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FORTY-THIRD PARLIAMENT
FIRST SESSION—FIRST 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— Hon. Peter Neil Slipper MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP
Members of the Speaker’s Panel—Ms Anna Elizabeth Burke MP, Hon. Dick Godfrey Harry Adams MP, Ms Sharon Leah Bird MP, Mrs Yvette Maree D’Ath MP, Mr Steven Georganas MP, Kirsten Fiona Livermore MP, Mr John Paul Murphy MP, Mr Peter Sid Sidebottom MP, Mr Kelvin John Thomson MP, Ms Maria Vanvakinou 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. Joel Andrew Fitzgibbon 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. Warren George Entsch MP
Opposition Whips—Mr Patrick Damien Secker MP and Ms Nola Bethwyn Marino MP

The Nationals
Leader—Hon. Warren Errol Truss MP
Chief Whip—Mr Mark Maclean Coulton MP
Whip—Mr Paul Christopher Neville MP

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

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<td>New England, NSW</td>
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<tr>
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<th>Division</th>
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<td>Wyatt, Kenneth George</td>
<td>Hasluck, WA</td>
<td>LP</td>
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<tr>
<td>Zappia, Tony</td>
<td>Makin, SA</td>
<td>ALP</td>
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PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia; LNP—Liberal National Party;
CLP—Country Liberal Party; Nats—The Nationals; NWA—The Nationals WA; Ind—Independent;
AG—Australian Greens

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
Hon. Julia Gillard MP

Deputy Prime Minister, Treasurer
Hon. Wayne Swan MP

Minister for Regional Australia, Regional Development and Local Government
Hon. Simon Crean MP

Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for School Education, Early Childhood and Youth
Hon. Peter Garrett AM, MP

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

Minister for Foreign Affairs
Hon. Kevin Rudd MP

Minister for Trade
Hon. Dr Craig Emerson MP

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

Minister for Immigration and Citizenship
Hon. Chris Bowen MP

Minister for Infrastructure and Transport and Leader of the House
Hon. Anthony Albanese 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 Sustainability, Environment, Water, Population and Communities
Hon. Tony Burke MP

Minister for Finance and Deregulation
Senator Hon. Penny Wong

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

Attorney-General and Vice President of the Executive Council
Hon. Robert McClelland MP

Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

Minister for Climate Change and Energy Efficiency
Hon. Greg Combet AM, MP

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<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Privacy and Freedom of Information</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Sport</td>
<td>Senator Hon. Mark Arbib</td>
</tr>
<tr>
<td>Special Minister of State for the Public Service and Integrity</td>
<td>Hon. Gary Gray AO, MP</td>
</tr>
<tr>
<td>Assistant Minister to the Treasurer and Minister for Financial Services and Superannuation</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Employment Participation and Childcare</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>Senator Hon. Mark Arbib</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs and Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td>Minister for Defence Materiel</td>
<td>Hon. Jason Clare MP</td>
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<tr>
<td>Minister for Indigenous Health</td>
<td>Hon. Warren Snowdon MP</td>
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<td>Minister for Small Business</td>
<td>Senator Hon. Nick Sherry</td>
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<td>Minister for Home Affairs and Minister for Justice</td>
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<tr>
<td>Minister for Human Services</td>
<td>Hon. Tanya Plibersek MP</td>
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<td>Hon. Mark Dreyfus QC, MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>Hon. David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator Hon. Jacinta Collins</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator Hon. Stephen Conroy</td>
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<td>Minister Assisting on Deregulation</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
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<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>Hon. Mark Dreyfus QC, MP</td>
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Leader of the Opposition
Hon. Tony Abbott MP

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

Leader of the Nationals and Shadow Minister for Infrastructure and Transport
Hon. Warren Truss MP

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

Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts
Senator Hon. George Brandis SC

Shadow Treasurer
Hon. Joe Hockey MP

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

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

Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate
Senator Barnaby Joyce

Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee
Hon. Andrew Robb AO, MP

Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Communications and Broadband
Hon. Malcolm Turnbull MP

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 Productivity and Population and Shadow Minister for Immigration and Citizenship
Mr Scott Morrison MP

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

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

Shadow Minister for Small Business, Competition Policy and Consumer Affairs
Hon. Bruce Billson MP

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<td>Hon. Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td>and Superannuation</td>
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</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Business in the House</td>
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<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>Hon. Bob Baldwin MP</td>
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<tr>
<td>Shadow Special Minister of State</td>
<td>Hon. Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Minister for COAG</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Shadow Minister for Tourism</td>
<td>Hon. Bob Baldwin MP</td>
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<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator Hon. Michael Ronaldson</td>
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<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Minister for Ageing and Shadow Minister for Mental Health</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>Hon. Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
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<td>and Manager of Opposition Business in the Senate</td>
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<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Chairman, Scrutiny of Government Waste Committee</td>
<td>Mr Jamie Briggs MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<tr>
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<td>Senator Cory Bernardi</td>
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<tr>
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<td>Hon. Teresa Gambaro MP</td>
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<tr>
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<td>Mr Darren Chester MP</td>
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<tr>
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<td>Senator Gary Humphries</td>
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<tr>
<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman</td>
<td>Hon. Tony Smith MP</td>
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<td>Coalition Policy Development Committee</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
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<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator Hon. Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
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Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health
Mr Andrew Laming MP

Shadow Parliamentary Secretary for Supporting Families
Senator Cory Bernardi

Shadow Parliamentary Secretary for the Status of Women
Senator Michaelia Cash

Shadow Parliamentary Secretary for Environment
Senator Simon Birmingham

Shadow Parliamentary Secretary for Citizenship and Settlement
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Immigration
Senator Michaelia Cash

Shadow Parliamentary Secretary for Innovation, Industry, and Science
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Fisheries and Forestry
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Small Business and Fair Competition
Senator Scott Ryan
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The SPEAKER (Mr Harry Jenkins) took the chair at 10.00 am, made an acknowledgement of country and read prayers.

MAIN COMMITTEE
Private Members’ Motions

The SPEAKER—In accordance with standing order 41(g), and the determinations of the Selection Committee, I present copies of the terms of motions for which notice has been given by the members for Fowler, Sturt, Mayo, Fremantle, Braddon, Flinders, Page and Oxley. These matters will be considered in the Main Committee later today.

PAID PARENTAL LEAVE (REDUCTION OF COMPLIANCE BURDEN FOR EMPLOYERS) AMENDMENT BILL 2010

Referred to Main Committee

Mr FITZGIBBON (Hunter) (10.01 am)—by leave—I move:

That the bill be referred to the Main Committee for further consideration.

Question agreed to.

PETITIONS

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

Immigration

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

Review Commonwealth Immigration Policy

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

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

Your petitioners therefore pray the Parliament of Australia will:

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

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

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

by Mr Murphy (from 9 citizens)

Pharmaceutical Benefits Scheme

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

This petition of Australian Citizens, who are friends, family or supporters of Australian sufferers of Paroxysmal Nocturnal Haemoglobinuria (PNH) disease, a rare and potentially fatal disease of the blood draws to the attention of the House the need to publicly fund out of the Federal Government, the only currently available treatment
We therefore ask the House to introduce and pass any legislation or to take any administrative action available to the House that will enable sufferers of PNH disease to urgently receive breakthrough life saving treatment for this very rare and debilitating disease.

by Mr Murphy (from 1,718 citizens)

Administration of Justice
To the Honourable the Speaker and Members of the House of Representatives

This petition of a ‘resident of Australia’ and ‘certain citizens of Australia’ draws to the attention of the House issues relating to Parliament regarding the claim of “no immediate allegation against a judge is in prospect” is in error.

The Senate reported, about 7 December 2009, at Recommendation 10, “7.82 The committee recommends … modelled on the Judicial Commission of New South Wales”, which the “Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2010” can do if allowed. This Senate recommendation is in part, because of knowledge within the Senate of complaints attempted to be filed with the High Court Chief Justice about 2005 to 2009, but unbeknown to the Senate, Officers of the Government and Federal Police have whitewashed complaints filed so they never saw the light of an investigation.

Courses of justice created by the Commonwealth like appeals and 75(v) writs have also been obstructed by these officers where the evidence and issues support judicial misbehaviour has occurred that is common knowledge in family law and still waiting investigation.

We pray the House expedites the passing of this bill due to complaints outstanding, and include the right the Committee accept public complaints that have been obstructed elsewhere. Plus ensure the Committee has power to recommend; The making of “Constitutional Writs” to a Chief Justice, and the award of compensation for judicial wrongs, and a matter be sent back to any Court for reconsideration.

by Mr Murphy (from 6 citizens)
sues relating to Parliament regarding misbehaviour by judges, known to the 3 branches of Government, fallen on deaf ears in the Parliament.

Hence legitimate allegations with evidence produced have not caused the corrects and section 72 actions that should have occurred.

This raises questions of the legitimate intent of the “Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2010”, first read 22 February, and whether or not section 17 (1) of “the Bill 2010” will restrict the Committee accepting complaints from “a House of Parliament” only, for legitimate reasons.

The “Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2005 and 2007” were to correct this Constitutionally required short fall which the 2010 same named Bill will correct, if it is not shelved too due to unresolved complaints.

Section 17(2) of “the Bill 2010” limits complaints to the Committee to “only specific allegations referred by a House.” Hence limiting the Committee to an extent the true value of this improbable Act and ability to address/correct wrongs, would be wasted thereby produced for other than legitimate use.

We pray the Honourable House revise section 17 to enable the public to file complaints with the Committee, causing investigations pursuant to the Senate recommendations and those sought in the unresolved “Administration of Justice” petitions, fallen on deaf ears.

by Mr Murphy (from 6 citizens)

Barker: Eastfront Road

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

This petition of residents of Youngusband surrounding districts South Australia.

Draws to the attention of the House:

The closure of Eastfrontroad Road Youngusband.

A portion of Eastfront road has been closed due to River bank slumping. Eastfront road is one of the longest Tourist drives along the edges of the River Murray in South Australia. There are also numerous businesses along this road which rely heavily on passing traffic. These include Youngusband Licensed General Store, Kia Marina Houseboat Hire, Mark Schache auto repair and Heward Estate Winery. Many of these businesses rely on large transport vehicles to deliver goods, including large petrol tankers. As it stands at the moment, these vehicles can only use the steep detour roads which lead to the area. Being predominately a tourist region, a large portion of our passing traffic bypass our town and businesses altogether by staying on the main road to Bowhill, due to the closure of Eastfront Road.

We therefore ask the House to:

Follow up this urgent complaint with the Federal Minister For Roads, and any other relevant parties, to achieve an outcome which repairs and reopens Eastfront Road.

by Mr Murphy (from 334 citizens)

Murrumbidgee Irrigation Area

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

Petition

This Petition of the Griffith Branch Of Combined Pensioners & Superannuants Association of N.S.W.

Draws to the attention of The House the threat being faced by the Murrumbidgee Irrigation Area from changes that will be proposed by the Murray -Valley-Basin and following recommendations already published by the Wentworth Group, that water supplies be cut by up to 65%

We therefore ask the House to reject any recommendation to cut the supply of water to the MIA, in view of the fact it would be the death of the MIA Food bowl and result in the loss of businesses, value added businesses, jobs, medical facilities and the supply of foodstuff to the state and nation.

We ask also that The House remember the primary purpose of the construction of the dams in the head waters was to guarantee supply of waters to these areas, and the loss will effect Griffith, Leeton, Yenda, Hanwood, Yanco, Tharbogan and the surrounding district which compose the whole of the Murrumbidgee Irrigation Area.

by Mr Murphy (from 114 citizens)
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 1st 2010. Ultimately this could mean the closure of 28 centres Western Australia wide, including Kojonup.

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.

by Mr Murphy (from 268 citizens)

Permanent Residency

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

This petition draws to the attention of the House:

1. The Government’s commitment on 26/1/1988, giving amnesty to overstayers, … still to be en-acted.
2. A National Human Rights Consultation launched on 10/12/2008, by the Attorney-General, seeking the views of the Australian public on which human rights and responsibilities they consider important…..still to be finalized.

Is it not a “Universal truth” that all men and women are created equal, endowed by the Creator, with the power of creative reason? ie. human.

Is it not the expression of this creativity, through education, advances and application of scientific discoveries, which led to improvements in living standards, and subsequently, the ability to support higher population densities?

We therefore ask the House to consider: We have within our country a small percent of well educated, skilled persons who came to our shores in search of the means to improve their lives, who are contributing within our economy without recognition, support or acknowledgement of their existence here, as human beings.

As you grant citizenship certificates to new Australians annually, on Australian day, consider granting, compassionately, a permanent residency to those desperately needing Amnesty.

We, the undersigned urge the House of Representatives en-act the necessary legislation to overturn this immoral, thus unacceptable treatment of human beings.

by Mr Murphy (from 22 citizens)

Medicare: Bone Densitometry

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

This petition, from Soroptimist International Clubs of South Australia, being Adelaide, Barossa, Eastern Districts, Mount Gambier, Murray Bridge, Naracoorte, Northern Highlands, Port Pine, Southern Districts and Torrens, draws to the attention of the House this anomaly in Medicare, affecting all Australian women at menopause.

Currently there is no Medicare rebate for bone densitometry for women unless there are special risk factors, a broken bone, or until age 70. This is too late for prevention.

Researchers have demonstrated that, if a woman is scanned at the onset of menopause, her risk of developing osteoporosis can be identified. Preventive treatment then is relatively inexpensive and easily managed. (Prof B E C Nordin, AO, Royal Adelaide Hospital)

The direct cost of fractures due to osteoporosis in 2002 was $1.9 billion, the total cost estimated at $8 billion. (Access Economics)

We therefore ask the House that all Australian women on reaching menopause be offered free Bone Densitometry to determine their risk of developing osteoporosis.

by Mr Murphy (from 8,528 citizens)

Bowman Electorate: Internet Access

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

This petition of residents of the city of Redlands, within the federal electorate of Bowman draws to the attention of the House:

A lack of upgraded infrastructure at local telephone exchanges is preventing access to cheaper and faster internet. ADSL2+ internet is a faster and increasingly affordable form of broadband

CHAMBER
however it can only be provided effectively to residents at upgraded telephone exchanges. This lack of connectivity has negative implications commercially and socially.

We therefore ask the House to: enact or amend legislation that requires the responsible telecommunications provider to install the infrastructure necessary to allow equal access to ADSL2+.

by Mr Murphy (from 277 citizens)

Burma

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

This petition of Australian citizens who support democracy in Burma draws to the attention of the House the upcoming election in Burma.

The election has been condemned globally as an attempt to entrench and legitimise military rule. The constitution and election laws contain a number of undemocratic measures, including the effective military veto over decisions made by the new Parliament and Government.

Over 2,100 political prisoners, including Aung San Suu Kyi, remain detained for their political beliefs; political parties are not free to campaign in a democratic manner; and the election date remains unknown.

All major political parties in Australia have expressed concern about these elections and the Australian Senate unanimously passed a motion calling on the Australian Government to refuse to endorse the outcomes of the election unless the political climate in Burma improves. It is clear that nothing has changed.

The United Nations Security Council, General Assembly, Secretary General and Human Rights Council have all stated the solution to the problems in Burma lies in dialogue between the dictatorship, the National League for Democracy and ethnic representatives.

We therefore ask the House to clearly state that Australia cannot recognise the election in Burma as either credible or legitimate unless the following benchmarks are met in advance:

- All political stakeholders participate in a transparent review of the 2008 constitution; and
- Restrictions preventing candidates from campaigning freely are lifted.

by Mr Murphy (from 236 citizens)

International Development Assistance

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: Australia’s foreign aid expenditure.

Australia currently allocates 0.33% of its Gross National Income (2008/09) in Overseas Development Assistance (ODA). Australia’s current commitment to lift ODA to 0.5% is insufficient to meet the Millennium Development Goals and is well below the United Nations target of 0.7% of GNI.

We therefore ask the House to:

- Increase the planned rate of growth of Australia’s aid program by increasing our ODA commitment to 0.7% of Gross National Income;
- Focus our aid on improving maternal and child health, food security, education and gender equality; and
- Rapidly increase Australia’s assistance to countries to help them adapt to climate change and ensure that this commitment is additional to our Overseas Development Assistance.

by Mr Murphy (from 69 citizens)

Farrer Electorate: Mobile Blood Donation

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

Mobile Blood Donation Service Petition

This petition of the Hay Shire Council on behalf of the Hay Shire residents draws to the attention of the House: residents of the Hay Shire are unable to access the Mobile Blood Donor Services operated by the Australia Red Cross due to Hay’s remote location and the inability to have donations transported to Sydney in an acceptable timeframe. Blood donors within the Shire have
close to a four hour round trip to support the Blood Bank in Griffith NSW.

We therefore ask the House to: Request that the Australian Red Cross Blood Service provide a regular mobile blood donation service to towns in the Western Riverina including Hay.

by Mr Murphy (from 1,095 citizens)

Education

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

This Petition of the undersigned draws the attention of the House:

to significant community concerns over the overt and explicit Islamisation of Australian school-age children through the agency of the text-book “Learning From One Another” Bringing Muslim Perspectives into Australian Schools” which is to be introduced into our schools in the coming year.

We, the undersigned, are extremely concerned that such a textbook would be introduced into our schools under the guise of “diversity” when it is, quite evidently, active proselytizing.

Such ability to proselytize in our schools has been removed from all other religions, and we are extremely concerned that Islam has, once again, contrived to receive what appears to be special status to advance their religion.

Petition:

We therefore ask the House to:

1. reaffirm its commitment to the ‘wall of separation’ concept concerning church and state that is the foundation of our education system. This ‘wall of separation’ is required to safeguard our multicultural, multi-faith and non-faith liberal democracy that has become the hallmark of the civilised 21st century nation Australia rightfully claims to be.

2. indicate to Muslim educators the inappropriateness of their attempt to proselytize by stealth.

by Mr Murphy (from 5 citizens)

Parkes Electorate: Health Services

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

This petition of residents of Goodooga and surrounds in north western New South Wales draws to the attention of the House: That our Community strongly opposes the downgrade and reduction in Health & Emergency Services provided by Greater Western Area Health Service (GWAHS) & Ambulance NSW. Our local Ambulance Service has ceased, meaning a minimum wait of 40 minutes (79km) from Lightning Ridge depending on availability, plus return travel before being flown out to Dubbo Base Hospital. Over 19 months ago GWAHS gave 14 days notice of the removal of our Emergency bed and Registered Nurse. Due to media pressure they conducted an Independent Review, we completed a Health Impact Assessment and endless hours of consultation, none of which have been included in the new Plan. The ongoing threat of closure of the Emergency bed is devastating to an already isolated rural community comprised largely of Indigenous Australians (98%), mostly ageing or youth. Is this how we want to CLOSE THE GAP in New South Wales?

We therefore ask the House to pressure the Health Minister and Managerial staff of Greater Western Area Health Service to secure the future of our 24 hour Emergency Service and reinstate our Ambulance Service ASAP.

by Mr Murphy (from 144 citizens)

Community Services

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

This petition of Certain foreigners And citizens of Australia

Draws to the attention of the house Bring John Howard days back and less poverty for women and men and foreigners and citizens put into darkness by a Racist Australian Aboriginal State and Federal Government. Bring money flow to victims been ignored.

We therefore ask the house to To have all Foreign and women and men and Australian Citizens who been ignored and abused and neglected and wrongly done by to have life and motherhood and justice returned and rights returned and compensation and apologies and to have housing given to all women left on the streets and men left on the streets for negligence by the government
and housing given to the homeless men due to the fact boat people and homeless people housed fairly and not have a racist government and a government not to abuse people’s rights and not have their rice and house taken and given urgently and to have successful money flow for families and victims and to create a better financial Australia and Aboriginal Australia and to have all acts State and Federal Changed in Australia and bring the old days of John Howard Government back.

by Mr Murphy (from 10 citizens)

Battery Hens

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

This petition of the undersigned citizens of Coffs Harbour and its environs find the practice of confining hens to cages for egg production abhorrent, and request you take immediate action to phase-out use of the battery cage in Australia.

Being confined to a battery cage and mutilated prevents a hen from fulfilling all of her natural behaviours, including stretching her wings, nesting and scratching, dust bathing and roosting. This life of misery and suffering is needless and based purely on economics rather than animal welfare. Progressive countries such as Sweden, Switzerland and other European Union countries have phased out or are phasing out the use of battery cages.

by Mr Murphy (from 71 citizens)

Pearce Electorate: Pharmaceutical Benefits

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

This petition of the local community of Merriwa/Butler/Ridgewood/Quinns Rocks and the residents of surrounding suburbs draws to the attention of the House that this community does not have reasonable access to the supply of pharmaceutical benefits by an approved pharmacist. Brighton Beach Pharmacy which is located at the Brighton Beach Medical and Professional Centre, Merriwa has operated as a non-PBS pharmacy since September 2010 and has cared for this community despite not being able to provide medicines which are subsidised by the Commonwealth Government. A Section 90 approval has been denied to this pharmacy due to the current pharmacy location rules criteria.

We therefore ask the House to give Merriwa/Butler/Ridgewood/Quinns Rocks reasonable access to the supply of pharmaceutical benefits by requesting that the Minister for Health exercise Ministerial Discretion so as to provide a Section 90 approval to Brighton Beach Pharmacy, Merriwa.

by Mr Murphy (from 907 citizens)

Environmental Conservation

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

We the undersigned, who are fellows of the Australian Academy of Science, draw to the attention of the House that biological systems on which our own life depends are fragile enough to be adversely affected by human activity.

We, therefore, ask the House that Australia:
1. Intensifies its efforts to decrease its own negative environmental impact.
2. Works with other nations to attain a global reduction in human reproduction and a decrease in per capita adverse environmental impact.

by Mr Murphy (from 2 citizens)

Non-Incandescent Light Globes

To the Honourable the Speaker and Members of the House of Representatives September 2010.

This petition of certain citizens of Australia draws to the attention of the House:

Due to the world-wide knowledge and evidence now that the low energy light globes or CFL’s can cause adverse health effects such as headaches, balance problems, body irritability and/or rashes to name a few, and that there are disposal problems due to the mercury in them, we the undersigned request that the current rollout in homes and public places be reversed and that the ban on the importation of the old and universally safe incandescent light globes into Australia be lifted immediately. We also request that the public be warned of the potential adverse health effects of these light globes and that the safety guidelines
especially of not putting them too close to their heads are made abundantly clear throughout Australia.

by Mr Murphy (from 595 citizens)

Mental Health Services

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 a matter on the 2010-2011 Budget: specifically that accredited Mental Health Social Workers will no longer be able to provide services under the Medicare “Better Access to Mental Health Services” program.

• Accredited Mental Health Social Workers help individuals with mental health problems to resolve associated psychosocial issues and improve their quality of life. This may involve family as well as individual counseling, and group therapy.

• In 2008-09 these professionals delivered 121,540 services under the program, played a vital role in minimising hospital admissions and provided substantial savings to the health budget each year.

• Many Social workers have provided Medicare services “bulk billed” to low income individuals and families, facilitating accessibility and delivering services to areas of great need.

We therefore ask the House to amend the Budget and allow Accredited Mental Health Social Workers to continue providing valuable community service through the Medicare “Better Access to Mental Health Services” Program.

by Mr Murphy (from 2,268 citizens)

Schools

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

This petition of certain citizens, family and supporters of Australian sufferers of head lice, calls on the House to urgently take note that:

• The current school policy protecting a child with head lice from being sent home from school, has negatively impacted the school environment, promoting high levels of head lice infestations within schools among children

• The sufferings of children with head lice are adversely affecting school work, days absent from school, psychologic distress, individual health and encouraging negative stigma and bullying

• Failure on the Governments behalf to act now, with levels as high as 33% of children infested around Australia, will result in public health negligence as research indicates that infestations will rise and affect 1 in 2 Australian children and their families, resulting in higher levels than today’s third world nations

and also calls on the House of Representatives to urgently to take action and pass any legislation to:

• Introduce and publicly fund a Commonwealth Mobile Specialist Head Lice Treatment Program, supported by the only trusted service provider for effective head lice removal, namely No More Nitz.

• Subsidise through Medicare the cost of Head lice Treatments within the No More Nitz, Specialist Head Lice Treatment salon/s, the only trusted head lice specialist service provider for effective head lice removal.

by Mr Murphy (from 265 citizens)

Gungahlin

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

This petition of the citizens of the Federal electorate of Fraser requests that the House and the Minister for Finance and Deregulation consider locating Commonwealth Departments in Gungahlin, ACT.

As a growth area that attracts working families and first home buyers, locating Commonwealth Departments in Gungahlin will:

• Create employment opportunities in the local area

• Support local businesses by encouraging people to move to and work in the area

• Reduce CO2 emissions through fewer and shorter commutes to offices in the city and southern parts of Canberra
• Ease cost of living pressures associated with fuel expenses and vehicle maintenance
• Improve work/life balance because of less time spent commuting to and from work
• Create more time for family and community activities because of shorter commutes

We ask the House and Minister to take these benefits into account in their consideration of locating Commonwealth Departments in Gun-gahlin.

by Mr Murphy (from 95 citizens)

Burma

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

This petition of Burma Campaign Australia draws to the attention of the House the military dictatorship in Burma.

Burma’s military dictatorship has denied Aung San Suu Kyi the freedom to lead and Burma’s people their democratic rights for over 20 years.

The military dictatorship remains in power because of its vast financial resources, estimated to be US$5 billion. Most of this income has come from Burma’s oil and gas industry.

Australian companies are investing in Burma and funding the country’s brutal military dictatorship. Twinza Oil is investing in Burma’s oil and gas industry and their project alone will earn the military dictatorship an estimated US$2.5 billion.

Foreign investments in Burma directly contribute to the long term financial viability and stability of the Burmese military dictatorship and fund systematic human rights abuses and military offensives.

We therefore ask the House to:
• Investigate Australian companies’ interests in Burma; and
• Introduce targeted trade and investment sanctions against Burma

by Mr Murphy (from 1,596 citizens)

McPherson Electorate: Palm Beach Post Office

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

This petition of the residents of McPherson draws to the attention of the House the announced closure of the Palm Beach Post Office, Queensland

We therefore ask the House to: urge the Minister for Broadband, Communications and the Digital Economy to use his power under the Australia Post Act to consult with the Australia Post Board regarding the closure of the Palm Beach Post Office, located in Palm Beach Queensland, on the grounds of the demographics of the members of the community.

by Mr Murphy (from 2,909 citizens)

Petitions received.

Responses

Mr MURPHY—Ministerial responses to petitions previously presented to the House have been received as follows:

Coalmining

Dear Mrs Irwin

Thank you for your letter of 12 May 2010 (your ref 183/287) regarding a petition on the potential environmental impact of coal mining. You mentioned that the petition has recently been the subject of a public hearing on 7 April 2010, and that the Standing Committee on Petitions expressed interest in my response to it, given my portfolio responsibilities. The issues raised in the petition primarily relate to impacts on agricultural land in the Liverpool Plains area.

The Australian Government is committed to considering the long-term economic, social and environmental implications of mining activity in Australia, including coal mining, where these actions impact on matters within the Commonwealth’s jurisdiction.

As part of this commitment, the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong, announced on 2 December 2008 that the Australian Government would contribute one-third of the cost, up to $1.5 million, towards a study into the surface and groundwater resources of Namoi Valley area. I am advised that discussions are still being held with the New South Wales Government regarding the balance of the funding.
Mineral activities on agricultural land, such as the Liverpool Plains, are primarily assessed and regulated under state government legislation, including through provisions of the NSW Environmental Planning and Assessment Act 1979. As the federal environment Minister, I do not have power to regulate impacts on matters such as agricultural land or human health. These matters are the responsibility of the State to consider during any State assessment and approval process.

My jurisdiction arises if an activity is likely to have a significant impact on one or more matters of national environmental significance (NES) as defined under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Matters of NES include: World Heritage properties, National Heritage places, wetlands of international importance, nationally listed threatened species and ecological communities, listed migratory species, the Commonwealth marine environment, the Great Barrier Reef Marine Park, and nuclear actions, including uranium mining.

It is the responsibility of the person proposing a mining activity to carefully consider the likely impacts on matters of NES. If there is any such likelihood, the proponent must refer the proposal for a decision under the EPBC Act. To date, no referrals have been received under the EPBC Act for mining or exploration in the Liverpool Plains. Three referrals have been received for mining in the general area (one near Narrabri, one near Boggabri, and one north of Gunnedah), however these are not in the prime agricultural areas of the Liverpool Plains. As with all referrals made under the EPBC Act, any referral for mining in the Liverpool Plains would be carefully considered for its impacts on matters of NES, and my decision would take account of any public comments as well as economic and social matters.

Thank you for writing on this matter.

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

Pensions and Benefits

Dear Mrs Irwin

Thank you for your letter of 26 May 2010 to the Prime Minister, the Hon Julia Gillard MP, concerning a petition to increase Newstart Allowance and Parenting Payment Single rates. As the matter you have raised falls within my portfolio responsibilities, your letter was referred to me for a reply. I apologise for the delay in responding.

Australia’s social security system needs to provide a strong safety net for people who require financial assistance. Funds available for social security expenditure must be directed to those most in need while ensuring the system remains sustainable for Australian taxpayers.

The difference between the rates and income tests of allowances and pensions reflects the different roles of these two types of payments. Allowances are designed to be adequate to live on while providing sufficient incentives for people to join or return to the workforce. In contrast, pensions are designed to acknowledge that some people face additional barriers such as age, disability or responsibilities for caring for people with disability that make it difficult for them to support themselves through paid employment.

In addition to the base rate of payment, a range of supplementary benefits are available, provided eligibility criteria are met, through the transfer system. These include, but are not limited to, Rent Assistance to help with the costs of accommodation, Pharmaceutical Allowance to help with the cost of pharmaceuticals, and Family Tax Benefit to help with the costs of raising children. There is also a range of benefits to assist people of working age with the costs of study or training such as the Pensioner Education Supplement, the Training Supplement and the Education Entry Payment.

The increases to pensions announced in the 2009-10 Federal Budget, and mentioned in the petition you supplied were part of the Australian Government’s response to the Harmer Pension Review (the Harmer Review). The income support payments examined in the Harmer Review were those targeted to seniors, carers and people with a disability. The Government’s response to the Harmer Pension Review included an increase in the rate of a number of payments including Age Pension; Carer Payment; and Disability Support Pension. The increases were introduced on 20 September 2009.

Income support payments such as Parenting Payment Single, Newstart Allowance and Youth Allowance did not fall within the terms of reference.
The Report includes a range of recommendations that would directly or indirectly impact on recipients of working age income support payments. Specifically, it recommends that the rates of payment for student and participation category payments should continue to be lower than the amount paid for pensioners, that a consistent approach to payment relativities between single and couple rates be achieved and that there be common indexation between payments. More generally, the report also suggests significant changes to income taxation provisions that impact on income support recipients and other low income people.

These recommendations of the Henry Review are not Government policy, and some of the Henry Review recommendations would involve a major restructure of the income support system. This could only take place after an extensive period of policy development and consultation, taking into account community debate on the issues, as well as the views of stakeholders and other budget priorities. As the Henry Review itself noted, it is not necessary or desirable to implement every recommendation of the report at once.

Thank you for bringing the concerns of the petitioner to my attention, if you or the Committee require further information, please contact my Office.

from

Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery, Senator Mark Arbib

Immigration: Klue Family

Dear Mrs Irwin

Thank you for your letter of 1 June 2010 concerning the immigration status of the Klue family.

Mr Johan Klue was granted a four year Temporary Business (Long Stay) Subclass 457 Visa on 25 March 2010. Mr Klue’s wife and two children were granted dependant Subclass 457 visas for the same period on 13 May 2010. This visa allows Mr Klue and his wife to work in Australia and their children to attend school. There is also no limit to the amount of times that the family may travel in and out of Australia during the visa validity period.

The Klue family does not currently have any applications for permanent residence before my Department. There are many visa categories under which the Klue family may apply to live and work in Australia in the future if they wish. These include categories such as skilled, family sponsored, humanitarian and employer sponsored. Detailed rules governing the entry of people in each visa category are specified in Australia’s migration legislation and are applied equally to all applicants on a case-by-case basis. Applicants must meet all of the requirements for the class of visa sought before they can be granted a visa.

I trust that this information has been of assistance.

from

Minister for Immigration and Citizenship, Senator Evans

Immigration and Citizenship

Dear Mrs Irwin

Thank you for your letter of 11 February 2010 relating to two petitions recently submitted to the Standing Committee on Petitions regarding immigration and citizenship in Australia.

The petitions in question, 280/503 and 281/504, are almost identical in their text and cover several immigration and citizenship-related issues. As agreed with your office, I have addressed these issues as though they were contained within one petition.

Each petition asserts that the Australian Government made a commitment on 26 January 1988 to grant amnesty to all immigrants and refugees in Australia at that time, and which, to this day, has not been enacted. These assertions are inaccurate.

In a Ministerial Statement to the House of Representatives on 3 June 1988, the then Minister for Immigration, Local Government and Ethnic Affairs, the Hon. Allan Clyde Holding MP, released the report of the Committee to Advise on Australia’s Immigration Policies—Immigration—
commitment to Australia. In his address Mr Holding stated that among other items in the Terms of Reference, the Committee was instructed to ‘note that the Government has ruled out an amnesty for illegal immigrants.’ In a statement on 21 April 1988, former Member of the House of Representatives, Mr Alan Cadman MP, repudiated claims that either he, or the Opposition of the time, supported the notion of an amnesty for illegal immigrants.

Nor is there any consideration at present of providing a general amnesty for people who have overstayed their visa in Australia.

Unlawful non-citizens have no entitlement to remain in Australia and are expected to depart. If an unlawful non-citizen refuses to leave Australia voluntarily, they may be detained and removed from Australia at the earliest practicable opportunity.

Persons who overstay their visa by more than 28 days become subject to an exclusion period that prevents them from being granted a temporary visa to travel to Australia for three years. This exclusion period applies whether they leave voluntarily or not.

In comparison to some European countries, Australia has a much smaller population of people living in the country having overstayed their visas. In recent years the number of overstayers at any one time has remained below 50,000. Many people who are recorded as overstayers are merely extending their stay in Australia by a few days or weeks, and leave of their own accord within a short period. Those who overstay for a longer period may be given temporary lawful status through the grant of a Bridging visa. This allows them to make arrangements for their departure from Australia or, if eligible, to seek a further visa.

The Department now has a Community Status Resolution Service available for non-citizens in the community who have an unresolved immigration status. The Service engages with these individuals to assist to resolve their immigration status either through grant of a substantive visa or through departure.

Departmental officers provide information to clients about their immigration and departure options, as well as connect them with appropriate services on a needs basis, to assist them to achieve an appropriate immigration outcome.

The petitions also seek the recognition of migrants and refugees as ‘human’. The National Human Rights Consultation, launched on 10 December 2008, sought to consult with the Australian community to find out ‘which human rights and responsibilities should be protected and promoted in Australia, whether human rights are sufficiently protected and promoted, and how Australia could better protect and promote human rights.’ The Committee received some 35,014 public submissions, as a result of 66 community roundtables held across Australia and three days of public hearings in Parliament House.

The National Human Rights Consultation Report was handed to the Australian Government on 30 September 2009. The full text of the report is available at www.humanrightsconsultation.gov.au. Among other items, the report recommends that immigration legislation, policies and practices be examined in an audit of federal legislation to determine their compliance with Australia’s human rights obligations.

On 21 April 2010 the Attorney General launched Australia’s Human Rights Framework which outlines a range of key measures to further protect and promote human rights in Australia.

The Framework is based on five key principles and focuses on:

- Reaffirming a commitment to our human rights obligations;
- The importance of human rights education;
- Enhancing our domestic and international engagement on human rights issues;
- Improving human rights protections including greater parliamentary scrutiny; and
- Achieving greater respect for human rights principles within the community.

The situation of those people present in Australia unlawfully, and who might benefit from an amnesty, must, however, be distinguished from that of migrants and refugees who have permission to remain in Australia. An amnesty is not relevant to
their circumstances, and they already receive protection, support and recognition where relevant.

The Skill Stream of the Migration program selects people on the basis of their skills and capacity to enter Australia’s skilled labour market. Applicants are generally required to have skills which have been recognised for migration purposes by a designated assessing authority. An applicant’s age, skilled work experience and English language proficiency are also taken into account. The Skill Stream also includes a number of employer sponsored visa classes where an applicant must be sponsored by an Australian employer to fill a skilled employment vacancy.

The Skill Stream selects people on the basis of characteristics which will enable them to integrate readily into the skilled labour force or to invest or establish businesses in Australia. As the focus is on attracting young, highly skilled migrants the requirements for General Skilled Migration (GSM) are tailored to meet this objective. Persons applying for a GSM visa need to:

- Be under 45 years of age when they apply;
- Have a high level of English language skills;
- Nominate an occupation on the Skilled Occupation List and be found suitable for that occupation by the relevant Australian assessing authority; and
- Have recent work experience in a skilled occupation or have recently completed an Australian qualification.

In relation to refugees within Australia, the following information provides an overview of the protection, support and recognition that recognised refugees are provided under relevant legislation, policy and international obligations commitments.

As a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the Refugees Convention), Australia is committed to providing protection to refugees consistent with the obligations set out in the Convention. Australia recognises the right of anyone to make a claim for refugee status in Australia. I would like to assure you that persons who meet the refugee criteria in the Refugees Convention, or other criteria under international human rights treaties to which Australia is a party, are granted Australia’s protection, subject to meeting all legal requirements set out in the Migration Act and Regulations. These persons are granted Protection visas and thus, permanent residency and have access to Medicare, Centrelink and work rights.

In recognition of the particular needs of refugees, the Government has put in place support mechanisms for refugees who are newly settled in Australia. The Integrated Humanitarian Settlement Strategy (IHSS) provides initial, intensive settlement assistance for refugee and humanitarian entrants for up to 12 months after arrival. This includes assistance in finding accommodation, the provision of certain household goods, information and assistance to access services and become part of the local community and short term torture and trauma counselling.

The Government also recognises the need to prepare people for entry into the workforce so that their skills can be utilised effectively. The Adult Migrant English Program (AMEP) aims to achieve the economic and social participation of migrants and refugees. The AMEP includes Employment Pathways and Traineeships in English and Work Readiness programs. These programs provide an employment focus, developing pathways to work through work experience placements.

Support is also available to onshore asylum seekers in the community in Australia while their Protection visa applications are being considered. The Asylum Seeker Assistance (ASA) Scheme provides financial assistance to eligible Protection visa applicants living in the community who are unable to meet their most basic needs for food, accommodation and health care as well as meeting torture and trauma counselling costs.

Asylum seekers who are not found to be owed Australia’s protection after an assessment of their claims and who have no other basis to remain are required to depart. Australia’s non-refoulement obligations, found in Article 33(1) of the Refugees Convention, prohibit the return of a refugee to a territory where their life or freedom would be threatened. I can assure you that no one who raises an asylum claim is returned unless it has been determined that they are neither a refugee,
nor a person to whom Australia has obligations under other international treaties.

Under Australia’s obligations under international law, Australia is not required to provide an amnesty to asylum seekers and there is no consideration at present of doing so.

I trust this information is of assistance to you.

from the Minister for Immigration and Citizenship, Senator Evans

Pensions and Benefits

Dear Mrs Irwin

Thank you for your letter of 26 May 2010 about the petition regarding the life expectancy actuarial review and the impact of the global financial crisis.

To ensure equity with customers holding income streams with retail providers, self-managed superannuation funds (SMSFs) and small Australian Prudential Regulatory Authority funds (SAFs) with 100 per cent assets test exempt income streams are required to prove that their income stream meets the necessary reserving requirements and is able to meet its ongoing pension obligations.

Additional reporting requirements are also placed on these income support recipients because of the lack of ‘arm’s length’ separation between the trustee and the member. One of these reporting requirements is an actuarial certificate that the income stream has a “high probability” of meeting its pension obligations for the lifetime or life expectancy of the individual.

In March 2009, I approved measures designed to ease the pressure on pensioners with SMSF/SAF 100 per cent assets test exempt complying pensions who are experiencing difficulty as a result of the global financial crisis. These pensioners were experiencing difficulty meeting actuarial certification for their income stream as a result of the negative impact of the global financial crisis on their underlying assets. The relief means these income streams do not have to meet high probability but do become assets tested. The relief also means that these pensioners will not incur a significant debt, which is equivalent to the additional social security benefits received over the last five years, due to not meeting the actuarial certification.

I later agreed to enhance the relief to allow restructuring to a market-linked income stream for SMSFs/SAFs, albeit still with the loss of the asset test concession. Customers can still retain their assets test exemption if they restructure their income stream into a lifetime or life expectancy income stream offered by a retail provider. The original and enhanced relief is in effect until 30 June 2010.

Prior to the implementation of the first relief measure, customers with these products who were unable to get actuarial certification would have either to:

- keep the assets test exempt status by restructuring the income stream into an equivalent retail product (crystallise losses); or
- lose the assets test exemption and become assets-tested with the resulting social security debt penalty.

Given the complexities involved in assessing income stream products under the means test, I would recommend that the petitioner arrange an interview with a Centrelink Financial Information Service officer to discuss their personal circumstances. These officers are specially trained to provide information about the social security assessment of income and assets. This is a free service and an appointment can be made by phoning 13 1021 for the cost of a local call.

The Australian Government will continue to take decisive action to uphold the integrity and fairness of the social security system in the face of ongoing events in financial markets and the wider economy.

Thank you again for writing.

from the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin

Lymphoedema

Dear Mrs Irwin

Thank you for your letter of 18 March 2010 regarding a petition to the House of Representatives about the diagnosis, treatment and management of lymphoedema as a chronic medical condition.
The petition has a number of specific requests to assist in the treatment and management of lymphoedema, including funding for trained lymphoedema therapists, and financial assistance for travel to services to treat lymphoedema. The Australian Government recognises that chronic diseases represent a major challenge for our health system. Chronic diseases are estimated to be responsible for more than 80 per cent of the burden of disease and injury in Australia, and more than half of all general practice consultations are with people who have a chronic condition.

On 20 April 2010, the Prime Minister, Premiers and Chief Ministers of states and territories, with the exception of Western Australia, reached an historic agreement at the Council of Australian Governments, on health and hospitals reform—the establishment of a National Health and Hospitals Network, to improve the health system for all Australians. In particular, the reforms to general practice and primary health care are aimed at improving access to GP services, tackling chronic disease and keeping Australians healthy and out of hospital. The Government will also continue to address chronic disease management through the National Primary Health Care Strategy, as well as the National Preventive Health Agency and the National Partnership Agreement on Preventive Health.

The petition raised the provision of training for GPs in the detection, assessment and treatment of lymphoedema, in accordance with the Lymphoedema Framework Best Practice for the Management of Lymphoedema—International Consensus. The Government acknowledges the need for primary care practitioners including GPs and community nurses to have the necessary knowledge and skills to manage chronic conditions such as lymphoedema. To progress this, the petitioners should consider forwarding their framework document to the Royal College of General Practitioners and the Deans of Nursing for consideration of this issue as part of their curriculum and training reviews.

The petition asks about treatment regimes for patients with lymphoedema. Lymphoedema has not been recognised specifically as a chronic medical condition for the purposes of the Chronic Disease Management (CDM) items on the Medicare Benefits Schedule (MBS), but this does not preclude it being considered as such. The MBS does not list all possible medical conditions that are regarded as chronic medical conditions. It is up to GPs to use their clinical judgement, taking into account the eligibility criteria and the general guidance to determine whether a patient with lymphoedema is eligible for treatment under the Medicare CDM items.

Under the CDM items, patients with a chronic medical condition and complex care needs are being managed by their GP under a GP management plan (GPMP) and team care arrangements (TCA), and can be referred for up to five Medicare-rebatable allied health service items each calendar year. Specific categories of allied health professionals, including physiotherapists and occupational therapists who meet specific eligibility requirements, and who are registered with Medicare Australia and in private practice, are able to provide these CDM (individual) health services.

The allied health services available under Medicare are not intended to fully cater for patients who require more intensive ongoing treatments. Instead, these Medicare services complement services provided by state and territory governments, and increase access to private allied health services by making them more affordable.

The Australian Government also supports access to allied health services more generally through subsidies on private health insurance premiums and through targeted non-Medicare initiatives such as the Rural Primary Health Services program funded through the Divisions of General Practice and other primary health care providers in rural and remote communities.

In addition, patients with lymphoedema may be eligible for Medicare benefits for monitoring and support services provided by a practice nurse (or registered Aboriginal Health Worker) on behalf of a GP (MBS item 10997). This item is available to patients who have a chronic or terminal medical condition and are being managed by their GP under a GPMP, TCA or a multidisciplinary care plan. Activities that a practice nurse or other health professional may undertake on behalf of and under the supervision of a GP are not prescribed, but must be within the nurse’s professional com-
petencies. A maximum of five services can be claimed per patient per calendar year.

The petition asks that funding be provided for the cost of compression garments. The Government acknowledges that the cost of necessary medical aids and appliances can be a significant financial burden, particularly for people living with a chronic medical condition. Medical aids and appliances are provided by the states and territories as part of their responsibilities for the provision of health services. Under the current health funding arrangements, the Australian Government’s role is to provide health grants to state and territory governments. All state and territory governments operate aids and appliance programs to assist residents with the cost and/or provision of appropriate equipment, aids and appliances in the community setting.

In addition, some private health insurers provide benefits for aids and appliances, but are free to determine the nature of health related goods that attract benefits and any conditions or restrictions on such benefits. The payment of benefits usually depends on the insured person holding a policy that covers aids and appliances.

The petition also sought financial assistance for transport where travel of more than 40 kilometres is necessary to access services. Access to health care for people in rural and remote Australia is an important issue. Funding and administration of patient assisted travel schemes is the responsibility of state and territory governments. The schemes in each state and territory vary in relation to eligibility requirements, distance thresholds, subsidy levels and administrative arrangements. Even basic issues are impacted on by a range of factors including geography, demography, population density, locally available health services, public transport and infrastructure investments in each jurisdiction.

While it is the states and territories which have funding and administrative responsibility for the patient assisted travel schemes within their jurisdictions, the Australian Government is committed to working with them on the effectiveness of the schemes, particularly in developing as much national consistency as possible. Under the National Health and Hospitals Network Agreement the Commonwealth, states and territories agreed to undertake further work in regard to patient assistance transport schemes, with a view to higher and more consistent national standards.

I trust that the above information is of assistance.

from the Minister for Health and Ageing, Ms Roxon

Innisfail: Jubilee Bridge

Dear Mrs Irwin

Thank you for your letter dated 25 May 2010 about a petition submitted for the consideration of the Standing Committee on Petitions regarding funding to replace the Jubilee Bridge at Innisfail in Queensland, which is a local government responsibility.

The Australian Government continues to provide funding direct to councils to assist Local Governments with road projects through the Roads to Recovery Program and Financial Assistance Grants (FAGs).

Between 2009-10 and 2013-14, the Government will provide funding of $1.75 billion directly to local councils under the Roads to Recovery Program, with Queensland councils to receive $356 million of this allocation and the Cassowary Coast Regional Council to receive approximately $2,720,355.

The Government provides further support to local councils through FAGs, the local roads component of which totals $589.7 million in 2009-10, with more than $110.7 million of this provided to Queensland, and $2,788,800 to the Cassowary Coast Regional Council.

This funding is intended to supplement council and state government spending on local road construction and maintenance. Councils can apply the funding from these two streams to road infrastructure projects according to local priorities.

I trust this information is of assistance to the Committee.

from the Minister for Infrastructure and Transport, Mr Albanese

Human Rights

Dear Mrs Irwin

Thank you for your letter dated 25 May 2010 referring a petition from the Mornington Penin-
sula Human Rights Group seeking the introduction of a bill for a Human Rights Act.

As you are aware, on 21 April 2010, I launched Australia’s Human Rights Framework. The Framework does not include a Human Rights Act or Charter. This was a decision that the Government did not take lightly. The issue for the Government was not whether human rights should be protected, but how best to do so. Rather than developing a legislative charter, the Framework is focused on ensuring people understand their human rights and responsibilities and that laws are consistent with Australia’s international human rights obligations.

The Framework reaffirms the Government’s commitment to human rights and community engagement. Guided by the Report of the National Human Rights Consultation, education about human rights and responsibilities has been set as the highest priority within the Framework. This recognises that human rights can be protected and promoted effectively only if an understanding of and commitment to human rights becomes a part of everyday life for the community. Community engagement is central to the success of the implementation of the Framework as all Australians will play a vital role in the promotion and improvement of human rights.

Independent research commissioned by the Consultation Committee showed that 90% of respondents supported enhanced attention by Parliament to human rights issues when making new laws. I am pleased to advise that on 2 June 2010, I introduced the Human Rights (Parliamentary Scrutiny) Bill 2010 into Parliament. The Bill provides for the establishment of a new Parliamentary Joint Committee on Human Rights and requires statements assessing compatibility of new laws with Australia’s international human rights obligations to accompany new legislation. The Government believes that increased Parliamentary scrutiny will ensure public confidence that our laws reflect our human rights obligations.

This will be the first ever Committee dedicated to human rights scrutiny at the federal level. Increased Parliamentary scrutiny will ensure public confidence that our laws reflect our human rights obligations.

I trust that this information is of assistance to the Committee.

from the Attorney-General, Mr McClelland

School and Workplace Bullying

Dear Mrs Irwin

Thank you for your letter of 25 May 2010 concerning the school and workplace bullying petition recently submitted for the consideration of the Standing Committee on Petitions. The Australian Government takes issues of bullying seriously and believes student and workplace wellbeing and safety are essential for education and career success. All Australians should be able to learn and work in safe and supportive environments. The Government is determined to ensure schools and workplaces are supported in providing for the wellbeing of their students and employees.

Although the Government does not have jurisdiction to intervene in cases of bullying and associated legislation, as part of its collaborative and leadership roles in developing national priorities for education and workplace safety, there are very important initiatives currently being undertaken to support state and territory governments.

Firstly, the Government is leading a review of the National Safe Schools Framework (NSSF). The NSSF emphasises the need for teachers to have appropriate training in positive student management and the need for schools to respond to incidents as they occur. The Government believes too that tackling and addressing bullying behaviours are of utmost importance. Through the Review, linkages will be drawn with other wellbeing and child protection issues including: the emergence of technologies that enable new forms of bullying to develop; social and emotional learning; the explicit teaching of values; and changes in state and territory legislation and government policy.

The NSSF is the only framework of its kind in the world and the Review ensures that it remains current and relevant in today's context. By instigating the Review, the Government has ensured that Australia maintains its leading edge in promoting safe and supportive schools.

The project is identifying connections with other Australian Government and state and territory
policies relating to the wellbeing of children and by drawing these critical links, schools will be made aware of other useful resources used to support the wellbeing of young people across the country.

The role of parents and carers is also being examined to explore ways of encouraging them to become involved with their child’s school and continuously promote a safe school environment. By involving this important group of people, a whole-school community approach to promoting safe schools can be established.

The NSSF and the supporting documents will be re-written and will be available for online use by schools, thereby ensuring the Framework becomes a device available to schools to use proactively to help prevent or reduce the incidence of bullying and violence as well as providing an active tool for dealing with issues as they arise.

All Australian schools currently have access to the NSSF and following the Review, the updated Framework will also be made available for use by all schools to guide them through the development of policies and practices to manage proactively the incidence of violence, aggression and bullying in schools. Further information about the NSSF and the review is available at www.safeschools.deewr.gov.au.

With regard to workplace safety, the harmonisation of Occupational Health and Safety (OHS) laws is a priority area of regulatory reform. All governments have committed to adopt uniform OHS laws, complemented by nationally consistent approaches to compliance and enforcement. This will be achieved through the development of model OHS laws that can be uniformly adopted by all jurisdictions to provide the same rights, obligations and protections for all Australian workers.

Safe Work Australia, a tripartite body comprising representatives of the state and territory governments, the Australian Government, workers and employers is developing the model laws in accordance with decisions of the Workplace Relations Ministers’ Council (WRMC).

In December 2009 the WRMC endorsed the model Work Health and Safety Act. The endorsed model Act was drafted by Safe Work Australia in line with policy decisions previously made by the WRMC and with input from a public consultation process. In endorsing the model Act, Ministers were very mindful of the national interest and the significant benefits that will flow from harmonised laws in this important area. Each jurisdiction has committed to take all necessary steps to enact or otherwise give effect to the model Work Health and Safety Act.

Safe Work Australia is currently working on a package of draft model regulations and draft priority codes of practice to support the agreed model Act. There will be a 4 month public comment period later this year which will provide anyone with an interest in the model Work Health and Safety laws the opportunity to provide feedback to Safe Work Australia on the package of model regulations and priority codes of practice. There will be associated campaigns to raise public awareness of this consultation process.

Although most current OHS laws do not specifically address workplace bullying, all, OHS Acts impose legal responsibilities on both employers and employees. For example, under section 16 of the Occupational Health and Safety Act 1991 (Cth) employers must take all reasonably practicable steps to protect the health and safety of the employer’s employees. Similarly, under section 21 of the Victorian Occupational Health and Safety Act 2004, employers have a duty of care to provide a safe working environment that is without risk to the health and safety of their employees.

This duty of care requires employers to take proactive steps to identify those hazards with the potential to affect the health and safety of their employees and to implement measures to eliminate or control the risks arising from those hazards. The duty extends to psychosocial hazards in the workplace including bullying behaviours. All jurisdictions have also published codes of practice or guidance material dealing with bullying.

Under the model Work Health and Safety Act, the health and safety duty requires a person conducting a business or undertaking to ensure, so far as reasonably practicable, the health and safety of workers (covering all types of workers including employees, volunteers, apprentices and contractors) while the workers are at work in the busi-
ness or undertaking. Workers also have a duty to take reasonable care for their own health and safety, as well as that of other persons. The model Work Health and Safety Act makes it clear that ‘health’ means physical and psychological health and provides for a variety of enforcement options, including imprisonment, for breaches of the health and safety duty.

In addition, where bullying is linked to or based on attributes including a person’s sex, disability, race, age, sexual preference, criminal record, trade union activity, political opinion, religion or social origin, it may be covered under federal and state anti-discrimination legislation. More information on this legislation is accessible online at www.hreoc.gov.au.

I appreciate your bringing the petition to my attention, and trust this information is of assistance to the Committee and petitioners.

from the former Minister for Education and Minister for Employment and Workplace Relations, Ms Gillard

New South Wales Ambulance Drivers
Dear Mrs Irwin

Thank you for your letter of 25 May 2010 regarding the petition of citizens of the Paterson electorate about a New South Wales State Government proposal to replace ambulance drivers with volunteers in Buladelah, Stroud, and Gloucester. As per Standing Order 209(b), I am providing a written response to you on the matters raised in the petition at points (3) and (4).

I note that the petition calls on the New South Wales State Government to refute the proposal to replace ambulance drivers with volunteers, and to maintain a two-person ambulance crew with fully trained ambulance personnel. I further note that the petition calls on the Commonwealth Government to make health services a priority and ensure adequate funding to train more paramedics and ambulance personnel, including in regional areas.

This Government has already made significant investments in our health and hospitals system. The Council of Australian Governments (COAG), at the 28 November 2008 meeting, agreed to a landmark deal providing $64 billion to the states and territories over five years—an increase of $22 billion or 50 per cent on the previous health care agreements. New South Wales received approximately $20.3 billion of this funding.

The 2008 COAG package included $750 million to improve the operations of emergency departments (EDs), through the ‘Taking Pressure off Public Hospitals’ measure. I understand that the New South Wales Government has allocated some of the funding it received under this measure to recruit additional Extended Care Paramedics for its Extended Care Paramedics Program. This Program aims to reduce the number of patients requiring transportation to EDs and to potentially reduce the number of unnecessary ED presentations.

Furthermore, at the most recent COAG meeting of 20 April 2010, the Prime Minister, Premiers, and Chief Ministers of states and territories, with the exception of Western Australia, reached an historic agreement on health and hospitals reform—the establishment of a National Health and Hospitals Network. The Commonwealth Government is investing an additional $7.3 billion commencing June 2010 to implement these reforms, including:

- measures to tackle the key pressure points in our public hospitals including quicker access to EDs and elective surgery waiting times;
- over 1,300 new sub-acute care beds to support rehabilitation, palliative care and mental health services and 2,500 additional aged care beds to provide the right care at the right time;
- more training places for GPs and specialists and locum relief for rural nurses and allied health professionals;
- more support for nurses, particularly in aged care and general practice;
- an expansion of GP and primary health care infrastructure, and better access to after-hours primary care;
- transforming the way in which Australians with long-term illness are treated—starting with people living with diabetes—through voluntary coordinated care arrangements;
• new investments in mental health, including help for 20,000 extra young people to get access to mental health services;
• a nationally consistent aged care system providing extra places, better access to services, and stronger choice and protections for older Australians;
• a personally controlled electronic health record system; and
• new investments in prevention, including tough new action to tackle smoking.

While the Commonwealth Government is providing record health funding to the states and territories, policy and funding responsibility for ambulance services continues to be a state matter. This is reflected in clause 24(c) of the National Healthcare Agreement and reinforced at clause B9a. of the new National Health and Hospitals Network Agreement, which stipulates that ambulance services have been agreed as excluded from transfer to the Commonwealth.

The Commonwealth has, however, provided flexibility for states and territories in the application of health reforms with regard to rural Australia. The Commonwealth will, for example, ensure that new financing arrangements effectively support small regional and rural hospitals, including providing block funding where appropriate, so that small rural and regional hospitals can continue to deliver on Community Service Obligations.

As you are aware, the Commonwealth will also become the majority funder of Australian public hospitals. The Commonwealth will fund 60 per cent of the efficient price for all public hospital services, and 60 per cent of capital, research and training in our public hospitals.

In addition, the Commonwealth will take full funding responsibility for GP and primary health care services, and for aged care services.

The Commonwealth is committed to delivering better health and better hospitals for all Australians, and welcomes the input of the Australian community on its unprecedented health reforms.

I appreciate you bringing this matter to my attention.

from the Minister for Health and Ageing, Ms Roxon

Administration of Justice
Dear Mrs Irwin

I refer to your letter dated 25 May 2010 seeking a written response to a petition submitted to your committee, regarding a Section 72(ii) process under the Constitution.

The petition requests that Parliament invoke the procedure provided for in Section 72(ii) of the Constitution to address alleged wrongful misbehaviour by judicial officers of the High Court and the Family Court of Australia.

Section 72(ii) of the Constitution provides that Justices of the High Court and of the other courts created by the Parliament shall not be removed except by the Governor-General in Council, on an address from both Houses of Parliament in the same session, asking for such removal on the ground of proved misbehaviour and incapacity.

On the information provided, it does not appear that allegations made in the petition amount to proved misbehaviour or incapacity on the part of judicial officers of the High Court or the Family Court of Australia. Taking into account the seriousness of the provision, I do not consider it appropriate for Section 72(ii) proceedings to be invoked on the basis of this petition.

from the Attorney-General, Mr McClelland

Administration of Justice
Dear Mrs Irwin

I refer to your letter dated 25 May 2010 seeking a written response to an amended petition submitted to your committee by Antal Bittman, regarding a Section 75(v) process under the Constitution. I note that the petition was amended following my letter to the Committee of 5 May 2010.

The petition requests that Parliament invoke the procedure provided for in Section 72(ii) of the Constitution to terminate the appointments of Justices of the High Court. The petition alleges that the High Court erred in failing to set aside orders made by Officers of the Commonwealth to liquidate or freeze assets of a company or depositor in a matter involving the petitioner.
Section 72(ii) of the Constitution provides that Justices of the High Court and of the other courts created by the Parliament shall not be removed except by the Governor-General in Council, on an address from both Houses of Parliament in the same session, asking for such removal on the ground of proved misbehaviour and incapacity.

On the information provided, it does not appear that allegations made in the petition amount to any misbehaviour or incapacity on the part of a Justice of the High Court. Taking into account the seriousness of the provision, I do not consider it appropriate for Section 72(ii) proceedings to be invoked on the basis of this petition.

I hope this information is of assistance to the Committee.

from the Attorney-General, Mr McClelland

Internet Content
Dear Mrs Irwin

Petition regarding compulsory filtering of the internet by ISPs
Thank you for your letter dated 23 June 2010 forwarding a copy of a petition regarding compulsory filtering of the internet by internet service providers (ISPs). I appreciate the petitioners’ interest in this important issue.

The Australian Government supports an open internet, where people can freely access information and express their ideas. This should not be confused with the notion that all content should be available to view and/or distribute regardless of its potential harm to society and the rights and safety of others.

The complexity of protecting people, especially children, on the internet is why the Government’s cybersafety plan involves a suite of measures, including:

- expanding the Australian Federal Police (AFP) Child Protection Operations Team by 91 officers to detect and investigate online child sex exploitation;
- funding to the Commonwealth Director of Public Prosecutions to manage increased activity resulting from the AFP work to ensure that prosecutions are handled quickly; and
- funding to the Australian Communications and Media Authority (the ACMA) for:
  - a comprehensive range of cybersafety education activities including improving current government cybersafety website resources, making them easier for parents to use, and to provide up-to-date information, and
  - an online helpline to provide a quick and easy way for children to discuss cybersafety issues;
- developing and implementing ISP filtering, which included undertaking a real world live pilot;
- expanding the Consultative Working Group that considers the broad range of cybersafety issues and advises Government to ensure properly developed and targeted policy initiatives and programs;
- forming a Youth Advisory Group to provide advice to the Consultative Working Group on cybersafety issues from a young person’s perspective; and
- ongoing cybersafety research into the changing digital environment to identify emerging issues and trends.

ISP-level filtering of Refused Classification (RC) content
For many years Australia has had a classification scheme that applies to DVDs, films, books and publications. A similar scheme also applies to television and radio. Under Australia’s existing classification laws, RC material is not available in newsagencies or on library shelves, it cannot be viewed on a DVD or at the cinema and it is not shown on television.

RC material includes child sexual abuse imagery, bestiality, sexual violence, detailed instruction in crime, violence or drug use and/or material that advocates the doing of a terrorist act. The Government believes that RC content has no place in a civilised society and has announced its intention to introduce legislation into Parliament requiring ISPs to filter a list of RC URLs provided to ISPs by the ACMA. These will be specific URLs that have been assessed as RC using existing criteria set out in the National Classification Scheme.
following a complaint from the public to the ACMA. URLs of child sexual abuse imagery obtained from lists maintained by highly reputable overseas agencies will also be filtered, following a detailed assessment by the ACMA of the processes used to compile those lists.

The RC category, that applies to DVDs, films and books and would apply for the purpose of filtering, is not designed to censor free speech or impinge on public debate. To ensure the public’s confidence in the list of URLs to be filtered I announced on 9 July 2010 a review of the RC category. The review will examine the current scope of the RC category to determine whether it adequately reflects current community standards.

Transparency and Accountability Measures

The Government has undertaken a public consultation process on measures to increase accountability and transparency of the placement of material on the RC filtering list. 174 submissions were received and used by the Government in developing a comprehensive suite of transparency and accountability measures to accompany the introduction of ISP filtering. These measures include:

- an annual review of the RC Content list by an independent expert who will be appointed in consultation with industry;
- clear avenues for appeal of classification decisions;
- that all content identified on the basis of a public complaint be assessed by the ACMA and classified by the Classification Board under the National Classification Scheme;
- that affected parties have the ability to have decisions reviewed by the Classification Review Board; and
- a standardised block page notification, which will notify users that the content they have requested has been blocked because it is deemed RC, and provide information on how to seek a review if they believe the decision to be incorrect.

The Classification Board is comprised of members broadly representative of the Australian community who are trained to classify content against the National Classification Scheme. Members of the Board are identified through a national recruitment process and make decisions about individual content against the criteria of the National Classification Scheme independently of Government.

This suite of measures will greatly strengthen the ISP filtering policy and give the community greater confidence in the processes that lead to a URL being placed on the RC Content list.

Voluntary filtering of child abuse material

Three of Australia’s largest ISPs - Telstra, Optus and Primus - have agreed to voluntarily block a list of child abuse URLs compiled and maintained by the ACMA. These ISPs account for around 70 per cent of Australian internet users.

In line with the Government’s mandatory filtering policy, URLs of child abuse imagery obtained from lists maintained by highly reputable overseas agencies, such as the Internet Watch Foundation, will also be placed on the ACMA list for voluntary filtering following a detailed assessment (by the ACMA) of the processes used to compile those lists.


I trust this information will be of assistance.

from the Minister for Broadband, Communications and the Digital Economy, Senator Conroy

Feeding Tube Dependency

Dear Mrs Irwin

I refer to correspondence of 16 June 2010 from the then Chair of your Committee, Mrs Julia Irwin, regarding a petition about children with a tube feeding dependency. I apologise for the delay in responding.

I have been advised that the Royal Children’s Hospital in Melbourne is planning to undertake a
The Australian Institute of Health and Welfare collects information on diagnoses and procedure information on episodes of care, including on neonatal tube feeding procedures. In Australia, there were 23,767 hospital separations in 2007-08 where a neonate or infant whose condition originated in the neonatal period was provided with a nasogastric tube for nutritional purposes. Data is only available for infants whose medical treatment occurred in hospital. No national data is available as to the level of infant tube feeding dependency.

The Australian Government, through the Medical Treatment Overseas (MTO) Program, may provide financial assistance for some people to receive treatment overseas where it is not available in Australia. However the Australian medical profession needs to accept it as a standard form of treatment for the applicant’s condition.

Since January 2009 my Department has received and assessed four applications for assistance though the MTO Program for families to travel to Graz, Austria, to attend the tube weaning program at the University of Graz Children’s Hospital. It is currently assessing two new applications.

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The Australian Government, through the Medical Treatment Overseas (MTO) Program, may provide financial assistance for some people to receive treatment overseas where it is not available in Australia. However the Australian medical profession needs to accept it as a standard form of treatment for the applicant’s condition.

Since January 2009 my Department has received and assessed four applications for assistance though the MTO Program for families to travel to Graz, Austria, to attend the tube weaning program at the University of Graz Children’s Hospital. It is currently assessing two new applications.

The Government is committed to improving the flexibility and efficiency of the Australian health care system. That is why we reached an historic agreement at the Council of Australian Governments, with the exception of Western Australia, on health and hospitals reform—the establishment of a National Health and Hospitals Network. This represents the most significant reform to Australia’s health and hospitals system since the introduction of Medicare, and one of the largest reforms to service delivery in the history of the Federation. These reforms will deliver better health and hospitals by:

- providing more doctors, more nurses and more hospital beds;
- helping patients receive more seamless care across sectors of the health system;
- improving the quality of care patients receive through high-performance standards and improved engagement of local clinicians; and
- providing a secure funding base for health and hospitals into the future.

The Gillard Government is investing an additional $7.4 billion to implement these reforms, including:

- measures to tackle the key pressure points in our public hospitals, including quicker access to emergency departments and elective surgery waiting times;
- over 1,300 new sub-acute care beds to support rehabilitation, palliative care and mental health services;
- 2,500 additional aged care beds to provide the right care at the right time;
- more training places for GPs and specialists and locum relief for rural nurses and allied health professionals;
- more support for nurses, particularly in aged care and general practice;
- an expansion of GP and primary health care infrastructure, and better access to after-hours primary care;
- transforming the way in which Australians with long-term illness are treated—starting with people living with diabetes—through voluntary coordinated care arrangements;
- new investments in mental health, including help for 20,000 extra young people to get access to mental health services;
- a nationally consistent aged care system providing extra places, better access to services, and stronger choice and protections for older Australians;
- a personally controlled electronic health record system; and
- new investments in prevention, including tough new action to tackle smoking.

These reforms and investments will drive major improvements in service delivery and the Gillard Government will continue to work closely with the states and territories and stakeholders to implement these reforms to ensure better health outcomes for Australians.

I trust that the above information is of assistance.
from the Minister for Health and Ageing, Ms Roxon

Human Rights: Falun Gong

Dear Mrs Irwin

Thank you for your letter of 22 June 2010 referring a petition submitted for the consideration of the Standing Committee on Petitions about the persecution of Falun Gong practitioners in China. In accordance with Standing Order 209(b), my response is as follows.

The Australian Government has long held concerns about the treatment of Falun Gong practitioners in China. While the Government takes no position on Falun Gong beliefs, it considers that China’s ban on Falun Gong and the treatment of its practitioners are in breach of international human rights standards.

The Government has consistently raised these concerns with the Chinese authorities. Senior officials of the Department of Foreign Affairs and Trade have also raised Australia’s concerns about the treatment of Falun Gong practitioners through diplomatic channels in Canberra and Beijing, and during the Australia-China Human Rights Dialogue, the most recent round of which took place in Canberra in February 2009. We expect the next round to take place in China in 2010.

We are also aware of Falun Gong-related claims of organ harvesting. If true, these reports would be very disturbing. China has denied the allegations and the information we have seen so far is inconclusive.

The Government will continue to raise its concerns on the treatment of Falun Gong practitioners in China with Chinese authorities.

from the former Minister for Foreign Affairs, Mr Stephen Smith

Live Animal Exports

Dear Mrs Irwin

I write in response to the letter from Ms Julia Irwin MP, former Chair of the House of Representatives Standing Committee on Petitions, of 22 June 2010, to the Hon. Simon Crean MP, former Minister for Trade, about a petition calling on the Australian Government to end the export of live animals. It was forwarded to the Hon. Tony Burke MP, the then Minister for Agriculture, Fisheries and Forestry. Senator the Hon. Joe Ludwig, who was appointed portfolio minister on 11 September 2010, is now responsible for the matters you raise. Minister Ludwig has asked me to reply to your correspondence on his behalf. I regret the delay in responding.

The export sector is an important part of a vibrant and growing livestock industry. Its earnings reached a total of $996.5 million in 2009, underpinning employment of around 10 000 people in rural and regional Australia.

The government recognises that the sector faces challenges and responsibilities different from those in some other export industries. Being part of the international live export trade means Australia can help improve the way it operates—benefiting not just our animals but those from other countries as well. The government and those involved in the live export trade are continuing to work on improvements throughout the supply chain.

From the beginning of 2008, the government approved projects worth more than $2.4 million under the Live Animal Trade Program to further improve animal welfare in importing countries in the Middle East, North Africa and Asia. For example, the program has supported upgrades in livestock facilities in the Middle East and Asia so that they meet international animal welfare guidelines.

The former minister announced the three-year $3.2 million Live Trade Animal Welfare Partnership in 2009. Projects under this program are funded in equal parts by the government and Australia’s livestock export industry. On 10 March 2010 the government announced funding for three new projects worth around $1 million in total under the program. On 15 October 2010, Minister Ludwig announced further funding for four projects worth around $1.1 million in total under the program.

The government has consulted scientists and animal welfare organisations like the RSPCA in developing the Australian Standards for the Export of Livestock (ASEL). They are regularly updated and are available at www.daff.gov.au/livestockexportstandards.
Several measures are in place to ensure transparency in Australia’s live export trade. All livestock exporters must hold a livestock export licence issued under the Australian Meat and Live-stock Industry Act 1997. Under the ASEL all vessels carrying livestock must be accompanied by an accredited Australian stockperson and for all voyages to or through the Middle East a government accredited veterinarian must also be on-board. For all voyages the on-board stockperson or veterinarian must provide a comprehensive end of voyage report on livestock health and welfare during the journey. For voyages of 10 days or longer they must also provide daily reports.

In addition the master of the vessel is required to submit a report on the outcome of the voyage to Australian Maritime Safety Authority (AMSA). AMSA and BSG investigate all consignments which record mortalities above a certain threshold, and a report on voyage outcomes is tabled in each House of Parliament every six months.

The government acknowledges that some people would prefer Australia to export meat rather than live animals. However, a 2008 report from the Australian Bureau of Agricultural and Resource Economics concluded that restrictions on the export of live animals would not increase sales of chilled beef, veal or sheep meat. Instead, the countries involved would be likely to source live animals from elsewhere. The report is available at www.abare.gov.au/publications_html/livestock/livestock 08/LiveExports.pdf. Further information on the live animal trade is available on the Department of Agriculture, Fisheries and Forestry website at www.daff.gov.au/livetrade.

I note that, when the committee has considered this response, it will be presented in the House and posted on the committee’s website.

Thank you for providing the government with a copy of the terms of the petition. I trust this information is of assistance.

from the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig

Human Rights: Falun Gong

Dear Mrs Irwin

Thank you for your letter of 22 June 2010 referring seven petitions submitted for the consideration of the Standing Committee on Petitions about the persecution of Falun Gong practitioners in China. In accordance with Standing Order 209(b), my response is as follows.

The Australian Government has long held concerns about the treatment of Falun Gong practitioners in China. While the Government takes no position on Falun Gong beliefs, it considers that China’s ban on Falun Gong and the treatment of its practitioners are in breach of international human rights standards.

The Government has consistently raised these concerns with the Chinese authorities. Senior officials of the Department of Foreign Affairs and Trade have raised Australia’s concerns about the treatment of Falun Gong practitioners through diplomatic channels in Canberra and Beijing, and during the Australia-China Human Rights Dialogue, the most recent round of which took place in Canberra in February 2009. We expect the next round to take place in China in 2010.

Regarding legal actions against Chinese leaders, the Government believes that engagement with China is the best way to support improvement in human rights in that country. I am aware of cases in Australian courts brought by Falun Gong practitioners against Chinese officials or former officials. These cases are ongoing and it is not appropriate for me to comment further on matters that are currently before the courts.

Cases of Australians who find themselves in trouble overseas are usually dealt with as consular matters. The Australian Government takes seriously its responsibility to assist Australians overseas. However, we are obliged to respect the judicial sovereignty of other countries, just as we expect them to respect ours.

We are also aware of Falun Gong-related claims of organ harvesting. If true, these reports would be very disturbing. China has denied the allegations and the information we have seen so far is inconclusive.

The Government will continue to raise its concerns on the treatment of Falun Gong practitioners in China with Chinese authorities.

from the former Minister for Foreign Affairs, Mr Stephen Smith
Pharmaceutical Benefits Scheme

Dear Mrs Irwin

I refer to a letter of 22 June 2010 from the then Chair of the Standing Committee on Petitions, Mrs Julia Irwin, regarding a petition submitted to the Standing Committee on Petitions for the funding of SOLIRIS® (eculizumab) for the treatment of paroxysmal nocturnal haemoglobinuria (PNH) through the Life Saving Drugs Program (LSDP). I apologise for the delay in responding.

The LSDP provides subsidised access for eligible patients to expensive and life saving drugs for serious and rare medical conditions. There are no alternative drugs or suitable therapeutic options for the conditions treated under the LSDP.

The Pharmaceutical Benefits Advisory Committee (PBAC), an independent expert advisory committee, considered a submission for the funding of SOLIRIS through the LSDP in March 2009. While the PBAC did recommend that SOLIRIS be considered by the Australian Government for inclusion on the LSDP, it also noted a number of uncertainties in the evidence about the drug. These included doubts on the extent that SOLIRIS extends life compared to best supportive care, and the size of the benefit in reducing the incidence of blood clots, which is a serious component of the disease.

In light of the uncertainty associated with the effectiveness of SOLIRIS, I made an urgent request for further advice from the PBAC on the merits of SOLIRIS being funded through the LSDP.

On 13 August 2010, the PBAC made a recommendation to the Government to consider the funding of SOLIRIS through the LSDP for the treatment of PNH.

Further details on this recommendation are available from my Department’s website at www.health.gov.au/internet/main/publishing.nsf/Content/pbac-outcomes-by-meeting

While the PBAC has recommended SOLIRIS for subsidy through the LSDP, there are a number of steps that must be completed before the drug can be considered by the Government. These steps include establishing a Disease Advisory Committee to finalise eligibility and continuation criteria, and funding arrangement negotiations with the sponsor, Alexion Pharmaceuticals.

A PNH Disease Advisory Committee has now been established and will be chaired by Professor Jeffrey Szer.

My Department is working with Professor Szer and the sponsor to progress this work as quickly as possible.

I trust that the above information is of assistance.

from the Minister for Health and Ageing,
Ms Roxon

Wandering Trad

Dear Mrs Irwin

Thank you for the letter of 28 June 2010 from the former Chair of the Standing Committee on Petitions to the Hon. Tony Burke MP, Minister for Agriculture, Fisheries and Forestry, about a petition on the weed, wandering trad (Tradescantia albiflora). This petition was presented by the Member for La Trobe on 24 June 2010. Minister Burke has asked me to reply on his behalf. I regret the delay in responding.

The Australian Government recognises that weeds are a significant problem for farmers, the community and the environment and works closely with stakeholders to improve and support national solutions to manage their impact.

The petitioners’ request that the House of Representatives restore government funding for wandering trad control relates to the previous government’s commitment in late 2007 to fund a three-year CSIRO biological control project targeting this weed through the Defeating the Weed Menace program. The Defeating the Weed Menace program ended in June 2008. The government has established a National Weeds and Productivity Research program, administered by the Rural Industries Research and Development Corporation. More information is available at www.rirdc.gov.au.

On the petitioners’ request that the House of Representatives implement an Australia-wide strategy to combat wandering trad, Minister Burke recently announced $6 million in funding to support the Australian Weeds Strategy over the next three years. One of the objectives of this strategy is to prevent the spread of weeds.
I enclose more information on the government’s role in weed management.

Thank you for raising the Member for La Trobe’s concerns. I trust this information is of assistance.

**Australian Government responsibilities for weed management and research in relation to wandering trad**

Australian Government responsibilities for weed management include international border protection, import and export of plant material, and management of Commonwealth lands such as defence establishments and Commonwealth national parks. Across the country, the day-to-day management of weeds is primarily the responsibility of state and territory governments and individual landholders.

The Natural Resource Management Ministerial Council and the Primary Industries Ministerial Council and their subordinate committees the National Biosecurity Committee and the Australian Weeds Committee provide the practical mechanism for federal agreement on responsibilities and funding for better weed management. The Australian Weeds Strategy (2007)—developed by the Australian Weeds Committee for the Natural Resource Ministerial Council—provides a framework to establish consistent weed guidelines and priorities across Australia.

In the area of weeds research, the government has delivered on its election commitment to provide $15.3 million over four years from July 2008 to establish a National Weeds and Productivity Research program. Through the first funding round of the program in 2008, the government identified biological control as one of its priority investment areas. Thirty-nine national weed research projects, worth $3.6 million in total, were funded including eleven CSIRO research projects and a variety of biological control projects; however, no proposals addressing wandering trad were received.

The Rural Industries Research and Development Corporation is consulting widely as it develops guidelines for the next stage of the research program. This will provide further opportunity for consideration of the merit of research into control of wandering trad over the next two years.

To support the Australian Weeds Strategy the government has recently announced $6 million over the next three years for coordination of priority actions including the Weeds of National Significance (WoNS) program. The WoNS are twenty weeds agreed in early 2000 by the Australian and all state and territory governments as the priority species for nationally coordinated action.

A national strategy for each WoNS species sets out best practice actions to manage the weed. WoNS coordinators champion the on-ground adoption and continued improvement of each national strategy across the country. The Australian Weeds Committee called for nominations of weeds to add to the list of WoNS in 2011 and beyond. This will provide an opportunity for consideration by all states and territories of nominating wandering trad as a candidate species for WoNS coordination.

from the **Minister for Agriculture, Fisheries and Forestry, Senator Ludwig**

**Statements**

Mr MURPHY (Reid) (10.09 am)—I wanted to take this opportunity today to speak about petitioning more generally for the information of newer members and the general public.

Petitioning has a long history in the Australian parliament, having been part of the operations of this House since Federation, and having an even longer history in Westminster, dating from the time of King Edward I, who reigned at the turn of the 14th century.

Petitioning is the only way members of the public can directly interact with the House, and the Petitions Committee serves as a conduit between the community and the parliament for the purposes of petitioning. It does not seek to promote or de-emphasise individual petitions, but assists their passage through the House, and provides authority for requests to ministers for responses to concerns raised in petitions.
It might be useful for the House if I outline some practical aspects of petitioning the House and the way the Petitions Committee participates in the process. In so doing I refer to the guidelines posted on the committee’s webpage titled ‘Petitioning the House of Representatives’. These guidelines are based on the standing orders of the House.

Essentially, petitions need to be in a particular format and addressed to the House, and refer to a matter over which the House has power to act.

Petitions should state the reasons for petitioning the House, and contain a request for action by the House. The reasons and request are known as the terms of a petition.

Beyond this, the terms of petitions should be no more than 250 words, and must not be illegal or promote illegal acts.

Petitions must be in English, or be accompanied by a certified translation. No letters, affidavits or other documents can be attached, and these are returned to the principal petitioner.

It is also important that every petition contain the signature and full name and address of a principal petitioner on the first page of the petition. The principal petitioner is generally responsible for organising the petition and receives correspondence from the committee, and relevant minister if the minister provides a response.

All signatures must be original—not copied, pasted or transferred—and each signature must be made by the person signing in their own handwriting, except where a person who cannot sign asks another person to do so on their behalf.

Against these parameters, the committee makes determinations on whether petitions it receives—directly from petitioners or from members—are in or out of order for the purposes of the House. In this we are governed by standing orders that I have summarised.

But there is also a wider vision. Petitions are one way to counter disengagement: intermediaries are stripped away, and people can make a direct connection to the House.

And it is in many ways truly a more direct connection. One of the great successes since the introduction of the Petitions Committee in 2008 is an increase in ministerial responses to petitions. In the 41st Parliament, before the committee was introduced, the response rate was less than one per cent. This was raised to approximately 60 per cent following the introduction of the committee. This is a truly remarkable increase in three short years.

Finally, increasingly petitioners are in contact with the committee and its secretariat in order to check that proposed petitions fall within the parameters set by standing orders. This has led to a greater number of petitions being found in order, and a rising confidence in the community that the concerns voiced in petitions can indeed be heard by this House.

COMMITTEES
Regional Australia Committee

Mr WINDSOR (New England) (10.12 am)—On behalf of the Standing Committee on Regional Australia I wish to make a statement concerning the committee’s inquiry into the impact of the Murray-Darling Basin Plan in Regional Australia. On 28 October the Minister for Regional Australia, Regional Development and Local Government, the Hon. Simon Crean, determined that an inquiry of the newly formed regional Australia committee would look into various aspects of the proposed plan in relation to the Murray-Darling catchment. As most members, if not all, would be aware, this is a very important food producing asset that we have in the eastern part of Australia. It intersects
four states and has been part of various discussions for decades now in terms of some of the issues that revolve around the passage of the Murray and the Darling systems through four states and then out into the ocean at the Murray mouth. There have been a number of discussions over many years trying to wrestle with the various issues—usage issues, allocation issues and river health and environmental issues.

I thank the members who are going to have their time taken up in being on the committee, some of whom are in the chamber at the moment—and the deputy chair, the member for Braddon, will be speaking shortly. I thank those committee members for their involvement. I think they are adopting the correct mindset in relation to this issue. We have a unique opportunity, given the nature of this hung parliament, to actually design a solution. The multiparty committee—comprising Labor, Liberal, National and Independent members—will be able to look at all areas including socioeconomic issues, the impacts on communities and the various problems within specific valleys. Given the urgency of this particular issue, many members will give up time in January to travel throughout the system not only to conduct hearings but also to look at some of the very important aspects of the Murray-Darling system.

We believe that there are solutions out there that need to be looked at and, given the concerns that have been expressed by the community about the Murray-Darling Basin Authority guide, we are confident that, given the nature of the committee, many of the concerns can be placated. The committee looks forward to resolving what is a longstanding issue, one that both sides of parliament have wrestled with over many years. We now have a unique opportunity. The executive arm of government does not have total control in this particular parliament, and the members of this committee, most of whose electorates lie within the catchment itself, have a real opportunity to come together and design a plan that can be proposed at the end of the committee hearings. Hopefully that plan can be taken on board by the executive, by the minister for regional Australia, Regional Development and Local Government, and by the Minister for Sustainability, Environment, Water, Population and Communities.

The secretariat has called for submissions in relation to this, and I would encourage people to be involved. I know a lot of the people who have been to meetings feel as though there is a foregone conclusion in relation to the various numbers that are outlined in the Murray-Darling Basin Authority’s guide. However, the Murray-Darling Basin Authority in a sense has no real authority. It is the parliament that has the authority. As I have said, the committee will be made up of members from across the spectrum in the parliament, and both the minister for regional Australia and the minister for the environment, as well as the Prime Minister, have said to me that they are keen to see this issue resolved. I think that it is this parliament that may be able to do it.

Committee members will travel throughout the basin area during January, hearings will be held between February and April and a report should come down in either April or May, although that deadline is extendable if necessary. Many people from across the basin have contacted me—and, I believe, other members of the committee—putting forward various suggestions to enhance the environmental health of the Murray-Darling system as well as for mitigating the socioeconomic effects of the guide’s proposed cutbacks on certain communities. A lot of the work of the committee will be to look at those impacts on communities.
The recommendations currently in place are only a guide. They are not even a draft. They are definitely not a plan and they are not legislation but, if those current recommendations were to be put in place, we need to ask what impacts they would have on those communities. Where those impacts have been shown, we really need to drill down to find out whether there are other solutions to the problem—for example, through water use efficiency or evaporative savings. There are a whole range of other issues out there, many of which are within specific valleys. A specific issue that needs to be addressed is the finding of solutions to problems of river health within specific valleys given the water reductions that have been advised.

Given that we are short on time I will leave my statement there and ask the deputy chair to say a few words. To all those out there who may be listening to this statement, including the press, I would urge them to consider that this is probably one of the biggest issues this parliament will deal with—and it has wrestled with the problem for many decades. But I would ask people to actually look at the positive sides of this: that we should look forward to resolving the issue of socioeconomic impacts on those people—irrigators as well as other people impacted by the current health of the river system—who have invested heavily in their communities. I believe there is a solution there and I think we should take this opportunity, given the nature of this particular parliament, to work constructively to deliver a solution to the parliament and the various ministers so that this issue can be put to bed once and for all.

Mr SIDEBOTTOM (Braddon) (10.21 am)—I thank the member for New England for his comments, endorse his statements and congratulate him on being appointed Chair of the Standing Committee on Regional Australia. I congratulate all the other members of the committee on their appointments. I want to reinforce what the member for New England had to say about the committee and the terms of inquiry. There is a belief that the proposed guide from the Murray-Darling Authority is set in stone. The member for New England is absolutely correct: this parliament will make its recommendations on that guide and its impact, environmentally, socially and economically.

The concern that the member raised is probably best expressed in a Crikey submission from Andrew Campbell, who wrote on 16 November:

The lack of buy-in to the draft Basin Plan among affected communities is palpable. The feeling that decisions that will affect lives and businesses are being made remotely, without a fine-grained understanding of local impacts or local solutions, is widespread across the Basin. Even among people who accept that the Basin is not a magic pudding, and that decades of over-allocation need to be corrected in the interests of long-term water security and river health, there is a strong perception that the plan is a done deal, that consultation processes are cosmetic, and that legitimate social and equity concerns are not being taken seriously.

That is the end of the quote.

As the member for New England said, and as was reiterated in a joint ministerial press release on 14 October by the Minister for Agriculture, Fisheries and Forestry, the Minister for Regional Australia, Regional Development and Local Government and the Minister for Sustainability, Environment, Water, Population and Communities—Senator Ludwig, Minister Crean and Minister Burke—the intention is that this inquiry will look at and take notice of those people who have something to say about the economic and social effects of this guide. And a guide it is, and that was reiterated by Minister Burke.
I hope that the people of the Murray-Darling and all those interested in these very important questions will take heart from who is on this committee. There is a vast amount of experience and a great deal of interest in the Murray-Darling region among its members. The member chairing the committee, the member for New England, Tony Windsor, has been in this place since 2001 and in the New South Wales assembly for 10 years before that and is well known throughout Australia for his interest in matters to do with agriculture and the environment and other rural and regional issues.

The member at the table at the moment, the member for Farrer, Susan Ley, is from the area of Albury in New South Wales and is a passionate advocate of her region. She works to get the balance right and advocates by representing people and listening to their views. My colleague the member for Capricornia from Queensland, Kirsten Livermore, has been in this parliament since 1998. She is another passionate advocate of rural and regional Australia with a great deal of interest in this area.

Michael McCormack, the member for Riverina, is from the National Party. Michael has a long history of being interested in issues that affect his community, working through his media and publications to help. That is why he is in this House: to represent those people. Then there is Rob Mitchell, the member for McEwen from Victoria; Dan Tehan, the member for Wannon in Victoria; Craig Thomson, the current Chair of the House of Representatives Standing Committee on Economics; Dr Sharman Stone, the member for Murray; Patrick Secker, the member for Barker in South Australia; and I. We all have long histories of interest in matters rural and regional. We want to hear. We want to listen. And we will take notice.

The SPEAKER—Order! The time allotted for this discussion has now expired.

COMPETITION AND CONSUMER (PRICE SIGNALLING) AMENDMENT BILL 2010
First Reading
Bill and explanatory memorandum presented by Mr Billson.

Mr BILLSON (Dunkley) (10.26 am)—Our big banks are the Beatles of the Australian economy. Like the Fab 4 lads from Liverpool, our banks are fabulously successful, globally significant and likely to touch the lives of most of us in some way. Just like each of the four Beatles, any one of the big four banks can lead with the lyrics. For a live performance, the band members recognise the cue or opening note, know the tunes spontaneously and quickly catch on to play with perfect tempo and rhythm and sing with marvelous harmony, particularly for the chorus. While this kind of planning, synchronicity and performance may well be remarkable in a Beatles concert, it is untenable between competitors in a market economy. Concert performance in an entertainment context for the joy of audiences becomes concerted practice in the economy to the detriment of consumers and workably competitive markets.

Concerted practices have been recognised by the European Commission in order to deal with collusive situations where firms have not explicitly agreed with each other but embark on practices which have the effect or the object of distorting competition. The European Court in the sugar cartel case defined the concept of ‘concerted practice’ as ‘a form of coordination between undertakings which, without having been taken to the stage where an agreement properly so-called has been concluded, knowingly substitutes for the risks of competition’. The court found this kind of practical cooperation particularly
repugnant if it enabled the businesses concerned to consolidate established positions to the detriment of effective freedom of movement of the products in the market and of the freedom of consumers to choose their suppliers. We have no such equivalent law in Australia.

Currently, price signalling is not covered by the existing cartel prohibitions of the Trade Practices Act in the absence of an understanding between the parties. This means that the courts in Australia need to find some form of commitment to act in a particular way with the purpose or effect of substantially lessening competition for illegality to be found. The ACCC has previously recommended changes to the law to redefine what amounts to an understanding to address the requirements of commitment demanded by the courts. The ACCC’s 2007 report into the price of unleaded petrol identified how the current trade practices law was unable to deal with the coordination of pricing between competitors in the absence of an arrangement or understanding to act on this information. The commission recommended changes to the law to redefine ‘understanding’ and in its March 2008 response the Labor government said that it would give careful consideration to the ACCC’s proposed amendments to the Trade Practices Act.

In early 2009, Treasury produced a discussion paper on the meaning of ‘understanding’, and more than a dozen submissions were received. Inadequate powers to tackle price coordination and the absence of US or EU style competition tools which treat price signalling as cartel style behaviour were again identified by the ACCC as a concern when it opposed Caltex’s mid-2009 plan to purchase more than 300 Mobil retail outlets.

