentration in urban areas. This is the government’s multistorey solution to Melbourne’s growth. They want to change the character of inner-city Melbourne. The government’s changes to the Victorian planning provisions reflect this new strategic direction and come after earlier changes to the planning laws that have the effect of bypassing local council and residents and automatically green lighting planning projects according to set criteria. There is also an exponential increase in the minister calling in planning projects and green-lighting them. Transport corridors, including train and tram lines and bus routes, have been earmarked for new multistorey development nearby, yet these key parts of our transport and social infrastructure have been neglected for 11 years.

It used to be the case that residents could have their voices heard on any new plans for development in their area. Now it seems that the state government has decided that creating a sensible and sustainable growth strategy is too difficult and that it is easier to ignore the concerns of suburban residents to try to squeeze more and more apartment blocks into areas that are already struggling.

Under the Brumby government, local residents have been told that their views do not matter. I have joined with local residents to fight against their voice being silenced. I have joined with local residents to campaign for the restoration of local councils making decisions with residents about local planning issues. Together with my state colleagues Andrea Coote, member for the Southern Metropolitan Region; Georgie Crozier, candidate for the Southern Metropolitan Region; Michael O’Brien, member for Malvern; and Clem Newton-Brown, candidate for Prahran, I will stand up for residents and their rights. I urge those who care about their local area to stop inappropriate development and restore residents’ rights.

**Petition: National Schools Curriculum**

**Middle East**

Ms VAMVAKINOU (Calwell) (10.45 am)—I rise to table a further 3,338 signatures to add to the petition I presented to the House of Representatives on Monday night. This ongoing petition is about the inclusion of the modern Greek language in the national curriculum that is currently being developed by the Australian Curriculum, Assessment and Reporting Authority. This petition has been approved by the Standing Committee on Petitions. This brings the number of signatures collected so far to 22,105.

*The petition read as follows—*
To the Honourable The Speaker and Members of the House of Representatives
This petition of Certain citizens of Australia including representatives of community, educational, political organisations, institutions and establishments across the country
draws to the attention of the House: The matter of the importance of including the Modern Greek language in the National Schools Curriculum as a language of cultural, community, historical and economic importance to Australia and the Australian people.
We therefore ask the House to: Ensure that the Modern Greek language is included in the National Schools Curriculum currently being developed by the Australian Curriculum and Reporting Authority.

from 3,338 citizens
Petition received.

On another matter, on Tuesday night the Parliamentary Friends of Palestine, in conjunction with Australians for Palestine and the Australian Friends of Palestine Association, hosted a dinner for visiting international guest Ms Diana Buttu. It was a highly successful evening that was attended by MPs and senators from all sides of politics, by many Arab ambassadors and by representatives of the church community. Diana Buttu is a lawyer, political analyst, advocate and former negotiator and spokesperson for the Palestine Liberation Organisation’s Negotiation Support Unit, and she has assisted in the litigation brought to the International Court of Justice in The Hague, which resulted in the landmark opinion against Israel’s wall in occupied Palestine.

During her speech Diana talked about the history of the peace process and negotiations between Israel and Palestine, which despite efforts have failed to achieve any real progress. It is Diana’s view, and increasingly the view of many, including me, that the international community must now adopt measures to begin holding Israel accountable for its actions—actions that have largely thwarted any real progress. Such accountability must involve accountability for Israel’s continued settlement expansions in occupied Palestine; for the continued occupation of Palestine; for the wall which has turned the West Bank into tiny cantons or open-air prisons; for the stranglehold placed on freedom of movement for the Palestinian people; for Israel’s collective punishment of the Palestinians in Gaza through its ongoing embargo; for the recent attack on the freedom flotilla; for its policy on the acquisition of Palestinian water supplies; for its lack of genuine commitment to seeking a just and viable peace in accordance with international law, a policy which fails to deliver for its own citizens the peace and security that they so desperately want; and finally for the inflammatory doctrine of its own foreign minister, Avigdor Lieberman, which calls for:
… a populated land swap rather than … land for peace.
The international community now needs to do more than just encourage this peace process; it must begin to hold Israel accountable for policies and actions that violate the human rights of the Palestinian people. It is time to put international law at the heart of these peace talks.

Petition: Child Care

Ms MARINO (Forrest) (10.48 am)—I rise to table a petition on behalf of Lisa Fuda of the Harvey Occasional Child Care Centre and the many families in south-western, wheat-belt and regional Western Australia who will be very badly affected by the Labor government’s decision to cease the funding the Neighbourhood Model Occasional Child Care Program from
July this year. There were 1,704 signatures collected in just a few days in very small communities. Many thanks to everyone who helped achieve this.

_The petition read as follows_—

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

This petition of certain citizens of Australia draws to the attention of the House the Federal Government’s decision to cease funding the Neighbourhood Model Occasional Childcare Program as at July 15th 2010. Ultimately this could mean the closure of 28 centres Western Australia wide, including Harvey and Binningup.

We therefore ask the House to reinstate the funding to the Neighbourhood Model Occasional Childcare Program that provides 52% of the funds required for operational costs to 28 childcare centres Western Australian wide.

from 1,704 citizens

**Ms MARINO**—This Rudd-Gillard Labor government decision will affect 28 centres in Western Australia, including those in Harvey and Binningup. In rural and regional areas, many centres simply do not have the numbers to sustain themselves on a full-time basis. This comes as a major blow to the many rural and regional centres which simply do not have the numbers to sustain themselves on a full-time basis.

Here we have groups of young mothers who do not simply sit back and expect a handout from government. They take responsibility for their community based centres. They raise funds. They manage their own centres and finances. They play a direct role in their children’s day care. But they cannot afford the increased fees caused by the loss of federal funding. Yet the government has withdrawn its 52 per cent funding share, a total of $420,000, from 28 centres in Western Australia, centres that have provided sustainable, affordable and necessary day care for many years. Lisa Fuda, the principal petitioner and Chairperson of the Harvey Occasional Child Care Centre Harvey said:

The closure of the Centre will affect many workplaces within Harvey. Right now our services are retained by Teachers, Financial Assistants, Healthcare Professionals, Hairdressers, small business operators working from home, just to mention a few. The flow-on effects of the possible closure of this centre will more than likely be felt throughout the whole town on many different facets.

Other patrons utilise the service as a respite opportunity as they may not have the luxury of family support locally, some of these children include those with special needs which we cater for and have specially allocated resources and staff.

The funding cut will have dire effects on both of these centres in my electorate and on many communities in Western Australia. Unfortunately, this is another glaring example of how this Labor government has no understanding of, or willingness to understand, regional and rural communities and their day-to-day issues. But at the same time it is prepared to waste and mismanage billions and billions of taxpayers’ dollars in funds for things such as school buildings and the insulation program, whilst ripping away funding from occasional child care throughout Western Australia.

_The DEPUTY SPEAKER (Hon. DS Vale)_—Member for Forrest, the document that you have presented will be forwarded to the Petitions Committee for its consideration and will be accepted subject to confirmation by the committee that it conforms with standing orders.
Ms HALL (Shortland) (10.52 am)—On Tuesday I was visited by four young people from my electorate and surrounding electorates who were representing Micah Challenge. They visited me with the goal of improving the situation in global poverty. They pointed out to me that it was one of the most significant challenges facing our world today and that since 2000 there has been an international effort to achieve the Millennium Development Goals. They were placing particular emphasis on Millennium Development Goal 4. They also lobbied me very strongly to increase the aid budget in the area of 2.7. I am very supportive of that increase and I think there are many members of this House who are also supportive of it.

When these young people came to visit me they asked me to make the Millennium Development Goals central to my policies and what I stand for. I am happy to do that. They asked me to sign the Micah Call giant scroll. I did that, as did many of the other members of this House. They also asked me if I would be prepared to make a speech in parliament, and that is what I am doing today.

One of the churches in my electorate held a birthday party for Survive Past Five, which concentrates on Millennium Development Goal 4. At that birthday party they put together a card, which they delivered to me. The card emphasises that every child around the world should be able to enjoy a fifth birthday, which I think is something that all members of this House would agree with. The card points out how important Millennium Development Goal 4 is and that it aims to reduce child mortality by two-thirds from the 1990 levels by 2015. The young people went on to say that it saddens them that so many children in the 18 of the 29 developing countries in our region are not achieving this record.

Last year I visited PNG with the Standing Committee on Health and Ageing, with the specific goal of looking at health issues. PNG has the second worst outcomes in the areas of Millennium Development Goal 4 and Millennium Development Goal 5. I hope that we can work to help them achieve those goals. I seek leave to table birthday cards from young people in my electorate expressing their thoughts and sentiments in this area.

Leave granted.

Petition: Wandering Trad

Mr WOOD (La Trobe) (10.55 am)—I rise to present a petition recently approved by the House of Representatives Standing Committee on Petitions, regarding wandering trad, with my constituent Mr Todd Coleman being the principal petitioner.

The petition read as follows—

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

We, the undersigned citizens of Australia wish to draw the attention of the House to the Rudd Governments decision to cut funding for the eradication of the noxious weed, wandering Trad in the Dandenong Ranges. This noxious weed has a devastating effect on native flora and fauna nationwide.

We therefore ask the House to:

• Restore the $450,000 in funding promised by the previous Government
• Implement an Australian wide strategy to combat Wandering Trad from 136 citizens

Petition received.
Mr WOOD—I very much thank Todd Coleman and all those people who signed the petition. Wandering trad is a South American weed which is sadly throughout the Dandenong Ranges, mainly in the creeks. Wandering trad pretty much sucks up all the water in the creeks. Residents would know that their pets sometimes go out and get some sort of rash. Wandering trad is the No. 1 cause of rashes for pets in the Dandenong Ranges.

This weed is also in the electorate of the Minister for Environment Protection, Heritage and the Arts, Peter Garrett, in the suburb of Randwick. The previous government, with the then environment minister, Malcolm Turnbull, made a commitment of $450,000 to find a biological control. This would help not only the Dandenong Ranges tackle this problem but would help right across the country. The most disgraceful thing happened. This announcement was made before the election campaign and, after the election, Minister Garrett cut the funding. That is an absolute disgrace. The Gillard government should be absolutely shamed and condemned on this decision.

The application was put together by Dr Andrew Sheppard of the CSIRO, and he was going to work on this for a period of three years with a PhD student from the University of Melbourne. The effort had gone into this. The research had gone into this. More importantly, the commitment had been made. This Rudd-Gillard government has no interest in protecting the environment in the Dandenong Ranges. During the last election, we made a $3 million commitment for weed management in the Dandenong Ranges. Sadly, although Minister Peter Garrett promised to do something, the only thing he has done is cut the funding already budgeted for wandering trad. This is an absolute disgrace, and the government should immediately reverse this decision.

Shortland Electorate: Surf-Lifesaving Clubs

Ms HALL (Shortland) (10.58 am)—I am very pleased to stand in this House today and share with the members just how lucky I am to represent the most beautiful electorate in this country, a coastal electorate with some fantastic surf-lifesaving clubs. I notice the member for Paterson is in the chamber, and he might contest the fact that I have the absolute best surf clubs within the Hunter region. Like other members who have surf clubs in their electorates, I have been attending the presentation nights of my local surf clubs. In Shortland electorate I have Redhead Surf Lifesaving Club, which has one of the best beaches, I think, in the country and definitely in the Hunter. It has quite challenging surf, and you need to have a very strong surf club on the beach all the time watching what is happening.

We then go to the Swansea Belmont surf club which has hosted the state titles for the last three years. It has a very proud record in both competition and patrolling the beaches. It is the centre of the Blacksmiths’ community. It is a focal point for the residents in that area and the people of the Blacksmiths area strongly support their surf club. There is Caves Beach surf club which is a strong family club and also has a very proud record of looking after the beaches.

Caves Beach was the last presentation I went to and I was overwhelmed by the number of people that attended. It is my understanding that they had so many people wanting to attend that they could not accommodate them all at the presentation. It gives you an idea of the feeling and the support of the community. A number of these surf clubs have patrols that have 100 per cent attendance, which shows the dedication. I cannot miss out on Catherine Hill Bay which is another surf club that patrols an area in the southern part of Lake Macquarie. There
were some fishers that were drowned in that area recently and the surf clubs of the area came
together to recover those bodies. These are clubs that are committed to their community and
have a proud record.

**The DEPUTY SPEAKER (Hon. DS Vale)**—Order! In accordance with standing order
193 the time for constituency statements has concluded.

**CONDOLENCES**

Private Timothy Aplin
Private Benjamin Chuck
Private Scott Palmer

Debate resumed from 23 June, on motion by Mr Rudd:

That the House record its deep regret at the deaths on 21 June 2010, of Private Timothy Aplin, Pri-
vate Benjamin Chuck and Private Scott Palmer, while on combat operations in Afghanistan, and place
on record its appreciation of their service to our country and tenders its profound sympathy to their
families in their bereavement

**Mr BALDWIN** (Paterson) (11.01 am)—It is with an incredibly heavy heart that I rise to
speak on this condolence motion. It was, as I am sure this chamber remembers only too well,
but two days ago that I stood here and spoke on the condolence motion for Sapper Moerland
and Sapper Smith who were tragically killed by an IED in Afghanistan on 7 June only a little
over two weeks ago. To speak so soon after that tragedy is in fact extremely difficult for me as
I am sure it will be for many in this chamber. Unfortunately, there will be some dark moments
before we again emerge into the light, particularly of course for the families of those soldiers
that were killed and those soldiers who were wounded.

Private Timothy James Aplin, Private Benjamin Adam Chuck and Private Scott Travis
Palmer were tragically killed after their International Security Assistance Force helicopter
crashed during the early hours of Monday morning. They were performing the duties they
were asked to do—eradicating the heart of terrorism in Afghanistan so that people may live
freer from oppression and the acts of terrorism. It was Thucydides, a Greek historian, who
said:
The bravest are surely those who have the clearest vision of what is before them, glory and danger alike,
and yet not withstanding go out to meet it.

That is what they did—clear of mind, determined in purpose. People often say that they re-
member where they were when the Berlin Wall was brought down or when the Twin Towers
in New York were attacked. I will forever remember being in my office in this place gazing at
the television and listening to the Chief of the Defence Force, calmly and respectfully deliver-
ing the terribly sad news to the Australian people that we had just lost another three fine Aus-
tralian troops in Afghanistan.

This news came as a shock, because not two weeks prior we as a nation mourned the loss
of Sapper Moerland and Sapper Smith. It also came as a personal shock because at that mo-
ment I knew exactly how the families of these fine young soldiers would be feeling. I knew it
because not a week had passed since I witnessed the grief and absolute sense of loss that en-
veloped the families of Sapper Moerland and Sapper Smith. I stood with those families at the
ramp ceremony; I stood with them at the respective funerals. They are still very fresh in my
memory and I am sure in the public’s consciousness.
The English philosopher John Stuart Mill said:

War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself.

These men were fine men. They were sons of Anzac, who were willing to fight and who did it so well. Recent captures of weapons caches showed they were effective. They were well trained and highly disciplined individuals who became an integral part of a team at 2nd Commando Regiment, a very tightly banded brotherhood, fighting for freedom from terrorism and oppression.

Private Timothy James Aplin was from the Sydney based 2nd Commando Regiment. He joined the Army Reserves on 4 February 1992 and transferred to the Regular Army on 20 September 1995 where he reached the rank of sergeant. In 2008 Private Aplin completed the Commando Selection and Training Course, a very notable achievement by the most demanding of measures. In January 2009 he was posted to the then 4th Battalion, Royal Australian Regiment (Commando) after completing the Commando Reinforcement Cycle. As a part of the process that Private Aplin undertook to become a commando in the Royal Australian Army he was required to give up his rank of sergeant. He did this willingly, as many before him had done. In doing so Private Aplin joined with those who went before him. He revealed his unconditional commitment to the Australian Army and to the 2nd Commando Regiment.

By all accounts, Private Aplin was an outstanding commando, highly respected and dedicated to his job. He had been deployed as part of Operation Tanager in East Timor, in 2000; Operation Bastille in the Middle East, in 2003; and Operation Slipper in Afghanistan, in 2009 and then again in 2010. This, his second tour of Afghanistan, where he was serving as a member of the Australian Special Operations Task Group as a team demolition specialist, was unfortunately to be his last. But I am sure that, if asked, he would have gone around again. Like so many of his colleagues will attest, they were most happy when they were on the ground plying their trade for which they had trained so well and so hard.

Private Aplin has been awarded the Australian Active Service Medal with East Timor, Iraq and ICAT Clasps. He has been honoured with the Infantry Combat Badge; the Iraq Campaign Medal; the United Nations Medal with Ribbon UNTAET; the Australian Defence Medal; the Defence Long Service Medal; and the Afghan Campaign Medal. Private Aplin has also been awarded the Return from Active Service Badge from a prior deployment. The following statement was released on behalf of Private Aplin’s wife and family. I am honoured to read it to the House:

Timothy Aplin is a man who represented many things to many people.
He was first, foremost and most importantly, an adored husband to his beloved Natasha, and a loving, guiding light as father and stepfather to their children Ty, Shinae, Josie and Daniel.
Tim was a much loved, valued and loyal friend to so many.
He was a highly trained and highly regarded soldier, who as a senior non-commissioned officer decided to pursue his dream of becoming a Special Forces soldier, and ultimately, a Commando.
Private Aplin’s parents, Mrs Margaret Gunnell and Mr Richard Gunnell, also released a moving tribute:
We are all very proud of Tim.
Tim was very fit and active with a real sense of adventure. He loved life, loved his family and was a devoted friend, father, uncle, son, brother and nephew.
Tim was a proud Australian who followed his dream to join the army. He loved military life and enjoyed his job. He was a confident and highly capable soldier and his loss will be deeply felt.
On behalf of Tim’s very large and extended family, we would like to thank everyone for their thoughts and prayers and we would now like the opportunity to grieve with our family and friends in private.
Private Aplin will be sorely missed by all those who knew him, particularly his family, colleagues and friends. I especially convey to his family my sincere condolences at this very difficult time.

Private Scott Travis Palmer was also from the Sydney based 2nd Commando Regiment. He joined the Army in 2001 and, after successfully completing the Commando Selection and Training Course in 2006, he joined the 4th Battalion, Royal Australian Regiment (Commando). Serving his country through overseas deployment was not something that Private Palmer shied away from. At just 27 he had seen operational service in East Timor, Iraq and twice in Afghanistan prior to this tour where he would tragically never return home from.

Private Palmer clearly understood the importance of his role to his country but also demonstrated a brave dedication to the safety of overseas nations and to the colleagues with whom he fought side by side. His lasting legacy to his colleagues will be one of professionalism, despite the demanding, dangerous, difficult work he was asked to do. Not only did he love his job but he was good at it. Having his mates to work alongside only made it better.

Private Palmer was awarded the Australian Active Service Medal with Iraq, East Timor and ICAT Clasps. He was awarded the Iraq Campaign Medal, the Australian Defence Medal, the Australian Service Medal with the Timor-Leste Clasp, the Afghanistan Campaign Medal, the NATO ISAF Medal and the Returned from Active Service Badge from a previous deployment. I believe one of the greatest honours in this world is to serve one’s country. Private Palmer did that many times over, and Australia is blessed to have been served by such a dedicated and talented commando.

It is also with deep sadness that we say farewell to Private Benjamin Adam Chuck from the Sydney based 2nd Commando Regiment. Born in Atherton Queensland, Private Chuck joined the Army in May 2004 as part of the Special Forces Direct Recruiting Scheme at just 21 years of age. After completing commando selection and training, he was posted to the then 4th Battalion, Royal Australian Regiment (Commando) and served as the patrol medic with his sniper team.

Colleagues of Private Chuck have described him as an outstanding, passionate, caring, highly trained commando who excelled at everything he attempted. I have no doubt his talents served his team immeasurably during these three tours of Afghanistan. He was awarded the Australian Active Service Medal with the ICAT Clasp, the Afghanistan Campaign Medal, the NATO ISAF Medal, the Infantry Combat Badge, the Australian Defence Medal and the Returned from Active Service Badge from his first deployment in Afghanistan.

Of course, Private Chuck’s passion extended beyond work and into his life at home with his family. As his mother, Susan, told the Australian:
“He loved what he did … He was focused on what he was doing. Even though he knew it was dangerous, he did it with the utmost pride.

“He was a passionate family man. He wasn’t married, but he was in a lovely relationship. We were a very close family, my husband, his siblings and I. What happened to him was just a tragic accident.”

His father, Gordon, has told of a young man who loved life and all that he could pack into it. I would like to read from an article in the Cairns Post written by Stephanie Harrington, whose words go some small way to describe the man that Private Chuck was to his family and to his team.

BEN Adam Chuck was a man among men. He handled crocodiles and venomous snakes at a local zoo. He flew helicopters and was a “beautiful kickboxer” who never lost a fight.

It was this thirst for adventure that spurred the former Atherton State High School student to train as a commando and become part of the Australian forces in Afghanistan in May 2007.

Pte Chuck was due to return home from his third mission in a fortnight, but for his devastated Tableland family, he will never walk through their door.

Pte Chuck was one of the three Australian commandos who died when their Black Hawk helicopter crashed in Kandahar Province in southern Afghanistan early on Monday morning.

It was the biggest loss of life in any incident during Australia’s near-decade long involvement in Afghanistan.

Pte Chuck was a passenger in the helicopter, along with Pte Tim Aplin and Pte Scott Palmer, who also died in the accident.

Yesterday, Pte Chuck’s heartbroken family spoke of their pride for their “courageous and kind” son who celebrated his 27th birthday on Friday.

Dad Gordon, 61, mum Susan, 58, brother Jason, 29, and his wife Gemma gathered at their Yungaburra home yesterday supported by a family friend.

“Ben believed very much in what he was doing and so did we. We knew the risks and so did he,” Mr Chuck said.

“I guess we will just live with the thought that when you believe in something strongly enough, there’s always the possibility the ending may be like this.

“But he loved his country. I guess he paid the ultimate price and so have we.”

Mrs Chuck said her son, who is also survived by his sister Tiffany, 23, and his partner of 18 months Tess Crane, had followed in the footsteps of his grandfathers, both decorated soldiers who served in World War II.

“He was an amazing soldier and loved it,” Mrs Chuck said.

Pte Chuck was among fewer than 20 of 250 applicants who made the Special Forces during a recruitment drive in 2004, when he was given the most outstanding soldier award.

He went on to earn four medals and two badges during his six years of service. A Department of Defence spokesperson described him as an outstanding and highly-trained commando whose “affectionate and caring nature drove his passion for helping his mates”.

Pte Chuck was based at Sydney’s Holsworthy Barracks. Jason Chuck, who spoke to his brother on Saturday, said Pte Chuck’s goal was to fly a helicopter in search and rescue missions when he returned to Australia on July 8.

“He was a very strong leader. He just naturally commanded a lot of respect,” Jason Chuck said.

“Joining the army was probably the best thing he ever did, regardless of the outcome. It gave him such a sense of purpose and direction he didn’t have before.”

MAIN COMMITTEE
As I noted, before joining the army as a commando, Private Chuck worked at Hartley’s Crocodile Adventures in Queensland from 1 July 2003 to 14 January 2004. It seemed somewhat natural that an enthusiastic crocodile handler would make the transition to the army’s elite commandos. Through the former member for Leichhardt Warren Ench, a known crocodile farmer, I made contact with Ms Angela Freeman, Private Chuck’s previous supervisor at Hartley’s Crocodile Adventures. She spoke of a highly respected and well liked young man. She spoke of his gentle and polite nature. She said:

He was an outstanding person, an outstanding human being. There’s no way you can take away from his bravery and remarkable nature. He enjoyed things which involved some risk-taking so understandably he got a great deal of joy working with crocodiles. His colleagues were very impressed with how quickly Ben progressed and learned the trade of croc handling where in a very short time he became a very highly valued employee. In fact every time he came back to visit us I tried to get him back working for us. Ben was always willing to take on new tasks and challenges, including working with venomous snakes and appearing on ABC television promos which many people would’ve seen him on.

Ben had a very cheeky sense of humour and thoroughly enjoyed his work. We were sorry to see him go, but we understood he was training very hard to join the army and the army was his passion. The last time I saw Ben he was on his way back to Afghanistan. He came in for a visit and he said he was very happy working in the army. He was well aware of the danger, but believed he was part of something very important and proud of the work that he was doing.

I have the deepest regard for his parents who gave their wholehearted support for Ben in his pursuits and I have the deepest sympathy for them now during this very difficult time. I’m sure Ben would have moved up the ranks and gone on to become a very successful soldier.

I sincerely hope that Private Chuck’s family can take some small comfort in knowing that he died performing a job he loved, supported by people he loved and who loved him. Many people never find either of these great blessings despite their long lives. As I said at the beginning, it has been a rather emotional week for everybody in this parliament. At the ramp ceremony just 12 days ago, the arrival of Sapper Jacob Moerland and Sapper Darren Smith, I spoke to Sandy Moerland, Jacob’s mother. She gave me one message to sum it all up. She said: ‘Don’t let Jacob’s death be in vain.’

The work that our men and women do in Afghanistan and in other theatres of operation, where they place themselves in harm’s way for the benefit of others, should never be underestimated or undervalued, and we must make sure that the deaths of these fine Australians are not in vain. I have not yet spoken to the families of Private Timothy James Aplin, Private Benjamin Adam Chuck or Private Scott Travis Palmer but I am sure they share that same sentiment: they do not want the deaths of these fine sons of Anzac to be in vain. In all of this, I think of the quote by Joaquin Miller:
The bravest battle that ever was fought!
Shall I tell you where and when?
‘Twas fought by the mothers of men.

Shortly, Australia will welcome home another three sons. We will respect them, we will thank them and we will bless them. As John 15:13 says:
Greater love has no one than this, that he lay down his life for his friends.
This they did, and for that their nation will be forever truly grateful. We will always remember them. We will remember their contribution, we will remember their mates and we will persevere—because the job is not yet finished, and to pull out before the job is finished would be to discredit these fine Australians who gave their all.

The DEPUTY SPEAKER (Hon. DS Vale)—I thank the member for Paterson for his very moving contribution. The question is that the motion be agreed to.

Mr FITZGIBBON (Hunter) (11.21 am)—Madam Deputy Speaker Vale, I think it is very appropriate that you be in the chair at this time, given your previous roles in this place, your deep-seated interest in our military history and of course your support for the men and women of the Australian Defence Force. I know that you feel very keenly these very emotional debates.

The member for Paterson, at some length and in some detail, provided us with information about the three soldiers we pay tribute to this morning, so I will not go over that again. I apologise in advance, though, if I am a little bit repetitive, because, sadly and tragically, we were in this chamber only two days ago paying tribute to Sappers Moerland and Smith, and in many ways the issues we confront today are much the same.

I begin by extending my sympathy to the families of Private Tim Aplin, Private Ben Chuck and Private Scott Palmer. To all of their family members, to all of their friends, to all of their ADF colleagues, I say how sorry I am, as I am sure we all are, that they are no longer with us. They are no longer with us because they, like many who have gone before them, were prepared to give their lives in service to their nation. I knew none of these three fine soldiers, but there is an extraordinary level of consistency in these matters, and I do not need to have known them to know that they were highly skilled, courageous and dedicated. Just as importantly, they knew what they were doing, they knew the risks and they believed in what they were doing.

As I said two days ago, I hope that their family and friends draw some strength from that fact—that they really believed in what they were doing. As a former defence minister I have been to many repatriations and funerals for soldiers who have fallen in operations, and again it is very consistent that the family members do draw strength, I have found, from the fact that their boys knew the risks and believed in what they were doing. That is absolutely the case with respect to the three soldiers we pay tribute to and whom we thank this morning.

We have now lost 16 fine Australians in Afghanistan—17, if you include Rifleman Nash, a western suburbs boy who was serving with the UK force in Afghanistan. I think we should include him in that list. He was fighting for the same cause, albeit in a different uniform, and with the same dedication and the same courageous approach. I want to read their names into the record again, because I think we should do that regularly to ensure that these people are not forgotten. They are: Sergeant Andrew Russell, Trooper David ‘Poppy’ Pearce, Sergeant Matthew ‘Matty’ Locke, Private Luke Worsely, Lance Corporal Jason Marks, Signaller Shaun McCarthy, Lieutenant Michael Fussell, Private Gregory Sher, Corporal Matthew Hopkins, Sergeant Brett Till, Private Benjamin Ranaudo, Sapper Jacob Moerland, Sapper Darren Smith and, of course, again today, Private Aplin, Private Chuck and Private Palmer.

Afghanistan is a very, very dangerous place. The campaign we are part of there is a very challenging one. I said two days ago that, unfortunately, the longer we are there, the more
people we lose and the more people who are injured—and I also refer to those who were in-
jured in the same helicopter crash that took out these three fine soldiers—the harder it will be
to maintain the support of the Australian electorate for this campaign. Again, I make an appeal
to the broader Australian electorate to understand, first of all, that we are there for good rea-
son. We are there to stabilise a country which previously provided a safe haven, a breeding
ground and a launching pad for terrorists prepared to perpetrate their acts of terror right
around the globe, including on our doorstep and even on our own homeland. It is a very, very
important thing to play our role in ensuring that people are able to travel freely around the
globe and enjoy a safe lifestyle in their own homeland without threat or any question about
their freedom. That is why we are there.