There have been lots of calls from the ACCC for action over many years, but no sign of any kind of substantive, considered and constructive policy response from the Labor government. As recently as August this year the ACCC Commissioner Dr Jill Walker was making the case about this ‘gap in the law’ and how it needed to be addressed by:

… a European type prohibition against facilitating or concerted practices to directly target the practices of concern.

This ‘gap in the law’ has taken on a particular salience given the current vigorous debate about the state of competition in the banking sector and interest rate movements.

In an article from the 4 November 2009 edition of the *Australian* headed ‘ANZ shift on plan to stick with RBA’, the widely reported comments by ANZ chief executive, Mike Smith, that he would be ‘reluctant’ to increase home loan rates over and above the RBA’s rate increases, were reiterated. What was more significant, in the context of this bill, was the article’s report of Mr Smith’s subsequent clarifying remarks at the bank’s annual profit announcement that if other banks moved their rates outside moves by the RBA he would not be, and I quote: ‘stuck on my own.’ These remarks were extraordinary. Earlier in the same month, the Treasurer, Wayne Swan, argued that there was ‘absolutely no justification’ for any move beyond the Reserve Bank’s in his now notorious and famously ineffective Captain Feathersword warnings to banks about gouging customers.

More significant though, were the reported remarks from the ACCC chairman, Graeme Samuel that he was worried that too many of the banks are out there signalling to each other and to the world at large that they are going to increase rates. Mr Samuel went on to characterise the kind of price signalling he was concerned about, as banks were:
… saying to their competitors, hey guys, if you lift your rates, we’re going to lift them too, so you don’t have to worry about it.

The result is the crabwalk of interest rate movements that leave borrowers and consumers wondering where the competition is, rate rises that seem to defy independent analysis of their justification and bewilderment at record profits results.

Anticompetitive comments like those from the ANZ chief are unwise and unbecoming, and may well be unlawful in the future if this bill is passed. The Shadow Treasurer, Joe Hockey, has outlined a nine-point plan to boost banking competition. This bill is a very clear and demonstrable example of action to back up that commitment. The anticompetitive facilitating, or concerted practice, that this bill addresses is known as price signalling. Anticompetitive price signalling is a facilitating practice by which corporations inform their rivals about price actions and intentions, so as to eliminate uncertainty about the price of their goods or services, thus reducing the inherent risks of competition which would normally be a feature of workably competitive markets.

Anticompetitive price signalling is engaged in with the hope, or even expectation, that competitors will reciprocate on the setting of the price and terms and conditions for their goods or services, although it does not require any commitment from them to do so. The effect of such behaviour will often be the same as prohibited conduct but is said by the ACCC to currently not be captured by existing provisions. The parliament needs to act, not with words that are easily ignored, but with deeds.

This coalition private member’s bill seeks to establish a new head of power under which the ACCC would be able to investigate and seek penalties for price signalling that produces anticompetitive effects in the Australian market to the detriment of Australian consumers. The government has failed to address the price-signalling risk to consumers and the Australian economy where the current trade practices laws have been said time and time again by the ACCC to be unable to deal with this kind of conduct.

The bill creates new provisions to make anticompetitive price signalling unlawful and is designed to operate within the existing framework of the Trade Practices Act and to respond to those repeated calls from the ACCC for the parliament to address this gap in the Australian competition law toolkit. This conduct is unilateral and therefore cannot be dealt with under existing price-fixing prohibitions, where an understanding to exchange information that has the purpose, effect or likely effect of fixing, maintaining or controlling prices is required.

Importantly, the bill also recognises that some communication of price related information can at times be pro-competitive and beneficial for consumers. The ability to compare prices, to be aware of discounting or to be readily able to undertake market research to support purchasing decisions and to compare rival offers; all of this preserved by the provisions of this bill and protected because these are advantageous to consumers and are not anticompetitive.

As a result, unlawful price-signalling conduct is defined in the bill as needing to contain three elements specifically designed to ensure that pro-competitive and pro-consumer price related communication is not impeded by this bill. It seeks to ensure that the bill has key elements to focus on the anticompetitive conduct. It requires price related information to be communicated to a competitor for the purpose of inducing the competitor to vary its price, with the effect or likely effect of substantially lessening com-
petition. The bill makes it possible for a court to infer purpose on the basis of the conduct. This is the ‘if it looks like, walks like, squawks like and hangs out with ducks, it is fair enough for the court to infer that it is a duck’ reasoning. The substantially lessening competition test is a recognised threshold in the Trade Practices Act and has been selected to ensure that the anticompetitive effects manifested in identical prices or parallel price movements in competitive markets are captured. But for oligopolistic markets, those interdependent markets where there is a small number of big players and there are already competition deficits, it is open for the court to conclude that even a more modest anticompetitive infringement does amount to a substantial lessening of competition.

We have broadly defined communication, and the details are set out in the explanatory memorandum. But we have also explained that there are legitimate purposes, and in some cases lawful obligations, for companies to share information that might otherwise be captured by this bill. This is where we are talking about information that is already in the public domain, where that has been re-packaged or rebroadcast, where it is relating to internal discussions, where customers might also be competitors and also where there is a lawful obligation to provide that information.

The bill is responsive to the gap in the law the ACCC has consistently identified and the government has failed to address. I call on the government to pick up this bill in the interest of consumers. It actually gives the Treasurer a practical example of what he should be doing and what he has failed to do. He should pick up this bill. It would look like he has some authority and some commitment to tackle anticompetitive price signalling in Australia.

Bill read a first time.
Ordered that the second reading be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS
Climate Change
Mr MURPHY (Reid) (10.37 am)—I move:
That this House acknowledges that climate change is:
(1) real; and
(2) human-induced.

Mr MURPHY—Mr Deputy Speaker, as you know, I have been speaking for many years in parliament on the need to take urgent action in relation to climate change. In 2003, one of the hottest summers on record, a health crisis occurred in Europe in which an estimated 40,000 people died from heat stress. In France, 14,802 heat related deaths were recorded in that summer of extremes, mostly amongst the young, the sick and the elderly, unable to cope with the extreme temperatures.

The terrible year of 2003 brought some of the highest temperatures on record, yet 2006 saw another heatwave, with the warmest July since the first official records, in the Netherlands, Belgium, Germany, Ireland and the United Kingdom. And in this year, even more records were broken, with the period from April to June being the warmest ever recorded for land areas in the Northern Hemisphere. Not only is the evidence for global warming ever strengthened but there are also the less well recognised threats of rising sea levels, caused by melting ice and the thermal expansion of seawater, and ocean acidification, caused by the dissolution of carbon dioxide gas.

The global warming problem can be separated into three distinct issues: measurements, causes and consequences. The first issue, measurements, is the collection of ob-
servations carried out over decades that show a clear warming trend. In particular, NASA has recently issued the following findings: (1) that the decade January 2000 to December 2009 was the warmest on record; (2) that the most recent annual Arctic Sea ice coverage minimum, a strong indicator of arctic temperatures, was the second lowest in satellite observations; and (3) that the land ice sheets on Greenland and Antarctica are both losing ice and that Antarctica has been losing 100 cubic kilometres of ice per year, while other reports show that Greenland is losing 200 cubic kilometres of ice per year.

The British Met Office and the US National Oceanic and Atmospheric Administration’s recent combined report entitled State of the climate also warns unequivocally that the world is warming and has been for the last three decades. The report states, firstly:

… the first six months of this year were the hottest on record.

Secondly:

… “variability” in different regions, such as the cold winter in Britain, does not mean the rest of the world is not warming.

And thirdly, that greenhouse gases are the glaringly obvious cause of the 0.56 degrees warming over the last 50 years. The CSIRO, in its own recent State of the climate report, states that (1) the mean temperature in Australia has increased by about 0.7 degrees since 1960; (2) the decade 2000-2009 has been the warmest on record; and (3) the geographic distribution of rainfall has changed significantly over the last 50 years and rainfall has decreased in the south-east and south-west. The CSIRO report concludes that there is a nine out of 10 chance that the warming observed since 1950 has been driven by greenhouse gas emissions.

The second issue relating to global warming is the identification of the factor or factors causing this phenomenon. As reported recently in New Scientist, Aradhna Tripati and her colleagues at the University of California, Los Angeles, have found that the chemical composition of fossil shells is linked to atmospheric carbon dioxide concentrations and have been able to reliably reconstruct the levels of atmospheric carbon dioxide for the last 20 million years. This and other studies have shown that carbon dioxide is a principal influence in controlling the earth’s climate and, in particular, these investigations provide an insight into the sensitivity of the climate to changing atmospheric carbon dioxide levels.

Climate sensitivity to atmospheric carbon dioxide levels is defined as ‘the effect on mean global temperatures of the doubling of atmospheric carbon dioxide levels’. Richard Alley, of Pennsylvania State University, reports that a climate sensitivity figure of three degrees, also supported by the Intergovernmental Panel on Climate Change, is in accord with the available data. Although many details remain to be settled, the evidence is now very clear: if we double the pre-industrial level of carbon dioxide of around 280 parts per million we can expect a rise in global temperatures of three degrees in the short term and possibly as much as seven degrees over the centuries to follow.

The third issue regarding global warming is the predicted consequences of the continued emission of carbon dioxide into the atmosphere. Although the fossil evidence is clear, predictions of climate change over the next few decades have to rely upon mathematical models that simulate the complex processes that drive the climate. When climatologists add the well-understood effects of atmospheric carbon dioxide levels into these models they see results that are in accord with observations. It is this agreement of model calculations with real-world conditions that gives confidence that the predic-
tions of future warming are essentially correct.

There are two other serious problems that do not depend upon theoretical studies or fossil evidence to raise an alarm. The first concern is the increase in sea levels brought about by the simple physical processes of the thermal expansion of seawater and the melting of glacial and polar ice. According to the CSIRO, from 1870 to 2007, global average sea levels have risen by close to 200 millimetres, at an average rate of 1.7 millimetres during most of the 20th century and at an accelerating rate, corresponding to increasing global average temperatures of three millimetres between 1993 and 2009.

The CSIRO Division of Marine and Atmospheric Research warns: ‘Worldwide, in excess of 150 million people live within one metre of the current high-tide level and a further 250 million people live within five metres of the high tide.’ Recent observations from satellites and tide gauges show that the increase in sea levels is tracking close to the maximum forecast issued by the Intergovernmental Panel on Climate Change in 2001 and will lead to an estimated global average rise of 880 millimetres above 1990 levels by 2100. There is sufficient heat accumulated in the atmosphere and oceans that make it virtually certain that millions of people will be flooded from their homes over the coming decades.

Another concern is the acidification of sea water caused by the dissolution of carbon dioxide gas into the oceans. Measurements show that approximately one-third of the carbon dioxide gas that has been released by the burning of fossil fuels since the industrial revolution has dissolved in sea water, and this dissolved carbon dioxide gas is causing the ocean waters to become increasingly acidic. A high-school chemistry textbook will tell you that when carbon dioxide gas dissolves in water it will react with the water to produce carbonic acid, which partly dissociates to form carbonate, bicarbonate and hydrogen ions. Hydrogen ions are found in all aqueous solutions of acids, and the acidity of a solution is determined by the concentration of hydrogen ions. This concentration is usually expressed as pH, which for complex reasons is found to be seven in neutral solutions, greater than seven in alkaline solutions and less than seven in acidic solutions.

Sea water is normally slightly alkaline, and across the planet the pH of the surface layers of sea water—which are the habitat of most sea creatures—have become more acidic by 0.12 pH units since the beginning of the industrial revolution, so that the pH of surface layers of sea water is now approximately 8.1. This increase in acidity of the surface layers of ocean water of 0.12 pH units actually represents an increase of 30 per cent, or nearly a one-third increase, in the acidity of ocean waters.

In November 2008, scientists from the CSIRO and the University of New South Wales published a paper that reported on seasonal changes in carbonate and ocean acidity. The scientists found that the level of acidification where the shells of important plankton organisms start to dissolve corresponds with an atmospheric concentration of 450 parts per million. As of September 2010 the concentration of atmospheric carbon dioxide had reached 386 parts per million and was increasing at an annual rate of two parts per million.

At this rate, we shall see the tipping point of the acidification of ocean ecosystems by no later than 2040, if not sooner. Dr Ben McNeil, senior research fellow at the University of New South Wales Climate Change Research Centre, warned that, because vulnerable organisms such as pteropods are at the bottom of the food chain, ocean acidifi-
cation could lead to large-scale ecosystem changes affecting not just plankton but other marine life including fish, whales and dolphins. Dr McNeil went on to warn that, right now, we do not really know the ramifications of these changes. I would submit today that they would be extremely serious. Acidification of sea water by carbon dioxide emissions is putting at risk entire ocean ecosystems, and humans will not be immune to the consequences of a collapse. Such an event would be an extraordinary disaster, the more so since we will have been forewarned well in advance.

Finally, the strength of the evidence of human responsibility for global warming, ocean acidification and rapidly rising sea levels is now well beyond reasonable doubt. Such is the magnitude of these threats that urgent action to greatly reduce carbon dioxide emissions is absolutely essential.

The DEPUTY SPEAKER (Hon. BC Scott)—I call for a seconder to the member’s motion.

Dr LEIGH (Fraser) (10.47 am)—I second the motion. ‘We are playing Russian roulette with features of the planet’s atmosphere that will profoundly impact generations to come. How long are we willing to gamble?’ These are not my words but the word of David Suzuki, well-known scientist and academic. Do these words have relevance in this 43rd Parliament? That is the answer those opposite must provide, the test by which they will be measured.

The science behind climate change is not new; it has not recently emerged. It is based on a body of science over 100 years old. Governments and policymakers for the past 21 years have been provided with an assessment of the state of knowledge in global climate change science by the Intergovernmental Panel on Climate Change. The 2007 Fourth Assessment Report of the IPCC, a report based on the work of more than 1,250 scientists from 130 countries, the national academies of sciences of each of the Group of Eight countries along with those of India, Brazil and China, plus our own national Academy of Science, agree with the conclusion that global warming is likely caused by us.

Much has been made of two minor errors in the 2007 IPCC report. But these errors are minor, did not affect the overall findings and went to the effects of climate change, not whether it is occurring, which is the question we are debating today. As the Royal Society wrote:

There is no greater uncertainty about future temperature increases now than the Royal Society had previously indicated.

The science remains the same, as do the uncertainties.

There is strong evidence that changes in greenhouse gas concentrations due to human activity are the main cause of the global warming that has taken place over the past half century.

Some who do not accept the overwhelming body of science point to the uncertainties. As Professor Will Steffen has noted, climate scientists are now 100 per cent certain that the world is warming and 95 per cent sure that humans are the primary cause.

A balanced assessment of the available evidence and prior knowledge allows levels of confidence to be attached to scientific findings. Just as we know that asbestos is very likely to cause malignant mesothelioma and bad cholesterol is very likely to increase the risk of a heart attack, we know that society’s greenhouse gas emissions are very likely causing global warming. Just imagine that you had a sick child, and 95 out of 100 doctors told you that the child needed a life-saving drug. Would you really follow the advice of the other five doctors?
To those who disagree with the overwhelming scientific consensus on human induced climate change, I lay down this challenge. Today is the day for you to get on the record. When the next generation looks back to this debate, I want them to know what I stand for. And I want them to know what you stand against. In the words of Rupert Murdoch:

Climate change poses clear, catastrophic threats. We may not agree on the extent, but we certainly can’t afford the risk of inaction.

The risk of inaction is too high.

I wish to place on record my thanks to Shobaz Kandola, my adviser, for his assistance in this speech and to acknowledge the presence in the public gallery today of my friend Macgregor Duncan, who works for Better Place, an electric car company.

Climate change is a problem which has been caused by us and by our parents. It is a problem whose effects will be felt by our children and their children. It is right, it is just and it is the honourable course for us to begin to make amends for our actions. The costs should be ours to bear; the benefits reaped by our children. The science informs us that there is a problem. Scientists tell us that action must be taken. The economics makes it clear that the cost of inaction is too high. Economists advise us that the sooner we act, the less the cost.

To act on climate change is to invest for the present and for the future. We will recoup the costs. We will all prosper. To act on climate change is to act in the national interest, to invest in our prosperity, in our wellbeing and in the health of the environment. Those who stand for inaction and those who do not accept the science stand against the national interest. Let us agree to this motion in unanimity, and let those opposite join with us and with the crossbenchers in a debate about the merits of action. Our parliament is fitting of such a debate and our nation deserving of a contest of ideas to help solve a great challenge facing Australia.

Mr HUNT (Flinders) (10.52 am)—May I congratulate the member for Reid on his most significant contribution in this House since the beef stroganoff incident. Let me begin by making this point. As desperately as the government seeks to make this an issue about either the science or the targets, there is not a dispute between the parties over the science or the targets in this House. There is a strong dispute as to what is the best mechanism to deal with this issue. The great question facing this House is not one of science, is not one of targets—both parties have official agreement on that. It is simply about whether or not we use an enormous impact on electricity pricing and the cost of living on mums and dads and pensioners and seniors as the mechanism to deal with the crisis, as the government would put it, or whether or not we use direct action in the form of abatement purchasing as a means of taking immediate steps. Our approach would begin on 1 July 2011. Our approach would have $300 million in the first year, $500 million in the second, $750 million in the third and $1 billion in the fourth, all identified, allocated, with clear, express dates and mechanisms. At that stage, for all of the talk from the government, there is no date for commencement, there is no policy to implement, there is no choice even between the carbon tax which the Prime Minister ruled out on 20 August or the emissions trading scheme which the Prime Minister had her predecessor drop in late April of this year. And there is no express policy other than an undetermined desire to drive up electricity prices. That is the reality of what this debate is and should be about.

Let me speak to the essence of this motion for a moment. It is inelegantly structured. Anybody could look at this motion and de-
termine that they could support it on the ba-

sis that they believe that changes in the cli-
mate were 100 per cent caused by humans,
although, as the member for Fraser repeat-
edly set out through qualifications in his
statement, he was not saying 100 per cent; or
0.1 per cent caused by humans even if one
were not to agree with, as I do, the theory of
greenhouse gases having an impact on cli-
mate. If one were to agree that urban heat
islands have an impact, however minuscule,
on global temperature, one could happily
support this motion even if one did not agree
with the notion that there is a greenhouse gas
effect. So this motion has a breadth of poten-
tial meaning. On our side our position as a
party is very clear. We support the concept of
a need to take action to reduce our emissions,
and that is why we share the same targets as
the government.

But I would also put in an important point
here, and that is that none of us in this place
should ever use our own positions as a
means for clamping down on free and open
debate in our society. People such as David
Suzuki take a contrary view on this debate. I
happen to disagree with him but I recognise
that he is a far better credentialled scientist
than I am. There are at least four million
Australians who take a different view, and
they should not be demonised, attacked or
pilloried. They should have a right to make
their argument free of attack or demonisa-
tion. I think that that is fundamental to what
we are here for. Let us debate the concept of
an merit. Let us not denounce, as I am
sure the member for Reid would not want to
do, people who come to a good-faith conclu-
sion on the basis of their own research. Our
position is not to argue on the science, not to
argue on the targets, but to put forward a
very different mechanism.

This debate in reality is about two differ-
ent approaches. Firstly it is about the elec-
tricity tax approach of the government. Let
us be absolutely clear that the scope, nature,
purpose and intent of what the government is
putting forward involve a massive hike in
electricity prices for mums and dads. The
reason they have used this form of debate on
this day is to attempt to walk away from the
issue of electricity pricing. Let me run
through the evidence. First, let us start with
the Garnaut report, which rightly and prop-
erly stresses that the very purpose of a car-
bon tax or an emissions trading scheme is to
pass through the costs of additional carbon
pricing on electricity to consumers. Professor
Garnaut at page 387 says:

… a major part, if not all of the costs faced by
electricity generators will be passed down the
chain from electricity generators, through dis-
tributors and retailers and finally to households
[through] higher prices for electricity.

But that theory can also be quantified in
terms of the costs, because in this House at
this dispatch box on 3 February the then
Prime Minister, Mr Rudd, citing Treasury
modelling, said that in 2011-12 electricity
prices would go up by seven per cent and
that in 2012-13 they would go up by 12 per
cent. That is a 19 per cent increase in the first
two years of the government scheme on elec-
tricity pricing over and above every other
impact.

The New South Wales Independent Pric-
ing and Regulatory Tribunal went further in
March of this year with its determination on
electricity price rise approvals. What it said
was that there would be over three years an
additional 25 per cent price increase ap-
proved not just for mums and dads and pen-
sioners but also for small business owners.
This was additional. So there can be no
doubt and no debate and no dispute that the
mechanism which the government is ulti-
ately proposing is an electricity price hike
for mums and dads and pensioners. If they
believe in that mechanism, they must argue
for it. They cannot pretend that the very
mechanism which was designed, intended, constructed, developed to increase electricity prices will not increase electricity prices. To do other than that is a sheer fabrication, lie and distortion. So the mechanism they have chosen, but for which they have not set a structure or a date, will increase electricity prices by 25 per cent over the first three years over and above all other elements.

I will go to a fourth piece of evidence on this, and that is the Port Jackson Partners report which was prepared last year for the Business Council of Australia. On page 122 it sets out a structure and a chart that shows the contributing elements to price rises in electricity over coming years. It shows that, yes, there would be non-ETS components: the cost of networks and the cost of increases in fuel. But it says that the additional element, on top of networks and fuel, that the emissions trading scheme proposed by the government would contribute would be a 60 per cent increase in wholesale prices and that would translate to a 24 per cent additional impact on consumer prices over three years. The evidence is clear, strong and unequivocal that the government’s approach would have a 24 to 25 per cent impact on consumer prices over and above all other elements within the first three years. Over an eight-year period we are looking at a doubling effect on consumer electricity prices for mums and dads, for pensioners, for seniors, for small business owners and for farmers as a direct consequence of the mechanism that the government has chosen.

Again, as was said by the member for Wentworth in relation to the NBN at this box last week, the government is confusing the ends and the means. By arguing for an end they say that only their means can be validated. That is false. There is a far different approach. Our approach is very simple: we believe that instead of chemotherapy there should be laser surgery. We want to put in place an abatement purchasing mechanism. It is a mechanism that has as its genesis the not perfect, but highly successful, New South Wales Greenhouse Gas Abatement Scheme. It is a scheme that seeks out the lowest cost abatement and is currently producing abatement at approximately $7.15 a tonne. It does that by finding abatement rather than by raising the price of every other element in our society. That is the scheme that we propose. That is the scheme that can directly reduce emissions and that is why there is a real debate in this country. It is not the issue that the government wants today. That is not at issue between the two parties. It is an issue between massively higher electricity prices and direct abatement.

Mr HAWKE (Mitchell) (11.02 am)—I join with my colleague the member for Flinders to chastise the clumsy nature of this motion. Indeed, it is a concern that a member in this place would bring a motion forward politicising a scientific area in such a way that would not really be to the benefit of that science.

To say that climate change is human induced is to overblow and overstate our role in the scheme of the universe quite completely over a long period of time. I note that the member for Fraser came in here today with a very strong view about how human beings have been the source of all change in the universe at all times. He has joined a long line of Labor backbenchers I have spoken about in this place before—amateur scientists, wannabe weather readers, people who want to read the weather, people who like to come in here and make the most grandiose predictions about all sorts of scientific matters without even a basic understanding of the periodic table, or the elements or where carbon might be placed on the periodic table. So the member for Fraser has joined this esteemed group of people who seem to be great authorities on science.
The issue here today before us is not that climate change is human induced. The member for Flinders has raised the very important topic that I asked the Prime Minister about in question time just a few days ago, and that is: what will the effect of the government's policies on climate change be on human beings in Australia today? How will a carbon tax do anything for the environment? How will it change the climate of the planet? In what ways would a carbon tax alter the climate of the planet? The answers are of course completely uninspiring and unsatisfying. A carbon tax could not do anything except raise the price of electricity. Hence the nature of my question to the Prime Minister: what would the nature of the rise in electricity prices be for the average household under a carbon tax? The Prime Minister refused to answer that question. I think she refused to answer it because there has been some considerable commentary about electricity price increases. IPART recently reported that in New South Wales there will be household increases. Households across Sydney have seen major electricity price increases already impacting their budgets. I want to record here that that is a direct result of a Labor state government underinvesting in electricity generation for over a decade—underinvesting in the necessary generation capacity. At the last state election in New South Wales, thousands or millions were spent on advertisements with young girls skipping over green hills with wind towers in the background. On the re-election of the Labor government they commissioned a new coal-fired power plant. The advertisements show the girls skipping across the green fields with the wind turbines, yet the first decision of the New South Wales state Labor government upon re-election was to commission a new coal-fired power plant.

The reality is that no matter who it is—whether it is Garnaut, the government, the state government or IPART—everybody knows that there will be electricity price increases. These have to be managed. A carbon tax will add significantly to the burden on households across Australia. The question must be asked: how will it benefit our environment? What will it do? We hear a lot of melodramatic language in relation to a motion such as this, and we heard some melodramatic language today. We have heard so many predictions about the future. It is of great concern to me that these predictions will never be held to any standard, scientific or otherwise.

And that is a concern with a motion such as this. In this parliament we do have a great consensus about the climate. We have a consensus that we do need to take measures to benefit our environment. The coalition has a set of policies that are, as the member for Flinders put well, laser surgery in terms of their direct benefit to the environment. They are the kinds of things that will achieve an end that people can look at and say, ‘Well, we are doing something for the planet.’

Of course, some of the great failings of this government, including the Green Loans scheme, set us backwards. Policy failure sets us backwards. Imposing a carbon tax on the economy with the justification being the environment, when the environment is not the goal, will set back the cause of benefiting the environment by many years. So will motions in this House that take us back five years and try to have a debate on a political wedge issue rather than deal with the climate, environment and economic issues of the day, which are how well a carbon tax will benefit other Australians.

Mr BANDT (Melbourne) (11.07 am)—This motion seems simple, but accepting it means accepting all the consequences that
flow from it. By publicly calling the science of climate change ‘crap’ and then cleverly maintaining wiggle room, as the members for Flinders and Mitchell have just done—that, perhaps, any changes in temperature are not in fact human induced—the opposition condemns itself globally as a fringe group unwilling to accept the logical consequences of the argument that they have made for many years.

Those in the opposition have told us for many years that humans are a special species capable of moulding and transforming the world. Many on the conservative side of politics have told us consistently of the powers of science and of our ability to understand the basics of the atom and the elements. So why, when we have heard in the last few weeks from one of Australia’s and the world’s foremost climate scientists, Professor Will Steffen, that the planet was hotter this decade than in any other in recorded history and that there is now near certainty that humans are playing a significant role in contributing to this warming, do we not accept the truth of what he and the scientists are saying?

But worse than the denial of climate change itself is the denial of the need to act in line with the science. This is not an issue with which one can play the usual kind of political negotiation. This is not an issue where we can strike a deal with nature and attempt to negotiate the laws of physics and chemistry.

The political party which accepts the science but not the need for drastic action is like the 40-a-day smoker with impending cancer who gets told by their doctor to give up and cuts down to one pack a day, thinking that is a reasonable compromise. So to pass this motion now is to accept the primary role of the science in framing the options that are available to us from here on in.

The planet does not have a finely calibrated thermostat that one can turn up and down by parts of a degree. The better analogy is with the human body. There is a normal band of the body’s core temperature within which human beings can survive. Move the body more than a small amount above normal, however, and fever, hypothermia or organ failure become appreciable risks. Likewise, there are climate thresholds that must not be breached. For example, if we allow the planet to warm up too far we will unlock the vast carbon stores of the permafrost, driving up temperatures even further.

At Copenhagen it was agreed that we should try to stay below a two-degree guardrail to avoid appreciable risks of these extreme events. But if all the other countries of the world adopted Australia’s woeful five per cent bipartisan pollution reduction targets we would be on track for a world that is on average four degrees hotter, with extreme climate events the norm and where as few as 500 million people might survive.

In the face of all of this, when we continue to expand our coalmines, coal-fired power stations and coal exports one wonders whether federal and state governments are really getting the message. We have a carbon budget that requires us to peak in our emissions within the next few years. And yet one of the first acts of the new Gillard government was the approval of new coal export contracts, and hundreds of millions of dollars of public money have been allocated for infrastructure to help export that coal.

In Queensland, we have the Wandoan coalmine and, in the Surat Basin, coal seam gas as the subject of intensive investments. In Victoria, the Brumby Labor government is opening a new coal-fired power station, HRL, which in one fell swoop will wipe out any suggested gains that might be made from
the closure of a quarter of Hazelwood. As a country we are on track to overtake Saudi Arabia as the world’s leading exporter of polluting energy.

If we were to take this motion seriously, we would be taking real action to end our reliance on coal. The climate emergency requires us to take strong and profound action to cut carbon pollution. That is why the Greens are working with the government to put a price on carbon. We acted swiftly, across countries and with enormous resources, when the financial system was in trouble. Let us extend to the planet the same courtesy as we have to the banks. Our future, and our children’s future, depend on nothing less.

The DEPUTY SPEAKER (Hon. BC Scott)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION (PUBLIC HEALTH AND SAFETY) AMENDMENT BILL 2010

Debate resumed from 15 November.

Second Reading

Mr HARTSUYKER (Cowper) (11.13 am)—I move:

That this bill be now read a second time.

As I stated in my first reading speech, the purpose of the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 is to amend the Environment Protection and Biodiversity Conservation Act 1999 and afford some relief to the residents of Maclean in my electorate of Cowper from the presence of a large colony of flying foxes.

The amendment would deem the minister to have given consent to a licence application by the New South Wales state government for the relocation of the Maclean colony. It would not apply to any other colony or any other licence application.

It is a testament to the democratic processes of this parliament that I have been able to introduce this bill and now move the second reading. I recognise the importance of the agreement made between the coalition, the crossbenches and the government that facilitates a vote on private member’s business in this place.

For too long the people of Maclean have suffered due to the colony’s location. As I have noted, the Maclean High School, the nearby TAFE and the surrounding residential areas are particularly affected. There has been an invasion of thousands upon thousands of bats around the high school, which has some 1,100 students. These flying foxes defecate over the school, its students and its teachers. The smell is revolting and the colony is extremely noisy.

The residents and students of Maclean have needed action on this issue for some time. Dispersal of the bats is necessary given the disruption caused to the high school and the negative impact of the bats’ presence on the health, safety and education of students attending the school and the nearby TAFE. Unfortunately, the government prevented the issue from being debated during the last parliament. Due to the failure of the government to take action, the school has been forced to take drastic measures to protect the safety of the students and teachers. Bubblers and seats have been covered to avoid contamination. Classrooms have had their windows permanently closed, and air conditioning has been installed in some rooms because the windows cannot be opened. Car parks, walkways and disabled accesses are all going to be covered because of the flying foxes. And let us not forget the residents who live close by. Their homes have become virtually unin-
habitable because of the stench and the problems that these flying foxes cause. A similar situation exists at the nearby TAFE.

This bill is not being introduced because I believe that the Environment Protection and Biodiversity Conservation Act is not working appropriately. It is being introduced because the government and the bureaucracy have failed to act in a timely manner under the act and ensure that the Maclean bat colony is relocated in a humane fashion. In fact, the bureaucrats, in their faraway ivory tower, have been acting against the best interests of the school, the TAFE and the surrounding residents. They have made it clear that coexistence was the only option—I repeat: the only option. As far as they were concerned, the health and safety of our children was nothing more than a minor distraction. For too long the pleas of the P and C, the staff and the students went unanswered. For too long the learning conditions at the school were intolerable. For too long the health of our children was placed at risk.

It seems incomprehensible that, when a substantial health risk to 1,100 students is clearly identified, the government would fail to act—would delay a much needed decision by a year. After I gave notice to parliament that I intended to introduce this bill, Maclean High School received notice that an application had been approved. It is a happy coincidence, I would say, that after a year of buck passing, after a year of delay, we finally achieved approval.

By passing this legislation, the parliament can ensure that dispersal will not be further delayed and that bats can be removed upon each application after the initial approval lapses. Maclean High School cannot go through this long and drawn out process again. We cannot afford another delay whilst thousands upon thousands of bats inhabit the school and place the health and safety of students at risk. It is completely outrageous that the government has allowed this situation to continue for so long without action. This bill will ensure that the students and staff of Maclean High School, the nearby TAFE and the surrounding areas get an outcome that is based on common sense and that protects their health and education environment.

I welcome the input I have received from non-government members and I congratulate them on their constructive approach. This bill is about protecting the students of Maclean High School into the future against bureaucrats who have no concern for their wellbeing. This bill is about ensuring that the interests of bats remain secondary to the interests of our kids. It is about ensuring the interests of our local community. I certainly welcome this bill, and I commend it to the House.

Ms SAFFIN (Page) (11.18 am)—Listening to the honourable member for Cowper, my only response can be, ‘What absolute rubbish.’ The only thing the Environment Protection and Biodiversity Conservation Amendment (Public Health and Safety) Bill 2010 is designed to protect is his political interests. This bill is not necessary. The referral was made to the federal department, and approval has already been granted. The department cannot approve anything that is not referred to it. My position, as I kept recommending to the state authorities, was that this is not just about the federal government but about both federal and state authorities—primarily state—getting their acts together and referring it. That took a long time, and I was surprised to see that.

I will take you through this issue. The honourable member for Cowper takes the cake in political opportunism—not a political opportunism designed to advance the needs and interests of the community but one designed solely to seek political advantage.
You may be surprised to know that the honourable member for Cowper sought to make me, the member for Page—a neighbouring electorate—responsible, and even spent money writing to my constituents saying, ‘Janelle Saffin believes she is not responsible for the bat debacle because Maclean High School is not in the Page electorate.’ Surprise, surprise: Maclean High School is not in the Page electorate; it is in the honourable member for Cowper’s electorate.

The honourable member for Cowper also sent a letter to all of us asking whether we would speak on this bill, and he said, ‘Maclean High School is in my electorate’—meaning his electorate of Cowper. Yet he spent an inordinate amount of time seeking to have me do his work. I am busy doing my work for my constituents in the electorate of Page. If I were the member for Cowper, I would be embarrassed if I had to ask a member of parliament in a neighbouring electorate to do the job that he could not do. It was absolute incompetence and ineptitude. I responded because the school community asked me to assist. At the time, I said to the local newspaper:

Luke has lost the plot because he was proven incompetent in getting a solution to a problem in his electorate. They are desperate actions of a desperate man. I’d be embarrassed if I had to get another MP to work out a solution in my electorate.

I went on like that—and I said ‘Luke’ there rather than ‘the honourable member for Cowper’ because I was quoting from the local newspaper.

Stepping back a bit, in 2008 I was asked by the school community if I could give assistance, and I said that I would. However, it was a state issue. The state had to apply for a licence so that they could deal with the bat problem. Everybody agreed that it needed a short-term solution, a medium-term solution and a long-term solution. That is the reality of living where bats are. My primary concern, as is everybody’s, is with the health and safety of the school community. I have made that an absolute priority, and I said that what had to be in place was a process for a licence at state level to deal with the multitude of problems around it and then a referral to the Commonwealth.

We are talking about a bill that was introduced by the Howard government and supported by the coalition. It was supported by the then opposition, the federal parliamentary Labor party, and it has bipartisan support. I take it that it has the support of the Independents as well. In 2001 there was an amendment to it that dealt with the particular bats that reside at Maclean High School, grey-headed flying foxes, so this is not a new bill. It dragged on and on and it got all messed up in political debate and the honourable member for Cowper sending out petitions in my electorate attacking me. It was said that I wanted to move the school, that I loved the bats and did not want to move them, blah, blah, blah.

I supported a whole range of solutions, with everybody sitting around the table, working this out together, and not dealing with it in a politically opportunistic way—and that is what I have done. I then spoke to the federal minister at least five times that I can remember. I spoke to his advisers; I spoke to officials. They kept waiting for an application. If an application does not come, approval cannot be given. Then there was a whole lot of rubbish spread around the electorate—and I hate to say it, but the honourable member for Cowper was part of it—saying that there would be no approval given. How would you know that? That is absolutely ridiculous. It was absolutely clear that the primary concern was the health and safety of the school community and they were waiting for the referral to come here.
Mr Hartsuyker interjecting—

Ms SAFFIN—It is approved! It is approved, and it was always going to be approved. You just sought to seek advantage for yourself. How despicable, because during that time the school community had to put up with the bats. I have been in the school. You know what it is like; I know what it is like. You were just seeking to advantage yourself. You really took the cake in what you did instead of sitting around the table, working out a solution. What point was there in saying, ‘Oh, the bureaucrats will never approve it’? How can they approve anything when they do not have an application before them? That just served to put people off. It did not help anyone at all.

I kept saying, ‘Get the referral in.’ That referral just went in at the end of September—I think it was the 29th. Part of the process is a 20-day period where they have to sit and wait for it. That happened. The approval has been given. It had nothing to do with your bill. It had to do with the fact that the application actually went forward.

Mr Hartsuyker—Surprise, surprise! You waited a year.

Ms SAFFIN—Nobody waited a year. They did not wait a year to approve it. They approved it according to the process when the approval actually went forward.

Flying foxes have been in Maclean for many years, and the problem is one that is primarily a result of poor state planning and highlights the need to have better planning practices. The Commonwealth involvement is not formally triggered until a referral has been made. As I said, 29 September 2010 was the date that the application went in. Before that there there was no application so there was no opportunity to grant approval. The Department of Sustainability, Environment, Water, Population and Communities has always been willing to consider the proposal through the process set out in the legislation—legislation that we all support and that was brought into being in this place by the then Howard coalition government.

Until the New South Wales Department of Education and Training actually applied under national environment law, the department simply had nothing to act on and could not get involved. When they did apply, the department acted immediately and made a decision based on the application and the requirements of the legislation. There were no delays in that decision, which was made within the 20-business-day statutory time frame required by national environment law. The Commonwealth department has been talking to the New South Wales education department for several years about ways to prevent or deter the flying foxes from setting up camp at the school and how to avoid having a significant impact on the flying foxes. That discussion has been going on for a number of years, and the state department also needs to take action. It is not a federal issue alone. It is one where a joint solution needs to be found.

The P&C of Maclean High School have written to me and thanked me for my assistance and my role in making sure they understood that I was working to assist them to deal with the immediate problem and, equally, looking at having solutions over a long period of time—and that is what is necessary. I have been to the school site and I have spoken to the students. I asked the students: ‘What do you want me to do?’ They responded and I did that. There is a range of views among the students, but the primary one is, ‘We cannot live here when the flying foxes are here all the time.’ It is disturbing. It is very smelly. You have to have windows closed. There are thousands of them that come into the school environment. Some people are scared about health risks and about things that they do not know about
health risks. Understandably, the parents are scared too, and it does need those solutions.

Mr SCHULTZ (Hume) (11.28 am)—I rise to support the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 not from the point of view of personality clashes, which inevitably happen when these issues arise, but more specifically because this is not the first time that the issue of flying foxes has created a massive problem within the community. I sympathise with the member for Cowper with regard to the problem that it is creating for schoolchildren in a school in his electorate. I sympathise with him because—

Ms Saffin interjecting—

Mr SCHULTZ—I sat here, the member for Page, with due diligence, listening to what you had to say and without interrupting you. I would like you to convey the same courtesy to me.

Ms Saffin—Sorry.

Mr SCHULTZ—I have over the years had serious complaints from fruit growers who have experienced fruit bats for the first time in living memory in their areas. The bats are now so bad and have been pushed so far inland that they are now being seen in places like Gundagai, where bats have never been an issue in the past. Part of the root cause that the member for Page alluded to is the absolute disgraceful lack of planning in New South Wales where they have allowed development to occur in the natural environmental areas for these bats. The bats have been pushed inland. It does not take away the serious problem that it creates for the community and it certainly does not take away from the very serious issue that has been raised by the member for Cowper. If nothing else, his decision to bring this to the parliament is going to send a very compelling message to the community that the governments of the day not only should listen to complaints of a very serious nature centred on these animals but really should take some action on it. There is a serious issue centred on the possibility of health problems associated with these bats, be it all miniscule.

No responsibility has been taken by governments at any level for the additional costs associated with these animals destroying fruit crops, in particular stone fruit crops, that have never been destroyed before. Not only has it put an additional cost on the New South Wales Department of Education to install air-conditioners so that people do not have to smell and be subjected to the unpleasantries associated with these animals but, more importantly, it has put an additional cost on people going about their normal bona fide businesses trying to grow fruit. There is a widespread problem associated with these creatures. When I was a member of the Greiner government, I know from my, I think it was, six-year fight with the New South Wales department against the process of shutting down national parks to the community that there is a tendency for those people who have some environmental credentials to ignore the reality of the numbers of these animals that are coming into the community—up to 50,000 colonies—and the absolute problems that they bring to these communities.

The department uses the argument that they are protected. I am not sure what levels the environmental protection centred on animals such as these flying foxes has reached, but people have to also consider the unintended consequences of these animals coming in and creating problems in places likes schools. It is about time the state government and the federal government got their heads together, identified the problems and did something positive as an example of what can be done when uncontrolled housing development pushes these animals out of

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their natural habitat into areas where they have never been seen before, creating undue angst in the community and, most importantly, potential health risks for children in particular. *(Time expired)*

Mr ZAPPIA (Makin) (11.33 am)—I well understand the concerns raised by the member for Cowper, the member for Page and the member for Hume on this matter. Whilst I have not been out to their electorates and seen the problems, I have no doubt that what they have brought to the House by way of their explanation and description of the problem is very real and very much a concern to their local communities. This Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010, however, is wrong both in its content and its intent and, quite frankly, it is unnecessary. I will speak to each of these issues separately.

By way of background, the grey-headed flying fox is listed as a threatened species under the EPBC Act and the New South Wales Threatened Species Conservation Act 1995. It would not be listed if there was not a concern about the numbers of flying bats in Australia. Because it is listed, the government quite rightly has an obligation to ensure that any provisions relating to the EPBC Act are properly dealt with and handled. Having listed it under those two acts, the question is: has the government followed due process in dealing with the matter raised by the member for Cowper? My view is that it certainly has.

I go to the question of whether the government has acted responsibly and appropriately in this respect and why this bill is unnecessary. The government cannot, as the member for Page has quite rightly pointed out, deal with a matter until it receives an application. The role of lodging applications rests with the local authorities, be they the local government or the state government. In this case, the New South Wales Department of Education on 20 September lodged an application with the New South Wales Department of Sustainability, Environment, Water, Population and Communities about their concern over flying foxes. The department, quite rightly and quite properly, not only assessed that application but also did so within the 20-day statutory time limit required of it. In fact, it then went on to grant the necessary approvals required in respect of the application. There were some conditions to that approval process, but those conditions are quite reasonable under the act. So the department, every step of the way, has dealt with this process appropriately. Whether others have not is another matter and should not be a reason for the legislation to be amended or any criticism to be made of the department.

Nor was the decision made by the department in any way associated with or tied to this bill. It was made entirely separate of this bill that has been brought before the House and was made in accordance with an application that was lodged with it. So, given that the matter has now been dealt with by the department, approval has been granted and a process is available to the local community to deal with the problem, it would seem to me that it is totally unnecessary to follow through with this bill. I am sure that the ultimate objective of the member for Cowper in this matter is to deal with the problem in his local community, and I believe that a course of action has now been put in place which should enable that to happen.

In respect of the question of bringing a bill to parliament to change the EPBC Act being wrong, I say this: all of us at different times would perhaps have concerns about the way matters are dealt with in our local communities and dealt with by this parliament. To suggest that each time we have a particular issue the solution rests with changing the
legislation that overrides the matter in question is simply not the right way to deal with the matter. What it effectively does is undermine the integrity of the very legislation that is being questioned—in this case, the EPBC Act. It would do the same with any other act. The resolution to these matters is to go through the appropriate channels, as has been done in this case, not to substantially change the very legislation which is there for good reason—and that is, to ensure that decisions cannot be made on an ad hoc basis which go totally against the intent of the act. *(Time expired)*

Mr BRUCE SCOTT (Maranoa) (11.39 am)—I rise this morning to support the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010, put forward by my colleague the member for Cowper. This amendment bill put forward by the member for Cowper would deem the environment minister to have given consent to the licence application by the New South Wales state government for the relocation of the Maclean flying fox colony, which has located itself in the grounds of the Maclean High School, the TAFE and a nearby residential area in northern New South Wales. Whilst I acknowledge that it would not apply to any other colony or to any other licence application, this issue is obviously not limited to the community of Maclean. In my electorate of Maranoa, flying foxes have been a major problem for orchardists on the Granite Belt in Stanthorpe in Southern Queensland, which is not very far as the crow might fly from the Maclean school. I have spoken about this issue in the House before, after receiving calls from desperate orchardists, some of whom told stories about staying up throughout the night in order to protect their incomes from the very hungry flying foxes which have decimated much of the fruit in the orchards. As we enter another fruit season, this is as we speak a very serious issue right now.

The Minister for Sustainability, Environment, Water, Population and Communities is well aware of this issue in my electorate, because I met with him in October last year when he was the Minister for Agriculture, Fisheries and Forestry. He said it was primarily a responsibility of the Queensland government, and of course I acknowledge it is. However, this bill, if passed, will hopefully send a message to the Queensland state Labor government that the welfare of humans should be a priority over the welfare of bats. In Queensland they are putting the welfare of the bats ahead of the welfare of humans, and I will touch on that in a moment.

Before damage mitigation permits were revoked by the city-centric Queensland Labor government, the flying foxes did not pose a problem because the DMPs allowed for the scout bat, which is the bat that looks for a new roosting place for the colony, to be terminated—quickly and humanely. But since the DMPs were revoked by the state Labor government, which was obviously pandering to the Greens and the Green agenda, there has been no deterrent as effective as this method. A working group in Queensland has been set up but I am not sure that there has been much progress yet. Alternative deterrent methods such as netting the orchard have been trialled in Queensland, but these are either expensive or not suitable for particular types of orchard, particularly those on slopes. I have also heard that the bats are getting through the netting. They actually climb under the netting and then get trapped, panic and begin to exhaust themselves in a desperate attempt to escape, sometimes starving to death. Of course, the orchardist who finds the creatures is not allowed to put them out of their misery. They then die an inhumane and unnecessary death.
This time last year I presented a petition from orchardists on the Granite Belt which called on the Labor government to intervene and put pressure on their Labor counterparts in Queensland to immediately reinstate damage mitigation permits until a reliable, proven and affordable non-lethal alternative could be implemented to protect orchards from flying foxes. Essentially, what this petition requested is that their state government put humans ahead of flying foxes. I believe firmly that human health should be put ahead of the welfare of bats, and I am not just talking about the livelihood of orchardists on the Granite Belt or about the Maclean High School. I am talking about the health of those people who work in the equine industry. Flying fox bats are reservoirs for an enormous range of diseases, some of which are extremely deadly. Flying foxes are responsible for the hendra virus, which when transmitted via horses to humans has a mortality rate higher than 65 per cent. In horses the mortality rate is 100 per cent, because they have to be euthanased. Tragically, five people have died from contracting the hendra virus from horses. The Australian Animal Health Laboratory is working on a vaccine for the virus. But imagine the risk posed to humans by nearby large colonies of flying foxes such as those at Maclean High School or roosting near the Granite Belt orchards, which are certainly not their natural, native habitat. We already know that the lyssavirus, which is found in flying foxes, can be transferred to humans via a scratch or bite. (Time expired)

Ms HALL (Shortland) (11.44 am)—If there was ever a bill brought to this House that was a total beat-up it is this legislation that the member for Cowper has put before the parliament today. I grew up on the North Coast of New South Wales not far from Maclean, and I understand the issues concerning fruit bats in the area. I am very familiar with this particular issue, which relates to the colony of bats that have been spilling over into the grounds of the Maclean High School. I am aware of the community concern, just as I am aware of the beat-up that the member for Cowper has been promulgating in the media. I think he really needs to look at what it is that a member of parliament does and to accept that his role is one of responsibility.

This Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 is not needed, as the minister’s delegation decided on 28 October that New South Wales could—repeat, could—proceed with the dispersal of the grey headed flying fox from the Maclean High School without further assessment if it was undertaken in a particular manner. The decision includes conditions to ensure that there is no significant impact on the species. I think that is quite clear. Action has already been taken—very decisive action—to deal with the problem whilst at the same time not causing any problems for the grey headed flying fox. There are some potential problems this bill could lead to—problems which the member for Cowper, if he thought through them properly, would understand—in that the bill, were it to be adopted, would lead to a circumvention of the normal environmental assessment process as set out in the EPBC Act.

We can always argue that there are problems with the EPBC Act and that in this particular case it should be circumvented. If you do it once, however, you create a precedent and then every single time there is an issue there is an argument to circumvent it. It sets a precedent that could totally undermine the Commonwealth’s environmental protection legislation scheme. That is a much broader and much bigger issue. The member for Cowper has brought this particular bill to the House in order to play politics. He has done it to gain a few extra votes back in the electorate, to get him some coverage in the
newspaper and to get him time on TV. He is prepared to do this rather than look at what the bill could lead to.

Mr Hartsuyker interjecting—

Ms HALL—The member for Cowper calls out that we are putting bats first. No; that is not the point. The issue is that action has already been taken to deal with the problem and that the member for Cowper has brought something to this House that is not needed.

The EPBC Act provides additional protection for threatened species, such as the grey headed flying fox, when such species are listed as protected. The grey headed flying fox was listed in 2001 because it was a threatened species. Despite the current problem, however, action has been put in place, and I absolutely reject the allegation in the media that the Maclean flying fox decision was approved because of this bill. That is total rubbish. Action had been taken beforehand; the decision had no bearing on the outcome of the department’s decision to approach dispersal activities at Maclean High School.

The member for Cowper is good at playing politics but he is not good at looking at the big issue. He is not big on details. He is not big on understanding what it is all about. The member for Cowper is just playing politics with this issue rather than looking at resolving it through the proper processes that are in place and rather than noting the fact that action has already been taken to deal with this issue. (Time expired)

Mr SLIPPER (Fisher) (11.49 am)—The honourable member for Shortland would have many of the attributes that she accuses the member for Cowper of possessing. Given her longevity in this place, she obviously does pay attention to what local people want her to do, and this is exactly what the honourable member for Cowper is doing in this legislation.

Mr Hartsuyker—Hear, hear!

Mr SLIPPER—He is effectively being a good local representative. He is someone who is speaking on behalf of his community. He is not prepared to remain silent when indeed he should speak out—and I note his approval of my praise of him.

I am a very strong supporter of our environment but what we need, of course, is flexibility. Flying fox colonies are obviously very important as far as our environment is concerned but so often we have some kind of clash amongst a civilisation, the community and the environment and if a way can be found forward which does not damage the environment but which enhances the quality of life for the community then that is very much a balanced approach. This is in fact what is being suggested in this bill by the honourable member for Cowper.

There is no doubt that the quality of life of the residents of Maclean has been seriously disadvantaged by the presence of this flying fox colony. I can understand the frustration experienced by the residents of Maclean, and expressed in this House by the member for Cowper, with respect to what appeared to be the intransigence of the New South Wales government when the minister appeared to be dragging the chain and failing to take a decision in the interests of the community. I think that in any civilised society it really is important to obtain a balance.

The infestation by the flying fox colony of the town of Maclean was a problem. The grey headed flying fox is a protected species under the act and it requires approvals from the New South Wales government and the federal minister to remove them from an area. I am advised by the member for Cowper that this large colony of flying foxes is very close to the high school in Maclean, the
TAFE and to areas where people reside. The defecation stench and noise of the colony are preventing the school from functioning appropriately and are making residences uninhabitable. The colony is threatening the health and wellbeing of the students and staff at the Maclean High School, the TAFE and residents of the surrounding area. The bill does not have any financial impact and would assist substantially in restoring the quality of life of residents of the Maclean area.

It is extremely disturbing when honourable members criticise colleagues such as the honourable member for Cowper for being a good local member. The residents of Cowper have been fortunate to have enjoyed the representation of the member for Cowper for many years. One of the reasons why the member for Cowper continues to receive the support of local people at every election is because he is doing what local members should do. He should be prepared to stand up and be counted and to articulate when problems exist. He was prepared to raise this matter through the medium of a private member’s bill in the Australian parliament so that residents of Cowper can have confidence that, when they make an appointment to go and see their local member because they have a problem, the local member is prepared to do whatever is necessary to alleviate their difficulties. For him to raise through this private member’s bill this difficulty being experienced by the residents of Maclean here in the people’s house, the House of Representatives, does great credit to the member for Cowper. I am sure that he will continue to be the member for that electorate for many years, keeping up the good work evidenced in this private member’s bill.

Mr ADAMS (Lyons) (11.54 am)—I am speaking against the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010, as I believe it to be unnecessary. I understand that the member for Cowper has been concerned for some time about the fruit bats around his area, in particular in Maclean, and that he had asked for some assistance from the state government of New South Wales to move this particular colony somewhere else—to relocate and reorganise them in some other way. And I can see why he is worried, why he wants the change, why this issue would have become an issue within his electorate and why people would be concerned. Bats can be a bit intrusive into one’s life in northern New South Wales and in Queensland. They can really affect your lifestyle.

However, I understand that this bill is not needed, as the minister’s delegate decided on 28 October 2010 that New South Wales could proceed with dispersal of grey headed flying foxes from the Maclean High School without further assessment if it was undertaken in a particular manner. The decision includes conditions to ensure that there is no significant impact on the species.

I am aware that fruit bats can become a problem in residential areas. I believe that the Maclean High School grounds are close to the Maclean Rainforest Reserve, which is an area regularly used as a maternity camp and transit stop for migrating grey headed and black flying foxes. These colonies can at times number up to 20,000 individuals. So I can see the difficulties. However, this is a typical example of natural wildlife coming into conflict with human habitation. Settling here has obviously been the pattern of the fruit bats for thousands of years. We come along in the last shower, to put it one way, and build a school close by and expect the fruit bats to respect that. That is not possible; life does not work like that.

It makes me wonder sometimes how much work has been done on the environmental
impact, from all sides, of city and suburban developments in some of these areas. These would need to be done to ensure a safe and healthy environment for our children. There are issues here. Obviously, someone messed up in the planning some time ago. These animals have obviously been around for some time. The reserve in the middle of this area is probably the only area that fits in with the migration of these fruit bats as they travel to and fro.

There are probably four solutions to this problem: move the school out of the range of the fruit bats’ natural habitat; move the bats, but they will probably return at some point in the future; move the reserve—cut it down—and replant it in a similar place somewhere else, although I do not know how practical that is; or work out ways to coexist, like not growing fruit trees in gardens around the urban area and using other ways to remove the food sources of the fruit bats so that they shift and move on. We have seen what happens on occasions when nature runs into conflict with humans in other areas. We see that when we travel at different times of the year on our roads, with wildlife coming into conflict with our transport systems. Then there is farming and, in my state of Tasmania, forestry. Wildlife can come into contact with our lifestyles, our transport systems and our economic processes. We have to find ways to live together. We need to look after this.

Up until recently, the fruit bats had been winning. However, I understand that the bats are not present this school year and there may be an option to sort out a strategy coming into winter when the bats are absent or without young. I wish people well on that. I hope that the problem can be solved. *(Time expired)*

The DEPUTY SPEAKER (Ms AE Burke)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

**SUPERANNUATION LEGISLATION AMENDMENT BILL 2010**

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2010**

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (SAFETY LEVIES) AMENDMENT BILL 2010**

**VETERANS’ AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2010**

**FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2010**

**PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2010**

**CARER RECOGNITION BILL 2010**

**TRADEX SCHEME AMENDMENT BILL 2010**

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT AMENDMENT BILL 2010**

**Assent**

Messages from the Governor-General reported informing the House of assent to the bills.
Mrs MIRABELLA (Indi) (12.02 pm)—I rise to speak on the Tax Laws Amendment (Research and Development) Bill 2010 and the Income Tax Rates Amendment (Research and Development) Bill 2010. I do so sharing in the great disappointment and frustration of the many industry leaders and businesses out there who are trying to do the right thing, be innovative and get out there ahead of the pack, but are being frustrated by this government’s very flawed and quite amateurish processes. I say that because a debate like this should have been a positive one. It should have given us a chance to concentrate on sensible improvements and to focus on an optimistic vision for the future of business R&D in Australia. Instead, the nature of the government’s approach to this issue means this will be a debate in which we will be required to devote much of our attention to the misguided, arrogant and confrontational attitude of the Assistant Treasurer and the government, which has followed his lead, and to the range of mistakes, shortcomings and missed opportunities that have arisen as a result.

As it campaigned for office in 2007, Labor made a lot of grand statements about R&D and many false assertions about the Howard government’s record. It committed in its election policy to encouraging sustained growth in R&D activity and facilitating higher R&D intensity. As has been the tale on so many fronts under the former Labor Prime Minister, Mr Rudd, and the current one, Ms Gillard, this has proven to be hollow rhetoric. Far from growing and inten-
sifying government support for R&D, the bill now before the House, if passed, will actually do the opposite. This is one of so many contradictions that have underpinned the government’s actions over the last year and it is difficult to know where to begin. Labor has proclaimed its new R&D concession scheme will be more generous, saying it is increasing the rates of financial assistance to recipients. What it has repeatedly and cynically failed to mention is that it is so drastically restricting eligibility criteria that far fewer businesses and activities will actually qualify for assistance in the first instance. It argues that its changes will be revenue neutral, but everyone out there in the real world knows full well that this is a revenue-raising measure.

This is the same Labor Party that all but hyperventilated on the subject of costings during the last election campaign. As with the NBN, it has not and can not produce a single piece of modelling that proves its claims about the impact of its R&D tax changes. It seized on figures that show marked improvements in business expenditure on R&D over recent years, but it has not made the obvious connection that this is happening under the current policy settings—settings it is attempting to radically change. It has talked about the importance of R&D to high-performing Australian companies but has shifted the balance in this legislation so markedly that it actually punishes firms that secure successful R&D outcomes and gives greater rewards to those whose R&D activities end in failure.

Labor stressed that its legislation will facilitate a more predictable and simple system but it has instead sparked uncertainty, because it has been unwilling and unable to explain how many of the aspects of its proposed new regime will work. It surreptitiously inserted into the legislation wording that will cut off government support for R&D in the building industry, yet the man behind those words, Senator Carr, is the very same minister who frequently tours marginal electorates to wax lyrical about what he pretends is Labor’s deep and abiding interest in the future of the building industry. It has said that a key aim of these changes is to limit government spending on big claims by big companies for R&D. Meanwhile, in the last few months alone, it has reached into the top drawer, pulled out Senator Carr’s chequebook and offered $20 million to the biopharmaceutical giant CSL and $22 million to the global IT powerhouse IBM for R&D without even blinking an eyelid at its double standards.

It has asserted that it does not believe in the principle of giving government support to activities that companies would have been likely to pursue even without their assistance. But this is the very same party that in the very same portfolio has already allocated $90 million to a program called the Green Building Fund, which operates almost entirely on that basis. And it is now about to enlarge that program and embark on more of that kind of spending.

It has repeatedly cited a report by KPMG to pretend that its new legislation is world’s best, but it has not even had the decency to confess that it misappropriated that report or that KPMG immediately repudiated Labor’s remarks and pointed out the opposite to be true. Indeed, such is Senator Carr’s audacity and desperation on this issue that he cites KPMG as a highly respected and credible authority on occasions when he thinks it would suit him to wrongly quote from this report—and he draws in a number of his colleagues in perpetuating these myths about the report as well—yet at other times he subjects KPMG and other professional businesses to withering criticism for daring to be among a very large number of expert advisory firms that oppose this bill.
This is a government that has made a big play of supposedly compromising on its regressive mining tax but now presents to the parliament another piece of legislation that will whack the mining industry straight between the eyes. It has professed to be interested in manufacturing and has said that it does not want to govern a country that does not make things. But this bill will punish manufacturers at exactly the same time as they are being pounded by rising interest rates, a high dollar and the loss of more than 73,000 jobs over the last three years.

Just contemplate for a moment how draconian and how destructive a piece of Labor legislation must be for even the AMWU to be moved to tell the Labor Party in no uncertain terms to go back to the drawing board! It has also pontificated about how consultative it has been towards R&D stakeholders, but in reality we know that it has been the exact opposite. It has barely feigned an interest in the constructive criticism and opinions of others. The two key times at which it sought feedback on its plans were over the Christmas and Easter holidays, when most of the affected businesses were not even open.

The minister himself has spent much of the past year lashing out at people who have dared to suggest changes to his proposals. He is prepared to publicly label people of goodwill as ‘well-organised campaigners with vested interests’ and ‘losers who squeal like stuck pigs’. I would hate to think how he describes some of his enemies behind closed doors, or in fact some of his factional opponents.

Possibly worst of all in this process is that Senator Carr has set up a full review of innovation policy in Australia. He did that when he first became minister. He appointed Terry Cutler to head the review. Whenever challenged during his first year or more as minister he gave a stock-standard answer that every conceivable problem known to man would be solved by the Cutler review. This was as true for R&D policy as for most other issues in his portfolio.

But, as those of us with a genuine interest in innovation know, it turned out that Senator Carr immediately turned his back on that review. Like his leader and his frontbench colleagues he has shown a complete distaste for, and disinterest in, necessary and sensible reform. So much so that, in the same spirit as the likes of John Mendoza and Ross Garnaut before him, Dr Cutler has now been moved to publicly voice a series of concerns and criticisms of this rudderless government and express his acutely felt disappointment at the way in which his advice has been disregarded. But we on this side of the House are not surprised.

On R&D policy in particular Dr Cutler’s criticisms are damning. He has stated that Senator Carr has taken what was a good idea and ‘strangled it with even more red tape and a hostile narrowing of eligibility criteria’. Then, just to top it all off, Labor seeks somehow to blame the coalition for the incompetence and the ad hoc nature that has characterised the government’s entire carriage of this issue.

Among Senator Carr’s repeated slurs, one of the best was his attempt to convince the media that the coalition had supposedly filibustered on this legislation in the Senate back in June. The reality for anyone who has followed this debate is that there could hardly have been any filibustering of this legislation because it was not even in the chamber for debate. He is also fond of saying that the coalition wants to oppose this legislation sight unseen. Quite apart from the fact that the argument is completely wrong, let it be remembered that this is the same minister who, when he has not been insulting them, has consistently turned a blind eye to the
views of those who have had any constructive criticism to make.

If the implications were not so serious, all of these problems and contradictions would be comical. But they are actually frightening, because the government not only fails to acknowledge any of them but shows no interest in rectifying them. When challenged, it only digs its heels in further and aggressively blames anyone but itself for a mess that is entirely of its own making. Sadly, what is really at the heart of this matter is a wilful misunderstanding by Labor of the crucial importance of business R&D, and far from bringing the kind of substance to an important debate that should be expected from a national government it has tried to silence and intimidate people who have a different point of view. I am disappointed. I would expect something more from a minister who has spent the last 17 years as a senator in the Australian parliament and who has reached the ripe age of 55. You would expect greater wisdom and a greater willingness to act in the interests of Australians and Australian businesses, particularly in manufacturing, but all we have seen is a lack of direction, vision and leadership.

That is why the coalition will move a second reading amendment to this bill, a point to which I will return very soon. We do not have a problem with changes such as the proposed shift from concessions to credits, the relaxation of foreign ownership rules in relation to IP, the idea of encouraging more blue-sky exploratory research or giving increased support to SMEs. Each of those objectives is perfectly reasonable and the coalition have never had an issue with them, despite the government’s serial attempts to misrepresent our position and assert otherwise.

Naturally, it is also absolutely fundamental to ensure value for money for the taxpayer, but this legislation goes way beyond all of that. Among its many ill-conceived effects, it will restrict the range of activities that qualify for support; introduce regressive new definitions of ‘core’ and ‘supporting’ R&D; alter the eligibility criteria so that supporting R&D will only be funded if it satisfies a confusing and very complex dominant purpose test; increase the barriers for assistance under new feedstock provisions; make the role of Innovation Australia and AusIndustry more discretionary and less accountable; lift the compliance and administrative complexities for firms because of increasingly onerous provisions on them to prove their eligibility; and reduce support for spill-over and additionality benefits.

All of this comes before we even get to the issue of the government’s extraordinary decision to make this legislation retrospective. Quite simply, this is an absolutely ludicrous proposal and something that plainly defies common sense. We are talking about taxation arrangements here. I do not know whether the Labor Party are aware of this—I am guessing not—but no government should ever take lightly a decision to backdate amendments to tax law. In fact, whether a government should ever do that raises the quite serious question of fair, accountable and just government.

Of course, anyone who has closely followed this debate knows that Labor’s use of the threat of retrospectivity was primarily a political tool—an ambit claim, if you like. By putting this spectre into play and then indicating behind closed doors that they were prepared to give some ground on it, they were able to make it look to observers as though they were somehow making some generous concession. This tactic has also helped them to shift the focus away from many of the other retrograde elements of the bill. That Labor have chosen to take us and industry for fools, to try to dupe us and to elevate this kind of party political strategy
and expediency ahead of certainty for thousands of Australian businesses is nothing short of a disgrace. But, sadly, this is not a surprise coming as it does from a weak government and a weak minister—a minister who never had a way, let alone lost his way.

In the end, I suspect that what lies behind this whole sorry saga is Senator Carr’s desperate need to find savings and to start offsetting the billions of taxpayers’ dollars that he has been wastefully splurging in his portfolio. Another likely motivation is that the Minister for Innovation, Industry, Science and Research is trying to mop up the unholy mess he made in 2008 by scrapping the highly successful Commercial Ready program and, with it, commercialisation support that represented a lifeline to so many Australian innovators. Some of the businesses worst affected by that decision were in the IT, biotechnology and pharmaceutical sectors—and, hey presto, as if by magic, these are the industries that generally stand to lose the least from the R&D tax credit legislation. Of course, that is a relative statement because, although many may not realise or appreciate it, many firms in those sectors will also be adversely affected by the new arrangements in the legislation. Unfortunately, far from putting an end to the mayhem, Senator Carr is now compounding his original error by cutting off support to myriad other industries as well.

What kind of regime is it that would be likely to penalise a manufacturer for inventing a new product and successfully taking it to market? Sadly, that is what will happen with this bill because, once the government deems that product to be commercially successful, which can often be years down the track, it is going to claw back its support—so much for encouraging innovation. And what kind of legislator would seriously let a mining company that built access roads and tunnels receive support for them if they were temporary and unsafe but not if they were permanent, designed for the long-term benefit of the area and helped facilitate even more R&D in the future? More to the point, why on earth would you award support to a company for its R&D activity carried out in a disused mine when you would not support exactly the same activity performed by exactly the same company if the only difference was that it was carried out in one of its existing mines?

I can only guess at how it is deemed logical for firms that create new products to now need to laboriously categorise all of the different individual costs associated with their work. Madly enough, instead of devoting all of their energy to continuing to develop and enhance those products, they will now have to waste an enormous amount of time on forensically itemising every one of their costs—all for the purpose of subtracting many of them for consideration under Labor’s system.

We all shake our heads at the absurdity which says that, if a meat-processing company disposes of all the waste from failed production trials to landfill, it will be eligible to claim because the waste material has no value, but if that same company makes a smart business decision to maximise the use of waste material to produce, say, compost or tallow, it will not qualify for support. I am almost inclined to give up completely on the Labor Party when I see wording in a bill that will ensure support is awarded to building activity only where it occurs away from a building!

Remarkably, what this set of rank amateurs in government is trying to legislate is that, once you include any of the results of building and construction R&D in a house or office or in any other kind of structure for that matter, you will lose all entitlements to government tax incentives. I am not sure
whether this is a deliberate mistake or sheer incompetence but, either way, it is utterly absurd. In Australia, construction sector claims under the scheme currently amount to around $400 million annually—and the considerable activity that goes with it will all but evaporate if this bill is passed into law. This will be a devastating blow to an industry that is a leader in the field of innovation in Australia. In short, the coalition believes that there are a series of fundamental problems with the bill. I therefore wish to foreshadow that, at the end of my contribution, I will be moving a second reading amendment that will specifically aim to address these shortcomings.

What this amendment will confirm again for all to see is that the coalition has a very considered and simple approach to R&D policy and a better approach, a better way, than a penny-pinching government that is doing the bidding of Treasury rather than listening to industry. After all, this is a bill that we know originated out of the bottom drawer of Treasury—something that was a try-on. They tried it on with the previous coalition government. They did not succeed. They have tried it on again. Their only concern in Treasury is to claw back some more funding. They are not interested in providing incentives for research and development and Senator Carr, the Minister for Innovation, Industry, Science and Research, is the bunny who is sitting there doing their bidding.

Indeed, businesses across the length and breadth of this country can rest assured that the coalition will continue to stand up for them and for our continued economic progress and growth and, importantly, economic reform. Unlike those opposite—whose actions in 2010 stand in complete contrast to their words of 2007—we will continue to honour our promises on R&D policy. We said during the recent election campaign that we would seek to reverse Labor’s attempts to limit access to R&D incentives. We said we would reject its heavy-handed changes. We said that we would see to it that, under the coalition, revisions to the system would not be introduced before 1 July 2011.

We are following through with all of those promises to the Australian people and Australian industry. We will not vote for legislation that is worse than the current regime. We will not vote for the bill as it currently stands because we cannot stand by and see this government decimate one of the very best tools in the armoury of government to foster innovation. Those opposite have already destroyed other vital innovation support mechanisms and now they are at it again.

They have recklessly wasted billions of dollars on programs like the BER, the home insulation debacle and large handouts to multinational companies, and now they are setting out on the path again with their gigantic $43 billion white elephant called the NBN. Yet they see Australian innovators as expendable and happily deprive them of hundreds of millions of dollars, even though innovation is so critical to our productivity and to continued economic growth into the future.

Make no mistake: in its current form, this legislation will do untold damage to the Australian economy and Australian innovation. That is why I am passionate about opposing this bill and that is why I will continue to oppose any measure by this government to inflict greater pain on the great entrepreneurs that exist in our small businesses and in our large enterprises that are the backbone of continued economic growth in this nation.

The existing R&D tax concession system has not only been in place for a quarter of a century but also delivered excellent results. Serious analysis of the figures will show you that it has played a critical role in fostering increased business investment on R&D.
Business R&D expenditure in Australia rose to $16.9 billion in the 2008-09 year on the basis of the latest available figures released by the ABS in September this year. I would hope that it continues to increase into the future. These statistics point to a continuing tale of very impressive increases in R&D spending, particularly during the past decade and especially in areas of the economy that have been vital to Australia and will continue to be important, such as mining and manufacturing.

There is no doubt the ongoing growth in these numbers and the availability of the R&D tax concession has been far more than just a passing coincidence. As my colleague the member for Wentworth observed in the House in June, the concession has almost certainly been vital in kick-starting business investment in innovation from very low levels in the mid-1980s, in driving the strong subsequent growth and in making R&D less costly for firms which invest in eligible activities. When it comes to R&D, we do not believe the government should be trying to destroy the current regime. We think it should be aiming to strike a logical balance between safeguarding those past gains and sensibly stimulating future increases. We also want to ensure that Australia continues to take advantage of the myriad spillover benefits that resourceful and enterprising businesses inevitably create for our nation.

Innovation is essential to Australia’s future success. To maintain our competitiveness internationally, we must continue to expand our innovation capacity and capabilities and embrace opportunities to bring new approaches to many of the country’s existing problems. It will always be a priority for the coalition to create and foster conditions in Australia that lift productivity, encourage enterprise and stimulate discovery and innovation. Of course, we hope the government sees these goals as important too. Everything it has done so far, unfortunately, has indicated the opposite. Now is the time for it to set aside its spin and falsehoods, abandon a misguided agenda and join the opposition in trying to achieve genuine reform. Some might even be tempted to call for Labor to embrace a ‘new paradigm’ when it comes to its attitude on R&D.

The coalition believes that increased innovation is crucial to Australia’s economic development. The way in which Labor responds to the coalition’s second reading amendment will offer a profound insight into the extent of its own commitment to a more innovative future. It is not too late for the government to relent, to finally come to the table and to put an end to its multitude of inconsistencies and contradictions. From the ashes of a process that has not served anybody well, it can retrieve the situation and show that it is prepared finally—at long last—to work with industry, importantly, and the coalition to secure a practical, workable and positive outcome. In that vein, I move:

That all the words after “That” be omitted with a view to substituting the following words: “the House:

(1) reaffirms its commitment to providing continued high levels of support for Australian businesses that invest in research and development (R&D) activities;
(2) notes that this bill weakens the current system, and recognises that the bill has significant limitations in relation to the following:
   (a) the proposed start date of 1 July 2010;
   (b) the establishment of a ‘dominant purpose’ test;
   (c) the application of feedstock provisions to a wide range of activities and results;
   (d) the reduction of support for R&D in the building industry;
   (e) the disqualification of many small and medium-sized businesses from support because of new rules in respect of their ownership structures and turnover;
(f) the requirement for costs to be documented and attributed to ‘core’ and ‘supporting’ activities;

(g) the new provisions relating to third-party investors in firms’ R&D; and

(h) the proposed application of new rules relating to the disposal of R&D results to actions taken prior to the commencement of this legislation; and

(3) urges the Government to release full modelling demonstrating the impact of its proposed changes, and reconsider its approach in order to ensure that encouragement of business R&D activity is not substantially reduced.”

The DEPUTY SPEAKER (Mr KJ Thomson)—Is the amendment seconded?

Mr Randall—I second the amendment and reserve my right to speak.

Mr SYMON (Deakin) (12.31 pm)—I speak in support of the Tax Laws Amendment (Research and Development) Bill 2010 and the supporting bill, the Income Tax Rates Amendment (Research and Development) Bill 2010, which will introduce a new research and development tax incentive for Australian businesses. But I do speak against the amendment as moved by the member for Indi.

I have previously spoken on the lapsed bills which were introduced in the last parliament in this regard, but they did not progress through the Senate at that time. The parliament simply expired. These bills reflect the changes made to the original bills in response to the report on the bills by the Senate Economics Legislation Committee. Changes have been made to the those bills to clarify that the new research and development tax incentive supports experimental activities for the purpose of generating knowledge in the applied form of new or improved materials, products, devices, processes or services.

Research and development is critical to the future prosperity of our nation. I really do not think anyone disputes that. Government incentives that encourage research and development directly assist business to develop new innovative products that will build national income and create jobs. It was the Hawke government that introduced the original research and development concession back in the 1980s. Originally set at 150 per cent, it was then cut back to 125 per cent under the Howard government, which as we have seen was at a significant cost to Australia’s research and development output.

As a former member of the House of Representatives Standing Committee on Industry, Science and Innovation in the 42nd Parliament, I was involved in the examination of national research and development funding as a part of the committee’s 2008 inquiry that produced the report entitled Building Australia’s research capacity. At that time, the committee heard evidence from Universities Australia that the gross expenditure on research and development in Australia was $14 billion in 2007-08. When compared to the OECD average, there was an estimated shortfall of $5 billion per annum.

The most recent Australian Bureau of Statistics data confirms that there has been an increase in research and development expenditure. In 2008-09 business expenditure on research and development rose to $16.9 billion, up 13 per cent on the previous year’s figure. Although expenditure on R&D as a proportion of gross domestic product rose to 1.34 per cent, up from 1.26 per cent, pushing Australia to 11th place in the OECD rankings, that still leaves Australia below the OECD average. The OECD average expenditure on R&D is 1.63 per cent.

Much of this increase was due to expanded research and development investment in the mining industry, with an additional $860 million invested in the 2008-09 financial year. The next highest increase in
R&D expenditure was in the financial sector, which rose $587 million. In 2008-09 manufacturing invested $4.34 billion in research and development, the mining industry invested $4.24 billion, scientific and technical services invested $2.51 billion and financial services invested $2 billion. This increase in research and development has been a great result; however, there is more work that needs to be done to continue this trend. The new tax concession provides increased assistance for genuine research and development and will redistribute support in favour of small and medium-sized enterprises.

These bills will expand the number of businesses that can access government support for their research and development expenditure and investments. Currently, there are more than two million businesses in Australia, but at present only around 8,000—yes, that is 8,000—of these businesses benefit from the current research and development tax concession. There is a bias in the existing system towards large companies. As we can see from the figures, the 100 largest companies tap 60 per cent of the $1.5 billion research and development funding pool. The intention of these bills is to provide higher rates of reward for research and development expenditure and expand the number of companies drawing on that support.

There are two core components to this. One is that larger firms—that is, companies with an aggregated turnover of $20 million or more—will receive a 40 per cent non-refundable tax credit. Companies accessing the non-refundable tax credit can carry forward any unused offset amounts to reduce future tax liabilities. The 40 per cent tax credit raises the base research and development tax incentive for larger firms by a third, taking it from 7.5c to 10c in the dollar. The other component to the program is that smaller firms will receive a 45 per cent refundable tax credit, which doubles the base rate available to SMEs under the existing research and development tax concession from 7.5c to 15c in the dollar. For smaller companies this tax credit can be used as a cash rebate if a firm is not yet making a profit.

This is a substantial change and a substantial incentive for new and innovative companies to invest in research and development even though this investment may push them into a loss for that financial year. To give an example, a company with a turnover of $10 million that spends $1 million on eligible research and development activities in an income year may end up in a tax loss position. Under the new research and development tax incentive, that company would be entitled to a cash refund of $450,000. Under the existing research and development concession there would be zero benefit as the company in that example was not running at a profit. For the first time, companies will receive a cash benefit because they have taken the risk and invested in research and development in the early years of operation.

This proposed R&D tax credit was ranked as the world’s best policy for developing innovation by a 2010 KPMG study comparing research and development incentives. In further endorsement of this bill before the House, the Chief Executive of the Australian Private Equity and Venture Capital Association, Katherine Woodthorpe, said that this legislation will:

...be a real boon for the small research-intensive companies that venture-capital invests in.

In addition to higher rates of support and the ability to receive a cash return for the company not in profit, there is now a clearer and better targeted definition of ‘eligible research and development activities’. This is to ensure that the incentive is available in circumstances consistent with the underlying rationale for government intervention and,
what is more, that the public know the incentive is delivering real innovation.

There has been growing concern about the current scheme and how much of the R&D is truly in line with broad expectations of what constitutes research and development. The scheme has more than doubled in just five years to 2008-09 and there is concern that this is being driven by companies claiming spending that has more to do with ongoing business instead of cutting-edge research and development. As the resource boom continues, mining companies have been making very large whole-of-project claims which can draw substantially on the funds available to support research and development. Whole-of-project claims rely on an argument that an entire project qualifies for tax concessions if its viability depends on research and development that meets existing research and development definitions. Examples such as new mining or processing techniques in the resource sector fit into this category.

Another concern is the use of R&D tax incentives for information technology programs in the banking sector. It is interesting to note that the two sectors to record the greatest increase in research and development spending in the latest ABS figures were the mining and banking sectors.

A key aspect of these bills is to establish a clearer definition of ‘core research and development activities’, to introduce a test for supporting R&D activities and to have stronger administration of the incentive. These changes will ensure that the new research and development tax incentive rewards a company’s genuine R&D, but not their business-as-usual activities.

The new R&D tax incentive will ensure most software research and development is treated consistently with R&D occurring in other sectors. In Australia this is a growth industry.

To ensure that businesses understand the new definitions, the 2009-10 budget provided an additional $38 million over four years for administrative agencies to support companies through the transition. AusIndustry will provide comprehensive public guidance material and will introduce a new system of private binding rulings, called ‘advance findings’.

A further reform of these bills is to open up the new research and development tax incentive to foreign corporations that are resident in Australia and those that carry on R&D activities through a permanent establishment in Australia. These bills create a new incentive for expenditure on eligible R&D activities conducted in Australia, regardless of where the resulting intellectual property is held. This reform strengthens the case for foreign companies to conduct research and development activities locally rather than in offshore locations. Many foreign owned companies conduct research and development in Australia—companies in the automotive sector like Ford and Holden, which develop new models for Australia and overseas.

The recent announcement made by the Prime Minister of IBM opening a new multimillion dollar research centre at the University of Melbourne, which will create 150 research jobs, is a great example of this. The new incentive will encourage more research and development in Australia by world renowned companies such as IBM and many others.

Small companies will be the big winners from the research and development tax incentive, with access to cash refunds on R&D expenditure if they do not make a profit and higher base rates of assistance being provided through the new 45 per cent refundable tax offset. Larger companies can invest, knowing that they can claim a non-
refundable tax offset of 40 per cent of their expenditure on eligible R&D activities.

The research and development tax credit will continue to deliver $1.6 billion of benefit annually for business R&D in Australia. There is no reduction in the amount available for research and development support. However, the aim of these bills is to deliver more effective stimulation of research and development by more companies with the same expenditure of funds as from the previous budget. It is the intention of the government that the research and development tax credit will be available for income years starting on or after 1 July 2010, as was put forward to the House in the lapsed bills of the last parliament. I commend these bills to the House.

Mr FLETCHER (Bradfield) (12.43 pm)—The Tax Laws Amendment (Research and Development) Bill 2010 is a bill which fundamentally changes the existing system of supporting research and development expenditure through tax expenditure and tax deductions. It seeks to identify some research and development as better than other research and development, and particularly seems to prefer research to development. Yet we have been given no clear explanation as to why this is. It seeks to suggest that research and development conducted by small companies is somehow better than that conducted by big companies. And again, we have been given no clear explanation as to why this is.

This bill claims to offer greater support for research and development but in fact narrows the circumstances in which companies can obtain tax benefits for research and development expenditure. We have heard the claim from the member who has just spoken that this bill will allow small companies to achieve greater success in securing support for their research and development activities. It is quite unclear from this bill how that will actually happen, because the very same mechanisms in this bill which will constrain the capacity of large companies to secure tax support for their research and development activities will similarly constrain the capacity of small companies. The provisions in the bill are the same. There is not one set of provisions which applies to large companies and another which applies to small companies. As a matter of basic logic, if the provisions in this bill tighten up the circumstances in which companies can secure tax deductions or tax credits for their research and development expenditure, that tightening up will apply to small companies just as much as it does to large companies.

This bill has been imposed on Australian industry in the face of overwhelming concerns expressed by many sectors of industry through a poorly managed consultation process and in a way which raises real suspicion that the true rationale for this bill is to reduce the aggregate amount of tax expenditure on research and development. Let me quote from a letter I received from Tracey Murray, a partner specialising in this area at the leading accounting firm BDO:

"The proposed R&D Tax Credit program appears, in the first instance, very attractive, in that it offers companies with a turnover of under $20 million a 45% refundable tax credit. This is a huge advantage over the current program, however, scrutiny of the details as to who can access this increased funding and the expenditure eligible for this credit confirms that very few innovative Australian businesses will be able to access this elevated level of support unless their R&D fails or they have failed to commercialise the results of their R&D activities, the result of which penalises successful R&D activities."

It is clear that there are many matters which should concern us about the Tax Laws Amendment (Research and Development) Bill 2010, and I want to address three things in my remarks: firstly, the background and history for the bill being brought forward and
the claimed basis on which the changes in
this bill are being made; secondly, the key
provisions in the bill and some of the prob-
lems with them; and, thirdly, the question in
summing it all up—what is the Labor gov-
ernment really up to with this piece of legis-
lation?

Today the existing R&D arrangements
consist of four components: the basic 125 per
cent tax concession, the 175 per cent pre-
mium concession, the 175 per cent interna-
tional premium concession and the refund-
able R&D offset for small companies. The
stated intent of the Gillard government with
this bill is to make R&D tax support ar-
rangements simpler, more predictable and
more generous. Nobody could quibble with
that as a set of aims. Unfortunately, it is very
hard to see how these aims have been
achieved in this bill.

One of the fundamental problems bedevil-
ing this legislation is that it draws on two
separate reports which approach this issue
from fundamentally different philosophical
premises. In 2007, the Productivity Commis-
sion released a report on this issue which
recommended a narrowing of the criteria for
eligibility for R&D tax concessions. Then, in
2008, a panel headed by Dr Terry Cutler rec-
ommended what some have described as the
polar opposite of the Productivity Commis-
sion approach—an increase in the base conces-
sion and, with a greater concession available
for smaller entities, a closure of the incre-
mental provisions. It also, importantly, rec-
ommended a change from a tax deduction to
a tax credit. The government’s 2009 state-
ment Powering ideas: an innovation agenda
for the 21st century, on the face of it, gave
support to the recommendations in Dr Cut-
ler’s review. Subsequently we have seen a
Treasury consultation paper and two expo-
sure drafts of the legislation. The legislation
as it has emerged, while adopting the rec-
ommendation of moving to tax credits,
seems to have reverted to the Productivity
Commission approach of substantially tight-
ening eligibility criteria. It does raise the
question: to what extent is this exercise a
revenue-raising measure more than anything
else? Certainly there appears to be a funda-
mental tension between the approach rec-
ommended by the Productivity Commission
and the approach recommended by the Cut-
ler review, and that tension appears in many
ways unreconciled in the legislation as it has
finally emerged.

Let me turn to the second area I want to
address: the key provisions in this legislation
and some of the problems of them. The key
provisions of this bill create a 45 per cent
refundable tax credit for entities with a turn-
over of less than $20 million and a 40 per
cent non-refundable tax credit for all other
eligible entities. At the same time and very
concerningly, this bill establishes a new and
more restrictive regime which determines
eligible research and development activity by
creating two key categories: core research
and development activity and supporting
research and development activity. The re-
sponse of industry to this new framework has
been overwhelmingly negative.

It is important to understand that for many
decades research and development has been
understood in terms of the so-called ‘Frascati
definition’: creative work undertaken on a
systematic basis in order to increase the
stock of knowledge, including knowledge of
humanity, culture and society, and the use of
this stock of knowledge to devise new appli-
cations. Very importantly, for many decades
research and development has been under-
stood to encompass both creating new
knowledge and using existing knowledge to
create new applications. The problem with
the approach in this bill is that it limits, in
both its objects and its specific provisions,
the availability of the credit to activities that
are undertaken for the purpose of acquiring
new knowledge or information. In other words, a key aspect of what has traditionally been understood to be encompassed within research and development, so-called ‘experimental development’, has been removed. Under the bill, novelty becomes a prerequisite.

It might be argued that the second category of so-called supporting research and development activity addresses this problem, but the definitions required to qualify as ‘supporting R&D activity’ are so limited that it makes it very difficult indeed to meet these requirements. The activity must have a direct, close and relatively immediate relationship with the core research and development activity. In addition, we have a dominant purpose test which is an overarching requirement in the legislation and this effectively operates to kill off any application of the credit to experimental development. Many in industry argue that it is difficult to envisage a situation where a supporting activity would not fall within one of the range of exemptions that are set out in the act and therefore make those activities ineligible to receive the credit.

One member of the Australian Industry Group had this to say:

In a manufacturing environment research and development is necessarily heavily biased towards development in a live production environment, whether that be to commercialise research into new marketable products, to improve existing products, or to improve the efficiency of manufacturing processes. All of these activities are essential in order to remain competitive in a mature global industry, continue to export and to compete against imports.

Another member of the Australian Industry Group estimated that 60 per cent of their activities would not be eligible under the proposed definition. We face in this bill the prospect of Australia moving from a regime designed to induce research and development to a regime which is designed solely to induce research. In the view of a great many people who have commented on this bill, that does not make sense.

It provokes the third question that I want to turn to: what is the Labor Party really up to? One has to be very sceptical about this government’s motivations and whether in particular, given the very heavy involvement of Treasury in the convoluted process through which this bill emerged, the overriding motivation is that the bill is designed to reduce tax expenditure in this area. For example, KPMG has estimated that the current approach will slash the current $1.4 billion tax expenditure on R&D by 50 per cent.

Our very reasonable concerns on this issue might be ameliorated if this government were to release modelling to support its claim that this measure is revenue neutral, but in a response which is sadly all too typical of the approach of this government to pressing public policy issues there has been a complete refusal to release modelling. There has been a complete refusal to allow parliament the information that it needs to carry out appropriately and properly the scrutiny which is part of the duty of parliamentarians and part of the proper function of a parliament. We can merely return to our suspicion, with that suspicion only increased by the persistent failure of this government and this minister to release modelling substantiating its claim that this measure is revenue neutral. Until we see that modelling we are forced to rely upon the very persuasive evidence put forward by a number of the large accounting firms, which suggests that in substance this measure will not be revenue neutral but will lead to a material reduction in the tax expenditure on supporting research and development, a very curious outcome indeed for a measure which is supposedly designed to support research and development.
This bill will also materially increase compliance costs for Australian businesses, which will be required to separate their activities into core R&D, directly related supporting R&D, and supporting R&D activities subject to the new dominant purpose test. A further objection to this wholly unsatisfactory, cobbled together collection of measures is the proposed retrospectivity—the proposed start date of 1 July 2010, which is obviously several months in the past. This is a highly unsatisfactory way for the government to treat industry. It is a highly unsatisfactory way to treat taxpayers, to treat businesses, which are seeking to make a decision about the extent to which they engage in research and development expenditure and face enormous uncertainty about the rules that are going to apply. It is sadly a consequence of the frankly atrocious consultation process which has been conducted by this government in the course of bringing forward this legislation. There were two rounds of consultation: one over the Christmas holidays and one over the Easter break. It is not the finest work of the Australian Public Service and of this government when they release exposure drafts and expect industry to comment in a very short time that extends over a period when many people are on holiday.

This bill purports to achieve sensible and desirable objectives, and certainly some aspects of it are worth supporting. The fundamental notion of moving to a tax credit approach is quite widely supported. But sadly the substance of this bill is deeply problematic. At base, the problem with this bill is that it does not deliver on the claims that have been made for it. It will, in fact, make it harder for many Australian businesses to seek and obtain support for research and development activity and therefore, in policy terms, this is a bill which is going in the wrong direction. Rather than supporting research and development it will, sadly, make it more difficult. (Time expired)

Mr RIPOLL (Oxley) (12.58 pm)—It is a pleasure for me to speak on the Tax Laws Amendment (Research and Development) Bill 2010 and the Income Tax Rates Amendment (Research and Development) Bill 2010. These are important bills and highlight the continued effort and commitment that the Australian Labor Party and this government have to all of the business enterprises in this country—larges, medium and small—particularly for their research and development expenditure. It is a fact that over a period of time, while coalition governments reduced funding and reduced the capacity of people to access this funding, it was Labor governments that increased that funding in dollar terms, not only in the quantum but also in the quality of the schemes that are put forward.

The changes that we are debating today are exactly that—good, quality changes that are well supported. Contrary to what we have heard in this place, the changes are supported by many senior and eminent people in business and in industry, people who have the experience and the knowledge to comment on these issues. The changes have been supported by people like Mr Ian Birks, the CEO of the Australian Information Industry Association; Dr Anna Lavelle, CEO of AusBiotech; Mr Antony Reed, CEO of the Games Developers Association of Australia; and a whole host of others, including TGR Biosciences, the Australian Coal Association Research Program, the Australian Industrial Research Group, the CEO of Medicines Australia, the tax council of the Institute of Chartered Accountants, the CEO of the Australian Private Equity and Venture Capital Association and a range of other people. It is actually quite a widely supported amendment.
This bill does many good things. There have been some critics and there always will be. We ought to expect that. No-one should ever expect that changes such as these, in whatever form they come, will suit everybody absolutely or exactly. That means that, sometimes in these processes, there are people who find they sit in a slightly different position to where they might have sat in the past. But that is exactly the point of change; that is exactly why we are here today—to make those changes.

This government is trying to ensure that more businesses are eligible for the available $1.6 billion pool of funds. We want to make sure that it goes to a larger group of people and that those funds are absolutely fully expended, but we also want to make sure that they are expended in the best possible manner—that the expenditure is targeted and makes sense. We want to make sure that taxpayer funding is supporting the type of research and development that should take place in this country.

So we ought to be very careful about the sort of debate we have in this place, especially about the presumption that this is all about reducing funding. There is no funding reduction. The same pool of funds is available—$1.6 billion. Similarly, there have been assertions that the changes will be, in some way, detrimental to manufacturing or to manufacturing R&D. It is clear that that is not the case. The manufacturing sector will have as much eligibility as any other sector. The same rules will apply across the board.

Another area where there has been a range of comments is consultation, but there has been quite a substantial amount of consultation and a substantial period of time for people to absorb the changes. In general—and I even hear it from the opposition—people say that it is good change. They say that it is a good set of amendments and that it is good change. It tightens up the rules and tightens up the way in which the R&D tax incentives operate.

The proposed R&D tax credit is a tax incentive. It is there to encourage companies to undertake genuine research and development. That is what it ought to do and that is what we are making sure it does. The tax credit is a major element of this government’s policy to increase research and innovation. We are making sure that more enterprises in this country have access to this type of assistance and funding. We are doing that to make sure those enterprises can continue to be innovative.

These reforms are in line with the report Powering ideas: an innovation agenda for the 21st century and are the biggest reforms to business innovation support for more than a decade. Like many other things that we are introducing into this place, they are the biggest reforms in more than a decade and they are positive reforms. They involve better funding or more funding, a tightening of the rules, better eligibility and assurance that we are looking after industry in the area of innovation.

What we are putting forward has, in fact, been rated as world’s best practice by no less than KPMG in a recent report comparing government incentives internationally to support business R&D. So there you have it. We heard before about some tax firms that are not happy with certain elements, or certain parts, of the changes, but KPMG have found that the two big changes—the actual size of the incentive, increased in this legislation, particularly in the refundable category for small and medium enterprises, and the way it is targeted and structured—are in line with world’s best practice. Everyone needs to benchmark what they are doing. We should not sit outside of what is regarded, across the globe, as the best way to do things, and
KPMG are saying that what we are doing is rated as part of world’s best practice. I think that boosts the government’s argument.

There are around two million businesses in Australia, but the startling figure is that only about 8,000 of these businesses benefit from the current R&D tax concession. This government wants to increase that number. Eight thousand is too few; it is too small as a number and too small as a percentage. The reality is that more businesses should benefit from this very good incentive.

There are two key components to this R&D tax credit and they are quite simple. Small and medium enterprises—companies which have an aggregated turnover of less than $20 million—will receive a 45 per cent refundable credit. What ‘refundable’ means is that, where an enterprise has a tax loss for the year in which the R&D is performed, that enterprise can receive a cash refund. This is a massive incentive to invest, to innovate and to move forward. This has been well supported by everybody including, I assume, the opposition, even though they complain. Larger firms—companies with an aggregated turnover of $20 million or more—will receive a 40 per cent non-refundable tax credit. It is non-refundable, but any of the unused portion can be carried forward to reduce future tax liabilities.

The 45 per cent refundable tax credit doubles the base rate available to SMEs under the existing R&D tax concession from 7½c in the dollar to 15c in the dollar. The 40 per cent non-refundable tax credit raises the base rate of R&D tax incentive for larger firms by a third, from 7.5c in the dollar to 10c in the dollar. These are significant changes, they are good changes and they will have the right impact. They will have the exact impact they are intended to have, which is to encourage people to invest in research and development. The intention of the government is clear: the R&D tax credit will be available from the income year starting 1 July this year, giving businesses and enterprises an opportunity to do their R&D and claim those incentives immediately.

We will continue, as I said in my opening remarks, to fully fund the $1.6 billion in research and development incentives available to enterprises annually. There will be no reduction in the amount. I know there will be scare campaigns from the other side. I know they will be going out there and saying to people, ‘You will have less,’ but it is just not the reality. It is not fact and it is not the intention. The intention of these amendments is to provide a better rate, a more generous rate, and it is to encourage genuine research and development.

The new tax incentive will greatly assist firms as it will be better targeted, and that has to be a key. It is more generous, it is more predictable and it takes away some of the complexity. It provides increased financial support. It also gives support to companies that are in a tax loss position by providing cash refunds, and that will bring more companies into the scheme. I cannot see how anyone would want to deny having access for more firms. If we can spread the pool to a larger number of companies, we will also spread the pool of innovation. That should be a key component and something that is supported by everybody. It will be a redistribution of support in favour of small and medium enterprise. If we are all to be genuine in this place, if we say that small business is the backbone of the economy then we ought to support that. We want to improve that support through this very targeted and generous R&D tax concession.

We also want to make sure that we increase certainty by decoupling the incentive from the company tax rate, making sure that they are separate. The tax credit will provide
business with a measure that is simple, predictable and adopts international best practice and is something that should be well and truly supported by the opposition. The new scheme is a broad- and entitlement-based scheme. It expands access to foreign owned companies and to companies that hold their intellectual property offshore but are doing work and innovation here. The support that will be available to these firms will not stop there.

There are further incentives. There will be greater administrative support from AusIndustry, including the ability to seek an advanced finding on the eligibility of R&D activities. People will be able to move more quickly and with better clarity about their eligibility, and there will be comprehensive guidance materials from AusIndustry and the ATO to make it easier for small business to receive the R&D tax incentive. AusIndustry will also undertake site visits on request to demonstrate how the new R&D tax incentive will operate, and business will no longer need to submit an R&D plan at the registration stage, which will help small business firms through a reduced compliance burden.

We are back here with this bill because it lapsed as a result of the election being held earlier this year and now needs to be reintroduced. Now, though, it incorporates some minor changes that have been circulated as proposed government amendments, and those amendments came out of issues raised by the Senate Economics Legislation Committee. The two amendments in particular I am speaking of are to the Tax Laws Amendment (Research and Development) Bill 2010. Proposed amendment (1) is a clarification of the objects clause and amendment (2) is a clarification of the scope of core R&D activities. This will provide the certainty that business has been looking for.

This is a good bill. It continues a great research and development scheme, and it continues to fully fund the $1.6 billion. It does mean there is a better incentive for small and medium enterprise, and there is a doubling of the tax offset and the rebate, particularly in the refundable category. It also means that for large firms not only is there an increased amount but also there is more certainty about how it is applied. It is a good bill and, while there have been some criticisms, those criticisms I think will be found to be not justified over time and the amendments will work very well to produce the outcome the government desires, which is to have more targeting and more firms actually access the R&D grants. I commend the bill to the House.

Ms MARINO (Forrest) (1.11 pm)—Research and development investment in Australia is a major driver of value and is vital for increasing our productivity and competitive capacity. Australia is recognised as a global leader in many industries because of its historic investment in R&D and 25 years of a successful system that has encouraged and supported this investment.

There is an economic and social benefit in R&D programs, and I am supportive of sensible changes to R&D tax incentives but not those that erode support and investment. The ABS noted business spending on R&D totalling $10.1 billion in 2005-06, and the major contributors were manufacturing, property and business services and the mining industries, with over 119,000 Australians employed full-time in R&D. Priority areas include ICT, biotechnology, manufacturing, mining and the food industry.

However, this Labor government legislation threatens to erode support for R&D investment in Australia through major changes redefining the type of R&D activities that will be eligible for support. Fewer firms may
now qualify for assistance. Effectively this government is cutting tax concessions for R&D on the back of slashing spending on the Export Market Development Grants Scheme by $50 million last year. Unfortunately, in helping to cover the cost of Labor’s wasted billions of taxpayers’ funds, the government’s revenue cutback may well compromise investment in innovation. I can only imagine the frustration and commercial uncertainty in many businesses with the retrospective provisions in this tax laws amendment research and development legislation and how it affects their current and future planning.

The proposed introduction of new categories of ‘core’ and ‘supporting’ R&D and a ‘dominant purpose’ test will disadvantage many businesses and limit their R&D efforts. As we know, approximately 95 per cent of R&D activity in Australia is ‘applied’ research—it involves making refinements, improvements and innovations around existing practices rather than undertaking wholly new R&D work. This is very important, and you can see this particularly in the mining and resource sector. I am very supportive of R&D to support small business but, at the same time, we cannot afford to put at risk investment in our mining and resource sector because this sector is one of the ones that will help drive this economy. I am concerned that this may be just another Labor attack on that mining and resource sector, through the mining tax, the carbon tax and the reduction in R&D tax concessions. Conversely, the government is expecting the mining and resource sector to drive the Australian economy. Many companies will be affected. Sixty per cent of the world’s mining software has been developed by Australian companies, and we are leaders in processing technologies, mining equipment and scientific analysis technologies.

As I said, I believe that research, innovation and the pace of innovation and development are vital, whether in health, mining, petroleum, natural resource management, environmental management, agriculture or any other sector. Companies involved in R&D require clear, concise, simple and unambiguous policy settings and directions. The issues of clarity, simplicity and conciseness—but not retrospective—rules are extremely relevant, but unfortunately it seems that the Labor government is determined to undermine R&D by reducing the tax concessions so as to raise revenue.

Irrespective of how the government frames this, the judgment can only be that this government is not really serious about R&D. Evidence in regional areas actually proves this. Labor’s first budget stripped $1 billion out of regional programs such as the Growing Regions program and replaced them with programs of less than $200 million. The government also abolished Land and Water Australia in November 2009 and cut $63 million from CSIRO’s agricultural research, costing 100 jobs and the closure of two major research laboratories, to meet the first round of budget cuts in 2008-09. The CSIRO Staff Association warned that as many as 300 jobs in both science and research support services would be lost.

Agriculture also bore the brunt of the first $15 million round of research cuts, including the closure of Australia’s biggest livestock research laboratory at Rockhampton in North Queensland. The Rendel laboratory provided vital support for Australia’s beef industry but was closed in March 2010, less than four years after it received a $3 million upgrade to boost its research capacity. The CSIRO will also close its Merbein grape and citrus research laboratory at Mildura in northern Victoria in 2011-12. This laboratory was established in 1919 and it developed light mechanical pruning and nematode-tolerant
grape rootstocks that are worth an estimated $150 million a year to the wine industry.

The CSIRO was hit in 2008 with a $23.6 million cut because of the increased efficiency dividend. Former CSIRO divisional chief Dr Max Whitten said the budget cuts showed ‘an airhead mentality’ towards science. A total of $12 million was lost to the Rural Industries Research and Development Corporation in the 2009-10 budget through cuts of $3 million over four years. There was also a funding cut of $3 million per year over four years to the Department of Agriculture, Fisheries and Forestry and its agencies.

The R&D sector, business and industry need constructive support, not Labor government funding cuts and legislative changes forced on them with very little consultation but with very direct retrospective effects. I recently raised doubts about the Productivity Commission’s draft report on the Rural Research and Development Corporations, RDCs, released in September this year, which suggested that the government should reduce its investment in rural research and reduce the input producers have in the decision-making process.

The Productivity Commission has said that producers should make up the shortfall themselves as the government pulls back on its spending and, at the same time, have less say on what the research money is being spent on. The Productivity Commission clearly did not understand the difficulties faced by the agricultural sector, with the report suggesting that $50 million each year should be removed from the Rural Research and Development Corporations in which the producers currently have a voice. The money would be directed into a new government bureaucratic organisation called Rural Research Australia—a non-industry RDC in which producers would have no say at all. The draft report also recommended slashing the remaining RDC funding by $60 million a year over the next 10 years.

I wonder how on earth this can be justified when Australian farmers are being expected to produce more food and fibre on less land with less water, less fertiliser, less energy and increased costs but fewer commercial returns—whilst at the same time the government has already cut R&D funding and clearly plans to make even more drastic cuts. I encourage all farmers to make submissions on this draft report to send a very clear message to the Labor government that this tough period of drought, poor prices, high bank interest rates and charges—with the difficulties in accessing finance and competing in a global market where subsidies of 39 per cent are common—is the worst possible time to walk away from agricultural research.

Australia simply cannot afford to restrict R&D business activities across the board. Consider the food-processing sector and the consumer demands for healthy, convenient products that are diverse, high quality and value for money. These require the development of new food-processing, separation and packaging technologies and innovations; however, under the changes to the definitions under this legislation much of the assistance for the type of research needed to deliver these outcomes will be eroded in an industry that has to compete globally.

Research and development are key success and sustainability factors. As I said earlier, Australia is recognised as a dynamic driver of biotechnology and pharmaceutical innovation, with over 470 companies focusing on therapeutics, agricultural biotechnology and diagnostics. I do not want to see any of that eroded or undermined by poor R&D legislation. The Labor government must not undermine the R&D sector with this legislation or cause a reduction in the R&D efforts of individual companies. As we know, re-
We are proposing amendments to this legislation which will deliver a constructive outcome. We cannot afford to compromise the integrity of Australia’s R&D system. We will support sensible and rational improvements to the existing regime. If the government is seriously interested in changes to drive better R&D outcomes in Australia, it will accept constructive amendments.

Mr BANDT (Melbourne) (1.22 pm)—I will very briefly indicate the Greens’ position on the Tax Laws Amendment (Research and Development) Bill 2010. The Greens are big backers of government providing strong support for research and development in this country, and nowhere is that support more needed and its usefulness more apparent than in my electorate of Melbourne, which arguably has the highest concentration of research institutes and companies engaged in research in Australia. Since being elected, I have had the benefit of meeting many of them and touring some of their facilities. We are especially keen on making sure that research and development funds find their way to small and medium enterprises, and we have engaged in some significant consultation regarding this bill and will seek to move some amendments. But in this House we will be supporting the bill with the aim of introducing amendments and engaging in further discussions in the Senate.

Mr FRYDENBERG (Kooyong) (1.23 pm)—What do the wine cask, the bionic ear and the flight recorder all have in common? They are names in a long list of Australian innovations. For Australia to prosper and compete in the future this list must grow and in this place we must do all that we can to cultivate and facilitate a business culture of enterprise and innovation. However, the Labor government has not got this message and that is why I rise today to speak on the Tax Laws Amendment (Research and Development) Bill 2010. The coalition opposes this bill. Labor’s proposed changes strike at the very heart of providing business incentives to pursue research and development and will, if passed, significantly impair any industry support for business R&D in Australia.

It is extremely disappointing that the legislation before the House is flawed in its approach to encouraging businesses to invest in research and development—a point obvious to many who should know. Leading global firm KPMG have been selectively quoted by those opposite, including today by the member for Deakin and the member for Oxley, in support of this bill; rather, KPMG have sounded serious warnings about its negative impact. KPMG’s national lead partner for R&D incentives, David Gelb, said:

That report was not at all based on the first or the second exposure draft. The report was predicated on there being no change to the definition of R&D.

There are some key issues that have yet to be resolved.

Cutting R&D concessions is not the right way nor is it the smart way to grow Australia’s industry and strengthen our economy over the long term. Indeed, as economists and right-minded policymakers emphasise the world over, technological progress is the critical factor that drives sustained economic growth. This bill makes such progress more difficult.

The government’s bill proposes altering the basic structure of Commonwealth government incentives for business research and development spending for the first time in more than two decades. If passed, this bill will replace the existing research and development tax concession that has been available to businesses since 1986 with a new R&D tax credit that will be retrospective.
The idea of moving to a tax credit system is sound in principle, but the arrangements that underpin Labor’s legislation are not. The government’s bill was created in haste. Instead, we should ensure the present arrangements remain in place until at least 1 July 2011 so that business can have certainty and stability, and in the meantime work with industry to more comprehensively consider a more effective incentive system than that proposed here.

Given that the current legislative regime already imposes tough measures that business must satisfy to qualify for R&D assistance, this bill creates a series of new hurdles for Australian businesses to overcome in order to receive any assistance at all. Research and development are the hallmarks of innovation, and we must nurture any incentive structure and its tax environment to sustain onshore R&D through positive legislation and regulation. The bill does not achieve that. The bill does not give effect to the theme, which the Labor Party took to their 2007 election campaign, of promoting ‘national innovation’. As well, this bill is not in the spirit of Labor’s 2010 election promise of ‘a simpler, more generous R&D tax credit to encourage Australia’s two million businesses to undertake R&D’. Its substantive effect is quite at odds with what is claimed and, in fact, winds back support for research and development in Australia.

During a recent inquiry into this bill by the Senate Standing Committee on Economics, Medicines Australia expressed concerns when it highlighted the complexity of the bill’s rules relating to core and supporting R&D. Representatives from Australia’s university sector similarly suggested that any loss in R&D investment in Australia would negatively impact universities’ R&D capabilities. Both groups, instead, support more expansive definitions of eligible R&D. The government seems to have turned a deaf ear to these concerns and that of many others while hastily drafting and pushing through this bill.

The key issue before the House is whether the mechanism proposed in this legislation will be effective in encouraging research and development. We on this side of the House are clearly of the opinion that it will be entirely ineffective. If anything, to quote Sandra Mason, tax partner at Pricewaterhouse-Coopers, in an article that appeared in the Australian Financial Review on 1 February this year, the government’s idea of a new R&D incentive is ‘a kick in the guts for business’.

The government’s decision to pursue these changes and the way it has gone about it is incredulous, especially when, for the past 24 years, there has existed a bipartisan approach to supporting R&D in Australia. Although Commonwealth support has been repeatedly refined and amended over the years, the current system has worked and is very familiar to businesses and currently assists approximately 8,000 companies nationwide.

Under the Howard government, the current research and development tax concession was the principal instrument supporting innovation in Australia, with R&D priority areas including information and communications technology, biotechnology, manufacturing and mining, as well as sustaining the Australian food industry. The Howard government committed $380 million over 10 years, to 2011, to a centre of excellence for ICT research, research training and commercialisation. Established in 2002 as an independent, not-for-profit company the centre, known as National ICT Australia, is now one of Australia’s largest ICT research organisations and employs more than 300 research and support staff and around 260 postgraduate students.
In 2000, the Howard government launched a National Biotechnology Strategy, which was strengthened in 2004. The strategy was designed to enable government and key stakeholders to work together to ensure that developments in biotechnology were harnessed for the benefit of the entire Australian community, industry and the environment and to strengthen Australia’s competitiveness in biotechnology. The current tax concession that has made these and similar cutting-edge research and development opportunities possible has been achieved within an estimated cost to the budget of $1.5 billion in the most recent financial year.

However, when it comes to R&D this Labor government has consistently let down the side. This new incentive scheme has been contentious from the outset, most of all among those Australian businesses most committed to investing in science and innovation. Labor’s recent inability to articulate whether or not it will provide $7.5 million to the soldier survivability program is just one illustration. The program, which is aimed at improving the protective armour and personal survival equipment used by Australian troops on the front line is an excellent example of Australian R&D, Australian ingenuity and know-how.

Under this bill the activities eligible for support have been drastically reduced by the government. Within the current system, R&D activities must be ‘innovative’ or involve a ‘high level of technical risk’ to receive support. The government’s legislation would change this requirement to ‘considerable novelty’ and ‘high technical risk’. The proposed new incentive is a significant departure from the existing incentive and should be described as an entirely new measure, as the tests for eligibility will be not only tightened but substantially changed.

I am also concerned that businesses undertaking R&D need certainty over their tax environment. I am worried that the legal questions that will be created by Labor’s sweeping changes to the eligibility rules and tests, in particular the new distinction between ‘core’ and ‘supporting’ R&D and the dominant purpose test, will be substantial. These changes will have a detrimental effect on non-scientific, industrial research activities as they will not be eligible activities under this legislation, although they are currently eligible for the existing incentive.

Growth in business investment in R&D over the past two decades has increased the cost of the concession, but it has also paid substantial dividends to local, onshore knowledge building and innovation. In the long run, a nation’s capacity to innovate determines how quickly its economy can grow, how quickly it can increase living standards and how well equipped it is to prevail over economic, social or environmental challenges.

During the life of the last parliament, the structure of the existing R&D tax concession twice came under scrutiny, firstly, by the Productivity Commission, in 2007, and then closely followed, in 2008, by a review led by Dr Terry Cutler. In both cases alterations to the existing R&D tax concession were recommended. Merit exists in some of the recommendations and both the Productivity Commission and Dr Cutler raise a series of legitimate concerns over aspects of the operation of the existing R&D tax concession, in particular, the provision of support to some R&D which provides sufficient returns to the businesses that undertake it and which would occur whether or not the tax concession was in place. The government’s response, however, has incorporated the most onerous features of both cases, while ignoring their more generous aspects.
The business case for Labor’s changes to this incentive has not been made and this is reflected in the opinions of Australian business and industry. As the Australian Private Equity and Venture Capital Association Ltd, AVCAL, in their submission on the exposure draft, stated:

… the narrowing of the eligibility criteria for the R&D tax incentive will materially affect the future of many innovative businesses in Australia. These businesses, which would have been at the forefront of the Government’s efforts to foster home-grown innovation, will now be ineligible for the very incentives which are intended to propel innovation forward in Australia.

This change to the definition may unintentionally lead to the exclusion of many genuine, value-adding R&D activities that should be supported and that are currently eligible for support. This legislation will be counterproductive to the coalition’s goal of enhancing Australia’s innovation and technological future. In doing so, it threatens to limit our future economic prosperity. Labor clearly does not understand the key issues at stake. For this reason the coalition does not support the legislation.

Mr ANTHONY SMITH (Casey) (1.36 pm)—I rise to speak on the Tax Laws Amendment (Research and Development) Bill 2010 and cognate bill, following the member for Kooyong, who outlined in great detail the fundamental problem with the Labor Party’s approach to this critical area of R&D. The decisions in this key economic area directly impact the sorts of opportunities businesses and Australians will have tomorrow. As the member for Kooyong outlined, there are a series of obvious flaws within this legislation.

As previous speakers on this side of the House, led by the member for Indi and followed by the member for Bradfield, have said, concerns have been outlined time and time again by experts within the industry. The member for Indi spoke in great detail about how this legislation and Labor’s approach have unfolded over the last couple of years. The member for Bradfield gave example after example of those involved in the critical area of R&D, experts from accounting firms and experts from the business sector, who have been warning this government for months and months—warnings that have unfortunately fallen on deaf ears.

On behalf of the coalition, the member for Indi outlined our approach and moved a series of amendments to try and rectify this bill to ensure it is the best it can be. If the government were not so stubborn and the Minister for Innovation, Industry, Science and Research, Senator Carr, were not taking a ‘crash or crash through’ approach, you would hope that those opposite could comprehend that they have not got this right, that their approach will damage and R&D in Australia.

Let me reiterate, as the member for Kooyong did in great detail, that there are aspects of this legislation—as the member for Indi outlined in her speech on the second reading—with which the coalition does not have a problem. These include changes to shift from concessions to credits, the relaxation of foreign ownership rules relating to IP and, as she outlined, the idea of encouraging more blue sky exploratory research and giving increased support for small- and medium-sized enterprises in Australia. As the member for Indi, the member for Bradfield and the member for Kooyong outlined, these objectives are, of course, reasonable and the coalition has never had issue with them. This is despite, unfortunately, the government’s attempts over and over again to try and misrepresent the position and assert otherwise.

The criticisms from this side of the House are many and go to what sort of system will replace the existing system and what its defects are. The member for Indi has been quite upfront and said, ‘We acknowledge, accept
and support some of the key objectives.' But it is in those areas that she and the member for Kooyong outlined where we know from the experts from the Senate inquiry and from everyone who has been working within the R&D system that the restrictions in so many other areas within this bill will be detrimental to R&D and therefore detrimental to the business sector in Australia and ultimately, of course, to our longer term economic performance.

As the member for Indi outlined in great detail in speaking to the amendments that she moved, the legislation is defective in a number of critical ways. It will restrict the range of activities that qualify for support by introducing, as she said, 'regressive new definitions of core and supporting R&D'. The member for Kooyong outlined some of those consequences as well. It will alter eligibility criteria so that supporting R&D will only be funded if it satisfies a confusing and complex dominant-purpose test.

There are many more defects that the member for Indi has outlined. I have just picked a sample of them. These have been raised with the minister time and time again. Unfortunately, the minister’s response at every opportunity has been to attack those who try to shine a light on the deficiencies of his approach. As the member for Kooyong pointed out, there has been a bipartisan approach to this important area for 25 years. When those who are experts in the field raise criticisms, we on this side of the House say, ‘If the minister is so small-minded that he cannot accept a criticism or a suggestion from this side of the House, well, fine, listen to those outside of the House who are experts in the field.’ Unfortunately, the minister has refused to do that at every turn. Whenever he has had the opportunity he has criticised those who have deigned to point out the faults with his legislation.

Like so many policies that the Labor Party seeks to introduce, this has the classic three pillars of chaos, uncertainty and confusion. I notice my friend the member for Flinders, who has exposed them on ceiling insulation, is in the chamber. It is not too late for the government to actually listen; they should listen to the member for Indi. The amendments that she has moved on behalf of the coalition are amendments on behalf of those who know the absolute importance—

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! It being 1.45 pm, the debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour and the honourable member for Casey will have leave to continue speaking when the debate is resumed.

STATEMENTS BY MEMBERS

Miss Truong Thi Lan Anh

Mr HUNT (Flinders) (1.45 pm)—I wish to raise the case of Truong Thi Lan Anh, better known as Annie. She is an eight-year-old Vietnamese girl. Her condition was brought to my attention by my great friend Eric Noel. She is a beautiful young girl from Vietnam—no Australian is at fault here. She has a very serious craniofacial cleft with encephaloceles. It is a terminal condition which is nevertheless treatable. She has approximately a year in which to get her treatment. Mr Anthony Holmes, a senior surgeon at the Royal Children’s Hospital, will be doing the surgery. He was intimately involved, along with many other magnificent surgeons, in the separation of the twins Krishna and Trishna. I would urge any members of this House or the community to contribute. Approximately $60,000 has been raised, I am advised, and a further $40,000 has to be raised. I will be approaching the Minister for Health and Ageing to seek her assistance. This girl is not an Australian citizen; the government has no duty here. I will also be approaching citizens
Ms ROWLAND (Greenway) (1.46 pm)—Several residents in the suburb of Glenwood in my electorate have raised the issue of a lack of street posting boxes. The suburb of Glenwood has approximately 13,897 residents but there is but one street box for this entire suburb. As one constituent has noted to me in representations she made to the former minister Helen Coonan in 2007: ‘A postbox was removed at the corner of Sunnyholt Road and Sorrento Drive in Glenwood on the basis that this was for roadworks. However, it was never to be seen again.’ Glenwood is a very large suburb geographically. This one postbox is certainly not within walking distance of many residents. I have actually timed the drive from one end of Glenwood to the other. These are 50-kilometre an hour streets and it can take nearly 10 minutes driving to get to this postbox.

I have made representations to Australia Post regarding this matter and I was advised by them that there are currently no plans to install a new street posting box. I find this response to be less than satisfactory and I have told them so. As a resident of this suburb, I am only aware of one street posting box being located in Glenwood. However, Australia Post told me that there are street posting ‘boxes’ located in Glenwood. I have confirmed there is only one box with the search facility on Australia Post’s own website. The response from Australia Post also notes that there are street posting boxes in Bella Vista and Baulkham Hills. These are nowhere near Glenwood. I continue to raise this issue for the benefit of residents and I look forward to their support.

Building the Education Revolution Program

Ms O’DWYER (Higgins) (1.48 pm)—Armadale Primary School is a small gem in my electorate of Higgins. Through the leadership of Principal Jim Cahill and his teaching staff, and a strong and committed parent network, Armadale primary provides a quality education for about 340 local children. But this quality education is under threat due to bureaucratic intransigence and an attitude of ‘government knows best’. This attitude was apparent with the BER funding. Instead of allowing the school to build a hall designed specifically for the very small site, the government insisted that they build a template hall that took up much more of the valuable playground space, with only a few minor amendments. As a result, the school will be operating under two different timetables to ensure that only half of the students are outside during recess or lunchtime—a timetable that has commenced already due to the building works on site.

But the parents of Armadale Primary School are not going to be bullied by bureaucrats and bad policy again. They face another battle—a battle for a double-storey portable classroom before the new term in 2011. Without it, the students of Armadale primary will be forced to use their existing hall for two level 2 classes. This means that there will be no access to the hall for any other programs or lessons such as music, dance or Italian; there will be no place to hold assembly; and there will be no area to have a before-school program or after-school program. This is quite wrong. Children need space to learn and space to play. They need the right supportive learning environment. I will continue to fight for the parents and the students of my local area to ensure that they
have proper educational facilities and to ensure that the children have a great educational start in life.

Canberra Electorate: ArtSound FM

Ms BRODTMANN (Canberra) (1.50 pm)—I would like to acknowledge the significant contribution made by ArtSound FM to Canberra’s cultural life. ArtSound is a community-based radio station that operates out of the Manuka Arts Centre in my electorate. The station is highly valued in the Canberra community for its eclectic and local music as well as its community focus. ArtSound’s open studio project gives the community access to workshops and recording sessions on a number of levels, particularly for students at our School of Music. The introduction to radio for seniors program targets the musical talent of olderCanberrans. The program offers courses that range from studio tours and the chance to sit in on live radio shows to recording sessions for musically talented seniors. This program also trains seniors in how to use recording equipment and share their histories with our community. The In the Wings program allows new and emerging young classical musicians to promote themselves on radio and then take a CD of their work home. Next year the young people’s radio group school holiday program will give youngCanberrans the chance to write and record radio plays. For the last 25 years, ArtSound has also been digitising old audiotapes for national institutions including the National Library and the War Memorial, so ArtSound is also keeping our history alive. I congratulate ArtSound for nurturing and fostering musical appreciation and talent in Canberra.

Cowper Electorate: Plumpers Lane

Mr HARTSUYKER (Cowper) (1.51 pm)—I rise to highlight the need to upgrade Plumpers Lane in the Kempsey shire of my electorate. Plumpers Lane is the main road into South West Rocks from the Pacific Highway. It was recently reclassified as a regional road by the New South Wales state government. This classification reflects the increased volumes of traffic that are now using Plumpers Lane as the preferred point of entry to the popular South West Rocks area. The road is in a state of disrepair and requires a substantial upgrade. The upgrade would involve 8.5 kilometres of road from the Pacific Highway to Jerseyville. The project would see a comprehensive reconstruction of the road and guardrails erected along the section of the road which runs parallel to the Macleay River.

Prior to the last election I met with Mayor John Bowell and Councillor Liz Campbell. They both emphasised the importance of this project, which had a budgeted cost of $5.95 million. The Kempsey shire simply cannot afford this price tag. I have secured the support of the coalition for this project but am also seeking the support of the government. I have written to the Minister for Infrastructure and Transport, Mr Albanese, seeking funding for this project. I therefore commend this project to the House and trust there will be bipartisan support for this very important piece of local infrastructure.

ACT Children’s Services Awards 2010

Dr LEIGH (Fraser) (1.52 pm)—On the night of 29 October 2010 I had the privilege of joining Joy Burch, the ACT Minister for Children and Young People, Maureen Cane, the CEO of Communities@Work, and Lynne Harwood, CEO of Galilee, for the 2010 Children’s Services Awards night.

The awards are a celebration of early and middle childhood educators and the difference which these educators make to the lives of children and families in the Canberra community. Having a one-year-old and a three-year-old who attend day care, I know firsthand the important and inspirational
work early childhood workers undertake throughout our community each and every day. They light the spark of creativity and learning in our children; they help open the door to a world full of possibilities.

The awards recognised a number of individuals, as well as organisations, for their hard work in helping children and families. In total, 15 awards were presented on the night and while time does not permit me to name all the worthy recipients, I would like to conclude by mentioning that each nominee was not just supported by their organisation but by the children in their care and the children’s families.

It is clear that each and every award winner and nominee’s work was shaped by the needs of their children. We are lucky to have such excellent people working in the Canberra community to care for our young children.

Cowan Electorate: Telecommunications

Mr SIMPKINS (Cowan) (1.54 pm)—On 4 November 2010 I received correspondence from Daly International on behalf of Optus. That letter informed me of the intent of Optus to install three panel antennas on the roof of the Woodvale shopping centre in the northern part of Woodvale in Cowan. Optus is keen to improve its 3G network services in the area.

The letter from Daly International stated that a period of consultation with the community and key stakeholders would run from 1 November to 15 November. It is not surprising that despite the proposal being consistent with ACMA electromagnetic energy exposure level guidelines, the primary school 150 metres away and those who work at the shopping centre were not pleased.

A petition was raised and submissions were tendered, indicating comprehensive opposition to the proposal. The issue was raised with me by my constituent Linda Burke, and upon returning home at the end of the last sitting week I visited the local primary school, North Woodvale primary, and spoke with Mr Greg Brice, the principal. After speaking about the issues, I called Optus from Mr Brice’s office and I then had a conversation with Lisa Kelly from Optus’s corporate and government office. Having discussed the local concerns and alternatives with her, I am pleased with Optus’s response. They will now be pursuing an option elsewhere in Woodvale on an existing tower, and that is a good result.

The views and legitimate concerns of local people have been taken into account and I wish Optus all the best with their pursuit of the alternative—a far more practical and better result. I congratulate Optus and all those in Woodvale such as Linda Burke, Greg Brice and the school and wider communities who made such good sense on the issue. (Time expired)

Financial Services

Mr MURPHY (Reid) (1.55 pm)—With so much discussion about the big banks and their outrageous behaviour in pushing their interest rates well above the RBA cash rates, I urge the House and the community to remember that there are some excellent alternatives to the big four banks. The mutual sector—credit unions and building societies—has been looking after the financial needs of Australians for more than 100 years. The structure of mutuals means that they are owned by their members, the customers. I understand that currently more than 4.5 million people in our country are members.

I am very pleased to have a number of credit unions within my electorate of Reid, in particular the Teachers Credit Union, which services a very important sector of our community: people working in education. I also note that the Teachers Credit Union is the largest credit union in New South Wales and
the third largest credit union in Australia, with a presence in four states and over $3 billion in assets.

In all the talk about the big banks, it is constantly inferred that people stay with them because they are safer. I would remind the House and the community that the mutual sector has to meet the same strict standards required for licensing under the Banking Act, and is supervised by the same regulators, APRA.

Quite simply, credit unions and building societies offer the same range of services and level of safety as banks. However, unlike the banks, the profits credit unions generate are reinvested to benefit their members—their customers—in the form of competitive interest rates, lower fees and, most importantly, personal service. They are not used to line the pockets of greedy directors and demanding shareholders. *(Time expired)*

**Australian Small Business Champion Awards 2010**

Mr BILLSON (Dunkley) (1.57 pm)—I was pleased to join my friend and colleague the New South Wales shadow minister for small business and regulatory reform, Don Page, at the Australian Small Business Champion Awards 2010. It was quite interesting that Mr Page and I were the only elected representatives there. Not one member of the Labor Party, at a state or federal level, could be bothered to attend this very prestigious awards ceremony. Eight hundred small business operators right across the economy were there to have their successes shared and discussed and to be recognised.

It was originally the brainchild of Steve Loe, the Managing Director of Precedent Productions. Steve comes from a family that migrated to Australia from Cyprus, and he saw all the toil and tribulation of his family’s small business throughout its successful career and thought, ‘It is about time someone stopped to say thank you.’

Some of the award recipients observed that the coalition was there in force. I was there on behalf of our leader, Tony Abbott. I was not one of the support dancers for the Lady Gaga support act—only my footwear held me up from that—but I was happy to be there to make some of the presentations and to be part of a really successful evening.

The simple point is that there are small businesses right across Australia that make opportunities and create wealth and vitality for communities, and they want to be recognised. They are people doing extraordinary work. I think there is a need for a national day of recognition for small business and family enterprise to say thank you for the wealth, the prosperity and the support you provide for communities. Thank you to Steve—*(Time expired)*

**Victorian Election**

Mr DANBY (Melbourne Ports) (1.59 pm)—The Greens political party is certainly not vague about death and taxes. Their website shows that the Greens are now combing these two inevitables into one: the death tax. Those contemplating voting for them at the upcoming Victorian election should understand that this thoroughly regressive tax was resoundingly abandoned in Australia in the 1980s. Voters should know that when they vote for the Greens they are voting for a 30 per cent death duty tax. The Greens candidate at the recent Caulfield state election forum said that the death tax would be reintroduced at the rate of 30 per cent.
their TV screens, listening to their radios and searching internet news sites for news of what is happening in New Zealand in such tragic and difficult circumstances. As the House is keenly aware, last Friday afternoon an explosion at the Pike River coalmine at Greymouth in New Zealand left 29 miners trapped deep underground, including two Australians, William Joynson and Joshua Ufer. The Minister for Foreign Affairs has spoken with their families and extended the nation’s support to them. I take this opportunity, on behalf of members of the parliament, to extend our support to the families who are waiting for news. Our high commissioner has travelled to Greymouth today to be there personally.

There is no disguising the gravity of this situation. As we know, search and rescue efforts have been hampered because of high levels of dangerous gas inside the mine, though there is now some drilling underway. We want nothing more than to see these 29 men brought to the surface safe and well. This is a hope that unites us and unites the world today. Understandably, the miners’ loved ones are becoming more and more anxious as each hour passes. Our hearts go out to them, because there could be nothing worse than living through those hours. For the present, we wait and we hope. We have seen two miracles, in Beaconsfield and in Chile. Today we look for a third.

One thing is certain: nothing will be wanting so far as expertise and resources are concerned. Mine rescue teams from New South Wales and Queensland are already on the ground in New Zealand, with an additional three from New South Wales Mines Rescue travelling to New Zealand today. In addition, Rio Tinto, Xstrata and BHP have placed staff and resources at the ready for if they should be required.

I have spoken today to the Prime Minister of New Zealand and he personally thanked me for the efforts that Australia has gone to and wanted me to record his appreciation in this place.

At this moment of anguish, the thoughts of every Australian go out to the families of those who are trapped. Mining communities are close-knit communities and we know miners are engaged in dangerous work. Every Australian involved in the mining industry will today be thinking of their cousins across the Tasman with a special sense of solidarity. All of us join with them in hoping for a miracle. Thank you.

Mr ABBOTT (Warringah—Leader of the Opposition) (2.03 pm)—On indulgence, I rise to support the Prime Minister and to state on behalf of the coalition that our thoughts and prayers are with the people of New Zealand at this difficult time, and especially with the friends and families of the trapped miners. The experience of our miners at Beaconsfield, as well as the recent rescue in Chile, should be some antidote to the despair that the families of those trapped miners might otherwise feel. It is good that mining rescue teams from Australia are now going to the assistance of our Anzac brothers and sisters. This is excellent. The coalition stands ready to support any assistance that the government might care to offer in addition to this.

QUESTIONS WITHOUT NOTICE

Broadband

Mr ABBOTT (2.04 pm)—My question is to the Prime Minister. I refer the Prime Minister to the government’s pre-election policy to eventually place the National Broadband Network into private ownership. Can the Prime Minister confirm that this election commitment has been dumped at the behest of the Greens? Isn’t this a further example of how the government is losing its way while
the Greens are finding theirs inside the Gillard government?

Ms GILLARD—I thank the Leader of the Opposition for his question. As the Leader of the Opposition probably should be aware, the government has said consistently that there would be an inquiry on privatisation. At the stage that we thought circumstances were right for privatisation, we would need to fully inquire into the matter. In order to deal with these questions in the Senate, we have been happy to agree that there will be parliamentary oversight as well. The Leader of the Opposition has had many different positions on questions of parliamentary oversight. Some days he is in favour; some days he has not. But we have been happy to agree on the question of parliamentary oversight in this case.

I also say to the Leader of the Opposition that, on the question of the bill before the Senate, there remains a critical decision for him to make. He needs to decide whether or not to stand in the way of this profound microeconomic reform and structural separation in our telecommunications industry. He needs to decide whether he will agree with that profound microeconomic reform or once again play the role of wrecker. In the modern age, the Liberal Party takes pride in the fact that, when in opposition during the Hawke and Keating governments, they did not resist from the opposition benches waves of important reforms brought to this country by the Hawke and Keating governments in order to open up our economy. The Leader of the Opposition might do well to reflect on the heritage of the Liberal Party on these questions and get out of the way of this profoundly important microeconomic reform.

Mr ABBOTT—I ask a supplementary question of the Prime Minister, just so that the position might be crystal clear. Can the Prime Minister confirm that it is still the government’s determination that the NBN will eventually be privatised?

Ms GILLARD—Yes, I can confirm to the Leader of the Opposition that it is the government’s intention that NBN Co. will be privatised. I can confirm to the Leader of the Opposition that we will not be making the same errors that the coalition did when they privatised Telstra. We will not be making those errors where privatisation happened in circumstances where there was no regard for the regulatory settings or the impact of that privatisation—a matter that used to be raised in this parliament by the National Party as much as it was raised by anybody else. I can also confirm to the Leader of the Opposition that the government has always said that the sale of NBN Co. would be subject to full inquiry before it takes place. We have now boosted that with an agreement to have parliamentary consideration prior to that date. I say again: there are many days on which the Leader of the Opposition stands at the dispatch box and rants and raves about parliamentary consideration. I would find it quite remarkable indeed if he was suddenly opposed to parliamentary consideration.

Afghanistan

Mr NEUMANN (2.08 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on her recent meetings in Lisbon, particularly with respect to the future strategy for the commitment to Afghanistan?

Ms GILLARD—As members of the House would be aware, I travelled to Lisbon on the weekend and attended there the meeting of the 48 countries who participate in the International Security Assistance Force in Afghanistan. This was a NATO-ISAF summit. The summit was attended by President Karzai of Afghanistan, President Obama, Chancellor Merkel, Prime Minister Cameron and the President of France, Mr Sarkozy,
among others. The purpose of this important meeting was to bring together ISAF partners to discuss and determine the future strategy in Afghanistan. Importantly, the meeting heard a report from General Petraeus, the supreme commander of the operations in Afghanistan. The message he very clearly gave to the meeting was that the momentum of the insurgency has been checked, that progress is being made and that we can now move to the process of transition where, place by place, security leadership will move from ISAF forces to local Afghan forces. Transition will happen place by place, depending on conditions on the ground, district by district, province by province. It will be a rigorous process and it will only occur when Afghan forces are able to take security leadership. As I have said to this House before, a condition of taking security leadership needs to be irreversibility—that is, we should not transition out only to transition back in.

The Lisbon meeting decided that transition should start in early 2011, with a target completion date across Afghanistan of 2014. That fits with President Karzai’s goal to have Afghan forces in security leadership in his country in 2014. The outcomes of the summit are welcome and the move into transition in early 2011 is a welcome step. But, as General Petraeus said, nothing in Afghanistan is easy. No transition date has been set for where we work in Oruzgan province. The best advice to us remains that we will be engaged in training there for two to four years to train the Afghan National Army. I echo President Obama’s words that training is the ticket to transition, and that is what we are doing in Oruzgan province. I have consistently said in this place, and I said it at the NATO-ISAF summit in Lisbon, we need to be realistic. We will stay engaged in Afghanistan in some form to the end of this decade at least. Building democracy is the work of a generation of Afghan people. The summit reemphasised the importance of supporting Afghanistan in an enduring way. I welcome the NATO enduring partnership with Afghanistan. Once again, to echo the words of President Obama, the people of Afghanistan need to stand up and take control of their country in the provision of security, but we will be standing alongside them.

**DISTINGUISHED VISITORS**

The SPEAKER (2.12 pm)—I inform the House that we have present in the gallery this afternoon the Deputy Prime Minister of Singapore, Teo Chee Hean, who is the Minister for Defence as well. On behalf of the House I extend to him a very warm welcome, especially as they are partners with us in ISAF.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Carbon Pricing**

Mr TRUSS (2.12 pm)—My question is to the Prime Minister. I refer the Prime Minister to her statement a week before polling day when she declared, ‘There will be no carbon tax under the government I lead.’ I also refer the Prime Minister to the fact that the Greens have long supported a carbon tax. Isn’t the government’s deception on this issue during the election proof that, while the government has lost its way, the Greens have found theirs inside the Gillard government?

Ms GILLARD—I thank the member for his question. It is not clear to me whether he slept through the parliamentary term 2007 to 2010 or he has simply forgotten it, but if he remembered that parliamentary term he would recall that the question of pricing carbon was probably one of the biggest single debates we had in this parliament. Obviously, our overwhelming Work Choices was also a very big debate. As we worked through our way through the question of pricing carbon, those on the opposition
benches had every potential position known to humankind. They believed in climate change, they did not believe in climate change; they believed in pricing carbon, they did not believe in pricing carbon; they believed in a market based mechanism, they preferred a tax—and on and on it went. Courtesy of the member for Wentworth, we finally found out what was driving all of this division within the opposition.

Mr Pyne—Mr Speaker, a point of order on direct relevance: the Prime Minister was asked about the government’s change in policy, not about the opposition side of the House. She should address her answer to that question.

The SPEAKER—Order! The Manager of Opposition Business will resume his seat. The Prime Minister will respond to the question.

Ms GILLARD—I am responding to the question by indicating the process that led to where we are now with the creation of the Multi-Party Climate Change Committee. In understanding that, it is important to understand the twists and turns of the opposition on this. We finally worked out, courtesy of the member for Wentworth and his description of the Leader of the Opposition as a ‘weathervane’, that the Leader of the Opposition’s version of dealing with climate change is that you go outside, you stick your finger up in the wind and you see which way the political winds are blowing and then you decide what you are going to do about climate change.

We do not agree that weathervane focus-group-driven politics is appropriate—the kind subscribed to by the Leader of the Opposition—so we are seizing the opportunity of this new parliament to bring together people of goodwill, who believe climate change is real, who believe that human activity is causing climate change and who believe in the need to price carbon in order to deal with climate change and in order to meet the carbon emissions reduction targets that are actually bipartisan politics in this parliament.

We will keep doing that, and I say to the member who asked the question: if he has a serious interest in tackling climate change he should converse with his leader about putting his finger back outside, testing the political winds and finding that the Australian people are actually looking to us to do something responsible in this place. You would have the opportunity to then participate in the Multi-Party Climate Change Committee.

Telstra

Ms ROWLAND (2.16 pm)—My question is to the Prime Minister. Will the Prime Minister inform the House of the importance of the structural separation of Telstra for reform in the telecommunications sector?

Ms GILLARD—I thank the member for her question. In front of the Senate at the moment is an incredibly important piece of legislation, which is the competition and consumer bill, that structurally separates Telstra’s retail arm from the rest of the company. This is a profoundly important piece of microeconomic reform. It will create a transparent regulatory framework that delivers quality, choice and competitiveness so that consumers benefit and so that market entrants, who would provide retail competition, do not face barriers to that entry.

This is a profound test for the opposition as to whether or not they believe in this kind of competition reform, this kind of microeconomic reform. This legislation is necessary to overwhelm one of the mistakes of the past which was the failure of the Howard government, of which the Leader of the Opposition was a part, to deal with regulatory settings when they privatised Telstra.

What the government is seeking to achieve in this legislation is not just paving
the way for the NBN. We are fixing a major market failure left to us by those opposite. Of course, this just equals simple common sense. We would not allow one petrol company to own all of the oil refining in this country. We would not allow that to happen. We would not allow one supermarket to own all of the farms. When we are looking at telecommunications we need to achieve structural separation so that we can have proper price competition in the retail market.

Interest groups, experts and even the member for Bradfield in an earlier iteration all supported this step to increase competition. Now when we are looking at this legislation we find that it is an important microeconomic reform. It is also vital to enabling there to be one wholesale price around the country. If you care about microeconomic reform you will support this bill. If you care about regional Australia and its ability to have the same wholesale price—whether it is in voice, or whether it is in television or whether it is in broadband—then you will support this bill.

Then, of course, you will support this bill if you actually accept the advice of Telstra about what it now believes should happen. If you care about regional Australia and its ability to have the same wholesale price—whether it is in voice, or whether it is in television or whether it is in broadband—then you will support this bill.

Mr Randall interjecting—

The SPEAKER—Order! The Prime Minister will resume her seat. The member for Canning is warned. Mr Schultz interjecting—

The SPEAKER—Order! The member for Hume is warned. The member for Sturt on a point of order.

Mr Pyne—Mr Speaker, I rise on a point of order. The Prime Minister was not asked about the opposition’s position.

The SPEAKER—Order! The Manager of Opposition Business will resume his seat. The House will come to order. The Manager of Opposition Business on a point of order.

Mr Pyne—Yet, again, the Prime Minister is talking about the opposition’s position on the NBN. She was asked about the government’s position on the NBN and I would ask you to draw her back to direct relevance to the question she was asked.

The SPEAKER—The Manager of Opposition Business, on the point of order, has asked me to consider whether the Prime Minister is being directly relevant to the question. I will listen carefully to the last 24 seconds—if all the 24 seconds are used—but I clearly indicate to the Prime Minister that she needs to be directly relevant.

Ms GILLARD—I was simply making statements about the bill in the Senate and motivations in relation to that bill. The member for Wentworth has 10 million reasons to be supportive of the NBN. Most politicians get asked to put their money where their mouth is; we simply ask the member for Wentworth to put his mouth where his money is.

Broadband

Mr TURNBULL (2.22 pm)—My question is to the Prime Minister. When it was revealed during the election campaign that she had strongly opposed pension increases
in cabinet, the Prime Minister stated: ‘I am the person who will say, “Let’s look at it. Let’s cost it. Let’s think about it. Let’s question it. Let’s turn it upside down. Let’s hold it up to the light. Let’s ask a million questions. Does it add up? Is it affordable?”’ Prime Minister, if such scrutiny was good enough for pension increases, why is it not good enough for the $43 billion NBN? Isn’t the Prime Minister’s double standard proof again that the government has lost its way?

Ms GILLARD—I thank the member for Wentworth for his question. It is good enough for the NBN and it is happening.

National Bowel Cancer Screening Program

Mr WINDSOR (2.23 pm)—My question is to the Minister for Health and Ageing. The minister may be aware of a Bowel Cancer Awareness breakfast held last Thursday. Given that 73 Australians die from bowel cancer each week and that more than 90 per cent of bowel cancers can be cured if detected early, can the minister update the House about any plans for future implementation of the National Bowel Cancer Screening Program, including re-screening eligible people instead of one-off testing?

Ms ROXON—I thank the member for New England for his question. I am sure he would be aware that the breakfast was well attended by members from both sides of the House and from the crossbenches and senators who have taken a close interest in this good work that the Cancer Council has been doing in raising awareness about bowel cancer screening. I can advise the House that we are very conscious of the request to expand and extend this program. The member would probably be aware that, in 2008, our government made a decision to not only provide for the continuation of the program—something that had not been provided for in the forward estimates by the previous government—but also extend the program to include 50-year-olds, the date at which screening for bowel cancer should commence. As the program currently stands, it is available to 50-year-olds, 55-year-olds and 65-year-olds. The government has received advice that the absolute rolled gold clinical standard would be to commence screening at 50 and to do that every two years thereafter. We will be considering those proposals in the budget context next year.

Broadband

Mr STEPHEN JONES (2.25 pm)—My question is to the Treasurer. Why is the National Broadband Network important for productivity in the future of our economy?

Mr SWAN—I thank the member for Throsby for his very important question, because the NBN is absolutely critical to driving productivity and innovation in our economy and to providing basic services to all parts of the country at an affordable price. As I travel around this vast country and around the regional areas in particular, I find that they understand the importance of the National Broadband Network. When you go to Mackay, to Rockhampton, to Tasmania and to Western Australia, you find that regional Australians understand the importance of the National Broadband Network to their capacity, in particular, to do business and to be joined up to the national economy and the international economy. The NBN is a very important way of driving economic prosperity. It is a wholesale network and that is why, as the Prime Minister said before, it will drive competition amongst retailers and, because it will do that, it will drive prices down over time. That is recognised quite generally. For example, it is recognised by the Chairman of the ACCC, who has described the NBN as ‘the most significant pro-competitive stance we have ever taken in this area of telecommunications’.

CHAMBER
It has been a dream of economic reformers to achieve structural separation and it is incredible that, in this House, the Liberal Party could now be opposing structural separation. That is why the member for Wentworth is such a hypocrite: he is prepared to make a quid out of it but he is also prepared to come into this House and oppose the structural separation of Telstra. Nothing demonstrates more the hypocrisy of those opposite on this question than the position of the member for Wentworth, who absolutely understands the importance of the NBN to economic growth, to competition and to people living in regional Australia. Of course he has been given his instructions to come into this House and demolish it, but he is still happy to make a quid out of it. Nothing demonstrates more the fact that those opposite are on about short-term political advantage, not long-term advantage. They would rather see the government fail than see the country succeed. They would rather tear the economy down than build it up. We on this side of the House are nation builders and we understand the importance of this enabling technology. We have had an extensive examination of the NBN. We had a committee of experts who said there was no private-sector proposal that delivered value for money. We have had a detailed implementation study, and now we are preparing a business case that those opposite say they will not accept in the first place, because they are concerned with politics not the long-term national interest.

Broadband

Mr BUCHHOLZ (2.29 pm)—My question is to the Prime Minister. I refer the Prime Minister to her statement during the election campaign that she opposed increases in the age pension in Cabinet because, and I quote: ‘We are talking about expenditure of more than $50 billion over the next 10 years. That’s a lot of money.’ Why is the Prime Minister rushing to spend $43 billion on an NBN without releasing its business plan when she was more than happy last year to veto a similar amount for struggling pensioners? Isn’t the Prime Minister’s double standard proof that this government has lost its way?

Ms GILLARD—I thank the member for his question, and, first and foremost, the assertions in it are wholly untrue; second, this is the government that delivered a historic increase in pensions to Australian pensioners, and we are proud we did. The member who asked the question might want to reflect on why he is a supporter of a political party that was in office for almost 12 years and never delivered a pension increase of that magnitude. We will be, very happy to receive his congratulations for having provided that increase to pensioners. We thought it was the right thing to do, and we did it.

On the National Broadband Network, we also believe this is the right thing to do. Yes, we are being careful and methodical and diligent and prudent every step of the way as befits a government that is governing in the national interest. That is why the National Broadband Network has been the subject of reports and studies commissioned by the government and is also the subject of investigations by various parliamentary committees at various stages, including particularly in the Senate. So I would say to the member opposite that at some point he needs to think for himself and work this out: is he going to follow the Leader of the Opposition down a path of political destruction and demolish the NBN, or is he going to come into this parliament and stand up for his constituents, stand up for their ability to have superfast broadband, stand up for their ability to be participants in an economy that will have the additional productivity and prosperity that broadband will bring and stand up for their ability to get the healthcare and education
services of the future because of the existence of the National Broadband Network? I understand he is a new member and obviously would still be thinking about these questions, but I am confident that, if he thinks about them seriously, he will come to one conclusion, which is that he should support the National Broadband Network.

DISTINGUISHED VISITORS

The SPEAKER (2.32 pm)—I inform the House that we have way up in the gallery this afternoon, Mr Brendon Grylls, the Western Australian Minister for Regional Development and Leader of the Nationals in Western Australia. On behalf of the House, I extend to him a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Broadband

Ms OWENS (2.32 pm)—My question is to the Minister for Infrastructure and Transport, representing the Minister for Broadband, Communications and the Digital Economy. Why is universal broadband vital reform for Australia? What indications are there of confidence from business and parliamentarians that the National Broadband Network will deliver significant benefits to the Australian economy?

Mr ALBANESE—I thank the member for Parramatta for her question. Indeed, there are many signs of confidence out there in the National Broadband Network. This is no surprise because the studies show that innovation from ICT is the biggest, single driver of business productivity. The Centre for International Economics has found that high-speed broadband could lift national economic output by 1.4 per cent. NBN does have the confidence of key players in business as well as in parliament. Peter Strong, the Chief Executive of the Council of Small Business Organisations, said: ‘We want it, we need it.’ The CEO of Primus Telecom, Ravi Bhatia, said of the NBN: ‘Consumers want it, businesses want it, and the industry wants it.’

I am also asked about parliamentarians and their response and whether they have shown confidence in the NBN. On day one, Senator Barnaby Joyce said: ‘This delivers a strategic infrastructure outcome.’ He was straight out of the blocks in support of the government’s plan for the National Broadband Network. The member for Bradfield in a previous life said: ‘I believe the possibilities are extremely exciting.’ But of course there is an even greater sign of confidence in the National Broadband Network, and that is the member for Wentworth’s 5.4 million reasons—5.4 million shares in a company, Melbourne IT, which stands to benefit from the National Broadband Network. There is a great Australian saying: ‘Put your money where your mouth is.’ Well, the member for Wentworth’s money is heading towards the NBN but his mouth is heading in the opposite—

Mr Perrett interjecting—

The SPEAKER—The member for Moreton is now warned.

Mr Pyne—Mr Speaker, I rise on a point of order. The Leader of the House is asking to lead us to a position where we would believe something about the member for Wentworth which I believe offends standing order 90 and impugns members and suggests improper motives. I suggest it is a very clear breach of standing order 90 to suggest improper motives on the part of members of the House. He is suggesting something that is quite clear to us all, and I would ask you to—

The SPEAKER—I will listen carefully to the way in which the minister couches his response. The minister has the call.
Mr ALBANESE—The Managing Director and CEO of Melbourne IT, Mr Theo Hnarakis, has said in the 2009 annual report—

Mr Pyne—Mr Speaker, I rise on a point of order. Standing order 90 states:

All imputations of improper motives to a Member and all personal reflections on other Members shall be considered highly disorderly.

I put it to you that suggesting improper motives on behalf of the member for Wentworth is highly disorderly. He is continuing to do so, and I ask you to rule it out of order.

Mr Danby interjecting—

Mrs Mirabella interjecting—

The SPEAKER—If the member for Indi and the member for Melbourne Ports would like to discuss this matter, I can arrange for them to have a cup of tea outside for an hour.

Honourable members interjecting—

The SPEAKER—The inability of the House to concentrate on something that is going to raise the temperature of the emotions within the House concerns me. I have indicated to the Manager of Opposition Business that I will listen carefully, on the basis of his point of order, to the response of the Leader of the House. I think that, if he really has carefully listened so far and he is worried about impugning, there could be other interpretations. When I advised the minister that I would listen carefully, he started to say that he was going to quote from the manager or director of a certain company. I will listen carefully to the quote.

Mr Abbott—Mr Speaker, further to the earlier point of order: it is pretty clear that the Leader of the House, at the behest of the Prime Minister, is making a personal attack on the member for Wentworth. He obviously has not taken into account your injunction. That is our point. You admonish the Leader of the House to be directly relevant to the—

The SPEAKER—The Leader of the Opposition will resume his seat. I think I have taken enough submissions on this. In a previous question, maybe tongue-in-cheek, the actions of the member for Wentworth in a similar vein were said to have been in support of a position, hardly impugning. I know that this might be difficult but this is a robust chamber. I desire that there is less debate in responses. That is something that, hopefully, in the review of the new procedures, the Procedure Committee might take up. The minister has the call.

Mr ALBANESE—Thank you, Mr Speaker. The CEO of Melbourne IT says this in their annual report with the headline 'A bright future':

… with government investments in next generation high speed networks occurring around the world—including Australia with the NB—I believe we are about to witness another wave of online growth in the coming years which will create new services, new business models, enhance productivity, and deliver new wealth.

That is a stunning endorsement from the CEO of Melbourne IT, one which I concur with completely, and clearly so does the member for Wentworth. I am reminded of the scene from All the President's Men where Deep Throat is talking to Robert Redford playing Bob Woodward. They are talking about what happens if there is not quite a ring of truth. Deep Throat gives some good advice, and we take this good advice when people are assessing how fair dinkum people are about the NBN. He says this: ‘Follow the money, always follow the money.’

Honourable members interjecting—

The SPEAKER—The minister will resume his seat. The Manager of Opposition Business—sit down. The two members that are standing may as well sit down too. The House will come to order. Those in leadership positions about parliamentary procedures on both sides will set an example and
they can take that admonishment as a warning. When a member comes to get the call at the dispatch box, and I am trying to get the House to come to order, I do not expect him to then prattle on across the table. I call the Manager of Opposition Business on a point of order.

Mr Pyne—Mr Speaker, am I just to take it that I have been warned for my conduct at the dispatch box and yet the Leader of the House—

The SPEAKER—The Manager of Opposition Business will resume his seat. He has been warned for his behaviour for the last 40 minutes. The Manager of Opposition Business has the call for a point of order.

Mr Pyne—Mr Speaker, I regard the last three words of the answer of the Leader of the House, which was clearly designed to impugn the member for Wentworth, as highly disorderly—we all knew what was coming; we all know the movie—and I ask you to demand that he withdraw it.

The SPEAKER—I may be the only person in the place that (a) did not hear it and (b) does not know what is coming. The amount of interjections makes it very hard.

Opposition members interjecting—

The SPEAKER—I may be the only person in the place that (a) did not hear it and (b) does not know what is coming. The amount of interjections makes it very hard.

Opposition members interjecting—

The SPEAKER—I may be the only person in the place that (a) did not hear it and (b) does not know what is coming. The amount of interjections makes it very hard.

The SPEAKER—Order! Members may take the opportunities that they have at other points in the proceedings if they feel aggrieved.

Broadband

Ms O'NEILL (2.45 pm)—My question is to the Minister for School Education, Early Childhood and Youth. What benefits will the National Broadband Network bring to schools, and what is the government doing to maximise these opportunities for Australian students?

Opposition members interjecting—

The SPEAKER—Order! I will address an error that I have made. The question will stand. The odds and evens system is now evens and odds.

Mr GARRETT—The National Broadband Network is going to give every school in Australia access to high-speed broadband. The fact is that a national broadband network delivering decent speeds will be terrific for students and for teachers. It will be terrific for students because they will get the opportunity to learn and cooperate with each other and to access resources from around Australia and, indeed, from around the world. For example, students in regional and remote Australia can use the NBN to get access to specialist teachers that they might not otherwise be able to access—music teachers, vocational education teachers and language teachers. They will also have the opportunity to get immediate feedback from those teachers with live, interactive videoconferencing. This kind of learning is just not possible without the type of high-speed access that the National Broadband Network will provide. Imagine a class in Alice Springs being able to interact in real time with a class in Hobart—broadening their horizons and learning from one another. Students will also be able to link up with other resources, such as from the collection of the Australian War
Memorial or NASA. All of these possibilities will deepen the learning experiences that students will have and will be available to students no matter where they live.

Faster, more reliable broadband will also naturally be of great benefit to our teachers, supporting this government’s agenda of improving teacher quality, by enabling them to understand the professional issues that are in front of them and to get the additional learning that they need through virtual workshops and virtual seminars. Sharing the best in teacher resources will greatly help our teachers as well.

Access to a computer is critical with the National Broadband Network. That is why the government is investing over $2 billion over seven years to achieve a one-to-one computer to student ratio for years 9 to 12 by the end of 2011, with a delivery, importantly, of over 345,000 computers to secondary schools and approved funding for over 740,000 computers. Computers are changing the way that kids learn. Imagine how much more impact this will have once students are hooked up to the NBN. As well, we will make sure that Australia’s first-ever national curriculum is fully online. Again, teachers will have the opportunity to use the NBN to access all kinds of teaching resources to support them in teaching the national curriculum.

Finally, we are investing some $40 million in a digital strategy for teachers and for school leaders. This is providing teachers with the ICT skills that they will need so that they can better set up learning in their classrooms. Incidentally, for country teachers and principals, in particular, the NBN will be of huge benefit. That is something I know members of this House agree with and understand. The fact is that, with a computer in the classroom and the NBN at the front door, schools will be well prepared to meet the challenges of the 21st century and we will give every school the opportunity through this resourcing to be a great school.

Broadband

Mr FLETCHER (2.49 pm)—My question is to the Prime Minister. I refer the Prime Minister to her own assessment of what she learnt from the 2010 election result where she stated:

… leadership requires boldness, patience and methodical work.

That means opening up our national debates to more Australians, to build stronger understanding of and consensus for policy initiatives.

Why isn’t the Prime Minister allowing a national debate on the NBN by ensuring that all Australians are given access to the company’s business plan? Isn’t the Prime Minister’s double standard proof that the government has lost its way?

Ms GILLARD—I thank the member for his question. Of course all Australians will have access to the National Broadband Network business plan, save for those parts that are truly commercial in confidence.

Mr Randall interjecting—

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

The member for Canning then left the chamber.

Ms GILLARD—I say to the member that he will have access to the National Broadband Network business plan to inform a national debate. But I believe that debate should be based on facts. I believe that debate should be based on goodwill. I believe that that debate should be conducted with the national interest rather than an individual’s political party’s political interest paramount.

The member who asked the question comes to this parliament with some expertise in telecommunications. On the National
Broadband Network, and some of his earlier writings, I would simply pose to him the following questions. Does he believe that the structural separation of Telstra is in the national interest? Of course it is. Does he believe that Australians having access to super-fast national broadband is in the national interest? Of course it is. Has he absorbed all of the information already in the public domain about the National Broadband Network? The image he tries to paint that somehow there is not information in the public domain is entirely untrue. There have been detailed assessments undertaken by expert panels. We published the implementation study from McKinsey and KPMG—over 500 pages of analysis. We will publish the NBN business case. There is a live trial underway in Tasmania. There is a great deal of information to inform this national debate. And yet, with that great deal of information informing the national debate, and with more to come, what the opposition are really saying, when you strip it all down, is, ‘It does not matter what the information is, it does not matter what the facts are, it does not matter what the benefits are, we will demolish the NBN—full stop.’

Mr Pyne—Mr Speaker, I rise on a point of order on direct relevance. The Prime Minister was not asked about the opposition’s position; she was asked about when they would release the business case.

The SPEAKER—And the answer went on to widen the scope of the question. The Prime Minister will respond directly to the question.

Ms GILLARD—I was actually asked about informed national debates. Let me conclude by saying this: informed national debates need people interested in the facts; that is, people who have not locked in to negativity, wrecking, bitterness and putting political interest before the national interest. It requires people who are prepared to absorb the facts and think about the nation’s future. Unfortunately, the opposition—bitter, negative and determined to wreck—has locked in behind the slogan ‘demolish the NBN’ so the facts are entirely irrelevant to members of the opposition.

Broadband

Ms O’DWYER (2.53 pm)—My question is also to the Prime Minister. I refer the Prime Minister to the offer to the Green and Independent members of parliament of a briefing on the NBN business plan. Why have the Green and Independent members of parliament been asked to sign confidentiality agreements of lengths that change by the hour—seven years, then three years, now two weeks? Isn’t the government’s attempt to gag Green and Independent members of parliament further evidence that the government has lost its way?

Ms GILLARD—The National Broadband Network Co. has been working through it with members of parliament who are interested in the facts, briefing them on the facts. Given that there is commercial sensitivity about information that is in the National Broadband Network business case, it stands to very simple common-sense reasoning that some of this information is market sensitive. So the National Broadband Network Co. has been working with members of this parliament who are prepared to judge on the basis of the facts on the possibility of getting them briefings.

Of course, facts that the member who asked the question may be interested in have also been put into the public domain. In that regard I refer to a letter of 19 November signed by Mike Quigley, an expert in telecommunications, who is the CEO of the National Broadband Network Co. If the member asking the question is in any way interested in the facts, then she may be interested
to know that the National Broadband Network Co., in its business case, will verify that the NBN can be built in a way which provides an internal rate of return higher than the current long-term government bond rate. What that means, of course, is that on its own, looking at the return of the NBN, it is a viable project. That is before you get to all of the economic benefits and all of the service delivery benefits. That means that in terms of the use of taxpayers’ money there will be a greater return than the long-term bond rate. That is, it is a better use of taxpayers’ money than investments that secure the long-term bond rate. So: viable—tick. The peak equity requirement of the project approximates that in the implementation study—and of course the implementation study is there in the public domain should the member want to read it.

The National Broadband Network Co. has verified that the total capital requirements are substantially below that predicted by the implementation study. That is good news. Of course, NBN Co. has verified that they have assumed a uniform national wholesale price. That is good news for responsible members of the parliament who represent regional constituencies and care about their access to voice services and internet services on the same basis wholesale-wise as the rest of the nation. And, NBN Co. has verified that the business plan projects that prices will be reduced over time. So to the member who asked the question, I would say to her that if she is truly interested she should have a look at the wealth of information in the public domain, absorb the facts from NBN Co. about what is in the national business model for NBN Co. and actually draw some conclusions based on those facts. But unfortunately I fear that the member who asked the question will not do any of that because she will follow the leader of the opposition down the road of wrecking, down the road of privileging his political interest over the national interest and down the road of being driven by the three-word slogan of ‘demolish the NBN’. Well, we will get on with the job, the patient work required to deliver this transforming infrastructure project for the nation.

**Broadband**

Mr PERRETT (2.57 pm)—My question is to the Minister for Health and Ageing. How will faster broadband combined with government investments deliver better care for patients?

Ms ROXON—I thank the member for Moreton for this question because he has had a keen interest in e-health initiatives for GP partners in his electorate and in northern Brisbane, one of the lead sites trying to make sure that they are well positioned and GPs are well positioned to take advantage of not just health reform but also the powers of the NBN.

I notice up in the gallery some of our GP friends from Geelong. Similarly, they are hoping to be able to be well positioned to make the most of the government’s investment in health reform but also to unleash the potential of the Broadband Network. Of course, our aim in combining these two important priorities for the government is that we do improve the access to health services in regional areas, that we reduce medical errors, and that we are able to train more doctors and nurses. The combined investments in the Broadband Network and health reform can have real results. In particular, regional patients will be able to get better access to specialists, particularly as the tele-health items come online for the Medicare Benefits Schedule on 1 July. Families will be able to see and talk to a GP at 3 am if that is the time when their child is sick in the middle of the night. In the future we will be able to use the technology and the changes to our health system to allow this. If you are from...
Perth and your doctor is in Perth but you have an MRI scan when you are on holiday in Cairns, you will be able to ask for that scan to be sent to your doctor in Perth so that you can follow up with the proper treatment into the future.

The new medical school opening in Darwin next year will enable Flinders University to train new students online, using the Broadband Network to get proper access. These sorts of investments are vital. I know he has already been mentioned but I suspect that Minister Grylls, a minister interested in regional development, will also be looking at the potential of the Broadband Network to deliver health services to a bigger part of our community in regional areas. In fact, pretty much everyone in this House, except those opposite, believes there is benefit to be had from linking health reforms with the National Broadband Network so that we can improve services provided to communities across the country. We are at a point in time when we have a choice as to whether we unleash the potential of technology to improve health services or whether we want to stand in the way of any change. On this side of the House we want to use the potential; unfortunately, on the other side of the House they simply want to stand in the way and block both of them.

The SPEAKER—Before calling the member for North Sydney, I say to the member for Herbert that he could be considered to be in contravention of standing order 65(b) in that he is conversing aloud while another member is speaking. He is so far away that it is a bit hard for him to interrupt the person, but he should be very careful.

Broadband

Mr HOCKEY (3.01 pm)—My question is to the Prime Minister. Prime Minister, have you read the NBN business plan and, if so, why cannot everyone else?

Ms GILLARD—Obviously, the government is working through its internal processes, including cabinet processes, about this matter. I am not intending to comment on them publicly.

Mr Dutton—You haven’t read it!

The SPEAKER—Order! The member for Dickson.

Ms GILLARD—If that means the opposition is going to scream and shout like a pack of schoolchildren, I will allow them to do that because any member of the opposition who has served as a cabinet minister understands what cabinet-in-confidence means. If they are so dismissive of cabinet-in-confidence, I would welcome the Leader of the Opposition saying, for example, ‘We could release every cabinet-in-confidence document of the Howard government.’ What a tale we would see about things like WorkChoices. The shadow minister asked me about confidentiality. I assume he is genuinely interested, that this was not just an excuse to scream and shout and act like a child. Let me take him through it.

Mr Dutton—Mr Speaker, I rise on a point of order as to relevance. The Prime Minister was asked simply whether she had read it—no detail, just: has she read it?

The SPEAKER—The standing order indicates that the Prime Minister has to be directly relevant to the question. The Prime Minister is responding. She will be directly relevant to the question.

Ms GILLARD—Thank you very much, Mr Speaker. I am being directly relevant to that section of the question which goes to the release of the NBN Co. business case. I will directly answer that question by explaining the process of release and the confidential matters that are within it. The government will release the business plan in December after the government has considered a key ACCC recommendation on how many retail
companies will be able to plug into the network. Of course, we need to work through this decision which is the subject of an NBN Co. and ACCC public consultation process, which does not conclude until 30 November. The points that interconnect that decision, which that process relates to, will be made after the ACCC has delivered its advice to government on 1 December.

Mr Abbott interjecting—

Ms GILLARD—The Leader of the Opposition is asking: how is this about the business plan? Of course, this decision relates to the business plan. The points of interconnection decision will mainly impact on backhaul providers, on how and where they connect into the NBN, how the infrastructure they have already built will be affected and how deep into the network companies will be able to build their own infrastructure. Consequently, that is market-sensitive information. The member asked me: why do you not simply release the NBN Co. business plan? Because there are market-sensitive sections of it. I have just spelt out a section of market sensitivity.

We can tell from the reaction of those opposite on the opposition front bench that to them this is all just a game. Actually, they have no interest at all in receiving the business case. We will put it out. They will never really read it. They will go through it and look for one word they can put in a press release in order to justify their argument and demolish the NBN.

Mr Hartsuyker—You haven’t read it.

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

Ms GILLARD—We thank the member for Wentworth for being so forthright in earlier interviews. It does not matter what the facts are, it does not matter what anybody finds, it does not matter how positive the National Broadband Network is; the Leader of the Opposition will always be opposed to it because he is pursuing a political game and not the national interest. You could not have a clearer display than you can see today in the kind of cheap political game this opposition is obsessed by.

Mr Pyne—Mr Speaker, in order to give the Prime Minister time to answer yes or no, I would move a two-minute extension of time.

The SPEAKER—Order! I believe there was still time on the clock, although I was not checking that. If there was time on the clock and the member for Sturt, even though he is warned by way of interjections, is assisting me by saying there was, I do not think I can accept such a motion. There was still time; the member had time. Such a motion can be moved only when the time has expired.

DISTINGUISHED VISITORS

The SPEAKER (3.07 pm)—I inform the House that we have present in the gallery this afternoon Mr James Bidgood, a former member for Dawson. On behalf of the House I extend to him a very warm welcome

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Mr Pyne—Mr Speaker, a point of order, just as clarification: previous Speakers have ruled that if an extension of time is not moved before the end of the member’s time then it could not be accepted. Now you have moved in a different direction. I just want to clarify which one is correct.

The SPEAKER—I actually copped this point of order because I might have conned the member for Sturt last parliament by suggesting that there had to be a motion before the time had expired. Subsequently, I found that I was wrong and I did not hotfoot it in here to inform people. In practice, that is the way that I have ruled on it since that time. It
is very nice of him to acknowledge that he may have listened to me once, unfortunately though when I was wrong, but that is okay.

Broadband

Ms SMYTH (3.08 pm)—My question is to the Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts. How will the National Broadband Network contribute to sustainable regional economies and are there any risks to the delivery to this infrastructure?

Mr CREAN—I thank the member for her question because I know that she campaigned strenuously on this issue before she won the seat. The development of the National Broadband Network is critical for the regions. We have heard in this parliament before how it will lift the national productivity. In no place is this more apparent than in the case of the regions because it will give them greater economic diversity and obviously the ability to obtain better services. The transformative nature of this is enormous. This is not just about improved text, voice and video in the download sense. This is also about the capacity to upload material, in particular important data which is crucial to future applications. We have heard in this parliament already from the Minister for School Education, Early Childhood and Youth what it can do for e-education. That can only be the case if the opportunity is there to make those applications. With the Minister for Health and Ageing in e-health, and with commerce the ability to obtain and access the global supply chains, the opportunities for e-commerce in regional Australia are enormous. In my other portfolio, the opportunity for e-arts and e-creative industries is also enormous.

I had the opportunity in the fortnight that the parliament was up to visit a number of regions. I went with the member for Lyne to Port Macquarie and it was very interesting there when we had discussions with Country Energy about the opportunities that they were looking for with smart grids so that they could get energy efficiency into homes connected to the national grid. I also had the opportunity to visit some five of the evocities that are involved in a program that we are supporting. There it was apparent that not only do these cities have in common their involvement through evocities but also that Charles Sturt University has a campus in every one of those cities. They are looking in the space of e-education and e-health and creatively combining those. The opportunity to do that effectively will not exist if this National Broadband Network does not proceed.

The truth is that, in all of the visits that I have had and in those of my colleagues, people out there get it. They understand why it is important to get this infrastructure down. The question that we have to ask ourselves—and I have been asked in the question, ‘What are the threats to this?’—is: we just do not get why the other side do not get it. Here they are talking about the emphasis being still on wireless services—sufficient being sufficient for regional communities. That is nonsense. Go and talk to them and they will explain to you why it is not sufficient.

Those on the other side have also opposed the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill, which is integral to the structural separation. It is a recipe for higher prices. This is the policy view of the opposition and its spokesman. But when it comes to the spokesman’s investment he is the Jerry Maguire of the opposition. We know where he has put the money that he has been shown and it is in backing the NBN. We just want him to put his mouth where his money is and get behind the backing of this proposal.
Opposition members interjecting—

Mr Turnbull—Put my mouth where my money is, that is what you say.

The SPEAKER—Order! The Leader of the House will resume his seat. By the wording used by the member for Wentworth, he acknowledged that there had been no accusation against him but he made an accusation against the minister.

Mr Turnbull—I will come and withdraw it. Mr Speaker, there was an imputation made against me, but I do withdraw.

The SPEAKER—What I have said is that in these matters—and I know that the member for Wentworth knows that it has gone to an extent—he has other ways and means of redressing any grievance that he has.

Asylum Seekers

Mr Briggs (3.13 pm)—My question is to the Prime Minister. I refer the Prime Minister to the members of the Woodside Action Group in the gallery today and her decision to house 400 asylum seeker families in their community. I further refer the Prime Minister to her statement during the election campaign that the East Timor processing centre ‘effectively eliminates the onshore processing of unauthorised arrivals’. Can the Prime Minister understand why the Woodside community feels deceived by the difference between her statements before the election and the actions taken afterwards? And, Prime Minister, why will you not meet with this community?

Ms Gillard—I say hello to the Woodside Community Action Group members in the gallery.

Opposition members interjecting—

Ms Gillard—I presume they would actually like to hear my answer to the question, rather than having members of the opposition scream over my answer—

Mr Pyne interjecting—

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

Ms Gillard—I am sorry that members of the Woodside Community Action Group had to witness that conduct and how much it exhibits that what the opposition is interested in is playing question time games about this rather than addressing community concerns. We as a government, in contrast, are very interested in working through, with the Woodside community, the issues that concern them. In that regard, they have met today with the Minister for Immigration and Citizenship. The immigration minister, with the local member, will travel to a community based meeting on Wednesday night to talk through questions relating to the government’s decision and measures that can be put in place to work with the local community. The meeting will discuss questions such as employment in the detention centre and services that can also be of benefit to the community.

I also say to the member who asked the question: he well knows that the statements I made in the election campaign and earlier, and the statements I have made since, about a regional protection framework and regional processing centre are statements in which I have been very frank and very honest with the Australian community. On each and every occasion, I have said to the Australian community that we will need to work through those issues in dialogue with countries in our region. That dialogue is underway now.

The ultimate aim of that approach is to take out of the hands of people smugglers the very product that they sell. That is in sharp contrast to an opposition that campaigned on ‘stop the boats’ but is now putting out a welcome mat to 3,750 asylum seekers under its
new policy as announced by its shadow minister.

Mr Abbott—I raise a point of order on direct relevance, Mr Speaker. The question was: would she meet with them, not wave at them.

The SPEAKER—The Prime Minister is responding to the question. The Prime Minister should reduce the amount of debate in her answers.

Ms GILLARD—I was seeking to correct factual errors in the question. We have a clear process to work through with the community, with the representatives in the gallery today, and we will continue with that clear process.

Broadband

Mr SYMON (3.17 pm)—My question is to the Special Minister of State. How will access to government information improve as the National Broadband Network bridges the digital divide?

Mr GRAY—I thank the member for Deakin for his question. I note that he has taken a great interest both in the business of the National Broadband Network and, importantly, the interests of his constituents. The National Broadband Network is a great way of delivering internet services. It will allow Australians, particularly those living in rural, regional and outer metropolitan areas, to engage with government services faster and more reliably and in the way they want to—via the internet.

I will just go through some statistics on the way Australians are currently accessing government services via the internet. These statistics come from AGIMO and are current as at last year. Access to government services via the internet has doubled since 2004. It is currently the channel most used by Australians to contact the government. In 2009, 38 per cent of Australians used the internet for their last contact with the government. In comparison, 32 per cent of contacts were in person and 30 per cent by telephone. Only nine per cent of Australians contact the Australian government via old-fashioned traditional mail.

Just under 31 per cent of Australians used the internet for all or most of their contacts with the Australian government in 2009. Use of the internet to contact government has doubled from 19 per cent in 2004-05 to 38 per cent in 2009. Overall, people strongly prefer the internet and telephone to all other channels because the internet and telephone take less time and can be used at a time that suits the user. This is important: Australians want to access government services via the internet because it takes less time and can be done with ease at work or at home and at a time that suits the user. Australians are now using the internet to find out about services from government and to seek information from government more than they are using any other option available to them.

Broadband black spots plagued the country through most of the past decade as a consequence of the former government’s under-investment, lack of knowledge of the potential, lack of knowledge of how to fix these problems, and lack of care and consideration for service delivery to our regional centres and outer metropolitan areas. This characterised a government that not only just did not get it but just did not care.

What we now see, as governments increasingly provide information to people via internet broadband services, is that people want to take up those options. People increasingly want to take up those options in order to better inform themselves and in order to seek better personal service from the government. This is a more efficient and effective way for people to find out about their entitlements and about government services.
Most importantly, it is a very important way for government to understand what services we need to provide to better serve the interests of all Australians. As the National Broadband Network is invested in around the country and develops the capacity for people in regional and rural centres to better obtain information about government services, I think all of us in this place would do well to understand its principal mission in serving the interests of regional Australians and the value of this investment to our community.

Banking

Mr BILLSON (3.21 pm)—My question is to the Treasurer. The coalition is taking real and immediate action to increase competition in the banking sector with our nine-point plan, the private member’s bill on anti-competitive price signalling I introduced today and, as announced by the shadow Treasurer today, terms of reference for a new inquiry into the banking sector. When will the Treasurer stop talking and start taking real action to achieve a better deal for home-buyers and small businesses?

Mr SWAN—I am wondering why I did not get that question from Joe-come-lately, Mr Speaker.

The SPEAKER—Order! The Treasurer will refer to members by their title and he will not debate the question.

Mr SWAN—The shadow Treasurer has had a lot to say about this, and I welcome the opportunity to correct the record. This government has a proud record of reform in the banking system and most particularly a proud record of reform in making that system more competitive. Those opposite do have a very selective memory. We put in place the financial claims scheme, and those opposite had not had the wit to do that over 12 long years. A financial claims scheme, now the deposits guarantee, was the very foundation of our surviving the global recession. Of course that was of greatest benefit to people who were involved with smaller financial institutions, the smaller banks and the credit unions.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. Practice at page 552 says that under the last paradigm ministers could answer in almost any way they liked, as long as they did not use unparliamentary language. But with our new standing orders requiring a direct answer, would you direct the minister to answer just when he will introduce reform for competition and not answer under the old paradigm? Otherwise the change was pointless.

The SPEAKER—With a long preamble the question went to asking when the Treasurer will stop talking and take real action. The Treasurer is directly relevant in going to those two points about whether or not action has already been taken.

Mr SWAN—On six occasions over 12 years those opposite were advised to introduce a financial claims scheme by our regulators and they refused. Why did they do that? Because the big banks would not let them do it. It fell to our government to put a financial claims scheme in place to protect the Australian banking system and the deposits of 16 million people. We did that. We have put in place a raft of competition reforms, and most importantly we have put in place the investment in residential mortgage-backed securities that has been absolutely essential for those smaller lenders who have been so badly affected by the global financial crisis. And we have taken action on unfair mortgage exit fees. This is the background, and now we get to the here and now.

Those opposite pretend to be interested in the banks because they see a political opportunity. They took to the last election not one policy on banking—not one. That is how interested they were then. And they were not
talking about price signalling. The shadow Treasurer went to the Press Club in May and talked about reform of the Trade Practices Act, and he did not mention price signalling. The first we heard about price signalling was that they had read about it in the paper because the government had been talking to the ACCC about it. So they came up with a thought bubble, pretending they had a plan for competition in the banking system. Of course that had its conclusion in the House today when they presented a bill on price signalling, but it is a bill which will create great uncertainty. They have not been working with the regulators to get it right.

Mr Hockey—Have you read it?

Mr SWAN—Yes, I have looked at it and there is a real problem with it. It demonstrates what happens when those opposite have a thought bubble and decide they want to play with the Australian banking system. Nothing could be more precious, nothing could be more valuable, than stability in the Australian financial system.

Mr Hockey interjecting—

The SPEAKER—The member for North Sydney!

Mr SWAN—But those opposite came into the House today with a bill that has not been thoroughly tested, has not been run by our regulators and simply will create uncertainty.

Mr Hockey interjecting—

The SPEAKER—The member for North Sydney is warned.

Mr SWAN—For our part, we will behave in a professional manner. We will work methodically with our regulators, as we should do and as we have done for three years, to enhance competition in the Australian banking system and to protect the deposits of Australians who have their money in the bank.

Mr MURPHY (3.27 pm)—My question is directed to the Minister for Indigenous Health. Why is the NBN important for the delivery of Indigenous health services?

Mr SNOWDON—I thank the member for Reid for his question. Quite recently I was privileged to be involved in a demonstration of how important and how productive the NBN can be for the long-distance diagnosis of health issues. I was at the Royal Darwin Hospital and we had a demonstration of the internal examination of an ear from a distance. We saw how, with the NBN and the quality of the network and the amount of information we can put across the broadband system, we can improve dramatically the way in which ailments can be diagnosed at long distance, throwing digital information along a highway which currently does not exist in many remote communities.

Opposition members interjecting—

The SPEAKER—Order! The member for Barker and the member for Forrest!

Mr SNOWDON—The important thing to understand is that, as the Leader of the Opposition ought to know, many people in remote Australia will not get access to the sorts of services that we can provide with the NBN through any proposal they are putting forward.

Mr Fletcher interjecting—

The SPEAKER—The member for Bradfield is warned.

Mr SNOWDON—The people of the bush understand absolutely the importance of having the NBN in place to assist not only with health but also with education and other services. In the context of delivering improved health outcomes for Aboriginal and Torres Strait Islander people, especially those who live in remote communities, the NBN will be of great importance and do a great deal of...
work for us. The important thing to understand is that it will not happen if the opposition get their way and wreck the NBN proposal.

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

PERSONAL EXPLANATIONS

Mr Turnbull (Wentworth) (3.29 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr Turnbull—Yes, grievously.

The Speaker—Please proceed.

Mr Turnbull—The Prime Minister, the Treasurer and the Minister for Infrastructure and Transport have accused me today of hypocrisy because I have opposed the NBN plan of the government while at the same time holding shares in an internet services company, which they assert will benefit from the NBN. In doing so, they have urged me ‘to put his mouth where his money is’—in other words, to act in this House with regard only to my own personal financial interest as opposed to the public interest, which I am sworn to serve.

The suggestion that I secretly support the NBN is absurd and false. I have been making the same criticisms of the NBN since it was first announced. The disgraceful suggestion that I should act corruptly and dishonestly by putting ‘his mouth where his money is’ speaks volumes about the standards of those who have made that disgraceful suggestion.

DOCUMENTS

Mr Albanese (Grayndler—Leader of the House) (3.30 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:

Ministerial statements—
Agriculture—Australian Pesticides and Veterinary Medicines Authority review of dimethoate and fenthion—Senator Ludwig, Minister for Agriculture, Fisheries and Forestry, 18 November 2010.
Communications—National Broadband Network—Senator Conroy, Minister for Broadband, Communications and the Digital Economy, 18 November 2010.

Debate (on motion by Mr Hartsuyker) adjourned.

MINISTERIAL STATEMENTS

People Trafficking

Mr Brendan O’Connor (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (3.31 pm)—by leave—Today, I am pleased to present to the parliament the second report of the Anti-People Trafficking Interdepartmental Committee. People trafficking is a heinous crime which involves serious contraventions of human rights. It is a sobering and shocking fact that in the 21st century, all around the world, slavery and servitude remain the daily reality for very many of our fellow human beings, and Australia is not immune.

People traffickers recruit, transport, transfer, harbour or receive their victims through force, coercion or other means in order to exploit them. Globally, people trafficking takes many forms: forced or bonded labour, domestic servitude and forced marriage, sexual slavery, organ harvesting, and the exploitation of children such as through forced begging, the sex trade and abduction for warfare. The motivation for this crime is simple—profit. The International Labour Organisation has estimated that people trafficking nets traffickers US$32 billion every year.
The impact of this crime on victims is traumatic and has lifelong consequences. People trafficking affects almost every country in the world. Fortunately, opportunities to traffic people into Australia are low because of our strong migration and border controls and geographic isolation. We are, however, a destination country for victims of trafficking, mainly from Asia, and the government remains committed to combating trafficking in all its forms.

As Minister for Home Affairs and Justice, I am the lead minister for Australia’s whole-of-government anti-people trafficking strategy. I deliver this strategy in collaboration with my colleagues the Minister for Immigration and Citizenship, the Minister for Foreign Affairs and the Minister for the Status of Women, who each have responsibility for particular aspects, such as the People Trafficking Visa Framework and the Support for Victims of People Trafficking Program.

I would also like to acknowledge the work of the former Minister for Immigration and Citizenship, Senator the Hon. Chris Evans; the former Minister for Foreign Affairs, the Hon. Stephen Smith; the former Minister for the Status of Women, the Hon. Tanya Plibersek; and, of course, the former Minister for Home Affairs, the Hon. Bob Debus. I thank them for their commitment to protecting the victims of people trafficking, and for promoting regional initiatives which build the capacity of countries in our region to combat this crime.

The Gillard government’s anti-trafficking strategy is built around four central pillars: prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation. Together, this suite of measures is intended to address the full cycle of trafficking, from recruitment to reintegration, and to give equal weight to the critical areas of prevention, prosecution and victim support. This strategy builds on the work undertaken by the previous government, and I would like to thank and acknowledge the opposition for their work to combat people trafficking. This is an important bipartisan effort to combat a crime of concern to all.

Since 2003, the Australian government has provided more than $50 million to support a range of anti-trafficking initiatives. Over the past year these initiatives have provided support to victims of trafficking for sexual exploitation and other forms of exploitative labour, and we have witnessed the successful prosecution and conviction of a number of people traffickers. Since 2004, the Australian Federal Police has undertaken over 270 investigations and assessments of allegations of trafficking related offences, leading to 39 people being charged and nine convictions. There are currently five trafficking related matters before our courts.

Investigations of people trafficking matters can be long, complex and resource intensive, particularly given their transnational nature. It is therefore imperative that we collaborate closely with our neighbours. In the past year the Australian Federal Police have undertaken major investigations into transnational organised people-trafficking syndicates in concert with their counterparts in the Republic of Korea and in Malaysia.

Australia also provides a comprehensive range of support services for suspected victims of people trafficking. Since January 2004, 175 people have received assistance through the Support for Victims of People Trafficking Program.

In July last year, the government implemented changes to the People Trafficking Visa Framework which simplify the framework and, importantly, give victims and their immediate family greater certainty about their immigration status. These changes came out of the first anti-trafficking roundta-
ble in 2008 and were the direct result of consultations with a range of stakeholders, both government and non-government.