How do we achieve that? We achieve that by ensuring that the democratically elected gov-
ernment of Afghanistan has the capacity to take care of its own security and therefore deny
groups like al-Qaeda the opportunity to once again use their own country to launch those vi-
cious terrorist attacks around the globe. We do so by building up their security forces—both
their defence force and their police forces—helping them build an economy, helping them
build a system of governance and assisting them in establishing a justice system. These are
important initiatives. We are only a relatively small part of the global effort to achieve those
aims but we play an important part.

It is important that we continue to make a contribution, not just because of what our contri-
bution provides on the ground—and it is a significant one; we are certainly punching above
our weight—but also because it is important to send a signal that the international community
is working together in a common cause against a common foe and that it is not a conflict be-
tween the United States of America and one particular fundamentalist group, or one particular
country, even. It is an international effort, and we are standing together and cooperating to-
gether to achieve those aims. That is a very, very important message to both those who we
confront in Afghanistan and the global community more generally.

Of course, there are other implications. Afghanistan has implications for countries like
Pakistan in particular, a nuclear capable state, a state so critical to maintaining stability in that
part of the region. But there is another point. Imagine a precipitate withdrawal from Afghan-
stan now, after nine years of operations. Can you imagine the humanitarian disaster which
would flow from that precipitate withdrawal, as retribution was sought against all those who
have sided with the international security forces? It would probably be a humanitarian disaster
on a scale we have not seen before. Again, of course, that has implications for countries like
Pakistan, which was the destination for so many refugees who fled war-torn Afghanistan in
the early to mid-eighties, and countries like Australia, which will undoubtedly be a destination
for those who again flee the acts of terror perpetrated by fundamentalist groups like the Tali-
ban and indeed others. These are very, very good reasons to stay the course.

Today we saw a momentous event in Parliament House. We saw a change of Prime Minis-
ter. We will be reading about it for some days, weeks and indeed months ahead. I cannot
speak on behalf of the new Prime Minister. She will speak for herself. I speak merely as a
humble backbencher, but I am confident that the government’s policy will not change on Af-
ghanistan. I am confident that our commitment to Afghanistan will remain in place. Indeed, I
would urge the new Prime Minister to ensure that we continue to maintain our commitment. It
is not an open-ended commitment. The government have made it clear that we have a clearly
defined mission, and that is to train the 4th Brigade of the Afghan National Army in Oruzgan province up to a capacity where it is able to play its important role in enforcing and maintaining local peace and security. While our Mentoring Task Force is doing so, our Special Forces soldiers continue to clear and deny the worst of the enemy. But we do have an end goal, and that is it. I remind the Australian people that the government under Prime Minister Kevin Rudd has clearly defined the mission now and has provided an end point for the mission, and I ask them to be very, very patient with us.

I remind that House that the three brave Australian soldiers we pay tribute to today were not conscripts; they were volunteers, highly professional soldiers, highly trained, highly skilled, highly committed and highly determined to do their bit for their country. They believed in what they were doing, and we as an international community should also believe in what they were doing and what those who are still serving in Afghanistan and other operations are doing. I will say it again: the most effective way in which we can express our appreciation to them and indeed support their families—I should be careful not to generalise on that, but I believe it would be a general view amongst the families and friends—is to stay the course and finish the job. Their families and friends would not want their sacrifice to have been in vain.

I know it is hard because from time to time decisions come out of Brussels and Kabul which leave us somewhat bewildered. There are countries in the partnership that from time to time do not seem to be pulling their weight, but that is no reason not to continue on that very important mission. Having said that, it is incumbent on the government to continually reassess the mission to ensure that success is achievable and of course to ensure that in those global councils, whether they be in Washington, Brussels or Kabul, the right decisions are being made and a strategy is in place to deliver the key objectives we seek to achieve.

Again, I pay tribute to Privates Tim Aplin, Ben Chuck and Scott Palmer and extend my sympathies to their families and friends. Having made a contribution now to two of these condolence motions in one week, I dearly hope that this will be my last.

Mr KATTER (Kennedy) (11.35 am)—The previous speakers referred to bravery. If you want to know about bravery, look at the mothers. In my own family, my great-great grandmother suffered this and then my great-grandmother suffered it as well—Bert Henley, my great-grandfather’s brother, died at Gallipoli. His namesake, Bert Henley, died soon after coming home from Changi Prison.

I think the most moving scene I have ever seen in a movie was the first one in Saving Private Ryan. In that movie, the camera is behind the mother at the door. The black limousine pulls up and the telegram is brought telling the mother that her three sons are dead. Everything that was in that woman’s body that held her upright simply crumpled as she collapsed to the floor. Tommy McIver, the famous rough rider and country music singer, wrote in the song 21 Guns: ‘The angel of death with his knock at the door, the crumpled up telegram falls to the floor. Her reason for livin’ is livin’ no more as she cries for the pride of Australia.’

That is the story of Susan Chuck, the mother of the soldier we are commemorating here in the House. I sincerely congratulate the Cairns Post on the really wonderful treatment and effort they have made to honour one of our North Queensland sons. Mr Deputy Speaker, as you do in Tasmania, we live in a very small community where everybody knows everybody. Whilst I do not know the Chucks personally, Gordon Chuck went on the walk at Kokoda with
Ian Hosey, and I know Ian very well. My chief of staff and right hand director comes from Malanda, which is just 15 or 20 kilometres down the road, and her mother knows the family well. You can see the sort of people that they are, with Gordon Chuck doing the Kokoda Track. They established Eden House, which is a wonderful tourist attraction and enriches the tourist basket we can offer visitors from outside Far North Queensland. They have made a very great contribution to the Far North Queensland industry.

I am drawing a picture for you of what these people are like. Private Chuck’s home town of Yungaburra must be one of the most beautiful places on earth. It has a magnificent lake and behind it is the dense high-elevation jungle of North Queensland. Every night of the year you use one blanket, and there is no night of the year when you need to use two blankets. It truly is a beautiful place with beautiful buildings and people that are very, very civilised.

Private Chuck, because he was a man who clearly loved challenges, took himself off to become a crocodile handler. I hold up for the benefit of the House a picture of Private Chuck contending with a crocodile, all but wrestling with it. He was also a handler of dangerous snakes at the zoo. He was a man that loved life, loved excitement, loved adventure and was making his contribution, like his parents, to a wonderful industry in Far North Queensland. I quote from the very wonderful treatment by the Cairns Post commemorating one of our sons:

THE brother of fallen soldier Pte Ben Chuck yesterday cautioned against using the commando’s death as a reason to pull Australian troops out of Afghanistan.

As support for the war wanes and is likely to continue to fall after the death of three Australian commandos on Monday, Jason Chuck said his brother was committed to Australia’s role in Afghanistan.

“I don’t want this used as some sort of political justification for bringing troops home. That wouldn’t have been something Ben would have endorsed. He was so proud of what he did,” Mr Chuck said.

A very moving editorial by the paper says:

… on Monday, one of our own sons, Ben Chuck of Yungaburra, was among three experienced Special Forces soldiers killed in a helicopter crash.

Now it is very real, very raw and very painful.

The war is now very much part of our community and we all share the grief of his family and friends in the close-knit Tableland village.

Ben’s death and that of his two colleagues are the worst suffered by the Australian army on operations since Vietnam. …

The Chuck family blames no one for the death of their 27-year-old son. They knew the risks he faced and he did too.

Ben was among the elite in the Special Forces and received a most outstanding soldier award.

He was dedicated to the war on terrorism and determined to play his part in removing these killers who spare no one in their misguided quest of murder.

The family supports Australia’s involvement in the war and do not, for one moment, want the Defence Force to withdraw, despite current debate …

We grieve for the family but we know, as they know, he died bravely and courageously fighting to rid the world of the terror which has changed the face of this planet forever.

Another article in the Cairns Post reads:

BEN Adam Chuck was a man among men. He handled crocodiles and venomous snakes at a local zoo. He flew helicopters and was a “beautiful kickboxer” who never lost a fight.
It was this thirst for adventure that spurred the former Atherton State High School student—
I might add, for those that follow the great game of rugby league, that just up the road is the
home of Dallas Johnson and just down the road, at Gordonvale, is the home of Nate Myles.
We pride ourselves on the boys coming out of the Atherton Tableland, like Mickey Nasser’s
mob. They have always been tough people who love excitement and adventure. The article
goes on:
It was this thirst for adventure that spurred the former Atherton State High School student to train as a
commando and become part of the Australian forces in Afghanistan in May 2007.
Pte Chuck was due to return home from his third mission in a fortnight, but for his devastated Tableland
family, he will never walk through their door.
Yesterday, Pte Chuck’s heartbroken family spoke of their pride for their “courageous and kind” son who
celebrated his 27th birthday on Friday.
Dad Gordon, … mum Susan, … brother Jason, … and his wife Gemma gathered at their Yungaburra
home yesterday supported by a family friend.
“Ben believed very much in what he was doing and so did we. We knew the risks and so did he,” Mr
Chuck said.
“I guess we will just live with the thought that when you believe in something strongly enough, there’s
always the possibility the ending may be like this.
“But he loved his country. I guess he paid the ultimate price and so have we.”
Mrs Chuck said her son … followed in the footsteps of his grandfathers, both decorated soldiers who
served in World War II.
“He was an amazing solider and loved it.” Mrs Chuck said.
Pte Chuck was among fewer than 20 of 250 applicants who made the Special Forces …
Remember that those 250 applicants are only the people who thought they would have some
chance. If you asked how many people wanted to be a commando, it might be 2,000 or 3,000,
but only those 250 thought they were good enough to apply. Of that 250, only 20 became
commandos. So this man was an elite of the elite. The article goes on:
He went on to earn four medals and two badges during his six years of service. A Department of De-
fence spokesperson described him as an outstanding and highly-trained commando whose “affectionate
and caring nature drove his passion for helping his mates”.
As a person who spent eight years in uniform in the militia on 24-hour call-up to fight in In-
donesia and later in Vietnam, I do not think you really go out there with a burning love for
your country. In the back of your mind, you know that that is what it is all about, but really in
the Army you do what your country requires of you and you do it because you do not want to
let your mates down. That probably is one of the strongest forces operating inside a military
unit. The article goes on to quote Private Chuck’s brother Jason:
“Joining the army was probably the best thing he ever did, regardless of the outcome. It gave him such a
sense of purpose and direction he didn’t have before.”
The Australian flag at the family’s business Eden House Retreat and Mountain Spa at Yungaburra was
flying at half mast yesterday as the Tableland community started to grieve for their fallen son.
Staff at Atherton State High School, from where Pte Chuck graduated a decade ago, remembered him as
a well-liked and personable student.
“He’s from a very respected family and was well thought of within the school,” acting principal Stuart Edwards said. “It’s terrible.”

Pte Chuck worked as a wildlife keeper and crocodile handler at Hartley’s Crocodile Adventures, north of Cairns, for six months before joining the army.

He earlier worked at the Cairns Crocodile Farm.

At Hartley’s, Pte Chuck learned to handle venomous snakes and thrilled tourists as a performer in the crocodile attack show.

Zoo co-owner Peter Freeman said Pte Chuck had left a lasting impression and would drop by Hartley’s to catch up with staff when he visited his family.

“He was an extremely good employee,” Mr Freeman said.

“Everyone who worked with Ben has remembered him and remembered him as a great person and a great colleague.”

“... ... ... ... ...

“He loved life and all of the adventure he could pack into it,” Mr Chuck said.

“He was a man amongst men.”

Another article says:

“We will be bring him home,” his mother Susan Chuck told The Cairns Post yesterday.

... ... ... ... ...

The decorated soldier, 27, described as a “man among men”, died in a Black Hawk helicopter crash in Kandahar Province early on Monday morning.

Pte Chuck’s brother, Jason, said the news had hit the family hard but there was some comfort in knowing he died doing what he loved.

“He was a passionate soldier and he, and his unit, were always so excited leading into a deployment,” he said.

“He had pride in serving his country and deeply believed in what they were doing.

“It helps us knowing he died doing what he loved and we are sure this is the way he would have wanted to go.”

It is worth mentioning that Private Chuck received commendation as an outstanding soldier on one occasion. We are a small community up on the Atherton Tableland. Particularly in this area we take very great pride in the achievements of our sons like Dallas Johnson and Nate Myles, but we take infinitely greater pride in someone of this nature who died serving his country. The article goes on:

Mrs Chuck said Pte Chuck would be brought home shortly.

“He loved north Queensland,” she said.

“It’s where he would want to be.”

Mr Griffin (Bruce—Minister for Veterans’ Affairs and Minister for Defence Personnel) (11.50 am)—I would like to express my sorrow at the passing of three Australian Defence Force members who were killed in a helicopter crash in Afghanistan on Monday. Privates Tim Aplin, Ben Chuck and Scott Palmer were all members of the Sydney based 2nd Commando Regiment and were serving with the Special Operations Task Group in Afghanistan when they lost their lives in the service of their nation.
Private Tim Aplin was serving as a demolitions specialist and was on his second tour of duty in Afghanistan. He has been described as an outstanding and dedicated commando who was highly respected.

Private Ben Chuck was the patrol medic within his sniper team and was on his third tour in Afghanistan. He has been described as an outstanding commando who excelled at all he attempted. His affectionate and caring nature drove his passion for helping his mates.

Private Scott Palmer was also on his third tour of duty in Afghanistan. He has been described as having professionalism of the highest order and excelling at everything he did.

I extend my sincere condolences to the family and friends of these men and to the members of the Australian Defence Force, who also feel this great loss. In particular, I offer my deep condolences to: Private Tim Aplin’s wife Natasha; his children Ty, Shinae, Josie and Daniel; and his mother Margaret; Private Ben Chuck’s mother Susan, father Gordon, brother Jason, sister Tiffany and partner Tess; and Private Scott Palmer’s mother Pam, father Ray and brother Adam.

To the members of the 2nd Commando Regiment, my thoughts are with you as you mourn the loss of three of your members and the wounding of another seven. I offer my prayers to the family and friends of Private Tim Aplin, Private Ben Chuck and Private Scott Palmer and also for the safe homecoming of our soldiers, sailors, airmen and airwomen who continue to serve in operations all around the world. Privates Aplin, Chuck and Palmer have made the ultimate sacrifice in the service of their nation and this will not be forgotten. I mourn their loss.

Mr SIMPKINS (Cowan) (11.52 am)—I would like to take the opportunity to pay tribute today to the three soldiers who lost their lives in Afghanistan on 21 June, 2010. This is one of those moments where we are reminded of the seriousness of our actions here in the parliament and the potential consequences on our soldiers and of course their families. War is a serious business with serious consequences.

I would, firstly, like to pay tribute to Timothy James Aplin, who was 38 years old. When I read that Private Aplin was 38 years old, I thought that 38 was quite old for a private and that there must be a story behind it. Indeed, there is a story behind Private Aplin. Having joined the Army Reserve in 1992 and having transferred to the Regular Army in 1995 Private Aplin had progressed to the rank of sergeant. But his goal was to pursue a career in Special Forces. He undertook the commando selection course and then the commando training course in 2008. But of course to enter Special Forces as an OR—other rank—normally you cannot, under any circumstances, go in taking that more senior rank such as sergeant or even corporal.