Under the new arrangements 21 permanent visas have now been granted—15 of these to victims and six to their dependants. A further 15 suspected victims have also been granted bridging F visas, and another 11 criminal justice stay visas have been issued. The changes the government has made to the visa status is important not only because it means proper support to victims can be provided but also because it assists in making victims available to participate in prosecutions and bringing the perpetrators to justice.

The government’s industrial relations reforms, including the worker protection act 2009, introduced new safeguards to protect the rights of foreign workers. The Fair Work Ombudsman, which was established on 1 July last year, has undertaken more than 800 investigations involving foreign workers in the past year. This has resulted in the recovery of more than $500,000 in unpaid entitlements to almost all victims—a clear message to the perpetrators who are seeking to make a profit from their crimes.

The government’s anti-people-trafficking strategy, however, is not only focused on domestic activities; Australia has taken an active role in international efforts to combat people trafficking. Australia, with Indonesia, co-founded and co-chairs the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. The Bali process provides a strong platform for collaboration between countries in our region with a shared interest in the prevention of irregular migration, including trafficking in persons.

The Attorney-General’s Department, the Australian Federal Police, the Department of Foreign Affairs and Trade, and the Department of Immigration and Citizenship have worked closely with international partners on a wide range of activities aimed at building regional capacity and reducing opportunities for people traffickers to operate in the region.

Addressing the very factors that make people vulnerable to trafficking is an important part of the government’s national and international strategy to prevent trafficking. In 2010-11, Australia will provide approximately $4.3 billion in official development assistance to help reduce poverty and promote sustainable development. The aid program addresses violence against women and children, and includes a number of activities to help combat people trafficking and labour exploitation at the regional level. The aid program also supports NGO projects in the region that raise awareness, strengthen community resilience to trafficking and support victims.

People trafficking is a complex crime. It is often linked in popular commentary only with sexual servitude. But as I noted before, the global reality is that people are trafficked for exploitation in many settings, including forced labour in construction, hospitality, agriculture and domestic labour. Combating this form of modern day slavery is challenging. The perpetrators are sophisticated and nimble, changing their methodology in response to law enforcement activity and migration governance. Success of investigations and prosecutions depends in great part upon the assistance of victims of trafficking, who are often exposed to intimidation and other risks by the traffickers.

Many victims in Australia do not conform to the popular image of people trafficking and slavery which involves abduction, violence and physical restraint. The situation is more complex. Coercion and control involve a range of subtle methods, such as threats of violence, obligations to repay debt, isolation,
manipulation of tenuous or illegal migration situations and a general sense of obligation. This poses challenges for jurors. It also poses challenges for individuals and organisations in the community to understand and recognise possible indicators of trafficking.

Over the coming year, the Gillard government will continue to raise community awareness of trafficking in all its forms, including for labour exploitation. Globally, there is little reliable data about the nature and extent of trafficking. The International Labour Organisation (ILO) estimated in 2009 that at least 12.3 million people around the world are trapped in forced labour of which some 2.45 million people have been trafficked. The ILO estimates that 1.36 million of those victims are in the Asia-Pacific region—more than the entire population of Adelaide.

While women working in the sex industry are over-represented among statistics on identified victims of trafficking in Australia and internationally, it is likely that this is because other forms of exploitation are under-reported and under-researched. Recently, I released a report by the Australian Institute of Criminology (AIC) which showed that labour trafficking is under-reported and even unrecognised by many Australians. Other research undertaken by the AIC indicates that there is a lack of understanding of what constitutes trafficking. Overcoming this challenge is going to be a critical part of a successful strategy. Therefore, cooperation between governments, between government agencies and between governments and civil society is key to educating the wider community, preventing the fundamental reasons that people are trafficked, prosecuting the perpetrators when trafficking occurs and protecting and supporting victims.

On Wednesday, the Gillard government will convene the third National Roundtable on People Trafficking. The roundtable brings together anti-people-trafficking NGOs, service providers, support organisations for victims of crime as well as legal, employer and union bodies to implement a whole-of-community approach to fighting this crime. In the lead-up to the third roundtable, I will release two important resources which have been developed by members of the roundtable. These are:

- the guidelines for NGOs working with trafficked people which have been updated to reflect important changes in the people-trafficking visa framework and victim support program; and,
- a labour-trafficking information resource for both employees and employers which includes practical steps on combating forced labour and people trafficking.

In addition, jointly with Attorney-General McClelland, today I will release a public discussion paper on forced and servile marriage.

Over the coming year the Gillard government will also consider improved protections for vulnerable and disadvantaged witnesses in people-trafficking matters. The Australian government remains committed to working in partnership with other governments and international organisations, and with non-government organisations, to prevent people trafficking, bring the perpetrators to justice and protect and support victims. Only by working together can we combat this heinous crime.

I present a copy of Trafficking in persons: the Australian government response, 1 May 2009 to 30 June 2010.

I ask leave of the House to move a motion to allow the member for Stirling to speak.

Leave granted.
Mr BRENDAN O'CONNOR—I move:

That so much of the standing and sessional orders be suspended as would prevent Mr Keenan speaking for a period not exceeding 11½ minutes.

Question agreed to.

Mr KEENAN (Stirling) (3.44 pm)—I am pleased to respond on behalf of the coalition to the Minister for Home Affairs’ statement as to the government’s response to people trafficking. Broadly the coalition welcomes what this statement contains. It certainly builds upon the strong work that was started under the Howard government and which has been continued under this government.

People trafficking is, indeed, a complex crime and a major violation of human rights. People trafficking takes place for a variety of reasons including sexual servitude, domestic labour, forced marriage and sweatshop labour. Women, men and children can be victims.

While there is limited hard information on the number of people trafficked and the target industry in which they are trafficked, evidence suggests that the trafficking of women into prostitution is the major, and certainly most visible, form of trafficking taking place. Data provided by the Australian Institute of Criminology reveals that, globally, sexual exploitation is by far the most commonly identified type of people trafficking—79 per cent of offences—followed by forced labour.

Whilst the terms ‘people smuggling’ and ‘people trafficking’ are often used interchangeably, they have very different meanings. People smugglers are paid by those who wish to enter a country illegally. The people wishing to migrate are generally involved voluntarily. People traffickers, conversely, use coercion and/or deception to force people to illegally enter a country. Once the illegal immigrants are in the destination country people traffickers often continue to exploit them. It is interesting to note that the Australian Institute of Criminology ran a community awareness and attitude survey in mid-2009. The results revealed that a majority of people—61 per cent—confused people trafficking with people smuggling and only nine per cent of people could correctly identify people trafficking.

It is widely recognised that people trafficking has become a well-established and enormously lucrative business throughout the Asia-Pacific region. Australia, sadly, is viewed as a destination country for persons trafficked out of South-East Asia. There are several reports of migrants, particularly from India, the People’s Republic of China and South Korea, who voluntarily migrate to work in Australia but are later coerced into exploitative conditions. As noted by the Australian Institute of Criminology’s report into trafficking in South-East Asia published this month, it is very difficult to obtain a clear picture of trafficking in the South-East Asian region as it primarily revolves:

… around the large scale of undocumented or unregulated labour migration, which results in a blurred distinction between trafficking and smuggling; the widespread movement of women as wives and domestic workers, in addition to sex and entertainment work; the trafficking of children for labour, sexual exploitation and adoption; and the strong link between prostitution and sex tourism.

The report also noted that Indonesia is a key source of trafficked persons in the region and has a large problem with trafficking and smuggling along its wide border with Malaysia. It is relatively easy to cross the border on a tourist or visitor visa and then to change that into a working visa on arrival. Australia’s stable and strong economic position in the Asia-Pacific region, coupled with plentiful job opportunities in low-skilled sectors, contributes to Australia’s status as a target destination for traffickers and smugglers.
A complex picture has emerged about the involvement of organised criminal groups in the trafficking of persons. Australian authorities believe that traffickers are primarily individual operators or small crime groups that often rely on larger organised crime groups to procure fraudulent documentation. As the 2009 inaugural report of the Anti-People Trafficking Interdepartmental Committee notes:

The groups detected in sex trafficking have been small rather than large organised crime groups. Those involved tended to use family or business contacts overseas to facilitate recruitment, movement and visa fraud. People trafficking matters have also generally involved other crime types, including immigration fraud, identity fraud, document fraud and money laundering.

Those that are involved in people trafficking generally have links also to people smuggling. As mentioned by the minister, the Bali process, indeed, provides a strong platform for collaboration between countries in our region with a shared interest in the prevention of irregular migration including the trafficking of persons. Whilst the two issues are separate they remain closely linked.

The Australian government does, indeed, have a responsibility to ensure that pull factors are not part of the equation. Unfortunately, since the Labor government have softened our border protection laws, which has given the green light to people smugglers, we have found that those smugglers have also become involved in the insidious trade of people trafficking. The continued crisis in our immigration detention network is getting worse by the day. Under this government constant overcrowding, court challenges, unrest, violence and gruesome protests are unfolding on an almost daily basis.

In November 2007 at the change in government there were just four people in our immigration detention network who had arrived illegally by boat. Since Labor backed-tracked on the strong border protection policies it inherited, there are now well over 5,000 people in detention who have arrived illegally this way. This is a government that has lost its way on border protection and immigration and, as long as Labor has lost its way, the people smugglers will continue to find their way to Australia.

The coalition have always been committed to an orderly and humane managed migration and refugee program. We strongly support Australia’s position as one of the most generous providers of humanitarian resettlement in the world. However the coalition believe in doing this in a way that does not encourage the barbaric practice of people smuggling. The coalition do not support people smugglers who entice people to pay vast sums of money to jump the queue and then force those women and children waiting in refugee camps around the world to wait even longer.

At this point I wish to acknowledge the good work of the former Howard government in this area. The former coalition government’s response to people trafficking in the Asia-Pacific region has included developing anti-trafficking initiatives between governments and providing aid to the region aimed at alleviating the economic and social conditions that allow trafficking to flourish. In particular the Howard government and Indonesia co-chaired two regional ministerial conferences on trafficking and smuggling in 2002 and 2003—now commonly known as the Bali process—which the minister briefly touched on.

In October 2003, the former coalition government announced additional anti-trafficking measures, with a $20 million package, targeting sex trafficking in particular. The package included a new Australian Federal Police unit, the Transnational Sexual Exploitation and Trafficking Team; new visa
arrangements for victims of trafficking; victim support measures, including counselling and legal and medical support to be administered by the Office for Women; improvements to legislation, making people-trafficking punishable by up to 20 years in jail; and a promise to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children—notably, Australia was already a signatory and it was subsequently ratified in 2005. In 2004, the former coalition government produced an action plan to eradicate trafficking in persons in support of the 2003 announcement. In the last budget of the former coalition government, a further $38.3 million over four years was allocated, including $26.3 million for new initiatives.

Since then, the coalition has continued to consider this issue a serious one and has supported a range of anti-people-trafficking measures, most of which have a sex-trafficking focus. I am sure all members in this place will acknowledge that it is completely unacceptable for even one person to be in this situation. It is true that the measures that have been taken are making a difference. The Transnational Sexual Exploitation and Trafficking Team of the Australian Federal Police is at the front line of combating this problem and, on behalf of the coalition, I wish to pay tribute to the team's men and women, who work so hard in very difficult circumstances, investigating trafficking cases and bringing them to court and, of course, being terribly disappointed if those prosecutions are not successful.

We must remember that where you find this type of crime you will find other types of crime, and it is vitally important that the Australian Federal Police is properly resourced to do its job. Broadly, the coalition supports the minister’s statement and believes that Australia does have a very important regional leadership role to play in this area, and we will continue to support any moves the government and this parliament take to combat this hideous crime.

FISHERIES LEGISLATION AMENDMENT BILL (No. 2) 2010
Consideration of Senate Message
Consideration resumed.

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

(1) Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedules 1 and 2
The 28th day after this Act receives the Royal Assent.

(2) Clause 2, page 2 (at the end of the table), add:

3. Schedule 3, Parts 1 and 2
The 28th day after this Act receives the Royal Assent.

4. Schedule 3, Part 3
The later of:

(a) the 28th day after this Act receives the Royal Assent; and

(b) the day the Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands that was done at Paris on 8 January 2007 comes into force.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur before 30 June 2011.

The Minister must announce by notice in the Gazette the
day the Agreement comes into force for Australia.

(3) Schedule 3, page 6 (after line 2), after the Schedule heading, insert:

Part 1—Co-management arrangements and other regulatory reforms

(4) Schedule 3, page 9 (after line 11), at the end of the Schedule, add:

Part 2—Illegal transiting of Australian fishing zone

12 Paragraph 101(1)(d)
Repeal the paragraph, substitute:
(d) the boat’s fishing equipment is stowed and the boat is travelling, by the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

13 Paragraph 101A(4)(d)
Repeal the paragraph, substitute:
(d) the boat’s fishing equipment is stowed and the boat is travelling, by the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

14 Paragraph 101AA(2)(d)
Repeal the paragraph, substitute:
(d) the boat’s fishing equipment is stowed and the boat is travelling, by the shortest practicable route, through the AFZ from a point beyond the outer limits of the AFZ to another such point; or

(5) Schedule 3, page 9 (after line 11), at the end of the Schedule (after proposed Part 2), add:

Part 3—Cooperative Enforcement Agreement

15 Subsection 4(1)
Insert:

cooperative enforcement has the meaning given by section 84B.

16 Subsection 4(1)
Insert:

Cooperative Enforcement Agreement has the meaning given by section 84B.

17 Subsection 4(1)
Insert:

international officer has the meaning given by section 84B.

18 After section 84AA
Insert:

84B Cooperative Enforcement Agreement

Purpose

(1) The purpose of this section is to implement the Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands that was done at Paris on 8 January 2007 (the Cooperative Enforcement Agreement).

Note 1: In 2010, the text of the Agreement was accessible through the Australian Trea-

Note 2: The Agreement should be read together with the Treaty between the Government of Australia and the Government of the French Republic on cooperation in the Maritime Areas Adjacent to the French Southern and Antarctic Territories (TAFF), Heard Island and the McDonald Islands, that was done at Canberra on 24 November 2003. The text of the Treaty is set out in Australian Treaty Series 2005 No. 6 ([2005] ATS 6). In 2010, the text of a treaty in the Australian Treaty Series was accessible through the Australian Trea-
An international officer may, for the purposes of conducting cooperative enforcement, exercise any of the powers of an officer in this Division. In doing so, the international officer is taken for the purposes of this Act to have exercised the power as an officer.

The regulations may prescribe conditions for the exercise of a power by an international officer.

Subsections 84(4) and (6) apply in relation to the exercise of a power by an international officer as if references in those subsections to the officer’s identity card were references to a document:

(a) issued by an officer; and

(b) identifying the international officer as an international officer authorised to conduct cooperative enforcement.

An international officer is not liable to any civil or criminal proceedings in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power conferred on an international officer by subsection (3).

An officer may, for the purposes of conducting cooperative enforcement, exercise any powers conferred by the Government of the French Republic on officers in order to give effect to the Cooperative Enforcement Agreement.

An officer is not liable to any civil or criminal proceedings in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power referred to in subsection (6).

In this Act:

**cooperative enforcement** means cooperative enforcement, as defined in the Cooperative Enforcement Agreement, that is conducted in accordance with that Agreement.

**international officer** means a person who is authorised to conduct cooperative enforcement by a competent authority of the Government of the French Republic.

Subsection 87(1)

Omit “but not within the territorial sea of another country”.

After subsection 87(1)

Insert:

(1AA) Subsection (1) does not apply to a place within the territorial sea of another country, unless the other country has given written permission for the power to be exercised in the other country’s territorial sea (including permission given in a treaty, for example).

Dr Mike Kelly (Eden-Monaro—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (3.54 pm)—I move:

That the amendments be agreed to.

The amendments to the Fisheries Legislation Amendment Bill (No. 2) 2010 provide strengthened arrangements to combat illegal fishing both in our remote sub-Antarctic territories and closer to home. The first set of amendments will address a technical issue that currently permits foreign fishers to traverse the Australian fishing zone to fish illegally in state and Northern Territory coastal waters. The second set of amendments will implement an international agreement with France, allowing cooperative fisheries law enforcement activities in our respective Southern Ocean maritime zones. Both amendments are to the Fisheries Management Act 1991 and will strengthen Australia’s fishing and maritime security.

The first set of amendments to the bill will address a technical legal issue in fisheries
management legislation which currently allows foreign fishers to traverse the Australian fishing zone to illegally fish in coastal state and Northern Territory waters. It is important that this matter is rectified quickly lest foreign fishers take advantage of this situation and change their methods of operation to avoid prosecution. The second set of amendments will address illegal fishing in Australia’s remote southern maritime territories.

Illegal, unreported and unregulated fishing is a concern for the Australian government. Illegal fishing on the high seas is a highly organised, mobile and elusive activity undermining the efforts of responsible countries to sustainably manage their fish resources. International cooperation is vital to effectively enforce Australia’s national laws in our remote and expansive maritime territories. In 2007, the government of Australia and the government of the French Republic signed a cooperative enforcement agreement that provides for joint enforcement activities in the territorial seas and exclusive economic zones of Australian and French territories in the Southern Ocean. The cooperative enforcement activities will greatly improve Australian and French efforts to prevent illegal fishing activities. Enforcement activities may include the boarding, inspection, hot pursuit, apprehension, seizure and investigation of fishing vessels believed to have violated applicable fisheries laws. In practice, cooperative enforcement will occur when, for example, a French vessel under the control of an Australian officer undertakes patrols in Australia’s maritime zones around Heard Island and the McDonald Islands. If a vessel is sighted and is suspected of undertaking illegal fishing, the Australian officer will enforce Australian fisheries laws and will have the assistance of French officers. A reciprocal arrangement will be in place for an Australian vessel patrolling France’s maritime zones around Kerguelen Islands, Crozet Islands, Saint-Paul Island and Amsterdam Island, with a French fisheries officer on board.

The amendments to the bill will also grant French officers civil and criminal immunity from the jurisdiction of Australian courts, in accordance with the provisions in the enforcement agreement for acts performed in the course of carrying out cooperative enforcement activities. Similarly, Australian officers acting consistently with the enforcement agreement are indemnified under French law. Together, these amendments to the bill will strengthen border security and help deter illegal fishing in Australia.

Question agreed to.

TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

Cognate bill:

INCOME TAX RATES AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

Second Reading

Debate resumed.

The DEPUTY SPEAKER (Hon. Peter Slipper)—The original question was that this bill be now read a second time. To this the honourable member for Indi has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

Mr SIMPKINS (Cowan) (3.59 pm)—I welcome the opportunity to make a contribution to the debate on the Tax Laws Amendment (Research and Development) Bill 2010, as late as it is in the process. I have found it very interesting listening to previous speakers on matters concerning the bill, including the discussion about which side of politics
has been best for research and development and what the future holds. Within the electorate of Cowan, there has been a great history of local businesses taking up the advantages that research and development assistance can provide. I would like to mention a couple of the businesses that have done particularly good research. Tieline Technology, a small but greatly effective business within the electorate of Cowan, have taken advantage of research and development grants under the previous government—before 2007. Tieline have a very high-tech business in which they produce circuit boards. They do not have many employees but they do great work in producing many fine electronic items.

I heard a previous speaker talk about who was the originator of the R&D grants, but certainly the Howard government had a great history in supporting research and development, and Tieline has been a beneficiary of that. There are also other great businesses, such as PalmTEQ, which produce Palm Pilots for restaurants. For instance, a waiter can come up to you at a restaurant to take your order and, just by tapping away on their palm tech device, they can send that order straight to the kitchen. PalmTEQ is another organisation that is very involved in research and development. It is located within Wangara, which is part of the Cowan electorate. There has certainly been great interest in research and development in Cowan in the past, and these organisations have taken part in those government incentives.

From the coalition’s perspective, we are happy to support sensible changes to research and development tax incentives which are an improvement to the existing system and where the benefits are clearly apparent. There is no doubt that there is bipartisan support on both sides of the House for research and development. But what is being proposed today is, I think, an alteration to a system that has existed for 25 years. The question that we must ask is: will the government’s proposal add any great value? The changes may be sweeping but they certainly pose a threat that could significantly erode support for research and development in Australia.

Key changes involved in the legislation go to significant redefinitions of the type of R&D activities that will be eligible for support. Again, this is cause for some concern. I note that Labor have introduced new categories of what they call ‘core’ and ‘supporting R&D’ and a ‘dominant purpose test’. Our view is that they could combine to significantly increase the threshold for firms to qualify for assistance—and that is a worry to us. In essence, companies must demonstrate that their activities are novel or have high-technical risk. Under the proposed system, Labor would fund firms only in cases where they can show that they have introduced a whole new technique, process or solution. It is at times like this that you begin to worry about whether this legislation is actually going to achieve great improvement. Added technicalities or added hurdles for firms to jump over can be a bit of a problem, and we wonder whether that will add great value in the future.

As I said, organisations within the electorate of Cowan have been strongly involved in research and development. Organisations such as Tieline and PalmTEQ and others of the same ilk pride themselves on finding where the demand is and trying to reach higher technological processes to seek market share. These are the sorts of companies that we should be looking to support in the future. These companies are not made of money. They do not have many employees to assist in fathoming changes such as those before us. What is really required is that the opportunity to access R&D development support be held out to firms, without it being
too onerous on them. Again, we must be very careful in making changes to a system that has been fundamentally sound and has not had great problems associated with it in the past.

I notice as well that a previous speaker suggested the amount of money that could be assessed under these grant schemes would be the same. I would have thought that, to push forward research and development, the Minister for Innovation, Industry, Science and Research, Senator Carr, would be looking to make significantly more money available, particularly with all these other criteria that have been thrown together.

We are in support of the eight separate amendments that the shadow minister has put forward. The purpose of the amendments is to overturn the worst of the Labor changes such as the regressive nature of the definitions that have been put forward as part of this bill—that dominant purpose test and the adjustments to the feedstock provisions. These are things that need to be amended. In looking at the research and development changes or legislation, the coalition will always support any sensible and logical improvements to the existing regime and things that would not compromise the integrity of the existing system. That is obviously what we are trying to achieve here with the amendments that have been put forward by the member for Indi, the shadow minister.

Labor has tried to pretend that it is interested in improvements to the existing system but this is really nothing more than window dressing—lip service, if you will. If the government were interested in significant and realistic improvements to the R&D process and system, they would not have any problems with accepting the amendments that have been put forward today. This is a critical test for the government. There has been discussion in the past about how the new paradigm—this new 43rd parliament—would lift the lid off the building and sunlight would shine in, but this is just another example of where the government has decided on a particular course of action. They are not particularly interested in scrutiny and not particularly interested in looking at amendments that have not been put forward by the Greens, who increasingly seem to be running the agenda these days in this place.

One person in particular in this place seems to be so powerful. It is very disappointing. Whenever we look at the bills that the government is putting forward in this place, often it seems they are not really moving things forward in the right direction. It seems to be a constant matter of if the Greens have ticked off on this and if the Independent members in the House will support it. That seems to be the only consideration these days. The government still has an opportunity to bring forward into this place bills that are going to add some value and are going to constitute some form of positive outcome for this country. Increasingly, all we see is a government that is beholden to very narrow interests and without real commitment to what is in the best interests of, in this case, business in this country—the employers of this country, people that are going to add some real value—instead of what is becoming more and more obvious, a government that is just beholden to narrow interests that will ask the views of four or five people in this place and respond to those as opposed to what might be in the best interests of the people out there.

What greatly concerns me about these sorts of changes is they are going past what is in the best interests of organisations that are achieving great things for employment within the electorate of Cowan, in light industrial suburbs such as Wangara or Malaga, and just working out the opinions of those
who sit on the crossbenches. It is disappoint-
ing. I think people and businesses in Austra-
alia that are interested in research and devel-
opment will get to the point where they re-
call what was said by us in the last election
campaign—that we would make no changes
to the existing R&D concession system until
at least 1 July 2011. Then they will look at
this system that the government is propos-
ing—complicated business, dominant pur-
pose feedstock rules, increased compliance
requirements—and they will see very easily
the significant differences between the sim-
plicity and achievements of the past—what
we were offering at the last federal election
and what the government brings before us
today.

Causes for concern are many. Amend-
ments, therefore, are many. I take this oppor-
tunity to state my overwhelming support for
the amendments that have been put forward
by the member for Indi. I urge the govern-
ment, if it believes in what it said about visi-
bility and lifting the lid, to give very careful
consideration to them to make sure that they
do not send R&D backwards in this country
and instead take the opportunity to represent
businesses in the electorate of Cowan and
across the country interested in research and
development. The government should listen
to us and support these amendments to make
sure of the best interests of the broad variety
of businesses interested in research and de-
development, as opposed to what the cross-
benchers—who increasingly are calling the
shots for the government—are interested in.

In summary, I am taking this opportunity
today to speak on this bill and the great value
that these amendments that have been put
forward will achieve. We should be very
careful before we change the arrangements
for research and development in this country.
I support the amendments and the need for
this bill to change in that manner.

Mr SLIPPER (Fisher) (4.14 pm)—At the
outset I would like to express my indebted-
ness to you, Mr Deputy Speaker Sidebottom,
for taking the chair so that I am able to make
a contribution to this cognate debate on the
Tax Laws Amendment (Research and Devel-
opment) Bill 2010 and the Income Tax Rates
Amendment (Research and Development)
Bill 2010. Australia will never be able to
compete with low labour cost countries in so
many areas of industry and endeavour.
Therefore, if we are going to be successful in
the world, we have to encourage innovation
and channel that innovation into productive
industrial enterprise. That is why for quite
some time in Australia we have had support
for research and development. If we are able
to support innovative industries and if we are
able to bring those innovative ideas into real-
ity in Australia, it will mean we are at the
cutting edge of innovative technology and, if
developed, that technology can create indus-
tries, exports, jobs and opportunities.

We are a very innovative nation. We are
one of the most innovative nations anywhere
in the world. But what industry needs is sup-
port to encourage that innovation and,
equally importantly, to develop that innova-
tion in this country so that we do have pro-
ductivity from innovative ideas in Australia.
That is why there has broadly been a sense of
bipartisan support for the concept of research
and development. But in relation to the par-
ticular details of that support, from time to
time different sides of the House, including
the crossbench, may have differing points of
view.

I support the amendment moved by the
honourable member for Indi. While I think
there is bipartisan support for the principle of
research and development, my view is that
the legislation currently before the chamber
does not achieve an outcome that is good for
Australia. The government has failed to ade-
quately recognise the value of research and
development support for business in Australia. This is indicated by the bills before the chamber.

At the 2007 election, the now government accused the former Howard Liberal-National government of having largely ignored the contribution of research and development to economic growth and competitiveness. As part of the review of the national innovation system that it initiated shortly after being elected, the new Rudd government sought to evaluate the effectiveness of four existing tax incentives for business R&D—the 125 per cent R&D tax concession, the 175 per cent incremental premium concession, the 175 per cent international premium concession and the R&D tax offset.

Following the review, the government announced in the budget for 2009-10 that these four forms of support would be replaced with a new R&D tax credit. That is the policy of the government. The new package will give expression to substantial restrictions to the range of activities that qualify for support, including by introducing new definitions of ‘core R&D’ and ‘supporting R&D’, changes to the eligibility criteria so that supporting R&D will only be funded if it is undertaken for what it calls the ‘dominant purpose’ of supporting core R&D, the introduction of a confusing and subjective dominant purpose test, significant increases to thresholds for assistance under new feedstock provisions, and reductions in support for spillover and additionality benefits. The government’s publicly stated intent has been to offer enhanced incentives for companies to invest in R&D, especially small and medium enterprises. The government claims that the new R&D tax credit will be revenue neutral and will offer more predictable, less complex and more generous support.

The opposition, though, has the view that what the government seeks to achieve will not in fact be achieved by the legislation before the House. We are of the view that it will have the reverse effect and that what is proposed is principally a matter of revenue raising and that what it could do is deny to many businesses the incentive which is currently there and which is necessary to assist the development of ideas. We as a country need to give encouragement to companies to be innovative and then to develop that innovation for the benefit of the Australian economy as well as for the economic benefit of those companies. If our companies are successful then they will create jobs and exports, they will boost our economy and there will be a win-win situation all around.

The money the government provides is often really only seed funding. It provides some support to encourage the development of technology, and that is certainly an important step, but unfortunately the legislation currently before the House is counterproductive and does not seek to achieve what the government purports that it will achieve. In line with the amendment moved by the member for Indi today, I ask that the government release its full financial modelling on the impact of this bill. It is vital that we all know by what figure the dollar support will fall for those Australian businesses that are active in their research and development, progressive in their operations and determined to create new products and services that will have a long and lasting impact on their own success and, as a result, be economically beneficial to the wider community.

The government sometimes seems to forget that research and development support at a reasonably high level is important, and it will become more and more vital as years go on as we seek to further diversify and widen our economic support base and as we try as a country to not be as dependent on traditional sectors such as mining and resources.
ever, even those areas of our economy have also been involved in research and development. What we want is to diversify—obviously encourage the mining and resources industries, but make sure that we do not become dependent on any particular sector in our community. It obviously makes a lot of sense to encourage entrepreneurs and industry to conduct research and development that is sensible and has genuine commercial possibilities, and for which the economic benefit to this country is clearly obvious—from job creation and employment through to the development of new technology and expertise.

I am privileged to represent, arguably, what is the most wonderful part of our country, the most attractive part of the state of Queensland and also of the Commonwealth of Australia, and that is the area of the Sunshine Coast in Queensland. We have many innovative companies in our area. A lot of people say that the Sunshine Coast is an area where people go to retire, and that is true. They like to move from what I sometimes refer to as the ‘rust belt’ areas of southern Australia to come to the Sunshine Coast and the wonderful climate and quality of life that we have. However, increasingly, the Sunshine Coast is also the residence of choice for many young Australian families. One of the problems that we have on the Sunshine Coast is a lack of industry and a lack of employment, particularly industry that is clean and green. We have a lot of innovative companies; regrettably, time will not permit me to list them all but I would like to focus on one particular company called Snapsil. This has been a magnificent success story and Snapsil says that a significant boost to its success today came as a result of a development grant received, at an opportune time, from the former Liberal-National government several years ago.

Brad Teys, the Chief Executive Officer at Snapsil, told my office that there is a gap in Australia between when a company or individual comes up with an idea for a new product or service and the moment when that product becomes commercially viable, and that gap needs to be bridged to enable more new companies to realise their full potential. The government needs to recognise, as the previous Liberal-National government did, that it has an important and key role to play in stepping in to fill that gap. I think that is an appreciation that the government needs to once again become reacquainted with. Mr Teys says that, without the Howard government’s R&D assistance, Snapsil would not be the innovative, successful and growing business that it is today. In fact, it is a leading business light on the Sunshine Coast and Mr Teys has found himself, through his experiences, able to give advice on such matters to other individuals and businesses.

This bill does not recognise adequately the need for R&D support. It purports to increase the tax concessions available to business for spending on research and development, yet the conditions that must be met before a business qualifies for the assistance are so strict that the government support for this vital sector of industry will actually fall overall. Along with my colleagues, I urge the government to reconsider its attitude to research and development support for business and industry—it is support that generates positive returns that are worth many times the value of the initial government outlay. It is interesting that the bottom line to the budget of this program, from the point of view of the government, is that it is budget neutral. However, it could be suggested that, contrary to this, it is actually economy negative if it restricts the development of new goods and services here that would have a positive multiplier effect on Australia into the future.
Snapsil produces and distributes some quirky and innovative packaging solutions. The various products are one-use containers, dispensables, squeezables and cutlery that have built-in storage reservoirs. These are extremely practical ideas that are gaining interest worldwide. For example, there are stirrers that include in the handle a serve of sugar, cutlery that includes an inbuilt serving of sauce, small candy dispensers, one-off dispensers for handyman jobs around the home, and the like. There are many interesting products and I encourage members to check out the Snapsil website at www.snapsil.com. It is an interesting and innovative firm and I am proud of the effort they have made to be such a success. But Mr Teys is adamant that his company would not be where it is today without research and development support.

This bill works to decrease the number of activities that qualify for research and development support; it introduces confusing changes to definitions for eligibility; and it makes it more difficult for firms to apply for and to qualify for that support. The difficulties in actually making such applications will in the longer term reduce the number of firms that apply and also reduce the amount of the funding that this government actually outlays, which highlights a sneaky revenue-raising aspect of this disappointing Labor government bill. This bill is not an improvement to the current system and actually represents a slide backwards in support for those individuals and firms that are seeking to be innovative and to create new products and services. As a nation we need to better fund research and development, not cut back on support. We have been fortunate in recent years that expenditure on research and development has steadily increased, from some $108 million in 1985-86 to over $17 billion in 2008-09, and it is important that the developments represented by those investments and by that growth over those 25 years are able to be encouraged and continued.

The opposition is very happy to support research and development. We do not make any apology for that but we would ask the government to very seriously consider the amendments so ably moved by my colleague at the table, the honourable member for Indi. If these amendments were accepted then obviously the bills would be vastly improved and the original purpose of research and development would be enhanced and made much more effective. In fact, our economy would be enormously strengthened if the government took note of the approach taken by the honourable member for Indi.

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (4.30 pm)—I thank members who have contributed to the debate on the Tax Laws Amendment (Research and Development) Bill 2010 and the Income Tax Rates Amendment (Research and Development) Bill 2010. These bills deliver one of the biggest improvements to public support for business innovation in over a decade. Small companies are the big winners from the R&D tax incentive with greater access to cash refunds and higher base rates of assistance being provided through the new 45 per cent refundable tax offset. Larger companies can invest knowing that they can claim a non-refundable tax offset of 40 per cent of their expenditure on eligible R&D activities. The new R&D tax incentive better focuses public support towards activities likely to produce economy-wide benefits. This will ensure that the new R&D tax incentive rewards a company’s genuine R&D, not business as usual activities. The new R&D incentive is an important part of the government’s plan to encourage industry to boost productivity and activity in all sectors of our economy.
There have been assertions from the opposition that the level of consultation around the R&D tax legislation has been inadequate. I believe that assertion to be unfounded. The changes to the existing R&D tax concession were first canvassed in the independent Review of the National Innovation System back in 2008. There has been an extensive program of consultation over the last 12 months. Industry has had numerous opportunities, including three rounds of public consultation and, when the bills were being considered in the previous parliament, a Senate committee process in which to participate. The government has received over 380 submissions during the three rounds of consultation and held public hearings attended by over 550 people. The government has made some significant changes where stakeholders made constructive suggestions for improvement, as well as clarifying changes in response to recommendations by the Senate Economics Legislation Committee.

There have been assertions made by the other side that, in tightening the definition, this new scheme will not adequately cover development as opposed to research activities. This simply is not true. The objects clause clarifies that both research and development activities are supported. This is achieved by referring to activities undertaken for the purpose of generating new knowledge in either a general or applied form. The development aspect of R&D is captured by the term ‘applied’, which is consistent with the approach taken in the Frascati manual. To clarify this point further, the objects clause now explicitly states the knowledge in applied form:

… including about the creation of new or improved materials, products, devices, processes or services.

This clearly acknowledges that factory floor R&D often takes the form of experimental development, drawing on existing knowledge gained from research and/or practical experience, which is directed to producing new and improved products, materials, devices, processes or services. This point is further reinforced in the explanatory memorandum. The definition of core R&D activities includes:

… experimental activities … conducted for the purpose of acquiring new knowledge (including knowledge or information concerning the creation of new or improved materials, products, devices, processes or services).

I would like to address the specific points raised by the opposition amendments. Opposition amendment 2(a): the proposed start date of 1 July 2010. I would say that in introducing the bills following the election the government retained the 1 July 2010 start date to avoid delay in accessing the very substantive benefits that the new scheme offers to firms conducting genuine R&D. However, the government is also aware of calls for the start date to be altered and is willing to reconsider this question should it be raised in the Senate.

Opposition amendment 2(b): there has also been some comment on the dominant purpose test. The dominant purpose test is a well-defined concept commonly used in tax law. The explanatory memorandum states:

Dominant purpose means the prevailing or most influential purpose.

It is consistent with the terms used commonly in tax law. Following passage of these bills, AusIndustry will produce comprehensive guidance material to assist firms to prepare their registration, including guidance on how the application of the dominant purpose test applies.

Opposition amendment 2(c): there has also been some comment that the feedstock rule in the bills is broader than the existing law. The feedstock provisions in the bills have the same scope as the feedstock rule in the exist-
ing legislation. The bill continues to apply feedstock adjustment only for the cost of goods or materials transformed or processed in R&D activities, along with the energy used.

Opposition amendment 2(d): there has also been some comment on the treatment of R&D in relation to building and construction. The bills retain the longstanding exclusion from concessional treatment if expenditure is incurred in the acquisition or construction of a building, or part of a building, or an extension, alteration or improvement to a building. It has been claimed that this exclusion would stop all property R&D by those constructing a building on their own account or under a contract, or developing products to be incorporated into a building. This is not so, as the exclusion is only intended to apply to expenditure on the specific activity of the building. For example, companies experimenting with innovative construction techniques in the course of actual construction will continue to be eligible for non-building R&D activities such as research, consulting, conceptual design, computer testing and other testing not physically incorporated into the final building. Those merely developing components that are then included by others in a building would not be incurring expenditure to construct a building and so would not be captured by the exclusion. The government has not changed either the longstanding policy or the law in relation to these building industry issues and therefore has maintained the exclusion of building expenditure as it has existed under previous governments.

Opposition amendment 2(e): there was some comment that the bills will disqualify many small and medium-sized businesses from support. The bills use the concepts of turnover and aggregate turnover that apply throughout the Income Tax Assessment Act 1997.

Opposition amendment 2(f): there has been some comment that the bills impose unreasonable compliance costs. However, the requirement to identify both core and supporting activities on registration is not new. The only difference is that the bills expressly require these two types of activity to be clearly separated in the registration form. Removing this requirement would undermine the efficient administration of the new R&D tax incentive.

Opposition amendment 2(g): Comments have been made that the bills now impose new restrictions on third-party investment in R&D. The expenditure not at risk rule in the bills is substantially narrower than that implied by the wording of the corresponding provision in the current law and reflects the manner in which the Commissioner of Taxation has administered the existing rule.

Opposition amendment 2(h): Concerns have been raised that the bills apply new rules relating to the disposal of R&D results to actions prior to the commencement of this legislation. Where receipts arise after 1 July 2010 in relation to deductions obtained prior to 1 July 2010, or obtained both prior to and after 1 July 2010, the old law will apply. This means that the tax treatment on disposal of intellectual property will be the treatment that would have been expected under the law at the time the project commenced.

The opposition, in section 3 of their amendment, are urging the government to release full modelling demonstrating the impact of proposed changes and to reconsider our approach in order to ensure encouragement of business R&D activity. It has been said by the opposition that in effect what is going on here is a revenue-raising measure. This is wrong. The Treasury’s costing of the changes to the R&D tax law made clear that this is a proposal which is broadly revenue neutral. Indeed, that was confirmed in the
Senate Economics Legislation Committee’s report in the previous parliament. That report took into account each of the key aspects of these bills—that is, the increase in the base rates, additional cash payments, the estimated change in the take-up of R&D assistance, as well as the abolition of the 175 per cent incremental tax concession and the tightening of the eligibility criteria.

The R&D tax incentive must keep abreast of industry developments if it is truly to encourage the right kind of R&D, the kind that strengthens our nation’s economic performance. The government is therefore committed to reviewing the tax incentive after two years of its operation. In the interim, the government will establish a broad based working group to provide advice on the implementation of the new tax incentive. This group will seek to optimise the incentive by canvassing widely to seek a broad range of views from interested parties on its operation.

In summary, a vibrant national innovation system is essential for Australia’s future development. We see the role of innovation as utterly critical to improving productivity in Australia, and these bills are a key component of supporting Australia’s productivity growth. I commend the bills to the House.

Question put:

That the words proposed to be omitted (Ms Mirabella’s amendment) stand part of the question.

The House divided. [4.44 pm]
(The Speaker—Mr Harry Jenkins)

Ayes…………... 76
Noes…………... 71
Majority……...  5

AYES
Adams, D.G.H. Albanese, A.N.
Bandt, A. Bird, S.
Bowen, C. Bradbury, D.J.
Brodie, G. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Champion, N.
Cheeseman, D.L. Clare, J.D.
Collins, J.M. Combet, G.
Crean, S.F. Crook, T.
D’Ath, Y.M. Danby, M.
Dreyfus, M.A. Elliott, J.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Garrett, P.
Georganas, S. Gibbons, S.W.
Gillard, I.E. Gray, G.
Grierson, S.J. Griffin, A.P.
Hall, J.G. * Hayes, C.P. *
Husic, E. Jones, S.
Katter, R.C. Kelly, M.J.
King, C.F. Leigh, A.
Livermore, K.F. Lyons, G.
Macklin, J.L. Marles, R.D.
McClelland, R.B. Melham, D.
Mitchell, R. Murphy, J.
Neumann, S.K. O’Connor, B.P.
O’Neill, D. Oakeshott, R.J.M.
Owens, J. Parke, M.
Perrett, G.D. Ripoll, B.F.
Rishworth, A.L. Rowland, M.
Roxon, N.L. Rudd, K.M.
Saffin, J.A. Shorten, W.R.
Sidebottom, S. Smith, S.F.
Smyth, L. Snowdon, W.E.
Swan, W.M. Symon, M.
Thomson, C. Thomson, K.J.
Vannikinou, M. Wilkie, A.
Windsor, A.H.C. Zappia, A.

NOES
Abbott, A.J. Alexander, J.
Andrews, K. Andrews, K.J.
Baldwin, R.C. Billson, B.F.
Bishop, B.K. Briggs, J.E.
Broadbent, R. Buchholz, S.
Chester, D. Christensen, G.
Ciobo, S.M. Cobb, J.K.
Coulton, M. * Dutton, P.C.
Entsch, W. Fletcher, P.
Forrest, J.A. Frydenberg, J.
Gambaro, T. Gash, J.
Griggs, N. Haase, B.W.
Hartsuyker, L. Hawke, A.
Hockey, J.B. Hunt, G.A.
Irons, S.J. Jensen, D.
Jones, E. Keenan, M.
Monday, 22 November 2010

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (4.50 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Third Reading

Mr SHORTEN (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (4.51 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

INCOME TAX RATES AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

Second Reading

Debate resumed from 30 September, on motion by Mr Shorten:

That this bill be now read a second time.

Question agreed to.
sistencies can also undermine the purpose of the current law in terms of the protection of taxpayer information. It is exceptionally important to ensure a proper system of taxation confidentiality and secrecy, particularly to give taxpayers themselves confidence in the tax system. The new framework will continue to prohibit the unauthorised provision of taxpayer information obtained or generated through administering a taxation law. This will remain a criminal offence.

There are times when we need to overcome ambiguities in definitions, and this applies particularly in areas such as protected information, taxation law and who is actually a taxation officer. This legislation clarifies those bits of information. It also sets out clear rules about the on-disclosure of information to non-taxation officers and it makes clear who can be the recipient of such information. The bill also introduces new disclosure provisions where public benefit outweighs taxpayer privacy. In all these systems and laws and regulations, if there is a great public interest or benefit—particularly where there is a benefit that outweighs the privacy of a particular taxpayer—then disclosure ought to be allowable under proper guidance.

The bill will provide for greater disclosure to the Australian Securities and Investments Commission to facilitate enhanced cooperation between that regulator and the Australian Taxation Office in addressing fraudulent activity. This can only be a good thing. The bill has also been considered by the Senate Economics Legislation Committee, which recommended that it be passed.

This is a good bill which draws together a number of acts and reduces complexity. It will reduce costs over time. It also reduces the volume of taxation law and reflects the government’s commitment to simplifying the operation of taxation laws and removing bureaucracy, red tape and inconsistencies where they exist. I believe this bill strikes the right balance between protecting taxpayer information and facilitating the work of government. I understand there is broad acceptance of and a commitment to this bill across the chamber. I commend the bill to the House.

Mr ANTHONY SMITH (Casey) (4.56 pm)—by leave—When the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010 was first introduced I circulated, on behalf of the shadow Assistant Treasurer, Senator Cormann, some amendments that we believed were important, that would have enhanced the bill and would have provided a number of protections since that time. There have been ongoing discussions between the minister’s office and the shadow Assistant Treasurer. We believe goodwill is being shown. A number of those amendments have been drafted and, whilst agreement has not been reached, I am advised there has been some significant progress.

The coalition is very concerned to ensure that taxpayers have a high level of confidence in the way the Taxation Office uses information. The amendments under negotiation seek to increase the reporting requirements on a number of categories of protected disclosures to ministers, law enforcement agencies and other government agencies. The proposed amendments will also seek to impose a greater level of internal oversight on certain types of disclosure by requiring a matter to be referred to a more senior officer, as recommended by a unanimous Senate Economics Legislation Committee report. Finally, the proposed amendments drafted by the coalition require that the ATO publish its internal procedures and that those procedures be disallowable instruments. This will give the parliament and the public an increased level of oversight of the way the Australian Taxation Office treats protected information.
I am advised, as I have said, that there has been significant progress and that the government has agreed to some of the amendments although it has concern with others. As a result, the discussions are ongoing and have not reached finality. Accordingly, the coalition will not be moving amendments in the House or opposing the bill. These negotiations will be ongoing and we will be moving amendments in the Senate when the bill goes there for further deliberations. Hopefully the government will agree to and support the amendments after further discussions.

Mr STEPHEN SMITH (Perth—Minister for Defence) (4.58 pm)—I thank the honourable member for Casey for his contribution; it accurately reflects the instructions I have from the Assistant Treasurer. Those discussions, which are taking place in goodwill, are ongoing and we may see a positive outcome in another place. Given that all members who wish to speak on the second reading have spoken, on behalf of the Assistant Treasurer I thank all members who have contributed to the debate on the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010.

The bill reflects the government’s commitment to reducing the volume and complexity of the taxation law. The primary purpose of the bill is to consolidate into a single framework the taxation secrecy and disclosure provisions that are currently found across 18 different taxation acts. In doing so, it will overcome inconsistencies and ambiguities associated with the existing provisions.

The bill affirms the importance of maintaining a high level of protection of information provided by taxpayers. As with the current law, it will impose serious sanctions for the unauthorised disclosure of taxpayer information. The bill recognises that while the key principle of the taxation secrecy and disclosure framework is the protection of taxation information, there is often a public benefit in providing government agencies access to taxpayer information.

The bill also recognises that in certain circumstances the use of taxpayer information by agencies other than the Taxation Office can facilitate more effective delivery of government services and can greatly assist law enforcement efforts; however, it will also ensure that, where taxpayer information is shared with another agency, that agency has clear obligations to continue to maintain the integrity of that information.

Taxpayer information can play an important role in whole-of-government approaches to combating serious crime; therefore, the bill will allow taxation officers to disclose taxpayer information to a court or tribunal for the prosecution of particular offences. Disclosures will also be made to law enforcement agencies to assist with the new unexplained wealth regime.

The bill also gives effect to recommendations made by the Senate Standing Committee of Privileges with respect to disclosures to ministers and parliament. As recommended by the committee, the bill does not affect disclosures of taxpayer information to parliament and parliamentary committees. Such disclosures will continue to be governed by parliamentary privilege. However, the bill clarifies the circumstances in which disclosures can be made to ministers, ensuring that taxpayer information is only disclosed to a minister for specified purposes.

Public consultation on an exposure draft bill and on an earlier discussion paper confirmed that there was broad support to consolidate the existing tax secrecy and disclosure provisions. The government appreciates the input of interested parties to the draft bill, and many of the comments received have
contributed to the development of the bill before us. On behalf of the Assistant Treasurer, I thank members for their contributions. I thank the honourable member for Casey for the spirit in which those discussions are ongoing. I commend the bill to the House.

Bill read a second time.

**Third Reading**

**Mr STEPHEN SMITH** (Perth—Minister for Defence) (5.02 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**BUSINESS**

Rearrangement

**Mr STEPHEN SMITH** (Perth—Minister for Defence) (5.02 pm)—I move:

That order of the day No.4, government business, be postponed until a later hour this day.

Question agreed to.

**HEALTH INSURANCE AMENDMENT (PATHOLOGY REQUESTS) BILL 2010**

Second Reading

Debate resumed from 20 October, on motion by **Ms Roxon**:—

That this bill be now read a second time.

**Mr DUTTON** (Dickson) (5.03 pm)—The Health Insurance Amendment (Pathology Requests) Bill 2010 was previously considered by the House in the last parliament. The bill removes the legislative requirement for a request to be made to a particular approved pathology provider for Medicare benefits to be payable. The change will allow patients to access pathology services at any approved pathology provider. In order for a Medicare benefit to be payable, the act requires a pathology provider to be specified on the request. It is common practice for medical practitioners to use pre-branded request forms, which include details of the pathology provider. The changes under this bill would mean that a patient in possession of a request would be permitted to go to any approved pathology provider. The regulations will require pre-branded forms produced by pathology providers and used by treating practitioners to include a prominent and understandable statement that pathology requests can be taken to any approved provider.

The coalition does not oppose the intent of this bill but holds some concerns about the practical effects of its implementation and the lack of consultation that occurred prior to its initial introduction into the parliament. The coalition supports patient choice in accessing health care but, as with any change in policy in this portfolio, proper consideration should be given to patient safety and the quality of care.

As I noted in my speech in the second reading debate in the previous parliament, this was a 2009 budget measure and was not subject to consultation. Submissions to the Department of Health and Ageing on the implementation of this measure only closed on 22 February—12 days after the Minister for Health and Ageing first introduced the bill in the last parliament. In addition, the government has initiated a review of funding arrangements for pathology services. Submissions were due by 30 April 2010 and the government’s decisions are to be reflected in the 2011-12 budget.

The government pursued a number of measures affecting pathology services, including the one before us today, while this review was being conducted. In previous budgets, Labor has reduced Medicare rebates for pathology collections, reduced Medicare rebates for some 259 pathology tests and imposed tighter caps on rebates for multiple tests performed on a single sample. There is nothing wrong with reviewing and making changes where necessary, but it should not
be done in isolation from those on the front line of service delivery.

Again, these changes were made without consultation and that is the real issue of concern. Perhaps, though, it is no surprise that providers are closing facilities and shedding jobs. Only last week a major healthcare provider closed 23 facilities and cut 290 jobs, and it cited the effect of federal government cuts, including those affecting pathology. The intent of measures such as this may be good but the problem is the process—or lack thereof—that this government follows.

There is a distinct lack of consultation. It is incredible that at the same time it is undertaking a review the government is announcing measures that directly affect patients and providers. Surely it would have been more appropriate to undertake an open and transparent review that engaged with patient and clinician groups on possible proposals before drafting legislation and implementing measures. Who knows what is going to hit the sector in the next budget as a result of the supposed review?

I would like to outline a number of concerns about the bill that were first canvassed in the original debate and in evidence to the Senate inquiry. There is variation in the range of services offered by pathology practices, in the methods and equipment used, and in the methods of communication between pathology practices and referring doctors.

Whilst cost is a very important consideration for patients, it may not always be the most appropriate basis for deciding on a service provider. In the Minister for Health and Ageing’s second reading speech, she admitted:

... there are often valid clinical reasons for recommending a particular pathology provider over another.

The minister’s only comment on this issue was to say that the government will continue to encourage medical practitioners to discuss options with patients. As I stated at the time, that is an insufficient response to a core issue in this legislation that the minister herself identified.

There are also clear lines of communication between referring doctors and pathology services. Pathology practices ensure results are provided to GPs and other medical practitioners in a timely manner by means of established delivery systems and compatible IT systems. Also, pathology practices often have established means of contacting referring doctors after hours and in cases of emergency. The government has failed to explain how new referral pathways will operate in cases where the pathology practice is unknown to the referring doctor. A lost or delayed result may have very serious consequences for patients and medico-legal implications for the referring doctor. Stakeholders have flagged to the government concerns regarding lines of communication and it is important that the issues are resolved prior to implementation. In fact, it would be prudent of the minister to advise the House of progress in this area in her final comments.

It has been noted that similar arrangements already exist for diagnostic imaging. There are differences between pathology and diagnostic imaging procedures. The number of tests per patient is generally lower for diagnostic imaging. Imaging tests are usually undertaken with the patient present and the patient is provided with the results. It is also argued that diagnostic imaging methodology is standard across all providers and that, unlike pathology, it is not as frequently used to monitor chronic conditions or medication treatment. It is incorrect to claim that the processes that work for diagnostic imaging will work for pathology services.
The government’s record in health has done nothing to improve the situation for patients. There is growing concern in the community about decreasing levels of bulk-billing for pathology. This particularly affects older Australians, self-funded retirees and pensioners with fixed incomes. The situation appears to be deteriorating with the rapid expansion of collection centres as a result of another one of this government’s policy changes: the government has moved to reverse a policy supported by successive governments to contain pathology collection fees. Again, whilst the intent of the measure may seem sound, the policy ramifications for patients and taxpayers may be less so.

Pathology does rely on volume for economies of scale, and creating a situation where providers bid for space in a limited number of medical practices may lead to a rapid increase in the cost of operating collection centres. Increased out-of-pocket costs will lead to higher Medicare outlays. We are concerned by this government’s actions, which are leading to higher cost-of-living pressures for many Australians, particularly in the area of health care. I reiterate our ongoing concerns about the government’s approach to policy in this area and the continual bungling of legislation and issues which have general in-principle support. As stated, the coalition do not oppose the intent of the bill, but we will be seeking to address the issue the minister herself identified: the circumstances where there is a clinical need for a treating practitioner to specify an approved pathology provider.

Mr NEUMANN (Blair) (5.10 pm)—I speak in support of the Health Insurance Amendment (Pathology Requests) Bill 2010. These amendments make it clear that patients and consumers have choice. They have choice with respect to their doctor, their pathologist, their occupational therapist, their physiotherapist and their dentist. This is important in the areas of medicine and health. The bill proposes amendments to the Health Insurance Act 1973, removing the requirement that a request for a Medicare eligible pathology service be made to a particular pathology provider. Under the current Medicare arrangements, if a GP, for example, decides it is clinically appropriate and necessary, that particular doctor can refer a patient to an approved provider for a diagnostic test. Currently the legislation provides that there is a Medicare benefit. For that to be payable, a designated pathology provider must be named in the referral request. It means there is a cozy arrangement between the pathologist and the doctor.

We think it is important that consumers have their say in determining which pathology service they wish to choose as a result of discussions with their doctor. There is nothing in this legislation that would prohibit a referring doctor from recommending a particular pathologist to a particular patient of theirs. There has been some comment and criticism as to whether this would interfere in the communication between a GP and their patient, that there may be some miscommunication or some problem with the communication between the pathologist and the doctor. In this day of fax machines, emails and telephones there cannot be any real problems in that regard. In my community in Blair in South-East Queensland, pathology services are located very close to where GPs are located, and they communicate on a daily basis. This is not something that we should be worried about. To quote someone whom those opposite may quote from time to time, Milton Friedman said that there needs to be freedom to choose—freedom to choose who to engage and who to spend our money on to look after our health care.

These sorts of procedures are worrying for patients. When a doctor says, ‘Go off and get this diagnostic test,’ a lot of people find that
very worrying. The Royal College of Pathologists of Australasia claimed that it is the professional right of doctors to determine to whom they refer patients. I think that is arrant nonsense. This legislation is about ensuring better competition and improving the quality of service. Doctors will still be able to communicate with their patients. It is really to criticise doctors to say that they cannot determine to whom they refer patients. Patients will inevitably decide for themselves whom they engage. Sometimes they will decide based on word of mouth and sometimes by geographic convenience, but more often than not it will be after consultation with their GP.

It does not stop the doctors from discussing these issues. It does not stop the idea of branding either. Pathology providers will continue to be able to produce branded request forms that include the company's logo and address. That is not an indication that we are against communication and cooperation between pathologists and doctors and patients. It is just an opportunity for consumers to work out which pathologist they want to use and the circumstances. Branded request forms are not very common. You can see that when you get a referral. There would be plenty of people in this chamber who have had referrals to a pathologist.

Changes to the relevant regulations are planned to make sure the request for pathology services include a clear and understandable statement, obviously positioned so that a patient is aware of their consumer rights. I think that is appropriate. There will be a transition period—as we have said in the legislation—of 12 months in respect of changes to the regulations to minimise any impact on pathology practices and GPs, and to make sure that consumers have good knowledge of what is going on.

The Department of Health and Ageing will undertake an advertising and communications campaign to make sure that people understand what is involved. There will be communication with pathology providers and GPs. In her second reading speech on 20 October 2010 the minister said:

Informed patient choice is a key element of quality health care. This amendment will ensure that patients have a right to choose their pathology provider and are made aware of that fact, leading to increased competition and better service among providers.

My observation in my electorate of Blair is that doctors communicate with pathology providers regularly. Pathology providers are actually located in good geographic positions to be available to the public. For instance, my electorate office is in the Brassall shopping centre in Hunter Street, Ipswich, and next door is QML Pathology. As I drive in each day I see people sitting and waiting to go into QML for their tests to be done. And directly opposite, if you go out the front door of my electorate office in Blair, you can see that straight across the corridor, a matter of a few metres, there is Sullivan Nicolaides Pathology, which has been opened in the last few months.

It is not the case that pathologists are making it geographically difficult for the public to reach them. Brassall is the biggest suburb in terms of population for the whole of the electorate of Blair and it is not unusual to find a couple of pathology providers in very large shopping centres. There are doctors not far away in the same suburb, and the suburb of Brassall is not far away from the Ipswich CBD, where there are doctors everywhere. You will also see pathology providers in the middle of the CBD as well as in the medical precinct.

Doctors and pathologists will deal with each other and communicate each day. Doctors will deal with patients every day. Pa-
thologists will deal with the public and patients every day. People will seek referrals. The world will not end. The government will continue to ensure that we are the champions of consumer rights, of competition and of the freedom to choose, because we think this is important for the public.

What amazes me about those opposite is that they claim they are the champions of consumers, the champions of choice, the champions of liberty and the champions of free enterprise, but it is Labor governments that bring in legislation like this and other legislation in consumer law and in relation to competition. It is Labor governments that stand up for those challenged, those in need, those sick, those ill and those injured. It puzzles me that those opposite express concerns and listen to the people who criticise our legislation. We think this legislation is in the best interests of consumers and in the best of interests of all concerned for our economy and for the medical and health industry. I commend the legislation to the House.

Ms LIVERMORE (Capricornia) (5.19 pm)—I am pleased to join the member for Blair and other colleagues in supporting the Health Insurance Amendment (Pathology Requests) Bill 2010. This bill removes the requirement that a request for a Medicare eligible pathology service be made to a particular pathology provider.

Currently, when a doctor sends a patient off for a diagnostic test, the patient will be handed a request form including the name of a particular pathology provider. This has been a feature of the existing Medicare arrangements according to which a Medicare benefit is only payable if a designated pathology provider is named in the referral request. The patient is, therefore, required to go to the pathology provider specified by his or her doctor. This means that the choice of pathology provider is one for the doctor to make. Usually the doctor hands the patient a form produced by a pathology provider headed up with that provider’s logo and brand, and that is the provider the patient goes to. The referral request must nominate a specific pathology provider for the service to be eligible for a Medicare rebate.

This bill seeks to amend the Health Insurance Act to remove that requirement. Our proposal is for patients to be free to take the pathology request to any approved and accredited pathology provider. The act will still require a pathology provider to be in receipt of a referral from a medical practitioner. There will, however, no longer be a requirement for that referral request to specify a particular pathology provider in order for the service to be Medicare rebatable.

Under this new system the patient will be free to go to any accredited pathology provider and a rebate will be payable for that service. There is nothing in the bill to stop doctors from advising their patients on their choice of pathology provider, and providers are still allowed to produce branded request forms and to provide these to medical practitioners. Changes to current regulations will, however, mean that the forms will now also include an obvious statement to make patients aware that requests can be taken to any approved pathology provider of their choice.

This is a change, but it is important to note that the proposal in this bill is similar to the system that has operated in the diagnostic imaging sector for some time. In contrast to the pathology sector, when a patient is referred to a diagnostic imaging provider, there has been no corresponding requirement for a particular provider to be nominated in the request. Patients with a referral to a diagnostic imaging service can take their request for service to any provider. This change simply brings the pathology sector into line with the
existing practice in the diagnostic imaging sector.

On the face of it this measure is a very simple one. It is, however, part of the government’s broader response to the challenge of preparing our health system for the future. We know that we face rising health costs due to our growing population, the ageing of the population and the increase in chronic disease. These are all big challenges that will put huge demands on our health system. We came to government knowing that we had to undertake reform of our health system to make sure it is ready to meet those demands. To do that we have to remove the duplication and inefficiencies from the current system. We have to make sure that our health spending dollar is spent as efficiently and effectively as possible. This measure to increase patient choice and encourage competition in the pathology sector is consistent with those goals.

In debating this bill the last time it was before the House, I used my time to talk about my support for the Labor government’s health reform measures generally and to talk specifically about how our investment in my electorate has made and is making a big difference to capacity for health services within Central Queensland. We had a huge investment of $75 million for the expansion of the Rockhampton Base Hospital in the 2008-09 budget and, more recently, $67 million was committed to a cancer centre for the Rockhampton Base Hospital. I was delighted with the support that the Minister for Health and Ageing gave to my electorate in making that decision. It will make a huge difference to the way in which people are treated; they can be treated for many more forms of cancer and be looked after in their home town without having to travel away from their families.

I would like to quickly mention another very exciting thing that is happening in the health sector in my electorate. The minister will find out more about this tomorrow when the Pro Vice-Chancellor of the Central Queensland University visits Canberra to speak to her about what is going on at both the Rockhampton and the Mackay campuses of the university. Commencing in 2011, in Rockhampton the university will commence a new course in paramedic science and the Mackay campus will offer a medical stenography program.

I visited the Mackay campus a couple of weeks ago, and the head of the campus showed me around the work being done to prepare the facilities for that medical stenography course to start. I was told today that the university has already received 200 first preference applications for the paramedic science degree and, similarly, 200 first preference applications for the stenography and medical imaging program at the Mackay campus. It is great to see that all sections of the health sector, whether it is facilities at our major hospitals or these investments in producing our very own local, fully trained and qualified health workforce, are moving in the right direction. With the continued support of our Labor government I am very confident that we will continue to see this improvement in health services in Central Queensland.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (5.26 pm)—in reply—I would like to thank all members who have made a contribution to this debate. I am pleased I was here for the last few minutes of the contribution from the member for Capricornia because I know that there are lots of exciting things happening in many regional parts of Australia, yours included, Madam Deputy Speaker Bird, where our investments are really starting to make a difference in the training of health officials in the future.
The Health Insurance Amendment (Pathology Requests) Bill 2010 is about removing what might have been some practices between GPs, medical practitioners and pathologists. Essentially, it puts in place a legislative restriction on requiring a patient to take a request for a pathology service to a particular approved pathology practitioner. This is increasing competition. It is making clear that any member of the public can go to a pathologist of their choice. I am pleased that there have been some contributions to that effect within the House. The amendments will take effect from the day after royal assent. Doctors will be encouraged to continue to advise their patients of any views they have on the best choice of pathology provider for their needs.

I note that, during the last term of government, the Senate Community Affairs Legislation Committee reviewed this bill with regard to any potential impact on medical practice and recommended to the Senate that this bill be passed in its current form. I hope this means that, if the bill is passed through the House today, we might have some speedy handling of it in the Senate. I understand that the shadow minister is about to move some amendments in the consideration in detail stage, and it might assist the House if I indicate that the government is prepared to accept those amendments.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr DUTTON (Dickson) (5.28 pm)—I move opposition amendment (1) circulated in my name:

(1) Schedule 1, page 3 (lines 9 to 14), omit items 2 and 3, substitute:

2 Subsection 16A(3)

Repeal the subsection. Substitute:

(3) A medicare benefit is not payable in respect of a pathology service (other than a pathologist-determinable service to which subsection (6) applies) that has been rendered by or on behalf of an approved pathology practitioner unless:

(a) the service was rendered pursuant to a request made by the treating practitioner and, if an approved pathology practitioner was specified on the request, the service was conducted by that practitioner; or

(b) the service was rendered pursuant to a request made by another approved pathology practitioner who received a request for the service made by the treating practitioner and the treating practitioner did not specify a pathology practitioner.

(3A) In subsection (3), a treating practitioner may only specify an approved pathology practitioner on clinical grounds.

As I stated previously, the coalition does not oppose the intent of the bill and the amendment that has been circulated is intended to support quality of care while allowing for patient choice. The amendment allows for a treating practitioner to specify a pathology practitioner when making a request if there is a clinical reason for doing so. The Minister for Health and Ageing, in her second reading speech, stated:

... there are often valid clinical reasons for recommending a particular pathology provider over another.

The evidence provided by stakeholders also agrees with this assessment. The Royal Australian College of General Practitioners identified a number of clinical situations where specifying a pathology provider may be necessary for good patient care—for example, when results need to be reviewed or when other situations arise where there will definitely be a requirement for that involvement.
I thank the government, through the minister, for their agreement to this amendment.

In their submissions there does appear to be general agreement among stakeholders on this issue. A similar system operates under the PBS whereby a medical practitioner can specify that a generic medicine substitution is not appropriate. The amendment would need to be consistent with changes to the regulations. The coalition is prepared to work with the government to this end. There are also a number of other implementation issues which will need to be addressed. As I mentioned in my second reading contribution on the legislation, we continue to encourage the government to work with the pathology and medical profession to address these issues. The amendment is consistent with the intent of the bill. It will allow for patient choice whilst maintaining the high quality of clinical care, and it is supported by stakeholders.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (5.30 pm)—As I indicated, the government is happy to accept these recommendations and amendments from the opposition, particularly because they focus on circumstances where there are clinical grounds that require a doctor to have a preference for directing pathology referrals to a particular pathology provider. The important point from the government’s perspective is that the general rule and the general practice change, but there is protection where clinical circumstances might require a specific request to be made. I am also very happy to provide assurance to the shadow minister that we are committed to continuing to work with the providers and health professionals on the implementation of these changes. I am sure that many issues will continue to be discussed particularly between GPs and pathology providers about the way in which we can provide even better services to the community into the future. I urge the House to now agree to this amended bill.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (5.31 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2010

Second Reading

Debate resumed from 30 September, on motion by Mr Albanese:

That this bill be now read a second time.

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (5.33 pm)—The purpose of the National Broadcasting Legislation Amendment Bill 2010 is to amend the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991. The amendments would also reinstate the ABC’s staff-elected director. In effect, this bill fulfills two important and longstanding commitments by Labor. We undertook in our national platform in 2007 to end political interference in the ABC by introducing a new transparent and democratic board appointment process. Indeed, this will be the realisation of that objective. It will also be the realisation of the goals that we set out as a government to ensure that there would be an independent and democratic board appointment process in which non-executive directors would be appointed.

This is one of my shorter contributions to the debate on this matter, but it is an impor-
tant bill and the government is very happy to commend it to the House.

Mr Turnbull (Wentworth) (5.34 pm)—Today I speak on the National Broadcasting Legislation Amendment Bill 2010 and the effects that this legislation will have on the public broadcasters in Australia. As my colleagues have stated in this House many times, the coalition strongly support Australia’s national broadcasters and recognise that the ABC and SBS play a very important role in the lives of all Australians. It is precisely because of the significance of these two great Australian institutions that the shortcomings of this bill need to be properly scrutinised.

Firstly, the bill seeks to implement a new merit based board appointment process to appoint directors to the ABC and SBS boards by amending the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991. The bill seeks to insert a provision in both the SBS and the ABC acts to enshrine the merit based selection process and require that appointments not occur unless that process has been undertaken. The only exceptions to this are on the advice of the Prime Minister in relation to the reappointment of an ABC chairperson and on the advice of the minister in relation to the reappointment of the chairperson of the SBS.

The merit based approach proposed by the government establishes a nomination panel, the purpose of which will be to conduct a selection process for each appointment of a director. This panel will comprise a chair and at least two, but not more than three, other members who have been appointed by the Secretary to the Department of the Prime Minister and Cabinet. The appointment will be for a period which does not exceed three years, and it is a part-time office. The nomination panel proposed is an unnecessary and overly bureaucratic process. In order to seek an appointment, the panel must first advertise any vacancy nationally, and it must assess all applications against the selection criteria set by the minister. In the case of the SBS chairperson, the panel must provide a report to the minister or, in the case of the ABC chairperson, provide a report to the Prime Minister and the minister which outlines at least three nominations.

In 2009, the government created a nomination panel to assess the applications for two directors to both the ABC and SBS boards. A Senate estimates inquiry found that the government spent approximately $200,000 on these appointments. Included in this was payment for the members of the nomination panel and the engagement of a recruitment company, as well as the cost of advertising. However, as the bill makes clear, there is no guarantee that this whole process will result in a successful nomination, and the government still retains the power to make an appointment that has not been recommended by the nomination panel, so long as the process is undertaken in the first place. This bill is simply creating a new and unnecessary bureaucratic process.

Secondly, the bill proposes that former politicians and their senior staff members are ineligible for appointment to the boards of the national broadcasters. This suggestion is very hypocritical on the part of the government. I applaud the recommendations of a recent report from the Senate Environment and Communications Legislation Committee which advised that this absurd double-standard be amended to provide that there is at least an 18-month cooling-off period—an entirely rational and practical response, given this is the case for the majority of other governmental advisory boards.

It is hypocritical for the government to argue that politicians are deemed unsuitable
for positions on the boards of the national broadcasters while they are perfectly acceptable on the boards of other entities. Many former politicians have provided a valuable contribution to the board of the ABC and other government bodies. In 1994, for example, the former South Australian Labor Premier John Bannon was appointed by Labor to the board of the ABC, as was the former Liberal senator Neville Bonner in 1983. As my colleague the member for Dunkley pointed out last year, Prime Minister Rudd’s appointments of former Labor minister John Kerin to the CSIRO board, Peter Costello to the Future Fund board and Steve Bracks as an adviser to the car industry highlight the irrationality and inconsistency of the government’s position on this issue.

Members of this parliament and of state parliaments gain great experience in the affairs of this nation across a wide range of areas. When they cease to be members of parliament, they are in a position to continue to provide that experience to the community and, almost invariably, most of them do so. There is obviously an issue with public broadcasters about partisanship and so some cooling-off period may be appropriate, but to put a permanent stigma on every former member of parliament and every senior member of staff is really a very extreme response.

Further, the blanket ban on politicians serving on the boards of the national broadcasters does not serve to depoliticise these institutions as there is no reference in the legislation to prevent current or former party officials or others with political affiliations so serving. Former Labor staffer and lobbyist Jody Fassina was appointed as one of the four directors of the Tasmanian NBN Co. On this issue, there is obviously an opportunity for some compromise. On the one hand, the government is advocating independence and accountability by proposing a nomination process and ban on politicians and, on the other hand, the government can override this process by appointing their own directors. Why should the board of the national broadcasters be any different from the boards of other government agencies? Why has the government not considered a cooling-off period, as is the case with other government agencies? I urge the House to consider the recommendations put forward by the Senate committee on this issue.

Finally, the bill seeks to reinstate the staff elected director position on the ABC board. In 2006, following the advice of the Howard government’s Review of Corporate Governance of Statutory Authorities and Office Holders, the staff elected director position was abolished. This review, known after its chairman as the Uhrig review, found that having a staff elected director was an anomaly amongst other government agency boards as well as posing a significant potential for conflict of interest, as the director—who is legally required to act in the best interests of the ABC as a director—is, however, appointed as a representative of the staff. I note that our other national broadcaster, SBS, does not have a staff elected director.

The coalition stands by the Uhrig report that did not support representative appointments to governing boards, as:

… representational appointments can fail to produce independent and objective views. There is the potential for these appointments to be primarily concerned with the interests of those they represent, rather than the success of the entity they are responsible for governing. While it is possible to manage conflicts of interest, the preferred position is not to create circumstances where they arise.

We have a tradition of corporate governance in Australia, as honourable members are well aware, that does not and should not favour representational appointments. The Uhrig review confirmed this stance.
It is a fundamental principle of company law in Australia that directors act in the interests of the company and all of its shareholders. So having a director who is a representative of one group is really trying to turn the board of directors into a quasi-shareholders meeting. The directors have to act in the interests of the entire corporation—in this case of the whole of the ABC. A staff appointed director is invariably going to be seen as effectively a shop steward at board level. There are obviously very powerful arguments for the interests of staff to be represented and for their point of view to be well argued, but they should not be represented in this way inside the boardroom.

In the ABC submission to the Senate inquiry into the 2006 legislation, the then acting Managing Director of the ABC, Murray Green, stated in relation to the conflict of interest for the staff elected director that it is: … inevitable that there has been a tension between the expectations placed by others on their role and their established duties as directors of a corporation.

The most recent evidence given to the Senate committee’s inquiry into this legislation found that staff elected board members would not necessarily perform badly. There is no question that you can have very capable people—and have had very capable people—elected as staff elected board members. So there is no criticism of the individuals involved or their calibre. But they will be subject to an ongoing conflict of interest and an ongoing tension in their role because the purpose of them being placed on the board is to represent not the interests of the whole company but the interests of the employees of the company.

The committee also heard that there is no need to have a member of the board representing staff interests, nor was there evidence that the ABC’s performance had suffered as a result of the absence of a staff elected director. In fact, since 2006, the ABC has really flourished with the launch of two additional television channels—the children’s channel, ABC3, and ABC News 24, Australia’s first free-to-air 24-hour news channel. The ABC has moved into digital radio, established the No. 1 rated online opinion site The Drum and launched the ABC Open project, which produces and publishes local contributions from ABC regional audiences. Recently the ABC has announced its intention to expand its international presence by consolidating the ABC’s presence in the Asia-Pacific and establishing new services in Africa, Latin America and the Middle East.

One only has to have regard to the ABC’s really formidable achievements—they are among the world’s best in my opinion—in the online space to see that its lack of a staff elected director has not held it back or compromised its activities at all. In fact, I would say that the ABC, in its range of activities, is more dynamic than it has probably ever been in its history. The government should recognise, therefore, that the reform of the ABC board carried out by the coalition has been in the best interests of the ABC. So far the government has ignored all arguments as to how the coalition’s reforms to the ABC have contributed to the broadcaster’s very successful transition into the modern media and digital environments while proving to be consistent with the contemporary standards of corporate governance.

Australia’s national broadcasters play a unique and essential role in the lives of all Australians. In order for them to have the best possible chance of continuing to provide Australians with their services, they need to have the best possible boards that can be provided. Allowing for the appointment of politicians and their staff to the boards after an 18-month cooling-off period is manifestly in the best interests of both our broadcasters
and Australians. The 18-month cooling-off period is really more than sufficient—I would say quite a bit more than sufficient—to deal with any concerns about contemporary partisan considerations being brought to bear on the boards of those companies. We really do have to be very careful that we do not make it appear that because somebody has served in a parliament or in a senior advisory position to a member of the House of Representatives or a senator they are somehow or other regarded as stigmatised. The members of this House and the members of the Senate are engaged in public service, and it is very responsible and important public service. That service brings experience and, if members and senators having left the parliament want to continue to make a contribution to the nation, the provision of that service should be encouraged, not discouraged.

We also remain opposed to the staff elected director for the same reasons we were opposed to it when it was removed in 2006. Since then, on any view, the ABC has gone from strength to strength. It is impossible to point to any deficiencies or inadequacy on the part of the ABC occasioned by the absence of a staff elected director. There is a very important role for the staff of the ABC to be represented in their dealings with management but, as far as having a representative of the staff on the board of the ABC as a staff elected director, that is totally contrary to the traditions and principles of Australian corporate law. That is not the way companies are managed in Australia. As the Uhrig review demonstrated, it is manifestly not in the interests of the community to have public corporations with persons on their boards whose job it is to represent a particular sectional interest as opposed to the interests of the corporation as a whole.

Ms ROWLAND (Greenway) (5.49 pm)—I rise to speak in support of the National Broadcasting Legislation Amendment Bill 2010. This bill amends the Australian Broadcasting Corporation Act and the Special Broadcasting Service Act to implement a new merit based appointment process for the ABC and SBS boards. The bill also reinstates the position of staff elected director to the ABC board, a position that was scrapped by the Howard government.

I believe our national broadcasters are unique institutions. I firmly believe that the boards of our national broadcasters should not be politicised. It is simply not acceptable that individuals are appointed to the ABC and SBS boards simply because they hold views that are sympathetic to the ideology of the government of the day. Merit, not an individual’s political ideology, should be the guiding and underlying principle behind appointments to the ABC and SBS boards.

The contrast between the approach taken by this government since its election in 2007 and the previous Howard government on this issue could not be clearer. There can be no objective disagreement with the way in which the independence of the ABC and SBS has been compromised in the past through a series of blatantly political board appointments. For the benefit of the House, I wish to highlight some of these appointments. In 1996, Donald McDonald, a long-time friend of former Prime Minister Howard, was appointed chair of the ABC board. In 1998, Michael Kroger, who we all know is an active member of the Victorian branch of the Liberal Party, was appointed to the ABC board. Conservative commentators Janet Albrechtsen, Ron Brunton, Keith Windschuttle and Morris Newman were also appointed to the board of the ABC from 2003 to 2007. Furthermore, Christopher Pearson, a former speechwriter for John Howard, was appointed chair of the ABC board. Conservative commentators Janet Albrechtsen, Ron Brunton, Keith Windschuttle and Morris Newman were also appointed to the board of the ABC from 2003 to 2007. Furthermore, Christopher Pearson, a former speechwriter for John Howard, was appointed to the board of SBS in 2003. In addition to serving as directors of the ABC and SBS, these individuals were united in their support of the Liberal Party and its ideology.
The former Minister for Communications, Information Technology and the Arts, Richard Alston, revealed the underlying objective behind these blatantly political appointments in May 2003 when he claimed that the ABC was biased in its coverage of the Iraq war. The then government’s solution to this alleged bias was to appoint known members and supporters of the Liberal Party, such as Ms Albrechtsen, Mr Brunton, Mr Windschuttle and Mr Newman, to the ABC board.

On the same day Senator Alston accused the ABC of bias, he told *Lateline*:

I think the ABC has a duty to its listeners and the tax-paying public. To uphold the highest standards of journalism. To accept that it’s accountable. And to ensure that it is meeting its own codes of practice.

I could not agree more with the former minister. The ABC does have an important responsibility to present the news in a balanced and independent manner. It is a pity that loading the ABC board in the manner I described directly undermined the ability of the ABC to fulfil its code of practice. May I suggest that Senator Alston was not referring to an anti-Liberal bias when he made his allegation in 2003. May I suggest that his allegation was simply a cover for the frustrations his government felt over the fact that the ABC was presenting a balanced coverage of the Iraq war. The Howard government fundamentally neglected the principle of merit and that is why this bill is so important. By amending the Australian Broadcasting Corporation Act and the Special Broadcasting Service Act, this government is taking important steps to ensure the practices of the former government never happen again.

This legislation will lead to the establishment of a nomination panel to oversee the merit based appointment of non-executive directors. All non-executive director vacancies will be advertised, which gives every Australian the opportunity to apply. As such, political affiliation will no longer be an unofficial prerequisite to be considered for an appointment to the boards of the ABC and SBS.

New part III of the Australian Broadcasting Corporation Act will clearly set out the process by which this independent merit selection process will take place. Equally, the insertions to part 3 of the Special Broadcasting Service Act will set out the process by which the nomination panel will appoint non-executive directors to the board of SBS. Features of this process include assessing candidates against a core set of published selection criteria, specifically the skills, experience and competencies of the applicants. The nomination panel will provide a report to the minister with a short list of at least three candidates for each vacant position. The minister will select a candidate from the short list and write to the Governor-General recommending the appointment as required under the legislation.

It is also important to note that this bill amends subsection 12(5) of the ABC Act and subsection 17(2) of the SBS Act to specifically prevent current and former members of state and federal parliaments and current and former senior political staff from being appointed to the boards. I also draw to the attention of the House the proposal to insert new section 24C into the ABC Act, which states:

… the Panel is not subject to direction by, or on behalf of, the Government …

The processes outlined in these respective parts of the ABC Act and SBS Act will ensure the process of appointing members to the boards will no longer be subject to partisan interference. This means that the blatantly political appointments to the boards of the ABC and SBS that occurred under the Howard government will never happen again.
I now wish to turn my attention to the second aspect of this legislation, the reinstatement of the staff elected director to the ABC board. This will be achieved by amending subsection 12(1) of the ABC Act to include the staff elected director as a member of the board. New section 13A outlines the obligations of the staff elected director. The minister representing the communications minister said in his second reading speech:

The staff-elected director plays an important role in enhancing the ABC’s independence by providing the board with a unique and important insight into ABC operations. The staff-elected director will often be the only individual with the expertise to question the advice coming to the board from the ABC’s executive.

I strongly agree with the minister’s statements.

An inquiry into the Australian Broadcasting Corporation Amendment Bill 2006 by the Senate Environment, Communications, Information Technology and the Arts Legislation Committee heard numerous examples in which the staff elected director acted to maintain the independence of the ABC. This view is reinforced by the author of *Whose ABC?* and *This is the ABC*, Professor Ken Inglis, who stated:

The staff-elected director has exercised more influence than any other single director apart from the Chairman and Deputy Chair.

The staff elected director had real power and exercised this power to maintain the ABC’s integrity and independence; there was no guarantee they would be sympathetic to the ideology of the government of the day; and it was the only appointment to the board of the ABC that the then government could not control.

To justify their decision to abolish this position, the Howard government referred to a review of the corporate governance arrangements of statutory authorities and officeholders conducted by John Uhrig. Uhrig’s report, entitled *Review of the corporate governance of statutory authorities and office holders*, was quoted in the explanatory memorandum of the Australian Broadcasting Corporation Amendment Bill 2006, the very bill that led to the abolition of the staff elected director position. The explanatory memorandum included the following excerpt from the Uhrig report:

The Review does not support representational appointments to governing boards as representational appointments can fail to produce independent and objective views.

This was hailed as an independent endorsement for what the then government was attempting to do. However, this comment was one very minor aspect of a 133-page report. In fact, no reference was made to the ABC in Uhrig’s report. Nevertheless, even if one were to falsely accept that the Uhrig report explicitly referred to the ABC and the position of the staff elected director, it is somewhat hypocritical to claim that the staff elected director is unable ‘to produce independent and objective views’. If the staff elected director is unable to act in an independent and objective way, how is it possible to expect openly partisan individuals, such as Michael Kroger, to act in an independent and objective manner?

For this reason, I suspect that the Howard government abolished the position of staff elected director simply because they feared the director’s independent and objective views. I am concerned that the opposition continues to oppose the reinstatement of the staff elected director. I refer the House to a media release issued by the former shadow Minister for Broadband, Communications and the Digital Economy, Senator Minchin, in which he stated:

The position creates the potential for conflict of interest with the staff-elected director legally bound to act in the best interests of the Corpora-
tion, despite having been appointed as a representative of staff and elected by them.

This is a flawed analysis. It shows a complete disregard for this comment by the last staff elected director, Quentin Dempster:
The staff director is not the shop steward for the unions.

This directly contradicts the claim made by Senator Minchin that the staff elected director will simply act as a staff representative.

We on this side of the House believe in the importance of independent national broadcasters. That is why we are seeking to implement this legislation. We are seeking to amend the ABC Act and the SBS Act to ensure that board appointments are made on the basis of merit, not political affiliation. We are also seeking to amend the ABC Act to reinstate the position of staff elected director because we believe this position enhances the independence of the ABC by providing a unique and important insight into the operations of our national broadcaster. These amendments are needed to help undo the damage done by the Howard government to the ABC and the SBS. These amendments form part of the government’s commitment to reform Australia’s communications sector. We now need to consider how we, as a nation, can best respond to the challenges and opportunities of the emerging digital and online environment. In delivering their mandates under their respective statutes, the ABC and the SBS play a critical role. Their governance arrangements should reflect this mandate and I commend the bill to the House.

Mr FLETCHER (Bradfield) (5.59 pm)—The National Broadcasting Legislation Amendment Bill 2010 is a wholly unnecessary piece of legislation. The three core elements of this legislation are all, in my view, poor ideas. The first idea is to resuscitate the position of staff-elected director. The second idea is to impose a formal blanket ban on former politicians and senior political advisers being appointed to the board of the national broadcasters. And the third poor idea is the process set out in the bill for what is described as ‘merit based appointment’.

Unfortunately, this legislation is evidently the product of a fairly desperate moment, casting around and trying to fill out a rather thin-looking policy in advance of the 2007 election. Clearly somebody said: ‘We must have a policy on broadcasting. Quick, what are we going to put in there? Let’s come up with some ideas. Let’s look like we’re taking action.’ This bill emerges from the same policy factory that gave us the citizens’ assembly, and evidently was a process with about as much rigour.

I want to address all three of the rather poor ideas that are inherent in this bill. The first of those is the reinstatement of the position of staff-elected director at the Australian Broadcasting Corporation. There is an extraordinary claim in the second reading speech offered in justification for this measure:
The staff-elected director is often the only individual with the expertise to examine the advice to the board from the ABC’s executive.

That really is quite a remarkable claim, that there is nobody else on the board of the ABC who has the expertise to examine the advice to the board from the ABC’s executive. It is a proposition, I would suggest, which cannot be substantiated on even the most cursory examination. If there is a desire, as there may very sensibly be, to have people on the board of the ABC who have expertise and experience in matters of broadcasting, by all means appoint people with such experience. There are, in fact, a number of people on the board who have such experience. I look, for example, at Dr Julianne Schultz, who is on the board of the ABC. Her resume says that she:
… began her career as a reporter with the ABC… She has held senior editorial roles and worked as media columnist and director of corporate and digital strategy.

I know Dr Schultz a little bit—at least I have come across her at conferences. She is clearly a person of ability. But the more general point is this: it is clearly open to the minister to appoint, as he has on this occasion, persons with industry experience who are able to bring to bear that experience in examining the advice to the board from the ABC’s executive. It is really quite an extraordinary argument that the justification for having a staff-elected director is that that person is the only one on the board with the expertise to examine the advice to the board from the ABC’s executive. It is a proposition which does not stand up to even a moment’s scrutiny. The reason it is such a threadbare proposition is, as is often the case, that it is not the real reason why this government is legislating to seek to reinstate the position of staff-elected director.

Inevitably, regardless of the personal capacities of the individual, the staff-elected director is expected by the persons who elect him or her to be an advocate for their interests. That is the way that elected positions operate. And to have a person on the board who is subject to that set of expectations, to that set of pressures, is inconsistent with basic principles of corporate governance which require that directors are motivated by a consideration of what best serves the interests of the organisation and what best allows the organisation to deliver on its mission, to deliver on its objective of providing outstanding broadcasting to serve the interests of the Australian community.

The proposition that there ought be one member of the board who is elected to represent the sectional and specific interests of ABC staff is a poor one. The person who is charged with selecting the directors of the ABC is, as the law stands today and should remain in respect of every director, the minister. The minister is the person who brings to bear the responsibility, on behalf of the parliament and ultimately on behalf of the people of Australia who have elected that parliament, for the decision making as to selecting directors who are best able to direct the ABC in performing its mission of delivering outstanding broadcasting services to the Australian community.

Let me turn to the second very poor idea which is contained within this bill, which is the proposition that there ought be an automatic and blanket ban on former politicians and on former senior political advisers from being eligible to be appointed as directors of the board of the ABC or the Special Broadcasting Service. Let me quote evidence given by Donald McDonald, a former chairman of the ABC, to a recent Senate inquiry where he said:

I think it is an extraordinary provision, frankly, to suggest that somebody, having served the public as a member of parliament, is, as a result of that, contaminated to the extent that they cannot provide useful service to the public by being on the board of the ABC. I think that is not only extraordinary but profoundly offensive in retrospect to former politicians who have been on the ABC board.

He further observed that in his time as chairman of the board he was well served, and the board was well served, by having as two directors the former Labor Premier of South Australia John Bannon and the former Liberal federal cabinet minister Ian Macphee. Mr McDonald said in his evidence:

They brought a great deal of experience, judgment and balance to considerations, particularly in matters to do with dealing with the government and in lobbying for funding because that is a big chunk of the board’s responsibility once every three years.
There is the voice of direct experience: it is in fact no bad thing, in some instances, to have former politicians serving on the ABC board. I was particularly interested to see the view of the Community and Public Sector Union expressed by another witness before that Senate committee, Dr van Barneveld, who had this to say:

It is simply the view of the CPSU that there is no need to exempt ex-politicians and ex-staffers. However, our view is that the appointments should not be political in nature and that, if ex-staffers or ex-politicians apply—and they should be able to apply, because they potentially have things that they could add to these positions—they are subject to the merit selection process.

It is interesting indeed, is it not, that the CPSU—the union movement—does not support a blanket ban on former politicians, on former political advisers, being directors of the ABC or the SBS?

There are several fundamental problems with this idea. First of all, there is nothing inherently wrong with politicians or former political staffers as a class which should automatically bar them from eligibility for serving on the board of the ABC or the SBS or indeed from any other position in our community. Secondly, as we have seen in the evidence I have cited from Donald McDonald, in fact a rule which excludes politicians and political staffers automatically excludes from consideration a class of persons who may have something distinctly valuable to offer. Thirdly, the gaping inconsistencies between the claimed virtue of excluding the evils of political and governmental contamination on the one hand and the actual drafting on the other simply highlight the absurdity of this policy. There is, for example, no ban in this bill on former senior bureaucrats, including a former Secretary of the Department of the Prime Minister and Cabinet or a former Secretary of the Department of Broadband, Communications and the Digital Economy.

None of these classes of person is banned, nor for example are officials or former officials of political parties. A former federal secretary of the ALP or a former federal director of the Liberal Party would not be banned, nor would former union officials, nor would failed political candidates, nor would advisers to former politicians who did not attain the designated rank, which I think, according to the explanatory memorandum, is ‘adviser’ but not ‘assistant adviser’. One can easily conceive of examples where persons who operated in a strict formal sense at a lower level in fact had just as much influence on the politician whom they served as somebody at a more senior level designated an adviser or chief of staff.

While we are considering classes of persons who are not barred by this legislation—and, if there were a skerrick of logical consistency about it, they would be barred—let us think about former elected members of parliaments of countries close to our own political tradition, such as New Zealand, the United Kingdom, Canada or other similar nations.

This legislation is rife with gaping logical inconsistencies and, in my view, the prohibition simply makes very little sense. I would suggest, as a very minimum, that if we are going to go forward on this approach then it would be logical at the very least to set some time limit on the period for which former politicians and political advisers are disqualified. The notion inherent in the legislation today, as proposed, that this prohibition lasts forever—the notion that apparently you are so contaminated by political service that you can never be cleansed—is inherently ludicrous.

I turn finally to the formalised appointment process, the so-called merit based se-
lection process, which has been proposed in this piece of legislation. This really is the triumph of the human resources strategist. This is the approach of the government that brought you the 2020 Summit, the gathering of the 1,000 so-called ‘best and brightest’. I well remember the photograph that appeared in one newspaper of the butcher’s paper—which you see so often at these kinds of events—for the breakout groups, which had written across the top of it: ‘There are no stupid ideas.’ The facilitator had wandered away after committing that piece of wisdom to the butcher’s paper.

I have been to a lot of these off-sites. I did not go to Australia’s national off-site, the 2020 Summit, but I have been to a lot of other off-sites and let me tell you there are a lot of stupid ideas. No matter how many times you write across the top of the butcher’s paper, ‘There are no stupid ideas,’ there are stupid ideas, and this is a stupid idea. The idea that we ought to have this formalised multi-step appointment process, going through the appointment of a panel, going through formal notification requirements, and going through step after process step, is a bad idea. Why ought there to be this appointment process conducted at arm’s length from the government? The government is there to govern and that includes appointing people to boards of government entities.

It is no bad thing, of course, to cast the net as widely as possible to have the widest possible range of candidates being invited to apply to become directors. That is no bad thing; it is sensible practice. But to formalise this involved series of steps in legislation is a triumph of process, which we on this side of the House think is wasteful, foolish, unnecessary, and ill conceived.

In conclusion, the idea-generation factory in politics sometimes produces bad ideas. Let us be honest: we all know it. It happens from time to time. We saw one example during the last campaign: the idea of the citizens’ assembly. It was a silly idea that has thankfully been dropped. I appeal to the government today to do the same thing with this bill. The ideas are silly; drop them. Leave things as they are.

Mr BANDT (Melbourne) (6.14 pm)—The measures in the National Broadcasting Legislation Amendment Bill 2010 are consistent with Australian Greens policy and I rise to support the bill in principle. In making a short contribution to this debate, I want to focus briefly on the appointment mechanisms for the ABC board. It is critical to a healthy democracy that the national broadcaster is truly independent and free to report on issues that cause discomfort to the incumbent government and other powerful interests. Without access to reliable and unbiased information, the public cannot participate in the public political debate effectively. With that principle in mind, I commend the government for putting an end to the practice of stacking the ABC board with directors who have party political interests or who have clear and overt ideological bias.

In his submission to the Senate Environment, Communications, Information Technology and the Arts References Committee in 2001, Quentin Dempster, a former staff-elected director of the ABC, highlighted the problems with the way that the ABC board had been appointed. He wrote that:

The history shows that it is almost impossible for incumbent governments to put the ABC’s clear need for non-controversial appointments of directors with a demonstrated commitment to independent public broadcasting ahead of their party political interest to send “signals of influence” by the appointment of directors with links, connections or associations with their own party. Both the Liberal and Labor parties do not seem to be able to restrain themselves from applying political
patronage to the task of selecting ABC directors. To those of us working at the ABC under this pathetic two-party indulgence it has become wearisome, to say the least.

Ten years later, the government could quite easily have used their position to continue this practice, to tilt the ABC board in Labor’s favour, but they have not done so. That they are seeking to move beyond this politicisation of the ABC board is to be applauded.

Speaking on behalf of the Australian Greens, I can indicate that we place so much importance on the government’s moves to ensure that ABC board members are selected on the basis of merit, free from political interference, that we will be moving amendments in the Senate to further strengthen these measures. We will seek to further limit the scope for political appointments to be made by requiring that suitably qualified and non-partisan people, rather than appointees of the Department of the Prime Minister and Cabinet, fill positions on the nomination panel responsible for selecting the team that will conduct the merit based selection process for ABC board appointments.

On the question of the staff-elected director, the Greens did not support the position being abolished in the first place and it certainly remains our policy to see it reinstated. I note that the opposition which, when in government, removed the staff position continues to make the argument that a staff-elected board member would act in the interests of staff members before the interests of the organisation. The Greens reject these arguments by noting that staff-elected directors in the past have always fulfilled their duties without giving rise to conflicts of interest. Representing staff is first and foremost a job for the unions, not the staff-elected board member.

The clear benefit of seeing a staff-elected board member returned to the board is the sheer wealth of operational broadcasting experience that he or she brings. The ABC board will only be stronger and wiser because of it and I see no reason for parliament to prevent such experience being returned. I thank the government for introducing this bill.

Mr HARTSUYKER (Cowper) (6.18 pm)—I welcome the opportunity to speak on the National Broadcasting Legislation Amendment Bill 2010. The purpose of this bill is to amend the Australian Broadcasting Corporation Act and the Special Broadcasting Service Act to introduce a new board appointment process. The bill also reinstates the position of staff-elected director to the board of the ABC. Appointments of directors to the ABC and SBS boards will not be able to occur unless the merit based selection process is undertaken through a nomination panel. The nomination panel will be comprised of a chair and either two or three other members appointed by the Secretary of the Department of the Prime Minister and Cabinet. After advertising nationally to fill vacant board positions, the panel must assess each candidate against selection criteria set by the Minister for Broadband, Communications and the Digital Economy and provide a report to that minister, or to the Prime Minister in the case of the ABC chairperson, containing at least three nominations.

If the minister chooses to appoint a person not nominated by the nomination panel, the minister must provide written notice to the Prime Minister and table reasons for the appointment in parliament within 15 sitting days. There will be a number of candidates not eligible for appointment, including a member or former member of an Australian parliament or a person who is or was a senior political staff member, which includes such positions as chief of staff or adviser.
The legislation will not provide a completely independent process for appointment to the ABC and SBS boards, as the government claims. Whilst the legislation proposes a merit based process through the selection panel, the minister and the Prime Minister will still be able to ignore panel nominations and appoint whomever they like. The government’s argument that the process will protect the independence of the ABC and SBS is completely exaggerated. I also note that Labor’s emphasis on transparency and independence in this bill is completely at odds with their other policies in communications, such as the National Broadband Network.

The coalition has two further issues with this legislation. The first relates to the reinstatement of the position of staff-appointed director to the ABC board. By reinstating the position of the staff-elected director to the board of the ABC, the government are overturning the coalition government amendments of 2006 which removed the position from the ABC board. The coalition’s amendments were introduced in 2006 following the publication of the Review of the corporate governance of statutory authorities and office holders, known as the Uhrig report. The coalition’s legislation was consistent with the recommendations of that report.

All governmental office holders have a responsibility to ensure good governance and to maintain suitable relationships with the responsible minister, the parliament and the public, including private business. These principles extend to the management and governance of the ABC and of SBS. The coalition supports the important role that the ABC and SBS play in providing diverse content across both television and radio services. In particular, the content provided to regional services is an important service that the coalition strongly supports. Content made available through the ABC and SBS networks is not being provided by commercial networks, and it is important that the government continues to provide these services whilst encouraging a competitive broadcasting sector.

However, ensuring that the ABC and SBS are resourced appropriately and can continue providing unique content important to Australians comes at a substantial cost to taxpayers. For example, the ABC’s revenue from the Commonwealth government in 2010-11 is some $779 million. It is therefore essential that the ABC and SBS balance the need to provide diverse and unique services across Australia with strong and professional boards who understand these responsibilities and who can protect the interests of taxpayers. Board members of the public broadcasters must discharge their responsibilities independently and without being influenced by external groups. This is why the Uhrig report recommended that representational appointments should not be pursued. These types of appointments have the potential to place the success of an entity at risk.

The position of staff-elected director creates the potential for conflict of interest. The director in question has a responsibility to staff as their representative. It is likely that occasionally commercial decisions in the best interests of the ABC will conflict with the interests of staff. The coalition believes that each director must be suitably independent and capable of making commercial decisions without any conflict of interest.

The position is also made redundant by the operation of corporate legislation and statutory duties. As the Minister for Infrastructure and Transport noted in his second reading speech, the staff-elected director has the same duties, rights and responsibilities as all other non-executive directors. Like any other ABC director, the staff-elected director’s primary duty is to act in the best interests of the corporation. Each director has a statutory duty to the ABC. This duty is the
same for each director regardless of the terms of their appointment. The statutory
duty of a staff-elected representative to the
staff is no more than it is for other board
members. If a staff-elected board member
were to place the interests of staff above the
commercial interests of the ABC, that direc-
tor would be in breach of statutory obliga-
tions and liable for penalty.

The coalition abolished the position of
staff-elected director on the ABC board in
2006 for these very good reasons. We be-
lieved it was both unacceptable and unneces-
sary for a member of the ABC board to hold
a potential conflict of interest between staff
interests and company interests. It is unrea-
sonable to place a director of the ABC into
such a conflicted position.

The second issue of concern for the coali-
tion is the restriction on appointment of for-
mer politicians and former senior political
staff to the ABC and SBS boards. Despite the
minister claiming that this bill will give ‘all
Australians an opportunity to nominate for a
place on the ABC and SBS boards’, Austra-
lians who have previously been involved in
politics will be banned from nominating. The
government argues that the restriction will
enhance the boards’ independence. The ex-
planatory memorandum to this bill states:
The exclusion of former politicians and senior
political staffers from consideration for Board
positions is intended to strengthen the independ-
ence and impartiality of the ABC Board, which is
consistent with the Board’s duties under section 8
of the ABC Act. A number of appointments over
the years have been perceived as politically bi-
ased.

These provisions ignore the fact that former
members of parliament have made responsi-
ble and valuable contributions to the ABC
and SBS boards. For instance, I note that the
former South Australian Labor Premier John
Bannon served on the ABC board with dis-
tinction. The provisions restricting former
politicians and political staffers are also
completely at odds with this government’s
approach to other boards. We all know that
the former Prime Minister appointed some
high-profile coalition members to govern-
ment boards. The coalition believes that
where someone is capable on merit they
should be considered regardless of back-
ground. If the government has faith in the
merit review process it is implementing
within this bill, it should expect that appro-
priate board members would be chosen re-
gardless of political background.

The coalition will be proposing two
amendments in order to rectify these two
issues. Our first amendment will oppose the
reinstatement of a staff-elected director to the
ABC board. As I have outlined, we believe
that the appointment of staff-elected direc-
tors has an inherent conflict of interest and it
is unfair to place a director in such a posi-
tion. If a current employee of the ABC
wishes to become a director, the bill provides
other avenues for achieving such an objec-
tive through the merit based appointment
process. The coalition’s second amendment
will oppose the ineligibility of former politi-
cians and former senior staff of politicians
from being considered for appointment to the
ABC or SBS boards. Our amendments will
restrict the appointment of former politicians
and senior political staff members to 18
months after ceasing employment in politics.
We believe this is a reasonable time frame.
As I have outlined, the ABC and SBS boards
should not be restricted in who they employ.
Former political employees often have ex-
perience that cannot be gained in the private
sector and the ABC and SBS should be able
to utilise individuals with those skills just
like any other corporate entity.

These amendments should be accepted by
the parliament to ensure that the ABC and
SBS boards remain independent and retain
the ability to access the most appropriate board members.

Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (6.27 pm)—in reply—I thank honourable members for their contributions to the debate on the National Broadcasting Legislation Amendment Bill 2010. This bill will amend the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991 to fulfill two longstanding commitments by the government. These amendments will lead to improved governance and better long-term outcomes for our national broadcasters. We promised in 2007 to end political interference in the ABC by introducing a transparent and democratic board appointment process that is based on merit, and we undertook to deal with SBS appointments in the same way. We also committed to restoring the staff-elected director to the ABC board.

The ABC and SBS are our national broadcasters and they play an important role in the lives of all Australians. It is imperative that they perform their functions in an independent and impartial manner. This bill establishes a statutory merit based selection process for the appointment of non-executive directors to the ABC and SBS boards. Strong boards appointed through this robust and transparent process are in the best interests of the country and of the broadcasters themselves.

The process established by this bill gives Australians the opportunity to apply for appointment to the ABC or SBS boards, and all applications will be considered on their merits by an independent nomination panel which will then recommend the best candidates to the minister. In addition, the reintroduction of the staff-elected director to the ABC board will increase the quality of the advice to the board and deliver positive benefits to the ABC and to its audience.

It is well known that the lack of due process has in the past resulted in appointments to the ABC and SBS boards that were primarily motivated by political concerns rather than the best interests of the national broadcasters and the Australian public. There is widespread concern in the community that such political appointments have diminished the level of expertise on both boards and have weakened the ability of those boards to perform their duties.

The role of the national broadcasters in shaping and influencing public opinion and in nurturing our national identity is significant. It is essential, therefore, to ensure that the boards of the national broadcasters fulfil their statutory charters in a manner that is impartial and independent from the government of the day. To this end, the new statutory appointment process will ensure that appointments to the boards are made on merit and result in board members with the necessary skills and abilities to contribute to the effective operation of these important cultural institutions.

A merit based selection process takes the politics out of the appointment process and puts the focus where it should be. These amendments formalise the new merit based appointment process in both the ABC and SBS acts. The legislation is also drafted to ensure that the independent nomination panel conducts its selection process at arm’s length from the government of the day.

The second change to be implemented by this bill is the reinstatement of a staff-elected director on the ABC board. The previous government abolished this position on the spurious ground that election to the board by ABC staff somehow created a conflict with the statutory duties of the staff-elected director to act in good faith and in the best interests of the ABC. Labor do not believe there is any conflict of interest in the position of a
staff-elected director and we made a commitment in the 2007 election to restore the position on the ABC board.

The staff-elected director plays an important role in enhancing the ABC’s independence by providing the board with a unique and important insight into ABC operations. The staff-elected director brings particular expertise to the board but is not elected for the purpose of representing ABC staff. This is comparable to the other directors, who likewise do not represent the communities in which they work.

I commend the bill to the House.

The DEPUTY SPEAKER (Mr S Georgicas)—The question is that the bill be now read a second time. There being more than one voice calling for a division, in accordance with standing order 133(b) the division is deferred until after 8pm.

Debate adjourned.

HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) BILL 2010

Cognate bill:

HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) (CONSEQUENTIAL PROVISIONS) BILL 2010

Second Reading

Debate resumed from 30 September, on motion by Mr McClelland:

That this bill be now read a second time.

Mr KEENAN (Stirling) (6.32 pm)—I rise to speak on the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. These bills arise from the government’s response to the report of the National Human Rights Consultation. The most significant aspect of the government’s response was its abandonment of its earlier support for a bill of rights, which was a capitulation to the opposition’s criticism of that proposal, and its adoption of the more modest proposal put forward by the opposition.

The coalition’s submission to the National Human Rights Consultation recommended the establishment of a parliamentary committee to consider legislation from a human rights point of view. The following is the relevant portion of the coalition’s submission:

…the Opposition urges the NHRC to recommend against the adoption of a statutory bill of rights as its preferred model. Instead, the Opposition recommends that expanded Parliamentary scrutiny of legislation from a human rights point of view is a better alternative. The option we propose has the advantage of locating greater emphasis on human rights at the heart of the political system itself, while it is free of the potentially undemocratic consequences of placing unprecedented power to resolve essentially political questions in the hands of the judiciary.

Specifically, the Opposition invites the NHRC to consider recommending the establishment of a new Parliamentary Committee (either a Joint Standing Committee or a Standing Committee of the Senate), which would be given the specific task of considering legislation from a human rights point of view.

The new parliamentary committee would be able to examine legislation and conduct broad inquiries relating to human rights referred to it by the Attorney-General of the day. Its operation would be similar to that of the Joint Standing Committee on Treaties.

The purpose of statements of compatibility will be to inform parliamentary debate and, where appropriate, to justify restrictions or limitations upon rights where those restrictions are in the interests of other individuals or society more generally. The requirement to include statements of compatibility for disallowable instruments extends the responsibility for such statements from the committee to the executive. The work-
load and cost implications of this should be considered by the Senate committee.

Notwithstanding the fact that the bill reflects coalition policy, there are serious concerns about a broad definition of ‘human rights’ being derived from seven international instruments and the possible introduction, by the back door, of those instruments into Australian domestic law. The coalition supports in principle the establishment of the parliamentary committee; however, it holds concerns about the balance of the legislation, particularly in the definition of human rights.

Contrary to the approach taken in this bill, the rights which are routinely considered and applied by the courts and which govern—very successfully—the relationships of Australians with each other and their governments are those to be found in the Constitution, the statutes of the Commonwealth and the states, and in the common law. It is a fact that the principles underpinning and deriving from those traditions have informed the international conventions, rather than vice versa. The great and abiding traditions arising from these sources must find expression in these bills if the committee is to do its job.

As noted in the bill’s explanatory memorandum:
Part 1 of the Bill deals with preliminary matters including commencement and definitions. The Bill will define ‘human rights’ as the rights and freedoms recognised or declared by the seven core United Nations human rights treaties as they apply to Australia. These treaties are:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child, and
- Convention on the Rights of Persons with Disabilities.

Part 2 of the bill establishes the Parliamentary Joint Committee on Human Rights and sets out the functions and administrative arrangements for the committee. The intended functions of the committee include examining acts, bills for acts and legislative instruments to check that they are compatible with Australia’s human rights obligations. The committee will report to both houses of parliament. The committee will also inquire into matters relating to human rights that are referred to it by the Attorney-General.

Part 3 of the bill will introduce the requirement for statements of compatibility to be prepared for all bills and legislative instruments subject to disallowance. This statement of compatibility must assess whether the bill or legislative instrument is compatible with the human rights in the seven core United Nations human rights treaties. Part 4 of the bill deals with miscellaneous matters and enables the Governor-General to make regulations.

The Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 contains the consequential amendments to the Legislative Instruments Act relating to statements of compatibility. This bill also contains amendments to the Administrative Appeals Tribunal Act 1975 to include the President of the Australian Human Rights Commission as an ex-officio member of the Administrative Review Council, as announced under the Human Rights Framework and related amendments.

In conclusion, as the Senate Standing Committee on Legal and Constitutional Affairs is to report on the bills on 7 December,
the coalition reserves the right to move amendments if necessary. With that reservation, I commend this bill to the House.

Mr HAYES (Fowler) (6.37 pm)—I rise today in full support of the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. During my years in this House I have been a strong advocate for protecting and promoting human rights, both in Australia and overseas. I have devoted particular attention to the abolishment of the death penalty, as I strongly believe there is no greater human right than the right to life. Deputy Speaker, you will recall that I have spoken on many occasions about a number of Australians currently on death row in Bali. I do not wish to intervene in another country’s criminal jurisdiction, but one thing I have been passionate about is the application of their human rights—their right to life. I will keep on that campaign knowing full well that the appeals of Scott Rush, Andrew Chan and Myuran Sukumaran have been heard and that we eagerly await the final determination of the Indonesian court. I understand that these bills do not specifically relate to the death penalty; however, they do play an important role in enhancing Australia’s human rights obligations.

These bills implement the legislative aspects of Australia’s Human Rights Framework, which was announced by the Labor government in April this year. The framework is based on five key principles and focuses on: reaffirming a commitment to our human rights obligations; the importance of human rights education; enhancing our domestic and international engagement on human rights issues; improving human rights protections, including greater parliamentary scrutiny; and achieving greater respect for human rights principles within our communities.

The bill defines ‘human rights’ as the rights and freedoms recognised or declared by seven core United Nations human rights treaties, as they apply to Australia. These seven treaties relate to a variety of areas, including the rights of the child, civil and political rights, as well as economic, social and cultural rights. Reading through these treaties, I am very proud to say that Australia meets all of its obligations and requirements, and always has. Only a couple of weeks ago I stood in this place and drew attention to the fact that Vietnam ratified the international bill of human rights as far back as 1982—perhaps for trade based purposes—but their human rights record, I am afraid to say, remains questionable. Australia takes pride in the freedoms that it enjoys through its democracy. Australia has always attempted to live up to its international obligations, particularly with respect to human rights. This legislation is designed to ensure that that occurs on every occasion.

The government draws its definition of ‘human rights’ from three treaties I am particularly supportive of and passionate about. These are the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. November 25 is United Nations White Ribbon Day—an international campaign to raise awareness about preventing violence against women. Deputy Speaker Georganas, you spoke about White Ribbon Day today and I want to thank you for taking the time to speak so passionately on that private member’s motion.

The International Convention on the Elimination of All Forms of Racial Discrimination is one treaty that I imagine the constituents in my electorate of Fowler would most welcome. My electorate is a melting pot of cultures. It has the highest
proportion of people born overseas of any electorate in this country. Nearly 70,000 people, 49 per cent of people, in the current electorate of Fowler were born overseas. These migrants know all too well the importance and the joys of living in a country free of racial discrimination. Even though I am sure the majority of Australians are open-minded and are happy to welcome people from different backgrounds, asserting our commitment to the religious and cultural freedoms that flow from these bills will never go astray.

Similarly, rights and freedoms declared in the Convention on the Elimination of All Forms of Discrimination against Women are close to my heart. During my time in this parliament, I have spoken on many occasions on what can only be described as the worst form of discrimination and that is violence against women. Probably the worst form of human rights abuse, the most prolific form of human rights abuse and the most widespread form of human rights abuse in the world is violence against women. Sadly, thousands of women and girls are abused in their own homes on a daily basis.

We all share a responsibility for effectively addressing this sad reflection of modern day society. I am particularly proud that this government is playing a worthwhile and leading role in addressing that. I also assert that all those organisations active in our electorates to draw attention to the abuse of women and children do such splendid work. The White Ribbon Day organisation has drawn considerable attention to this particular issue. As I have said, the most prolific and widespread area of abuse is the abuse against women. As we approach 25 November, we should not simply pledge our support for women but do as much as we can to stop this scourge of a modern day society. It is something about which we cannot be proud. It does not require legislation to do some-

thing; it requires a considerable change in an attitude that constructs an environment where such abuse goes either unreported or ignored.

The other treaty which I strongly advocate is the Convention on the Rights of Persons with Disabilities. My electorate lies in the outer metropolitan area of Sydney. While the south-west of Sydney is a great place to live, it is an area which is overrepresented by people with disabilities. That occurs for a whole lot of reasons, but the most likely reason is that the land where we live in the south-west of Sydney is more affordable. People that live in families with disability obviously find it is very expensive. These families need to make compromises and inevitably that involves where a family can live. The areas particularly around Miller, Liverpool, Cabramatta and the like in the south-west of Sydney are overrepresented by persons with disability. As I understand it, some 52 per cent of all families in New South Wales that live with autism are to be found within a 25-kilometre radius of Liverpool. That is a particularly chilling statistic, but it does show the dimension of disability within our community.

The freedoms contained in this convention, from which we define human rights in this bill, should never be undervalued or forgotten. By relying on this convention to form part of the definition of human rights, we as a nation affirm the need for persons with disabilities to be guaranteed full enjoyment of their lives without discrimination. We are emphasising the importance of mainstream disability issues as an integral part of relevant strategies in sustainable development. We are also recognising that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of a person.
I congratulate the Gillard Government for incorporating these principles and freedoms in our definition of human rights. The Human Rights (Parliamentary Scrutiny) Bill 2010 also allows for the establishment of the Parliamentary Joint Committee on Human Rights. This committee will examine and report to the parliament on the compatibility of bills and legislative instruments with Australia’s human rights obligations under the seven core international treaties I referred to earlier. It will also inquire into and report to the parliament on any human rights matters referred to the committee by the Attorney-General. This bill also introduces a requirement for statements of compatibility for all pieces of legislation brought before this parliament. These statements will leave communities and parliamentarians in no doubt as to whether the bill is compatible with our human rights obligations as set out in those seven core United Nations treaties.

The establishment of this committee and the requirement for statements of compatibility send a strong message to the Australian people that this government is serious about ensuring the protection of all our human rights. These measures also give Australian citizens a greater capacity to comment on new laws and to engage with the committee on how they will be affected by the proposed legislation. It will always be the responsibility of the parliament to ensure it has an open dialogue with the Australian people and this bill ensures that that occurs. It also sends a very powerful message to our international neighbours as to our firm commitment on human rights and that this country is cemented to the view of doing everything it can to ensure that all its rights and obligations are lived up to. Further, the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 allows for small changes to the Administrative Review Council to ensure that there is a human rights perspective integrated into the view of the council.

The new measures contained in the bill represent an improvement to what is already a sound parliamentary system in which human rights are championed and defended by all sides of this parliament. Australia is well served by a healthy parliamentary democracy in which people not only have but regularly exercise their right to change governments in order to effect policy outcomes as desired by the people. This democracy, the power of the people to determine government, has protected this country from unfair laws in the past and I am sure it will continue to do so in the future. With these sentiments in mind, I commend the bills to the House.

Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (6.51 pm)—I move:

That the debate be adjourned.

The DEPUTY SPEAKER (Mr S Geoganas)—The question is that the debate be adjourned. There being more than one voice calling for a division, in accordance with standing order 133(b) the division is deferred until 8 pm.

Mr SIMPKINS (Cowan) (6.52 pm)—I am very happy to take this opportunity today to speak on the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. Looking back over the recent history of matters concerning human rights, I acknowledge the many groups and individuals who were so persuasive and ultimately successful in defeating the case for a legislative human rights charter for Australia. As the Attorney-General said earlier this year, such a charter would have seen the entrenchment of great division in our nation and, in my view, the excessive involvement of the judiciary in what is the business of elected representatives across the
length and breadth of this nation. There can be no doubt that we who are elected to this parliament are in a far better position to determine what is best for Australia than a narrow profession representing in the main only the highest socioeconomic communities in the inner cities of Australia.

I would also make mention of another part of the Attorney-General’s speech at the National Press Club in April. This is a point I wholeheartedly agree with and I have said so in this place on many occasions. That point is that with any acknowledgement of rights there is also an acknowledgement of responsibilities of citizens and residents. I will return to that point later.

I do not think that there is a problem with the abuse of human rights in this country. I think that we are pretty much at the top of the ladder internationally. No doubt others would disagree. Perhaps some would say that detaining those that come by boat illegally are having their human rights infringed upon by being detained. I would say: let them apply offshore, the right way, and then there will not be the need to detain them. I say let them join the queue and not jump the queue, and then perhaps the suffering of legitimate refugees in refugee camps around the world will not be as long. What about the human rights of those that are in those camps? They do not have the money to fly to the people smugglers and then pay them. Without labouring the point any longer, I reiterate that in this country we do not have a human rights problem, not like so many other countries around the world. I would also make the point that I do not think the government should be so ready to submit Australia to the judgment of the United Nations on human rights matters when those that seek to judge us are behind us in this field. I note the member for Fowler made reference to Vietnam before, and I think, despite Vietnam’s ratification of various conventions, they have a very long way to go on the matter.

I would, however, prefer now to speak more on purely domestic issues. In the Attorney’s speech in April, he made mention of systemic issues in some broad relationship to human rights. He mentioned promoting of the equality of women, ensuring the rights of older people, protecting our children and ensuring that all members of our society, including those with a disability, have the maximum ability to participate in all aspects of Australia’s economic, social and political life. He said that there is also much still to do to address Indigenous disadvantage and issues such as domestic violence and child abuse. The Attorney-General said that these issues all relate to creating a decent and inclusive society. This is an aspiration summarised neatly in the great Australian expression of ensuring ‘a fair go’ or, commonly, ‘a fair go for all’. That is what he said.

There are two points that I seek to make in reference to the points that he made. Firstly, Australians in general do not like special deals. It may be the left-wing political ideal that idolises quotas, affirmative action and other forms of special support for specific groups in society to the exclusion of the majority, but the vast majority of Australians believe that the role of government is to place the opportunity before the individual and allow them to take up that opportunity. My view, and I am sure it is the view of so many in this country, is that governments are responsible for taking the obstacles out of the way but the individual must still compete. It comes back to drive and commitment. It comes back to initiative and innovation. It should not be about special deals and quotas.

A case in point, if I can be so bold, is our new colleague the member for Hasluck, an Indigenous man who has been elected not because of some quota system or special ar-
rangements but because he worked hard, he has a wealth of excellent experience, he is very, very smart and in the end he was clearly seen by the people of Hasluck as the best person for the position. The point is that if men, women, Indigenous people, people of ethnic origins et cetera are underrepresented in sectors of society such as politics, teaching, business or emergency services then it is the role of government to remove the obstacles and allow individuals to achieve their potential, not to promote when there is not the required ability, just on the basis of improving the numbers. This is where socialism always fails, because government manipulates the ability of individuals to achieve their potential and stifles maximum individual achievement and therefore the overall maximum benefit that society achieves.

The other point that I wanted to make is about domestic violence and abuse. There are a number of parts to such problems. There are, of course, the perpetrators of these evil crimes. There are, sadly, the victims of such crimes. There are the people that knew about these crimes and took action, and there are those who knew or suspected but did not act. There are the police who enforce the law, the legal system that judges and of course the services that pick up the pieces afterwards, such as the various child welfare agencies. In recent years there has been a lot of discussion about the failings of these welfare agencies, and clearly there have been issues. I would prefer that they acted more quickly and took children to safety more swiftly and more permanently in many cases. However, for all the failings of these agencies we should never forget the origins of these crimes. The perpetrators are the bad people here, and anyone who knew and did not act shares a lot of the blame. They are the people that were responsible in the first place for children being attacked or subjected to other forms of crime in this area and we should never lose sight of that fact.

These points being made, I return to the bills. I support the coalition’s position that, rather than have a destructive bill of rights, this more modest approach of expanding parliamentary scrutiny of legislation from a human rights point of view is a far better and more appropriate position. Human rights is a matter for the law-makers first and foremost. These are political questions and therefore this is the right approach. This was the coalition’s view in our 15 June 2009 submission to the National Human Rights Consultation, and I am pleased that this main bill is what we wanted. That being said, the scope of the term ‘human rights’ is something that will need to be very clearly defined if the government wants the support of the opposition. That is why these bills should be referred to the Senate Legal and Constitutional Affairs Legislation Committee for closer analysis, in order to get this right.

I would also take some time to mention the views of two of my constituents, Paul and Jan Davies. They are greatly concerned by one embodiment of these human rights matters, the so called antidiscrimination laws, and how the interpretation of those laws by the judiciary has in some cases become discriminatory itself. The point is that we should safeguard freedom of speech as a principle of our democracy and not call it discrimination—for instance, when commenting on other religions. I am of course not referring to any incitement to violence, but it should not be something for a court hearing if comments are made publicly about another religion. I support this view of my constituents.

The Davies gave me a document from the Australian Christian Lobby which described how a Christian ministry recently had its television program taken off Channel 10 be-
cause of a single complaint about an episode which adversely mentioned homosexuality. The Australian Christian Lobby itself has made the point that a Christian youth camp was fined $5,000 for determining that it would not rent its facilities to a gay youth support group. That was done under Victorian equal opportunity law.

What these cases show is that in these human rights related laws the way in which property is allowed to be used by the owner of that property is now, potentially, to be determined by courts. This is a very concerning situation and one that this parliament should be on guard against supporting or allowing to happen. This sort of conflict with the right to freedom of conscience, religion and belief would no doubt be to the detriment of churches and religious organisations, and any attempt to interpret exemptions narrowly will be a negative outcome.

I have spoken about the wider issues, as well as local concerns, regarding the problems that surround blind obedience to the concept of human rights, and particularly where there is little regard for the consequences of such blind obedience, but I have great faith in the existing laws of this parliament to ensure that the rights of our citizens are protected.

I will finish where I started and in territory often visited before in my speeches. The reality is that there are a small number of people in Australia who are very keen to demand their rights. They are in contrast to the vast majority of Australians just getting on with their lives and doing the right thing. It appears that most of those out there demanding their rights seem aggrieved by some injustice that they perceive has been perpetrated upon them by society. The problems they face are never their fault; always someone else is at fault, the system is at fault or they are unlucky. Never is blame or fault at one’s own front door with such people. So they never see the opportunities in themselves for their own success; they never see their own strength to change their lives for the better.

I would always say that before we ask for our rights as citizens and residents, we should ensure that we have fulfilled our responsibilities. Personal responsibility and therefore good citizenship is the best guard to a free and fair society. Perhaps that is the approach we should focus on first and then legislation can be next. I nevertheless look forward to seeing how these bills will work once they have been passed.

Mr PERRETT (Moreton) (7.03 pm)—I rise to speak in support of the Human Rights (Parliamentary Scrutiny) Bill 2010 and its related bill. This bill delivers three key improvements to Australia’s approach to improving human rights for all. Firstly, it establishes the Parliamentary Joint Committee on Human Rights. Secondly, it introduces a requirement for statements on compatibility on human rights to be presented to parliament for all bills and legislative instruments. And, thirdly, the bill clearly defines human rights as the rights and freedoms recognised under the seven core United Nations treaties.

Before I go on to further consideration of the bill, I would particularly like to commend the chair, Frank Brennan, and the rest of his National Human Rights Consultation Committee for the great work they did in consulting with the Australian people about human rights. We have heard a meandering range of views opposite on human rights. Some people have seemed quite fearful about human rights, whereas others in the parliament seem quite embracing of them. But I do not think anyone could question the great work done by Frank Brennan in taking the information out to the people of Australia.
There were something like 35,000 submissions, and I think about 34,000 of them came through my office! It was certainly a topic that generated a lot of discussion and debate in my electorate, as well as throughout Australia, and it was great to see those 65 roundtables in over 50 locations across Australia. It is great to see Australian people turning out to talk about this wonderful democracy of ours—about what democracy, fairness and justice mean and what should be the vision for this nation. Rather than just staying home and watching TV, people cared enough to go out to these town hall meetings. So I particularly commend Frank Brennan and the rest of his team for the great work they did.

As we consider this bill, which is really about seeing legislation that comes through this House through the human rights microscope, I think it is helpful to consider just how far we have come in Australia in our approach to human rights. The first, and probably the most significant, wrecking of human rights in Australia was 222 years ago when Indigenous people were dispossessed of their land in 1788, via the loose legal fabrication of terra nullius. It is interesting that we associate the name Frank Brennan with our current consideration of human rights because certainly his father, and he as a barrister, were instrumental in unpicking that fabrication of terra nullius back on 3 June 1992.

A long battle for human rights has ensued ever since that first dispossession in 1788. This battle for Indigenous human rights has included the battle for the right to vote, the right to live on whichever side of the street they choose to, the right to marry the person whom they love, the right to native title on their land and the right to the same health and economic opportunities as whitefellas. Indigenous people were not excluded from voting under the Australian Constitution—a copy of which you can see up on level 2—but after enough Commonwealth officials told the Indigenous people that they were not allowed to vote, following Federation, they started to believe it. Besides refusing new enrolments, misinformed officials also illegally removed Indigenous people from electoral rolls.

It was the Menzies government that officially gave the Commonwealth vote to all Indigenous people in 1962. Following that, at the referendum in 1967 nearly 91 per cent of people voted to recognise Indigenous people in the census. I will not talk about the nine per cent and how they voted, but it was pleasing to see how the 91 per cent voted. I am pleased that the Prime Minister has started us on a journey towards formally recognising Indigenous people in the Constitution.

On other human rights issues, Australia was one of the first countries in the world to give women the right to vote and stand for election, doing so in 1902. Deputy Speaker Georganas, as I am sure that you well know, South Australia was the first legislature in the world to give women the right to vote, but the nation of Australia was pipped by New Zealand—yet again. Progress for women’s rights has been slow since then but we are on the cusp of the introduction of a paid parental leave scheme—not far off it at all. That will be fully funded by the federal government. We have a female Prime Minister, a female Governor-General, a female Deputy Leader of the Liberal Party and, in my state, a female Premier and a female Governor. So there has been progress on that front.

Let us look back a few years earlier to Federation and 1901, a year in which Prime Minister Edmund Barton introduced, as one of the first acts of the new Australian parliament, the Immigration Restriction Bill 1901.
And human rights took another hit in Australia. This bill was passed into law with virtually unanimous support and became the White Australia policy. As he introduced the bill, Prime Minister Barton shamefully argued:

The doctrine of the equality of man was never intended to apply to the equality of the Englishman and the Chinaman.

These shameful, racist sentiments, I must admit, were also present in the formation of the Australian Labor Party, which organised unashamedly in rural Queensland against the endeavours of Chinese and Kanaka workers. The White Australia policy was gradually dismantled after World War II and formally abolished by the Whitlam government in 1973.

I list some of the challenges that Australia has faced on human rights to make the point that you do not need to be in Burma—Myanmar—the Republic of Congo or suffering under sharia law to fall short on human rights. I understand that many of our failings came in different times and were made by well-meaning people. However, our challenge today is to ensure that Australia has a system in place that protects the human rights of all people, and we must certainly ensure that the mistakes of the past do not happen again.

More recently, Australia has been challenged to uphold the human rights and dignity of asylum seekers who come across the sea. I welcome the recent announcement by the Prime Minister that children and their families will be removed from immigration detention. During the last parliament we made a lot of progress in terms of giving same-sex couples equal recognition when it comes to superannuation and some other discriminatory areas of legislation. I hope that this parliament will continue to respond to our shortcomings on the rights of same-sex couples and particularly their right to have their relationship celebrated, recognised, and protected under the same laws that exist for opposite-sex couples. There is also much more progress to be made in advancing the human rights of Indigenous people. There is still more to be done to ensure that all Australians have that basic human right of food and shelter.

These bills introduce a requirement for statements of compatibility to be prepared for all bills and legislative instruments. It must assess whether a bill is compatible with human rights. Already, ministers or any member introducing a bill are required to declare, where relevant, the financial impact, the family impact and the regional and rural impact of that legislation. These measures have ensured that the parliament can easily weigh up how a bill will affect these areas. In the same way, the human rights compatibility statement will ensure ongoing consideration of human rights issues in policy development and law-making—and parliamentary debate, for that matter. These statements will assist the courts by helping explain the purpose and intent of legislation. And, where appropriate, the statements may need to justify restrictions or limitations on human rights. If we look at the recent High Court decision about the offshore processing of asylum seekers or the court decision on the South Australian legislation regarding motorcycle gangs, we can see the prism through which the courts view these things, so this will not be a huge leap.

To add further parliamentary scrutiny, these bills will create the Parliamentary Joint Committee on Human Rights. The parliament already does some very good things to promote awareness of human rights issues around Australia and around the world. I think particularly of groups like the Parliamentary Friends of the United Nations, the Parliamentary Friends of Red Cross and the
Parliamentary Friends of Amnesty International. I am a bit biased, as I am co-convenor of the latter, but all of these cross-party groups have been helpful in getting human rights issues front and centre in the minds of members and senators. The Parliamentary Friends of Amnesty International met together last week to hear from Dr John Pace from the United Nations about the global phenomenon of irregular people movements and other human rights challenges which confront Australia. The new joint committee will have a different focus. It will examine legislation for compatibility with human rights and then report to the parliament. It will have the same powers as other parliamentary committees to hold inquiries, to seek submissions, to hold public hearings and to examine witnesses. It will have a very powerful gate-keeping and scrutiny role. The committee will help to ensure that our laws reflect our human rights obligations. These bills are practical measures to tighten the parliament’s focus on human rights. I commend the bills to the House.

Ms SMYTH (La Trobe) (7.14 pm)—I rise to speak in favour of the bills before the House this evening, the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. I note that the member for Moreton has spoken of positive and negative occurrences in Australia’s human rights history in its distant past. I would particularly like to mention this evening Australia’s recent history of participation in the development and implementation of human rights law, which has been a fairly impressive one.

The Racial Discrimination Act was implemented by the Whitlam Labor government, the Sex Discrimination Act and the Australian Human Rights Commission Act by the Hawke Labor government and, importantly, the Disability Discrimination Act by the Keating Labor government. All of these very important reforms have reflected our longstanding commitment to enshrining international human rights obligations in domestic law. Now, under the Australian Human Rights Framework, those very significant pieces of legislation will be combined and harmonised.

At different times in its history, Australia has had significant influence in international institutions which have considered international obligations, and particularly international human rights obligations. There is no better example of this, to my mind, than the legacy of the great Labor luminary ‘Doc’ Evatt and his role in, amongst a raft of other things, the development of the Universal Declaration of Human Rights.

Despite all of this, we know that the human rights commitments which we have made as a nation by ratifying various very significant human rights instruments can sometimes be regarded as quite remote obligations, sometimes unconnected to the day-to-day lives of ordinary Australians. Although we regularly hear reference to the term ‘human rights’, what this means in practice is perhaps not widely understood in our community. Indeed, at least one member here this evening is convinced that we have a right to freedom of speech. We do not; we have, at best, an implied freedom of political communication. I say again that what human rights means in practice is perhaps not well understood in our community. It is for these reasons that it is especially important that the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 are given effect to.

These pieces of legislation will implement key provisions of Australia’s Human Rights Framework, which was released in April this year. The Human Rights Framework is in-
tended to improve understanding of human rights. By improving understanding of human rights, it is hoped that we might be able to expect an increased respect for human rights obligations. The bills before the House will go a considerable way to ensuring due recognition of matters of human rights in the development of other legislation and policy. The bills incorporate key reforms which reflect the recommendations of the National Human Rights Consultation Committee following its rounds of public consultation on methods of promotion and observance of human rights obligations in Australia.

The National Human Rights Consultation Committee remarked in its findings:

Greater consideration of human rights is needed in the development of legislation and policy and in the parliamentary process in general. The primary aim of such consideration is to ensure that human rights concerns are identified early, so that policy and legislation can be developed in ways that do not impinge on human rights or, in circumstances where limitations on rights are necessary, those limitations can be justified to parliament and the community.

Australia must ensure that it takes active steps to ensure that it complies with its obligations under the core international instruments which will be used as the benchmark for human rights analysis under the bills. The rights and obligations in those instruments reflect the concerns of Australia and other countries which have ratified them to ensure that appropriate protection is given to citizens against unwarranted or arbitrary interference in their fundamental rights, irrespective of their gender, colour, disability, age, background or social status.

These bills reflect this government’s determination to properly give effect to the human rights obligations which we as a nation have acceded to. They provide for early consideration of human rights issues in both policy and law-making and reflect this government’s desire to give meaningful, practical and, importantly, whole-of-government effect to our international commitments. Scrutiny of new legislation to ensure consistency with our human rights obligations is a key focus of the bills. Each of these bills provides for measures which are intended to enhance parliamentary scrutiny of new legislation according to those international obligations and to encourage prompt consideration of human rights issues where they arise in the development of policy and legislation. This will be achieved in part through the establishment of the Parliamentary Joint Committee on Human Rights, which will have two key roles: firstly, to consider proposed and existing legislation to ensure that it is compatible with Australia’s human rights obligations and, secondly, to undertake inquiries into specific human rights matters which might be referred to the committee by the Attorney-General and then to report to parliament on those matters in due course. The committee will be the first committee established at a federal level which will be dedicated to scrutinising legislation from the perspective of both our national and international human rights obligations. It marks a significant advancement in the implementation of human rights obligations in a very practical way.

In all aspects of governance at a federal level, human rights will be given due regard. Importantly, the bills will also require that statements of compatibility be prepared for all bills and legislative instruments subject to disallowance. This will have regard to obligations in seven core United Nations human rights instruments which will form the benchmark for assessment of Australia’s human rights obligations. Statements of compatibility are intended to form part of the explanatory memorandum for legislation. It is anticipated that statements of compatibility will provide for analysis of the human rights
implications of legislation, but those analyses will be in proportion to the likely impact of proposed legislation on human rights. The statements are intended to be relatively concise. Although statements of compatibility are not intended to be binding upon a court or tribunal, as is the case with other extrinsic materials, it is expected that the statements could be used to aid a court in the interpretation of the provisions of a statute where the meaning of the statute is otherwise ambiguous.

When parliament considers new legislation, statements of compatibility will give parliament guidance as to the relevant human rights considerations raised by the legislation and will assist in the direction of parliamentary debate. In appropriate circumstances, statements of compatibility might justify the restriction or limitation of certain rights where those restrictions or limitations may be in the interests of other individuals or society more generally, as permitted by the international human rights instruments which are used as a benchmark.

By establishing the new Joint Committee on Human Rights and requiring that statements of compatibility be prepared in relation to all new legislation, this government is taking steps to safeguard against the possibility of contravening our human rights obligations by oversight, omission or excess. We are also ensuring better opportunities for dialogue between the proposers of new legislation, other members of parliament, members of the public and affected groups in relation to the likely impact of proposed legislation from a human rights perspective. The measures proposed by the bills provide for greater transparency and improved opportunities for consultation in the legislative process.

In recent weeks we have discussed the circumstances of Afghanistan. We have, as a parliament, had regard to the civil unrest of a range of countries both in our immediate region and around the globe. What assists us in maintaining order and peace and in promoting opportunity in our own society is our recognition of certain minimum rights of each individual. These bills take further practical steps to assist in achieving this, particularly as legislation becomes more complex and expansive. I am very pleased to be able to lend my support to the passage of these bills.

Mr MELHAM (Banks) (7.23 pm)—I rise to support the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. In his second reading speech, the Attorney-General pointed out that the changes in the framework involved in these bills, which are the legislative elements of Australia’s Human Rights Framework, are aimed at enhancing understanding of and respect for human rights in Australia and ensuring appropriate recognition of human rights issues in legislative and policy development. The minister went on to say that the bills contain two important measures that are designed to improve parliamentary scrutiny of new laws for consistency with Australia’s human rights obligations and to encourage early and ongoing consideration of human rights issues in policy and legislative development.

I think it is worth going to the explanatory memorandum to get in effect the nub of what is in the bills. Part 1 of the Human Rights (Parliamentary Scrutiny) Bill 2010 deals with preliminary matters, including commencement and definitions. The bill will define human rights as the rights and freedoms recognised or declared by the seven core United Nations human rights treaties as they apply to Australia. These treaties include the International Convention on the Elimination of All Forms of Racial Discrimination, which I will come back to; the
International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. Part 2 of the bill establishes the Parliamentary Joint Committee on Human Rights and sets out the functions and administrative arrangements for the committee, and part 3 of the bill introduces a requirement for statements of compatibility to be prepared for all bills and legislative instruments subject to disallowance.

I think this is a very important bill, for a number of reasons. I have been in this place for just over 20 years, so I have seen legislation by a former Labor government and I have seen legislation by the former conservative government. This government, both in the last parliament and now, has not had a lot of time to do a lot of legislation because we are still at our infancy as a government. What annoyed me most in previous years was how on very important issues where this nation had signed up to the International Convention on the Elimination of All Forms of Racial Discrimination I found myself over a 20-year period seeking to defend the Racial Discrimination Act from being overridden or suspended in relation mainly to Indigenous issues because governments saw it as a way of undermining court decisions that had been made in favour of Indigenous people, and particularly in relation to native title. I can remember the former Keating government initially proceeding down a path because it was then advised that it was necessary to suspend the Racial Discrimination Act to guarantee certainty post the Mabo decision. Fortunately the Keating government did not go down that road; it complied with the Racial Discrimination Act and the convention and its legislation was enacted in conformity with the Racial Discrimination Act.

The Howard government, however, post the Wik decision engaged in a deception of the electorate. In its response to the Wik decision we had bucketfuls of extinguishment, as the then Deputy Prime Minister, Tim Fischer, described it; we had schedules that had predicated or in effect decided that any of those titles that were on the schedules would be deemed to extinguish native title. Throughout the whole period there were Senate hearings. I can remember, being on the then Joint Standing Committee on Native Title, a number of lawyers gave evidence to a roundtable hearing in relation to the constitutionality of the proposed revisions, but throughout the whole of that period the Howard government hid behind the facade that it was not overriding the Racial Discrimination Act and it hid behind the facade as to the impact of what would happen with the overriding of the Racial Discrimination Act.

The Human Rights (Parliamentary Scrutiny) Bill 2010 would have inserted into that process a procedure that would have had the parliament, parliamentarians and professionals involved, who could have looked at the interaction of that legislation, its detrimental provisions and its lack of conformity with the racial discrimination convention and honestly reported to the parliament at the time. It would not have stopped the parliament from overriding it because the parliament has the constitutional power to act in a discriminatory way. Without the parliamentary committee it was left to Indigenous people to appeal to the United Nations. Indeed, it was the human rights subcommittee of the United Nations that belled the cat in relation to the discriminatory provisions of the Howard legislation and its impact on native title.
If we sign up to conventions like the ones that I have read out, it is my firm view that as a parliament we should abide by the spirit of those conventions. We should not be enacting laws that are discriminatory, particularly towards Indigenous people in this country. But, if a future parliament wants to do that, then a parliamentary committee with specialist expertise should expose what the government of the day is doing.

It is well known that I was one person within my own party who was not happy with the intervention in the Northern Territory because of what happened in relation to the Racial Discrimination Act. I did not raise my concerns in a public way. I argued those concerns within the party room. It is something that, at the time, I was not proud of. Let us be very clear: the unfortunate point was that, irrespective of whether the Labor Party had adopted my position or not, the then government had a majority on both houses of parliament.

What was said at the time was, however, a lot more honest than what had been said during the Wik debate because, I think, there was an acknowledgement that there was a winding back of the Racial Discrimination Act for particular purposes. It does not make it any better, but at least it was a more honest approach by the then government that they were doing this because they felt it was necessary. I have the view that you can protect and save children and you do not have to do it in a discriminatory manner.

The problem has been in the past that, without something like parliamentary scrutiny or a specialist parliamentary committee, governments of all persuasions have taken the easy route. That is why I believe this legislation is very important legislation because it draws a line in the sand. It basically says that we have the objectives, that we are going to have a situation where we outline the treaties we are involved in and, as it says in the explanatory memorandum:

... the Bill introduces a requirement for statements of compatibility to be prepared for all bills and legislative instruments subject to disallowance.

What I want to see, if this bill passes both houses, is that we have honest statements in relation to compatibility, not weasel words and not statements that necessarily squib the issue. In relation to all pieces of legislation we have an honest assessment before the parliament as to what it actually means in an international sense.

This country’s history deserves something like that because our Constitution still has very discriminatory sections in it. Whilst it has not been decided by the High Court, it is pretty obvious the direction it is going. As a result of the 1967 referendum, despite the 90 per cent support for passage of the amendment to the Constitution, overwhelmingly, the public thought that they were acting in a way which meant the government could only act in a beneficial way to Aboriginal people as a result of the passage of that referendum. As a result of the Hindmarsh Island bridge case, we know that there are some judgments which point to the fact that any future interpretation by a High Court of the race power takes it back to the meaning of the race power at the time the Constitution was enacted, which means that it is open for a Commonwealth parliament to discriminate in a very negative way towards Indigenous people and to do so within the constitutional framework. That is why this legislation is important as a safeguard mechanism so that legislators are able to have independent professional advice before them as to the consequences of particular legislation being considered before the parliament.

The truth is—and I do not say this as a criticism of advisers or the public service—
that executives in the past have squibbed in relation to the consequences of legislation and its impact. There is weasel room in a number of instances. I am quite happy to support this legislation. I commend the Attorney and the department for framing this legislation and for bringing it before the parliament because I think it is important.

My experience over 20 years has been, frankly, that we could have done with this for the last 20 years. We could have done with this legislation at the time of Mabo, we could have done with this legislation at the time of Wik and we could have done with this legislation at the time of intervention in the Northern Territory, just to name three instances, because the parliament would have had in front of it, hopefully, more independent advice as to the consequences for Indigenous people of the legislation it was then considering.

I do not say this necessarily in criticism of everyone on both sides of politics. Most people are not lawyers. They take advice. They believe what prime ministers tell them and what ministers tell them, and it is not necessarily always the case that they tell the truth.

Ms GRIERSON (Newcastle) (7.38 pm)—I rise today to speak in support of these historic bills. The Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 respond to recommendations of the 2009 Brennan review to establish a parliamentary joint committee on human rights, a recommendation which was also made by the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade in the last parliament.

The committee will examine and report to the parliament on our human rights compliance by issuing statements of compatibility for all bills and legislative instruments introduced to the parliament in reference to the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. The committee will also have broad powers to conduct inquiries into matters of human rights referred to it by the Attorney-General and, like all committees, it will have the power to seek submissions, hold public hearings and examine witnesses.

As a government we are concerned about human rights abuses both in Australia and internationally. As Australians we become concerned when human rights are abused. For example, in my electorate of Newcastle many people are particularly concerned about a young man, Jock Palfreeman, who has been convicted of murder in Bulgaria after trying to protect two youths from an attack by a group of 15 men. I do not comment on the laws of Bulgaria or the legal case, but I can understand how a young man in Newcastle would always try to protect the underdog. Jock’s appeal commenced on 21 October 2010, and I hope that he will receive the sort of procedural fairness that we value here in Australia.

I would also like to reiterate the sentiments of our Prime Minister and welcome the release of Aung San Suu Kyi from house arrest. Aung San Suu Kyi has paid a heavy price for her advocacy of democracy and freedom, and I encourage all Australians to remember and value the freedoms that we experience here in this nation. Many political prisoners continue to be detained in Burma, and I hope that the Burmese authorities will
move to release them in the near future, as Aung San Suu Kyi has requested. I also hope she will have opportunity one day to lead the people of Burma.

This Labor government has a proven track record of strengthening our compliance with our international human rights obligations, and we are doing it in a way that unites, rather than divides, our community. Last year I welcomed the entry into force in Australia of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. As part of a government led by Australia’s first female Prime Minister, I know that we are leading the charge for greater gender equality and recognition of human rights in the Australian community. But we always need to do more. On the recommendation of the National Human Rights Consultation committee, the now Prime Minister, Julia Gillard, outlined a package of education initiatives earlier this year to foster community awareness of human rights. Included in that package is $6.6 million to expand the community education role of the Australian Human Rights Commission and $2 million over four years for the development and delivery of community education and engagement programs by non-government organisations. A $3.8 million investment in the Commonwealth public sector to improve human rights awareness will further build a culture of respect for human rights. It will allow for the development of a human rights tool kit that will set a benchmark for future policy development and implementation.

But the crux of this legislation, and the linchpin of our efforts to enhance the community’s understanding of and respect for human rights, is the statement of compatibility mechanism, which mirrors section 19 of the British Human Rights Act 1998. What strikes me about this bill is the important role that statements of compatibility could have played throughout Australian history. I take note of the member for Banks’s comments in that regard.

GetUp!’s High Court challenge to the Howard government’s 2006 amendments to the Electoral Act in Rowe v Electoral Commissioner is a recent example. The *Sydney Morning Herald* described the amendments as ‘Orwellian’ because they led to the disenfranchisement of hundreds of thousands of mainly young voters. Although the court is yet to hand down the reasons for its decision in Rowe, the parliament and the Australian people would have benefited from a statement of compatibility of the Howard government’s amendments with article 25 of the International Covenant on Civil and Political Rights when the bill was first introduced in 2005. The unanimous ruling of the High Court late last week in Plaintiff M61 and Plaintiff M69 that two Sri Lankan asylum seekers were denied procedural fairness further highlights the need for this bill.

The Northern Territory intervention legislative package introduced by the Howard government in 2007, likewise, would have benefited from a statement of compatibility with the International Convention on the Elimination of All Forms of Racial Discrimination or the prohibition against discrimination contained in article 26 of the ICCPR. Article 26 provides:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Given that the Howard government saw fit to suspend the application of the Racial Discrimination Act 1975 in the Northern Territory, it is not unlikely that the bill would
have been found to be in contravention of our international human rights obligations. This is the legislation that the Law Council of Australia condemned as ‘utterly unacceptable’ and about which the Northern Territory’s Anti-Discrimination Commissioner, Tony Fitzgerald, was quoted as saying, ‘The suspension of the Northern Territory and the federal race discrimination legislation can never be justified.’ We reinstated the relevant provisions of the Racial Discrimination Act as they applied to the intervention last year. Many would have said ‘thank goodness’.

Although the Howard government may have proceeded with the legislation in each of these circumstances, despite the likelihood that they were incompatible with our human rights obligations, the Human Rights (Parliamentary Scrutiny) Bill would have fostered and will foster a human rights dialogue as an integral step in the legislative process. But in the United Kingdom, as in the Australian Capital Territory and Victoria, statements of compatibility on their own have been deemed to be an insufficient mechanism through which to protect human rights. The United Kingdom has a parliamentary mechanism as well as a judicial mechanism through which declarations of inconsistency are issued, yet the 2009-10 report of the Parliament of the United Kingdom’s Joint Committee on Human Rights reveals that the parliament remains unresponsive in respect of a number of declarations of incompatibility. As the Brennan review recommended, we need a human rights act with a strong presumption in favour of judicial interpretations of legislation that foster rights compatibility.

Long has the Australian Labor Party sought to legislate to transform our international human rights obligations into domestic law. In 1973, and again in 1985, the then Attorney-General, Lionel Bowen, introduced bills into the Commonwealth parliament to enact a statutory bill of human rights. Both times, however, the legislation was defeated. Since then, we have seen the Human Rights Act 2004 in the ACT, implemented by the Stanhope Labor government, and the Victorian Charter of Human Rights and Responsibilities 2006, legislated by the Bracks Labor government. Australian and state Labor governments are clearly committed to protecting and promoting human rights in accordance with our international human rights obligations.

Fundamental to any attempt to protect and foster human rights is a provision, such as section 3 of the British Human Rights Act 1998 and section 32 of the Victorian Charter of Human Rights and Responsibilities Act 2006, that requires the judiciary to interpret legislation so far as possible in accordance with our human rights obligations. The importance of such provisions is highlighted in cases such as Ghaidan v Godin-Mendoza in the United Kingdom. In Ghaidan, the House of Lords read the clause ‘surviving spouse’ contained in paragraph 2(2) of schedule 1 to the Rent Act 1977 so as to extend to include same-sex couples. In doing so, they brought the provision into accordance with articles 14 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. I truly hope that, in the not-too-distant future, we will see a national human rights act with a strong judicial mechanism through which to ensure rights compatibility. Only then will we catch up with the rest of the world and enhance the understanding of, and respect for, human rights throughout the Australian community. Like the British parliament, we must bring rights home!

But Senator Brandis has decried the Brennan review as ‘a case study in policy incompetence’. According to Senator Brandis:
… in a nation such as Australia, the very strength of our liberal democratic culture is the strongest reason why such an instrument—as a bill of rights—is redundant.

That is not the view of former High Court Chief Justice Sir Anthony Mason and former High Court Justice Michael McHugh, and it is not my view. Nor is it the view of the United Kingdom, the United States of America, Canada or New Zealand, who all recognise the need to temper the will of the majority with the adjudicative power of the judiciary in order to provide additional protection for human rights. With all due respect to Senator Brandis, I think that the strength of our liberal democratic culture is measured by our protection of human rights—particularly those of the disadvantaged. As in other Western nations, it is my view that a bill of rights would strengthen rather than diminish our liberal democratic culture.

Those rights-sceptics opposite then argued that a statutory bill of rights would undermine parliamentary sovereignty. Legal scholar Tom Campbell even suggested that it may give rise to ‘juristocratic power’. But Jeffrey Goldsworthy has rightly pointed out that democracy is ‘based on a right to participate indirectly, rather than a duty to participate directly, in public decision-making’. Contrary to the view of Senator Brandis and many rights-sceptics, I believe that a statutory bill of rights would not diminish nor undermine democracy or representative government. Under a statutory bill of rights, the Australian parliament would retain the ultimate legislative power to overrule the decisions of the judiciary where it disagrees with a rights-compatible interpretation.

The primary importance of a statutory bill of rights, however, is not in the courtroom. The Director of the Human Rights Law Resource Centre, in an article published in the Age, has pointed out that outside the courtroom human rights law is:

… used to address disadvantage and promote dignity; a fact conveniently ignored by national charter of rights critics.

He goes on to say:

You won’t have read, for example, that the Victorian charter prevented the eviction of a single mother and her kids from public housing into homelessness, or that it assisted an elderly woman with brain injury to get access to critical medical assistance. Or that it helped a woman with cerebral palsy and children with autism to obtain support services. These are common-sense decisions in real-life cases, which show how charters of rights can and do improve lives and promote values such as freedom, respect, dignity and a fair go.

I have to say that I am a strong advocate for a national bill of rights. We stand alone in the Western world as the only jurisdiction without a bill of rights, whether constitutionally entrenched or statute based. I hope that each of us in this parliament will consider that. So often those opposite cite the need to not introduce a carbon pollution reduction system or a carbon tax ahead of the rest of the world. But on human rights, we are well behind.

Professor of Constitutional Law, George Williams, has said, ‘Australians want more reform than this.’ While he is right, the Australian people do want more than simply a parliamentary committee—something I praise and something I welcome—and the human rights dialogue that will be fostered by this bill will be hopefully a significant step along the path to a just and truly equal Australia and to a national bill of rights.

The President of the Australian Human Rights Commission, Catherine Branson QC, has said that these measures have ‘the potential to open up a broader dialogue on human rights at the heart of our democracy’. This is a dialogue that our government supports wholeheartedly. I commend the bills to the
House, and I lend my praise to the Attorney-General for at least coming this far in introducing a human rights compliance mechanism into everything we do in this parliament. It is a step that is well received and a step that is long overdue, but I hope it is a step along a journey to a full bill of rights for Australia.

Mr ZAPPIA (Makin) (7.52 pm)—I welcome the opportunity to speak on the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010. The two key provisions of them are on, firstly, the establishment of a parliamentary joint committee on human rights and, secondly, the preparation of a statement of compatibility to accompany all bills and legislative instruments subject to disallowance. The question of a bill of rights is something that I have taken an interest in for many years. These bills go a significant way toward ensuring that we do have more rights entrenched in our legislation than in the past. Whilst the rights may not be legally entrenched, it will certainly be the case that as a result of these bills there will be more scrutiny of our legislation than in the past. Whilst the rights may not be legally entrenched, it will certainly be the case that as a result of these bills there will be more scrutiny of our legislation than in the past. The very fact that we are debating this bill, and that Australia went through a lengthy public discussion about human rights and how we can best ensure them, reflects the strength of the Australian democracy. It is also a measure of our common decency because human rights are fundamentally about constructing a society in which people are all treated equally and, just as importantly, a society in which we treat all others in the same way that we would like society to treat us.

What has clearly emerged from the public consultation is that the question of a bill of rights—or a charter of rights as it has often been referred to—is argued as passionately by those in favour of such a bill or charter as it is by those who oppose it. Given the legal implications associated with the public consultation, I note that some of the nation’s most eminent jurists have contributed to this debate and put forward opposing views. Interestingly, whilst the views are opposing, both sides of this debate are united in the belief that there is a strong case for the support of human rights in this country. The difference, however, is on how those rights are best protected.

Our laws are essentially premised on a belief in human rights. The question, however, is whether they adequately protect basic human rights or not. That is the question that led to the call for a bill of rights and the public consultation on this matter. My view is that the answer lies not in whether Australia adopts a bill of rights but rather, if it does, what is spelt out in such a bill. That is the key question, yet disappointingly that was not the question addressed by many of those who made submissions and certainly not by those who ran campaigns against such a bill or a charter of rights. In fairness to those people who had concerns about such a bill or a charter, there was not a bill before them on which they could comment.

My concern is that you cannot oppose a proposal without first seeing the contents of it. How can you argue that a proposal will weaken human rights, as some did, when you do not know what the proposal is? Both sides of this debate quite properly pointed to real examples to support the case for and against the proposal for a bill or a charter of rights. That is why I believe that the process leading to this bill serves a very useful purpose. One only has to ask a person who has been the victim of unfair or unjust treatment or personally deprived of basic rights to understand just how unjust and soul destroying it can be to have basic rights denied, yet it
sometimes happens in spite of all the laws and judicial processes we have in place in Australia. Where the problem arises because the laws are deficient, the problem is easily rectified by amending the laws. However, that is not always the case.

I want to raise three matters which highlight that Australia’s current laws are still inadequate in protecting what we all accept as basic rights. Firstly, in recent decades we have seen the introduction of a number of anti-discrimination laws. These laws were intended to protect rights and ensure all people are treated fairly. Whether those laws resolve the problem may be debatable, but what those laws certainly did do is acknowledge that there was a problem. We have also appointed human rights and equal opportunity commissioners tasked with the responsibility of overseeing compliance with those laws.

Secondly, in recent years we have seen the appointment of numerous ombudsmen, primarily to intervene where it appeared that natural justice had been denied to people. The number of ombudsmen or commissioners appointed continues to grow, further highlighting that existing laws still fail some people. Thirdly, and perhaps most importantly, since adopting the United Nations Human Rights Charter, Australia has over the years adopted several other specific charters on rights or has been a party to international treaties—for example, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and other conventions and treaties that I could refer to.

I make two points about all these charters and treaties. The first is that such charters, which are intended to protect human rights, would not be necessary if the rights expressed in those charters were already enshrined in Australian law by way of a bill of rights, a charter of rights or in the legislation itself. Secondly, adopting such charters or conventions or treaties does not make them binding on Australia unless they are, in fact, written into our laws. The critical point about international conventions and charters adopted by Australia is that they expose the shortfalls in our own Australian laws.

I want to raise a couple of other matters in respect to submissions made in the national human rights consultation. I note that there was considerable opposition to a bill of rights raised by the religious sector. Whilst I understand their concerns—and I believe that their concerns in many respects are justified when assessed against existing bills of rights that are in place in other jurisdictions—I am not convinced that their concerns could not have been resolved by a careful crafting of a bill of rights or a charter of rights for Australia.

The DEPUTY SPEAKER (Ms K Livermore)—Order! It being 8 pm, the debate is interrupted in accordance with standing order 34. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.

NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2010
Second Reading
Consideration resumed.

The DEPUTY SPEAKER (Ms K Livermore)—In accordance with standing order 133(b), I shall now proceed to put the question on the motion moved earlier today by the Minister for Infrastructure and Transport on which a division was called for and deferred in accordance with standing orders. No further debate is allowed.
Monday, 22 November 2010

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

The House divided. [8.04 pm]

(The Speaker—Mr Harry Jenkins)

Ayes…………… 74
Noes…………… 73
Majority…………… 1

AYES
Adams, D.G.H. Albanese, A.N.
Bandt, A. Bird, S.
Bowen, C. Bradbury, D.J.
Brodmann, G. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Champion, N.
Cheeseeman, D.L. Clare, J.D.
Collins, J.M. Combet, G.
Crean, S.F. D’Ath, Y.M.
Danby, M. Dreyfus, M.A.
Elliot, J. Ellis, K.
Emerson, C.A. Ferguson, L.D.T.
Garrett, P. Georganas, S.
Gibbons, S.W. Gillard, J.E.
Gray, G. Grierson, S.J.
Griffin, A.P. Hall, J.G.*
Hayes, C.P.* Hayes, C.P.*
Jones, S. Katter, R.C.
Kelly, M.J. King, C.F.
Leigh, A. Knight, B.
Lyons, G. Little, W.F.
Marles, R.D. Latham, J.
Melham, D. Lee, J.
Murphy, J. Little, E.
'O'Connor, B.P. Mede, C.
Oakeshott, R.J.M. Mitchell, R.
Parke, M. Milward, S.
Ripoll, B.F. Mitchell, A.E.
Rowland, M. Rowell, S.
Rudd, K.M. Rudd, K.M.
Shorten, W.R. Shorten, W.R.
Smith, S.F. Swan, W.M.
Snowdon, W.E. Thomson, C.M.
Symon, M. Timmins, J.
Thomson, K.J. Vamvakas, M.
Wilkie, A. Zappia, A.

NOES
Abbott, A.J. Alexander, J.
Andrews, K. Andrews, K.J.
Baldwin, R.C. Billson, B.F.
Bishop, B.K. Briggs, J.E.
Broadbent, R. Buchholz, S.
Chester, D. Christensen, G.
Ciobo, S.M. Cobb, J.K.
Coulton, M. * Crook, T.
Dutton, P.C. Entsch, W.
Fletcher, P. Forrest, J.A.
Frydenberg, J. Gambaro, T.
Gash, J. Griggs, N.
Haase, B.W. Hartsuyker, L.
Hawke, A. Hockey, J.B.
Hunt, G.A. Irons, S.J.
Jensen, D. Jones, E.
Keenan, M. Kelly, C.
Laming, A. Ley, S.P.
Macfarlane, I.E. Marino, N.B.
Markus, L.E. Matheson, R.
McCormack, M. Mirabella, S.
Morrison, S.J. Moylan, J.E.
Neville, P.C. O’Dowd, K.
O’Dwyer, K. Prentice, J.
Pyne, C. Ramsey, R.
Randall, D.J. Robb, A.
Robert, S.R. Roy, Wyatt
Ruddock, P.M. Schultz, A.
Scott, B.C. Secker, P.D.*
Simpkins, L. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Tehan, D. Truss, W.E.
Tudge, A. Turnbull, M.
Van Manen, B. Windsor, A.H.C.
Washer, M.J. Wyatt, K.

PAIRS
Plibersek, T. Bishop, J.I.*

* denotes teller

Question agreed to.

Bill read a second time.

HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) BILL 2010

The SPEAKER (8.09 pm)—Order! I understand a division was called for earlier this evening on the Human Rights (Parliamentary Scrutiny) Bill 2010 on the question put by the Minister for Infrastructure and Transport that the debate be adjourned. As debate on
this bill has now been automatically ad-
journed in accordance with standing order
34, I suggest it would suit the House if that
deferd division does not proceed.

BUSINESS

Days and Hours of Meeting

Mr ALBANESE (Grayndler—Leader of
the House) (8.09 pm)—I table the 2011 par-
liamentary sittings calendar.

Opposition members interjecting—

The SPEAKER (8.10 pm)—Order! I call
the Clerk.

Mr Pyne—Mr Speaker, I seek your guid-
ance. As the sitting pattern is a decision of
the parliament I would have thought that, as
has previously occurred, the Leader of the
House would have sought leave to table the
sitting pattern as he has in the past; other-
wise, the sitting pattern is not tabled formally
other than by that political stunt that we have
just seen.

Mr Baldwin—Mr Speaker, I raise a point
of order. During the dinner break the minis-
ter sought to suspend standing orders. A vote
was taken; it was a no and a division was
called for and the division was deferred. So I
ask the question: why aren’t we proceeding
with the division?

The SPEAKER—The Leader of the
House has taken the opportunity of a break
in proceedings and as a minister has tabled a
document. That is all that has happened; he
has tabled a document. I call the Clerk.

Mr Baldwin—Mr Speaker, I raise a fur-
ther point of order. I seek clarification. If
indeed a division has been called for and
defered, and deferred divisions are to be
brought on post eight o’clock, when will that
division then be brought on?

The SPEAKER—I would advise the
member for Paterson to listen carefully in
future. Listen carefully, and I will repeat
what I said to the House. I understand a divi-
sion was called for earlier this evening on the
Human Rights (Parliamentary Scrutiny) Bill
2010 on the question that the debate be ad-
journed. As debate on this bill has now been
automatically adjourned in accordance with
standing order 34, I suggest it would suit the
House if that deferred division does not pro-
ceed. At the time there was no objection; I
have moved on and what we are doing is
denying private members the opportunity to
discuss their business. I call the Clerk.

Mrs Bronwyn Bishop—Mr Speaker, I
raise a point of order. The point that the pre-
vious speaker was making is that there was a
deferred decision on the question of the sus-
pension of standing orders—

The SPEAKER—No, the member for
Mackellar will resume her seat.

Mr Andrews—Albo, come back and de-
fend—

The SPEAKER—Order! The member for
Menzies is not assisting. If anybody wants to
dispute what I have put to the chamber I
welcome them doing that in the proper man-
er. The question that was before the chair,
for which there was a deferred division, was
that the debate be adjourned. People seem to
be confusing the reason that the debate was
to be adjourned and are assuming it was for
some other purpose. That other purpose has
not transpired. I call the Clerk.

Mr Andrews—Mr Speaker, on indul-
gence: the difficulty on this side of the House
is that the Leader of the House at the end of
the last division has simply tabled a docu-
ment, which I understand, and you have
pointed out, he is entitled to do. But he has
tabled a document about which there is great
contention in this House, and then frankly
tried to slink out of the chamber without
making any explanation. This is the sitting
pattern—

The SPEAKER—Order! The member for
Menzies will resume his seat.
Mr Andrews—No, Mr Speaker, can I just finish—

The SPEAKER—Order! The member for Menzies will resume his seat.

Mr Andrews interjecting—

The SPEAKER—Order! The member for Menzies will resume his seat. He assumed he had indulgence; he has not got indulgence anymore. A paper has been tabled—end of story. There is no point of order and I will deal with people that I think are now being deliberately disruptive. I have on four occasions given the Clerk the call; I have been very generous.

Mr Andrews interjecting—

The SPEAKER—The member for Menzies will leave the chamber for one hour under standing order 94A. The Clerk.

Mr Andrews interjecting—

The SPEAKER—I name the member for Menzies.

Mr Andrews—By all means. Minister Albanese, usually you give an explanation—

Mr Albanese—Mr Speaker—

The SPEAKER—Order! Sit down! The member for Menzies has been here long enough and I will give him one chance. All that has happened is that a paper has been tabled. It has no status. I am assuming that, given it has no status until the House moves a motion about the sitting pattern for next year, there is no sitting pattern.

I am quite happy to sit here for as long as it takes the House to come to its senses because, I can assure you, I am absolutely not sure what is going on here. There has been a document tabled which, I understand, has been circulated to some members of this House—

Mrs Bronwyn Bishop interjecting—

The SPEAKER—The member for Mackellar! The member for Mackellar is not assisting. I will withdraw the naming of the member for Menzies. He is out of here for an hour. The clerk is on her feet and she is going to bring on private members’ business because I think this is totally unfair to private members. The member for Menzies is out of here for an hour and I expect that overnight he might think about what he has done.

The member for Menzies then left the chamber.

PRIVATE MEMBERS’ BUSINESS

Mr Liu Xiaobo

Mr DANBY (Melbourne Ports) (8.16 pm)—I move:

That this House:

(1) congratulates Mr Liu Xiaobo for having been awarded the 2010 Nobel Peace Prize;

(2) notes that:

(a) Mr Liu was awarded the Nobel Peace Prize for ‘his long and non-violent struggle for fundamental human rights in China’;

(b) on 23 December 2009 Mr Liu was tried for ‘inciting subversion of state power’, and on 25 December 2009 sentenced to eleven years’ imprisonment and two years’ deprivation of political rights;

(c) Mr Liu was tried in the context of his advocacy for the petition known as ‘Charter 08’ which was initially signed by 350 Chinese intellectuals and human rights activists; and

(d) ‘Charter 08’ calls for 19 changes to improve human rights in China, including an independent legal system, freedom of association and the elimination of one-party rule;

(3) calls for Mr Liu to be released and his sentence repealed; and

(4) supports the right of Chinese citizens to call for political reform, greater protection of human rights and democratisation in their country.
The winner of the 2010 Nobel Peace Prize, Liu Xiaobo, is currently serving an 11-year prison sentence for ‘incitement to subvert state power’, having been sentenced on 25 December 2009. The main reason charges were brought against him was his support for Charter 08, a citizens’ manifesto created to mark the 60th anniversary of the Universal Declaration of Human Rights and conceived as a Chinese version of the famous Czech Charter 77, which was presented by former President Vaclav Havel as a freedom charter for the Czech Republic and which was instrumental in people in Eastern Europe achieving their freedom. Charter 08 states:

… the Chinese people, who have endured human rights disasters and uncountable struggles across these years—

of Communist rule—

now include many who see clearly that freedom, equality, and human rights are universal values of humankind and that democracy and constitutional government are the fundamental framework for protecting these values.

This is not the first time Mr Liu has been imprisoned for his ideas. When Chinese student protests began in the spring of 1989—protests that would come to a head at Tiananmen Square—Mr Liu, then a visiting scholar at Columbia University, had the courage to fly back to Beijing to join the students and counsel them in non-violent protest. For this, the Chinese government called him a ‘black hand’ and imprisoned him for 18 months. In 1995, after writing essays that criticized the Chinese government, Mr Liu was sentenced to three years of ‘re-education through labour’. When he was released in 1999 the government built a sentry station next to his home and his phone calls and internet connections were tapped. In January 2005, following the death of former Chinese premier Zhao Ziyang, who had shown sympathy to protesters in the student demonstration in 1989, Liu was immediately put under house arrest for two weeks.

Despite constant harassment by the authorities, Liu Xiaobo is not driven by hatred of the regime. On the day of his most recent trial, Mr Xiaobo stated:

I have no enemies, and no hatred. None of the police who have monitored, arrested and interrogated me, the prosecutors who prosecuted me, or the judges who sentence me, are my enemies. While I’m unable to accept your surveillance, arrest, prosecution or sentencing, I respect your professions and personalities … For hatred is corrosive of a person’s wisdom and conscience; the mentality of enmity can poison a nation’s spirit, instigate brutal life and death struggles, destroy a society’s tolerance and humanity, and block a nation’s progress to freedom and democracy. I hope therefore to be able to transcend my personal vicissitudes in understanding the development of the state and changes in society, to counter the hostility of the regime with the best of intentions, and defuse hate with love.

No wonder the Chinese government fear such a man, who can put things so positively and who can feel no hatred in the middle of such imprisonment. Mr Xiaobo is one of the most articulate of China’s political prisoners and now certainly the best known, but he is far from alone in being persecuted for his political views. According to the US Congressional-Executive Commission on China, 1,383 political prisoners are known to be detained or imprisoned as of July 2010. One of them is a Catholic bishop. Can you imagine any other regime imprisoning a Catholic bishop?

But that is not the total figure. The US Department of State’s Human Rights Report on China estimates that ‘tens of thousands of political prisoners’, including religious prisoners, remain incarcerated. Who are some of these people? There is Wang Bingzhang, a long-time democracy activist serving a life sentence in solitary confinement. There is Shi Tao, a journalist serving a 10-year sen-
tence for passing along notes of an editorial meeting to a US based website. There is Hu Jia, an activist serving a three-year sentence for writing essays critical of the Communist Party in the run-up to the Olympics. And of course there is Gao Zhisheng, the famous human rights lawyer who has defended so many of these Chinese human rights activists, who simply disappeared in 2009. Leading Chinese doctors, HIV activists and many people who simply draw attention to the unpleasantness in their own country, such as a father who complained about food poisoning his three-year old, have been jailed as political prisoners. They serve their terms in an archipelago of labour camps scattered across China called Laogai. According to the Laogai Research Foundation, there are at least 909 of these camps, with the low-end estimate putting the number of prisoners at 250,000 and the high-end estimate putting it at five million.

Let people not say that they do not know about the Chinese prison camp system as being like the gulags they used to have in the Soviet Union. Let people not say that they do not know about the detention and imprisonment of people who are deprived of their human rights in China. It is there for all to see. Many Australians understandably want to do business and trade with China—an entirely reasonable idea—but it should not be done while turning a blind eye to China’s human rights abuses.

Liu Xiaobo is not a danger to China. He only wants to be a positive influence in his country. As the Dalai Lama said recently:

In his movement—
Liu is—
not toppling the government but trying to bring more openness, accountability.

Likewise, the Norwegian Nobel Committee’s decision to award the peace prize to Mr Liu is not an attack on China; rather, it is an affirmation that the world believes the Chinese people deserve better, that they should have the same freedoms and rights that we in Australia, and indeed most countries in the world, take for granted.

Soon after the announcement that Liu Xiaobo would receive the Nobel Peace Prize a letter was circulated, signed by more than 300 Chinese scholars, activists and lawyers, applauding Mr Liu Xiaobo. I think it is very counterproductive to China’s interests that the regime in Beijing has written to all countries that would normally turn up to the Nobel Prize, which is due on 10 December, and demanded that we kowtow to them and not participate in the Nobel Peace Prize ceremony for the first Chinese scholar to be awarded it. It is a terrible shame that this pressure is being exerted and, of course, it will be ignored. It is counterproductive to China’s interests to make such demands on countries. All the countries that have received such pressure will be there. No country would surrender its sovereignty to such threats, including, I am sure, Australia.

I am not sure that the prize will be awarded. It seems there will be a ceremony but, since Mr Liu is incarcerated and will not be released and his wife and brothers have been arrested as well, there will be no-one to receive the prize. It will be a stinging indictment of the regime in Beijing that a man who is committed to nonviolence, a man who calls for constitutional change according to the Chinese constitution, a man who has such support amongst Chinese intellectuals, will not be there to receive it.

China should join the mainstream of humanity by embracing universal values—the open letter from the 300 Chinese intellectuals said.

Such is the only route to becoming a ‘great nation’ that is capable of playing a positive and responsible role on the world stage.
Through the award of the Nobel Peace Prize we can see that the world agrees. We call on the government in Beijing to release Mr Liu Xiaobo, let him receive his award, and let China develop and peacefully rise with political developments matching their economic progress.

The DEPUTY SPEAKER (Ms K Livermore)—Is the motion of the member for Melbourne Ports seconded?

Dr Leigh—I second the motion and reserve my right to speak.

Mr SLIPPER (Fisher) (8.26 pm)—I am particularly pleased to join with my friend and colleague the honourable member for Melbourne Ports in supporting this very important private member’s motion which is currently before the House. This motion congratulates Mr Liu Xiaobo on being awarded the 2010 Nobel Peace Prize and then notes that he was awarded that prize for his long and non-violent struggle for fundamental human rights in China. It also highlights the fact that in 2009 Mr Liu was tried for inciting subversion of state power and on Christmas Day last year was sentenced to 11 years imprisonment and two years deprivation of political rights. He was tried in the context of his advocacy for the petition known as Charter 08, which was initially signed by 350 Chinese intellectuals and human rights activists. Charter 08 calls for 19 changes to improve human rights in China, including an independent legal system, freedom of association and the elimination of one-party rule. The motion also calls for Mr Liu to be released and to have his sentence repealed and supports the right of Chinese citizens to call for political reform, greater protection of human rights and democratisation in their country.

In 2010 China seeks to be a good international citizen. Clearly, it is making economic progress that would make the rest of the world somewhat envious, and yet associated with this new economic power is a responsibility—a responsibility to be a good world citizen. In 2010 we expect that good world citizens observe certain fundamental human rights. The fact that the Nobel Peace Prize has been awarded to Mr Liu is an objective recognition that this person is someone who really is an icon, who ought to be put on a pedestal, who ought to be respected by the whole world whether or not one necessarily agrees with all of the stances that he has taken in relation to all issues.

If China is seeking to be good international citizen and not an international thug of the first order then it ought to recognise that even though the Chinese totalitarian, dictatorial, oppressive government does not agree with Mr Liu at least Mr Liu represents a strain of thought—possibly even a majority strain of thought—even in communist China itself, which says that in 2010 the communist Chinese have to do better than they have previously. Just because someone lives in mainland China, that does not mean that a person has no rights. Just because a person happens to possess citizenship of the People’s Republic of China, that does not mean that that person is a less worthy individual than another person who enjoys citizenship of another country. Just because someone happens to be of Chinese ethnicity living within the Chinese mainland, that does not mean that that person forfeits his or her fundamental rights as a citizen or as a human being.

I think that the Chinese set their cause back a thousand years every time they take the kind of mindless, unacceptable, anti-democratic, authoritarian, disgusting approach that they have taken to Mr Liu. Mr Liu is not going to be allowed, either himself or by proxy, to accept the 2010 Nobel Peace Prize. I think that all honourable members and, I believe, most citizens of most coun-
tries in the world would see that the Chinese have once again overstepped the mark.

We see that with respect to Taiwan. They are denying that country’s democracy and they are denying the fact that Taiwan has a vigorous parliamentary system which is the envy of many countries in Asia. We also know that China denies the right of free determination to the Tibetan people. Tibet is a country under occupation. In 1949, Tibet was invaded by the Chinese communists and is, in fact, occupied. A system of cultural genocide is going on in Tibet. The aim of the Chinese government is to make Tibetans a minority in their own land. The Chinese government will not negotiate with His Holiness the Dalai Lama with respect to human rights or with respect to the preservation of Tibetan culture, Tibetan language or the Tibetan ethos in that country.

So China has very few runs on the board. China is being thuggish with respect to the Taiwanese and it is being thuggish with respect to the Tibetans. But one would think that, in mainland China itself, it would respect a person like Mr Liu Xiaobo, who has been recognised as a person worthy of receiving the Nobel Peace Prize. His Holiness the Dalai Lama was a previous recipient of that prize. Many other people who are perceived as icons and role models for the world have been awarded this prize. It is not something that people seek to receive, but it is an objective recognition of the quality of a person’s contribution to human rights.

Mr Liu was awarded that prize, so what are the Chinese doing? The Chinese are continuing to lock him up, the Chinese have arrested Mr Liu’s wife and the Chinese are refusing to allow Mr Liu’s family to travel to receive the award on his behalf. Frankly, the Chinese are forfeiting any right or expectation they might have to be recognised as a civilised nation in the community of nations around the world.

The Chinese are, I think, appalling in their approach to Mr Liu, they are appalling in their approach to the Dalai Lama and they are appalling in their approach to the Taiwanese. The Chinese deny basic human rights to ordinary, decent people who reside within their borders. Even if Mr Liu has breached the laws of China as perceived by the government of communist China then, once he has been awarded the Nobel Peace Prize, why will the Chinese authorities not allow him to travel to receive that prize? If the Chinese had nothing to hide, they would say that they disagree with Mr Liu Xiaobo, they would say that they were appalled by his stand in China, they would say that they disagree with the points that he asserts and they would say that the action he has taken against the Chinese dictatorship is quite inappropriate, but—if they were a country open to criticism, the way most other countries in the world are open to criticism—they would cop it on the chin. They would say that they disagree with Mr Liu Xiaobo but that they respect his right to articulate a position which is different from theirs.


In conclusion, I reiterate that Mr Liu Xiaobo has been locked up because he disagrees with an oppressive, dictatorial, authoritarian regime—a regime which has no right to exist in 2010. If the Chinese authorities had any legitimacy at all, they would not be locking up Mr Liu Xiaobo and they would
not be preventing him from going to receive his Nobel Peace Price. Instead, they would be saying, ‘We disagree with this man but we respect his right to differ.’ It is a tragedy. The Chinese stand condemned and I ask them to reconsider their appalling conduct.

Dr LEIGH (Fraser) (8.36 pm)—I have always viewed the challenges facing China with a sense of awe. Since the great opening of the Chinese economy in 1978, China’s economic achievements have been nothing short of remarkable. Rapid economic growth has improved the livelihoods of hundreds of millions of Chinese.

According to the World Bank, China’s per-person GDP rose from US$524 in 1980 to US$6,200 in 2010—a twelvefold increase. This is in 2005 dollars. Over the same period, the share of the Chinese population living in extreme poverty—below $1.25 a day—fell from 84 per cent to 16 per cent, while the share of the population living below $2 a day fell from 98 per cent to 36 per cent.

In The End of Poverty, Jeffrey Sachs wrote:

China is likely to be the first of the great poverty-stricken countries of the twentieth century to end poverty in the twenty-first century.

He also pointed out:

By the year 2050, it is reasonable to suppose that China will reach around half of the Western European income average, restoring China’s relative position at the start of the industrial era.

In addition, the level of general education has been greatly improved since 1990. Average adult education levels were less than five years in 1982 but over seven years in 2000.

In 1982, 232 million Chinese people were illiterate. In 2000, the figure was 85 million.

The Chinese economic reforms have transformed lives. Men and women, farmers, factory workers and service workers all prospered in a social environment which now permitted the accumulation of individual wealth.

This brings me to Liu Xiaobo. Born on 28 December 1955 in the north-eastern city of Changchun, Liu Xiaobo has long been a passionate man of letters. He was in Beijing in 1989 when the ongoing student demonstrations of the era grew to encompass much of Beijing’s civil society. Liu has been an intellectual leader. For him, the Tiananmen Square protest and resulting crackdown was a deeply formative experience. Released from prison 20 months later, he wrote:

My eyes were opened by 4 June and the death of the martyrs and now, every time I open my mouth, I ask myself if I am worthy of them.

That was over 20 years ago. To the present day Liu has remained an unceasing advocate for democratic reform, never losing his passion for truth and justice or his demand for the state to recognise human rights. His deeply poignant writing, with its overwhelming commitment to the commonality of all humanity, must rank amongst the most heart-moving commitment to the commonality of all humanity.

As the new China emerges it desperately needs Liu Xiaobo. It needs his courage to speak truth to power; it needs his advocacy on behalf of the dispossessed; it needs him to argue for an independent legal system, freedom of association and for citizens’ rights. China is a big country, and its future is best assured by trusting and relying upon its greatest strength, its more than one billion people. China faces many tough issues, not least of which is uneven progress and rising inequality. Brave spokespeople like Nobel Prize winner Liu Xiaobo are the key to the emergence of a civil society that will only
serve to strengthen China. It is a tragic mistake for the government to intimidate and attempt to silence those whose concern is to articulate the needs of the people.

Due to the great number of shared interests that China and Australia have in common I believe it is appropriate to speak to motions such as this. As I have outlined, the Chinese government has shown real commitment and real results when delivering lasting economic reform, all to the benefit of ordinary Chinese citizens. But as the case of Liu shows, there is scope for other issues of reform to be raised and aired. I fear that no one benefits if China’s reforms stop at the economy. Speaking at Peking University in 2008, the present foreign minister said:

A true friend is one who can be a zhengyou, that is a partner who sees beyond immediate benefit to the broader and firm basis for continuing, profound and sincere friendship.

As a member of a party formed to represent the workers of Australia, I speak in the same spirit as the foreign minister spoke to Chinese students. I am proud to second this motion honouring such a courageous advocate, a man who has committed his life to improving the lot of the people of China and to doing so entirely through non-violent means. (Time expired)

Mr HAWKE (Mitchell) (8.41 pm)—It is a great privilege to speak to the motion on Liu Xiaobo moved by the member for Melbourne Ports. I congratulate the government and the member for Melbourne Ports on putting forward such an important motion.

With all our political traditions, we can all take something from Liu. For me, I take out of the life of Liu and his Nobel Peace Prize the triumph of the individual against the state—that ongoing force in human history of the individual challenging the unquestioned power of the state. Charter 08 calls for 19 changes to improve human rights in China, including an independent legal system, freedom of association and the elimination of one-party rule. That is the same challenge that has faced many people throughout our own history, and it is of course something this place should be a beacon for upholding and supporting. It is good to see a man of Liu’s character receive this award. We must speak up and stand up for those people who are oppressed, who are unable to speak, who are imprisoned, in their quest for freedom and human rights. The Australian parliament of course does serve as a source of hope and inspiration to so many around the world.

Being jailed for 11 years for producing such a charter, which calls for 19 changes to improve human rights in China, is a hideous thing—being jailed for peaceful protest seeking progress for the human race. That is why it is so important for us here today to support such a man. Often in this House I question the role of individuals and the role they play, but intellectuals do have an important role to play in our world. When you look at Liu’s life and examine his intellectual traditions, he even studies the same intellectual traditions that underpin many of the things that I believe in—and I refer to Nietzsche. Liu was an advocate of the individual in Chinese universities in his earlier year, standing up in a society dominated by the collectivist tradition for the role of the individual in his society. The member for Fraser quite beautifully spoke about the ‘lost souls’ that Liu represents in the Chinese state.

Australia has played a role in Liu Xiaobo’s life over many years; indeed, in the Tiananmen Square massacre Liu sought refuge in an Australian embassy but had the courage and the bravery to leave that safe haven that Australia provided and go back to his people to continue his ongoing quest to gain, in a constitutional way, better conditions and liberty for the Chinese people.
The Norwegian Nobel Committee praised Liu for his long and non-violent struggle—that is very important—for fundamental human rights in China. The committee has long believed that there is a close connection between human rights and peace. It is important to note that Liu has been a peaceful protester; that he has sought to improve his society only through that which can be obtained through proper mechanisms and through the rule of law. At his recent trial he gave a great quote, which I would like to read here today:

Freedom of expression is the basis of human rights, the source of humanity and the mother of truth. To block freedom of speech is to trample on human rights, to strangle humanity and to suppress the truth. I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints.

It is beautiful language even when translated into English—one can only wonder how it sounds in Chinese. However, it is the same hope that is expressed by so many people in human history: to seek a better life for themselves and their fellow man and to seek limitations on state power, which has been such a great tradition in the West.