Sergeant Aplin was presented with a choice: did he want to proceed with a posting to the 4th Battalion Royal Australian Regiment (Commando) or did he want to retain his sergeant rank? Pursuing the goal that he had always sought, he put aside his rank, reverted to private and went in as a commando. I think we need to remember that the rank of sergeant is very highly regarded by the soldiers of the Australian Army. It is not achieved lightly. There are subject courses to be passed for the rank of corporal and then sergeant. Recommendations by commanders need to be made. It is not something that is just achieved. It is no handout in the lolly packet, the cereal packet or anything like that. He worked hard to achieve his rank of
sergeant, but his goal was Special Forces. His goal was the commandos, and he set aside his rank of sergeant to achieve his goal and join the commandos.

I think that the way he did that was certainly a testament to great character: someone who wanted to serve his nation, someone who wanted to serve in a particular area as a commando, someone who had dedication to service. Private Aplin strikes me as the sort of man who was every commander’s dream, someone who just wanted to be there, just wanted to serve, just wanted to do the job, who was not wrapped up with the trappings of rank or anything like that but just wanted to get on and do his duty, and I imagine that he enjoyed doing his duty as well. Indeed, he was already something of a veteran, having had operational service in East Timor in 2000, the Middle East in 2003 and Afghanistan already in 2009. His second tour of Afghanistan was where he lost his life in the helicopter accident. I guess it is not that easy to replace people like that, who have that sort of unique and driven dedication to their profession. I think his loss in the 2nd Commando Regiment will be felt greatly, as indeed the loss of any of our soldiers is felt greatly within Defence. So I pay tribute to Private Aplin today.

I would also like to speak of Private Benjamin Adam Chuck, also a member of the 2nd Commando Regiment. The service of 27-year-old Private Chuck is also a story of its own. Some years ago, it was determined that there could be direct recruitment into the Special Forces, where people off the street, you might say, or maybe from the police could apply with the specific intent of entering the Special Forces. As I think all of us here know, and some of us who have served in the Army as well may know just a little bit better—and I am not Special Forces myself by any means—it is serious business out there. The weapons, the explosives and the training can be pretty dangerous stuff. Some may call them supersoldiers, as the SAS are often referred to, but there is no doubt that they are a highly trained organisation and highly effective. For someone like Private Chuck to have come from civilian life, to have specifically joined and to have just gone straight through those courses to become a commando is again a testament to an excellent character. He has been described as a person who excelled at everything he attempted. Clearly he was a very tough and determined young man. As we have heard from other speakers, he was fulfilling the role of patrol medic within his sniper team. It has also been said that he was devoted to his mates, as I am sure that all members of the 2nd Commando Regiment certainly are.

I also take this opportunity to pay my respects regarding Private Palmer, the third soldier who unfortunately died in this helicopter crash. Private Palmer joined the Army in 2001. By the end of 2006, he had completed his commando selection course, his commando training course, and was then posted to the 4th Battalion Royal Australian Regiment (Commando) as it was then called, now the 2nd Commando Regiment. He certainly had plenty of operational experience. This was his third tour to Afghanistan, and he had also served at other times in East Timor and Iraq. He was also notable—as indeed, as I have said before, are all members of the 2nd Commando Regiment and members of the Australian Army in general—for his professionalism and dedication to excellence.

A lot has been said about why we are in Afghanistan. Questions have been asked. Some people still ask why we are there. What possible influence can that place have on us here in Australia? The reality is that there are evil people in the world. The Taliban wish to increase fundamentalist Islamic rule across the region and beyond. Of course, they need a base. They need somewhere to train, somewhere to gather, somewhere to launch their wider operations.
from, and that place is Afghanistan—but only if we let it be Afghanistan. We remember, not too long ago, the Taliban’s operations in the Swat Valley, in Pakistan, and I commend the Pakistani army and services for driving them back out of the Swat Valley and re-establishing legitimate government control over the Swat Valley. The Taliban continue to pursue a re-establishment of their bases in Afghanistan and their control in Afghanistan, and they intend to use that place to launch their forms of terrorism.

We know that they are suppressors of women and the rights of women. They are controllers of education. They are soldiers of totalitarianism. I would just add one other thing to that. Who can forget those famous views of where the Taliban destroyed the image of Buddha carved into a cliff face in Afghanistan? These are, without doubt, evil people. We have no choice, and we have an obligation, to continue that fight against them. Certainly the Taliban provide no value in the world. They are enemies of democracy. The point is that, if we do not stay in Afghanistan until the Afghan government can ensure their own security, this nation and our neighbours may be subject to terrorism that originates from Afghanistan. That is my view about our national cause.

But, down from such heights, I will bring it back home. There are the families who will forever have to live with the loss of their loved ones—in this case, the families of Private Ap- lin, Private Chuck and Private Palmer. It can be a struggle to find the words to say to those who have lost their loved ones in this cause. To the parents, brothers and sisters, partners and friends of these lost loved ones: my thoughts, my deepest sympathy and my heartfelt condolences are with them. These men died in defence of democracy and for liberation. Australia never wants to have to send soldiers abroad, but we have. Australians did not ask for violence, but we have answered it. Australia did not start this war, but we will move on with the coalition to win it. To all the Australian Defence Force personnel still engaged in the conflict in Afghanistan: take a moment to honour your fallen comrades, but maintain your vigilance, your confidence, your courage and your commitment to carry on with the mission. I thank them for their service. I thank the families of these fallen soldiers for the sacrifice.

Mr DANBY (Melbourne Ports) (12.04 pm)—It is with great sadness that I rise to speak again, as I have previously in this chamber, about the deaths of Australian soldiers in Afghan- stan, particularly Private Timothy James Aplin, Private Benjamin Adam Chuck and Private Scott Travis Palmer, all special operations soldiers in 2nd Commando Regiment. They were killed in action just days ago. The three soldiers we are mourning today died in what seems to have been an accidental helicopter crash of one of our US ally’s military helicopters. These are deaths in active service, and we honour them as we have honoured the other 13 Australians who have died in active service over the past eight years, including Sappers Moerland and Smith, for whom we had a condolence motion just the other day. I join with all the political leaders and other parliamentarians who have spoken before me in sending my deepest condolences to the families of those who have died. I think of the families of those who have been wounded and, like all members of this House, pray for their rapid and complete recovery. I also think of our American, British and Afghan allies and the losses they have sustained.

Wars, particularly prolonged wars, are very difficult for democracies. It is easy to say, ‘We shall stay the course,’ but when we have months like this, with five deaths in rapid succession, we begin to realise what that means in practice. Questions begin to rise and pressure begins to mount on elected governments to find the best way to end the sacrifice of our best and brav-
We need to resist those calls. This is not a war that Australia or the democratic world as a whole can afford to lose. We need to win this war not for its own sake and not just to protect ourselves against terrorism. We also need to win it for the sake of the people of Afghanistan.

I thought that point was made very strongly by the member for Paterson, on the other side of the chamber, who talked about having attended the ramp ceremonies and funerals of soldiers killed in Afghanistan very recently. I can echo that experience, having represented the government on the death of a soldier from Melbourne from 2nd Commando Company, 1st Commando Regiment, Private Greg Sher. Private Sher was our first reservist to be killed in action since Vietnam, and I am in contact with his father, Felix Sher, and family. All parliamentarians from the various electorates of the families of these brave people who are killed should remain in contact with them as part of our continuing service to them. I think Felix was quoted in the papers just in the last few days saying very clearly that these three boys died in the service of Australia and would want our leadership, military including our arguing not to be dissuaded. He spoke as the father of a very precious son who died in Afghanistan, saying that we should not give up the struggle and the fight there.

The 28 million people in Afghanistan have suffered a great deal over the past 30 years: revolution, civil war, dictatorship, foreign invasion, political and religious fanaticism and savage repression. Millions have had to flee the country and spend years in refugee camps. At one stage, four million people had fled from the Taliban to Pakistan. Anyone who has seen the films of refugee camps teeming with millions of people can only have sympathy for those who have had to live under that dreadful regime.

Thanks to Australia and its allies, the lives of most people in Afghanistan have been improved, and that is particularly true for Afghan women and children. That is something of which we should be proud, and we should be particularly proud of the role that the young women and men of our defence forces have played in bringing security and safety to so many people. I think of the huge numbers of young girls in Kabul who can now attend education, who were barred from it literally under the threat of death—as some of them still are in regional areas in Afghanistan—by the Taliban regime.

The members for Cowan and Kennedy spoke very movingly about the nature of these servicemen—devoted to their mates, not over there with grand theories or ideological obsessions but representing Australia quietly and efficiently with their comrades in 2nd Commando Regiment and killed in action with their friends. They were fully devoted to each other and representing Australia, as Australian servicemen have been in recent conflicts, and we are so very proud of them.

Things are very far from perfect in Afghanistan. You only need to read some Kipling to realise the dreadful terrain and the longstanding nature of recriminations and interfactional fighting there. It goes back a long way. The British experienced it. The Soviets did as well. I hope and I pray that we are fighting in a different cause—for the people of Afghanistan, not against the people of Afghanistan.

In some ways things have deteriorated in recent times. No-one ever supposed that rescuing such a country from the depths to which it had sunk under the Taliban regime was going to be easy. I remember seeing a dreadful film of a public execution of a woman in Afghanistan who was stoned to death in a public stadium. The reporter—for a British television program, I think—asked the Taliban minister, outside the country, ‘How can you spend the money of the
international community on a sports stadium where you kill people by public stoning?’ His contemptuous response was ‘Give us the money for another sports ground and we’ll play soccer there.’ This is the nature of the people that we are fighting against, in which cause these three brave men have laid down their lives.

The rehabilitation of Afghanistan is a massive task and many mistakes have been made. We have been too tolerant of corruption and warlordism there. I am pleased to see our friends in the American congress are getting very tough with some of the contractors and some of the transport convoys about the bribes being paid to some of the gunmen for the warlords. Frankly, the recent presidential election was a disgrace. Yet I remain optimistic. The United States troops surge has shown the strong commitment of the leading country in the coalition to give Afghanistan the help it needs to create a stable and defensible government and to give security to its population. That is, after all, the aim of Australia, the international force and the United States—to train the Afghan army into a position where eventually the allies can withdraw and leave the population of Afghanistan in some kind of security and safety. I think we have an obligation to assist in doing that, despite the price we are asking our men and women in uniform to pay.

The consequences of failure for the people of Afghanistan, for us and for all those who look to the democratic world for help would be very grave. Just the other day in New York—to connect all the dots—the would-be terrorist who left the huge bomb in Times Square boasted in confessing to the court that he was trained and paid by the Taliban. If we do not understand from that incident that the consequences of not confronting these people over there, rather than letting them have a secure base there, are that we will have them come to us, then we do not understand anything.

We cannot ask our defence forces and their families to make sacrifices like this unless we strongly believe in the justice of the cause for which we are fighting. I believe that the cause of helping the Afghan people to defeat those who want to return them to slavery is a just one. The member for Cowan had a very insightful comment when he talked about the nature of a regime that would take the ancient and beautiful statues carved into the stone hills of Bamiyan by another civilisation thousands of years earlier, those famous buddhas, and blow them up in their total contempt and hatred for other people’s religions. That is an insight into the nature of the people that we are confronting there. That is why, despite our grief over these deaths, I believe it is right to maintain our commitment. To the parents, the partners, the children and the friends of these three incredibly brave servicemen who died in the helicopter accident, I say that I believe we are right to maintain that commitment. It is the best way can honour the last full measure of devotion to our country that these three brave commandos made for Australia.

Mr HUNT (Flinders) (12.15 pm)—I wish to join with all members of the House in expressing my condolence to the families of the three very brave young Australian soldiers who were lost in the recent helicopter accident in Afghanistan, Private Timothy Aplin, Private Benjamin Chuck and Private Scott Palmer, all of whom lost their lives on 21 June 2010. They were accompanied by seven other Australians, one of whom is from my electorate. Obviously the name of this very brave young man from my electorate, for reasons of both family privacy and national security, remains confidential, but I note that I have spoken with the partner and the father of this brave young soldier.
On behalf of the family, I say to the government: we thank you for your help. The partner will be transported to Germany. There has been some confusion. The family was of the belief that the mother would also be transported. That was confirmed by the government and then that hope was taken away late last night. The family is not in a position to make these travel arrangements without assistance from the government. I realise that there are other issues concerning the government at the moment, but I respectfully ask that all care and immediate action be taken to assist the mother to travel to Germany. There is great distress in the family. There is particularly not just a concern about the son but a double emotion, having been offered the prospect of travel and having had that withdrawn in the last few hours. I have been in contact with the office of the Minister for Defence to this effect and the staff have been very helpful, but we do need a resolution, and I ask that a resolution be put in place today.

More broadly, to the families of these three very brave young men who have been lost: they could not have given a greater sacrifice for Australia and, more significantly still, for the people of Australia and their long-term security. It is a tragic outcome. These are the finest of young people. They have extraordinary training, skill, intelligence and compassion and such a high-functioning nature that their deaths are doubly tragic.

I want to talk briefly about the broader context: the foe. The challenge which is underway in Afghanistan is part of a broader global challenge to deal with a stream, a strand, of extremism which, irrespective of its religion, is aimed at destabilising the modern way of life. It is nihilist in many respects in that it is indiscriminate in its target. It seeks to destroy progress. It seeks to destroy the very freedoms that people on all sides of this House believe in, whether it is freedom of religion, freedom of action, gender freedom, in particular—all of the noble virtues which give people the ability to live their lives in full. These are under attack.

What we see at the moment is the Wahhabi stream of Islamic extremism attempting in its own way to bring down governments. Whether it is the government of Pakistan, the government of Indonesia, the government of Saudi Arabia or the government of Egypt, it wants to destabilise these major Islamic countries and ensure that there is either a fragmentation or a takeover—those are the long-term, millennial objectives—and, in so doing, create and craft a very different world from that in which we live. That is a profound global challenge. It is real, it is important and it manifests itself in forms of terrorism, in acts of violence, first and foremost, within and against the Islamic world itself. The four countries that I have mentioned are all targets of extremist Islamic violence. Secondly, it manifests itself in acts of violence such as those that we saw so tragically close to home in Australia, in Bali, with both Bali bombings, with the attack on our embassy in Jakarta and on the Marriott Hotel and, most prominently, the September 11 attacks on the World Trade Centre, the Pentagon and the four flights.

This insidious strand of terrorism has a strategic goal: to take as a base one of the four large states with a strong Islamic heritage and in so doing bring about a transition through internal destabilisation and violence. That is why it is not just an internal issue in Afghanistan. Afghanistan was the base for the Taliban, Afghanistan has been the hiding place for the senior leadership of al-Qaeda and Afghanistan was a centre for the activity which occurred on September 11 and throughout much of South-East Asia. So it is real and profound and of significance to Australia.

The cause could not be greater in terms of our global responsibilities. The cause for which these Australian soldiers lost their lives could not be greater. Having said that, we have a duty
to do everything in our power to ensure that, where our forces are deployed, they are deployed in a way that protects them and their mission and does not in any way lead to them being needlessly exposed. There is a bipartisan commitment to this broader cause. We believe in it because it is profound and important. I recognise, though, that the costs are extraordinary and that it is ever so easy for those of us in this place to make easy gestures which are borne by others. We must never, ever forget the risk and the price and the commitment of those on the front line. The association I have had with the family of this very brave young soldier from my electorate over the last few days reminds me all too clearly that it is the brave young sons and daughters of Australia who are on the front line. We thank them for their commitment. I offer my profound thanks and condolences to the families of these three brave young Australian men: Private Timothy Aplin, Private Benjamin Chuck and Private Scott Palmer.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (12.23 pm)—I thank all members for their words today, as we gather again to farewell favourite sons lost in the cause in which they were engaged and offer our condolences to the families of Private Ben Chuck, Private Timothy Aplin and Private Scott Palmer. I echo of course all the comments about the importance of this conflict in which we have been engaged, and which I have previously commented on, in fighting this Islamic extremism.

Australians have always steeled themselves in the cause of freedom and peace and have steeled themselves to endure costs in pursuing those aims. Australia lost 60,000 killed in the First World War and 48,000 in the Second World War. Our allies are alongside us in Afghanistan, where the Americans have lost over 1,100 troops, the British, 300, and the Dutch, our partners in Oruzgan, have lost 24 killed. We remained steeled to this task. It is extremely heartening and I think should be heartening to the families, to the colleagues of these soldiers and to the Australian people that the major parties of this parliament are united in continuing to support our troops and continuing to support this operation.

It is particularly of note that these soldiers were reservists of the 2nd Commando Regiment. It is my privilege to have as part of my portfolio responsibilities the administration of the reserves—and what wonderful and special people they are. They devote aspects of their lives that would normally be reserved for leisure time or time with their families and make that extra commitment to train themselves, to serve and to offer their lives and limbs in the defence of this country above their ordinary commitments in their daytime job. In terms of the 2nd Commando Regiment, that goes to another level altogether. We know these are special operations or special forces soldiers who must train to an extremely high degree of proficiency, so the courses and training that they undertake are in addition to that which would normally be undertaken by a reservist. And, of course, in order to be deployed in Afghanistan they have to go to another level yet again in their proficiency and the excellence of their skills at arms. So we should very specially salute the commitment that they make, above and beyond their daytime jobs, to attain those skills and to serve in this cause.

As the member for Melbourne Ports mentioned, we have had experience with losses in the regiment, dealing in particular with the family of Greg Sher. Felix and Yvonne Sher have been typical of the stoic families who have endured these losses, and in their commitment to supporting the troops and the mission. We attended various ceremonies associated with the Sher family in their loss, met many members of the 2nd Commando Regiment and know well their...
commitment to this operation and to each other and their ongoing determination to confront this Islamist threat.

The nature of these situations is terribly traumatic for everyone, of course. I would ask people to think of those who have to bring the news of these losses to the families. I have been in the position of being the duty officer who has to go and visit a family and be first person to advise them of their loss. This is a very difficult job to perform. We should spare a thought for those who serve that purpose in our Defence Force as well. I have seen the consequences of what happens on the ground to our men and women and to our allies, and know what trauma it causes to the colleagues of these soldiers and how they will be grieving and drawing together to deal with that grief. We should spare a thought for their colleagues who remain and of course for the injured as well, who will have long periods of recovery to contend with. We should provide them with all the support we can.

The other aspect that is worth noting is the nature of service in the Australian Defence Force that is highlighted by this incident. People focus, of course, on some of the combat casualties that we experience. But, on a daily basis, men and women of this Defence Force risk their lives in hazardous training to achieve their states of professional proficiency. We lose people in accidents in training. The nature of that service is why we salute so much the men and women in the Australian Defence Force, because they assume those risks just to be in a position to deploy in the first place. There are quite often casualties in conflict zones relating to these types of transport or other situations. Before you even confront the threat of the enemy, the hazards of the environment are great to begin with, in relation to the diseases, the extremes of weather conditions, the hazardous nature of the terrain and the circumstances of having to move around in an operational context following operational procedures where the normal standards of the air traffic control or occupational health and safety will not apply. So we ask our personnel to assume that risk in the context of their training, in the context of deploying, in the context of conducting these operations. One of the most heartbreaking experiences of my service was a previous helicopter accident we experienced here in Australia where we lost 18 of our personnel in the crash of the Black Hawk helicopters in northern Queensland. That was incredibly traumatic for the defence family at the time. Once again, they were training for the difficult circumstances of night operations, albeit not in an operational zone. So we should bear in mind that the entirety of service life encompasses these risks. That is why it is so special. That is why we pay such tribute to these personnel in the first place.

We are here today to recognise the further addition of names to the list of those which we honour in the service of this nation in the context of this conflict and the cause against Islamic extremism and the cause of peace and freedom. Their names will be added to that glorious history of the Australian Defence Force, the Australian Army. It will be an enduring memory. Our thoughts and our prayers go out to the families, the survivors and the colleagues of these members. We will bear them in our hearts forever and we will continue to support our troops in every way possible.

The DEPUTY SPEAKER (Mr S Georganas)—I understand it is the wish of honourable members to signify at this stage their respect and sympathy by rising in their places.

Honourable members having stood in their places—

The DEPUTY SPEAKER—I thank the Committee.
Mr DANBY (Melbourne Ports) (12.31 pm)—I move:
That further proceedings be conducted in the House.
Question agreed to.

ADJOURNMENT

Mr DANBY (Melbourne Ports) (12.32 pm)—I move:
That the Main Committee do now adjourn.

Kalgoorlie Electorate

Mr HAASE (Kalgoorlie) (12.32 pm)—I rise today to bring the attention of the House to the fact that the original Federation division of Kalgoorlie, created of course in 1901, will at the proroguing of this parliament disappear from the list of electoral divisions across Australia. Back in 1901 the electorate of Kalgoorlie was one of just five Western Australian seats that were part of the 75 seats across Australia. Since 1901 there have been a number of outstanding members representing the seat of Kalgoorlie. From 1901 to 1903 there was Mr JW Kirwan for the Free Trade Party. He was followed by Mr CE Frazer of the ALP, who was followed in 1913 by Mr H Mahon for the ALP. In 1917 there was Mr E Heitmann for the National Party. In 1919 Mr H Mahon was back again. In 1920 there was Mr G Foley and in 1922 there was Mr AE Green for the ALP. From 1940 for a period of 18 years there was Mr H Johnson for the ALP. In 1958 he was replaced by Mr P Browne for the Liberal Party—for the first time there was a Liberal member for Kalgoorlie. In 1961 there was Mr F Collard. From 1975 till 1980 Mr J Cotter, who was know as Mick Cotter, served for the Liberal Party. Then Mr Graeme Campbell served for 18 years, firstly, as an ALP member and, secondly, as an Independent. Of course, I took the seat in 1998, 12 years ago.

Kalgoorlie is an electorate that is enormous. Its area today is some 2.3 million square kilometres. It was a fraction of that size when it was first formed in 1901. It has the auspicious title of being the largest electorate in the world today. To give an idea of comparative size to those who have no idea of the vastness of Australia, it occupies approximately a third of the Australian landmass. It is in contrast to the smallest electorate of Australia, which is Wentworth. Wentworth would fit into the seat of Kalgoorlie some 88,472 times. Of course, because that is the case, as member for Kalgoorlie I have one more staff member just to do the job. We are all incredibly capable.

One of the outstanding representatives for the seat of Kalgoorlie was, of course, Mr Mahon, who became the Postmaster-General at one stage of his career. Another thing about the seat of Kalgoorlie, and more specifically the location of Kalgoorlie, is that it was the population of Kalgoorlie in 1901 that justified the formation of the Federation. Federation was looking a little shaky there for a while because Western Australia, of course, was not particularly interested in giving up its direct connection to the UK, but it was the overwhelming vote of the population of Coolgardie, Kalgoorlie and Boulder that swayed that final decision. So, for the education of the House, it is reasonable to suggest that it was because of the population of Kalgoorlie-Boulder that the Federation was formed in the first place.

I remind the House again that as of the proroguing of this parliament, whenever that may occur, the name Kalgoorlie will forever leave the list of Federation seats. That is indeed a sad day. We are moving on, and the area will in the future be represented by the seat of O’Connor.
and the newly created seat of Durack, which, God willing, I will be very, very proud to represent.

Disability Services

Mr HAYES (Werriwa) (12.37 pm)—Helen Keller once said:

A happy life consists not in the absence, but in the mastery of hardships.

I admire this sentiment, and I believe that it is one that can apply to everyone, not just people with a disability. During my five years in parliament, I have spoken on many occasions on disability and the need for governments of all persuasions and at all levels to provide adequate support to services for people with disabilities, their families and the carers. About one in 10 Australians has a disability, and about one in five has a family member with a disability. In Werriwa there are some 5,000 people who receive a disability support pension to help them meet the cost of living.

There is a growing awareness that we can do better when it comes to programs to support people with disabilities. Currently, too many people fall through the cracks. The level of support available is not adequate. Occasionally it is the red tape that gets in the way of people with disabilities and their families getting proper and efficient access to the services they need. What is needed is for disability issues to move from the ‘important’ basket into the ‘urgent’ basket—from problems that should be dealt with in the future to those that should be tackled now.

There are many worthwhile organisations in my electorate in the south-west of Sydney that are trying to change the way decision makers determine the way in which the services provided to their clients are administered. Every day they fight for recognition that all disabilities are different and require different approaches. Organisations such as Junction Works, Macarthur Disability Services, Macarthur District Temporary Family Care, Hoxton Industries and Northcott Disability Services, just to name a few, advocate for their clients so that the needs of people with disabilities are better taken care of. In many cases, staff from these organisations are also family members of people with disability. Unfortunately, the needs of carers who provide a service to family members with a disability sometimes go unrecognised. A shining example of the involvement of family members is provided by Grace Fava and Fiona Zammit, both from the Autism Advisory and Support Service in Liverpool. Both Grace and Fiona are mothers of children who have autism. They have joined forces with other local parents to empower children with autism and their families through knowledge and support.

I found it quite shocking to find out that 57 per cent of children in New South Wales aged five and under whose parents are in receipt of carers allowance for autism spectrum disorder live within a 40-kilometre radius of Liverpool in the south-west of Sydney. That is why I recently moved a notice of motion in this House to congratulate the Rudd Labor government on the decision to establish a groundbreaking autism early learning centre in Liverpool.

It is my strong desire that this House and this government reaffirm their recognition that a combination of special education, speech therapy, occupational therapy and behavioural intervention has proved to be successful in helping people with autism disorders. We need to recognise that early diagnosis and intervention are essential to ensure that families and carers have the appropriate professional support that they need. We also need to acknowledge that,
with early intervention and appropriate support, children with autism have a much greater chance of fulfilling their potential and participation more fully in the community.

It is a sad fact that right now 1.5 million Australians with serious disabilities, and their 500,000 full-time carers, do not have the resources they need to represent themselves. Over the next 40 years, we will see a steady growth in the number of people with disabilities. It is predicted that it will continue to grow, from 1.4 million to 2.9 million. It is now time to heed the words of Helen Keller, and I repeat her sentiments: a happy life consists not in the absence but in the mastery of hardships.

We need to ensure that we have a thoroughly thought out plan to respond to this trend. We must not fail in our responsibility to provide adequate support and efficient services to people with a disability, their families and their carers.

Labor Leadership

Mr LAMING (Bowman) (12.42 pm)—I know that the Prime Minister elect has referred to rescuing a government that had lost its way, but I remind Australians that what we have in Prime Minister elect Gillard is a minister who has walked out on a ministry that lost its way years ago. We know about the Building the Education Revolution—we know about the $5 billion that disappeared into the pockets of state governments, project managers and assorted spivs. We know about the $1.7 billion that was sold by Prime Minister elect Gillard as an expansion of the program but was just another blow-out. We know that only 30 per cent of those school laptops have been delivered, and that so many of the children waiting on that election promise of 2007 are yet to touch and feel a laptop. We know that only 13 of the 2,650 trades training centres have even been built. Parents, promised so much more, have seen so little from this Prime Minister elect. And, finally, only 38 of the 260 promised childcare centres have actually been delivered, and that means that every childcare centre in the area of Redlands secretly fears a ‘Julia Gillard memorial childcare centre’ right next to their own. It is a dreadful predicament we are left in with education—and this is a Prime Minister who promises a fairer go.

But don’t just believe me. Once again, I have asked anyone who is not a party member who wishes to communicate with me on Facebook to have their say, and here they are. Glenn Irvine from Capalaba says:

There is a name for someone who one day categorically denies leadership intentions, and the next, stages a coup for that leadership… it is called “Raw Ambition” …

From Gabby Lewis:

Rudd was not bad! he was doing fine! Gillard is bad! just because she is a woman people think she will do better i strongly disagree

Kerry Stewart-Haynes says:

Not isolated to one person or party … A whole lot of snivelling and backstabbing, it seems to me.

Andrew Darvall of Thorneside says:

I believe Australians are switched on enough to see this for what it is. A blatant re-establishment of the time-honoured tradition of unions manipulating the strings of Australian parliament and government as a whole.

I vote no to Puppet Julia.

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Amy Lorraine Thirlwell from Cleveland says:
It is not fair that it wasn’t a full vote! They can’t just decide to change it with only 100 odd people voting.
She says that Rudd was doing just fine.
From Capalaba, Michelle Welch writes:
I agree with Amy on this, and as Rudd said everyone learns from their mistakes, he does too, and other pass ones just ignore there mistakes they make.
From Gabby Lewis:
We don’t want Ms Gillard in charge …
Tatia Power from Alexandra Hills says:
Pleased to see a woman PM, but ready for an election to let the public vote
From Brad McElhinney:
stick with Rudd hes doing a great job
From Bianca Stubbs:
I’ve always voted Liberal but I think this could shake things up …
From Ed Burnett, in Cleveland:
Good luck getting re-elected with Gillard in charge!
From Stacey Fels, in Thornlands:
i agree with gabby, we need rudd back, and as for MR SWAN we wont start on that.
From Lauren Doyle in Capalaba:
Gillard is a smart woman, Let her have a chance to show Australia what she can do
From Julia Filkorn:
Rudd was bad, Gillard s worse, just because she is a woman doesn’t mean she is any better, can’t wait for the next election …
We have Rebecca Budge from Alexandra Hills:
Love Kevin rudd, he was doing a wounderful job
From Hannah Riall:
having a female pm should have been a momentous event but gillard wasnt elected, should have stuck with kevin rudd
From Peter Marer:
Who inspires our kids today? Union factions are not a great example of what kids need to aspire to
Matt Aubrey:
… many professionals are worried about the amount of muscle that has been shown by the AWU. Many support the decision to oust the duddster however are scared and shocked that the unions had so much power over the situation … just a thought to chew on.
There you see a very clear message from my local people. Many are concerned that we are returning to a period of ‘bash of the boss’, a Robin Hood period where anything that is good for Labor is automatically fairer. Ordinary people in my electorate have not been well served in the last two years. They are tired of those promises and they know you could not slide a piece of paper between Prime Minister elect Gillard and Kevin Rudd. She is behind all of

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those same mistakes. For her to foist them on the previous Prime Minister is disappointing to
the electors in my area. To see her again mouth the mantra of toughness on borders without a
clue as to how to deliver it shows that she is just another potential Labor leader who walks
down one side of the street trying to keep her Labor members happy and then down the other
side trying to talk tough to the general population.