I know that there are plans to publish selections of his writings in the future and I will be one of those seeking out those writings to add to my collection of documents of liberty from our world. Those writings will stand alongside Czechoslovakia’s Charter 77, the Declaration of Independence, Milton’s works and all of those key documents from human history that have formed the ongoing tradition of seeking to limit the power of the state over the individual. In Liu we see that same quest and that same peaceful protest for the betterment of humankind. It is our role, as a parliament that is dominated by freedom of expression, human rights and the betterment of the human race, to support all of those who seek liberty in such a noble and powerful way as Liu has done in China.

The DEPUTY SPEAKER (Hon. BC Scott)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

BANKING AMENDMENT (DELIVERING ESSENTIAL FINANCIAL SERVICES) BILL 2010

Second Reading

Debate resumed from 15 November.

Mr BANDT (Melbourne) (8.46 pm)—I move:

That this bill be now read a second time.

Introduction

Last week the Commonwealth Bank reported $1.6 billion in earnings for the September quarter.

This was on the back of $5.7 billion in profit for the last financial year and is in line with the staggering $20 billion in combined profits of the big banks.

And it is important to remember that this occurred in the context of the tail end of the global financial crisis and unprecedented government guarantees and other support for the banks.

So it is reasonable to expect the banks to be required to give something in return for this unprecedented level of government support. And it is reasonable to expect that the banks are subject to real competition and are required to provide consumers with real choice.

And it is reasonable to expect that the banks be properly regulated and supervised so that they cannot take unfair advantage of what is effectively a monopolistic position.

Now the banks, of course, do not want to be subject to proper controls and supervision.
In contrast with most developed countries, they want to charge what they like and rely on consumers’ need for banking services to ensure the profits from unfair fees and charges keep on going.

Not surprisingly then, they are sensitive to criticism of their super profits and current practices and it is a measure perhaps of their understanding of community outrage about their profits that they have resorted to hyperbole and insult to defend the undefendable.

The bank CEOs, for example, have sought to characterise such suggestions as akin to proposals from Hugo Chavez and the former states of Eastern Europe.

But, of course, any honest observer of this debate could see the irony of an oligopoly, backed by a government guarantee, complaining about the state sponsored markets of the former Soviet satellites.

Because in reality what the Greens are proposing in terms of obligations by the banks is no different to what exists in many OECD economies and is far less than what is being discussed in many of the G20 countries, including in the United States.

Already many G20 countries have implemented or are examining levies or new taxes which seek to recover the cost of direct fiscal support to the banks provided during the global financial crisis.

And the International Monetary Fund has recommended that even those countries like Australia, which have not had to bail out the banks, consider a levy or financial stability contribution which could pay for any future government support to the sector. They say this should be considered because no country ‘is immune from the risk of future failures and crises.’

They also say that while in countries like Australia the ‘net fiscal costs may ultimately prove relatively modest, they greatly understate the fiscal exposures experienced during the crisis and the wider costs.’

So, while the debate we are having in Australia currently is about choice, competition and what is reasonable to charge the consumer and may seem like a significant shift to the banks, it is in fact not as far down the road of regulatory and financial reform that we have seen in other G20 countries.

Now it may be that in time Australia will need to move to similar measures. The IMF certainly makes a cogent and well considered argument that on average banks have enjoyed an effective 20 basis point subsidy from the public purse by having the government adopt a ‘too big to fail’ guarantee of their activities and borrowings.

That is, because we as the public offered so much support, the banks have borrowed funds much more cheaply even after the guarantee levy paid here in Australia is taken into account.

And we should look at the IMF recommendations and other inputs into the discussion on the post-GFC global financial architecture when considering future recommendations that might be made on reform to the Australian financial sector.

But for now we have before the parliament and in the debate a number of proposals that could begin a process of properly regulating the banks and ensuring increased consumer competition and choice.

These include two Greens bills—my bill, the Banking Amendment (Delivering Essential Financial Services) Bill 2010, which amongst other things caps ATM and exit fees, and Senator Bob Brown’s bill, currently before the Senate, which would place a 24-month moratorium on rate rises above the RBA cash rate.

We also have the proposal on strengthening the ACCC’s powers on price signalling
and a new inquiry into the banks and we await the detail on the government’s proposals, which may include support for non-banking institutions.

Other proposals, such as increasing account mobility with a transferable account number suggested by consumer advocates Choice, have also been flagged.

All of these proposals have merit and deserve consideration. None of these proposals will be able to pass the parliament without the support of some combination of the Greens, other crossbenchers and the government or opposition.

So, over the summer break there will need to be some talking, discussion and negotiation on these proposals.

And can I say to the members of the House that the Greens’ door is open and we are ready to talk.

We want to get action on the banks.

We want to get more consumer choice and competition.

We want to ensure the banks only charge their customers what is fair.

We want to see an end to the practice of accumulating obscene levels of profits on the back of ordinary customers.

Part 1—ATM fees

The first measure that this bill takes is to regulate ATM fees.

The bill prohibits banks from charging their own customers for ATM transactions, locking in current practice. It also caps the charge for using another bank’s ATMs at a level sufficient to cover the cost to the bank of the transaction.

We do not want to refuse the banks the right to charge these fees altogether—as was incorrectly implied in one newspaper over the weekend; we want to simply limit the charge to the real cost to the bank. In 2007, the Reserve Bank of Australia estimated that the average cost to banks for ATM transactions was 75c—less than 40 per cent of the fee they levy upon consumers; the rest is pure profit for the banks.

Part 2—Basic transaction account

The proposed basic transaction account in this bill offers banking customers an easy to understand account that provides essential banking services without any hidden profiteering in the form of exploitative fees.

It is time for action on interest rates and this bill will help take such action.

Part 3—Fixed interest gap loans

The bill introduces a requirement that banks offer fixed interest gap mortgages and loans with interest rates fixed at a negotiated percentage above the lender’s cost of funds. The banks’ cost of funds will be calculated according to a formula approved by APRA. These so-called tracker mortgages are very common in many other OECD countries, and here in Australia at least one Queensland credit union already offers such a product.

Part 4—Exit fees

Finally, the bill limits mortgage and loan exit fees to the actual and reasonable costs of early repayment and obliges lenders to make consumers aware of the existence and amount of these fees upfront.

Conclusion

For too long the banks have been free to do and charge what they like.

For too long we have accepted that deregulation and market forces alone were adequate to ensure that banking customers got a fair deal.

For too long we have assumed that the banks, given a free rein, would do the right thing.

The global financial crisis showed the folly of such thinking. And while Australia
was immune from the worst, the average Australian was and still is exposed to large potential liabilities.

It is time then for a new social contract on banking that requires banks to accept more responsibility and behave with more moderation.

The Greens will seek to pursue this bill and other measures in the new year.

We will also positively examine other proposals that come before the parliament.

And over the summer, I ask all members of the House to reflect on the fact that to get anything passed there will need to be discussion and agreement, and that those on the crossbenches will almost certainly be essential to that.

If either the government or the opposition wants to know what is important to the Greens, they could do worse than look at this bill and that introduced by Senator Brown in the other place.

In the meantime, this bill is an important start on reining in the banks.

The DEPUTY SPEAKER (Hon. BC Scott)—Is the motion seconded?

Mr Craig Thomson—I second the motion and reserve my right to speak.

Mr VAN MANEN (Forde) (8.56 pm)—Whilst our banking industry is not perfect, throughout the global financial crisis it demonstrated remarkable resilience—aided by the implementation of both the wholesale funding guarantee and the retail deposit guarantee by the current government. It should not be underestimated that this occurred due to Australia’s strong financial position prior to the global financial crisis—a position the current government inherited.

The member for Melbourne’s proposed bill, the Banking Amendment (Delivering Essential Financial Services) Bill 2010, is predicated on seeking to control the level of bank profits and interest rate rises. Restricting banks’ ability to price service offerings profitably and restricting their ability to set interest rates according to funding costs will result in them seeking to achieve savings elsewhere.

As an offset, the banks may seek to reduce interest rates on investment products which, in turn, will put additional pressure on retirees, who rely on the interest income from their term deposit and investment accounts to fund their retirement income. In addition, if the banks offer overseas investors lower interest rates, they may also seek new investment alternatives, thereby reducing capital in the system further and consequently pushing interests higher. Therefore, all the options outlined in the proposed bill, rather than mitigating the risk of further interest rate increases, will produce the opposite effect and actually create preconditions for further interest rates rises.

The questions raised by this bill include whether additional regulations in the banking sector provide the consumer with any significant benefits and whether more regulation will reduce the costs for consumers. The member’s proposed bill seeks to amend the Banking Act in four main ways: that banks offer basic transaction accounts that are free from account-keeping fees and penalty fees and limit other fees to a level sufficient to recover the cost to the bank; that transactions at a bank’s own-branded ATMs are free of charge; that charges for the use of the bank’s ATMs by customers of another authorised deposit-taking institution are capped at the cost of service provision; and that banks provide a debit card linked to the account.

In the second reading of this proposed legislation in the Senate, Senator Bob Brown stated:

Recently, consumer organisations have successfully campaigned for a better deal from the banks.
The banks have responded to some extent and voluntarily improved their approach to fees in some areas. For example, now most banks do not charge their own customers for the use of another bank’s ATMs, even though it is open to them to do so. Other banks have dropped overdrawn account fees and reduced their other penalty fees. A number of banks have also introduced fee-free or low fee basic accounts for low income customers.

A quick check of the transactional products available through the major banks and some of the smaller banks and credit unions shows that most institutions already provide these types of accounts. The requirement to provide a real-time warning of a proposed fee and the ability to cancel the transaction already exists for ATM transactions when conducting a transaction at a foreign ATM.

The other requirements, particularly the requirement to advise of a fee in the event of an electronic or face-to-face transaction, will impose additional burdens on merchants and service providers and potentially be embarrassing to the account holder as this would be a discussion conducted in the public arena. I certainly would not be happy to be standing in the queue at Woolworths paying for my groceries when the checkout operator has to ask me whether I am happy to proceed with the transaction because a small fee is payable. Seriously, am I going to say no and put all the groceries back? I think not, of course.

As an example of what these fees pay for, I set up a new online account over the weekend and within the space of half an hour my bank suspended the credit card used for the payment pending confirmation from me of the transaction. I phoned the 24-hour service line and confirmed the transaction, at which time they removed the suspension and also suggested an alternative account type to reduce my monthly fees. This is a great example of why the proposed bill is not required. This bill is just another example of unnecessary legislation that is seeking to absolve customers from taking personal responsibility for understanding and managing their own financial affairs. Terry McCrann, in the Courier Mail on 18 November, wrote:

The Greens’ stupidity is exquisite at both the micro and macro levels. Ban ‘foreign’ ATM withdrawal fees. The effect will be to ban most ATM withdrawals as the banks stop allowing ‘foreign’ withdrawals.

The end result would be reduced consumer access and flexibility. The other major problem with this bill is the attempt to place restrictions on interest rates that banks charge on their loans. This would be the final nail in the coffin for consumers and small business in being able to obtain finance at reasonable rates.

Already small to medium business borrowers, despite providing all the same security and in most cases more security than a home loan borrower and through the necessity to provide personal guarantees and charges over business assets, are paying a significantly higher interest rate on their business loans than home loan borrowers. This differential is made all the more ludicrous when you consider that the small to medium business owner, who has a home loan and a business loan, will be paying two different rates of interest yet both loans will have the same security, and repayment of both will be funded from the income generated in the business.

Phil Ruthven from Access Economic noted in a presentation earlier this year that the primary driver of recessions in Australia was not a fall in consumer spending but the direct result of the fact that business had lost access to capital to continue to grow and develop. The government’s response to the global financial crisis has reduced competition in the provision of banking services in Australia and, as it continues to borrow $100 million or more per day, is continuing to put
upward pressure on interest rates and is reducing the capital available in the market for small to medium business. This capital would be far better allocated by business as it would seek to utilise that capital productively to employ staff, manufacture goods and make a profit.

The coalition, by contrast, is seeking via its nine-point plan to create a positive framework in which competition is enhanced via: an investigation by the ACCC of anti-competitive practices such as price signalling; an investigation by APRA into unnecessary bank risks to pursue short-term returns; regular reporting of bank interest margins, returns on equity and profitability; more government support for small lenders; improved liquidity for the mortgage backed securities market; a complete review of the financial system; further simplification of the Financial Services Reform Act to reduce cost and complexity; an investigation by APRA into the banks’ lending practices for small business; and investigation as to whether banks should be able to issue ‘covered bonds’. It is through positive market based solutions, together with considered regulation and the government removing itself from the market by returning to budget surpluses, that a better outcome will be achieved by all parties to allow our economy to grow and prosper.

Mr CRAIG THOMSON (Dobell) (9.05 pm)—When I seconded this motion I did so to allow debate on what is a very important issue. While I do not agree with the Banking Amendment (Delivering Essential Financial Services) Bill 2010, I think it is important that we have this debate here tonight. It is for that reason that I seconded the motion.

One of the things that distinguishes this bill which the Greens have put forward from the nine-point plan which the opposition have put forward is that at least the Greens have taken some time to sit down and think about what the issues and problems are and how to address them. From the shadow Treasurer we got a nine-point thought bubble, which went through what he could think up on the day. In fact, he did not even think it up on the day; he took a couple of days to come up with those nine points. He was all over the place on the first day. He got a little bit better as time went on, but he was still all over the place trying to exploit this issue for cheap political gain. He is not thinking about, in any sense, the long-term consequences of what he is actually proposing. I acknowledge that that is in stark contrast to this bill that has been put forward with some proposals for the right intention.

This government has been looking at and acting on competition in the banking industry for some time. I was chairing an inquiry into banking competition in 2008 when the global financial crisis came. Of course that changed a whole range of issues that this country and the international economies had to face. We were talking then about bank survival. One of the things that we need to recognise is that Australia, through its regulations, was able to come through that banking crisis with its banks intact and still AAA rated. By the end of the global financial crisis there were only seven banks in the world in that position, and four of them were Australian. That is worth acknowledging at the start.

The government also looked at ways in which we could come up with competition, and the Treasurer took up those recommendations. There was one which was most important. What we saw in the nineties, through securitisation, was cheaper loans being made available through second-tier lenders. Once the global financial crisis came, securitisation and the wholesale market totally tightened up. This government invested over $16 billion in AAA-rated RMBSs to make sure
that they were available for those second-tier lenders to be able to continue in the market and play some role in competition, because at the end of the day what is going to drive cheaper interest rates and better service for consumers is competition in this industry.

It is not about regulating to such a degree that competition is taken out. We need to provide the right environment—and some of that involves some regulation—for competition to flourish and we have been able to do that in some areas. For example, this bill goes to ATM fees. The reforms that we put in place in ATM fees have seen a reduction of over $120 million in fees taken from consumers. That has come about through regulation and also by making sure that there is competition in ATM fees, and it is important that we make sure that that is able to continue.

We also need to recognise that there are still global difficulties with wholesale funding, and they will continue while the global economy is in the state it is. The Treasurer has announced that a second tranche of reforms is coming. Those reforms will be aimed squarely at putting Australian consumers in a better position, to make sure they can take advantage of competition as it emerges post the global financial crisis. That is the best thing that we can do. We need to make sure that switching is, and continues to be, an option. Sometimes there is reference to the number of people who have switched. The reforms that came through last time ensured that switching was an option and that those who did not switch were given better conditions by the bank they stayed with.

This is an important debate that we needed to have, and I am glad that we have had the opportunity to have this debate here today.

Mr WILKIE (Denison) (9.10 pm)—I rise to condemn the arrogant behaviour of Australia’s big four banks and to speak in support of reform of Australia’s banking sector. I, along with many Australians, was shocked on Melbourne Cup Day when the Commonwealth Bank announced a rate hike of 45 basis points, almost double the official rate rise. But, regrettably, I was not surprised when ANZ, NAB and Westpac all followed suit, each putting their pursuit of profit above the public interest as they raised their rates over and above the Reserve Bank’s one-quarter of one per cent.

The banks cried poor and blamed rising funding costs, but these are the same corporations enjoying record combined profits of more than $20,000 million a year—yes, well over $20,000 million a year. As an argument, funding cost pressures simply do not stack up, because the banks are raking it in and there is simply no basis for their claim that they are in strife. Moreover, the bosses of Australia’s big four banks earn between them $44 million a year—yes, $44 million a year between four individuals—and that is simply outrageous. Here we are picking up the tab for billion-dollar profits and million-dollar salaries, and we are not happy about it. Something has got to give.

The balance needs to shift back to the community, which not too long ago helped these same banks survive the global financial crisis. The banks came running when they were in trouble and the government gave them a hand. Now it is the banks’ turn to return the favour and give the Australian community a break. With their combined $21-plus billion profit a year, a bit of consideration for the public interest is not something that is going to break the bank. It is time for change and, since the banks will not act, it is time for political leaders to act. I for one will support any sensible reform which reins the banks in.
Of course the banks say that we do not understand how it all works. ‘It’s complicated,’ they say. They call outspoken politicians ‘populist’ and tell us to butt out and stop bashing the banks. Well, I will not buy that, Mr Deputy Speaker. There is some bashing going on all right, but it is not the banks getting bashed; it is their customers. It is my job to stick up for my constituents, not for the banks, and that is exactly what I am going to do.

In my electorate of Denison people are doing it tough right now. Power bills have risen and they are going to keep on going up. A pensioner from Moonah wrote to the Mercury newspaper recently recounting how she had received a $900 winter power bill and to conserve energy she was only using two rooms in her house. That is no way to survive, let alone to live. The constituents of Denison are also paying more for other essentials like water and housing. They need a break, not another demand for more money from corporations raking in the profits. And it is not just people paying off mortgages who suffer from these rate hikes. It is also the businesses, whose customers have less money to spend, and the children, who see less of their parents, who have to work longer hours. It also includes young people trying to buy their first house and tenants whose rents rise with interest rates.

I am pleased to see that some communities are fighting back. I was delighted to lend my support to a push by the Glenorchy community to buy a franchise of its local Bendigo Bank to create a community bank that will return half of its profits back to the local community. I will do my bit. I have a pledge to become a founding shareholder, and I have already opened an account into which I will deposit my electoral allowance. I applaud the shadow Treasurer for taking a stand of sorts with his ideas about reining in the banks. I see merit in the shadow Treasurer’s approach. Now we have the Greens’ commendable proposal in the bill that we are debating today, and again I see merit. Disappointingly, we have seen little from the government, except a vague promise of a plan some time soon. The Prime Minister stands on the world stage and complains that banks are ripping off Australians; but, so far, she has done nothing to stop them, and that is not good enough. Again, I remind the government that it is well behind time for action on the greedy banking sector and that I will support any sensible reform which reins it in.

Debate adjourned.

Australian Stock Exchange

Mr KATTER (Kennedy) (9.15 pm)—I move:

That this House:

(1) resolves that it will oppose any sale of the Australian Securities Exchange that would provide majority foreign ownership; and

(2) notes that such a sale would not merely involve the ASX as an asset, but may hand over to a foreign corporation the regulatory function inherent in a stock exchange.

In moving this motion, I recall sitting in this place while I watched the six great mining companies of Australia—many of my forebears had gone down their mines and had done various other things to contribute to the growth of those companies—sold off to foreign ownership. We have for the first time in probably 30 or 40 years a trading surplus in this country, but of course the balance of payments is skyrocketing out of control. I cannot help but mention Mr Keating. When the balance of payments was $15 billion, he said, ‘We’re in danger of becoming a banana republic.’ When it hit $23 billion, the Leader of the Opposition at the time, John Howard, reminded him of the statement and said, ‘It was the overwhelming problem above all else.’ It is now $60 billion, not $15 billion—‘a banana republic’; and not $23 billion—
‘the overwhelming problem above all else’. I am only a humble Cloncurry boy and a simple backbencher in the parliament of Australia, so I do not know about these things. But these two men had held the offices of Treasurer and Prime Minister of this country, and so if anyone should have known about the serious nature of the balance of payments it should have been them, yet the six great mining companies of Australia were flogged off to overseas ownership and now the great profits that come into Australia from coal mining, aluminium and iron ore simply boomerang back out again. So whilst Australia has a trade surplus its balance of payments—some five or six per cent of our GDP—is one of the worst in the entire world.

Members in this parliament stood here and agreed to the sale of these great mining companies—Western Mining Corporation, BHP, North, Normandy and MIM, which was in my own backyard. Since the deregulation of the dairy industry in 2000, we have watched over its sale. The five corporations that account for about 80 or 90 per cent of our dairy processing are now foreign owned. Like the mining companies, they were all Australian owned some 15 years ago. Also, 40 per cent of our meatworks has gone overseas. AMH, as you are well aware, was Australian owned and accounted for most of the processing of meat in this country. Golden Circle and IXL are the great processing giants of Australian fruits and vegetables. Our horticultural industries have vanished under foreign ownership. The AWB, arguably the biggest corporation in this country, is in the process of being flogged off overseas, as is two-thirds of our sugar industry. Every one of these things was Australian owned. Now every single one of them—the great juggernauts of Australian industry—is foreign owned.

We are here tonight not to discuss the sale of chook farms or factories or any of the other tangible assets which I have referred to but to discuss another sale—and this is a qualitative change. Mr Deputy Speaker, I would like to be able to speak to you without listening to other people—

Mr Hockey—I’m trying to find a seconder.

Mr Katter—Righto. Thank you for that. What we are now referring to is a qualitative change. It is not like the sale of a chook farm or a factory; this is the sale of a regulatory mechanism that facilitates the proper functioning of the share market. People need to be able to buy and sell shares, confident in the knowledge that they are protected from manipulation. If the sale of the Australian Stock Exchange proceeds, it will be in the hands of a foreign corporation that is substantially owned by a foreign government. So we will have a foreign government owning a sovereign power of the Australian people. I will not go into the details of the takeover bid for Coles by certain people on the board of Coles, but effectively these people lent an XYZ company money from Coles. This company then bought shares in Coles so that a certain person, who was a supplier of many items to Coles, could become chairman of the board of Coles and control it. That is the sort of thing that needs to be looked at by a stock exchange. If that company were, for example, a Singapore based company, one would think that certain prejudices would run in favour of the Singapore based company at the expense of Australian shareholders.

I am well aware of the tightly held nature of companies where shares are held by very few people. They can very easily manipulate the price up by a little bit of buying on the market or manipulate the price down if it suits them so they can buy more shares and more control of the company. We have a stock exchange not only to facilitate the buying and selling of shares but also to regulate
it and see that it does not become an instrument of manipulation and deceit. That is why this is different from selling a chook farm or selling a factory. This is a case of selling a very important asset of this country, a sovereign mechanism. This is more in the nature of selling the arbitration commission. It mean seem that I am reaching a long way if I say selling the High Court, but this is a regulatory mechanism that is part of the sovereign powers of the Australian people.

All right, you want to sell the railways. I am diametrically opposed to the sale of that great asset, the railways in Queensland. But if you are going to do that, that is qualitatively entirely different to selling a regulatory mechanism, what we are discussing here today. Those in this place sat on their hands and did nothing while the great mining companies of Australia were flogged off to foreigners, and now all those great profits are sailing out of this country. To me, trying to impose a tax upon the miners is well and truly attempting to shut the gate after the horse has long ago bolted. I remember the great Vince Gauci at MIM pleading with the board not to sell Mount Isa Mines. I think every single year for the first four years after the sale the company made more profit in each year than the stupid board members had sold the company for. It was similar with dairy factories, meatworks, horticultural processing, Golden Circle, IXL, the Australian Wheat Board—great institutions set up by the Australian people.

I remind the House before I conclude that Ben Chifley always claimed that it was the ALP that regulated and introduced the AWB, the single-desk seller in the wheat industry. That was technically correct. Jack McEwen always violently altercation with him and claimed it was the Country Party that had been formed for the purposes of achieving a single-desk seller in the wheat industry. That was why the Country Party was actually formed. But they always fought. They had substantial arguments.

Today we see people vying for the privilege of flogging off the assets of Australia and even our regulatory mechanisms. In this place we must tenaciously oppose the sale of regulatory mechanisms. Even if you agree to the sale of Australia’s assets—which I do not—you cannot agree to the sale of a regulatory mechanism that is being proposed—that is if it is being proposed—in this place. I hope that it most certainly is not.

In conclusion, we had a joke when I was a young person about the sort of bloke that would sell you the Sydney Harbour Bridge. The only thing that surprises Australians today is that we have not sold the Sydney Harbour Bridge, but don’t hold your breath. I take great pleasure in having moved this resolution.

Mr Bandt—I second the motion and reserve my right to speak.

Dr LEIGH (Fraser) (9.26 pm)—Australia has a strict and comprehensive regulatory process in place to ensure that decisions on proposals like this are always taken in our national interest. The government also has a strong commitment to build Australia as a finance centre and a regional hub for financial services. Of course, this means preserving the market integrity of the ASX and continuing to boost Australia’s reputation as one of the most attractive investment destinations in the world.

A proposal of this type is subject to extensive regulatory consideration under both Australia’s foreign investment policy and the Corporations Act. Australia applies a rigorous national interest test to all proposals for foreign government investment and significant foreign private investment. This particularly applies to a transaction of this scale and importance. The screening process to consider the proposal will be undertaken by the
Foreign Investment Review Board in the normal way. FIRB will seek advice from other government agencies, including ASIC and the Reserve Bank, on whether the proposal is contrary to the national interest. The government always has taken—and always will take—these decisions in Australia’s national interest. This is the overriding consideration for foreign investment proposals.

As members may be aware, on 1 August 2010 the government transferred supervision of Australia’s financial markets to ASIC. These reforms will enhance the integrity of Australia’s financial markets and help promote Australia as a financial services hub in our region. Australia’s financial regulators put their world-class reputation beyond doubt during the crisis. Our financial system came through with flying colours. Australia’s financial system has performed better than any other during the global financial crisis and these reforms will ensure that Australia’s regulatory arrangements remain among the best in the world. The ASX is an important part of financial system’s architecture. The government will continue to consider all transactions with an objective of carefully and methodically building Australia’s reputation as a financial services hub in the national interest.

Australia’s foreign investment framework is longstanding and reflects strong bipartisan support over a number of decades. It balances the need to ensure Australia’s economy can benefit from foreign investment with the need to ensure that investment is in the national interest. The government examines all foreign government investment proposals and significant private investment proposals on a case-by-case basis to ensure they are in the national interest. This means assessing the impact on the economy, the community, national security and revenue.

Federal Labor has also made important improvements to the foreign investment framework. We released national interest principles to improve transparency around how the national interest test is applied. In June of this year we released the easy-to-read version of the policy to further improve transparency of the regime. Our approach maximises investment flows, grows regional communities and creates job opportunities right across Australia, while protecting our national interests.

In conclusion, I draw the House’s attention to the findings of the Johnson report earlier this year, which noted:

Economic research demonstrates a well-established causal link from financial sector development to economic growth. Having an open, efficient, well-regulated and competitive financial sector is thus in the interests of all Australians.

**ADJOURNMENT**

The SPEAKER—Order! It being 9.30 pm, I propose the question:

That the House do now adjourn.

**Same-sex Marriage**

Mr HAWKE (Mitchell) (9.30 pm)—This week the member for Melbourne moved a motion in relation to gay marriage which has received widespread coverage throughout Australia. I thought it timely to put on the record on behalf of my constituents some of my thoughts and also my early consultations in relation to this matter. I want to start by expressing that I do not hold a view that people should not be treated equally under the law and in relation to their financial arrangements or in relation to their relationship outcomes by the Commonwealth government. However, I think that there are those institutions in our society today which have formed the bedrock of our success as a nation.
My electorate of Mitchell has the highest number of couples with dependent children of any electorate in Australia today. I can tell you that it is a very successful formula to have married couples with children living in communities in a way that is for the purpose of bringing up children. It does lead to a great flavour in my suburbs for people raising their children. It is the case that the coalition believes that marriage is between a man and a woman. It sounds obvious, but it always has been. I think that these attempts to alter the definition of marriage or to implement radical change to this important construct at such a time in our national debate are ill thought out and unhelpful.

There is the idea that we need to achieve equality. We are not a society of equality. We are not a society that seeks complete equality for all of our citizens. It is not a goal that we will ever achieve and it is not a goal that I believe is worthwhile. We certainly seek equal opportunity. We certainly seek the equal opportunity for every citizen to gain what they can from our society in a free and unimpeded way. However, there are those constructs and important institutions that provide a platform for our stable society. Marriage is one of those. Indeed, while it is the case that many marriages today end in failure and an increasing rate of those marriages are not successful, it is not the case that there is a powerful or persuasive argument for radical change to such an important institution.

Marriage has been one of the foundational institutions of our society, especially for the bringing up of children. There is nothing that I have heard in this debate that has been brought forward to alter that very important view. This is not a view about financial entitlement. This is not an argument about people accessing rights that they are entitled to. This is about an institution which has always existed under a certain definition which some people are now seeking to alter and to access for their own purposes.

However, I think there is an important role for marriage to play. It is something that I want to defend. Family, I believe, is the most important institution in our society. Families take different shapes and they have different forms. Different religions and cultures have always come to the conclusion that the family is one of those bedrock institutions. Our society in Australia today is built on the institution of heterosexual marriage between a man and a woman.

That does not mean that there is not a case to be made for civil unions. It does not mean that there is not a case for other forms of partnerships or relationships to be recognised by the government. In fact, that is a worthy objective. It is something that would see the support of many members in this place in order to move with the times. However, I can say from the consultations in my electorate so far that I have received much correspondence greatly concerned about the institution of marriage and redefining it in a way that would alter its basic substance and composition and ultimately lead to it changing in a way that would have a radical effect on our society.

It is also the case in New South Wales that the government recently passed a law to allow for gay adoption. This is another unusual and radical move in the view of many when it is almost impossible for loving couples, men and women seeking to adopt children, to obtain an adoption today, which is of grave concern. By saying, ‘Now we want to allow gay adoption without having gay marriage,’ we certainly are proceeding down a path of radical change to the composition of our society without much thought and in a way that does not seem to be well supported by any evidence or any view that this will
improve the quality of outcomes for children or the family unit.

In concluding I want to say to the member for Melbourne that he does not need to move a motion to tell us to consult, because the people of Australia are consulting with us. They are communicating their view and, from the electorate of Mitchell, they are saying to me that marriage is an important institution. It is a traditional institution between a man and a woman, and a radical alteration is not required at this time.

**Building the Education Revolution Program**

Senior Constable Ian Edwards

Mr SIDEBOTTOM (Braddon) (9.35 pm)—I want to share two pieces of positive news. First and foremost, like most of my colleagues, I have been going around to see many of my local Building the Education Revolution projects, celebrating their openings and celebrating the investment in those fantastic projects. Recently I was at East Ulverstone Primary School, Forth Primary School—my local village primary school—and West Ulverstone Primary. Around $6 million has been invested in a number of different projects associated with these primary schools, part of nearly $100 million invested in my region’s 63 schools throughout some 95 projects. So I want to congratulate everyone involved with those projects and the many more in my electorate. It is positive news—investment in jobs and fantastic facilities for teaching and learning. And these are projects that are available to the community. This is all very good and positive news.

The second thing I would like to do is congratulate a fantastic individual in my electorate—Burnie policeman Senior Constable Ian Edwards. Ian has of course in no sense ever sought this, but he has been awarded a Tasmanian outstanding achiever award and most recently the Australian of the Year local hero award for Tasmania. He is now in line for the national award. In his role in the police force, Ian has put together a group called Kommunity Kids that is based in Shorewell Park in Burnie.

Shorewell Park, unfortunately, has had a stigmatised history for violence, antisocial behaviour and alienation. It is a community that has felt at times to be under siege. Part and parcel of that has been the antisocial behaviour of young people, a lot of which was because, along with a number of their parents, they felt that they were not part of a fully functioning community.

Ian saw the need there and, along with a number of his colleagues, set up an outreach of the Burnie Police and Community Youth Committee and the Tasmanian Police Youth Intervention Committee. Kommunity Kids came together on 21 May 2008 with about eight children. Since then it has grown to at least 120 kids with anywhere from 23 to 50 young persons and their parents and friends joining in the weekly after-school activities, including art and craft in the community house nearby on Tuesdays and outdoor activities and sport on Wednesdays. I know they get pretty active because I have been up to join them on a number of occasions.

Kommunity Kids also participate in a number of other activities throughout the year, including Tasmania Day events, the Big Burnie Bike Ride at West Park and miscellaneous school holiday events. The Kommunity Kids board, with Ian Edwards as chairman, is made up of members from City Mission, Burnie Community House, Tasmania Police, Fusion, Anglicare who, together with the Burnie City Council Youth Development Officer, actively assist in the after-school activities.

A group of young people are also part of a committee to raise funds for a cycle path in
the local park. I must congratulate the Burnie City Council, along with Ian and Kommunity Kids, for getting an investment of $50,000 towards linking up their pathways at Shorewell across through to Wiseman Park, and they are using these pathways as road safety teaching areas. The kids can now have a bit of fun learning about road safety by riding on these pathways and they will also have a barbecue and shelter area they can use for their activities.

Ian is a very humble man and has been quite startled by the awards that have been presented to him. I know he does this because he loves the kids, he loves the area he lives in and he is very dedicated to his community. I congratulate him; I thank him on behalf of the community and I wish him well in the national awards. I have a sneaking feeling that Ian Edwards and Kommunity Kids will be bringing back the bacon to Shorewell Park, which they have really helped to transform into a very positive community. (Time expired)

**Durack Electorate: Western Australian Tourism Awards**

Mr HAASE (Durack) (9.40 pm)—It gives me a great deal of pleasure to rise this evening to speak about awards. On last Saturday evening at the Burswood Entertainment Complex, the Tourism Council of Western Australia, an independent organisation governed by members within Western Australia, held the Western Australian tourism awards. This is brag time for me because of the 30 awards available in Western Australia the electorate of Durack took out 13 gold, four silver and six bronze. That is an outstanding effort, Mr Speaker, I am sure you would agree. I would like to refer the House to some of the winners.

Under tourist attractions we got a silver medal for the Western Australian Museum in Geraldton. For festivals and events we got a gold for the Argyle Diamonds Ord Valley Muster. For ecotourism we got a gold for Pearl Sea Coastal Cruises and a silver for Eco Beach Wilderness Retreat. In Indigenous tourism we got a gold for the Eco Beach Wilderness Retreat, a silver for the Home Valley Station and a bronze for Uptuyu Adventures. For tour and/or transport operators we got a gold for Kimberley Wild Expeditions and a silver for Pearl Sea Coastal Cruises. Under adventure tourism we got a gold for Ningaloo Reef Dreaming and a bronze for Three Islands Whale Shark Dive. Under tourism education and training we got a gold for Blue Reef Backpackers and the Aspen Park’s Exmouth Cape Holiday Park. For unique accommodation we got a gold for Eco Beach Wilderness Retreat. For deluxe accommodation we got a gold for Kununurra Country Club Resort and a bronze for Habitat Resort Broome. For luxury accommodation we got a gold for Pinctada Cable Beach Spa and Resort. For new tourism development we got a bronze for Skydive of Jurien Bay. The Qantas award for excellence in sustainable tourism was won by the Eco Beach Wilderness Retreat.

I will not go on with all of the details but in addition to the wins mentioned we won the Sir David Brand Medal, the Sir David Brand Young Achiever Medal and the Sir David Brand Award for Tourism. So there were three awards in Sir David Brand’s memory and all three were won by the Durack electorate. Let me explain to you about those special awards. The award for tourism went to Willie Creek Pearls. Willie Creek Pearls is now an institution in Broome, providing an all-round opportunity for tourists who want to understand the pearling industry, to enjoy luxury, to take a
chopper ride over Broome and up the magnificent coast and to have the opportunity to purchase those luxury silver south sea pearls from the Broome area.

The Sir David Brand Medal went to Jon Jessup. Jon Jessup in the past 25 years has devoted 100 per cent of his time to the Western Australian tourism industry. He is a shrewd businessman, there is no doubt about that, but he is prepared to put in the hard work. Currently he is the marketing manager for Kalbarri Edge and he is also operating two regional resorts as director. He has very little spare time, I can assure you.

The winner of the Sir David Brand Young Achiever Medal, which is a particular award that we like to underline because it indicates that we have got good young stock coming up through the tourism industry in Western Australia, was Frances Jones. Frances moved into the Western Australian tourism industry in 2008. Starting her career at Edge Resorts, Frances developed her passion for tourism which drives her today. Later in 2008 Frances took up a full-time position at Wooleen Station as tourism manager and now resides there permanently with her partner David Pollock. In 2009 Frances started a degree in ecotourism through Murdoch University, and studies externally at the station. In late 2009 she took up the position of chair for Gascoigne and Murchison Tourism Inc. and in mid-2010 was elected to the board of Australia’s Golden Outback. Golden Outback represents well the magnificent attractions and services provided by those businesses in the Durack electorate. I believe that I am absolutely justified in bragging about these achievements on behalf of my electorate and God bless the Western Australian tourism industry. (Time expired)

Billboard Advertising

Mr PERRETT (Moreton) (9.45 pm)—In my electorate of Moreton we have one of the best golf courses at Tennyson in Queensland, the Brisbane Golf Club, in Tennyson. It has been about five years since I played golf at the Brisbane Golf Club—

Mr Kelvin Thomson—A life balance problem.

Mr PERRETT—Yes, a bit of a life balance problem. I was playing with a guy called Lee Crocker. Unfortunately, we were beaten by his brother, Dene Crocker. Playing golf there the course comes right down to Fairfield Road. Standing at that part of the golf course you can look on one side and see a billboard and on the other side you can see a rather nondescript building. I noticed this the other day when I drove down Fairfield Road. However, the billboard was completely offensive. Initially, because it was on the way to the dump, I thought it was something to do with making sure all rubbish was safely tied down, but it was not—it was a very offensive billboard. If you look 100 metres down the road, also near the golf course, you can see a brothel. You would not know it was a brothel because it has only one street number on it and that is all.

I point this out—Mr Speaker, you are looking a bit bemused—because I want to talk about ownership of public space not only in my electorate but throughout Queensland and Australia. On one hand we have a brothel which is very nondescript, non-offensive and would not upset anyone taking their kids to school. The road is very busy, with nearly 50,000 car movements a day. I have a five-year-old child, so I am very aware of this. He is just starting to spell out words and he sees a very offensive billboard.

I want to put out there the idea that we need to reclaim our public spaces. We have lots of weeks here—we have Liver Week, Mental Health Week. So I think we need to have a ‘Back to middle-class values week’ where we reclaim public spaces—
Mr PERRETT—I know there is an interjection opposite but the reality is that brothels do exist. At least we understand what they are doing. At least they are not as offensive to the eye. I would suggest, as some of these billboards. You see a similar thing when you go to a newspaper shop. Lots of young kids go to newsagents. Newspapers have competitions where they encourage kids to collect dinosaurs and all sorts of things. Obviously there are parts of newspaper shops where you do not want kids to go. Adult publications are covered up but there are also quite confronting ads out the front of newspapers shops. I am not a prude. I have been accused of being lots of things in this parliament but being a prude is not one of them.

Dr Southcott—No. We’ve read your book.

Mr PERRETT—People say they have read my book. If you have read the book, you would know that it contains nothing as confronting as some of these billboard advertisements. Also, if you buy my book and read it you make a choice, whereas a five-year-old kid or a 10-year-old kid who is being driven to school does not make a choice about the billboard they see or the ads they see out the front of the newsagents. This matter was raised by Guy Barnett, a Liberal senator, when looking generally at the classification of what Australians need to see. Obviously, billboard advertising is all about selling material rather than looking after decency. It is more important that we make sure public decency is looked after. That is something the Gillard Labor government can play a role in. I look forward to consulting with Senator Crossin and with Senator Barnett to see how we might assist them in that process.

Dawson Electorate: Sugar Harvest

Mr CHRISTENSEN (Dawson) (9.50 pm)—I rise to bring to the attention of the House and of the government a new crisis unfolding for the sugar industry, in particular for growers in the electorate of Dawson. In what is likely to be a one-in-20-year or perhaps even a one-in-30-year weather event, there has been significant rainfall along the Dawson coastline, impacting on the sugar-growing communities of Mackay, Proserpine and the Whitsundays and the Burdekin. This rainfall has also impacted on the sugar-growing district of Herbert, which the member for Kennedy represents, and Sarina, Walkerston and the Pioneer Valley, which the member for Capricornia represents.

For the first time in a long time, 2010 was a year of opportunity for growers. For years and years, the industry has been through many adversities. They have been through drought, orange rust and the corrupt world market prices, they have beaten deregulation and they have beaten the cane smut disease. At the end of last year, with world prices in their favour, it seemed 2010 was going to be a good season for growers. But on Friday the mood of the industry was summed up at the AGM of Mackay Canegrowers by chairman Paul Schembri when he said:

With electronic billboards we can now have more confronting material after 8.30 at night, as we do with television. And there are entertainment precincts where the advertisements might be completely different from what we see at school. Obviously, billboard advertising is all about selling material rather than looking after decency. It is more important that we make sure public decency is looked after. That is something the Gillard Labor government can play a role in. I look forward to consulting with Senator Crossin and with Senator Barnett to see how we might assist them in that process.
The weather can make or break you, everyone in the value chain of the industry will suffer. It is very hard to see the fruits of your labour washed down the drain.

While growers are in receipt of some of the best world sugar prices, they have not been able to take advantage of the situation because they cannot marry-up the high prices with tonnage. High rainfall levels have near brought the harvest to a halt in all canegrowing areas in Dawson, with much of the crop unable to be cut or now so low in sugar content that it almost is not worth cutting out. In the Mackay region, which includes Walkerston and the Pioneer Valley, there are some 645,372 tonnes of cane left, while in Sarina there are 261,300 tonnes of cane left. The total value of cane that will probably have to be abandoned for the region is more than $36 million.

In Proserpine and the Whitsundays, there are 447,000 tonnes left and Proserpine Sugar has closed the harvest. The value of the crop left is almost $17 million. In the Burdekin the situation is much worse, with near one-third of the cane not yet harvested, and with wet weather continuing it seems unlikely to be harvested. Total tonnage of cane remaining uncut is 2.9 million tonnes at a value of $180 million to the mill and the grower. This sad situation comes on top of severe damage to the crop earlier in the year when Cyclone Ului crossed the coast near the Whitsundays. Due to Ului, growers in Proserpine sustained a near 10 per cent production loss attributed to cane loss and a five per cent productivity loss due to reduced sugar content.

In Mackay and Sarina, Ului’s impact meant that growers suffered a near five per cent production loss attributed to cane loss and a near five per cent productivity loss due to reduced sugar content. Some growers in Proserpine and the northern rural coast of Mackay were said to have lost more than 30 per cent of projected production due to Cyclone Ului. The combined loss estimate because of the cyclone was $52 million. Ului on its own was something the industry was able to withstand but, combined with severe and ongoing heavy rainfall since then, the situation is now diabolical for the industry.

Queensland Sugar Ltd, or QSL, contacted my office on Friday to report that while they were expecting to export 3.2 million tonnes this year they are now going to be lucky to meet 2.4 million tonnes. This is a reduction of 25 per cent and, according to QSL, it means more than $350 million worth of export revenues that would normally have flowed on to millers, growers and regional Queensland communities is down the drain. Particularly worrying for growers is that this has happened when forward pricing, which came about with the deregulation of the industry, is now widely used within the industry. Many growers have forward sold a portion of their 2010 crop and now face having to pay that back in some manner as the rainfall has made them unable to achieve the harvested crop that they could have had.

There are measures being mooted to help growers by taking the loss out of the income from next year’s crop, but the situation is looking grim there too. A lot of farmers had already planted their 2011 crop before the rainfall and most of this has now died. Next year’s crop will undoubtedly be impacted, probably with a lower sugar content due to a constrained growing time. I say this situation is diabolical as it threatens to send many farmers to the wall financially and I have had some anecdotal reports that some growers are on suicide watch because of the stress of the situation.

Today I have written to the Minister for Agriculture, Fisheries and Forestry and the Prime Minister asking them to visit one of the sugar-growing regions with a view to extending exceptional circumstances provi-
sions immediately to growers who are impacted. I plead with the government to do what it can to help growers who have been floored again by this new setback.

**Social and Community Workers**

**Disability Insurance Scheme**

Mr KELVIN THOMSON (Wills) (9.55 pm)—In October 2009 the federal Labor government signed a heads of agreement with the Australian Services Union which made a number of commitments about supporting an equal remuneration case to be considered by Fair Work Australia for non-government social and community services workers. The heads of agreement included a commitment to preserve the rates of pay achieved in the Queensland equal pay case.

The Australian Services Union lodged an application for the equal remuneration case with Fair Work Australia in March this year. The application is for the rates of pay that were achieved in the Queensland equal pay case in 2009. The effects of the increases are different in each state but are in the same general range as in Queensland—that is, increases of between 18 per cent and 37 per cent. The Australian Services Union has put to Fair Work Australia that the work done by workers covered by the Social and Community Services Award is undervalued as against comparable work. The Australian Services Union says that 87 per cent of these workers are women and historically their work has been undervalued because of the gender of the workforce.

I met with the Australian Services Union in the middle of this year after they contacted me seeking my support for their application. I agree with the ASU that workers in the social, community and disability services sector do work of great importance in our community, and that this work has tended to be undervalued. Caring for those with a disability, for example, is very arduous and yet it is really very important work, essential to giving family members and other carers the respite they need to be able to keep on going.

I therefore wrote in July to the honourable Jenny Macklin, as the Minister for Families, Housing, Community Services and Indigenous Affairs, expressing my support for the ASU application. I further said I supported funding for the outcome of the Fair Work Australia equal remuneration case and funding for federal programs in Queensland that were subject to the Queensland equal pay case. Of course, in July the government went into caretaker mode and the reply I received was simply a process reply from a departmental officer. So I want to take this opportunity to reiterate my support for the ASU’s equal remuneration case for social, community and disability services sector workers.

I note that the federal government’s submission to Fair Work Australia indicates that the government is committed to pay equity; acknowledges the vital services that the social and community services sector delivers to some of the most vulnerable members of our society; recognises that much of the work performed in the sector is undervalued; and is committed to working through the funding implications of any increase in wages awarded in partnership with the affected unions, employers in the sector, and the states and territories. I urge Fair Work Australia to support the ASU’s application and urge federal, state and territory governments, and non-government employers in the sector, to give effect to Fair Work Australia’s conclusions.

At a conference in Bendigo recently I addressed the topic of a national disability insurance scheme. I want to congratulate Mary Reid and the other members of the Physical Disability Council of Victoria on their efforts in organising this conference. Participating in it reinforced my admiration for the ongoing
efforts of people with a physical disability and their carers. The fact is that we do not do enough to recognise their efforts. I know we are doing better than the out-of-sight, out-of-mind approach we used to take on issues of disability but we still have a long way to go. People with disability deserve the same opportunities as other Australians to participate in the community, have access to employment and live meaningful lives. Supporting the equal remuneration case will help, but we also need to give close scrutiny to the concept of a national disability insurance scheme.

My parliamentary colleague and the former Parliamentary Secretary for Disabilities and Carers, the Hon. Bill Shorten, last year outlined to the National Press Club how such a scheme might work. The proposed scheme would be based on the no-fault workers’ compensation model and provide support on a needs basis for people with serious disabilities.

This is a very big idea—simple, yet exciting and visionary. It would mark a fundamental shift in the provision of services for people with disabilities. There is a lot to consider before Australia can go down this path, but I believe it is a good idea that demands serious debate and investigation to see if it could work in our nation. I am very pleased, therefore, that federal Labor has asked the Productivity Commission to undertake a landmark, independent inquiry into the costs, benefits and feasibility of a national long-term care and support scheme for people with a disability. It is time to rethink the way we support people with disability in this country and I look forward to the Productivity Commission’s report.

Wannon Electorate: Kindergartens

Mr TEHAN (Wannon) (10.00 pm)—Yesterday I had the pleasure of attending the Mount William Open Garden Day. Anne Ab-
Sadly, this is not an isolated case. As reported in the *Ararat Advertiser* on 12 November, Lake Bolac and District Kindergarten is also:

… on a fast track to closing, thanks to a lack of Government funding which forces just a handful of parents to fund raise, in some cases, close to $40,000 a year.

This is universal access to early childhood learning, Gillard government style.

You could not fathom that they could get it so wrong for early childhood learning, but sadly you only have to look at the changes that have been made to the independent youth allowance and what that is doing to so-called universal access at the tertiary level to see that, sadly, they can.

*Mr Champion interjecting—*

*Mr TEHAN*—Well, it is true. I would invite you to come to Willaura and to meet with the community and the people involved with the kindergarten and to ask them what they think about this universal access reform for early childhood education. Your government is about to close that kindergarten and it will close other rural kindergartens across the state and no-one is doing anything about it. No-one has thought about what the implications of taking it from 10 to 15 hours are, what it will mean.

Rather than having universal access, young children in country areas are going to have no access at all. I would invite the relevant minister to go to Willaura, meet with the parent group and to hear firsthand about the difficulties they are going to have in the next couple of years. Go to Lake Bolac—a community of 150 people—and meet with them and see the difficulties they are going to have. You are asking them to fundraise $40,000 a year to keep their kindergarten going.

The Gillard government has to be stopped in its tracks; otherwise it will rip the heart out of regional and rural Australia. It is time the Independents, who represent regional and rural electorates, recognised this. They need to cross the floor and they need to bring down this government before it destroys the fabric of our rural communities.

**Hours of Work**

*Mr HUSIC* (Chifley) (10.05 pm)—Many Australians believe we are a laid-back country where we tell ourselves we work to live and not the other way round. But statistics tell us something different. Apparently, apart from the Japanese and Koreans, Australians work some of the longest hours in the Western world. Australians work, on average, 44 hours a week compared to the average in developed countries of 41 hours—39 if you live in a place like Norway. The other startling fact is that we work a lot of that extra time for free, translated as unpaid overtime—two billion hours of unpaid overtime, adding up to a $72 billion gift to the economy.

At the same time, the growth in part-time and casual jobs has been rapid, with some workers gathering up part-time jobs simply to secure the equivalent of a full-time wage. Since the 1970s, average working hours have been on the rise after falling consistently since the beginning of the century. Broader social changes have contributed to the way paid work is allocated across the population. Women make up a greater proportion of the workforce than ever before and households often depend on two incomes. This adds to time pressures on families. The nature of work is evolving. Technology is playing a big part here, with mobiles and personal digital assistants ensuring some employees are still on the job when they are not at the job. There is no ignoring the pressure to respond on the spot, no matter what the time of day or where employees may be.
Work is encroaching on other aspects of life, and more often than is necessary. We do need enough time to keep healthy, exercise, relax, sleep and develop and maintain relationships—to maintain that elusive balanced lifestyle. But the Australian Bureau of Statistics study *How Australians use their time* shows Australians are spending less time playing, sleeping, eating and drinking than 10 years ago.

The Australia Institute recently undertook some work in this area and its findings should give many pause for thought. While some may argue that others choose to be income rich and time poor, the Australia Institute’s research has found that only one in five Australian workers are working the hours they want to work. In fact, half of all employees would like to work less, even taking into account the effect on their income. The Australia Institute research found that, while full-time people working long hours typically want to work less, there are millions of casual and part-time workers who would like to work more hours. It is argued that if some of the ‘surplus’ work hours could be reallocated to those who want more work, then progress could be made in addressing unemployment and underemployment.

It is worth considering the point that, just like a lack of income, the disappearance of free time may be another reflection of disadvantage in society. Additionally, I am concerned about the impact this has on health and wellbeing. Research shows excessive working hours can have detrimental effects on both physical and mental health, including obesity, alcoholism, cardiovascular problems and depression. If governments are serious about preventative health, then we need policies to promote reasonable working hours. I am conscious of the irony of delivering a speech on working hours at 10 minutes past 10 pm on a Monday night.

There must be more transparency about the culture of working hours in particular workplaces so that current and prospective employees can make informed decisions about whether a company is an employer of choice. It is only when someone begins working for a particular employer that they can assess whether that employer believes in work-life balance. Regular reporting of working hours expectations, actual working hours and staff satisfaction with working hours would allow people to make better decisions about who to work for, and also promote competition among employers to attract the best staff. In addition, governments should make work-life balance a priority through policy initiatives across a range of portfolio areas. Regular collection of data on actual versus preferred working hours, as well as various indicators of how well the labour market is matching people with the right hours, would help governments make better decisions in this regard.

In a couple of days time, on 24 November, the Australia Institute will hold National Go Home on Time Day. This initiative lets employees signal clearly that there are other parts of life, such as family and their own health, that are more important than work. People participating in Go Home on Time Day are advised simply to work only the hours they are paid for, whatever they may be, on 24 November. Of course I expect a reaction to this initiative—but that is exactly the point. If businesses are regularly hooked on the notion of extracting a certain level of unpaid work every week—at the potential personal expense of their employees—how is that good for business, our communities and our country? If this initiative sparks a conversation about working hours and helps get governments and industry thinking about addressing this issue, that cannot be a bad thing for families and our community.
Mr FRYDENBERG (Kooyong) (10.10 pm)—I rise to acknowledge the significant event that took place only a month ago commemorating the canonisation of Australia’s first Catholic saint, St Mary of the Cross. As Australians gathered throughout the country, we were reminded of the transformative power of this visionary leader, Mary MacKillop. In our modern world there are too few times when we stop to acknowledge the good deeds of others. However, on October 17 2010, Australians paused to recognise the great legacy of St Mary of the Cross.

Mary was born in Fitzroy, not far from my own electorate of Kooyong, in 1842. Due to her family’s insufficient income, St Mary of the Cross was unable to experience formal education herself and it is without doubt that her personal experiences influenced her determination to open up education to all Australians. She was educated at home by her father, Alexander MacKillop, and was well educated in her faith. That was to be the foundation of her later religious vocation. Mary went out to work at the age of 16, needing to boost the income of her family, and that need saw her move to the small town of Penola in South Australia to work as the governess to her cousins, the Cameron children.

As part of Mary’s role as the family’s governess, she became the primary educator of the Camerons. This role sparked in her a passion for education and a desire to provide educational services to those who were not in a position to provide this for themselves. While in Penola, she met local Catholic parish priest Father Julian Tenison Woods, who shared her concerns about the number of parishes without schools for children. It was in Father Tenison Woods that St Mary of the Cross found someone who shared her desire to improve education access for all poor and underprivileged children in Australia.

I am honoured to have in my own electorate a number of individuals continuing to carry out the legacy of St Mary of the Cross—those who through their own religious vocation continue her work and that of her religious foundation are the Sisters of St Joseph of the Sacred Heart. The Sisters of St Joseph of the Sacred Heart continue St Mary’s mission in assisting the community at Mary MacKillop Aged Care nursing home in the Hawthorn, in the Kooyong electorate. They are the successors to the original Josephite congregation, founded in the small South Australian town of Penola by St Mary of the Cross. The Josephites, or the Brown Joeys as they are affectionately known, continue today to follow the original path set out by St Mary of the Cross. It is a true testament to St Mary’s good work that many of the schools she and her sisters established throughout Australia still stand to this day. The path she forged in education and community assistance has allowed Australian children of all backgrounds the opportunity to access a full and rich education and family life.

I stand here today as someone who is deeply proud of the impact St Mary of the Cross had on both the Catholic Church and the wider Australian community. I also stand here as a proud representative of an electorate with many Catholic parishes and schools who carry out the great work supported by St Mary of the Cross. Among them are All Hal lows Catholic Church and Primary School, Balwyn; Genazzano College, Kew; Our Holy Redeemer Catholic Church and Primary School, Surrey Hills; Our Lady of Good Counsel Catholic Church and Primary School, Deepdene; Sacred Heart Catholic Church and Primary School, Kew; Siena College, East Camberwell; St Anne’s Catholic Church and Primary School, Kew East; St
Bede’s Catholic Church and Primary School; North Balwyn; St Bridget’s Catholic Church and Primary School, Greythorn; St Christopher’s German Speaking Catholic Church, Camberwell; St Dominic’s Catholic Church and Primary School, East Camberwell; St Joseph’s Catholic Church and Immaculate Conception Catholic Church; St Joseph’s Primary School, Hawthorn; St Paul’s College and Burke Hall, Kew.

When St Mary of the Cross opened her first Josephite school, she wrote of a ‘humble beginning for a great work’. St Mary of the Cross reminds us all of the redeeming power available through assisting others, and her great work has left a lasting legacy of which we are all the beneficiaries.

Landcare

Ms HALL (Shortland) (10.15 pm)—Tonight, I rise to acknowledge the fine work done by Landcare groups throughout Australia. As all members and most Australians know, Landcare is a grassroots organisation operated by volunteers, with groups in every electorate throughout Australia. The benefits delivered by this organisation to Australian communities are enormous. In addition to this benefit, Landcare delivers benefits to those tens of thousands of volunteers who work tirelessly to improve, protect and restore our environment.

In the Shortland electorate there are a number of fantastic Landcare groups. When mentioning particular groups, you are always in danger of leaving a group out but tonight I just want to concentrate on a couple of groups I visited very recently. In doing so, I would like to acknowledge the fine work done by all those other groups within the Shortland electorate and give my total commitment to the work that they do. I am actually a trustee on the public funding committee of the Lake Macquarie Landcare group, so I am really committed to the work that Landcare does.

On 11 September I visited the Warners Bay Landcare group. They had received a Community Action Grant for a project and the work had been completed on that project. The morning that was organised to celebrate the completion of that work included people from the local community and those who were involved in the Landcare group. The work that they had done in restoring Warners Creek was spectacular, as was the involvement of the local community in bringing about the changes to that area.

I then visited the Floraville ridge Landcare group, and what had been achieved in that area was spectacular. There had been restoration of the rainforest, removal of bitou bush and total weed eradication, and a wonderful walking trail had been set up in that area. It is a tribute to each and every person who has been involved, but I would particularly like to acknowledge the work of Winsome Lambkin. She was previously a teacher at Floraville Public School where the restored land backs onto the school.

I also visited the Kenibea Bushland Reserve. Barry Wheatley has been involved in that Landcare group for in excess of 10 years. I had a similar experience there. It is such a beautiful and wonderful area that has been restored by caring people who are committed to the environment and the area they live in. On 30 October I visited the Swansea Landcare group’s open day and that was also a similar experience.

There have been a number of groups that have been successful in getting projects funded through the latest Community Action Grants. One of those was the Black Neds Bay rejuvenation committee’s project to undertake work on endangered remnants of rainforest at Black Neds Bay and the nearby Caves Beach. The project will be conducted
through the surf club and will involve one of my very good friends, Stuart Chalmers, who has received an Order of Australia for the enormous amount of work he has done in that area. This project will enhance the natural environment at Caves Beach and will also involve bush regeneration.

The other successful project was from the Fernleigh Track Landcare group. For the benefit of those in the House, I might add that this government has funded the Fernleigh Track to the tune of $2 million, but this project is at the Highfields end. Doug Lithgow, who is a person totally committed to the environment and Landcare, will be involved in that group’s project to enhance the natural environment. Landcare is a fantastic organisation and it delivers untold benefits to Australia.

Townsville Convention Centre

Mr EWEN JONES (Herbert) (10.20 pm)—I welcome the statement by the Prime Minister that all election commitments made by the government will be honoured. As members may be aware, there was significant interest from both parties in the seat of Herbert, based in the city of Townsville.

The coalition was the first to commit to building Townsville a proper convention centre. With every promise we made during the campaign, there were two criteria which had to be satisfied for a commitment to be made: first, there had to be a significant saving to government; and, second, there had to be significant economic benefit from the installation to warrant that investment. Such is the case with the Townsville Entertainment and Convention Centre. Our entertainment centre was built as a basketball court for the then Townsville Suns—now the mighty Townsville Crocs. Townsville had to do it alone and therefore had to build it with as little added expense as possible. So what we have as our major convention destination is at present a glorified basketball court.

There are significant expenses on the horizon—and some well short of the horizon—with this building. The air conditioning is all but gone. The roof leaks excessively. In short, that building is in trouble. There have been a number of occasions where events have been all but cancelled over these issues. This satisfies the first criteria of savings to government—the significant cost of rectifying the building and still only having a basketball court would not make sense.

At present, our entertainment centre can support full convention centre functions for only about 200 people. The lack of breakout areas and display space severely limit my city’s chances of holding exhibitions and conventions, which would go hand-in-hand for a progressive city like Townsville. The cost of the convention centre would be $143 million and the best way to achieve this would be through a three-way split between local, state and federal governments. Our promise was $47.67 million, with an immediate $2.5 million to commence planning and design. Labor promised a straightforward $47.67 million.

The benefits of the convention centre to my city would be enormous. Recently, Townsville Enterprise released figures which told of our city’s growth as a convention destination. They stated: ‘North Queensland lifted the events it hosted by 55 per cent from 194 in 2009-09 to 301 in 2009-10. Delegate numbers rose 89 per cent, from 13,745 to 25,997 and their sleep nights jumped 47 per cent from 49,891 to 73,997.’

Figures supplied by Townsville City Council suggest that the convention centre will attract 263,000 visitors, generate $100 million per year in economic benefit and support 300 jobs. It will feature 5,200 arena seats, 12 meeting rooms, 3,000 square metres
of exhibition space, a ballroom and banquet space for 1,800 people and 800 car spaces.

Australia has a $20 billion business events market. It is only natural that a city with the energy of Townsville should be a bigger player than it is currently. Townsville is already recognised as the sporting and cultural events capital of North Queensland and boasts that four of the five national sporting teams in tropical Australia are based in Townsville. Additionally, Townsville is the largest city in Northern Australia, yet it finds itself hamstrung without this convention centre facility.

I have written to the Treasurer to ask for details on the proposed funding for this project and also that urgent consideration be given to assisting my city with $2.5 million so that the design and plans can be called for and assessed. I await his expeditious and positive response.

Wakefield Electorate: Hewett Community Church of Christ

Mr CHAMPION (Wakefield) (10.24 pm)—It is with great pleasure that I rise to tell the House about a recent visit I had from the Hewett Community Church of Christ. Hewett is a growing suburb in my electorate. Occasionally the Community Church of Christ come to see me and in this case it was Reverend Scott Combridge, Beth Connor and Cindy Vennix who came to see me about the Millennium Development Goals, and they had a gift for me. I know how you feel about props, Mr Speaker, but I will ask the member for Chifley to help me hold up this handpainted banner. It has the hand prints of 50 local children and says, ‘We remember the poor.’ It is designed to encourage all of us to remember the poor, particularly the poor all around the world.

It has been 10 years since Australia and 188 other nations adopted the Millennium Declaration and committed to the Millennium Development Goals. These are important goals because they set a series of measurable targets: to reduce extreme poverty; to reduce hunger and disease; and to promote gender equality, education and environmental sustainability. It was all these things that the Hewett Community Church of Christ wanted us to remember.

It is important to remember that since 2000, hundreds of millions of people have been lifted out of poverty, 40 million more children are now going to school and three million more children survive beyond their fifth birthday, and important progress has been made in the prevention and treatment of HIV-AIDS, malaria and tuberculosis. We know that the health priorities of these goals include reducing child mortality; improving maternal health; combating HIV-AIDS, tuberculosis and malaria; and addressing the rapid rise of non-communicable diseases, particularly in the Pacific.

Australia has had a proud history of providing overseas aid. But since 2005 we have doubled the size of our overseas aid program. On current projections, the program will double again to more than eight billion by 2015. Importantly, this progress has been made with bipartisan consensus and has survived the global financial downturn—a time when one would have expected some pressure on our overseas aid program. It is important for the House to agree on this program because it is in our interests to help the world’s poor and there is a great deal of support in our electorates for it.

Increased aid is not just limited to government; Australian citizens are also generous donors. Last year, they donated around $800 million to development and non-government organisations. That $800 million came from 1.7 million Australians and between 2001-08 private donations increased
by an average of 10 per cent per year in real terms. That is a very important thing. Private donations not only improve the lives of people overseas but also improve our lives because we feel good when we help other human beings.

One of my young staff members, Mr Andrew Anson, is involved in the Oaktree Foundation, a non-government organisation which unites young people to work together to end global poverty. It has over 350 volunteers, all under the age of 26. In May 2010, they organised a Make Poverty History road trip, which had 1,000 young people from across Australia campaigning for a week through marginal electorates on their way to Canberra before participating in the Make Poverty History summit, which was held on the lawns of Parliament House. Two South Australians, Adam Pulford and Nina O’Connor, worked tirelessly to put the campaign together from the South Australian end. It helped unite younger generations in the battle to eradicate global poverty.

We know there are many other people interested in and committed to this issue. We hope to see the Millennium Development Goals implemented in full and an end to poverty around the world.

**Riverina Electorate: Murrumbidgee Irrigation Area**

Mr McCormack (Riverina) (10.28 pm)—The coalition set aside $5.8 billion in the 2007 Water Act for vital water-saving infrastructure. To date, just $437 million has been rolled out when about $700 million should have been spent. Not one cent has been rolled out in the Murrumbidgee Irrigation Area in the Riverina electorate that I represent. I call on the Labor government, which claims it is interested in regional Australia but is yet to prove it, to start delivering this vital water-saving infrastructure for the good of regional farming communities and the good of the nation.

The Speaker—Order! It being 10.30 pm, the debate is interrupted.

House adjourned at 10.30 pm

NOTICES

The following notices were given:

Mr Albanese to move that standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business) be suspended for the sitting on Thursday, 25 November 2010.

Mr Albanese to move that the program of sittings for 2011 that was presented to the House on Monday, 22 November 2010, be agreed to.

Mr Albanese to move that:

1. the Privileges and Members’ Interests Committee (the Committee):
   (a) develop a draft code of conduct for Members of Parliament; and
   (b) report back to the House by the end of the Autumn 2011 sittings;

2. in considering the matters in paragraph 1 above, the Committee give consideration to:
   (a) the operation of codes of conduct in other parliaments;
   (b) who could make a complaint in relation to breaches of a Code and how those complaints might be considered;
   (c) the role of the proposed Parliamentary Integrity Commissioner in upholding a Code; and
   (d) how a code might be enforced and what sanctions could be available to the Parliament; and

3. the Committee consult with the equivalent committee in the Senate on the text of a Code of Conduct with the aim of developing a uniform code, together with uniform processes for its implementation for Members and Senators.
Mr Bandt to move:

That this House supports the agreement reached by logging industry representatives and non-government organisations on the future for Tasmania's forests.
The DEPUTY SPEAKER (Hon. Peter Slipper) took the chair at 10.30 am.

CONSTITUENCY STATEMENTS

Flynn Electorate: Hospitals

Mr O’DOWD (Flynn) (10.30 am)—I rise to talk about the shocking neglect of the health and hospital system in Central Queensland. Of particular concern today is the lack of spending by the state Labor government on the Gladstone Hospital and the lack of any consideration by the federal government to providing additional stimulus funding to bring this hospital up to a stand befitting an Australian industrial hub. Gladstone Hospital caters for a population of over 45,000, comprises 66 beds in the public hospital system and has community health services. The emergency department is crammed in with the outpatient department and it is totally inadequate for today’s demands.

Heaven forbid that we should ever have a serious disaster, because if we do Gladstone Hospital will be stretched beyond its limits. Emergency department presentations have risen by 28 per cent in the last six years. Believe me, they will continue to rise as industry gears up to accommodate the new LNG industry. Thousands of new workers and their families are due to start arriving in Gladstone within the next 12 months and we have a hospital that was built in the 1980s. It is an outrage. It is an outrage because the Labor government is intent on spending $6 million on a GP superclinic in Gladstone that is not needed. That money would be better off being applied to the Gladstone Hospital to provide a stand-alone emergency department and other services that will bring the hospital up to 2010 standards.

The management and staff are doing an incredible job with what they have, but they need more. People from Gladstone have to travel to Rockhampton up to three times per week for dialysis treatment. This is not their choice. They have to because Gladstone, Australia’s powerhouse industrial city, does not have the suitable equipment to provide this service. Gladstone Hospital needs $25 million now—no more bandaid treatments. Do it once and do it right. It is just $25 million for a city that provides Queensland, and Australia, with much of its wealth. The government promised a further $1.8 billion for regional health. All Gladstone needs is a lousy $25 million. This government has wasted more than that on the report on the NBN that it will not release to the Australian public. The people of Gladstone deserve better than what they are getting from the state and federal governments.

Hindmarsh Electorate: Thebarton Senior College

Mr GEORGANAS (Hindmarsh) (10.33 am)—Today I rise to speak about Thebarton Senior College, in my electorate of Hindmarsh. I was very privileged and honoured to be at Thebarton Senior College recently for the opening of the new language centre, which was part of the Building the Education Revolution. Over $1.7 million of funding went towards that particular school. I would like to acknowledge the great work that the staff do there in ensuring that the education system works very well for their students. Many of the students are new arrivals to this country and attend the college to learn English as a second language. Principal Kim Hebenstreit is fantastic and is doing a great job there in running the college.

On the day that I was there the members of the governing council were there, as were representatives from TAFE SA, DECS, and Kennett Builders, who built the magnificent lan-
language centre at Thebarton Senior College. As I said, Thebarton Senior College received $1.7 million in funding to build the centre. We know only too well that there have not been enough opportunities for schools around Australia to undertake major projects like this for quite some time. We know that they were crying out for better facilities to give them the tools to be able to educate our children. Over 11 years, all that we saw from the current opposition were programs for flagpoles—and that was about it. Even then, as an opposition we were not allowed to go to the opening ceremonies; they had to be opened by government members only.

But back to the point: the $1.7 million for this language centre will enable students to have the tools to get an education and go on to become good citizens of this country. As governments it is our duty and our job to ensure they have all the tools in their hands to be able to get that education. The $1.7 million for the language centre came from the government’s Science and Language Centres for 21st Century Secondary Schools program. I know there are over 537 projects like this one being built around Australia.

It was so good to be there on the day, especially to chat with the builders, Kennett Pty Ltd. How interesting it was to hear their perspective—that the BER had supported quite significant job growth in the building industry, against the backdrop of a pretty serious world financial crisis. The Kennett builders were telling me that they had to take on extra staff, not only for this project but also for many other projects around South Australia, because they picked up quite a few of the contracts. They said they were putting people off before we started our BER projects. It was very good to hear that from them first-hand. So the building of this centre benefits not only students, who will be able to enjoy this facility, but also construction workers and tradespeople in the area because it has created a lot of work locally. (Time expired)

Aston Electorate: Roads

Mr TUDGE (Aston) (10.36 am)—In the newsletter I sent to my constituents in October, I asked for their views on the Stud Road bus lane. Stud Road is the only north-south road that travels through the city of Knox, and as such it is a very important arterial connecting our community. The response that I received to my newsletter was overwhelming. About 90 per cent of the respondents asked that the bus lane be removed or amended. They said that it was unnecessary, it was dangerous and it was adding to congestion.

I have with me some comments from those residents. Sherman from Wantirna says, ‘The bus lanes are dangerous, a waste of space and in my opinion a waste of good taxpayers money.’ Victor from Rowville says: ‘It is a ridiculous and very, very dangerous bus lane. It is unwarranted and dangerous because at various points four lanes suddenly become two lanes.’ Ian from Bayswater puts it very simply: ‘It needs to be scrapped, urgently.’ I could not agree more with these sentiments expressed by local Knox residents. The bus lane is dangerous. The lane does add to, rather than subtract from, urban traffic congestion. And, with only six to seven buses travelling down the Stud Road per hour, it does not warrant a dedicated lane.

I have asked the responsible minister to scrap the bus lane and start again or at the very least undertake a full evaluation of it. If such an evaluation were undertaken, it would reveal that the number of buses does not warrant a dedicated bus lane, it would reveal how dangerous it is when traffic has to constantly merge in and out to avoid the bus lane and it would enable a full consideration of the constructive suggestions that local residents have already made, including changing the bus lane to a bus priority lane or having priority signals for buses at traffic lights, rather than having a dedicated bus lane which cars cannot use.
We do need to ensure that buses can meet their schedules, but let us not make that happen at the considerable expense of all other road users, including putting motorists at risk. There are smarter options available. I urge the minister to heed my request to scrap the Stud Road bus lane or at the very least undertake a full evaluation of it. Thank you.

Makin Electorate: Asbestos

Mr ZAPPIA (Makin) (10.38 am)—On Friday, 26 November, I will be attending the annual memorial service for victims of asbestos related disease. It is held each year at Pitman Park in Salisbury, where the Asbestos Victims Association of South Australia has established a permanent memorial to asbestos victims. The Asbestos Victims Association of South Australia is a voluntary, not-for-profit advocacy group established to provide any kind of assistance it can to individuals and families who have become in some way victims of asbestos related illness. A white wooden cross for each asbestos victim known to the association is placed adjacent to the memorial on the day. Sadly, each year the number of crosses increases.

Public recognition of the extent and seriousness of asbestos related issues and the obligations of those who knew of its dangers reached a peak when the late Bernie Banton became the face and voice of the national asbestos campaign. I met Bernie when he attended and addressed the Salisbury service—I believe in 2006. He was an inspiration to all asbestos victims around Australia and a tireless campaigner for asbestos victims. Since Bernie’s passing, the campaign for justice and support for asbestos victims has continued. Only three weeks ago I attended the Pooraka Neighbourhood Watch monthly meeting. Terry Miller, president of the AVA in South Australia, was the guest speaker on the night and provided an excellent presentation on the topic of asbestos.

I note that last week a motion was moved in this place by the member for Reid on this very issue, and I congratulate him for that. I also note that asbestosis and mesothelioma are insidious diseases for which there is no cure. The authorities and those who produced asbestos were warned of its health risk over 100 years ago yet continued using the product for decades with no concern for human life. Not only should they be paying compensation, but those responsible should have been charged with industrial manslaughter.

It is expected that, even though the use of asbestos products has been banned for some time, we can expect to see the number of asbestos victims continue to rise. It is estimated that by 2020 around 54,000 Australians will be affected by an asbestos related illness. Sadly, the number of deaths related to the September 11 terrorist attack on the twin towers continues to grow because the clouds of dust caused by the destruction of the buildings were full of asbestos dust which subsequently infected many of the rescuers or others in the vicinity.

The campaign related to asbestos being run by the Asbestos Victims Association and its counterparts around Australia highlights more than just asbestos issues; it is a salutary reminder that human life can be of so little value to those driven by greed, and that mindset is still widespread in the world today. I commend the team led by Terry Miller, Kat Burge, Pam Sandys and Tony Henstridge for the work that they are doing in South Australia in trying to change the laws relating to asbestos.

Wright Electorate: Community Services

Mr BUCHHOLZ (Wright) (10.41 am)—I rise to give recognition in this place to the work done by two community organisations in the electorate of Wright. One organisation is Beau-
care community care. I attended their AGM recently and congratulated their new incoming committee for stepping up to be part of Beaudesert’s future. The work of the past also should not be forgotten, and therefore I also congratulate the outgoing committee for its great work over the last year, including the final phase of construction of a magnificent new building at the Beaudesert Hospital precinct. The foresight and professionalism shown by the whole project management group of volunteers will be an investment in the community that will receive a dividend for many years to come.

Beaucare has been operating since 1987 and has provided a valuable contribution to our community. Beaucare provides a broad range of services, including child care, family support, youth development, community development and support services for the frail and aged and people with disabilities. Under the guidance of President Marg Moss and Treasurer Geoff Ryan, Beaucare runs a family support program called KinKare, which has a relative carer support group in Beaudesert. KinKare provides mutual support information and advocacy to grandparents in relative care and those who do not have access to their grandchildren. The group allows grandparents and kin carers to share their stories of triumph and heartache, obtain access to relevant and up-to-date resources and information, and gain valuable support with understanding. The delivery of the services of Beaucare is overseen by the general manager, Nola Petersen.

The second organisation is called Rural Lifestyle Options. It provides opportunities for people less fortunate than us in this place to maximise their quality of life. I had the privilege of visiting Rural Lifestyle Options a few weeks ago and sharing a meal with them. It was just a short walk through the back of the block of my Beaudesert office, but it took me to another place. This is a place where people who would struggle to engage in mainstream settings are given the love, care, skills and confidence to find a better quality of life. In my brief visit I shared a meal and was welcomed by some of the residents.

One address in particular will stay with me for the rest of my life. It was an address of welcome delivered by a young man by the name of Martin Caswell. We in this place are used to public speaking; there are many members here who can rise without a moment’s notice and produce an eloquent address without preparation. However, there are also times when the eloquence is not matched by commitment, so we find ourselves watching speeches going through the motions. What a difference Martin Caswell’s speech made to my day. I struggled to understand many of the words that Martin was using, but the passion and engagement which were projected there were truly impressive. (Time expired)

**Lindsay Electorate: Pink Ribbon Campaign**

*Mr BRADBURY (Lindsay—Parliamentary Secretary to the Treasurer) (10.45 am)—Every day more than 30 women discover that they have breast cancer and begin the gruelling journey through treatment. Out of the 13,600 women who are diagnosed with breast cancer each year, almost 3,000 will tragically lose their lives. In support of and to assist those women who have been diagnosed with breast cancer and are facing the challenge of dealing with that diagnosis, for the last three years I have been, through my electorate office, organising a series of Pink Ribbon morning teas. This year, being the third year, we held morning teas over the last two Fridays, one at the St Marys RSL and the other at the Penrith Panthers Leagues Club. I would like to take the opportunity to thank both of those organisations for their generous support in hosting these events free of charge and donating the morning tea, which was on*
offer for more than 200 local residents collectively. When we look at the funds that have been raised over the last three years through this initiative, we have now reached the $10,000 mark. I am pleased to say that this year we raised $4,662. At St Mary’s we raised $2,157.20, and at Penrith, $2,505.

There are many people that I wish to take this opportunity to thank for their support of this event. I would like to acknowledge our guest speaker, Julie Ackroyd, an ambassador for the National Breast Cancer Foundation. All of the proceeds of course of these events over the last three years have gone to the National Breast Cancer Foundation. Apart from having our speaker, Julie Ackroyd, give us some background on her very inspirational story, we also heard from representatives of the Nepean Valley Zonta Club, Lyn Sepatouc, and Lilly Cowen, who are involved in an initiative that provides free breast care cushions to ladies that are going through mastectomies.

I would also like to thank those who donated prizes to the event. In particular I would like to thank Krystyna and Kristy Whitbread, Barbara Plummer, Irene Brown, Vicky Griffith, Veronica Fleeton and Oban King. These women have spent many hours working on many of the goods that were offered up for raffle and with their efforts we were able to raise some funds through this process.

I would also like to thank those sponsors: Vicary’s Winery; Priceline Pharmacy, Penrith; Morgan’s Hand-Crafted Coffee; the Heritage Terrace Cafe; the Caring Hearts Community Quilters; Penrith Valley Providore; Gloria Jean’s, St Marys; and all of the other sponsors that have contributed to helping us raise these funds that will go to the National Breast Cancer Foundation to assist with further education and research to prevent and treat breast cancer and to assist those women in particular who will face this challenge into the future.

McMillan Electorate: Foreign Investment

Mr BROADBENT (McMillan) (10.48 am)—I have a dilemma, and that dilemma is faced by many rural members such as me. Sixty per cent, or two-thirds, of Gippsland’s dairy farms are in my electorate. Gippsland farmers produce 2.1 billion litres of milk or 23 per cent of the national milk production. The export value of our dairy product is $690 million and 30 per cent of the farms are owned by the people who exist on the property. We have lamb, sheep, wool and potatoes. We grow lots of apples, and there is beef of course.

My dilemma is that at the time of retirement these farmers would choose to sell to the best bidder, which is only reasonable. On the other hand, the nation is concerned about internationals from Singapore and China and other countries coming in and buying up properties in South Gippsland and around the nation. Australia has survived and grown and developed out of overseas people investing in this nation—in our mining, in our financial sector, in our businesses, in our agricultural sector. How can I say to a farmer, ‘You can’t sell to the highest bidder; you should go and have an assessment of whether you should sell that property?’ I cannot. If you are a farmer in your 40s, 50s or 60s and you want to retire out of the industry, you should be able to sell to the highest bidder. But the nation is saying, ‘We don’t want our land and property handed over to people from other nations.’ It is a serious dilemma that we have to find a way through.

Mr Deputy Speaker Slipper, you come from an area where there has been an enormous amount of foreign investment. I believe people are not concerned about investment in those
properties. The member for Durack has just walked in. He has an enormous amount of foreign investment in his electorate. Probably one of the highest levels of foreign investment in this country’s history is going on in his electorate. How do I as a member of parliament say to a farmer, “This nation says you cannot sell your property to an overseas investor without a review?” And what if that review is negative towards the farmer? We have a dilemma in this parliament as to how we protect our national capital and at the same time encourage investment from overseas. I put to you that we are going to have to deal with the issue. I have not got an answer.

**Family Law Legislation**

Mr NEUMANN (Blair) (10.51 am)—On 11 November 2010 the Attorney-General, the Hon. Robert McClelland, released a draft bill for public consultation, open to 14 January 2011, proposing amendments to the Family Law Act to provide better protection for children and families at risk of violence. Since writing an online opinion on onlineopinion.com.au for Graham Young, I have had considerable feedback in my electorate and also across South-East Queensland.

The Howard government got it wrong on shared parenting and the protection of children. In 2006, without any social research and in a knee-jerk reaction to the urgings of a vocal minority of men’s groups, the Howard government made sweeping changes to the Family Law Act in parenting matters. By elevating the rights of parents above the need to protect children, the Howard government fettered judicial discretion and created a legislative pathway fixated on shared parenting. The change has been much criticised in reports such as the *Family Courts violence review* by Professor Richard Chisholm, a former justice of the Family Court; the Australian Institute of Family Studies’ *Evaluation of the family law reforms*; and the Family Law Council’s *Improving responses to family violence in the family law system*.

A culture of expectation developed that it was worthwhile for children to continue regular contact with a parent even if it meant exposing a child to abuse, neglect and family violence, as a result of the 2006 Howard government changes. Time and again parents felt compelled to agree to contact arrangements for fear of falling foul of the ‘friendly parent’ provision imposed with the 2006 changes. The task confronting any court where allegations are made is daunting, more so in the pressure cooker of an interim hearing, usually shortly after separation and without the benefits of detailed affidavits or cross-examination. The ramifications of terminating all contact between a parent and a child can be many and long term, but the balance needs to be restored in favour of the protection of children, and it is restored by these proposed amendments.

The bill incorporates for the first time the United Nations Convention on the Rights of the Child, compelling the court to consider the convention in deciding matters concerning children. The bill elevates the primary consideration of protecting a child from abuse, neglect and family violence over the benefit of having a meaningful relationship with a parent, where there is an inconsistency. It broadens the definition of “family violence” in tune with community perceptions and understanding to include not just actual or threatened physical or sexual assault but harassment; emotional manipulation; financial abuse; cultural, familial and friendship isolation; and a range of dominating and controlling behaviours. The bill also expands protection of children by expanding the definition of ‘abuse’ and approving obligations on court personnel and independent children’s lawyers to report child abuse to state and territory...
departments of child safety. ‘Abuse’ is also expanded to include serious psychological harm. The balance is back with this bill. Once again, the best interests of the child is the paramount consideration. (Time expired)

**Durack Electorate: Ms Jan Ford**

Mr HAASE (Durack) (10.54 am)—On 12 October 2010 Durack constituent Jan Ford, owner of Jan Ford Real Estate, Port Hedland, won the Commonwealth Bank Business Owner Award at the prestigious Telstra Western Australian Business Woman of the Year awards. The Commonwealth Bank Business Owner Award is for owners with a 50 per cent or more share in a business who have the responsibility for key management decision making. Jan is principal and licensee of Jan Ford Real Estate, an agency opened 10 years ago in Port Hedland. Jan Ford Real Estate opened its doors in April 2000 and has grown from a one-person operation to an immensely successful business now employing 13 staff.

Jan chose to start a business, in her words, ‘in a town that was sliding backwards, dominated by men, with red dust, cyclonic weather and temperatures of up to 50 degrees’. It was not an ideal business climate for anyone starting a new enterprise. With Port Hedland in the early nineties being such a male dominated area, both in real estate and in mining, Jan was resolute about the need to create a family friendly business. With a lack of infrastructure impeding the growth of Port Hedland, in 2001 Jan became part of a community action group to instate changes needed to support development. Subsequently, she was elected to the local shire and is now on the Port Hedland Port Authority board. Port Hedland port, I might add, is the largest tonnage port in Australia, with a throughput in 2009-10 of 178.6 million tonnes, made up of manganese, solar salt and iron ore. Port Hedland is the home of BHP Billiton and Fortescue Metals Group, led by the famous Twiggy Forrest.

Jan is renowned in the local Port Hedland community for working tirelessly for the betterment of the town. She has been involved with the creation and continuation of alliances between local and state government agencies and also federal initiatives. Rather than despair, back in 1999, at her husband’s relocation to an isolated mining town, rather than become despondent because she could not gain employment in the real estate industry upon her arrival, Jan took the bull by the horns, so to speak, and opened her own real estate agency.

The Pilbara cities of Port Hedland and Karratha are much different today. With the Pilbara Cities initiative underway, with the support of the state government and, hopefully, the federal government, the Pilbara will be the city of the north and the place to live. It is people such as Jan, who live in isolated and harsh environments and succeed against all odds, who deserve applause from all Australians. Jan is a pioneer in every sense of the word. I congratulate Jan Ford on her win and wish her continued success for many years to come. (Time expired)

**Throsby Electorate: Vocational Education and Training**

Mr STEPHEN JONES (Throsby) (10.57 am)—I am very proud to represent the Gillard government’s record on job creation and our reform agenda that recognises the strong link between every stage of a person’s education, their employment prospects and our national productivity. In my electorate of Throsby, part of the Illawarra region and the Southern Highlands of New South Wales, general unemployment in the Illawarra part of the electorate sits at several points above the national average. The story, alarmingly, with regard to youth unemployment is particularly dire, sitting at 14.8 per cent, above the state-wide average of 11 per
cent. In parts of my electorate, unemployment, and the social disadvantage that flows from this, is an issue that spans generations.

Addressing this issue will be a key focus of my work as the member for Throsby and a member of the Gillard Labor government. We have a clear vision and a strong agenda to focus on education and skills. Given the skills shortages that we are dealing with, Labor’s priority is to train our young people for the long term. An important program in this regard is the Gillard government’s $2.5 billion Trade Training Centres in Schools Program. More than $219 million has been allocated in the third round of the program to deliver 58 projects across Australia.

I would like to take this opportunity to congratulate the principals and teachers who worked on the Illawarra Partners in Education Trade Training Centre. Three schools in this consortium—Warrawong High School, Figtree High School and Illawarra Sports High School—were recently successful in being awarded a grant of nearly $3.7 million. I would also like to congratulate Picton High School and Tangara School for their work in putting together another trade training proposal, which was successful in the latest round in being awarded $1.2 million. Putting together an application like this takes a great deal of time and effort, and I commend these schools for their outstanding commitment to the success of their students.

In regions like the Illawarra and Southern Highlands, where there are high levels of youth unemployment and a lack of access to skills training opportunities—and the social disadvantage that rises from this—centres like these are making a real difference to students because they can get hands-on experience in the trades while they are still at school. These new trade training centres will encourage students to build their capacities and skills so that they can participate in our economy and help meet the skills shortages that we face. In contrast to those opposite, who failed to provide this much-needed investment in skills training when they were in government, Labor’s view is that the long-term solution is to be found in training and educating our young Australians to ensure that they can access job opportunities through the growth in these industries. For Labor, skilled migration will only ever be a part of the solution; our focus is on training our young people to meet the skills needs of the future.

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! In accordance with standing order 193 the time for constituency statements has concluded.

PAID PARENTAL LEAVE (REDUCTION OF COMPLIANCE BURDEN FOR EMPLOYERS) AMENDMENT BILL 2010

Second Reading

Debate resumed from 15 November.

That this bill be now read a second time.

Mr BILLSON (Dunkley) (11.01 am)—This is an important opportunity for the parliament to listen to and respond to very legitimate concerns about the compliance burden, the cost and the regulatory risk to employers in implementing the government’s Paid Parental Leave scheme. What I need to make absolutely clear at the outset, given the mischievous and ill-informed comments the minister has made today, as reported in the media, is that this in no way changes the nature of the benefits available under the Paid Parental Leave scheme or the eligibility criteria and in no way impedes the introduction of the scheme from 1 January.
fact, from 1 January, the scheme will be administered by Centrelink. It is Centrelink that will be handling the paperwork, making arrangements for the payments, confirming eligibility and resolving any disputes that may arise so that the Paid Parental Leave instalments are paid directly to eligible recipients.

The proposition contained in the Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010, is a very simple one: maintain that system. Keep that investment, the infrastructure to deliver the Paid Parental Leave services and all the systems that go along with it that the government is putting in place for the first six months, by continuing those arrangements indefinitely. The bill seeks to ensure that that is the case, because the government’s stated plan and the provisions that exist within the Paid Parental Leave Act actually enable the government to require employers, big and small, to carry out the pay clerk function for the Paid Parental Leave scheme after its first six months of operation. This bill seeks to ensure that that does not happen and that the government continues, through Centrelink’s Family Assistance Office, to administer these payments.

In June 2010, parliament passed the Paid Parental Leave Act, and it comes into effect from 1 January next year. The scheme provides for eligible recipients to receive up to 18 weeks paid parental leave per child, paid in instalments, at the national minimum wage. Under the scheme, payments are administered by Centrelink’s Family Assistance Office for the first six months, after which employers will be obliged to receive payments from the Commonwealth for forwarding on to eligible employees, and employers will need to account for these transactions. Significant fines may be imposed on employers that fail to meet the numerous obligations and compliance requirements imposed under the scheme.

Let me reiterate that this is not about changing the scheme, the nature or amount of the payments or the eligibility criteria; it is about the way in which the scheme is administered. It is completely mischievous of Minister Macklin to suggest this would in any way hold up the scheme.

Employer organisations and the small business community are deeply concerned about being forced to be the pay clerk for the government’s Paid Parental Leave scheme, because of the costs, the red tape and compliance burdens and the risks it will impose. These unnecessary and avoidable costs and risks include the need for employers to become aware of and familiar with their obligations and responsibilities under the government’s scheme—to make necessary changes to their payroll and accounting systems; to train staff; to receive, handle, process and make payments in a timely way, in instalment amounts. There are compliance, verification and reporting requirements, and of course the opportunity cost of this displaced effort and these resources. From the government’s own information, there will be more than a dozen transaction points that will need to be handled by an employer, big or small, and they need to put in place the systems to ensure that they are undertaken in the way the law requires.

This bill is about removing that administrative and compliance burden and the costs and risks that the government wants to impose on employers by obliging employers of eligible recipients to carry out this pay clerk function. The effect of the bill will be to indefinitely maintain the role of the secretary to administer the payments to eligible recipients through Centrelink’s Family Assistance Office beyond the first six months of the scheme. What is extraordinary is that the government sees fit and believes it to be entirely appropriate, safe and thoughtful to have the Family Assistance Office administer the scheme for the first six months.
but not after that. It is an arbitrary cut-off arrangement where no credible justification or persuasive argument has been presented. The bill will not change any of the scheme’s parameters or the provisions about eligibility.

When the original paid parental leave bill was considered by parliament in June, the Senate agreed to support the coalition’s amendments, and these amendments are replicated in this private member’s bill. But the government threatened to delay the entire scheme if the Senate insisted on these amendments. I have not seen such an extraordinary overreaction and piece of parliamentary bullying in the 15 years I have been representing the Dunkley community here. On an issue of relieving employers, big and small, of a pay clerk compliance obligation, the government was prepared to delay the entire scheme. It makes you wonder: what is really going on here? There has been a chorus of concern raised right across the country—from small businesses, big businesses, representative organisations and thoughtful and leading thinkers such as Peter Strong, the Executive Director of COSBOA, who is in the gallery here today—for the government to abandon this nonsense.