What she is doing is leaving Education behind, in a mess, to take up the reins of the coun-
try. I suspect that the people of Redlands will not forget that. Whether you send your kids to
child care but you have had your indexation frozen, or you have had the rebates capped or cut
and the prices for child care go up, you will not forget the previous responsibilities of Prime
Minister elect Gillard. If you are going to school and you have not seen laptop computers or
you have them but they are not insured or there is no broadband on which to run them, you
know to blame Prime Minister elect Julia Gillard. And, if you are waiting for a trades training
centre but there is not even a lathe in your school, then you know you need to blame this
Prime Minister elect, Julia Gillard.

Learn. Earn. Legend!

Ms BIRD (Cunningham) (12.47 pm)—I rise today to talk about a very important pro-
gram—under the education portfolio, interestingly enough and auspiced by Minister Arbib. I
would say to the member for Bowman that I think the speech delivered by the former Deputy
Prime Minister and now Prime Minister elect will go down in the history books, but I doubt
his will be noticed today.

On Monday and Tuesday this week I took part in the government’s inaugural Learn. Earn.
Legend! work experience in government program, where members and senators hosted 100
Aboriginal and Torres Strait Islander secondary students in their offices in Canberra. Dzella
Sullivan from Atherton came to my Parliament House office for two days work experience.
During his time in my office, he wrote a speech which I indicated to him I would read into the
Hansard record for this place, and so I will. These are his words:

I’m Dzella Sullivan from Atherton, a town about 45 minutes drive from Cairns, and I’m in grade 11 in
Atherton state high school. I was born in Atherton and I’m both Aboriginal and Islander. I have both a
younger sister and a younger brother. I’ve been in Atherton for about 12 years my mum took me away
from Atherton not long after I was born, we had came back in 1998 when I was 4 to live with my nanna
and grandad and eventually got our own place to live and stayed there since then.

Atherton is pretty good place for me, it’s a nice tropical area it has hot days and cold days. We do get a
lot of rain during summer but it is usually pretty warm. It’s not like Canberra, I find Canberra is just too
cold. When I first came to Canberra I didn’t believe how different it was to Atherton, mainly it was the
cold but also how dry Canberra place is.

Like most people I don’t really like school, but I still go because I want to do something in life. I have
an interest in art and hospitality even though I’m probably not the best at them. I would really like to get
a good job somewhere in hospitality. When I do leave school I would probably move to Cairns to try and
get a chef apprenticeship somewhere there and hopefully it will go on from there. I to study hospitality
and art in school. I started to study it in grade 8 I do pretty well in hospitality and I’m about average in
art.

I do well in school, well better than my friends. I’ve probably done more school work then them ever so
far in school. They would usually talk about whatever came in to there mind, not listen to the teacher
and then get in trouble and then wonder why they got in trouble in the first place. I had about 4 good
friends in primary school and my best friend left in grade 6, but I eventually made lots of new friends
when I got to high school. The school that I go to does give a good variety of different classes and sometimes good opportunities to help students become what they want to be in the future, but I usually see that most students there don’t take school seriously.

About a month I was asked if I wanted to come to Canberra to do some work experience, at first I was unsure if I did want to go. Over time my family had convinced me to go, mainly because it was a once in a life experience. Now that I’m here I’ve thought to myself that I had made the right decision.

I had to wake up at 2:00 in the morning to catch a flight in Cairns to go to Brisbane, then straight to Canberra, it took about 5 hours to get here from Cairns. When I got to Canberra we were taken to the Rex Hotel. I explored it for a while, not much to do but it was a pretty nice place to stay. My roommate didn’t arrive until about 11:00 at night, I don’t mind him. I made friends pretty fast, mainly with the people in my little group. The thing I found weird is the food we were eating at lunch, that they like eating ham with jam. I got a sandwich that had lettuces, zucchini, ham, and cranberry jam.

On the first day we got a trip down to the history museum which is a great place, a bit different to other museums I’ve gone to. The next day we had breakfast and went to the Parliament House. We got a few speeches and went to have lunch and were picked up by our parliamentarians for the work experience. It did feel weird when I was picked up because I didn’t know what it would be like. I found it wasn’t that bad, I found that I enjoyed it. The rest of the day was kinda boring, we did end up having a BBQ that night which made it better ...

On Tuesday I got to get a tour of Parliament House with a few more people, one of them was my roommate we got to go see places were most people would never see. I got another tour after that with the rest of the students, but it wasn’t really as good as the first one I got. I had another weird sandwich it had avocado, chicken and lettuces.

On Tuesday morning Dzella, Kiah Bobongie from Kerry Rea’s office, Keeden Collins from Joel Fitzgibbon’s office and Brittannie Miles from Chris Hayes’s office had the opportunity to visit and tour the office of the Minister for Ageing, the Hon. Justine Elliot MP, with her Chief of Staff Paul Scully, led by my very good staffer Alison Byrnes.

The group met with all of Justine’s staff and found out about their roles and duties. They also went down to the basement, toured the press gallery and went on to the roof of Parliament House. Debra Biggs also gave Dzella a private tour of the Speaker’s office, where he got to see the parliamentary mace. The group ran into the lovely Barb Pini, from the Treasurer’s office, who took them into his office. Do not tell the Treasurer, but I understand that they all got to sit in his chair! Kiah, who attends St Saviour’s College in Toowoomba, said that she found it a tremendous experience as well.

I want to thank all of those people around this place, including my own staff, who went out of their way to give these wonderful young people a tremendous experience on the day. *(Time expired)*

**Canning Electorate: Sewerage Systems**

Mr RANDALL (Canning) (12.52 pm)—Today I want to raise an outrageous situation faced by the residents of Golf View Estate in Serpentine, in my electorate, that has homeowners at their wits’ end. In accordance with the recommendations by the Shire of Serpentine-Jarrahdale and the Department of Health, in 2006 Adam and Natalie Moss purchased an Eco-max 375 septic system for their new home at 108 Downs Court. Its installation on April 2006 marked the beginning of a distressing, costly and uphill battle for the Moss family that con-
tinues today. For a raft of reasons, predominantly a lack of drainage, the Ecomax system has consistently failed. The Moss’ backyard at times is swimming in sewage, ridden with algae, pungent with the stench of raw sewage and posing grave health risks to the family. If you think this is a burden, just add in that the shire is imposing huge fines for beaches of the Health Act.

What was meant to be an idyllic country lifestyle for the Moss family has turned out to be an absolute nightmare. Natalie sought my intervention when the Shire of Serpentine-Jarrahdale issued her with a health notice. Subsequently, the shire sought to impose an alternative septic system on the property and send Natalie the bill. Natalie hit a dead end with the Wallis Group, the providers of the Ecomax system, and was running out of options. The Moss family have spent a sizable sum, which they can ill afford, repairing the system, sealing the tank, purchasing sand and all the while facing $250 daily fines from the shire.

Following my representations, the Wallis Group have shown a willingness—I am pleased to say—to work through the issues with Natalie, agreeing to honour the terms of the warranty on the septic system and to relocate and replace the system. The replacement was to be in accordance with the advice for an independent engineer’s report that I organised to make sure that the tank could cope with the high watertable and limited drainage. A sand pad of 1.8 metres was recommended to support the cells and pads and to put as much space between the groundwater and the sewage as possible. This required a delivery of 20 truck loads of sand at very short notice, for which I wholeheartedly thank the company, WA Limestone. However, this week’s scheduled replacement has not gone according to plan. Yesterday, Simon Wallis informed me that it would be impossible for the contractors to complete the job in the immediate future because, in his words:

The lack of drainage from the site means that machinery is unable to move on the site, let alone excavate. Continuing to try to complete this process without having adequate drainage will destroy Natalie’s yard and I believe prove unsuccessful.

Despite questions about the appropriateness of the equipment brought on site to complete the job, trying to build the sand pad proved impossible. A huge amount of sand was needed to simply build a running mat for the bobcat, and the bobcat got repeatedly bogged. This was not solely the result of huge downpours in Perth but because the water is so close to the surface that if there is any pressure on the ground it just subsidies into sludge.

Where does this leave Natalie and Adam? Wallis Group said they had every intention of completing this installation once the drainage issues have been addressed and the site is able to support movement of machinery and general excavation. But obviously this requires some serious action by the shire to address the drainage issues in the subdivision.

Mr and Mrs Moss’s experience is not isolated. Homes throughout the subdivision have reported failing Ecomax systems. Another constituent contacted my office for assistance as recently as yesterday. The reality is that the septic systems are struggling to cope with the water table of the Golf View Estate. Obvious tension between the Serpentine Jarrahdale Shire and the Wallis Group is unhelpful and counterproductive to a resolution. As Ecomax is a septic system recommended by the Department of Health, Wallis Group and the shire are required to have dealings, but my constituents are caught in the middle of a Mexican stand-off and an old-fashioned blame game over the effectiveness of the system and the shire’s drainage liability.
Having been on site, I have seen the demarcation line firsthand. The drainage channel on the golf course runs along the Moss’s southern fence line. Overflow has nowhere to go except onto the Moss’s property. The high-level water means the sewage has no room to evaporate; it mixes with the groundwater and rises to the surface. The Moss’s backyard is constantly damp, the ground is soft and the Mosses have trouble growing plants because the roots get too damp. If the core problem is the adequacy of the drainage infrastructure throughout the estate, the shire must take its share of the responsibility. Its reluctance to do so is not surprising.

The question is whether the original drainage plans, or lack thereof, should have been approved by the shire in the first place. Were they properly considered in light of the rising groundwater? Were they independently assessed considering the shire was profiting from the sales after taking over this development themselves? These are legitimate questions. The independent report that I mentioned earlier reinforces the problem. It says:

… During periods of prolonged rainfall the area may be inundated for up to several days … The problem is exacerbated by additional flow of the drainage from the adjacent Golf Course to the south into the property. There exists a drain along the common boundary of Lot 108 and the Golf Course which if deepened and upgraded would do a great deal to resolve the poor drainage situation. It is within the power of the local authorities to do this as the land is under their control and at least part of the problem appears to be caused by flows of water from that land.

(Time expired)

Question agreed to.

Main Committee adjourned at 12.58 pm
QUESTIONS IN WRITING

Whaling
(Question No. 1119)

Mr Hunt asked the Minister for the Environment Protection, Heritage and the Arts, in writing, on 23 November 2009:
What sum of money has the Government spent on whale research papers, what are the titles and dates of the papers, and what sum of money was spent on producing these papers.

Mr Garrett—The answer to the honourable member’s question is as follows:
The Australian Government primarily funds whale research through the Australian Marine Mammal Centre (AMMC), based at the Australian Antarctic Division (AAD). These funds are primarily administered through a research grants program. Under this program, proposals are sought that deliver the highest quality science outcomes to address the most pressing marine mammal management needs.
To accommodate Australia’s national and international obligations, and to reflect the large-scale movements of many marine mammal species, the funding priorities of this program focus on the whales, dolphins, seals, sea lions and dugongs of the Australasian region, including the waters of the Indian, Southern and South Pacific Oceans.
The priorities of the program have been developed to incorporate scientific and management priorities identified from or through:
- Australia’s obligations under the Environment Protection and Biodiversity Conservation Act 1999;
- national recovery plans for listed threatened species;
- Australian science in Antarctica;
- relevant international treaties;
- broad-scale consultation with the marine-user stakeholders and the scientific community; and
- the national Strandings Sampling Protocol.
The AMMC Grants Program is open to both public and private bodies and individuals. The Program is open to state government departments. Commonwealth bodies are eligible to apply for funding; however, under the 2009 Commonwealth Grant Guidelines, only Commonwealth bodies under the Commonwealth Authorities and Companies (CAC) Act 1997 are eligible to receive grant funds.
Applications are assessed for their scientific merit by the National Marine Mammal Scientific Committee (NMMSC) and for their relevance, utility and priority for management and conservation needs by the National Marine Mammal Advisory Committee (NMMAC).
All recipients of funding under this program are required to sign a Funding Agreement with the Australian Government through the AAD that outlines Commonwealth oversight of the research projects. This agreement covers rights and responsibilities including the project budget, financial and performance reporting and acquittal, intellectual property, assets and data requirements.
Between the 2008-09 AMMC funding rounds, the Australian Government has provided $2,715,765.62 in marine mammal research grant funding. These include projects conducting research on whales, dolphins, seals, sea lions, dugongs, or combinations of these species. Approximately 57 per cent of these funds ($1,547,986.30) have been spent on projects conducting cetacean research. A list of all projects funded is below.
Project 0809/2: Developing a decision process based on expert knowledge to inform the management of dugongs and coastal dolphins in Northern Australia: the Yanyuwa sea country in the Northern Territory as a case study.
Project 0809/5: Quantifying trophic links in several Antarctic marine predators.
Project 0809/6: Further investigation into abundance estimates of migrating humpback whales in Australia: Resolving unmodelled heterogeneity, estimating g(0) and producing new abundance estimates for both populations.
Project 0809/7: Final development of a new computerised fluke matching system and creation of a fluke database for humpback whales photographed off the east coast of Australia from 1999-2005.
Project 0809/8: Review of existing sighting datasets to assess the spatial and temporal distribution of humpback whales within the Great Barrier Reef for identifying potential breeding/calving grounds.
Project 0809/9: A Comparison of Group IV Humpback Whale Population Estimates from Two Key Locations Along the Western Australian Coast - Implications for Future Survey Location and Methodology.
Project 0809/12: Microsatellites, mating systems and males influence on management units in the Australian sea lion.
Project 0809/13: Unravelling the genetic structure and diversity of Balaenoptera musculus in Australia: the genetic identity of Geographe Bay blue whales.
Project 0809/14: Movement behaviours and habitat usage of West Kimberley dugongs: A community based approach.
Project 0809/17: Improving analysis of marine mammal populations using natural marks and capture-recapture analysis.
Project 0809/19: Population genetics and phylogeography of Australian snubfin and humpback dolphins: defining appropriate management units for conservation-Stage 1.
Project 0809/27: A stable isotope method to rapidly screen the foraging ecotype profiles of Australian sea lion subpopulations: improving foraging distribution models to assist bycatch mitigation in gillnet fisheries.
Project 2009/3: Determining baseline health and disease parameters for wild dugongs in urban and non-urban waters of northern Australia.
Project 2009/17: Prevalence and impact of hookworm infection on Australian sea lion populations.
Project 2009/19: Genetic Structure and Abundance of fishery-impacted dolphin populations of the Pilbara region, North-Western Australia.
Project 2009/27: Genetic evidence for distinctiveness and connectivity among Australian dugongs.
Project 2009/29: Informing dugong hunting management in Torres Strait by studying dugong movements and habitat usage.
Project 2009/32: Beaked whale habitat modelling part of Coral Sea using environmental data and acoustic detection survey data.
Project 2009/34: Inter-seasonal variation in cohort survival to recruitment in the threatened Australian sea lion: demographic modelling of the Seal Bay population to assist management and recovery of the species.

Project 2009/35: Using the foraging behaviour of the threatened Australian sea lion to assess habitat quality and inform the zoning of marine parks in South Australia.

Project 2009/36: Maintaining the monitoring of pup production at key Australian sea lions at colonies in South Australia.


Project 2009/40: Southern right whales - 2009 census and photo identification at Head of Bight, South Australia.

Project 2009/41: Monitoring population dynamics of right whales off southern Australia.

Project 2009/42: Southern right whales and stable isotopes: Towards defining southern right whale habitat and trophic ecology.

Project 2009/43: Habitat use and distribution patterns of southern right whales and sperm whales discerned from spatial analyses of 19th century whaling records.

Project 2009/44: Status, structure and distribution of Southern-Right Whales in South-East Australia - Phase 1.

AMMC grant funding is provided to undertake research and is not conditional on publication. The list below is of papers produced by AMMC grant recipients. This list may not contain all papers published on cetacean research arising from AMMC grant funding. Some grants that have already resulted in publications may yet produce more publications; some grants will never produce papers because the research did not proceed as hoped. It would therefore be misleading to link the grant awarded with a cost for papers produced to date.

2009 Peer reviewed


2009 Non peer reviewed


2008 Non peer reviewed


Other AMMC related papers

AMMC scientists also produce whale research papers as part of their work on cetacean conservation. The following is a list of research papers that AMMC staff has been involved in:

2010 Peer reviewed


2010 Non peer reviewed


2009 Peer reviewed


2009 Non peer reviewed


2008 Peer reviewed


2008 Non peer reviewed


QUESTIONS IN WRITING

**Prisoners of War**

**Question No. 1217**

Mr Forrest asked the Minister for Defence Personnel, in writing, on 22 February 2010:

1. Does a confirmed list of prisoners of war exist for Australian servicemen lost on the sinking of the *Montevideo Maru* on 1 July 1942; if so, from where is it available?
2. Were other ships under Japanese command conveying Australian prisoners of war sunk between 1941 to 1945; if so, do lists of prisoners on board these ships exist; if so, from where are they available?

Mr Griffin—The answer to the honourable member’s question is as follows:

1. There is no absolutely confirmed roll. As soon as possible following the cessation of hostilities the Australian Army deployed personnel from the PW Contact and Enquiry Unit to Tokyo to seek information about Australian prisoners of war. The Japanese Navy provided a roll of those embarked
on the Montevideo Maru which was translated and a list sent to Australia, covered by a letter signed by Major H.S. Williams on 3 October 1945. Further work was required to compare the names which had been written by sound in Japanese then transliterated back into English with lists of people known to have been in Rabaul when it fell. This process produced the most complete roll possible of those thought to have been embarked on the Montevideo Maru. There have been challenges to the accuracy of this roll with suggestions that some people shown on the roll were killed in Rabaul and did not embark. These challenges are based on survivors of captivity in Rabaul who were interviewed after the war. Obviously, these witnesses were not on the Montevideo Maru. Copies of the original list sent by Major Williams in 1945 are held by Defence and National Archives. The other records, many developed from the roll sent by Williams can be found in National Archives (NAA) and the Australian War Memorial (AWM).

(2) Other Japanese ships transporting Australian POW were sunk between 1942 and 1945. Defence is not aware of any Australian POW being transported on Japanese ships in 1941. The exact number may never be known. Numbers of prisoners died on Japanese ships of disease, malnutrition and bad treatment on ships that were not sunk. On one trip by Maros Maru from Ambon to Surabaya only 325 of 650 British and Dutch POW survived the voyage, despite the ship arriving at its destination. The Japanese did not mark ships carrying POW and on occasion transported Japanese soldiers additional to the POW escort, and/or military stores, which made the ship a legitimate military target. On at least one occasion Japanese civilians were transported on the same ship as POW. Hatches were battened down during storms, to protect the cargo, and sometimes during submarine attack. This inevitably resulted in poor ventilation for overcrowded prisoners as well as trapping them if the ship sank. It is known that the Junyo Maru was sunk by HMS Tradewind off Moakao on 16 September 1944 while carrying 1,377 Dutch, 64 British, Australians and United States and 4,200 Javanese slave labourers. Of the 6,520 prisoners 5,620 were lost, including three Australians. The names of the three Australians are known. Most of the survivors of Junyo Maru picked up by the Japanese died slaving on the Sumatra railway line. The two most costly losses are described below:

- The most serious Australian loss after the Montevideo Maru was the Rokyu (or Rakuyo) Maru. No Japanese roll has ever been found so it is not known who exactly was on board. The Australian Official History gives 649 Australians and 599 British, the History of the Directorate of Prisoners of War and Internees (DPOWI) suggests 718 Australians and 599 British. The Australians included Army personnel from Blackforce in Java and survivors of HMAS Perth. On 12 September 1944 it was sunk by USS Sealion off Hainan. All or most of the POW seem to have got off the ship. Subsequently US submarines found and picked up some survivors (80 Australians according to the OH, 92 Australians according to the DPOWI). These men provided the first evidence of conditions in Japanese POW camps and POW ships. They provided information on other POW on the ship as well as news of some men still in, or who had died in, other camps in Thailand, the Netherlands East Indies, Malaya and Singapore. Following requests from the Allies, the Japanese provided lists of survivors picked up by Japanese ships, given in the Australian Official History as 80 Australians and 56 British. This suggests that between 489 and 558 Australians died, depending on how many were on board. There is evidence that some allied survivors were shot in the water by the Japanese.

- The Japanese ship Tamahoko Maru was sunk by USS Tang off Nagasaki on the night of 18 June 1944 while carrying 772 Australian, British and United States POW of whom 560 were lost. Of the 267 Australians on board only 72 survived. The survivors were picked up by a Japanese whale chaser and transferred to a POW camp ashore.

Records are held by the AWM and NAA.
Hawker Britton

(Question Nos 1238, 1257, 1261 and 1263)

Mr Briggs asked the Minister for Health and Ageing, in writing, on 24 February 2010:

(1) Have you and/or your departmental officials met with representatives of Hawker Britton this Parliament; if so,
   (a) on what dates and at what addresses, and
   (b) who attended each meeting.

(2) Has Hawker Britton arranged meetings with other organisations and you and/or your departmental officials this Parliament; if so,
   (a) on what dates and at what addresses, and
   (b) who attended each meeting.

Ms Roxon—The answer to the honourable member’s question is as follows:

Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 to identify information about meetings with, or arranged by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Hawker Britton

(Question No. 1247)

Mr Briggs asked the Minister representing the Special Minister of State, in writing, on 24 February 2010:

(1) Have you and/or your departmental officials met with representatives of Hawker Britton this Parliament; if so, (a) on what dates and at what addresses, and (b) who attended each meeting.

(2) Has Hawker Britton arranged meetings with other organisations and you and/or your departmental officials this Parliament; if so, (a) on what dates and at what addresses, and (b) who attended each meeting.

Mr Tanner—The answer to the honourable member’s question is as follows:

(1) As at 24 February 2010, the Special Minister of State, Senator the Hon Joseph Ludwig, had not met with representatives of Hawker Britton.

Senator Ludwig attended a session at the ALP National Conference on 30 July 2009 at the Sydney Convention and Exhibition Centre, Darling Harbour, NSW, 2000. The conference session was co-chaired by Mr Bruce Hawker from Hawker Britton.

(2) Hawker Britton has arranged no meetings between Senator Ludwig and other organisations during the term of the current Parliament.

In respect of Finance and Deregulation Portfolio officials, please refer to the Minister for Finance and Deregulation’s response to Question 1240.

Australian Taxation Office: e-Record

(Question No. 1273)

Mr Oakeshott asked the Treasurer, in writing, on 25 February 2010

Is the Australian Taxation Office (ATO) discontinuing the free program for small businesses known as e-Record; if so, (a) why, (b) how many e-record users will it affect, and (c) what will the ATO do to assist them with alternative tax reporting methods?
Mr Swan—The answer to the honourable member’s question is as follows:

The ATO is discontinuing e-Record from 1 July 2010.

(a) Since March 2000, e-Record has been available to small businesses from the ATO for free. e-Record was designed as a product to help small businesses move from paper-based record keeping to commercial electronic record-keeping systems.

The decision to discontinue e-Record followed a review recently undertaken by the ATO. The review found:

- e-Record would have required redevelopment to keep up with changes in technology, including new operating systems and software
- e-Record was not able to interact with the electronic services being developed as part of the Standard Business Reporting initiative, and
- a lack of compatibility between e-Record and current commercial record-keeping systems.

(b) The number of e-record registered users fluctuates with 48,700 users currently registered (registration is voluntary).

(c) Small business taxpayers can meet their tax reporting obligations through a number of channels including the business portal and paper. There is also a range of free online tools available on the ATO website to support business such as self-help calculators and information products.

Taxpayers will still be able to download the final version, e-Record v6.2, from the ATO website until 30 June 2010. User support will continue to be available until 30 September 2010. This will allow users to complete their reporting obligations for the 2009-10 financial year and allow time to transition to alternative record keeping systems.

A comprehensive communication process has advised users of e-Record of the decision to withdraw the product and the support arrangements in place. In developing the communication plan, consultation was undertaken with a number of existing e-Record users to ensure that issues were identified and concerns addressed.

As part of the ATO’s communication plan the ATO has recommended that taxpayers consider purchasing alternative commercial software by 30 June 2010. Information regarding available software has been made available on the ATO website.

Superclinics

(Question No. 1281)

Mr Dutton asked the Minister for Health and Ageing, in writing, on 25 February 2010:

(1) What incentives are available for General Practitioners to relocate to GP Super Clinics.

(2) As at 25 February 2010, how many:

(a) General Practitioners had claimed incentives to relocate to GP Super Clinics;
(b) overseas trained doctors were working at GP Super Clinics that were not in a recognised District of Workforce Shortage; and
(c) doctors working in GP Super Clinics not in Districts of Workforce Shortage had been granted an exemption to the Health Insurance Act 1973, section 19AB.

(3) What were the reason(s) for the exemptions in part (2)(c), and how many other doctors during the same period and in the same Australian Standard Geographic Classification area had been granted an exemption to the Health Insurance Act 1973 section 19AB for the same reason(s).
Ms Roxon—The answer to the honourable member’s question is as follows:

(1) The GP Super Clinics Program provides for relocation incentive payments under certain circumstances for specified health professionals relocating during the first 12 months of the GP Super Clinic’s operation. The GP Super Clinics National Program Guide 2008 provides details of the amounts available.

Applicants seeking funding to establish a GP Super Clinic were required to identify within their proposals if they intended to use part of the available funding to offer relocation incentives. Where a funding recipient chooses to use part of their grant funding for relocation incentives, they are responsible for offering the incentives and making the payments to the health professional.

Depending on where General Practitioners are moving from to take up employment in a GP Super Clinic, they may be eligible for a financial incentive under the Outer Metropolitan Relocation Incentive Grant (OMRIG) program. Moving to a GP Super Clinic does not influence eligibility for the OMRIG program.

(2) (a) As at 25 February 2010, no funding recipient has used GP Super Clinics program funding for relocation incentives.

(b) Three.

(c) Three.

(3) A Preliminary Assessment of District of Workforce Shortage (PADWS) approval can be granted to medical practices that are not located in district of work force shortage (DWS) areas to address special circumstances.

In the instance of the three exemptions identified above, a PADWS approval was granted as the clinic involved has a high percentage of patients of Aboriginal or Torres Strait Islanders, a substantial proportion of patients from lower socio-economic groups, and which draws patients from surrounding locations that have a DWS classification.

A practice that is funded by the Australian Government as a GP Super Clinic is not considered to be a special circumstance in lieu of DWS.

As the transition to the Australian Standard Geographical Classification System – Remoteness Areas will not occur until 1 July 2010, data related to the number of exemptions that have been granted according to remoteness area classification is not available.

Broadband
(Question No. 1302)

Ms Marino asked the Minister representing the Minister for Broadband, Communications and the Digital Economy, in writing, on 11 March 2010:

By what date will the National Broadband Network be rolled out in the electoral division of Forrest, and what are the names of the towns that will be excluded.

Mr Albanese—The Minister for Broadband, Communications and the Digital Economy has provided the following answer to the honourable member’s question:

The Government’s commitment in establishing the National Broadband Network is to provide all Australians with affordable high speed broadband, no matter where they live. No towns will be excluded.

The Government’s objective is to connect at least 90 per cent of premises with fibre to the premises technology providing speeds up to 100 megabits per second, with the remaining premises being connected via next generation wireless and satellite technologies delivering 12 megabits per second or more.
Detailed modeling undertaken as part of the NBN Implementation Study shows fibre can be extended to 93 per cent of all premises and recommends it also cover the 1.3 million new premises expected to be build by 2017-18, within the total capital cost estimate of $43 billion. This would extend the fibre coverage to an additional 1.6 million premises.

The Implementation Study also shows that next generation wireless services will be a vast improvement on current services. They will deliver peak speeds of at least 12 Mbps, and much higher for many wireless users. Satellite services will deliver average data rates which are more than 20 times higher than most users of these technologies experience today and much higher than average DSL usage today.

The Government is currently considering the Study and its recommendations.

It is not yet possible to provide details of when the electorate of Forrest will be connected to the National Broadband Network, or which technology will provide such access. Detailed rollout plans are the responsibility of NBN Co as part of its network design and roll out and announcements will be made in due course. The rollout in Tasmania, the rollout of the first release sites on the mainland and the construction of optical fibre backbone links are already underway and will feed into the schedule.

Given the scale and complexity of a project like this, the rollout will be meticulous and comprehensive. It is crucial that we get it right and that’s why learning from the rollout in Tasmania, and with the First Release sites, will be so important.