But what do we get instead? Minister Macklin was reported in this morning’s paper as saying the coalition wants to delay the start of the scheme. What utter nonsense! There is nothing in this bill that will cause any delay to the scheme. It was the government that threatened to delay the entire commencement of the scheme if the coalition, given that the Senate supported our amendments, insisted that those amendments be captured in the law.

You do not necessarily have to agree with me, but I would like to think that Minister Macklin might agree with herself, that the Prime Minister might agree with herself and that Minister Plibersek might agree with herself. I take them back to their 13 July 2007 media release. This was a joint media release from shadow ministers Plibersek, Gillard and Macklin headed ‘Maternity leave’. It stated:

Labor will not support a system that imposes additional financial burdens or administrative complexities on small business …

Those were their words. They not only said they would not support it but demanded it; they insisted on not having those kinds of burdens imposed on small business and other employers. Otherwise they threatened to delay the entire commencement of the scheme. If for no other reason than personal integrity and implementing election promises, all sides of the parliament should back this bill. In fact, Labor ministers are running around the countryside talking to small business and employer organisations, saying that they agree with the proposition in my bill but that they did not win the argument within Labor. I think it is interesting that even the ACTU, in its Productivity Commission submission in May 2008, stated:

The simplest administrative system would seem to be that the government provides the safety net components—

it handles the payments—

to all the new mothers via the existing welfare system, as it does with the baby bonus. Employers would provide any additional top up payment to employees as per their usual methods.

That is the union movement’s position, a position reinforced more recently when the exposure draft was developed and entirely consistent with the position reflected in its May 2008 submission. What is quite extraordinary is that the government has gone ahead with a thing completely opposite to what it promised as articulated in its July 2007 press release.
So what are we left to conclude? We are left to conclude that the government has no interest in hearing from and responding to the concerns of the small business community. COSBOA Executive Director Peter Strong astutely picked up how the Gillard government’s decision to impose this PPL pay clerk responsibility on smaller employers shows that the government:

… does not value the time and effort put into the economy by small business by continuing with this.

What Mr Strong was saying is that small businesses are not machines; they are run by people, and the people are saying, ‘We have enough of a burden trying to maintain the viability of our businesses and the employment and economic opportunities that they facilitate without having this pointless and completely unjustified imposition distracting us from that work.’ COSBOA has been consistent in its criticism of the government’s imposition of the additional red tape and compliance burden, rightly questioning:

Will the government never learn the simple needs of small business?

I fear not. It seemed to know it when there was an election in the air; it made clear statements that it now turns its back on.

So what are we left to conclude? I think that what we are left to conclude is that something else is going on here. It cannot actually be the substance of the issue. Why would the government threaten to delay the entire commencement of its Paid Parental Leave scheme because of the opposition and the Senate simply wanting to continue the administrative arrangements the government itself was putting in place for the first six months? Why would it want to junk the whole scheme, and why would it make statements of a similar ilk today in opposing this private member’s bill that should have the support of all members in this parliament, particularly any Labor member who wants to stand behind election promises from their side of politics?

So what could this be? The government has failed to provide any persuasive justification. There must be something else going on here, not only requiring the administrative arrangements but putting this system in place to fit small business up to top up the commitments. (Time expired)

The DEPUTY SPEAKER (Hon. Peter Slipper)—Is the motion moved by the shadow minister seconded?

Mr O’Dowd—I second the motion.

Mr PERRETT (Moreton) (11.11 am)—I rise, in contrast to those opposite, to voice my opposition to the Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010. It is raining in Queensland, but it is another beautiful day here in Canberra with yet another horrible political stunt from the opposition. It is straight out of the opposition playbook—the ‘deny, delay, destroy’ playbook. It does not matter what the policy is; it seems that those opposite, since August, have been making exactly the same play—or actually we might go back to December last year, perhaps. If we look at the stimulus package, at significant healthcare reform, at a national curriculum or at the National Broadband Network, it is the same thing: deny, delay, destroy.

Now those opposite are so ashamed of their own shocking policy on paid parental leave that they are taking the wrecking ball to the federal government’s Paid Parental Leave scheme. For the first time in history Australia has a fully government funded Paid Parental Leave scheme, and I am proud to be a part of the government that has commenced this proc-
six months pay at the minimum wage following the birth or adoption of a child. This is an historic social reform. It is not something that was achieved under the 12 years of the Howard government.

When we look around the world we see where we were behind. Let us look at some of those countries like Bolivia, where they get 12 weeks; Equatorial Guinea—now there is a real OECD leader; Eritrea; Cambodia; and Mongolia. They are just a few of the countries that Australia was behind when it came to a paid parental leave scheme. It is truly a shameful state of affairs that we took until 2010, under the Gillard government, to bring in this historic social reform.

Australian families, as I am sure you know, Mr Deputy Speaker, need this reform, because just like annual leave and sick leave this is a workplace entitlement that is good for the economy. It gives one parent the opportunity to spend more time with their infant in the early months and also to keep on top of the mortgage and the bills. As anyone with kids would know, these bills do not let up just because they have a baby. In fact, it is probably just the opposite.

More than 2,000 applications for paid parental leave have already been received from expecting parents, and businesses are also getting on board, with up to 550 employers already signed up. So our Paid Parental Leave scheme is fair to business and good for business. Despite the protestations of those opposite, we are seeing businesses getting on with the fact, catching up with Bolivia, Eritrea and Equatorial Guinea, and saying, 'This is a good way to treat our employees.'

Let us look at why we should have Labor’s Paid Parental Leave scheme. It is not just because it is the right thing—something that you feel in your gut. We also need to look at the economic reasons. The Productivity Commission, a very well respected body, recommended this model because it would help employers retain skilled staff and boost workplace participation. As I am sure anyone from COSBOA would know, one of the big costs associated with small businesses is retaining good staff or, more importantly, finding good staff. It can cost $10,000, $20,000 or $30,000 to find a good employee. So this initiative from the Gillard Labor government is about making sure that small businesses and big businesses can retain skilled staff.

The shocking irony from those opposite is that, having spent months crowing about their plan to slug business with a new tax, they are now, all of a sudden, concerned about the impact our scheme will have on business. I put it to the member for Dunkley that given that during the election his side were putting forward a proposal for a 1.7 per cent levy to be put on everyone shopping at Woolies or Coles or putting petrol in their car—that great big tax on everything that was going to be passed straight on to consumers; that 1.7 per cent levy or tax—it is a bit hard to swallow to see the member for Dunkley now putting this proposal forward. The Labor government consulted appropriately with stakeholders, and we now have a system that imposes very little on businesses—certainly not the billions of dollars in extra tax that would have been passed on to all Australians and would have come straight out of their wallets.

It is worth explaining to the member for Dunkley how the system works and perhaps putting to rest any fears he may have cultivated amongst Australian businesses. I think it was on Thursday last week that his colleagues forgot his name in question time, but I want to assure
the honourable member that I will not forget him. Employers will receive funds from the government before they are required to pass them on to their employees, and will make payments in line with the employee’s usual pay cycle. Employers can choose to receive payments from the government in as few as three instalments. Employers will provide government funded parental leave pay to their long-term employees only—so only those who have been with them for at least 12 months. Payments will be made on a ‘business as usual basis’, so there will be no special rules or special bank accounts or special red tape; it will just be business as usual. Employers simply have to provide parental leave pay in accordance with their usual pay cycle and provide a notice, such as a pay slip, to their employee—just as with other leave like annual and sick leave. Obviously, small businesses have a close connection with their employees and, with modern email distribution networks, it is not uncommon for people to receive an email notice with their pay details while they are at home.

Employers are not required to pay the superannuation on parental leave pay, and the government has made sure that employers do not have any increased payroll tax liability or workers or accident compensation premium liabilities. To help ensure that employers can prepare and adjust, the government has phased in the new payment arrangements over six months, kicking off from 1 July 2011. This is the best time for most businesses, at the start of the new financial year. And, of course, any reasonable costs incurred by employers in administering the scheme will be tax deductible. So the parliament should judge this opposition bill for what it is: it is sour grapes dressed up as legislation.

We all know that paid parental leave is long overdue. Almost all modern countries have a paid parental leave system in place. From my research, the United States and Swaziland, in southern Africa, are the only countries in the world without some sort of paid parental leave scheme. Even Sudan and Rwanda are progressive enough to have funded schemes in place. But this does not stop the opposition in their aim to wreck this historic reform. As I said, I think it is a case of sour grapes that they are not able to associate themselves with this great reform. Australian families have already waited far too long for this paid parental leave scheme. For 12 years, the opposition were dead against paid parental leave. I think the suggestion was that it was going to be introduced over the member for Warringah’s dead body. Unfortunately, that is another election promise that has gone by the wayside! But, despite their pie in the sky election commitment to the 1.7 per cent levy, it seems that little has changed—it is just one more delay, more denial and more destruction from the opposition.

Ms LEY (Farrer) (11.19 am)—This debate is not about whether we should have paid parental leave or the merits of the government’s Paid Parental Leave scheme versus the opposition’s paid parental leave scheme; it simply seeks to revoke the unnecessary and burdensome administrative requirements of the Paid Parental Leave scheme due to come into effect on 1 January 2011. The Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010 is a proactive measure introduced by the coalition to reduce the burden on business. Under the government’s Paid Parental Leave scheme, the Family Assistance Office will undertake responsibility for parental leave payments for the first six months of the scheme. Thereafter, Labor has proposed that responsibility falls to the individual employer, who will be forwarded payments by the Commonwealth only to on-pay them to workers. What a clumsy administrative arrangement that is. The coalition, instead, proposes that the Family Assistance Office retains responsibility for the administration and payment of paid
parental leave indefinitely after the first six-month period. By having the government retain responsibility as paymaster, we can prevent an additional regulatory strain on businesses, which currently suffer enough red tape. In particular, this strain would be felt disproportionately by small business, which may not have the specific human resources or payroll personnel to administer the scheme. Labor risks threatening the livelihood of some businesses which just do not have the capacity for another layer of bureaucracy or the additional administrative costs that are likely to flow on from this. Employers who fail to meet the administrative requirements of the scheme are liable for hefty fines. In all likelihood small businesses that have difficulty in coming to terms with that additional administrative requirement are the ones that will suffer.

Business lobby groups have been vocal in their criticism of passing the role of paymaster from the Family Assistance Office to an individual business. The Chamber of Commerce and Industry Queensland Vice-President, Ken Murphy, has stated:

… what has not been taken into account is the impost of administration costs associated with the scheme. Any national paid parental leave scheme must be wholly administered by government.

Yet by having responsibility for the administration of Paid Parental Leave remain with the Family Assistance Office, we can avoid an administrative nightmare for businesses. Surely the logic of this is evident to all, barring those opposite.

Regrettably for Australian families and Australian businesses, this Paid Parental Leave scheme is neither as family friendly nor as business friendly as the scheme proposed by the coalition. Our scheme offered 26 weeks paid leave at the wage level previously received by the parent up to a salary maximum of $150,000 per annum or the national minimum wage, whichever was the greater. In addition, superannuation payments would be maintained. Labor’s scheme has neglected superannuation contributions, which will see many women worse off when it comes to their retirement. Shame on them. Ours was a scheme offering real time and real money.

We also proposed a more user-friendly, comprehensive model that saw the paymaster role stay with the Family Assistance Office. We heard the concerns of business and took these into account. Labor, on the other hand, has ignored the calls of businesses and lobby groups. By supporting the Family Assistance Office to retain responsibility for the administration of PPL, we can at least go some way towards improving the scheme but removing unnecessary hurdles for business. Everyone who has signed up to the government’s Paid Parental Leave scheme has signed up on the basis of the current administrative arrangements—that is, with the Family Assistance Office. All we are saying is: just keep those arrangements going, just keep them on. It is disingenuous of those opposite to suggest that this debate is about us versus them in terms of the merits of the scheme or having a paid parental leave scheme at all. I ask members opposite to debate what is on the table. Not only do we need to ensure looking after the economic needs of working families but we also have to make sure businesses are not unduly pressured as result of any government policy. The Family Assistance Office is positioned best to administer the scheme. The government has failed to provide a coherent or valid reason for its decision to handball administration to individual businesses. The coalition will continue, as we always have, to go into bat for Australian businesses and Australian families.
Ms SMYTH (La Trobe) (11.24 am)—I rise to oppose the proposed bill, the Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010. It has taken workers, campaigners and parents more than 30 years to achieve a paid parental leave scheme in this country. It took the hard work of so many people, together with this federal government, to implement the scheme, which will operate from 1 January next year. This matter certainly was not a priority of the Howard government during its many years in office.

After all of that effort by so many people, what we see from the opposition is a disingenuous attempt to undermine the scheme. The opposition is, yet again, playing politics with one of the most important social reforms that this country has seen. The Leader of the Opposition is very well documented as having said there would be paid parental leave ‘over my dead body’. Then he changed his mind in the lead-up to this year’s federal election. Now we see the opposition reverting to its true values, its true position. The shadow minister is now using his very best endeavours to interfere with the smooth implementation of the government’s scheme and to create confusion. I hope, and I am sure, that both parents and businesses will see this for the stunt that it is.

The bill is merely an attempt to disrupt and confuse the introduction of the government’s Paid Parental Leave scheme on 1 January next year. The bill is creating significant uncertainty for Australian families, which have been waiting decades for paid parental leave. It is extraordinary that the opposition is seeking to laud its business credentials in relation to this matter because, not particularly long ago, one of the various iterations of its paid parental leave scheme policy was announced on International Women’s Day 2010. At that stage, various people remarked on the operation of the proposed scheme. In fact, we had Peter Anderson, from the Australian Chamber of Commerce and Industry, saying at that stage that the proposal was unfair. We heard Katie Lahey, from the Business Council of Australia, saying that at that stage they were also firmly opposed to the scheme. And in a statement Heather Ridout, from the Australian Industry Group, described the scheme as ‘flawed, unrealistic and a deterrent to investment in Australia’. So it is somewhat curious that the opposition now seeks to remark so vehemently on its business concerns and credentials.

The scheme that the Australian government is proposing is fully funded, and we know that legislation approving it has passed through parliament. But, unfortunately, about six weeks out from the beginning of the scheme, once again we see the opposition taking the tack of wreckers. It is a fairly consistent and uniform theme. They were wreckers of the stimulus package that protected jobs and saved our economy. They were wreckers of the badly needed healthcare reform in this country. When it came to plans for improving our schools and our education system they were wreckers. Australian families and businesses are counting on the Paid Parental Leave scheme starting on 1 January. As has been said, more than 2,000 applications for paid parental leave have already been received from parents expecting a baby in the new year. Anecdotally, from my campaigning in the recent federal election, I note that many parents were particularly pleased to know that from 1 January they would be entitled to access a paid parental leave scheme. They specifically raised that matter with me during the campaign.

We know that at least 550 employers are already signed up to provide government funded paid parental leave. Around two-thirds of these employers are ready to start before 1 July. Under our Paid Parental Leave scheme, leave payments will be made by businesses for their...
long-term employees. These arrangements will be phased in over the first six months of 2011. Because the government believe that paid parental leave is a workplace entitlement, we believe that that leave should be paid through employers, just as annual leave, sick leave and other leave are. We consider our scheme is fair to business, based on the expert recommendations of a major, independent inquiry undertaken by the Productivity Commission. The Productivity Commission recommended this model because it will assist employers to retain their skilled staff and boost workforce participation.

Earlier, my colleague the member for Moreton mentioned the significant steps undertaken by the government to consult very widely with business and to implement a range of measures in the scheme to ensure that their role is made easy. Once again, this legislation is simply an example of the opposition moving to wreck policy that is currently being relied on by so many families around Australia which are expecting children in the new year.

Ms MARINO (Forrest) (11.29 am)—I commend the member for Dunkley on the Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010. I think the title of this bill says it all: the ‘reduction of compliance burden for employers’ amendment. That is wholly and solely what this is about. It does not cause any delay. There are no uncertainties about paid parental leave. This is all about the reduction of the compliance burden for employers, particularly small businesses. I have over 14,000 of those in the south-west, Member for Dunkley, and they are the backbone of Australia, as you have rightly pointed out, and yet we are constantly seeing examples of how this government has no understanding of those same small businesses, how they operate and what small business people do in the course of their days. They do not sit around drinking coffee; they are the ones who have to work days and nights just to keep their businesses operating, often on very tight margins. They have really seriously committed to their small businesses. But this government is directly and deliberately imposing a further burden on small business—on owners and operators who work in their businesses as well as on their businesses, often every single day. They have often mortgaged their house and every single other asset to finance their small business venture. The small businesses tell me constantly that government regulation and red tape are major costs and burdens for small business, and yet we are going to see an increase here.

I have very serious concerns about the additional workload and compliance costs this PPL scheme will have on small-to-medium businesses. This Paid Parental Leave scheme will add significantly to their cost and burden. It will be a serious administrative burden on small businesses to have to make time just to understand their obligations and responsibilities. That will cost them because they will not actually be working on or in their business. The costs and risks of compliance to their business if they have staff include training their staff, managing the system and changing the payroll and accounting systems, as the member for Dunkley has previously said. They include the processes of receiving, handling, processing and paying in a timely manner instalment amounts and the fines that would be imposed. If you were a small business and you knew you were going to be fined for this, you would be seriously concerned about your role in this. So this really comes on the back of small business at the moment facing significant costs in accessing finance and in interest rates, and now here we have a government that is adding further administrative burdens and costs, preventing the small business owners and operators from working in or on their business.

MAIN COMMITTEE
We should not underestimate the challenges to small-to-medium businesses in finding replacement workers for the parental leave period either—and it will be quite difficult. I see that Julia Gillard said:

Labor will not support a system that imposes additional financial burdens or administrative complexity on small businesses or in any way acts as a discouragement to the employment of women …

I have to say that that is what I am seriously concerned about with these additional compliance costs, burdens, risks and costs to small business. Some small businesses may be forced to make the decision to potentially not employ women. I think that is a real issue. There is a further quote from the Tasmanian Small Business Council:

Paid parental leave is a fact of life in most of the western world and small business owners are happy to see it introduced in Australia. However, the move by the Government to make the business owners responsible for making the parental payments shows little or no real understanding of the culture of small businesses …

That is something that we on this side, with our experience in small business, are very directly aware of and concerned about, which is why the member for Dunkley has introduced this bill. We want to reduce the administrative and compliance burden from small business owners and operators. Centrelink’s Family Assistance Office is and should be the paymaster for the government’s scheme. They could well also have to handle the practical issues and queries that will be ongoing in dealing with this. It should be done through that source. The taxpayers’ funding that the government is already expending to set this up should simply be used to the best effect. As I said earlier, I am seriously concerned that there may be some small businesses that will be forced to look at this and say, ‘I am seriously concerned about employing women.’ I very strongly support the member for Dunkley’s bill that the Family Assistance Office should administer this Paid Parental Leave scheme.

Ms HALL (Shortland) (11.34 am)—It is with great pleasure that I rise to speak to the Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010. This is a bill where the opposition is just playing politics with a really vital piece of social reform. One of the best pieces of legislation to pass through this House was the bill for paid parental leave. The government’s legislation that was passed through the House establishing paid parental leave was the greatest reform that has taken place in this country for women in the time that I have been in parliament. It is going to benefit so many women. Women are already registering to obtain the benefit when they have their babies in January, and I believe over 500 businesses have already registered.

What this bill before us today does is create uncertainty and show a blatant disregard for women. It is playing politics—blatant political game playing—and I am pretty disgusted with the member who has raised this here today. This is six weeks out from the commencement of the scheme, and the opposition are showing once again that they are wreckers. The member opposite has brought to this parliament a piece of legislation that is delaying an act that is already in place. The legislation is creating uncertainty—something that women having babies do not need—and is creating confusion in the community which will lead to women not registering for the Paid Parental Leave scheme passed by the government. I note that the date for the member for Dunkley’s legislation to take effect is 1 July, and I note that he is really creating this uncertainty in the community.
Businesses are looking to the benefits of the government’s Paid Parental Leave scheme, with 550 employers already signed up to provide government funded parental leave scheme pay. That will make it much more efficient. Around two-thirds of these employers are choosing to start playing their part before the ongoing payment arrangements for long-term employees start. I have been contacted in my office by a number of my constituents—women having babies—and they have told me just what the legislation that has been passed through the House means to them.

I would like to bring to the attention of the House the fact that the opposition did not support the legislation. They were against it from the start. The Leader of the Opposition had a thought bubble that led to him introducing his amendment to the legislation; it was going to be a tax on everything, which every Australian had to pay for his proposal for a paid parental leave scheme—a scheme that was flawed right from the onset and one that he could not fully explain and on which he could not bring the community on board with him.

It is important for women to maintain a connection to the workplace when they have a baby. The Paid Parental Leave scheme that is in place will allow this to happen. Women do not need uncertainty. They do not need an opposition that is playing politics to erode a scheme that is in place and that will benefit most women having children in Australia. It is about security and about keeping a skilled workforce in place, and I think that the member who has brought this to the House should have thought this through a little better before he introduced his legislation.

The DEPUTY SPEAKER (Mr S Sidebottom)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

White Ribbon Day

Debate resumed, on motion by Mr Hayes:

That this House:

(1) notes that 25 November marks White Ribbon Day, the symbol of the United Nations’ International Day for the Elimination of Violence Against Women;

(2) recognises that White Ribbon Day aims to prevent violence against women by increasing public awareness and education by challenging the attitudes and behaviours that allow violence to continue;

(3) asks all Australian men to challenge these attitudes and behaviours, so that we can begin to drive real change in our community;

(4) asks all Australian men to join the ‘My Oath Campaign’ and take the oath: I swear never to commit, excuse or remain silent about violence against women;

(5) notes with concern that one in three women will experience physical violence, and one in five will experience sexual violence over their lifetime;

(6) understands that domestic and family violence are primary causes of homelessness;

(7) acknowledges the cost of violence against women and their children to the Australian economy was estimated to be $13.6 billion in 2008 09, and if we take no action to shine a light on this violence, that cost will hit an estimated $15.6 billion by 2021 22; and
Mr Hayes (Fowler) (11.40 am)—I rise to speak about White Ribbon Day, the United Nations International Day for the Elimination of Violence against Women, which is held annually on 25 November. I have been involved with the White Ribbon campaign for a number of years as a White Ribbon ambassador because I find absolutely abhorrent the number of women who are subjected to violence in their lifetime. Nationally, the disturbing statistics are that one in three women will experience physical violence and one in five will experience sexual violence in their lifetime. What really brings this home to me is that of the women in my life—my mother, my wife, Bernadette; my daughter, Elizabeth; and my two granddaughters, Charlie and Kiarni—this statistic means that one is likely to experience violence in her lifetime. As a son, a husband, a father and a grandfather, I find that completely abhorrent and reprehensible. If everyone can personalise domestic violence in these terms and think about their families and their loved ones, people may have a better appreciation of the horrific and heartbreaking situations and the consequences and impacts that domestic violence has in our community.

Another disturbing statistic is from Amnesty International. It shows that in Australia domestic violence puts more women aged between 15 and 44 at risk of serious health issues and premature death than any other risk factor within our community. Clearly, we need to do something to change these worrying statistics; action must be taken. The White Ribbon campaign calls on all Australian men to challenge the attitudes and behaviours that allow violence to continue. It encourages men to act as role models and take the lead in order to raise awareness that violence against women is never, ever acceptable.

Sadly, in my electorate, 723 people in the Liverpool LGA reported violence, with another 690 women from the Fairfield LGA experiencing violence in 2009. It is important to bear in mind that those local statistics are from people who had the courage to report their experience of violence to the police. It is a sad fact that many incidents of violence against women go unreported. As a society, we should be doing everything we can to encourage victims of violence to come forward and to say, ‘Enough is enough.’ It is important to remember that violence against women is not simply physical or sexual; it can be emotional or financial violence. By ‘financial violence’, I refer to a situation when a partner or a husband has such a level of control over finances that women are forbidden to spend money on their necessities and those of their families. All of these types of violence against women are unacceptable.

I recently had the privilege of attending a session of the Aboriginal violence against women program in my electorate. The program is run by the Joan Harrison Support and Outreach Services for Women out of the Liverpool Women’s Resource Centre. My visit gave me a new and valuable insight into the work that is being done to break down the cycle of violence in my community. Through the partnership with TAFE New South Wales, the Liverpool Women’s Health Centre, WILMA Women’s Health Centre, Bonnyrigg Public School and the Aboriginal mental health workers, this program gets the message out there that violence within the family is never okay.

Five groups of women have now completed the program, allowing about 70 Aboriginal women to become mentors and advocates against violence in their own communities. The members of the group are given a simple message: if someone is hurting you or abusing you,
tell someone about it and get some help and support. Those words are filtering down through the wider community as women who have completed the program become mentors and pass on what can be a lifesaving message.

My thanks go to Tracy Phillips, the manager of the Joan Harrison Support Services for Women, the Aboriginal project worker Mary Eatts, and Shirley Kent from the Liverpool Women’s Resource Centre, for opening my eyes to this amazing project. I was so impressed with the progress being made by the Aboriginal Women Against Violence Program that I suggested it be used as a pilot program for the White Ribbon Foundation of Australia. After all, the foundation and this program share a common philosophy: that mentoring and community leadership are key instruments in breaking down the cycle of violence.

The Liverpool Women’s Resource Centre also supports the Aboriginal Women’s Support Group, which has started producing a newsletter called *Sister to Sister*. I would like to share with this place a poem that was included in the latest edition of *Sister to Sister* and was written by a woman named Timika. Timika’s poem is entitled *Place to Start*, and it says:

Sometimes you feel like you are being pushed into a corner
Being made to feel like a pawn in a game of chess
Being told how to feel and when to feel it
Everyone deals with things in their own time
Who has the right to tell you different?
When you have walked in these shoes,
When you have felt the pain,
Then this is the time you will be heard.
When you sit back and help someone instead of hurting them,
When you can listen instead of being heard,
Everyone has a story
Everyone can help if we all would work together
Just talk and listen
That would be a great place to start.

As Timika so rightly points out, it is up to each and every one of us to talk about violence against women as something that is shameful and intolerable.

We also need to listen to the victims of violence against women and take their advice on what we should be doing to redress this terrible situation. As research shows us, of the children who witness domestic violence in the home, 50 per cent of young women will grow up to take abusers as partners and, most chillingly, 60 per cent of the boys will grow up to become abusers themselves. This cycle has to end.

We also need to ensure that White Ribbon Day is not just another day on the calendar but a day that people make a change in attitude, a change for the better. As I have said before in this place on many occasions, violence against women is the most widespread human rights abuse in the world. In Australia the cost of violence against women and children in the Australian economy was estimated to be $13.6 billion in 2009. If that is not addressed, by 2021 I understand that the cost is likely to rise to a staggering $15.6 billion. We must recognise that while living free from violence is everybody’s right, reducing violence is everybody’s responsibility.
In conclusion, on this White Ribbon Day I will humbly join many Australian men and take the White Ribbon Oath:

I swear never to commit, excuse or remain silent about violence against women.

It is a very simple thing that all of us men in this place can do and I would encourage people to take that pledge. We all have the responsibility of leadership in our communities and I think we should be taking leadership on this principal issue of human rights abuse. Disturbingly, violence against women and children is probably the most prolific issue within our justice system at the moment.

I would also encourage the men of this place to show their commitment by wearing the white ribbon on White Ribbon Day and by being prepared to stand up when it comes to showing leadership in their communities. Whether we are fathers, brothers, uncles, community members or just workmates, we can all make a difference and we can make it very clear that we will not condone violence against women and children.

Mr VAN MANEN (Forde) (11.49 am)—I thank the member for Fowler for his motion to recognise that White Ribbon Day is important. It is not just symbolic; there is a genuine reason for it. It is a recognition and acknowledgement of the fact that there are still major issues in many countries and societies, including our own, with respect to violence against women. As with all of these types of programs, the important thing is that we change society’s attitudes. We can talk a lot about stopping violence against women, but as men we need to stand up in the community and change our attitudes. A lot of words are spoken at times about these issues. But it is not about the words; it is about the actual actions that are taken.

There are groups in my electorate like MADD and, whilst they are focused on parents with drug problems, a lot of the women that they take care of are victims of domestic violence, whether it be sexual, financial or physical. The problems that pervade our society with respect to domestic violence cause enormous damage. In my career in financial services I have seen the destructive effects of that firsthand as clients have gone through divorce and separation for a variety of reasons. The financial and emotional consequences for the family are very destructive. It takes enormous amounts of time—and in some cases many years—for the family to recover from the effects of those situations.

As I said earlier, it is about us as men changing our attitudes and our behaviours to drive real change. By and large, men are the primary perpetrators of violence towards women. There is some discussion about violence towards men as well, but this campaign is focused on violence towards women. We as men are responsible for looking after our households. We are the primary provider. It is our responsibility to take care of our wives and take care of our children. That is what sets the tone and solidifies the family unit in order to move forward. That solidity makes families the basic building blocks of our community. The opportunity for Australian men to be involved in the My Oath campaign is an opportunity for men to stand up and say, ‘I wish to be counted.’ It is an opportunity to say, ‘I’m not going to tolerate violence, I’m not going to undertake it myself and I’m also going to hold other men accountable for the way they treat their wives and children.’

The cost of domestic violence in our community is a stark reality. I have to be honest—I was not aware that the figures were this high. That is the very sobering reality of the financial consequences. More importantly, it is about not only the financial consequences but also the
emotional and physical consequences for those ladies involved. It takes so long for people to recover, if ever. If they do go through divorce or separation as a result, it can affect their next relationship or, as the member for Fowler rightly mentioned, the future relationships of families’ children. I have seen many examples of that over the years. It becomes a generational issue, and we see that in the electorate of Forde, where there are generational problems of domestic and family violence. So it is not just that immediate husband-wife relationship that is affected—it can last several generations. That is where the problem grows and becomes wider.

The fact that the violence is perpetrated not only physically but also financially or emotionally also causes a great many scars and reduces the importance of the wife in the relationship. The husband should value the wife’s contribution to the relationship because it is a partnership. It is not me as a husband lording it over my wife; it is a partnership where we work together to achieve more than we can as individual entities. And that is the value of a marriage relationship, whether it is a de facto or a married couple. Violence of any sort in that relationship breaks that down and reduces the effectiveness of that partnership. I do not think it is a coincidence that in parts of our society where these issues are much more relevant—and there are more obvious problems—the ability for those families to be successful and generate wealth or hold down jobs and contribute positively to society is reduced because those families have fractured and split as a result of these issues of domestic violence.

I agree with the request of the member for Fowler that all members show that we are challenging violence against women, because it is an enormous cost to our society. We can say that we are a wealthy, successful society but it is not just about us being wealthy or successful financially or materially. Those family relationships are far more important because having a strong family unit is the foundation of our society. Domestic violence breaks that down and takes away from that. So I commend and concur with the member’s motion and I certainly will support him on 25 November in supporting the United Nations International Day for the Elimination of Violence against Women as I think that it is a very worthwhile campaign and we as a society should be looking to eliminate that. It will create a better, stronger society for this nation to grow and prosper. I thank the member and the House for the opportunity to speak on this matter.

Mr GEORGANAS (Hindmarsh) (11.59 am)—I too rise to support the motion before us and I thank the member for Fowler for bringing it to the House. I also rise to note the upcoming White Ribbon Day, the meaning and significance of this particular day and the ongoing violence and abusiveness on which it is focused, and the role that each and every one of us can play in ridding society of this blight. White Ribbon Day is a time to refocus on both the unacceptable violence perpetrated against women and what we ourselves are doing to prevent this so we can move toward a non-violent, non-oppressive society.

Over the course of 2008 and 2009, the Labor government commissioned response to violence against women was developed to combat and to eliminate violence towards women in Australia. That response is called Time for action. It set a framework of 117 actions of governments, collectively and individually, research and community service organisations towards the achievement of 25 strategies to realise six outcomes within a timeframe of 12 years. The report has six outcomes that we all seek, and they are:
• Communities are safe and free from violence
• Relationships are respectful
• Services meet the needs of women and their children
• Responses are just
• Perpetrators stop their violence
• Systems work together effectively.

It is a very sad indictment of our society and those of nations around the world that these statements are so hard to apply to our very own communities, our very own neighbourhoods, our own circle of friends and the social and community services that we have created to serve us.

Of the 117 actions listed, 20 actions were prioritised within the response for immediate fulfilment. One such action was:

Recognising that most men are not violent towards women, encourage them to take a role in countering such violence and promote understandings of, and support for, expressions of masculinities that are non-violent.

White Ribbon Day ambassadors are men who assume a role in countering the violence and promoting non-violent expression. I am very honoured to be one of no doubt many members of this House and myriad White Ribbon Day ambassadors in our communities. I believe that there is no greater or more significant task that we have assumed over recent years than that of being White Ribbon Day ambassadors. The pain and suffering perpetrated on women and their children, the normalisation of abuse learned and passed on through such experiences from generation to generation and the debasing of people’s human experience are the manifestations which we pledge, as White Ribbon Day ambassadors, to strive to bring to an end.

We are reminded on White Ribbon Day that each and every one of us is in a position to do our bit to stop and to prevent that which we find so unacceptable and unconscionable. We should all be doing all that we can among our families, when we are raising our children, and guiding those close to us, our colleagues and those on whom they rely, within our social circles, our clubs and our congregations at all times and in all circumstances. We have the opportunity to set an example and to instil in our fellows what is right, good and just.

There is, of course, a tremendous role for professional service providers in both halting the perpetration of violence in the immediate discharge of their duties and preventing its recurrence within a context from which a person has been brave enough to emerge seeking help. I welcome the funding of the Women’s Services Network to build the capacity of service providers to support those victims of domestic and family violence within an early intervention and prevention model. I encourage all governments, federal, state and local, to give appropriate resources to emergency housing for use by women and their children who leave an abusive and violent environment.

People desperately need our help. They ask for our help. They plead for our help every day in our electorate offices. We need to acknowledge what that means in terms of service provision, face up to our responsibility to help people and when they need and request it and fund the services, including emergency accommodation, so that they can make a difference. Good intentions are cheap but without effort and resources too often betray indifference. This is not the mark of a civilised society.
Mr WYATT (Hasluck) (12.04 pm)—I support the motion by the member for Fowler. It is a privilege to talk on this issue because it affects so many families across Australia. Having worked in the fields of both education and health, I have seen the direct result of violence inflicted on women and families. A close colleague of mine, Judy Atkinson, who lectures at the Southern Cross University in the top end of New South Wales, once spoke to me about the intergenerational impact of family violence and violence perpetrated against women. This intergenerational trauma is passed through generations of the family, and the practices and learned behaviours are there for some time.

I strongly endorse and support the My Oath campaign and I believe that all Australian men and other men living in Australia should commit to this campaign because this violence has social consequences that are far reaching, and the dislocation of women and children in times of hardship and in times of stress is something that we do not want to see experienced on the scale that we do at times. I also swear to commit to never excuse or remain silent about violence against women. I would like to salute the Canadian men who, after the massacre of 14 women in Canada by a gunman, made a commitment to acknowledge that there was a need to address violence against women.

I had the privilege of working in New South Wales as Director of Aboriginal Health, and I had a strong association with the Education Centre Against Violence, whose principal task is to work with communities—all communities, because family violence is not an issue particular to any section of society but tends to be right across the socioeconomic spectrum—to develop women’s awareness of the avenues, services and resources that are available to them when seeking refuge from violence or seeking a strategy in which an intervention can occur which allows them to change from being a recipient of violence to being much more proactive about removing themselves and their children from a violent situation.

I am pleased that the United Nations has established an International Day for the Elimination of Violence Against Women, which aims to prevent violence against women by increasing public awareness and education, and by challenging the attitudes and behaviours that allow violence to continue. Certainly, the fundamental role of the ECAV program in New South Wales was to develop the awareness of communities and men that it is not appropriate for a male to exercise any level of violence against a woman or against children within the family. There is a need, as I said, for all men to drive the change in our society, because, if we go to the whole crux of the way in which we bully or are violent towards another human being, it leads in our minds our ability to control the circumstances that we sometimes find ourselves in.

I will certainly work tirelessly in Hasluck to create wide-scale awareness of the positive role that men can play in bringing an end to violence against women and in influencing other men who are violent to look at behaviours to deal with that rage, to protect the women who are part of their lives and to protect their family. It should also enable leadership, particularly by men and boys, to bring about social change and build collective knowledge and understanding of the effective prevention of violence against women. I concur with the comments by the previous speaker, the member for Hindmarsh, about the need to ensure that services in this area are real, provided at appropriate times and readily accessible.

I am also proud to say that I am now a member of the male parliamentarians for the elimination of violence against women subcommittee. We will ensure that awareness of the impact
of violence and the inappropriateness of violence against women and children becomes a focal point of our work and that we continue to influence the way in which men behave in family or in partnership relationships. When you consider the range of violence that is part of that whole make-up, we certainly have a challenge. I commend the member for Fowler for putting this motion forward.

The DEPUTY SPEAKER (Mr S Sidebottom)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

National Curriculum

Debate resumed, on motion by Mr Pyne:

That this House:

(1) expresses its concern that the Government’s deadline to have the national curriculum available for implementation from January 2011 will result in a substandard curriculum; and

(2) requires the Government to delay the implementation of the national curriculum until January 2012 for K 10 in the areas of English, maths, science and history.

Mr PYNE (Sturt) (12.09 pm)—This motion on delaying the national curriculum until January 2012 is an attempt by the opposition to help the new minister for schools. We know that the Minister for School Education, Early Childhood and Youth feels cornered by the promise that the government made to implement the national curriculum in January 2011. We know that the minister for schools feels particularly cornered because the current Prime Minister was the person who began the process for the implementation of the national curriculum in a serious way over the last three years. We know that with the record for failure of the minister for schools in respect of solar panels, the Green Loans scheme and, of course, the diabolical Home Installation Program he does not want to fumble the ball yet again on a government program like the national curriculum. We know that all these thoughts are coursing through the mind of the minister for schools. So the opposition has decided to reach out and provide the minister for schools with a life rope.

Mr Melham interjecting—

Mr PYNE—I am trying to help, as the member for Banks points out. It seems counterintuitive to some people that the opposition—particularly me, some people would be unkind enough to say—would try to help the minister. In the opposition we believe that it is better for the curriculum to be right than for it to be forced into schools unready. We believe that it is better to get the national curriculum right than to get it in, and we would rather give the government an opportunity to get off this hook and delay the national curriculum until January 2012. That extra year will prove crucial in ensuring stakeholder support for the national curriculum, state government support for the national curriculum and a much better outcome for the students from reception to year 12 through the introduction of our national curriculum, which the opposition supports in principle and, of course, which we initiated when in government.

The current minister for schools has picked up where the previous minister left off, but unfortunately she left him with a bugger’s muddle when it comes to the national curriculum. This is an opportunity to get him out of that muddle. You do not have to take my word for it.
There are many stakeholders expressing very genuine concern about the implementation of the national curriculum. A letter to the minister in New South Wales on 22 October 2010, signed by groups such as the Australian Association for Research in Education, the Australian College of Educators, the Australian Council for Educational Leaders, the Australian Curriculum Studies Association, the Australian Education Union, the Association of Heads of Independent Schools of Australia, the Australian Primary Principals Association, the Australian Professional Teachers Association, the Australian Secondary Principals Association, the Independent Education Union of Australia, the National Education Forum, the Catholic Secondary Principals Australia and the Principals Australia Association—13 of them—said:

We believe that the timeline for the project must be extended to ensure that the Australian curriculum is as good as it can be. The timelines for all stages of the project at present are unreasonably short, and in the end this will be self-defeating. The consultation timelines do not allow enough time to provide considered, detailed feedback, and do not allow the voices of teachers and other stakeholders to be heard. The speed of the development process is contrary to what is known about the conditions for effective professional development practices and educational change. It was noted that schools require time for both evaluation of the curriculum documents after they are provided and planning for their effective implementation. This will also require an extension of the timeline.

That is point 2 of the document provided to the minister by 13 peak education organisations in October, all of them calling for the timeline to be extended. This is not a group of people who you would normally find in the same room agreeing on educational policy. You would not normally get the Association of Heads of Independent Schools of Australia and Catholic Secondary Principals Australia as well as the Australian Education Union and the Independent Education Union of Australia getting together in the same room and signing up to exactly the same document without any qualification.

Nobody came out after this letter was published—not Angelo Gavrielatos, Leonie Trimper or anyone else—and said, ‘We’d like to qualify our signature on that letter.’ They signed that letter because they were genuinely concerned. We have comment from the President of the Mathematical Association of New South Wales, Mary Coupland, who said:

A lot of work needs to be done to make it anywhere near as good as what we have in NSW. I get a sense it is all being rushed.

Mark Howie, the President of the English Teachers Association of New South Wales, said:

A number of things create the sense that it is a backward step. It has an incoherent sense of learning.

Margaret Watts, the President of the Science Teachers Association of New South Wales, said:

We are very concerned and it may well be a step backwards.

So we have maths teachers, English teachers, science teachers and all of the peak education associations and unions in Australia begging the government to extend the timeline for the implementation of a national curriculum.

All of this has been admitted by ACARA, the Australian Curriculum, Assessment and Reporting Authority. They have accepted that there is consistent feedback highlighting overcrowding and that the draft curriculum was also found to be too difficult, inflexible and inadequate. The authority conceded that the suggested method of teaching grammar, vocabulary and spelling is out of sequence and needs revision to provide clearer and logical progression. They are still arguing over whether calculators should be used in grade 3 or in kindergarten. They are still arguing about the possibility of introducing consistent handwriting.
across Australia. They have identified a lack of continuity between the primary and secondary years, and language and terminology were found to be inconsistent. This is all in 26,000 submissions to the ACARA draft curriculum process, and ACARA have admitted that all of these issues need to be addressed in a very short time frame.

We know that the state governments are falling off the national curriculum faster than dags off a sheep, if I can put it that way. There is only one state—South Australia—that is in support of the introduction of a national curriculum in January 2011.

Mr Melham—Your home state.

Mr PYNE—My home state, led by probably the most hopeless Labor government in Australia—and that is saying something, because the member for Banks is from New South Wales. Even he must admit that the New South Wales Labor government is close to being the worst government in Australia, but the South Australian government is giving it a good run for its money. But I do not wish to be distracted.

Only one state has signed on to the national curriculum in January 2011. New South Wales has indicated, in September, that there will be no expectation of any classroom implementation for 2011. The Northern Territory has said that 2011 will be identified as a pilot phase, and senior secondary courses will not be implemented in the Northern Territory before 2014. Queensland has said that schools will implement the Australian curriculum in English, mathematics and science in 2012 and in history in 2013. Tasmania has given no indication of a time to start the national curriculum. Victoria has indicated that it is expected that the new Australian curriculum for English, mathematics, science and history will be introduced in all Victorian schools in 2012 and, in years 11 and 12, in 2013 and 2014. In Western Australia they have recently announced that 2011 will be regarded as a time to familiarise themselves, but substantial implementation will not occur until 2013.

So the stakeholders are against it. The state governments are not supporting it. There is no money set aside by this government for implementation of the national curriculum in terms of teacher training or teacher support. At least the coalition, recognising the failure of the government, announced that if we won the election we would put $20 million into the implementation of the national curriculum to train teachers. Of course, we won the election but lost the negotiation. As a consequence, that $20 million will not be provided. I could talk at great length about the coalition’s concerns about things like the cross-curriculum perspectives, but suffice to say we are reaching out to the government to give them an opportunity to get themselves off the hook, and I hope they will grasp it.

Mr RIPOLL (Oxley) (12.19 pm)—If anyone heard that contribution they would have worked out pretty quickly that the only bit of any importance was the last bit where the member for Sturt said that the opposition had won government. That is really what this motion is all about—apparently they have won government. We will see how that works when we are in the chamber and in terms of the law and the Constitution. Apparently Mr Pyne is a member of the government, so we find ourselves in an interesting set of circumstances. This motion is really just about trying to delay the role of the government and our implementation of some very important policy that we had in place before the 2007 election. There has been an ample amount of time for a whole range of stakeholders, including the opposition, to play a constructive role in this, which they have not done.
There are a range of things which I think are very important in getting a national curriculum up and fully operational in Australia, and none is less important than the future of all of our children—the future of students in this country. At some point in time, when discussion, debate and consultation come to a natural end, if you like, there is a natural place where the situation goes from thinking about it, looking at it, consulting, doing surveys, going through all the motions and going through every part that needs to be done to actually getting on with the job and implementing something. That is exactly where we are at as a government and, I believe, as a country. That is the important part we are at now. This is not a new concept, nor is it a new idea. Not is it something that has taken people by surprise, whether they be teachers, students, parents or anyone else. I can recall many, many years ago, if not decades ago, people discussing the merits of having a national curriculum and how good it would be—in fact, how great it would be—if we ever got to that place in this country. We will get to that place and we will do it under a Labor government.

I note, because I think it is important, that this motion is about delay. Part (2) of the motion says:

... requires the Government to delay the implementation of the national curriculum ...

I do not think we can delay any further. I do not think we can afford to delay; we have already had a delay. Those years of delay were the 12 years that the opposition were actually in government—they delayed it for 12 years. It took us getting elected in 2007 to get on with the job, to go beyond the delays and just thinking about it or considering it as a wonderful idea—and I know everyone believes that—to actually implementing this very much needed policy.

There are some great things about our Federation and there are some things that do not quite work very well, and one of those is the area of education. When you have six states and a couple of territories, there is bound to be a state with the best system and others that are not quite at the same level. What is important here is that we find a base level where we can bring up every child in this country and where every student can have the same opportunities. There needs to be an equalisation between the states and territories in terms of where education is going and the standards that are implemented.

In my home state of Queensland we have been working on this for a number of years now with the Queensland state government. We have now introduced what is called the prep year, the pre year 1 year, which will make an enormous difference over a period of time to bring young Queensland kids in line with other states in their educational experience and the opportunities they get. There are a whole range of very, very good reasons why this needs not to be delayed but to continue on. There is our international and global competitiveness. I believe competition between the states needs to end. Competition ought to be between students, not between states, and it ought to be at an international level. The time line for this has not been rushed. Development began in 2008 with the preparation of papers outlining the broad shape, and they were finalised and published in March 2009. Draft curricula were first published from March to May 2010 and 150 schools were involved in a trial. At the end of the consultation period 3,650 individual online surveys were carried out and 209 written submissions were received from 186 peak organisations.

The reality is that government and government agencies have been taking note of all of those. Twelve hundred people participate in national and state forums. Extensive consultation has continued; it has not just ended but has actually continued. There has been independent
mapping of the four curricula against state and international assessments. The result of the mapping against international assessments is very encouraging. It shows that we should expect the same level of performance from our students as do high-performing countries such as Hong Kong, Singapore, Canada and Finland.

The program that we bring forward may be difficult. It may be tough. It may involve people actually getting on with the job, looking outside the square and starting to tackle some of the harder issues—but I do not believe that delay is one of them; I do not believe that that is the one we ought to pursue. If we listened to the opposition, they would have us delay for a further 12 months. But, in reality, we know that the game of politics—

Mr Van Manen—You want to get it right then.

Mr Ripoll—This is the point: we are getting it right. Getting it right is an interesting question. I was talking about delay for delay’s sake—12 years to get it right. In fact, it has been a few years since those 12 years. There has to come a point where there is a little bit of courage, a little bit of forethought and some hard work going into making it happen—delivering. If we were to listen to the opposition, who just happen to think that it was actually the government—which probably says a lot about their agenda—

Mr Tudge—Should be the government!

Mr Ripoll—Of course it ‘should’ be, and at some point in time you will get that opportunity. But unfortunately—or fortunately—you will actually have to apply the rules of the Constitution and the will of the people, not the will of Mr Pyne.

The important thing to note about what is happening in making sure that this implementation goes through and goes through properly is that it is a matter for the states and territories. We as a federal and Commonwealth government are working with the states and territories. This was a commitment for government schools that was given under the National Education Agreement and a requirement for non-government schools under the Schools Assistance Act 2008. It also includes provision for professional learning for teachers, which has always been a jurisdictional responsibility. ACARA, the Australian Curriculum, Assessment Reporting Authority, also has an agreed facilitation role in the implementation of the Australian curriculum. This involves working with the states and territories and helping them with the planning and implementation. That is taking place.

That is the reality: this is actually taking place. While the Australian government does have a direct role in implementation, it has invested significantly in a number of initiatives that will also support that implementation. The timing has been set. It is flexible. Education ministers have agreed that implementation of the K-10 Australian curriculum in English, mathematics, science and history will begin from 2011, with flexibility in commencement but with substantial implementation to be achieved by the end of 2013. I do not think we ought to delay it any further; 2013 is still some time away. I do not think it is right for young people in this country to have their good education delayed any further—to delay bringing this standard up and making sure that we have, for the very first time in this country, a national curriculum.

This agreement is subject to a three-year implementation window from when the Australian curriculum becomes available. The three-year window allows time for jurisdictions to determine the extent of the curriculum change, work with stakeholders, develop implementation plans and inform students and parents about those changes. I think that puts the lie to what we
just heard from the member for Sturt, who said that people do not want this, that they do not agree and that we should just put it off. I do not think he was talking as much about a delay—he was more concerned about thinking that he was in government—as about putting this off for some other time.

These decisions can no longer be delayed. An extensive process has been put into place. There is agreement between the state and territory ministers and the Commonwealth government ministers. The real work at hand now is in having the courage to get this done and get it done properly. The Australian government will be resourcing it properly. We will be doing that through ACARA, through Education Services Australia and through the Australian Institute for Teaching and School Leadership. We are doing it in a total partnership with all those agencies. Again, this puts the lie to what we heard from the previous speaker—that there is no support, that this is just a rushed implementation and that the resources are not there. The resources are there. They are there in black and white, and they are being done through the peak bodies in this country. We will work collaboratively with ACARA, ESA and AITSL, who will play vital roles in supporting the implementation of the Australian curriculum. At the end of the day, it is always opportunistic for oppositions to simply say, ‘Delay everything, don’t do anything, just wait.’ We waited for 12 years for them to implement this very, very important scheme and it never happened. It will happen under Labor.

Mr TUDGE (Aston) (12.29 pm)—I rise to second the motion moved by the honourable member for Sturt. We are calling on the government to delay the implementation of the national curriculum for the simple reason that it is not ready. And don’t just believe me or Mr Pyne in this assessment but listen to the views of education stakeholders. For example, the Victorian Association of State Secondary Principals has described the curriculum as ‘not up to scratch, drowning in content, overlapping subjects such as science and geography and contains no agreement as to how it would be assessed’. The Australian Council of Deans of Science wrote to the Minister for School Education, Early Childhood and Youth asking him to delay the implementation of the science curriculum for six to 12 months. The President of the Science Teachers Association, Anna Davis, said there needs to be another round of consultation to include classroom teachers to comment on the latest version of the science curriculum. The Mathematical Association of New South Wales claimed the four maths courses proposed for years 11 and 12 are too difficult for students with learning difficulties and are insufficiently challenging for gifted maths students. The History Teachers Association has also written to the minister expressing concern about the pace of progress. The New South Wales Board of Studies and teaching associations for science, maths, English and history have all criticised the curriculum and the process. On geography particularly it has expressed concern that the curriculum contains an inadequate focus on physical geography. And finally, just last week, the New South Wales education chiefs from the government, independent and Catholic sectors wrote to principals arguing that ‘some dimensions of the Australian curriculum currently being developed by ACARA are not being considered for implementation by New South Wales at this stage’. They are simply not going to do it, against the express wishes of Minister Garrett.

I could go on with examples of real concerns from other credible stakeholders pleading with the government to delay. But one of the concerns that many have in relation to the draft curriculum is that it lacks a clearly stated direction or curriculum theory and has no overarch-
ing framework. It also appears to be unbalanced and ideologically biased in its approach to some issues. For example, it is promoting the teaching of the climate change film *An Inconvenient Truth* despite the UK High Court finding that the science in the film contained nine fundamental errors and had been used to make a political statement and to support a political program. The curriculum also has a heavy focus on Indigenous and Asian culture without giving similar weight to our British and our Judaeo-Christian traditions. Trade union history and the history of the ALP are also given special prominence in the draft national history curriculum. On the other hand, there isn’t a single mention of the most politically successful party in Australian history, the Liberal Party of Australia.

Even if the curriculum was up to scratch, there would be insufficient time to train teachers in the new curriculum to be ready for next year. Ms Leonie Trimper, President of the Australian Primary Principals Association, believed that August of this year was too late to finalise the draft curriculum and get the teachers up to speed. It is now November and the draft curriculum is not to be finalised until next month.

There are positive aspects of the draft curriculum and we should not lose these aspects. For example, grammar is finally being put back in its proper place, phonics is being introduced into the early stages of literacy learning, and students will learn more about Asian history and culture, which is a good thing. All of these are good developments. However, overall the national curriculum is far from where it needs to be. Something as important as a national curriculum needs to be of the very highest standard, and it is not that presently. I implore the minister to give the national curriculum another year, to give ACARA the time necessary to get it right. We are better off delaying than producing something inferior.

Mr NEUMANN (Blair) (12.34 pm)—The member for Sturt, in a moment of Billy Snedden madness, thought he was in government and that his party did not lose the election. The member for Aston, in a speech of ideological fixation and philosophical obsession, kept on attacking the Australian Curriculum, Assessment and Reporting Authority and the process. These guys, in the 12th, 13th or 14th year of their reign under Mr Howard, were yearning for some Menzies-like longevity of coalition duration. The bastions of privilege on the other side of the chamber think they have every right to be always on the governing side of the chamber, but they really did nothing.

Let me say to the member for Aston that in my electorate—which includes the municipality of Ipswich, the fastest growing area in all of Queensland—we have a RAAF base at Amberley with thousands of people working there. We also have thousands of kids who travel across states—80,000 every year—to come to Queensland and other fast-growing states such as Western Australia. And guess what? They do not get taught the same things in Torres Strait as in Tasmania or the same things in Palm Beach as in Perth, because those people opposite did not have the wit, wisdom, determination or commitment to implement a national curriculum. The coalition are now grizzling, griping, groaning and moaning about it. That is the reality.

This government is getting on with making major improvements not just in the national curriculum but also in teacher quality, partnerships and great rewards for great teachers. We are improving things by increasing funding. The member for Sturt went on and on about the BER. Let us get the money back. In my electorate, $108 million was spent in 65 local schools, so if those opposite do not want the money then give it back to me; we will use it in my elec-
Mr RAMSEY (Grey) (12.39 pm)—I rise to support the member for Sturt in this motion. Let me say from the outset that I support the concept of a national curriculum, and many would say that in this country it is long overdue. The problem is that, while the national curriculum is a good idea, every indicator we have at the moment is telling us that this national curriculum is underdone and runs a high risk of being damaged in the long term because of its ill-preparedness. The president of the Victorian Association of State Secondary Principals, Brian Burgess, says:

We haven’t had a national curriculum in this country for 120 years; another six months to get it right is not going to disadvantage anyone.

There was a motion passed in this place last week exhorting members to go out and consult their electorates, something any half-reasonable member should be doing as a matter of course and certainly something I do as an integral part of my job. On the matter of the national curriculum, I have been consulting my electorate and I can tell you that the teachers at the coalface are feeling like a box of mushrooms: in the dark and isolated. They are being told they will deliver this curriculum next year but have little idea of what it will encompass and how they are supposed to deliver the syllabus and are far from convinced that it is an advancement in education. If the government does not have the teachers and the schools on
board, the national curriculum will fail. Minister Garrett is saying the curriculum will be ready in December and expects schools to start delivering the syllabus in six to eight weeks. Surely even he can see that this is an impossible deadline.

School leaders are telling me that, while they are supportive of the concept, they have simply had a lack of information and no support for training and implementation. One leader of a subject area in a large secondary school told me they had no chance of doing anything at all in this area next year. As a member of the school’s curriculum committee, he said the school was focused on the implementation of the new South Australian Certificate of Education—which has had its own difficulties which I am sure you are aware of, Mr Deputy Speaker Georganas, including the widespread criticism of dumbing down of requirements. He said:

We haven’t even considered it yet. We’ve had no support, no money for teacher training and no chance of starting next year.

Those who have had more than a cursory glance at the curriculum are not happy with the overly prescriptive levels of content and doubt they will be able to deliver anything more than rote learning. One principal in my electorate told me:

I am really concerned we will be focused more on content than process.

This comment is supported by Brian Burgess, who said:

In this day and age we need to be encouraging people to learn how to learn; just drowning them in content is an absolute waste of time.

Content in the world is growing exponentially, and schools have been trying to teach children how to learn rather than commit to memory a string of facts. While we need a national focus, we should not want a national curriculum to be so prescriptive as to discourage the development of learning skills. One principal told me that from what she had seen of the curriculum in her area:

… we will have to do a fair bit to sex this up, it’s dead boring and we’ll lose the kids before we start.

Criticism is widespread. John Rice, executive director of the Australian Council of Deans of Science, told the Melbourne Age that there was ‘a failure to articulate major scientific ideas about how the natural world worked, biodiversity, planetary history and processes and the atomic structure of matter’. Both the New South Wales Teachers Federation and the Victorian Association of State Secondary Principals have raised serious concerns about content and quality. Art Education Australia President Marian Strong has said:

I just think it’s unteachable. This would be really dumbing down each art form rather than providing any depth of learning.

This motion is not about destroying a national curriculum. A national curriculum has our support and should be pursued. The motion is about getting the format right and, most importantly, about taking with us the most important link in the system, the teachers. To treat them as bystanders in this process will lead to failure.

Minister Garrett, of all ministers in this government, should understand the risks of trying to rush a program before the ground has been prepared and before the training process and information systems are in place. It seems that once again we are at risk of being consumed with a time line to enable the government to say, ‘We’ve delivered on something—anything.’ But if the consequence is widespread failure then nothing will be achieved. This motion asks
the minister to pause the process and get the foundations in place so that a national curriculum is a net benefit to the nation and not another point of ridicule and failure.

Mr PERRETT (Moreton) (12.44 pm)—I rise to voice my opposition to the motion put by the member for Sturt. I was interested to hear the comments by the member for Grey about a national curriculum being long overdue. I notice that he is a South Australian as well. I think that Mr Deputy Speaker Georganas also is South Australian, and another South Australian has just entered the chamber. I think all of the previous speakers on this side were from Queensland except for one speaker from Victoria. Not being from New South Wales or Victoria may flavour their views on a national curriculum—with all respect to Victoria of course. I do not know whether South Australia has a different perspective or a different approach to curriculum because convicts did not go there or something like that, but it is interesting to see. I did mention that there was one Victorian—the member for Aston.

But, irrespective of the perspective that we bring to the national curriculum, the motion by the member for Sturt, despite his South Australian connections, is straight out of the Liberal Party playbook written by Tony Abbott, member for Warringah—deny, delay, destroy. In this case it is delay until January 2012. If we look at the position of those members opposite on climate change, a great policy under the Howard government that they would embrace climate change and put a price on carbon became, as soon as the member for Warringah was the leader, ‘Deny, delay, destroy.’ It has been the same with health reform and the NBN. It is just the way that those opposite seem to roll at the moment. I think the member for Sturt is a bit like the kid at school who is trying to organise the fight. He is not actually going to be in the fight but he is out there whispering: ‘Oh, the states aren’t ready yet. The states aren’t supporting this. There’s a fight on; there’s a fight on.’ But there is nothing constructive about something that the member for Grey indicated most sane people connected with education would accept as long overdue.

What is the national curriculum about in the federation of Australia? It is about ensuring that all Australian children get the best possible education regardless of the sign hanging over the front gate. We have had our experiences in the past where we have perhaps been a bit divisive about education. You might remember the 2004 election, Mr Deputy Speaker, where perhaps our policy was not necessarily the best policy in terms of trying to divide between the private and state areas and the haves and the have-nots. Now we understand that education is much more important and that it is not a political football.

We have to do the right thing by the 1,986,715 primary school children and the 1,474,611 secondary school children. Why? Because we do not want to play politics with the education of our kids, particularly with the 80,000 who move between states every year. That is about 2½ per cent of the school population, and a great majority of them would be children of defence personnel. Maybe the fact that we are all connected with the RAAF base at Amberley is why I, the member for Oxley and the member for Blair are particularly passionate about this policy—that we need to get it right. I was a schoolteacher for 11 years, and I know there is nothing worse than kids rocking up and you having to start over with them because they have come from New South Wales or Tasmania and they are not familiar with the syllabus you are using. It would be great if we could get this right for the sake of the defence children and all the children who have to move.
The Labor Party obviously is a party with a proud tradition of providing quality education for all. Look at what we are doing: look at NAPLAN, at the My School website and at increasing school transparency and accountability. The national curriculum is just another brick in that great process. The building block of a fine economy is to make sure that our children are educated.

The national curriculum now has to be fully implemented over the next three years beginning with English, maths, science and history. If I look at my teaching experience, I started in 1986 teaching Latin and Greek roots but finished with the internet. So even though I only had 11 years of teaching it is amazing how much teaching had changed in those 11 years.

Mr Danby—Greek and Latin teaching—

Mr PERRETT—Yes, Latin and Greek roots. Teaching has been transformed. When I started I think it was called ‘the sage on the stage’, but now with the internet it is ‘the guide on the side’. It is different, but still a high-quality process—

Mr Ramsey—I didn’t know we had internet in Australia when you were growing up.

Mr PERRETT—No, it was around in the late 1990s. I think if you move away from your Commodore 64 you will find that!

(Time expired)

The DEPUTY SPEAKER (Mr S Georganas)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Asylum Seekers

Debate resumed, on motion by Mr Briggs:

That this House:

(1) notes:

(a) the announcement on 18 October 2010 by the Prime Minister and the Minister for Immigration and Citizenship about the commissioning of a detention facility at Inverbrackie in South Australia costing $9.7 million to accommodate 400 people, consisting of family groups who are undergoing refugee status assessment;

(b) that the Prime Minister and the Minister for Immigration and Citizenship failed to consult with the State Government of SA, the Adelaide Hills Council and the local Woodside community on the commissioning of this facility; and

(c) that the Prime Minister visited the Adelaide Hills on the Sunday 17 October 2010 immediately prior to the announcement and made no mention of the plan to commission the detention facility at Inverbrackie;

(2) provides a reference to the Joint Standing Committee on Migration to undertake the following inquiry:

(a) that the Joint Standing Committee on Migration inquire into the commissioning of a detention facility for 400 people comprising family groups at Inverbrackie, including:

(i) the suitability of the site for locating a detention facility for the purpose of accommodating family groups in comparison with alternative options available to the Department of Immigration and Citizenship;

(ii) the impact of the operation of the facility on the local community, including on health, education, recreation, transport, police and other community services;


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(iii) the impact on defence operations, personnel and family groups based at the Inverbrackie facility;
(iv) the impact of the facility on the local economy and small business;
(v) the level of community support for the commissioning of the facility;
(vi) the level of cost and extent of services and facilities provided to clients at the detention facility; and
(vii) potential risks that need to be managed for the successful operation of the facility;
(b) that the Joint Standing Committee on Migration undertake public hearings in Woodside, SA and Canberra, ACT to facilitate the participation of community members, local service providers, council officers and state and federal departmental officials to assist the Committee with its inquiry; and
(c) that the Joint Standing Committee on Migration report back no later than the first sitting week of Parliament in 2011; and
(3) calls on the Government to postpone commissioning the detention facility for 400 people including family groups at Inverbrackie, until such time as the Committee has reported and the Government has provided a response to that report to the Parliament.

Mr BRIGGS (Mayo) (12.50 pm)—It is with great pleasure that I stand today to speak in favour of the motion that I have laid before the parliament, seconded by the member for Cook, the shadow minister for immigration. Can I just say at the beginning what a fantastic job the member for Cook has done and is doing in highlighting Labor’s failed approach to Australia’s border security. This motion very much concentrates on a direct consequence of Labor’s mismanagement of Australia’s borders—that is, the decision, the ambush announcement, by the Prime Minister on 18 October this year, a mere month ago, to establish a detention facility at Inverbrackie, in the Adelaide Hills.

I will just indulge the House briefly to step through the potted history of this decision and this announcement by the Prime Minister and her minister, the Minister for Immigration and Citizenship, on 18 October. On 17 October, the Prime Minister visited the Adelaide Hills, unbeknownst to the state Labor Premier—and anyone else, in fact—to have a photo opportunity for the beginning of the parliamentary sitting week. That was pretty unremarkable; prime ministers do that from time to time. They usually tell their Premier friends, particularly when they are of the same political colour, but on this occasion that did not happen. I think that has more to do with the next bit of the story than anything else.

On 17 October, that lovely Sunday in the Adelaide Hills, instead of consulting with the Adelaide Hills community or telling the Adelaide Hills community what was coming, the Prime Minister was silent. She did not say a word. She did not mention a thing. And then she came to this place the next day, some 1,300 or 1,400 kilometres away from the Adelaide Hills, and with her minister, just before question time, an hour after ringing the Premier of South Australia—in fact, she did not even ring the Premier of South Australia; she left that to her minister, thus the respect she has for Premier Mike Rann—with half an hour’s notice to the local mayor, she announced that the Inverbrackie defence housing would be turned into a detention facility for what they describe as a cohort of low-security asylum seekers.

That sent a massive shock wave through my community, so much so that an action group was formed. Members of the action group are here in parliament today. Five members of the action group have come at their own expense to parliament today to make the point that they
should be listened to. And that is exactly what this motion seeks to do: force this government to do what it should have done in the first place, and that is listen to the people of Woodside and the Adelaide Hills.

Since that time, we have had all these mealy-mouthed suggestions that there are consultations going on. There has been an advisory group established that meets once a week, with a couple of locals on it. There has been a visit by the minister, which was comic in its outcome, where he visited the Adelaide Hills to consult. He went to Inverbrackie in the dark of night to do a tour but actually failed to get to Woodside. He could not quite get the extra three kilometres down the road, Mr Deputy Speaker. I know that you know just how close that is and how ridiculous it was of the minister to fail to get to Woodside on that day. Instead, he had a meeting with a hand-picked group of five or six locals and the local council to tell them what the government had already decided. I think that speaks volumes of the way that this government has handled this process. It has been a disgrace.

Since that time, of course, we have had the Prime Minister visit Adelaide to go to the new Adelaide Oval grandstand. She was able to get there, but she was not able to get 40 minutes up the hill to visit the people of Woodside. It is a great honour to have five of those people in the gallery today, trying to get this government to listen, trying to get this government to support this—I think—very worthwhile motion, which would see the Joint Standing Committee on Migration have a look at the issues in relation to the decision by this government.

I know the next speaker on the list for this debate, the member for Hindmarsh, is a great advocate of community consultation. I remember many occasions on which he, when it came to the issue of noise around Adelaide Airport, was on Adelaide radio saying endlessly that the community should be consulted. I am sure that in his remarks the member for Hindmarsh will acknowledge the fact that communities should be consulted when decisions like this are made. But, unfortunately, in this case the government has not seen it right to consult with the community, which is going to be affected so greatly by this decision.

The response we have had from the Labor ministers and the Labor government has been remarkable. You had the Minister for Trade, the clown, jester of the parliament, on TV with the member for Cook debating this issue and accusing the locals of being hysterical. So it seems that before the election, when the Prime Minister was trying to cultivate those who are worried about this issue because she has completely lost control of Australia’s borders, it was okay to express concerns about this issue. But after the election, according to the Minister for Trade, these people are ‘hysterical’. It is just not good enough. Now, today, we have had the great snub by the Prime Minister. Five locals have given up their time and money to fly to Canberra because the Prime Minister would not go to them. They have come to see the Prime Minister and there was an indication on Friday that she would see the locals from Woodside. Then, this morning, we had a phone call to say that she will not see them—after it was reported in the Advertiser and after the suggestion was made in the Advertiser that she would see them to calm their nerves. She has now deliberately snubbed them. It is just not good enough and the parliament should not stand for it. In this new parliament, with its new paradigm of openness and of letting the sun shine in over the parliament, it should shine in this Thursday morning when this motion is put to a vote. We should support this motion because it is a good one. It is a motion that the government should itself move. It is a motion about talking to people. Last week we spent a lot of time talking about a motion to talk to people, and
we would expect that the Greens, given that they moved that motion last week, and the government supported it, would understand the very need for this motion here today.

The people of the Adelaide Hills are suffering under the direct consequences of decisions made by this government, because they have lost control of Australia’s borders. Every day Labor sets a new record on boat arrivals, and that is a point that has been very well made by the shadow minister for immigration. This is an issue that the government has lost control of and the consequences will be felt very much by my community. The motion very simply asks for the Joint Standing Committee on Migration to inquire into whether or not this is a suitable site to locate a detention facility for family groups. The impacts of the operation of this facility on the local community, including health, education, recreation, transport, police and community services are issues. These are questions that they would have liked to ask the Prime Minister, but she will not meet with them. She refuses to see them. The Adelaide Hills is a good enough location for a photo opportunity, but it is not good enough to talk to the locals when she is up there. We hear in the Adelaide media that the Prime Minister is going to spend Christmas in Adelaide. So we are hoping that over Christmas at the Woodside pub on Boxing Day watching the first ball of the Boxing Day test she can come out and sit down with the locals and work through these issues with them. Before she rushes ahead with this centre she should answer some of these questions.

I say again: I know the member for Hindmarsh is the next speaker and he has been long and loud on community consultation when it come to airport noise. I would hope that the member for Hindmarsh does not now back away from his view that the community should be listened to when it comes to the impacts on their community. I am sure he will not. His former employer was in the paper not a month ago—some of us have got staff connections, but we do not always go into that. The member for Hindmarsh does have a history with Nick Bolkus, a former Labor immigration minister, and the member for Hindmarsh, as a good man, will recognise that Nick Bolkus said that this was not the right place to have an immigration facility. He refused it. He said no to the department when they recommended it, and this government should say no again.

This motion should be supported because it does what the government should have done in the first place. They should have listened to this community. They should still listen to this community. They should answer the questions which are so relevant to this community about the impact on it—about the impact on their school services, their health services, their security and the so-called economic benefits we keep hearing about. This government should listen. This Prime Minister should show some courage. She should front up and talk to these people before it is too late. This motion should be supported. (Time expired)

Mr GEORGANAS (Hindmarsh) (1.00 pm)—I regret that we have an issue here that is not being treated by the opposition with the seriousness that it deserves, and it is a serious issue. One might have thought that they could have made a valuable contribution towards the consultations, towards the department of immigration’s management of operations on the ground and especially towards the government’s existing and ongoing consultation with the local community groups, representatives and residents. Yes, I am all for consultation, as the member said. I always have been when it comes to issues in my electorate, and I am sure the member for Mayo is doing the same in his electorate. Regrettably, though, we see in this motion the same kind of fishing expedition that we have seen in other opposition motions to form
investigative committees which are nothing but fishing expeditions for political purposes and will not contribute towards a positive outcome.

I would like to refer to the member’s motion. It calls for an investigation into the suitability of the site, but by what criteria? Where are the criteria? There are none. What is the impact on the local community, the economy and small businesses? The department will be increasing economic activity, we hear. We already know this. This increase is said to be good for the coffers of local businesses, so that question is answered. With regard to the cost and level of services to be provided at the facility, how does the member think this information will be sourced? How does he think that a committee will dig out this information? They would ask the minister and the department. That is the obvious course of action. They would ask a question and, if that is all they would do, I do not know why you would need a committee for this purpose. Just ask the question and be done with it, and do not waste our time. It would be a similar situation to seek information on potential risks, although what risks the member is referring to I do not know.

Mr Morrison interjecting—

Mr Briggs interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! The honourable members for Cook and Mayo will cease interjecting.

Mr GEORGANAS—The member’s motion requests public hearings in the Onkaparinga Valley. We are already doing this. Sorry; you are only catching up. The minister has already been on the ground, inspecting the site, consulting with local representatives and establishing communications, issue identification and problem-solving arrangements. The minister has already met with people in an initial series of stakeholder meetings and announced the creation of the position of community liaison officer. He has also set up the community reference group, which is already meeting.

The motion calls on the would-be committee to undertake public hearings. The government has already gone one better than that. The community could have a group of Liberal backbenchers swanning around the beautiful Onkaparinga Valley, looking for someone to talk to, because that is what they will be doing. We already have the minister himself speaking at a forum on Wednesday, 24 November—that is, in two days time.

Mr Briggs—When was it announced?

The DEPUTY SPEAKER—Order! The honourable member for Mayo had his turn a moment ago.

Mr GEORGANAS—What would the community prefer? Would it prefer the Liberal backbench committee getting over there some time over the summer or the minister in two days time? And, yes, matters concerning education, health services, fire safety, security, jobs and other issues are expected to be discussed, and there should be consultations.

I am suggesting that the government, through the minister, is well on top of everything that this member is calling for in his motion. It has already happened, is continuing to happen or is happening. The motion does nothing but waste backbenchers’ time—even though I am sure they would all be most welcome in South Australia over the December-January period, regardless. I encourage them to pop in and try some of the wine at Bird in the Hand, just up the
road from the area we are discussing. We have lots of great spots, which all the backbenchers, and ministers for that matter, would be most welcome to visit.

There is a more serious issue in this and I am concerned not by this motion per se about the consultation but by what this type of grandstanding may be doing in the community. We heard on the weekend of the distribution of highly negative material—

Mr Briggs interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! The member for Mayo.

Mr GEORGANAS—being distributed in the Adelaide Hills—

Mr Briggs interjecting—

The DEPUTY SPEAKER—The member for Mayo should not ignore the chair.

Mr GEORGANAS—by a political group calling on people to take action. I assume that is action against the facility and all people connected to it.

Mr Briggs interjecting—

The DEPUTY SPEAKER—I warn the honourable member for Mayo!

Mr GEORGANAS—This was reported on the weekend on radio, it was reported in print and it was reported on TV news. I am concerned that upstanding members of the community, people who were raising legitimate concerns, seeking information, as they are all entitled to do, are going to be tarred with an extremist brush. That is serious. I certainly hope that the member himself is not encouraging those reactions to what the government is doing. I am sure he is not. But I hope he does not encourage this extremism, especially where it is negative, destructive and against the law. I am sure he is not. I would suggest that the opposition reflect on matters at hand with a cool head. I would suggest that they lead by encouraging calmness and rational thought and not inflame the situation. That is what we do not want to see, the stuff we saw on TV this weekend.

Mr Briggs interjecting—

The DEPUTY SPEAKER—The honourable member for Mayo will cease interjecting, otherwise I will ask him to leave the Main Committee for 15 minutes.

Mr GEORGANAS—I would be more than happy to discuss my experiences in my area within South Australia because there was wave after wave of migrants of non-English-speaking people coming in and residing, studying and working in and around Adelaide’s western suburbs. This is a phenomenon that has happened for the better part of half a century in the electorate of Hindmarsh. It was evident when I was a child. I was the son of people who migrated as newcomers to this country. I attended school at Cowandilla Primary School and every week it had loads of people enrolling at school that could not speak a word of English, that were brand-new arrivals. And this is continuing today at Cowandilla Primary School.

Mr Morrison—What’s this got to do with consultation?

Mr GEORGANAS—It is an example of how it does work. I was one of those kids that was brought up in that environment. Subsequent decades brought more waves of migrants. They brought the Vietnamese, they brought a whole range of people from all over the world, wave after wave. As I said, Cowandilla, my own primary school, continues to have enrolments of kids from non-English-speaking backgrounds. The enrolment is 338 and 231 are
from non-English-speaking backgrounds, there are 22 Aboriginal enrolments and nine new rival program classes are run per week.

I understand the logic of the people of the Woodside area that new challenges will diminish the resources and energy that can be applied to the existing challenges, but the fact of the matter is that in Cowandilla’s case we coped. More than that, as I have indicated, we actually thrived. This issue is different, of course. With the department of immigration, there will be additional support, additional resources, and additional education personnel and the like. They will be picking up the tab as well.

In terms of the area and the impact on the area, migration has been a blessing in this country. Adelaide’s western suburbs were great when I was growing up. If you want a window into the past, have a quick look at my maiden speech and how much the place has changed over time. It is an even better area now: it is more diverse, more interesting and more enjoyable because of the people there and the different cultures, experiences and perspectives that they give our community.

So I encourage the member for Mayo to be positive and to try and create a positive atmosphere out of it and at the same time do all that we can to consult with the community and ensure that these fears are erased. Your community leaders have already met with the minister; communication is open. I encourage people to express their views with the minister over time. They are there to resolve these issues with a cool head with the department of immigration and the minister. I acknowledge that this is a change but all I can talk about is my experiences and it is likely to be positive change socially and economically.

The opposition’s reflex opposition to this government’s initiative is exactly identical to their opposition to other government initiatives. It is a tactic which is repeated week after week to frustrate anything that the government is doing. I cannot support their tactic and their hypocrisy on this obstructionism that they embody.

Mr MORRISON (Cook) (1.09 pm)—This is a government that is in panic, and it is in panic because of its own failed policies.

Labor want to turn this into a race debate. We just saw that then from the member for Hindmarsh, turning this into a debate about immigration when this debate today is about an arrogant government flailing from their own policy failures and forcing a decision on a local community. I welcome those in the gallery today from the community of Woodside who out of their own pockets have come to get what they could not get in Woodside—meetings with the government and particularly a meeting with the Prime Minister. I note today that the Prime Minister has scurried away, despite the fact that she has been in Adelaide on numerous occasions and could have met with the good people of Woodside but has refused to.

This government needs to face up to its own failures. The people of Woodside are not only standing up for their community but I believe they are standing up for people around the country, because this will not be the last set of beds opened by this government in the detention network. There have been some 1,800 to 1,900 people who have arrived illegally by boat since the election. The government have announced around 3,000 new beds and they will be exhausted in very short order. So the processes established by which this government arrogantly and in a panic imposes these matters on people in our community is a matter that is worthy of debate.
Where the government has failed to consult, the parliament should act. That is what this motion is about. The parliament should act. The parliament should call on the minister to come into the House of Representatives this week and give a statement on the broader failures of this government that have led to this situation occurring in the first place. But the government should also agree to the motion put forward by the member for Mayo that the Joint Standing Committee on Migration, which is a bipartisan committee representing members from all over this parliament, including formerly the member for Melbourne Ports, who is sitting opposite here today and who did work on that committee. It is chaired by a government member and includes members from the Greens, the Labor Party and the Liberal Party and the Senate and the House. This is a committee that can go and do what the government failed to do, and that is to talk to the people of Woodside—to go and hear what their concerns are.

When I was in Woodside recently—and those in the government did their usual thing of trying to accuse the coalition of being racists, basically, in considering the legitimate concerns of people in the community—these were some of the concerns put to me: they were concerned about the future of the Inverbrackie base and want an answer to that; they were concerned about the location of demountables on the school playground as a result of having to cater for additional students at the school, which will take away the play area for their children; they were concerned about whether there would be counsellors placed in the schools who would be able to address the concerns of parents and their children and who would deal with the inevitable situations that would arise from these matters; and they were concerned about bushfire risk and the lack of a plan—and I understand there is still the lack of a plan to deal with a catastrophic bushfire event—where you have 400 people in a centre in a very hazardous zone, none of whom can respond directly to any English directions. That is a concern that this government should be concerned about.

They were concerned that the alternative uses of this facility for supported accommodation for people with disabilities had not been assessed or considered. The need for social housing in this community—and there are quite a number of people in the Adelaide Hills in need of this, I am told—was also ignored. The potential for this facility to be used as a women’s refuge for women who are fleeing domestic violence was also discounted. There were concerns that the $10 million that is going to be spent on this facility could be better spent on the Mount Barker hospital. People were concerned that the site was chosen without any discussion about what the alternative sites were other than in this facility, and that remains the issue. We do not know what the alternatives were; the government will not release the list of alternatives. They are not prepared to stump up and explain their decisions to this community.

This community was also concerned about access to health services and whether there would be a two-tiered health service in Inverbrackie and Woodside: a substandard service for those who live in Woodside and the Adelaide Hills and another standard for those who will be detained as part of the Inverbrackie detention centre. These are very legitimate and reasonable concerns. This motion put forward by the member for Mayo, who I commend for his advocacy in this parliament on behalf his community, is simply designed to give people a say and to force this government not simply and arrogantly to impose decisions on a community. It is because of their failures, and let us not forget that they are their failures that have created the need for this facility. More beds and a never-never solution in East Timor are no solution. What this government needs is to put a real solution on the table for their border protection
failures. The minister should come into the House this week before the parliament rises and stump up with his plan. I am ready to put mine forward and the people of Australia can decide. (Time expired)

Mr STEPHEN JONES (Throsby) (1.14 pm)—I come to this debate with some background in what it is like to grow up in a community which has been, over many generations, the beneficiary of people who have come to our country with a suitcase full of photos and a heart full of hope in search of refuge from wars and persecution. They have come to a community which has, on the whole, received them with open arms and benefited from the great contribution they have made to our community in the Illawarra and the greater Throsby region.

I agree with some of the comments that were made by members opposite that there is a need for a debate on immigration in this country, that there is a need for a debate around refugees in this country, but that debate should be based on facts. It is a debate which should be cognisant of the fact that we live in a region which is beset by international turmoil, by wars and by dislocated populations. It should be cognisant of the fact that, as the UNHCR has reported, there has been an overall increase in the number of displaced persons in the world, in our region—by over 12 per cent between the years 2007 and 2008 alone. Indeed, over 35 million people are believed to be displaced. We have an obligation as a community to deal, in a responsible way and with regional solutions, with the plight of unfortunate people who are being displaced in our region. We do need a debate on how, in this country and this region, we deal with those problems. We need a debate which is cognisant of the fact that the majority of people who are in our detention centres at the moment did not come by boat. You could be forgiven, if you listened to the rhetoric and the debate of those opposite, for thinking that the majority of people have come to us by boat. They have not come by boat; they have come by plane, with valid visas. After arriving in a plane, with a valid visa, they have sought asylum or refuge. That is what led them into a detention centre. The motion we are debating is yet more of the politics of fear from the member for Mayo and the coalition.

Prior to the election campaign, the Prime Minister proposed seeking a long-term solution, a bipartisan solution, to deal with asylum seekers and to end the politics of fear and division that the coalition has been practising.

Mr Briggs—Is this related to the motion?

Mr STEPHEN JONES—The member for Mayo asks me how it is related. I sat through and listened to the speech by the shadow immigration spokesperson, the member for Cook, and I am sure other members in this chamber would be forgiven for being confused as to whether this was a debate about a particular site in Inverbrackie or whether it was a debate about immigration policy.

Mr Danby—It was all red faced. He had a red face.

Mr STEPHEN JONES—It was red-faced rhetoric; that is right. It was a debate which was an opportunity for him to spread more of the politics of fear and confusion. We are seeing that as a result of this motion. The coalition has to come clean on whether it opposes the housing of families and children in community based accommodation or whether it wants these families to remain in detention centres. And that goes to the nub of the proposition. Do the opposition want these people to remain in detention centres or do they want them to be in commu-
nity based facilities? There was a bipartisan position from 2005 that it would be better for women and children not to be in long-term detention centres but to be in more community based facilities. But we see through this episode perhaps a reversal of that bipartisan position.

Mr Danby interjecting—

Mr STEPHEN JONES—That is right. Having received a full briefing from the department, it is reprehensible for the member for Mayo to continue to spread fear and misinformation in his community and to seek to exploit the fears for some political advantage. Holding an inquiry, as the member is proposing, would simply be another stunt to stir up community concerns. Any genuine concerns that the community may have are being dealt with systematically by the department and by the minister, and that is indeed the appropriate way for those concerns to be dealt with. (Time expired)

Mr VAN MANEN (Forde) (1.19 pm)—The member for Mayo’s motion is full of common sense, and sadly it is required, as the Labor government continues to make ill-conceived decisions which show their lack of concern for the welfare of communities and for people within Australia. Their lack of planning and consultation can be shown in the latest announcement of a detention centre at Inverbrackie in South Australia. Concerned community residents have formed a group called the Woodside Community Action Group and they were here earlier today. They are worried about the severe ramifications that this centre will have on this community unless serious action is taken. Community groups in the area are calling the government sneaky and untrusting and the groups believe the government are not capable of thinking through the consequences that could affect the fabric of the community.

On 18 October 2010, the Prime Minister and the Minister for Immigration and Citizenship announced a $9.7 million detention facility which would accommodate 400 people, consisting of family groups who are undergoing refugee status assessment. But the government did not consult with the community around the proposed detention centre when making their plans. Neither did they consult the state government of South Australia or the Adelaide Hills Council. The Prime Minister did not even mention the plan when she visited the Adelaide Hills on Sunday, 17 October, the very day before the announcement was made. The government only consulted the Department of Defence.

The government’s lack of concern for the community was shown in a radio interview with the Minister for Immigration and Citizenship, Chris Bowen, on Friday, 22 October 2010. When he was asked whether the final decision had been made and if the community was now expected to simply accept the plans, Mr Bowen answered:

… we’ve made a decision that this is an appropriate site. We’re more than happy to sit down with the local community and sort through their concerns but we’re implementing the decision that’s been made.

The minister went on to confirm that the government did not have concern for the community with the following statement:

I understand people’s concerns but at the end of the day this is of course a Commonwealth responsibility to make sure that people are accommodated. It’s Commonwealth land and it’s land which is very suitable for this purpose.

In other words, the land belongs to the government and they will do whatever they like with it without concern for those living in the area or the local governments in place.
Where is the detailed plan for this centre? It has been announced that detainees will be low-risk clients who were assessed for their suitability for placement while on Christmas Island and other places, but it does not give any other details. What ages will they be? All the government have said is that families will arrive. What will be the impact on local health services, education, recreation, transport, police and other community services? There are no concrete answers to these questions, which shows a lack of planning by the government. The government do not even have a plan for the duration of the facility’s usage. It has been said that Inverbrackie is intended to be a medium- to long-term facility but that detention facilities are always driven by the number of people who need to be detained.

Has the government thought through any of these questions or are they simply doing what they want to do because it suits them? A further inquiry by the Joint Standing Committee on Migration should be undertaken as a matter of priority for a government which has clearly failed to gain community support, come up with a detailed plan and fully assess the issues and concerns of the community involved.

Mr DANBY (Melbourne Ports) (1.24 pm)—I have been called late into this debate and am pleased to take part as a former chairman of the parliament’s Joint Standing Committee on Migration. The opposition has made this motion, which claims that the government has not consulted on the development of this centre, into a political issue that is not based on fact. The brief I received from the Minister for Immigration and Citizenship indicates that he has met a number of times with people from Woodside and that Woodside residents are going to have further opportunities to meet with him. As the member for Hindmarsh said earlier when he was in the chair, the mayors of the local area will also be meeting with him on Wednesday, 24 November.

This motion needs to be seen in a wider context. The real issue is not some faux concern about consultation. It is another attempt by the opposition to use its old faithful political weapon: hysteria about unauthorised boat arrivals. Debates surrounding unauthorised boat arrivals in this country have had many low points, but some of the worst occurred during the recent election campaign. We all remember the opposition’s extraordinary ads with red arrows pointing at hordes of people coming from Asia and the Middle East to our shores. Who can forget the overblown rhetoric of the member for Warringah, the Leader of the Opposition, that Australia is suffering a ‘passive invasion’? We have 13½ thousand people who are part of an authorised refugee program, and that overall number is not altered. Those who come by boat—there are no extra people who become refugees—are but part of that small segment of our migration program.

The debate descended into the downright bizarre when the member for Warringah, the Leader of the Opposition, suggested that he would establish a ‘boat phone’ to turn boats back. Of course, he would not do that. We all know that the rhetoric of the member for Warringah is worse than what he would actually do. He would not drag women and children back out to sea. But slogans and publicity stunts are what we have come to expect of the opposition, rather than measured and sensible responses to the issues facing our country.

The government is developing a policy response to this issue that is focused on regional engagement. We will only be able to successfully manage this issue of unauthorised arrivals by working with our neighbours—those countries through which the vast majority of unauthorised arrivals transit. This policy will not necessarily be a quick fix, but it will achieve a
lasting result. As I said previously, every person who is seriously involved in the asylum seeker issue knows that the central issue is what happens in Indonesia. The government in Indonesia is democratic and the best friend Australia has ever had. Indonesia has an excellent President and an excellent foreign minister. The possible passage by the Indonesian parliament of legislation giving sentences to people smugglers is much more germane to people in Adelaide who are upset about unauthorised arrivals than is this hysterical motion.

We also must remember the context. Around the world approximately 42 million people were forcibly displaced as a result of conflict during 2009. Developing countries host 80 per cent of the world’s refugees. Australia received 6,170 unauthorised arrivals in 2009, which is 1.6 per cent of the world total. Please, let us place this debate in some context. As I said, we had 13½ thousand asylum seekers in our humanitarian program. The people who come as unauthorised arrivals are subtracted from that 13½ thousand, so there are no extra people coming to Australia—something I hope the member for Mayo and the member for Cook point out to people in the Adelaide Hills.

I cannot understand the opposition’s policy on this. I was on the Joint Standing Committee on Migration when the shadow minister for migration, the member for Murray, voted in 2009 at the committee for asylum seekers to be treated more humanely and more rationally. She voted for that policy. That was the time when the opposition ought to have been up there demanding any changes they wanted to make to our migration policy, to the way we receive asylum seekers, rather than making people hysterical for political purposes during an election and when we actually have to deal with a group of asylum seekers who need to be housed in a particular centre in Adelaide.

Our policy is about ensuring that Australia retains its rightful role of welcoming a reasonable number of the world’s refugees while maintaining the security of our borders. Our policies will achieve this; cheap slogans will not.

The DEPUTY SPEAKER (Mr S Georganas)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Sitting suspended from 1.29 pm to 4.03 pm

GOVERNOR-GENERAL’S SPEECH

Address-in-Reply

Debate resumed from 18 November, on the proposed address-in-reply to the speech of Her Excellency the Governor-General—

May it please Your Excellency:

We, the House of Representatives of the Commonwealth of Australia, in Parliament assembled, express our loyalty to the Sovereign, and thank Your Excellency for the speech which you have been pleased to address to the Parliament—

on motion by Ms O’Neill:

That the Address be agreed to.

Mr RUDDOCK (Berowra) (4.03 pm)—In the spirit of the occasion, I first apologise to the Governor-General. I apologise to the Governor-General on behalf of the government for giving her such a poor speech to deliver on this occasion—one that is so shallow, one that is lack-
ing in any real direction and one that shows that the government is without a substantial plan for the future.

I thought as I read this speech that it was particularly germane because the first matter that the Governor-General comments on is the outcome of the election. I must say it is quite fascinating for me to read an address-in-reply where the Governor-General comments on the outcome of an election. She goes on to say on behalf of the government:

Nowhere has the robust nature of our democracy been more evident than in the election held on 21 August 2010.

Through this result, the Australian people have placed upon their elected leaders the responsibility of forming a minority government, something not seen in our Commonwealth for seven decades.

In that I agree. She went on to make this very interesting observation:

It is a tribute to every senator and member gathered here today that this process unfolded with patience and civility and has yielded a parliament committed to greater transparency and accord.

I thought to myself, ‘Where is the evidence for this greater transparency and accord?’ I know that the speech covered a number of areas, which I will go to, but among the issues that I found particularly fascinating were the issues in relation to the National Broadband Network.