Asylum Seekers

Mr Morrison asked the Minister representing the Minister for Immigration and Citizenship, in writing, on 17 March 2010:

(1) In respect of the statement made by the Prime Minister on 25 February 2010 during a radio interview on 2GB with Ray Hadley, that 141 detainees have been removed from Christmas Island: (a) what countries were they sent to; (b) how many were (i) failed asylum seekers, and (ii) crew members of unauthorised entry vessels; and (c) how many people in part (b)(ii) were charged with people smuggling offences.

(2) In respect of the statement made by the Prime Minister during the same interview that in October 2009, 62 Indonesian detainees had involuntarily returned, 21 detainees had voluntarily returned, and six were being finalised for return, to their home country: how many of these were (a) foreign fishers, and (b) crew members of unauthorised entry vessels.

Mr McClelland—The Minister for Immigration and Citizenship has provided the following answer to the honourable member’s question:

Between October 2008 and 25 February 2010, 141 Irregular Maritime Arrival (IMA) passengers were removed from Australia to the following countries:

(1) (a) Sri Lanka 74
    Indonesia 62
    Iran 2
    PNG 2
    India 1

(b) (i) Of the 141 individuals removed, 65 were failed asylum seekers.

(ii) None of the 141 individuals were crew members on unauthorised entry vessels.

(c) Not applicable.

(2) In the interview of 25 February with Mr Ray Hadley, there is no record of the Prime Minister referring to the removal of Indonesians or to removals during the month of October 2009.
Air Safety
(Question No. 1327)

Mr Tuckey asked the Minister for Infrastructure, Transport, Regional Development and Local Government, in writing, on 11 May 2010:

In respect of the fatal crash of an Embraer 120 Brasilia twin engine turboprop aircraft in Darwin on 22 March 2010 during a dangerous manoeuvre requiring an enforced engine failure: (a) what has necessitated the need for an annual mandatory test of this manoeuvre; (b) could flight simulator facilities be used to practise and test such dangerous manoeuvres; and (c) is it a fact that when a designated flight simulator operator is on annual leave the facility has to be closed because of insufficient staffing.

Mr Albanese—The answer to the honourable member’s question is as follows:

(a) The Civil Aviation Safety Authority (CASA) has advised that civil aviation safety regulations require a number of actions from operators in order to ensure flight crew retain and periodically demonstrate ongoing competency and proficiency.

In particular, Civil Aviation Orders require the holder of an air transport pilot licence shall not act as pilot in command of an aeroplane in regular public transport operations unless he or she has satisfactorily completed, in that type of aeroplane within the preceding 15 months, a flight proficiency test including proficiency in emergency manoeuvres including a simulated failure of one engine. This emergency manoeuvre is one of the most critical competencies needed to ensure the safety of aeroplane operations.

(b) Yes.

(c) Civil Aviation Regulation 217 requires operators of regular public transport services, operators of any aircraft which exceeds 5,700 kilograms in maximum take-off weight and any other operators specified by CASA, to provide a training and checking organisation so as to ensure that operator’s crews maintain and periodically demonstrate competency.

The staffing of flight simulator equipment is a matter for individual operators to manage.

Afghanistan Medal
(Question No. 1328)

Mr Robert asked the Minister representing the Minister for Defence, in writing, on 11 May 2010:

Has the Government updated the Conditions of Service for Operation SLIPPER, to enable servicemen and women involved in the maritime operation to receive the ‘Afghan Campaign Medal’, also known as the ‘Afghanistan Medal’; if not, when will they be reviewed.

Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

Yes. The Instrument of declaration and determination for the Afghanistan Medal has been updated, to reflect a change in the geographical boundaries of Operation SLIPPER, and was signed by the Governor-General on 26 March 2010. This was published in the Special Gazette No. S 46 published 7 April 2010. The updated determination provides for all personnel assigned to Operation SLIPPER, including those involved in maritime operations, to qualify for the Afghanistan Medal providing they meet the qualifying criteria.
Health: Interpreter Services
(Question No. 1331)

Mr Oakeshott asked the Minister for Health and Ageing, in writing, on 12 May 2010:

(1) Can she indicate what interpreter services are available in the public and private health sectors, and which of these services are funded by the Government.

(2) Are specialists and general practitioners provided with the same access to, and Government support for, the use of interpreter services; if not, why not.

Ms Roxon—The answer to the honourable member’s question is as follows:

(1) A range of interpreter services is available in the public and private health sectors depending on local need but it is not feasible to identify and list all available interpreter services. A key service funded by the Government is Translating and Interpreting Service (TIS) National, provided through the Department of Immigration and Citizenship. Free interpreting services are provided to non-English speaking Australian citizens or permanent residents communicating with private medical practitioners providing Medicare-rebateable services and their reception staff to arrange appointments and provide results of medical tests; and non-profit, non-government, community-based organisations for case work and emergency services where the organisation does not receive funding to provide these services.

(2) Yes.

Family Relationships Services Program
(Question No. 1333)

Mr Andrews asked the Attorney-General, in writing, on 24 May 2010:

In respect of a recent media report ‘Cuts to send family battles back to court’ by Patricia Karvelas (The Australian, 13 May 2010, pages 1, 6): (a) why has the Government reduced funding by $43.9 million to Family Relationship Centres under the Family Relationship Services Program, and (b) has he considered the impact of this decision on (i) separating families, and (ii) the Family Court.

Mr McClelland—The answer to the honourable member’s question is as follows:

(a) The Government provides over $200 million per annum to the Family Relationships Services Program to support families. The Government has identified savings within the program of $48.4 million over four years. The majority of the savings have been found by reducing activities to be undertaken by or on behalf of my Department. The savings offset which will directly affect Family Relationship Centres is the introduction of fees for the second and third hour of dispute resolution at Family Relationship Centres—a saving of $3 million per year.

These changes will not come into effect until 1 July 2011. Importantly Family Relationship Centres will be able to recoup these savings through the introduction of new fees of $30 per hour for the second and third hour of family dispute resolution when a client earns over $50,000 per year. The first hour will continue to be free for all clients. Those earning under $50,000 per annum or who fall under one of the waivers will continue to receive up to 3 hours of free FDR.

(b) Yes. Importantly while the Government has reallocated funding from the Family Relationship Services Program, the Government is actually reinvesting $154 million for legal assistance services across Australia, a significant proportion of which will be used to specifically to help families resolve disputes through targeted legal assistance. These changes now mean more funds are being provided to frontline services to help the most vulnerable Australian families. For example, additional funding will mean more families utilising Family Relationship Centres will be able to access legal information and advice.
The Attorney-General’s Department will work with the Family Relationship Services sector on details of implementation of these changes to minimise the impact on the delivery of services, including an analysis of the ability of individual Family Relationship Centres to recoup fees.

Sydney (Kingsford Smith) Airport: Regional Air Services
(Question No. 1336)

Mrs Hull asked the Minister for Infrastructure, Transport, Regional Development and Local Government, in writing, on 25 May 2010:

(1) Is the Government aware of the intent of Sydney Airport Corporation Limited to impose punitive aircraft parking charges from 1 July 2010 on regional airlines, freight, charter and general aviation operators using the general aviation parking area.

(2) Is the Government aware that the expiry of the current regulatory safety-net means that the proposed price increases, which would severely impact the viability of regional air services at Sydney Airport, will no longer be subject to Australian Competition and Consumer Commission (ACCC) assessment, nor to a Consumer Price Index (CPI) cap.

(3) Is the Government planning to extend Declaration 91 and Direction No. 30 under Division 4 of Part VIIA of the Trade Practices Act 1974, due to expire on 1 July 2010, requiring proposed price increases in relation to regional air services to be assessed by the ACCC.

(4) Does the Government stand by its commitment: ‘the Government will also ensure regional airlines’ continued access to capital city airports, particularly Sydney where capacity is constrained, by retaining regional airlines’ existing access slots and their current pricing arrangements.’ (Australian Government, Flight Path to the Future, National Aviation Policy, White Paper, December 2009, page 8).

(5) Does the Government stand by statements in the paper referred to in part (3) that commit to maintaining ring-fencing of regional slots, including during peak periods, at levels available in the year 2000 prior to privatisation, and continuing with the current regulatory regime, that caps pricing for regional airline aeronautical charges at Sydney Airport to CPI levels.

Mr Albanese—The answer to the honourable member’s question is as follows:

The Government has extended the price capping arrangements for regional air services from 1 July 2010 to 30 June 2013. Declaration No.92 and Direction No.32 extending the price capping arrangements for aeronautical services and facilities provided to regional air services were signed by the Minister for Competition Policy and Consumer Affairs, the Hon Dr Craig Emerson MP, on 28 May 2010. These instruments replace Declaration No.91 and Direction No.30.

Defence: Moncrieff Electorate
(Question No. 1347)

Mr Ciobo asked the Minister representing the Minister for Defence, in writing, on 27 May 2010:

In respect of Government funding in the Moncrieff electorate between 20 January 2009 and 27 May 2010:

(1) Which organisations and projects received funding from the Minister’s Department.

(2) What sum of money was provided in funding to each organisation or project.

(3) For what purpose was each funding commitment made.
Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

(1) (2) and (3) For the period from 20 January 2009 to 27 May 2010, The Department of Defence has made no payments in the form of grants to any organisations or projects in the electorate of Moncrieff.

Resources, Energy and Tourism: Moncrieff Electorate
(Question Nos 1359 and 1360)

Mr Ciobo asked the Minister for Resources and Energy and the Minister for Tourism, in writing, on 27 May 2010:

In respect of Government funding in the Moncrieff electorate between 20 January 2009 and 27 May 2010:

(1) Which organisations and projects received funding from the Minister’s Department.
(2) What sum of money was provided in funding to each organisation or project.
(3) For what purpose was each funding commitment made.

Mr Martin Ferguson—The answer to the honourable member’s question is as follows:

The table below represents funding commitments made by the Minister’s Department in the Moncrieff electorate between 20 January 2009 and 27 May 2010:

<table>
<thead>
<tr>
<th>Organisation/Project</th>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lidocole Pty Ltd</td>
<td>$10,000.00</td>
<td>Ethanol Distribution Program - Sales Target Grant for Freedom Fuel Arundel at 440 Brisbane Road, ARUNDEL</td>
</tr>
<tr>
<td>BP Australia Pty Ltd</td>
<td>$5,879.15</td>
<td>Ethanol Distribution Program - Infrastructure Upgrade Grant for BP Ashmore at corner Central Park Avenue and Southport Nerang Road, ASHMORE</td>
</tr>
<tr>
<td>BP Australia Pty Ltd</td>
<td>$10,000.00</td>
<td>Ethanol Distribution Program - Sales Target Grant for BP Ashmore at corner Central Park Avenue and Southport Nerang Road, ASHMORE</td>
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<tr>
<td>Caltex Australia Petroleum Pty Ltd</td>
<td>$5,000.00</td>
<td>Ethanol Distribution Program - Sales Target Grant for Caltex Southport at 152 Smith Street, corner Kumbari Avenue, SOUTHPORT</td>
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<tr>
<td>BP Australia Pty Ltd</td>
<td>$5,333.26</td>
<td>Ethanol Distribution Program - Infrastructure Upgrade Grant for BP Connect Merrimac at corner Ghilgai Road &amp; Gooding Drive, MERRIMAC</td>
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<tr>
<td>BP Australia Pty Ltd</td>
<td>$10,000.00</td>
<td>Ethanol Distribution Program - Sales Target Grant for BP Connect Merrimac at corner Ghilgai Road &amp; Gooding Drive, MERRIMAC</td>
</tr>
</tbody>
</table>

HMAS Success
(Question No. 1401)

Mr Baldwin asked the Minister for Defence Materiel and Science, in writing, on 16 June 2010:

(1) In respect of the modification of HMAS Success, on what date did Defence issue:
   (a) an Invitation to Register, and how many registrations were received; and
   (b) the Request for Tender, and
(i) on what date did applications close,
(ii) how many companies responded, and of those, how many were going to undertake the work in Australia, and overseas, and where.

(2) Has Defence produced a shortlist of companies that responded to the Request for Tender; if so, when; and which companies were shortlisted.

(3) Which shortlisted companies were going to undertake the work
   (a) in Australia, and where; and
   (b) overseas, and where.

(4) Is Defence still considering contracting an offshore ship repairer for the modification of HMAS Success.

(5) What is the current status of the tendering process, and when is a final decision on the tender to modify HMAS Success going to be made.

Mr Combet—The answer to the honourable member’s question is as follows:

(1) In respect of the modification of HMAS Success,
   (a) 12 January 2009. Seven registrations were received.
   (b) 7 December 2009.
      (i) 29 March 2010.
      (ii) Three companies responded, one proposed to undertake the work in Australia, the remaining two proposed to undertake the work overseas. The location of those countries is Commercial-In-Confidence, and cannot be disclosed.

(2) Defence has not produced a shortlist of companies at this time.

(3) No decision on short listing has been taken at this time.

(4) All tenders are still under consideration, and accordingly I cannot provide further details of the companies or their bids.

(5) The tenders are under consideration. It is expected that a decision will be made by late August.

Fusion Energy Research
(Question No. 1404)

Mr Jenkins asked the Minister representing the Minister for Innovation, Industry, Science and Research, in writing, on 16 June 2010:
Why has there been a delay in Australia becoming a participant in ITER’s magnetic confinement fusion project, and what is the status of the Minister’s negotiation with ITER on this matter.

Dr Emerson—The Minister for Innovation, Science and Research has provided the following answer to the honourable member’s question:
Membership of the International Thermonuclear Experimental Reactor (ITER) project requires a significant financial investment to which Australia is currently unable to commit. As a result, Australia is not pursuing membership of ITER at this time.

However, Australian participation in the ITER project is progressing on a project by project basis through Australian researchers and institutions. Of particular relevance is the collaboration between ITER and the Australian Plasma Fusion Research Facility at the Australian National University which was established through a Government funded Major National Research Facilities Program grant of $8.7 million. This facility is currently being upgraded through a $7 million grant provided under the Government’s Super Science Initiative. Funding for this upgrade was provided, in part, to ensure that information and resources from the facility continue to contribute to the ITER project.
Mr Robert asked the Minister representing the Minister for Defence, in writing, on 22 June 2010:

For each month for the last three years, how many Army Reservists were on Continuous Full Time Service.

Mr Combet—The Minister for Defence has provided the following answer to the honourable member’s question:

<table>
<thead>
<tr>
<th>Month / Year</th>
<th>Reserve members on CFTS (as at the last day of each month)</th>
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</thead>
<tbody>
<tr>
<td>June 2007</td>
<td>1091</td>
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<tr>
<td>July 2007</td>
<td>1126</td>
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<tr>
<td>August 2007</td>
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<td>September 2007</td>
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<td>October 2007</td>
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<td>November 2007</td>
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<td>March 2008</td>
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<td>April 2010</td>
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