I was particularly focusing today on some comments in the *Sydney Morning Herald* written by Ross Gittins, not a person who I normally see lauding the opposition but one who makes, when I read his remarks, often quite perspicacious comments. He made this observation today:

I am starting to get a really bad feeling about Labor’s plan for a national broadband network. The more it resists subjecting the plan to scrutiny, the more you suspect it has something to hide.

He goes on:

The obvious way to start that process would have been to accede to calls for the Productivity Commission to conduct a cost-benefit analysis. The determination of governments to keep their schemes away from the commission is always prima facie evidence they know the scheme’s dodgy.

I must say that I thought these were particularly perspicacious comments about what is said to be one of the major centre points of this government’s program for the next parliament.

When I also read about greater transparency and accord, I also want to take this opportunity—in relation to the way in which the government was made, on which the Governor-General has seen fit to comment—to record something of the observations made recently by the member for New England. What I was fascinated by was that the member for New England, in relation to a matter which in the overall scheme of things is important to some but for most people largely irrelevant—that is, the question of same-sex marriage—said, of course, that this was the most important issue, about which every member should consult with their constituents to form a view as to how they might respond. I might say that I have already spoken in another debate on that matter, and I mean no ill will to people who are in same-sex partnerships, but I think it is germane that in relation to the major question facing the people of Australia, the formation of a government after this recent election, the member for New England did not think it was necessary to consult with his electors about whom he should support in the formation of that government. I found that quite fascinating: on same-sex relations it should happen, but in relation to the formation of the government for the next three years in Australia it was not necessary. I must say that I have greater respect for the member
for Denison, who, in relation to the judgment he formed that he, having consulted with his constituents and fairly obviously having formed a view about where their loyalty would be if he were not there as an Independent—that is, with the government—decided that he should support the government. I am surprised the member for New England did not go through the same process.

I want to take the opportunity of addressing the first major question that the government raised in this address-in-reply, and that is a stronger economy. The first point I want to make is how ungracious I think this government has shown itself to be. It goes on to make this observation through the words of the Governor-General:

Having emerged from the global financial crisis with some of the best economic outcomes of any advanced nation, the government will implement measures to ensure Australia's economy remains flexible and strong.

I thought how ungracious it was not to acknowledge that the underlying strength of the Australian economy, which saw us through that crisis, was something that they inherited: a strong economy—not obtained, I might say, with ease but obtained because people were prepared to take tough decisions over a long period of time to produce surpluses.

When I look back over the way in which some other leaders of Australia have responded from time to time, they have been prepared to acknowledge the efforts of their predecessors if they have been significant in the outcomes that are being obtained. In relation to the global financial crisis, the record of the Howard government and the strength of the economy that was bequeathed to Labor should always have been acknowledged quickly and generously, and I think it diminishes those who fail to make that acknowledgement. But I was also impressed with these observations:

Foremost among those challenges—
that is, in relation to a stronger economy—
is the need to build a high-productivity, high-participation, high-skill economy that delivers sustainable growth for all Australians.

The speech goes on to identify a number of ways in which it is believed that that is possible.

As one who is strongly of the view that we should be transparent in relation to these matters, and fair and just in the way in which we deal with these issues, I am prepared to acknowledge that it is important to have expenditure by the Commonwealth in improved infrastructure. It needs to be improvement in infrastructure where it is actually needed rather than where it is politically opportune, and it is in that context that I wish to comment about the commitment to invest in transport infrastructure over the next six-year period and the decisions taken by this government in relation to the community that I represent.

I have to say, Madam Deputy Speaker—and you may not be familiar with it—that Sydney is a quite fascinating city. It is a city that is often seen to be divided, not just by a river but in the way in which people are dealt with, and certain assumptions are made that if you live in some parts of Sydney you are a little better off than others and you may have fewer needs. When you form your judgments on the basis of addressing expenditure where you assume there may be greater needs and you ignore others, you can sometimes have quite perverse effects. The most significant and perverse effect in Sydney is the extent to which significant
transport links which are necessary between our major capitals have been disadvantaged because of very deliberate decisions to ignore some parts of our great city of Sydney.

I often tell people—and I am sure my colleague the member for Macarthur would know—that a new freeway has been built in the western suburbs of Sydney. It is called the M7, state-of-the-art infrastructure which ends on another freeway called the M2, which in fact goes to Sydney rather than anywhere north of Sydney. There is another highway called the Cumberland Highway, which stretches through the southern part of Sydney. I will tell you where it ends in a moment. There is another highway called Woodville Road and another highway called Silverwater Road—and, Madam Deputy Speaker, where do you think they all end? They all end on one road called Pennant Hills Road at West Pennant Hills, where, with a mass of traffic generated locally, with a lot of traffic lights and with a very considerable number of dangerous sites where quite significant accidents could occur, you have major interstate transport vehicles, B-doubles and the like, mixed with schoolchildren in vehicles on a three-lane road, said to be a highway, which services a local community and no other way, essentially, to bypass it if you want to go from Melbourne to Brisbane. It is the major choke point in effectively linking those three cities, and yet no expenditure occurs on that road, ostensibly, I think, because people think: ‘These are Liberal electorates. They don’t deserve to have expenditure of this sort given to them.’

It is said at times that the freight issues might be able to be dealt with by putting freight railway lines in. You certainly cannot do it on the existing line or you would have to raise the level of every overpass carrying traffic between Sydney and Brisbane, but no substantial expenditure or effort has been made to provide an effective freight network on that rail link. I think that this is the most significant decision that has impacted upon any community, in a most deleterious way. Unless the government is prepared to make a substantial effort to convince New South Wales that it should prioritise this road link, we will go on with the farce that Infrastructure Australia will not advise the spending of any money to address that issue, by a genuine western orbital, by a tunnel or by whatever other route is properly advised. It will not happen unless the preliminary work and planning has been undertaken.

When you go to the link and ask the question: ‘What work has been done to prepare the plans so it can be job ready?’ none has been undertaken. In one way or another Labor is responsible, whether it is federally or in the state of New South Wales. I think these decisions are deliberately neglected because they are of no priority to the government. I have to say that I hope a time will come when it can be detached from the political arguments and people will recognise that there is a very large community of people here who are entitled to proper services—a north-west rail link, an effective orbital road network that will separate out the interstate trucks from local communities. Until that happens the people of north-west Sydney are entitled, and justly, to complain and to complain loudly. There is nothing in this speech that would suggest that there is an approach to deal with this question.

I found one other issue that was of interest to me. Having been an Attorney-General and interested in economic reform that one could undertake, it always seemed to me that harmonisation of laws between the states of Australia and the territories of Australia is a very significant way of reducing costs to industry and making Australia a more productive society. Yet I find in this speech the only example where this government is working in relation to that important
issue is the one area in which two Labor governments now cannot see eye to eye. The speech says this:

During this term, the government will also pursue its reform agenda to break down barriers for businesses operating across state and territory borders, in particular, a national regime for occupational health and safety regulation.

I think that regime is absolutely necessary, but I find it preposterous that New South Wales should be walking away from it and that a Labor government in Canberra cannot convince a Labor government in New South Wales to cooperate on a measure that they say is important. What disappoints me even more is that beyond that no other areas of reform have been effectively identified.

There is little in this speech that one can comment on in a generous way, because it is so shallow. There is a lot that I wanted to comment on, and time will prevent me, but I do need to talk about another area adjacent to my electorate where my electors have been particularly short changed. The government has a statement in this speech that it:

… will implement its landmark structural reforms to improve access to health and hospital services for all Australians and sustain the financial viability of the health system.

I have to say in northern Sydney we are only serviced well by our private hospital system. The major public hospitals, which have been community hospitals supported by the local community, have been savagely neglected. It is not the staff or the people who work there that are to blame. It is a government that has deliberately ignored the needs of north-western Sydney and particularly those of the Hornsby and District Hospital.

When people are taken into hospital premises and they find that males and females are using the same toilet facility because people have been mixed together when they have come out of surgery—and I had a local resident complain to me about a situation in which, while he was on a toilet, a woman came into the premises to have a shower—you have to ask yourself how that can happen. While he was in the hospital, the roof was leaking because no effective maintenance had been undertaken. When the hospital said it would try to do something about it, it erected a temporary roof over the top and maybe next week it would bring some tarpaulins in. It is an absolute disgrace that you can leave a community served in that way and not give it priority. Yet the arguments that are given are that these people are in some way privileged.

I think this government will be very severely judged in time because it has no substantial proposals. This speech is bereft, in my view, of any significant outline or plan of achievement for which the government can be effectively held accountable. It is full of cliches and there is very little on commitment, particularly to my constituents, who are entitled to be very concerned.

There are many other issues I would like to discuss, but before I finish my speech I will focus on one other issue I find quite fascinating which is likely to be of importance to my electorate in time and that is the rollout of the National Broadband Network. I was certainly unaware that, in order to implement the National Broadband Network, states might be asked to legislate to give the providers of that service the right to enter onto private property, often without consent, to ensure that connectivity can be achieved. The fact that Tasmania has legislated in this way needs to be clarified now by all the other Australian states. I noticed a headline in the Hobart Mercury ‘Gardens at Risk’. I think all Australians are entitled to know
whether the National Broadband Network is going to lead to intrusive activity in their homes without their consent.

Ms Saffin (Page) (4.23 pm)—In my contribution to the address-in-reply to the Governor-General’s speech, I am going to focus on my seat of Page and outline a number of what I call ‘Page priorities’—a list that I have put together over the three years that I have been a member and something I have worked up in close consultation with my five local government areas, with a range of representative bodies in my area and with individuals. So it is a real community list of Page priorities. I always say to people that we can always lobby for them and sometimes we will get and sometimes we might not get but good ideas never go away and they find their time. That is the approach I take to working with, working up, advocating and advancing these priorities. Obviously, health is a big one and I will start with health.

Stages 3 and 4 of the Lismore Base Hospital redevelopment—the next stage of the development—will cost $155 million. That amount is broken into $90 million for stage 3 and $65 million for stage 4. There is a community health centre on Treelands Drive, Yamba. That would be at a cost of $3.5 million. These are indicative costs. There has been some sort of project brief done as well. Grafton Base Hospital, also in my electorate, would be stage 3. We have stage 1 and stage 2, and I am happy to report that I have been able to get money for both of those hospitals. They are underway, but stage 3 at Grafton Base Hospital would be about a $50 million package. It would involve a new surgical services unit and new emergency department, among other things. There are other projects in the community—I know there is Ballina District Hospital. One of the longer-term projects there would be an upgrade of the emergency department and surgical services. That would be a $25 million project. Iluka is a small, lovely village in my seat. The expansion of the Iluka Community Health Centre would be a $2 million project. Casino Aboriginal Medical Service, which covers a range of services in a broader area, would get an upgrade. They are looking to relocate to a stand-alone, purpose built Aboriginal Medical Service centre. That is a $4.7 million project.

There are some other projects. I will start in the Ballina Shire area. There would be the completion of the Ballina River Street Beautification Project, the Main Street beautification in Alstonville and, as they call it, the Ballina Lady Jockeys Racing Museum at the Ballina Racecourse. That is something the Ballina Jockey Club are very passionate about and are doing some work on in the community at the moment. There is also a biochar project that Ballina Shire Council is working on in conjunction with others. We are in conversation about that at the moment. It is a very good project that I see as a leader in that area. It could have good implications for our regional economy.

Richmond Valley Council, one of the other five local government areas, are working up the Queen Elizabeth Park redevelopment master plan with at least nine local sporting groups and widespread community support to enhance and develop a large multiuse sporting fields area. Other projects in the Richmond Valley area include two projects coordinated with the Richmond Valley Council who, with other people in the community, are keen on and working to advance. One is a gas pipeline in the area and another is intermodal freight rail. There is also the Northern Rivers military museum. I have had a look at an old hall in Casino with an ex-serviceman: the Richmond Valley general manager. They are gathering widespread support across the Northern Rivers area to look at a Northern Rivers military museum. In various RSLs and clubs that we have across my seat of Page you will find museum pieces, and I am
sure that they will be keen to hang on to them. The idea was that they could look at having a Northern Rivers military museum so that there could be one key museum that could house a lot of this very important historical memorabilia.

Coraki, which is also in the Richmond Valley Council area, has projects identified including the multipurpose court for tennis and hockey at Windsor Park, the extension of the skate park facilities and the Coraki riverside park foreshores improvement program. In Evans Head, still in Richmond Valley, projects include the Stan Payne Oval improvements, the footpath bikeway program that gives connectivity between certain streets and Ocean Drive et cetera, and heritage work at the Evans Head Memorial Aerodrome.

I move on to the third local government area: the Clarence Valley. One of the projects identified there is the Grafton Regional Art Gallery, which in conjunction with Clarence Valley Council, Arts Northern Rivers, the Gallery Foundation and Friends of the Gallery, has widespread community support for an upgrade, a collection room and a range of other things to enhance it. There are also the saleyards at South Grafton—an area for which I got money before for an upgrade—for a continuing upgrade; a performance stage and dressing rooms at the Saraton Theatre; and a new Men’s Shed at the former Grafton brewery site. The old brewery site is an old historical landmark in Grafton, a great site, and they are doing some really good work there.

There is also a plan to build a second crossing over the Clarence River, and that is something that has been strongly promoted and pushed at state level. It is a key project. I will also mention Iluka, which has formed a local community-run committee to raise funds for a pool. That was done in Evans Head in my electorate. They worked for 17 years to raise funds for a pool. They were fortunate in that they were able to get some additional funding under the regional community infrastructure program. In that 17 years they had a lot of cake stalls and lamington drives to raise the money, so it was good to see that get up. Iluka has drawn its inspiration from what happened at Evans Head.

Kyogle council, another local government area in my seat, have a key project—the Kyogle Gallery and Museum project and library extension—put forward as the Kyogle Shire Council’s No. 1 priority works project. It is one of those projects that the whole community is behind. It has a local committee, led by Tom Fitzgerald, one of those great local people who get involved in all sorts of things. He is someone who talks the talk and walks the walk, because he gets out and does things. I have had the opportunity to work with Tom over many years—long before I came into this place—to get some good things happening in health and other areas. This key project will help enhance and develop the cultural precinct in Kyogle and add to the regional economy as well. A new Kyogle Youth Centre is dear to the people in the community and to the Kyogle council, as is restoration of the Kyogle Memorial hall and working with the local RSL.

There is also a project in a very beautiful place called Lawrence, which is on the river in the Clarence Valley. It is a small project but one that will make a big impact in that small community. It is for the restoration of Lawrence Hall, also known as the Lawrence Literary Institute. Part of the restoration is for the removal and replacement of the asbestos roof. That will go a long way to helping Lawrence Hall.

I now turn to the Lismore local government area. A project the residents there have long advocated is the Margaret Olley Arts Centre. Margaret Olley, who has allowed her name to be
put to the arts centre, has links with our area. The project has the support of the Lismore City Council, Arts Northern Rivers, Regional Development Australia and the Northern Rivers industry investment district. There is widespread community support for the project. It is a strategic project that they would like to get up. The centre would be a purpose-built facility on the corner of Keen and Magellan streets and would include permanent and temporary exhibition space, a lecture theatrette, a collection and storage area, a reception area, a cafe and a gallery shop—all the things we now have in modern art galleries, which are more than art galleries; they become part and parcel of the cultural precinct.

Another priority in the local government area is a lift in the Lismore Regional Museum, which is about accessibility. The residents of the area would also like a second bridge over the Wilson River. There are a lot of places where people want a second bridge, and the Wilson River has been identified as an area where a second bridge is needed. Refurbishment at the Lismore City Hall is another priority. There are also a number of road projects, particularly the Ballina Road alignment and the Pineapple Road link between Ballina Road and Bangalow Road.

Other priorities in local government areas include the Nymboida Wilderness Rescue team at Nymboida and Coutts Crossing in Clarence Valley. They provide a really important community function but do not have a storage area. Their equipment is stored in bits and pieces at various people’s places, and they move it around as they go out and do key work in the community. They do share an overcrowded shed with the State Emergency Service at Coutts Crossing, but they are keen to have their own storage area.

For the village of Rappville, public infrastructure would allow them to upgrade the community hall and provide a playground and shade structure. For Wardell, a priority is the second stage of the Wardell master plan. The master plan was worked out between Ballina Shire Council and the Wardell community and Wardell businesses. The second stage would reinvigorate the Wardell town centre. The council has already provided money for the first stage and for the restoration, including the wharf, street lighting and shared pathways, which is wonderful. Wardell also has a great timber boardwalk. It is a historical village, and historical and cultural artwork would be included in the project.

In Woodburn, which is on the Pacific Highway between Grafton and Ballina—a stretch of the highway that is often talked about—there is a lovely visitor information centre, which is run by volunteers. They do a great job, particularly Joan Roots and her team. I know they would like to see the centre done up, but in Woodburn they also want to develop their native botanical garden, which is on the riverbank east of the town, and upgrade Riverside Park. Woodburn is certainly a lovely place to stop. The projects would not only beautify the area but also help the local economy.

A few other projects have come up as Page priorities. The Yamba Surf Life Saving Club needs a new storage shed at Turners Beach. You may not know that Yamba was voted as the ‘best kept secret’ in Australia. I think some of the people who live there would like to keep it like that, and I do not blame them. It is one of those places that people like to visit—very beautiful. It is a great surf lifesaving club, and a storage shed for the club is one of the projects that has been identified as a priority. Another priority for Yamba is some additional work at the sporting complex, particularly the Lower Clarence rugby league club and Yaegl Elders, which has community support.
Then there is Woodenbong. Woodenbong is in my electorate. It comes within the Kyogle shire and borders on the Tenterfield shire. My seat of Page also borders on the seat of New England. Woodenbong has long had a dream and it is hard to get attention, particularly as it is one of the smaller towns and villages in the area—a very vibrant one—and people want it for roads. It is a key link—

A division having been called in the House of Representatives—

Sitting suspended from 4.40 pm to 4.53 pm

In the few minutes I have left in the address-in-reply debate I will mention a few other projects. There are quite a few employment ones, covering a whole range of areas from community colleges to Southern Cross University. There are also some social inclusion ones, particularly with the Northern Rivers Social Development Council, and there is also the regional integrated transport plan, which is a big one that the entire community is committed to. As well, the community is working with colleagues over the border in South-East Queensland out into the Southern Downs area Scenic Rim and way beyond my seat. But that is what we need for a proper regional integrated transport plan and it has some legs. There have also been some advances made towards Infrastructure Australia in another area.

Another key issue that comes up is about the Clarence River. There are a lot of people who are continually talking about getting their hands on the water in the Clarence River, about diverting it or damming it. This has come up again in the context of the Murray-Darling Basin Plan and the debate about that. I have said in this place and I will keep saying to anybody who even thinks about it, dreams about it, talks about it, speculates about it or advances it: not a drop will go out of the Clarence River. It is just a nonsensical approach to dealing with a problem and it will create another problem. The Clarence Valley Council has put up a minute on it, and all of its members and the whole community are at one on that. While ever that debate goes on, I will keep restating: not a drop. We have bumper stickers for people’s cars that say ‘Not a drop’ and I will be giving out more of those.

In the few seconds I have left in this debate, I want to mention a meeting I had with Dr Harry Gibbs and Dr Matt Landos in my office the other day. One is a cardiologist and one is a vet. They have been doing a lot of good work in the community, looking at chemicals and at the body of science around the negative impacts of chemicals in our rivers affecting fishery production and also affecting human health. I had a very interesting conversation with them and they have given me information on some great research. They have set out a case for urgent reform of pesticide regulation in Australia, and I will have another opportunity to talk about that.

Mr ROBB (Goldstein) (4.56 pm)—It is a great privilege to have the opportunity again to represent the people of Goldstein in this place. I have had this honour now since 2004. I would like to thank the people of Goldstein for their continued trust and support, and again commit myself to seeking to represent every member of the Goldstein community. The local interaction with the people of my electorate remains for me the most enjoyable and rewarding aspect of my job. As I said, I have now had six years representing the Goldstein community, which is a very vibrant community in a beautiful part of Melbourne on the bay. We have 60,000 households and 50 schools, and I enjoy the contact with all of that, but the 980 community organisations I have identified is an area of work that I have found particularly enjoyable.
What has struck me since becoming a member of parliament is the number of people in each electorate who volunteer to assist with so much of what makes our communities as vibrant as they are. Amongst the 130,000 people in my electorate, I estimate that there are close to 30,000 who do some sort of voluntary work. They make the football clubs, the tennis clubs, the bowling clubs, the community and ethnic organisations and all those sorts of activities work. But the groups that deal with people with disabilities are the ones that I have found the most rewarding to deal with and the ones that I am most in awe of, in a sense. Places like Bayley House, Marriott House and the Berendale School, among others, are wonderful places with wonderful people.

In relation to the overall election result, to get so near to forming government but to find ourselves back in opposition is both disappointing and frustrating, particular considering that we won more seats than our principal opponent, the Labor Party, and 700,000 more primary votes than Labor. It is truly remarkable that the effectiveness of the coalition resulted for the first time since Federation in a first-time Prime Minister not lasting until an election and, for the second time only, a first-time government losing its majority. Much credit should go to our leader, Tony Abbott, who has been truly magnificent in holding this government to account and has continued in that vein very strongly since we have continued in opposition after the election. Tony had a wonderful campaign and has led a united and disciplined team, supported by strong policy work by our shadow ministers. We must continue the efforts of the last 12 months in order to remove what in my view is really a quite dangerous Labor-Green government.

In the three years of the Rudd-Gillard government, very little was done, and what was done involved major increases in the nanny state. I do think that this explains a lot of results. Once people were able to focus on the nature of the government over the past three years and the implications of that, we saw that unprecedented movement against a first-term government. Nothing has been done or said to suggest that we can expect anything different in this Labor term. In fact, the last three years and now the alliance formed with the Greens have shown me that philosophy matters. It shows me why we are here.

It often annoys me that people say that, since the fall of the Berlin Wall, there is no longer any difference between the two parties. From my observations at both the state and federal levels over the last 30 years, that is not correct. There are two legitimately held philosophical positions but they are fundamentally different. On our side we believe in the great value of the individual, and it is our belief that the collective wellbeing, happiness and prosperity of any community is maximised by government creating an environment where each person is free to make decisions about how they conduct their own lives as long as they do not harm others—in other words, a community where people have choices, the freedom to choose. That freedom of course carries with it an obligation to take personal responsibility for your own actions and decisions. By contrast, turning to Labor and its Green allies, instinctively both those parties think the best decisions are made by Canberra—that the government knows best and people who make the wrong decisions are victims and need to be protected from themselves. It is a legitimate philosophy, but it is fundamentally different from the philosophy held on this side of the House. And it is that different philosophy that is brought to bear on everyday policies that affect everyday people in the way in which they go about their lives.
In that respect, I feel concern about the danger that is being created for the future years of our community under this government. I feel that, in this context of a nanny state, in the last three years we have seen, arguably, the greatest growth of government in our lives, probably including the Whitlam years. Using the excuse, in many respects, of combating the global financial crisis and now of needing the cooperation of the Greens, the Rudd-Gillard-Brown governments have taken every opportunity to impose their will on our lives. We are the only country in the world that re-regulated the labour market during the global financial crisis. We are the only country in the world that I know of that is renationalising its telecommunications sector. We are the only country in the world that sought to bring in the most bureaucratic, most taxing—$114 billion in the next 10 years—and most invasive emissions trading scheme imaginable. We were looking to auction 70 per cent of permits from day one; in Europe, they auction four per cent, and in Europe it is just a pilot compared to what was proposed here. And we were going to lead the world! Of course, now the US have said they will not be bringing in such a scheme. How stupid would we have looked last year if we had, lemming like, followed the Prime Minister of the day into that most invasive, bureaucratic and difficult scheme.

In the last three years, we have seen the government seek to undermine and ultimately get rid of private health insurance. We have seen them seek to get rid of employee share ownership. We saw them seek to set up a government bank while systematically removing 25 years of building up competition—25 years of competition in the finance sector all gone because they botched the introduction and the use of the wholesale and the deposit guarantees. Now the government are trying to back-pedal and find some way to improve competition at the margin. When the Treasurer agreed to the merger of St George Bank, what a folly that was. He also agreed to the merger of other banks and agreed to the disassembling of trust funds that in some cases had been there for 50 years.

We have seen the attempt to control the internet with filtering. We have seen the mining tax, with an attempt to introduce nationalisation of 40 per cent of the mining industry. When you think about it, it beggars belief. But that was what was on the table—all rush, all without consultation, all for political motives, all through instinct, because they think government know best. Tax, spend and borrow is the instinct to solve a problem. Of course, paying back $90 billion in debt, with tax increases for many years to come, again reduces choices. It is a bad government; it is a dangerous government.

Notwithstanding the disappointment of losing the election, we as an opposition need to very assiduously keep this government to account so that we can in fact be successful at the next election and try our best to reverse much of the damage done, the incursion and the introduction of the nanny state, writ large, over the last three years.

On the local front, in my electorate we saw a similarly disciplined and effective campaign to the one run nationally, which produced a swing of almost half a per cent against us, compared to the disappointing statewide swing of almost one per cent against us. In general, the result in Victoria was disappointing and we need to take stock. But the future is bright. We have introduced very significant changes in the way in which candidates are preselected in Victoria. This time it threw up a most outstanding field of candidates. Many of them were successful, as many others have been in the last election or two. In Victoria and around the country we really do have reason to be very confident over the next 15 or 20 years about the
skill that is now available at a young level. Some people need more time in the paddock, but they will be the future leaders of our party and the country. I think those who support our side of politics have every reason to be enormously confident in the capacity of the coalition to strongly lead this country for a long time to come. We have a good mix, as I say, of experience and youth. Again, we have to use this three years in opposition to keep the government to account and to give the talent that is coming through every opportunity to gain the experience so that we can have a very powerful influence over the politics of Australia in the years ahead.

As always in my electorate we have a very highly experienced and committed team of party members. I have almost 700 members of the Liberal Party in my electorate. I have had wonderful leadership, in Jeannette Rawlinson, of each campaign for the three elections that I have contested. She is a person of great experience and a good friend. She has served the party with great skill and certainly supported me. The leadership was even more important this time round, as I had other significant responsibilities at our campaign headquarters. I needed to have the organisation very well finetuned so that I could spend what time I had most effectively in my own electorate and not have to worry about any of the logistical matters. I have never had to do so in the three campaigns that I have contested. Our campaign saw over 500 Liberal volunteers, helping with prepoll and mobile booths, providing office assistance, doing street walks et cetera. I would like to sincerely thank those 500-plus volunteers and take this opportunity to mention very briefly a number of them, most of whom have helped me not only in the last 12 months and during this campaign but also over the six years that I have had the great privilege of representing all of those people who live in the electorate of Goldstein.

Jeannette Rawlinson, who I mentioned, was my campaign manager. Kaye Farrow, who has been our FEC chair now for three years, did another outstanding job as deputy campaign manager but also took so many other responsibilities. Ralph Wollmer, Ramon Frederico, Colin Gourley, Terry Farrow, Brett Hogan, Leonie Abbott, Fazal Cader, Andrew Hudson, Andrew Tame, Lee Trevena, Mike Rawlinson, Hanife Bushby, Tim Wildash, Tammy van Wisse, Kim Dunstan—all of those people and many more provided great assistance. I wish I had time to go through some of the things that they turned their hand to. It had been in some cases many months in getting properly organised. It really did run as a very smoothly oiled machine.

My staff have been exceptional. Many other members are similarly blessed but in my case Vanessa Kimpton, my PA, is a wonderful person and highly skilled and a great office manager and PA for me. Nick Troja and Cameron Hill are fellows of great skill and commitment and a pleasure to work with. Within my electorate office Skye Buttenshaw and Samantha Russell have been so well-regarded by all of those who have the need to contact my office. I am very blessed with the campaign staff and the office staff I have got. Young Scott McCloud has served me very well as a part-time member of our team while he completed his university studies. Finally on that front, I mention my wife and three children. Maureen is long-suffering not only with this responsibility but many before it, having flown over 2,500 return domestic flights in the last 30 years in different jobs. I think it probably is the best way of explaining the load that my wonderful wife has carried, with our three kids, Tom, Joe and Philippa. This time I have the great pleasure of my son Joe, who was in the campaign headquarters looking
after social media, which he has had a strong background in. So I not only had the pleasure of his company but also was brought up to speed on my social media skills at the same time. That was an added bonus for this campaign.

I would like to finish on a couple of other points. Firstly, I would like to take the opportunity to announce the winner of my annual Christmas card design competition. Lachlan Williams from Larmenier, an outstanding school in Hampton in my electorate, is this year’s winner with a bright and happy drawing of Jesus in the manger complete with Christmas star and approving animals. Each year I have a competition with different organisations dealing with disadvantaged or disabled people, young people usually but not always. Lachlan Williams’ piece of art will feature on the front cover of thousands of Christmas cards, with an inside picture of him, my wife, Maureen, and me. It is a truly outstanding school located in Bluff Road in Hampton in my electorate. It is run by the Catholic primary schools and families within the Archdiocese of Melbourne, dealing with students displaying social and emotional and behavioural difficulties which may contribute to learning difficulties. They take these young people in, they go one or two days a week or perhaps full-time, and then they integrate them back into the schools whence they have come. The dedication, the patience and the faith in every human being that is displayed by the principal, Patrice Duggan, and her staff are things I am totally in awe of. They are wonderful people, highly skilled, who do an outstanding job. I have seen so many young people come from all parts of Melbourne and go to that school, and it might take 18 months or two years but it has had an enormous effect on their quality of life and future. We all owe them a great debt of gratitude for what they do in a selfless way for our community, but in this case it covers all of Melbourne.

Finally, in the short time I have left, I would like to acknowledge and thank so many people on both sides of the House. I have had a depressive condition in the mornings which I had never confronted—and I have had it all my life. I had never admitted to it. It used to lift at eight o’clock but in the last few years went on to nine o’clock, 10 o’clock or 12 o’clock. I was finally forced, for certain reasons, to confront it. I thought it might mean that my political career had come to an end, but that was not the case. I have had thousands of emails from people which have been an enormous source of encouragement. There is still a strong stigma, which probably explains why mental health is still the poor relation amongst health services. But, as I said, I would like to thank everyone on both sides of the House for the way in which they have given me encouragement.

Fortunately, in my case, after six months of experimentation and lots of uncomfortable side effects, I have found something that helps, and for the last five months I have had mornings that I have never had in my life. I have never been better. I am looking to demonstrate to millions of others that you can have this sort of condition. It is just like another illness. Not in all cases but in many, many cases you can deal with it effectively, get on with life, stay in the same profession and hopefully even do better in the same profession. So thank you to everybody on that front. It has been an interesting phase of my life. I am now looking to move to the next.

Mr GIBBONS (Bendigo) (5.16 pm)—First of all, I would like to congratulate the member for Goldstein on looking so well. I look forward to working against him, and sometimes with him, over the next three years. I would also like to take the opportunity to thank all of the people who worked on Labor’s election campaign in Bendigo, in particular our campaign di-

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rector, Bill Murray; our dedicated and hardworking staff; the many hundreds of volunteers; and, of course, my ever supportive wife, who has been a constant source of strength to me for the past 33 years. Through their efforts we were able to record a modest swing in Labor’s favour—one that was against the trend across the country.

Elections are an important part of life in our democracy and they provide both politicians and voters alike with an opportunity to evaluate the past term of the government and the alternatives that are on offer for the term ahead. This was the first occasion during my time as the member for Bendigo that I was campaigning for the re-election of a Labor government, and I certainly took time to reflect on what had been achieved over the previous three years for the people of central Victoria. That local record needs to be seen in the context of a global financial crisis that threatened to bring down the world banking system, with dire consequences for millions of people. When the action taken to avoid a crisis proves to be effective, it is all too easy to forget how real the threat was at the time.

I am reminded of how, now and again, we hear commentators claiming that the Y2K bug was a huge beat-up or some worldwide conspiracy to spend hundreds of millions of dollars unnecessarily on upgrading computer systems. But those involved assure me that that was not the case. Without appropriate remedial action, many computer systems would have stopped working, building control systems would have failed, businesses and government would have been severely disrupted and many lives would have been put at risk. But, through some good planning, effective management and a lot of hard work by a lot of people—and a modicum of good luck—serious disruption was avoided.

Here in Australia we appear to be witnessing a similar loss of memory about the global financial crisis. It is all too easy to think that there was no crisis in the world financial markets in 2008 and that the threat to the world’s economy is now over. There is a great temptation to think that talk of the world’s worst global recession since the 1930s is just scaremongering by politicians or more sensationalism by the popular media. But you only have to read the international pages of the newspapers to realise that much of the world is still in deep economic trouble. Europe is in the midst of a sovereign debt crisis, with the problems spreading beyond those that surfaced in Greece earlier this year. Contagion remains a real risk across euro countries as weaker economies drag down stronger ones. Indeed, European Union President Herman Van Rompuy called it a ‘survival crisis’.

The bailout of Ireland’s banks may cost Irish taxpayers as much as 75 billion. The Irish government is reportedly in talks with European International Monetary Fund officials about emergency funding to avoid defaulting on repayments. Portugal and Spain are also in trouble, with significant budget deficits. Like their Irish counterparts, Portugal’s banks are being kept afloat by cheap credit from the European Central Bank and the Spanish banks are plagued by the highest level of distressed loans since 1996. Growth in the United States is expected to slacken, consumer spending is expected to remain weak and jobs growth is likely to remain slow. The Japanese economic outlook is also weak.

So there can be no doubt that the economic crisis outside Australia is very real and very much still a threat. Equally, there can be no doubt that it was the early and decisive action taken by the federal Labor government in 2008 that mitigated the worst effects of the crisis here. As the OECD said in its economic survey on Australia that was released just recently:
The fiscal stimulus was implemented rapidly and targeted to credit constrained households and public investment. It proved highly effective, with a sizable impact on output and confidence ...

Of course, this is just the latest in a long line of endorsements of the actions taken by the Labor government.

During an economic downturn, the private sector reins in its spending, cuts costs, lays off workers and waits for the economy to pick up again. When people are thrown out of work, not only is there a lot of personal stress involved but those people do not have as much money to spend and so the economy slows down even more, going into a vicious downward spiral. It was the unwillingness of governments to take effective action that contributed to the severity of the Great Depression in the 1930s.

We now know that, by increasing investment in spending to fill the gap left by the private sector, governments can stimulate domestic economic activity, keeping firms in business and people in employment. This is exactly what the federal Labor government did and the results are clear to see: Australia has the lowest debt and deficit of all major advanced economies, we have the lowest unemployment rate of all major advanced economies and Australia was the only major advanced economy to avoid recession.

The impact on my electorate of Bendigo has been dramatic. Schools, from both the public and private sectors, have received much needed investment in classrooms, trade training centres and other facilities. There has been investment in local community assets and infrastructure that will be of benefit for many years to come. Local businesses have been kept busy with new work that has enabled them to retain staff and, in many cases, create new jobs. In the city of Greater Bendigo alone, independent economic modelling commissioned by the city council showed Bendigo’s economy has grown by 27 per cent in the three years since the election of the federal Labor government. Following more than a decade of drought, it is very pleasing to see the city doing so well as a result of the hard work and enterprise of local business, supported by the economic policies of the Labor government.

Labor’s economic stimulus has contributed much of the $390 million of federal government investment to the Bendigo electorate since 2007. The effects of this spending can be clearly seen in the local construction sector whose output grew more than 46 per cent between November 2007 and May 2010 to $1.2 billion. There were 600 more jobs in the sector than three years ago—an increase of more than one-third.

Some other key findings in the report are that output from property and business services grew by 23.3 per cent to $886 million and mining output grew by 54.3 per cent to $616 million. And, of course, keeping businesses working and employing staff means that more money is spent in local shops than would otherwise be the case. This has helped Bendigo’s retail sector to remain the biggest local employer with an 8.6 per cent increase in jobs—an impressive result given the economic conditions.

This is the story of the Labor government’s stimulus spending in just one electorate, and I am very sure that this has been repeated across the country. As a member representing a regional constituency, I am particularly pleased that regional Australia has not been forgotten by the government and will benefit from these significant investments in the future.

But, instead of celebrating the success of a stimulus package that the OECD says is ‘among the most effective in the OECD’, the parties opposite—and their public relations spokesmen
and women in the Murdoch press—have run a scare campaign about the very few projects such as some in the Building the Education Revolution program that have experienced problems.

The objectives of the BER program are twofold: first, to provide economic stimulus through the rapid construction and refurbishment of school infrastructure; and, second, to build better learning environments for our children. In order for these measures to have the desired stimulus effect on the economy, they needed to be implemented expeditiously. This has been recognised by both the Australian National Audit Office and the OECD in separate reports. In an audit report of May this year, the ANAO concluded:

There are some positive early indicators that the program is making progress toward achieving its intended outcomes.

It recognised:
… many of the issues arising were a function of the compressed timetable for the establishment of the program, given the prevailing economic downturn.

Mr Brad Orgill, the chairman of the BER Implementation Taskforce, told a Senate hearing earlier this month that the program was effective as a stimulatory measure. He said:

There is no evidence to say that value for money has not been achieved.

So two independent reports have found the BER to be effective and to provide value for money, despite the accusations from the opposition that the government had been inefficient in managing the program.

Let us now turn back the clock to another ANAO audit report. This one is from November 2007 and concerns the former Howard government’s notorious Regional Partnerships program. Between 2003 and 2007, the former coalition government allocated more than $409 million through this program. The ANAO found that the Regional Partnerships Program:

… had fallen short of an acceptable standard of public administration, particularly in respect to the assessment of grant applications and the management of Funding Agreements.

Furthermore, it concluded that during the first three years of funding:

… departures from the published guidance were a feature of the Programme.

This:

… resulted in funding being approved for projects that have either not proceeded as planned or which did not result in—

any community benefits. The Regional Partnerships program was not conceived in haste or in response to a global financial crisis. It was not necessary for these grants to be made expeditiously to stimulate the economy. There was simply no excuse for this gross mismanagement of taxpayers’ funds by the Liberal and National parties. Yet they now have the audacity to accuse the present Labor government of mismanaging parts of its economic stimulus program—a program that, I remind the House, was just recently praised by the OECD as containing many timely, targeted and temporary measures to boost consumption and investment and help to avoid a recession. The hypocrisy from those opposite is once again astounding.

As we learn from the recent Mid-Year Economic and Fiscal Outlook, Labor’s sound economic management is continuing to deliver strong economic growth. Strong job creation and falling unemployment are expected to continue. As the remarkable economic performance of
our major trading partners in Asia continues, our economy is expected to grow at an above-
average rate over the next two years, with real GDP forecast to increase by 3¼ per cent in
2010-11 and 3¾ per cent in 2011-12. The unemployment rate is forecast to fall to 4.75 per
cent by the June quarter of 2011 and 4.5 per cent by the June quarter of 2012, returning to
levels that we last saw before the global financial crisis. Inflation is forecast to be 2.75 per
cent in the year to June 2011 and three per cent through the year to June 2012. One of the
highlights of the latest MYEFO is a forecast of an additional 380,000 jobs over the next 18
months or so. On top of the 650,000 jobs that have been created since Labor came to govern-
ment, this means there will be about one million more Australians in work than when we were
first elected in 2007. That is an extraordinary achievement when you consider what is going
on in other major economies.

As the OECD commented recently, the Labor government’s economic stimulus package
was ‘wisely accompanied by a well-designed fiscal exit strategy’. Under this strategy, the fed-
eral budget is expected to return to surplus in 2012-13. At this time, the major advanced
economies are forecast to still be in deficit by an average of six per cent of gross domestic
product. Of course, the members opposite continue their scaremongering about the level of
Australia’s public debt, even though this is expected to peak at just 6.4 per cent of GDP in
2011-12. This will leave Australia in a substantially stronger fiscal position than any of the
major advanced economies. According to the MYEFO, net debt in the major advanced
economies is expected to reach an average of 90 per cent of GDP by 2015, some 14 times
higher than the expected peak in Australia’s net debt. And, of course, the money borrowed by
the federal government has been spent on renewing vital infrastructure and other stimulus
measures.

The government was faced with a choice when the global financial crisis hit. It could bor-
row nothing and let hundreds of businesses go to the wall and thousands of people lose their
jobs or it could borrow moderately and responsibly and support Australian businesses and
workers by investing in long-term infrastructure. This Labor government chose to borrow and
invest, and without this decisive action thousands of Australian jobs would have been lost.
The opposition continues to make out that Australia has a runaway debt problem, but how
much you can borrow responsibly depends on how much you earn and your ability to pay the
interest and repay the loan, just like when you take out a mortgage to buy your own home.
Australia has borrowed a very small amount compared to its annual income, currently about
six per cent. That is equivalent to somebody earning, say, $50,000 a year going to the bank
and taking out a loan of $3,000. No-one could suggest that they could not easily afford to pay
the interest and repay the loan. Australia is in a similar situation. The federal government is
borrowing affordable amounts of money to invest in long-term infrastructure and can easily
afford to pay the interest from its current income. In comparison, some major economies such
as the United States and the United Kingdom are borrowing 60 to 70 per cent of their annual
incomes, and Japan is borrowing even more.

If there were any concern about Australia’s level of debt, our credit rating would have been
dowgraded like that of Greece. That has not happened, and Australia is still rated as a AAA
credit risk. That is one reason why the Nobel-prize-winning economist Professor Joseph
Stiglitz described the government’s economic stimulus package as ‘one of the best-designed
of all the advanced industrial countries’.

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As far as the opposition’s credibility on economic matters is concerned, we only have to take a look at their record. First, they voted against Labor’s stimulus package and would have sent our economy into a downward spiral of lower incomes, lost jobs and reduced services. Second, the Leader of the Opposition and his economic team have been forecasting doom and gloom for almost two years. In February 2009, the Leader of the Opposition, Mr Abbott, said: ‘I think what we’re going to get is a massive debt and deep recession.’ The following month, former shadow finance minister Senator Joyce said:

… we’re heading towards a recession …

And in April 2009 the member for Goldstein, the previous speaker, an aspiring deputy leader and shadow Treasurer, predicted:

The recession will be deeper and longer because of the [Government’s] misguided spending …

Of course, we all know that Australia was in fact the only advanced economy to avoid a recession. With a track record of forecasts like that, it is clear that no-one should take seriously anything the opposition say about economic matters.

But, as the Labor government is one of the few governments to have successfully navigated through the biggest economic crisis since the 1930s, Australians can justifiably have confidence in Labor’s economic management and ability. In the last few days, our plans for fiscal consolidation have received a big tick from the OECD. It recognised that our economy has been one of the most resilient among OECD members, that our future prospects remain very favourable and that our growth potential is among the strongest in the OECD. The OECD said Labor’s response to the global crisis proved highly effective in supporting confidence and activity in our economy, which helped keep Australia out of recession. In the same week that the government released the Mid-Year Economic and Fiscal Outlook, it endorsed Labor’s disciplined fiscal strategy, saying:

The prudent fiscal consolidation strategy reinforces Australia’s commitment to sound public finances, the maintenance of which is one of the major lessons from the international economic crisis.

It is clear that the Labor government’s economic management since coming to office has been among the best in the world. The policies it has pursued, including taking early and decisive action in the early days of the global financial crisis, have been endorsed by the OECD, the International Monetary Fund and many of the world’s leading economists.

As I have outlined, these policies have had a marked impact in my electorate. Economic activity has been increased, local businesses have been kept working, local jobs have been supported and there has been major investment in the region’s economic and community infrastructure. I now look forward to serving the people of central Victoria during the second term of the Labor government and building on what has been a commendable record of achievement during difficult economic circumstances.

Mr IAN MACFARLANE (Groom) (5.34 pm)—I listened with interest to the member for Bendigo’s speech, and I have only two questions for him. The first one is: if the current government did such a wonderful job preventing the Australian economy going into recession by introducing a stimulus, why are they still running the stimulus two years after the recession?

Mr Gibbons—Easing the country out if it!

Mr IAN MACFARLANE—I see. The money that is being spent about the place does not look to me like easing. The second question I have for the member for Bendigo is: if they did
such a fantastic job, why did they stab the Prime Minister in the back in the middle of the night after the now Prime Minister admitted that the Labor Party had lost its way?

Mr Deputy Speaker, I actually rise to speak of far more positive things. Can I first say that I am deeply humbled by the people of Groom to be re-elected as their member for what will now be my fifth term. I am particularly humbled by the fact that the margin by which I was elected virtually doubled. That was in no small part due to the efforts of my campaign committee. I wish to put them on the record and thank them, particularly Dave Nichols, who as my campaign manager did a fantastic job; Dylls Kelly and the rest of the Liberal-National Party in the electorate of Groom; and, particularly, the Young Liberal-National Party, which really showed the power and future potential of the Liberal-National Party in Queensland.

While speaking of the LNP I should also mention Bruce McIvor and Michael O’Dwyer for the leadership that they provided and, of course, James McGrath, the campaign director, who did such a fantastic job in Queensland and saw Queensland deliver 21 seats to this federal parliament, which is now the largest coalition division in Australia. Of course, none of that would have been possible without the efforts of Brian Loughnane, the federal director, who ran an exemplary campaign and, were it not for some things which we will not dwell on in relation to decisions by Independents, would have delivered Tony Abbott to government. There is no doubt about one fact, and that is that, for the first time for almost half a century, a first-term government, a Labor government, has been robbed of its majority in the House of Representatives.

It is almost three months since the federal election. Some may feel that it is not that long. Others, for their own reasons, may feel that it has been an eternity, and part of that is that all we are seeing from this government is more of the same—more talk, more rhetoric, the same non-delivery, no reform agenda. It is obviously a government that, to use the Prime Minister’s words, has ‘lost its way’, and this has flowed through to the confidence of the people, particularly those in my electorate of Groom, where the level of apathy from the Rudd-Gillard government is seen as simple fact: for this current government, regional Australia does not exist.

The coalition took a very positive plan for regional Australia to the last election and we looked forward to delivering on that plan had we been elected. In my electorate particularly, the Labor Party failed to make one election promise—not one piece of infrastructure, not one suggested way of improving the lot of regional Australians, many of whom they hope to tax to the absolute limit with their new mining tax. Not one positive piece of news was delivered in the five weeks of the campaign. There is nothing there that would give the people of Groom and the people of regional Australia any hope that this government under the current Prime Minister will deliver them anything.

At the top of the list of things that need to be delivered is the Toowoomba Range crossing. It is a key part of South-East Queensland’s transport infrastructure, a road that currently channels trucks into the main street of Toowoomba at the rate of about 5,000 a day. These are not delivery vans. They are B-doubles carrying all sorts of cargo in both directions, which is crucially important for the economic development of Queensland. When they travel through the main street of Toowoomba, they intermingle with the everyday traffic of a bustling, growing city and, as such, pose a real problem.

We need to see the range crossing built. The Howard government committed $700 million to begin construction of that road. Unfortunately we lost the election and that promise was not
able to be delivered. However, the Abbott led coalition renewed that promise and, had we been elected in the election in August, that road would already be on the drawing board being prepared for construction.

The Toowoomba Range crossing highlights the appalling record in regional Australia and it makes a mockery of Labor’s claims about nation building. Building school halls is well and good, and I note that in my electorate particularly the ones built by private schools and church schools have been good projects, but it is important to contrast them with those managed by the Queensland state Labor government. They are appalling examples of waste and mismanagement, inappropriate buildings being built that the schools did not need and did not want, buildings that are not air-conditioned, where there appear to be unreasonable margins being afforded to the contractors involved.

Those sorts of buildings are not infrastructure that is going to earn this country the dollars it needs to pay off the massive debt which the member for Bendigo may have only lightly touched on, a massive debt that is growing daily. In fact, in September the deficit run by this government was almost $14 billion. Not only do the government have to borrow, under normal circumstances, $100 million a day, but in the month of September they had to borrow $400 million a day to feed their spending habit. We need infrastructure that is going to grow this country, that is going to deliver to the people of Australia not only the goods and services that they need but also the economic growth and economic wealth that they need.

It is not just the Toowoomba Range crossing; it is the whole road network west of Brisbane. The member for Blair let the cat out of the bag when he admitted that no money had been spent on the Warrego Highway west of Ipswich since this government had been elected. That is the case. It has been estimated by the Queensland government that $200 million needs to be spent on the section between Helidon and the base of the Toowoomba Range at Withcott alone. I am sure that if the member for Maranoa were here he could take you, Mr Deputy Speaker, through the needs of the Warrego Highway in his electorate, which is significantly more vast than mine.

It is not only infrastructure that we need. The coalition promised to deliver to Toowoomba a PET scanner to improve cancer care in that city. Toowoomba benefited from a Howard government program where I delivered $8.6 million to St Andrew’s Hospital in Toowoomba. I was there just on Friday of last week, both for personal reasons—to have my annual check-up with my radiologist, as you do—and to have a quick look at the expansion of that facility which is now taking place. That facility will not be complete without the ability to provide a PET scan to cancer sufferers. The provision of that scanner is important in terms of saving people, when they are at a difficult point in their lives, the difficult and arduous journey to Brisbane for that sort of treatment. Just because you live in a regional area does not mean that you should go without in any way, and the provision of basic health services is something that I will be continuing to work on through the next three years of this government. I hope at some point that this current Prime Minister realises that there is a whole world outside the capital cities and that she devotes some of her time to ensuring that the infrastructure and health and service needs of those areas are met.

I have in my electorate two very significant defence bases. No-one is prouder than I am of the defence forces. They have done a fantastic job for Australia and continue to do so. I have men and women from my electorate who are currently serving in conflicts, in Afghanistan in
particular. It is unfair to them not to receive an assurance from this government that Borneo Barracks will remain open. I fear that at some point the government will close that facility.

I dread to think that that may then be used at some point to house what is a completely uncontrolled expansion in the number of illegal immigrants coming to Australia because of the inaction of this government. We have seen that occur in other parts of Australia. Disused military facilities have been used to house the uncontrolled immigration that we now have in Australia. I hope that is not the case and I call on the Gillard government to make it clear to the people of Groom and to the service men and women of Cabarlah that their base’s future is certain. Certainly under an Abbott government, the future of that base is absolutely assured.

Groom, apart from probably being the best electorate in Australia, is of course at the very top of the Murray-Darling system. What happens in the Murray-Darling is as much of interest to us as it is to the people of Adelaide. The coalition is committed to restoring a healthy river system while retaining the robust rural communities and the productive agricultural sector that have been the backbone of regional Australia, in fact the whole of Australia, not only through my lifetime but through the life of modern settlement in this great nation. The coalition will stand up for regional Australia. We will ensure that any changes to allocations are done with full consideration of the socioeconomic impacts of taking water out of communities that rely on that water, not only for their current livelihoods but for their future livelihoods. You cannot take a thousand gigalitres out of a system and not affect the economic income of the region. Already we are seeing cotton gins and rice mills lie idle. The potential of this government to destroy the heart and soul of rural communities along the Murray-Darling is real. I want to assure them that, just as I will in my own electorate, I will stand up for them right across the length and breadth of the Murray-Darling.

Can I also say that education is an important area, and the changes that we have seen to the youth allowance under the Rudd and Gillard governments are robbing people of the confidence that this government cares at all about those who live outside capital cities. It is important that all people have the ability to receive a good education, which is a pathway to young people having a solid, sound future, but also a pathway to Australia’s future economic growth. The current restrictions in place, particularly in terms of work requirements, are unfair to rural people. Again, the coalition will be doing everything we can in this area whilst in opposition and will certainly be fixing the problem when we get back into government.

I am going to use the remaining portion of my speech to talk about my portfolio interests. In my time I have been a minister for resources and energy, and I currently hold that shadow ministry. Although I see many perplexing things in my life, I have never seen anything so perplexing as the approach of this government towards energy and resources. It is simply amazing that the member for Bendigo and no doubt others, including the member for Corangamite, think that their government single-handedly saved Australia from the recession that the rest of the world had. The reality is that a major part of that economic recovery was down to the mining industry. The resources industry has a long and proud history, since the gold rush days, of supporting this nation’s economy. Now is no different. As we look at what is going to hold our economy and see it grow, we cannot pick up a paper anywhere and not see estimates of the investment that will go into Australia. I think the figure I saw last week was approaching $150 billion. It may have even been $160 billion. Why then would any government move to make that industry uncompetitive?
I have been to most countries in the world in my time as a minister, and I am amazed that this government does not realise that one of the strengths of Australia is its sovereign risk and the fact that any change in that sovereign risk profile by any government will cause investors to reconsider their investment decisions. Everything is a balance, a fine balance, and what we saw with the initial approach with the superprofits tax, the RSPT—again, another political name that sort of gives away the fact that this is more about politics than about good economic management—was that Australia’s economic and sovereign risk profile was damaged permanently by a government that did not realise that if you take away one of the cornerstones of investment in Australia then companies will simply take their copper mine to South America, their coal mine to Indonesia or their gas prospects to Africa or South-East Asia.

The damage that this government has done has been appalling, but just as appalling has been the Prime Minister’s attempt to renege from the deal that she did after she became Prime Minister, where she gave a categorical assurance to the mining industry, particularly to Marius Kloppers and David Peever, in which she said that all state royalties, both current and future, would be credited against the MRRT. The attempt by the Prime Minister to renege on that deal is appalling, and I have to say that I am not surprised that Sam Walsh from Rio Tinto was moved to say that classic quote:

If you can’t trust government, who can you trust?

I say to the Gillard government that they need to prove that they are up to it. They need to prove that their word actually means something and they need to stand by that commitment. The coalition will remove the MRRT, if we are returned to government, because it is a bad tax. The minerals belong to the people of each state and it is up to that state to decide what those minerals are worth. What we have is a government blindly focused on spending and then taxing so they can spend again.

Of course, this is not the only tax on the horizon. The far more damaging tax for all of us is, of course, the carbon tax, a tax which the Prime Minister refused to deny last week in parliament. It will increase electricity prices single-handedly by 25 per cent—that is, by 25 per cent over and above any increases that occur between now and whenever she introduces the tax. I believe that electricity prices are going to rise substantially, in part because of the mismanagement of the electricity sector by Labor state governments. Whatever happens will happen, but on top of whatever happens we are going to see households, mums and dads, who are struggling to pay electricity bills now, not being able to pay electricity prices in the future because this Gillard government is taking a deliberate decision to increase, ahead of the rest of the world, the price of electricity by 25 per cent.

Families are going to get it in the neck. They are already getting it in the neck from Labor governments, with higher water prices, higher gas prices, higher electricity prices, higher registration prices and higher licence fees. Everywhere you go where there is a Labor government, the costs of living are going up. There has to be some sanity brought into this argument. If the rest of the world is stepping back from an aggressive approach to dealing with the price of carbon, Australia should do the same. It will not just be the families who get hurt; it will be the industries and the jobs that rely on those industries. It will be things like the LNG industry, which is an industry that can actually lower emissions, that are going to pay the price for this government’s poor management and complete fixation on spending and then taxing.
Mr MARLES (Corio—Parliamentary Secretary for Pacific Island Affairs) (5.54 pm)—Let me say at the outset that in a speech which is principally—at least, for my part—about giving thankyous to many people who have helped me in the last three years and, in particular in the last election, it is a great privilege to be able to make this speech in the presence of the member for Corangamite, who holds the other seat within Geelong. He and I work very closely together in representing the interests of Geelong within this place. I think we operate as a good team, and we have certainly become very good friends. I know that he has worked incredibly hard here in this building over the last three years in representing the interests of the constituents of Corangamite, and that of course was very deservedly rewarded by his re-election to this place.

The 2010 election was a gruelling election, for many reasons. I suspect the member for Corangamite will feel that more than I do. One way in which the election was particularly gruelling was by virtue of the weather, it being a winter election. So I would like to start by thanking everybody in every party who participated in this election—those who handed out pamphlets on that cold day, those who got up early to go to train stations in the morning and those who letter-boxed into the evening—because, no matter which party they did so on behalf of, they deserve the thanks of the Australian people. Engaging in the act of democracy is a hard thing to do. It is particularly hard to do it in the middle of August.

I would like to thank the officials of the Australian Electoral Commission for what they did during the election. I would particularly like to thank the parents and friends of the Clifton Springs Primary School who, on the afternoon of election day, were conducting a sausage sizzle from a caravan which had one of those flaps which came up to provide some form of shelter. As a storm came through, their generosity of spirit meant that in a very bipartisan way ‘hander-outers’ from every colour and persuasion of the political spectrum were huddled under that veranda and that prevented us all from being soaked, so I thank them.

The election ventilated a number of local issues in Geelong—the future of Avalon Airport and the extension of the dual carriageway on the Princes Highway towards Colac—and there was debate around some local priority projects such as the library and Skilled Stadium. There are two observations that I would like to make about the local election debate. The first, as I have mentioned, is that there are two electorates in Geelong. There is the electorate of Corio, which has been held by the Labor Party since 1967, and the electorate of Corangamite, which, I think I am right in saying, at this election returned the closest result of any electorate in the country. Naturally, in that context, the local media focused very much on the electorate of Corangamite, as it should and as we expect it to do. But it is important to note that, since 2007, much work has been done by this government in the electorate of Corio. Indeed $163 million has been spent in the Corio electorate on things such as education, health, industry, development, transport infrastructure—I could go on. It is important that, whilst media attention is going to be on the more marginal electorate, the work that has been done in the other electorate should not be forgotten. It is all too easy for the local media to come out with a line that nothing happens in the north because it is not a marginal seat. Of course, nothing could be further from the truth.

The second observation that I would like to make is the differing attitudes that were taken by the two main contestants in this election—the coalition and the Labor Party—when it came to local promises around particular local priorities. I am referring to the development of
Skilled Stadium and the development of the Geelong Library, in particular. The Labor Party certainly made no commitment to the future funding of either of those projects. On the face of it, the opposition appeared to make a commitment in relation to both of them. Of course, that commitment formed part of a raft of commitments that were made across the country, which were unfunded. We now know there was an $11 billion black hole in the costings across the country. Funding for the local projects was spread out over a very long period of time, a fair part of those funds not being accounted for within the forward estimates. I think it is fair to say in hindsight that had the opposition formed government after the election there would have been a very real doubt as to whether or not those commitments would ultimately have been delivered.

From our point of view, as the Prime Minister said, we did go into this election saying that every dollar committed through an election commitment in the lead-up to the election would be met by an equivalent dollar in savings. That was the right thing to do. The fact that we did not make a commitment in that context to these two projects does not mean that they were not worthy; nor does it mean that they never, ever will come to fruition. But it does pay to remember that projects of this kind have no right to public expenditure on them; that, in the aftermath of the global financial crisis, after the necessary spending in the form of the stimulus, it is important to get the budget back into the black, and so we do live in a time of restraint; and that locally we were living the commitment that was made by the Prime Minister nationally. The proponents of these projects will continue to argue for them, as of course they should, as it is important for them to do because they are worthy projects. While there can be no guarantee that they will be funded until a decision is ultimately made about them, what can be guaranteed is that no funding will ever come forth without the very good advocacy which is being mounted on their behalf.

In relation to the national issues that were ventilated during the election—along with, I think, a desire to see at last a national health system across our country and to make sure that Work Choices never returns to Australian workplaces—in my view the economy formed the key issue. That the Labor government were able to save 200,000 jobs through the way in which the economy was managed during the global financial crisis is an incredible achievement. It averts a negative legacy which would have lasted for generations in our community. There were two particular local announcements—one by Ford at the end of 2008 to reverse a previous decision to close its engine plant and the other by Viridian glass to merge with MHG glass and overturn a decision to close its automotive glass plant—which were both very important in terms of keeping morale going during what was expected to be a very difficult year indeed in 2009.

The Building the Education Revolution was a very important initiative during the last term of government which of course continues today and, I think, did play out during the election. In the electorate of Corio, $114 million has been spent. I have opened the wonderful, state-of-the-art Katsumata Centre at Kardinia International College which on one day can be set up, as I saw it, as a scene from the French Revolution—I was there on the night of the school production of Les Miserables—and the next day can be converted into a basketball court. I have opened the multipurpose assembly area at the North Shore Primary School which has revolutionised the way in which activities are conducted at that school but has also helped engage that school with the community, as more community groups are able to use it. At St Francis
Xavier’s School, a primary school, we now see modern classrooms which provide cutting-edge pedagogy for that school, as it should, in that part of Geelong. In addition, Diversitat, which is a community organisation that runs vocational education and training, now has a state-of-the-art media training centre in the heart of Geelong. This is a magnificent legacy for the youth of Geelong which will be experienced by young people in our city for decades to come, and it is the result of the Building the Education Revolution program. I do not think that was lost on the voters of Geelong, not for a minute, when they came to express their opinion on 21 August.

The result in Corio was a swing to the Labor Party of 5.3 per cent, which now sees the margin in Corio at 14.2 per cent, which I think I am right in saying is the largest margin that has ever been returned in Corio. That is far from being my result; it is the result of so many people whom I would like to thank on this occasion: Roger Lowrey, my campaign director, of course; and the many people in my office, who do a wonderful job of representing and supporting me in the work that I have done to date as the member for Corio and previously as the Parliamentary Secretary for Innovation and Industry—Geraldine Eren, Grant Dew, Chris Ballam, Hayley Harrison, Ella George, Pauline Braniff, Saverina Chirumbolo and Karyn Murray, who is based here in Canberra, as well as Russell Menzies and Mark Donohue, who both worked in my office in the last three years.

The state MPs who are going through their own trial of fire at the moment have also given me great support over the last three years: John Eren, Michael Crutchfield and Lisa Neville, along with Ian Trezise and Gayle Tierney. There are many who worked on the campaign in Corio, and I would like to mention Cameron Granger, David Saunderson, Lou Brazier, Rod MacDonald, Chris Kelly, Vlad Selakovic, Leonie Sheedy, Tony Beck, Nandi Young, Peter Symons and Peter McMullen. I am blessed to have a number of friends from my days at school who retain a friendship with me and who have known me now for most of my life. We are in a sense the witnesses to each other’s lives, and that is a wonderful thing indeed. It was great to me that Ninian Lewis, Peter Little and William Reeves could be with me and help on election day, and I know that Darren Fox was there in spirit.

My sisters, Vic Marles, Jen Green and Liz Marles, were all there helping out on election day, along with my parents, Fay and Don Marles. Also, from my own family, my son, Sam, who is now 14, handed out at his first election with his cousin, Alex. My eldest daughter, Bella, who showed an unhealthy interest in campaigning at street stalls at the very tender age of six, my son, Harvey, and daughter, Georgia, are all incredibly tolerant of what I do and provide me with enormous love. I am a very lucky man indeed having them as my children. Of course, the person I would like to thank the most and to whom I am in the greatest debt is my wife, Rachel Schutze, who allows me to do what I do and provides me with enormous support in doing it, and much love along the way. I thank you, Rachel, for being with me every step along the way.

There are a number in the civic leadership of Geelong I would also like to mention in this speech, certainly not in the context of supporting my campaign because they of course stood aside from politics and act very much in a bipartisan way. I have worked closely with them, as the civic leadership of Geelong, over the last three years and I think they have made my life a lot easier. From the City of Greater Geelong: Mayor John Mitchell and the previous mayor, Bruce Harwood; CEO Steve Griffin and, before him, Kay Rundle. From the Committee for
Geelong: the CEO, Peter Dorling; the chair, Michael Betts and, prior to Michael, Jim Cousins. From G21: the chair, Ed Coppe; CEO Elaine Carbines and, before her, Andrew Scott. From the Geelong Football Club, an important institution in Geelong: the President, Frank Costa, who finishes at the end of this year, and Brian Cook. From Deakin University: Vice-Chancellor Jane den Hollander and, prior to Jane, Sally Walker.

When I look at that group of people I know that Geelong is in very good hands indeed. They do make my life easier because from them emanates a power of ideas. For the most part they are very coordinated in the way they articulate the priorities for the Geelong region and they do make a real difference. They have provided me with great friendship over the last three years and I thank them for it. Many of them are here today as part of a two-day lobbying trip to Canberra—‘Geelong meets Canberra’. It is the fifth visit of its kind in a program that began via the Committee for Geelong five years ago. They are meeting with ministers, parliamentary secretaries and, indeed, shadow ministers and members of the opposition, raising the issues that face Geelong and the challenges that are presented to Geelong, as well as making an indelible mark on this place about Geelong in the context of our nation. It is right that Geelong should be seen on the national stage as one of Australia’s leading and largest regional cities. There are lots of issues, such as the Princes Highway West and the building of the Premiership Stand at Skilled Stadium, which began in conversations on trips of this kind in the past and which, in the case of the Premiership Stand, are now a reality. It is a program which has, very importantly, helped to place Geelong on the national map. I thank them for doing that.

In addition to those I have mentioned amongst the civic leadership, most of whom are here this week, I would also like to welcome to this building today Jason Trethowan, Kevin Roach, Mark Sanders, Kean Selway, Gabrielle Nagle, Mark Davis, Councillor Libby Coker, Michael King, Justin Giddings, Chris Dare, Bridget Connor, Amy Gibson, Jack Green, Bernadette Uzelac, Councillor Andy Richards, Councillor John Doull, Councillor Taanya Widdicombe, Pats Hannelore and Alli Murphy, along with Andrew Tillett and Danny Breen from the local media.

Tonight we have the third annual FedCats dinner, which is a centrepiece of this trip and is there to allow those in this building and in this parliament who support the Geelong Football Club to give expression to our innermost feelings. We will have in attendance tonight the new coach of the Geelong Football Club, Chris Scott, dual premiership player, Max Rooke, Bob Gartland, a member of the board, and his wife, Phillipa.

On a serious note, it is hard to overstate the significance of the Geelong Football Club to the city of Geelong. It is easily the most culturally unifying phenomenon that we have in Geelong. As we have gone through the glory days over the past few years, we have clearly seen the extent to which everyone in the City of Greater Geelong participates in the wonder which is the Geelong Football Club. We are proud and we are passionate, but aside from that emotional connection there is a strong economic side to the football club, as it brings many people to Geelong. It is also clearly, at a national level, the most recognisable Geelong brand that exists. It projects our city onto the national stage in a way that we could not hope to do without it.

Finally, I mention an issue which has gained some significant coverage in the Geelong media over the past few weeks: a debate about the revitalisation of Geelong’s central business
district. The debate was sparked by a decision by the Kentucky Fried Chicken chain to close its store in the centre of Geelong, leaving the building it inhabited vacant. That building now joins many other shopfronts in Geelong’s CBD which are vacant. This has raised concerns amongst the people of Geelong, and these are concerns that I share. I commend the Geelong Advertiser for commencing a campaign around this issue of how we can revitalise our CBD.

I have spoken about this on a number of occasions in this place. I have said that the key to being able to revitalise Geelong’s CBD is to restore the enormous heritage value which exists within the Geelong CBD. There is an incredible history within the Geelong CBD. It is perhaps the best collection of heritage buildings which sits adjacent to greater Port Phillip Bay, and there is something very special about that. We also need to see a greater use of our CBD. That is in some ways to state the obvious, but I am talking about not only the shopfronts but also the area above that—levels 1 and 2, which are largely vacant in the Geelong CBD. If we could get more life into them—if we could restore the heritage value of the CBD—we would go a long way towards revitalising the heart of Geelong.

However, encouraging the use and upgrade of a private dwelling is very much the private decision of whoever owns that particular property—a decision which, of course, can be influenced by policies and initiatives of all three tiers of government, but which is at its heart a private decision. Providing encouragement and coordinating all of that become difficult issues. It is for that reason that on Monday, 6 December, I will be holding a summit on the revitalisation of Geelong’s CBD to get together all the people who can make a difference on this issue, to hear what problems exist in relation to the CBD—the problems experienced by the shop and property owners—and to get a sense of what has worked by talking to those who have restored their buildings to their former glory. There are a couple of examples of that, and those buildings look great. It would be good to hear from those owners why they restored their buildings, how much it cost and what benefit they got from undertaking that exercise. Most importantly, we need to get everyone around the table to see what solutions can be found to revitalise our CBD. It is the traditional heart of Geelong. The vital signs are still there; they need to be reinvigorated.

Mr ROBERT (Fadden) (6.14 pm)—The end of August 2010 saw a phenomenon that has not been seen for some 71 years—a hung parliament at the federal level. Whilst it is easy to dismiss a hung parliament for a range of reasons and issues, the truth is always compelling and always hard to dodge. The problem is that we have a government, in the form of Labor in the second term, now emasculated, through the deal with the Greens, and, through the hung parliament, relying on Independents. This is simply because the government lost its way and continues to lose its way. It executed one of the nation’s most popular prime ministers because of a series of numbers and polls. We know that the current Prime Minister exhibits worse numbers than Prime Minister Rudd had, for which he paid the price of being axed.

The government lacks a compelling narrative. The government has completely lost its way. During the election the Prime Minister said that she would fix three incessant problems. Firstly, she said she would address the issue of climate change. She vowed, she promised, she stated categorically that there would be no carbon price but that a community gathering, a random choice of one person from each federal electorate, would gather together to solve the greatest moral challenge of our time. I thought we already had one person from every electorate in the nation and I thought they were elected to make decisions. The Prime Minister said
she would fix climate change by having no carbon price and by gathering a random selection of individuals. She said that she would fix the issue of irregular maritime arrivals by having a regional processing centre in East Timor. And, of course, she said would fix the mining tax by having a discussion, an agreement, with three out of the 3,000 mining companies.

We now know, a number of months down the track, that the community gathering of individuals is a farcical idea. It was at the time and it is now. The carbon price that the Prime Minister vowed would never come in of course is now coming in. Labor may well be in government, but the unholy alliance with the Greens means that the Greens are in power. A carbon price is now centre stage. A committee now exists where, for the first time in the parliament’s history, to be a member you cannot walk in with an open mind; you must subscribe to an anthropogenic view of climate change and you must agree that a carbon price is the only way. It is an appalling way by which to construct a committee of this parliament.

The mining tax has completely come apart, as the Prime Minister would appear to have gone back on her word again with respect to royalties. The regional processing centre simply goes from farce to farce. The Prime Minister is unable to explain in any detail how it would work. What is the boundary of the region from which people would go into this processing centre? Is the region made up of countries, for example? If people who are seeking refugee status enter Vietnam, Cambodia, Laos, Thailand, Malaysia, Singapore, the Philippines, East Timor or Indonesia does that mean that they qualify to go to the regional processing centre? If people enter Borneo does it mean that anybody who steps foot across the border into Sabah or Sarawak, into Malaysia, can get transported to the processing centre? The Prime Minister is unable to explain how the boundaries would work. She is unable to explain the funding arrangements. She is unable to explain why she spoke to the President of East Timor rather than the Prime Minister. The East Timorese parliament will have nothing of it. It is an unmitigated and absolute disaster.

Now we have a government that is struggling, in alliance with the Greens, needing Independents to continue to get legislation through and lacking any degree of spine to take reforms. The Prime Minister, at that great ‘Light on the Hill’ lecture, proudly said that she would continue to have a reform agenda, as if she had a sweeping majority in the House. The only reform that the Prime Minister could possibly comment on, when pushed, was a website. May I remind the Prime Minister that a website is not a reform; it is simply a website.

The government it is now struggling across a range of issues—the carbon price that it said it would not have, the mining tax negotiated with three out of 3,000 miners that has now been reneged on, a Murray-Darling scheme that is a disaster to the point where rallies of up to 5,000 people are joining together to denounce what they see as a sell-out by this government. The number of irregular maritime arrivals—people coming on boats—this year has eclipsed 6,000. It is the highest number of people coming by boat, literally, of any government. Over 128 boats have come.

Since Labor watered down the asylum seeking policy in August 2008 it has been a magnet of immense proportions that has been pulling people and drawing people to Australia. The government would have us believe that almighty push factors are continuing to draw those seeking asylum to Australia. Yet every single organisation—the United Nations, the Red Cross and the IOM—state categorically that the push factors have not changed. Only one
thing has changed: a Labor government is in power and Australia’s border policies have been watered down.

The government now has no reform agenda moving forward. It has no answers to the issue of skilling Australians. It has watered down the skilled migration program, and of course beefed up the family reunion program, as Labor did last time it was in office in the Hawke-Keating years. It has watered down the 485 visa program to the point where a whole range of students in their tens and tens of thousands have not yet realised that once they finish their courses they are not eligible to claim a 485 visa to stay in the country. I say to Labor: when those students realise what was done on 1 February this year, how many of them do you think will suddenly claim asylum considering the 45-day rule has been withdrawn? We are already seeing riot after riot, and even now there are asylum seekers on Christmas Island who have sewn their lips together because of what this government has done.

The government needs to focus on tax reform including the GST and the range of ineffective taxes that exist across the Commonwealth. It needs to look at the issues of income-tax cuts and address the raft of family tax benefits that have caused a massive money-go-round. It needs to redress the issue of immigration and focus on skilled immigration rather than family reunion immigration, and of course it needs to toughen our borders.

The government needs to address the issue of defence and national security. The Prime Minister issued his national security statement in December 2008 and promised that there would be regular updates of those national security statements. I do not know what the former Prime Minister’s definition of ‘regular’ is, but we have not heard hide nor tail of national security since that statement was delivered. Furthermore, even the wording in the statement is not being followed. It is not hard to see the northern borders and Operation Resolute to quickly realise that our national security statement is being paid lip service.

The government needs to get a reform agenda and a focus to where it is going. At present the Gillard government is simply serving up the scraps from former prime minister Mr Rudd’s table. It does not serve the nation well. It does not serve our future well. That is the legacy of a campaign that came so perilously close.

In Queensland nine seats changed from Labor to the coalition, thanks in many ways to the Queensland Liberal-National Party and the merging of the two parties. In Fadden, thanks to
the help from a large number of volunteers and a great campaign committee, we achieved a swing of 3.8 per cent and increased, more importantly, the primary vote by 10 per cent. We saw these swings right across Queensland as people realised that what they had hoped for and what they had voted for in Kevin Rudd in 2007, what they thought was simply ‘John Howard lite’ turned out not to be at all. There was that great Liberal ad just before the ‘night of the long knives’ which talked about a lemon and showed the former Prime Minister’s face on the lemon. It talked about how terrible it is when what you hoped for and dreamed of turns out to be a lemon. I think Queenslanders realised that to be only too true. Queensland is a canny state. It can see through charlatans at a hundred feet. Queensland did exceptionally well. I welcome the new members from Queensland into the parliament.

I wish to put on the record my thanks to the great campaign committee and the people that worked so tirelessly to record a tremendous result in the electorate of Fadden. To campaign director Steve Houlihan and the great campaign committee of Robert Knight and Kerry Knight, Phil Hunniford and the many others, I say a huge thank you. Thanks to my own staff: Felicity, Margaret, Glenn, Kristyn and Mary, who worked tirelessly to ensure we got a great result. Thanks also to Daniel and his wife Lisa, David Callard and many others. Thanks to those who manned over 300 booths to ensure people had a choice— noting of course that half the booths were not even manned by Labor, which was a bit of an anti-climax really. To those who worked so hard, I say a great thank you. I give thanks for the great support of Simone Holzapfel and Darren Sly, Kenton and Rachel Campbell, Bruce Mitchell, John Chardon, Philip Charlton, Susie Wright and many others. Their support was completely and utterly invaluable. I give thanks to the former Prime Minister, the Honourable John Howard AC, who came up and ran an incredibly successful dinner and delivered a speech of 40 minutes—off-the-cuff with no notes—that encapsulated the situation beautifully and foretold what would happen as the campaign rolled out.

I say thank you also to the Fadden community, where so many things were promised should a Liberal-National government be elected. They were simple things that the community could understand: fences for the Labrador cricket club; a new roof for the Riding for the Disabled club, where horses are used to help critically disabled children come to grasp a whole new meaning of life; and the great Green Army projects we are rolling out across community gardens. I made a public deal with the mayor of the Gold Coast that if we were elected then I would put in four community gardens and he would stump up with four men’s sheds. In front of a 100 blokes from Mensheds Australia, we shook hands and agreed on it. Next time, Mayor, that deal will come through. There is also a great CCTV program for Neighbourhood Watch.

We had a tremendous raft of policy there that the community could believe in. There were simple tangible things the community needed to get on with. In many ways that is what the community needs. Whilst roads, bridges, ports and great infrastructure are important, at the end of the day community groups want to get on doing what they have always done. They want government to get out of the way and realise that Canberra does not know best.

Canberra does not know what my schools need in infrastructure; my schools do. That is why we made it very clear that if a coalition government was to win then we would honour the BER funding but we would give it to the schools. We would give it to the school princi-
pals and the P&Cs because they have a better idea of what they need than Canberra based bureaucrats. I stand by that. It was a great decision. It is highlighted by the fact that the private schools in my electorate have done so exceptionally well because they got the funding whereas the state schools in my electorate have suffered because the funding has been hijacked by, what the polling shows to be, the most dreadful, awful state government in history—the Bligh government—which squeezed 20 to 25 per cent off the top for ‘management fees’ and then decided what the school could use after that. If that is what government will deliver then I want none of it.

I want the government to be small. I want the public service reduced, if that is what it is going to deliver. What the community wants is a say. What the community wants is to have ownership over its own affairs. What the community wants is government to get out of the way so that the community can get on with doing what it does best—which is delivering great things within the community.

The DEPUTY SPEAKER (Hon. DGH Adams)—Order! It being 6.30 pm, in accordance with standing order 192 the debate is interrupted. The resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.

PRIVATE MEMBERS’ BUSINESS

United Nations Convention on the Rights of the Child

Debate resumed, on motion by Ms Parke:

That this House:

(1) notes that:

(a) on 17 December 2010 Australia will celebrate the 20th anniversary of the ratification of the United Nations Convention on the Rights of the Child;

(b) the Convention on the Rights of the Child is an attempt to ensure that children everywhere have the best opportunity in life regardless of where they live, their race or gender, including the right to go to school, to have access to shelter and food, to play and to have their opinions heard and respected; and

(c) there has been significant progress in that 10 000 fewer children die per day than they did twenty years ago but there are still 8 million children dying each year before their fifth birthday of causes that are easily preventable through such simple and inexpensive measures as insecticide-treated mosquito nets, vaccinations, breast-feeding for six months, clean water and sanitation;

(2) applauds the work done for the benefit of children internationally by United Nations agencies, in particular UNICEF (the United Nations Children’s Fund), and Non Government Organisations, such as World Vision, Save the Children and Marie Stopes International;

(3) notes that while on the whole children in Australia fare better than children in other parts of the world, there remains significant issues to be tackled in Australia including child abuse and neglect, youth homelessness and the disadvantage suffered by indigenous children;

(4) applauds the work done for the benefit of Australian children by the National Association for the Prevention of Child Abuse and Neglect, as well as the Australian Human Rights Commission and Child Commissioners in the States and Territories;

(5) welcomes the National Framework for Protecting Australia’s Children 2009-2020 as endorsed at the Council of Australian Governments meeting on 30 April 2009; and
calls upon the federal government to further consider:

(a) incorporating the Convention on the Rights of the Child in Federal legislation; and

(b) appointing a National Commissioner for Children.

Ms PARKE (Fremantle) (6.30 pm)—I am very pleased to note that in a few weeks time, on 17 December 2010, Australia will mark the 20-year anniversary of its ratification of the United Nations Convention on the Rights of the Child. It is a convention that sets out the obligations of nation-states to protect the rights and wellbeing of children as detailed in articles which go to such fundamental matters as health, education, freedom of expression, protection from violence and neglect, and access to representation and redress. In April this year, when the government announced the new Australian Human Rights Framework, it reaffirmed its commitment to human rights obligations contained within the seven core United Nations human rights treaties to which Australia is a party, including the Convention on the Rights of the Child.

I am sure that everyone in this place can easily understand the necessity and the value of taking a focused and specific approach when it comes to the rights of children. Children as a group are inherently dependent, especially when very young, on the direct care of adults for their very survival, and they are especially vulnerable to neglect and abuse. Monitoring the extent to which the convention is observed and the extent of progress made by nations towards meeting its objectives is the responsibility of the United Nations Committee on the Rights of the Child. In addition to the committee’s general supervisory brief, there is also a reporting obligation on all signatory nations, and it is worth noting that the Australian government submitted its fourth report in July last year.

It is also important to recognise that there continues to be scope for Australia to improve its performance when it comes to the rights of children. Indeed, following the receipt of the second and third reports, which were lodged in combination in March 2003, the UN committee, in its 2005 concluding observations, did note that, in addition to Australia’s significant progress towards realising children’s rights, there were nevertheless several areas of concern with regard to the position of Indigenous children and the issues of corporal punishment, youth homelessness, juvenile justice and children in immigration detention. Some of those areas remain a concern now. I note the comments made earlier this month by Norman Gillespie, the Chief Executive of UNICEF Australia, where he said:

We have seen improvements in the welfare and rights of children over the last two decades but we still have serious concerns including the growing disparity of opportunity for children in the bottom 20 per cent and the widening gaps between indigenous and non-indigenous children in relation to educational opportunities.

The overarching insufficiency in Australia’s case has been identified as the lack of an effective national children’s policy and accompanying assessment apparatus. As with other areas of national policy, a number of which this government has tackled and is tackling, there is a need to resolve the inconsistencies that currently exist between Australian states and territories when it comes to the rights and wellbeing of children. Having said that, this government has created, through the Council of Australian Governments meeting in 2009, two critical and far-reaching national strategies: the National Framework for Protecting Australia’s Children 2009-2020 and the National Early Childhood Development Strategy. Both make reference to and draw impetus from the principles contained in the Convention on the Rights of the Child.
Work is also currently proceeding on a national action plan to reduce violence against women and their children. All of these initiatives are hugely welcome and they are examples of work undertaken by this government to coordinate policy matters of national importance.

I share the view of many in the children’s rights advocacy community that the creation of a national children’s commissioner would be a worthwhile addition to the existing framework. In fact, one key aspect of a commissioner’s role would be the independent and effective monitoring of the national policy framework. Other potential features of the role include a national community based education function and a role in coordinating the collection of data on the wellbeing of children and young people. As it stands, comparable national and international data is in a relatively poor state, with a number of significant gaps. The Australian Human Rights Commission, which has called for the creation of an Australian children’s commissioner, issued a discussion paper in October on the subject, which I recommend to interested members. It notes the support of UNICEF, Save the Children and the National Children’s and Youth Law Centre for this initiative.

I also want to mention the prospect of Australia’s participation in the development of an optional protocol to the Convention on the Rights of the Child, CRC. This draft optional protocol would provide a defined and specific international mechanism for complaints about breaches of the CRC and, among other benefits, an inquiry procedure.

It is in the nature of international agreements whose objects spring from a recognition of basic and common human rights that we consider their achievement as a global community, notwithstanding the fact that the primary obligation is for individual states to make the agreements true for their own people. Article 24 of the convention states that nations must:

… recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

And, in extending the obligations on states when it comes to health beyond their own children, article 24.4 says that states must:

… undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article.

The Millennium Development Goals, adopted in 2000, logically draw on the specific areas of healthcare provision, listed in article 24.2, (a) to (f), which include the imperatives: to diminish infant and child mortality; to combat disease and malnutrition, including through the adequate provision of nutritious foods and clean drinking water; to ensure appropriate prenatal and postnatal health care for mothers; and to develop preventative health care and appropriate family planning education.

I welcome the commitment this Labor government has made to increase our development aid contribution to 0.5 per cent of GNI by 2015-16. I commend the Minister for Foreign Affairs on the substantial work he has already done in this area, as well as on his clear and strong call on all nations to renew efforts in meeting the Millennium Development Goals. On this point I also want to mention the incredible work that UNICEF does, particularly the work by UNICEF Australia. I have spoken before in this place on the literally lifesaving and life-changing work that UNICEF undertakes with women and children in the developing world, whether it be in Papua New Guinea, India, Pakistan, Africa or elsewhere. When you see, as I have, initiatives that educate and support women in ways that will immediately impact on child health and when you see toddlers who are now likely to reach their fifth birthday, when
previously a number of them almost certainly would not have, it restores one’s sense that we can achieve good things and we can make progress.

Last week, on 16 November, we marked the one-year anniversary of the national apology to the forgotten Australians. For me, it is natural to draw a link between that important occasion and the anniversary of the adoption of the UN Convention on the Rights of the Child because the forgotten Australians were children who were not protected as they should have been. Article 19.1 of the convention states:

States … shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

More particularly, article 20.1 states:

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Yet the children who were and who are the forgotten Australians did not receive that special protection. Our acceptance of responsibility, our sorrow and our sincere apology for the suffering of the forgotten Australians has a sobering resonance in the context of the Convention on the Rights of the Child. That episode in our history is a tragic demonstration of the vulnerabilities of children and of the susceptibility of government agencies to systemic failures when it comes to even the most basic protections. The two anniversaries, a month apart, should remind us of the terrible harm that can occur when the rights of children are not protected and should strengthen us in the ongoing imperative of recognising and protecting those rights. The third anniversary, in a few months time, of the national apology to the stolen generations will be another point of reflection. It is of course an anniversary which tolls a heavy warning on the unacceptable consequences of neglecting the rights of children. The stolen generations and the forgotten Australians are not people who exist in some sepia-coloured, less enlightened Australian past. They are with us now, with their pain and also their courage and resilience.

As we look forward to the celebration next month of the 20th anniversary of Australia’s ratification of the Convention on the Rights of the Child, we should remember that this is not an ornamental document. It is not something we have signed up to, comfortable in the sense that such rights are a given in a country like ours, for we know that such complacency is the first step towards failing in our observation of those rights. The Convention on the Rights of the Child is instead a document to which we must renew our adherence year in, year out, and a document from which we derive a path forward to the better protection and wellbeing of children in Australia and for children everywhere.

Mrs MOYLAN (Pearce) (6.40 pm)—Despite the fact that 192 countries have ratified the Convention on the Rights of the Child, more than any other human rights treaty in history, the protection of children and their advancement is not universal. Statistics from UNICEF show that, for every 100 children born today, 30 will suffer malnutrition in the first five years of life, 26 will never be immunised against disease, 19 will have no access to clean drinking water and 17 will never go to school—and, of those 83 that do, 20 will not reach the fifth grade. It is also estimated that over one million children are trafficked each year and forced into
work. This was graphically illustrated last night on a program on the ABC called *Compass*. It looked at the issue of the estimated 23 million children who are slaves in various countries around the world, and I have to say that it was a very moving program.

But, however bleak the situation, there are many positive developments which have occurred since the adoption of the convention in 1989. Globally, about 84 per cent of primary school age children are in class and the gender gap is narrowing each year. Increased international cooperation has resulted in organised networks exploiting children being brought down. And, each year, UNICEF responds to over 200 international crises, assisting children in need.

I join with the member for Fremantle in acknowledging the tremendous work that UNICEF does internationally. Clean water and improved health services are reaching the most impoverished children and, as the motion notes, UNICEF figures reveal that, since the convention was agreed to, 10,000 fewer children die every day, in large part due to the work of UNICEF and other non-government organisations. I would like to take a moment to thank the member for Fremantle for bringing this motion to the House, and I endorse the sentiments expressed, particularly acknowledging the work carried out for the benefit of children both internationally and in Australia by many government and non-government agencies. I mention the government because I am aware that under successive governments outstanding work has been initiated through AusAID which has assisted children and through our Federal Police at a national level, where they have battled to deal with sex crimes, particularly those overseas. And then there are the many agencies at state level in mostly badly under-resourced departments of child protection battling the tide of abuse and neglect of children. I know they get a bad rap by the press, but a lot of the people working in those agencies have a very, very difficult job, and I think they attempt to discharge it under the most difficult of conditions, so I would like to acknowledge that.

I suppose the only part of the motion that I have some concern about—and I am happy to have further discussion with the member for Fremantle—is about appointing a national children’s commissioner. I have some concern about whether or not we can achieve anything by appointing a children’s commissioner nationally because the protection of children is a matter for state governments. When I was minister, I had a portfolio which included abuse and neglect of children, but in practical terms the Commonwealth actually does not deal with the day-to-day issues, so I think we need to be very clear, if we are going to put money into establishing a children’s commissioner, about what the role of that commissioner is and whether it is actually going to make any progress in how we manage the terrible abuse and neglect of children that goes on in this country. I keep an open mind on that matter. Although the situation for Australian children is not as dire as for those living in many developing countries, the motion does note that Australian children face significant challenges, including homelessness, abuse and neglect, and we know that in many Indigenous communities children do not have the same opportunities that other Australian children enjoy.

Next week, after the House has risen, I shall be returning to Canberra to attend a workshop on the National Action Plan for Young Australians, and I thank Dr Lance Emerson for briefing me and sending me an invitation to this important event. The event is being organised by the Australian Research Alliance for Children and Youth, and its aim, as Dr Emerson, the chief executive officer, tells me, is: ‘a long-term, comprehensive, overarching social marketing strategy like beyondblue or Quit to empower parents in optimising the emotional development
and wellbeing of children and young people and a national action plan for naught-to-24-year-olds rather than the current, ad-hoc approach to planning for children and young people. Within this plan there will be a national charter for interorganisational collaboration to maximise effort and ensure that we are working together to meet the needs of children and young people.’

The Chairperson of the Australian Research Alliance for Children and Youth is Professor Fiona Stanley, a Western Australian who has had a long and distinguished career in caring for the health and wellbeing of children and young people. The workshop builds on the work of the Australian Research Alliance for Children and Youth at a conference they held in 2009, where 590 delegates examined the theme ‘Transforming Australia for our children’s future: making prevention work’. I am hopeful that this workshop in Canberra will also progress the work undertaken in the previous parliament’s House of Representatives Standing Committee on Family, Community, Housing and Youth, of which I was deputy chair. This committee completed Housing the homeless: report on the inquiry into homelessness legislation, and I think some of us would be very surprised to see how many young people—and I mean very young people—end up living under bridges and on our city streets. They are very vulnerable. That report and the inquiry highlighted just how young some of these people are who are living on the streets. The other report was Avoid the harm—stay calm: report on the inquiry into the impact of violence on young Australians, which specifically investigated the issue of youth violence.

The Housing the homeless report found that between 2001 and 2006 there was a decrease in the homeless youth rate for those aged 12 to 18, which was good news. The principal two factors for this decrease were early intervention for at-risk families and youth and the improved labour market for young people. As part of the continuing efforts to improve early intervention strategies, the committee investigated a broader strategy of social inclusion, which is also one of the pillars of the Convention on the Rights of the Child. To combat youth homelessness especially, the Regional Youth Development Officers Network submitted that inclusion strategies must aim to provide:

… fundamentals of a decent life within their own community: opportunities to engage in the economic and social life of the community with dignity; increasing their capabilities and functioning; connecting people to the networks of local community; supporting health, housing, education, skills training, employment and caring responsibilities.

Each of these areas is specifically mentioned in the Convention on the Rights of the Child, illuminating a unity of purpose between our international obligations and our domestic goals.

In the Avoid the harm report a number of risk factors were identified that were more likely to lead young people to commit violent acts. These were categorised as individual, relationship, community or society. We discovered that there is clearly a link between early bullying, which is often learned from violent behaviour in the home, and later violence and, often, incarceration of young people in institutions because of that violent behaviour. I believe we need to work much harder on those early intervention programs so that we can deal with this particular matter.

To finish up, Carol Bellamy, a former executive director of UNICEF, said:
History will judge us harshly if we refuse to use our knowledge, our resources and our will to ensure that each new member of the human family arrives into a world that honours and protects the invaluable, irreplaceable years of childhood.

To that I say: hear, hear!

Ms GRIERSON (Newcastle) (6.49 pm)—I am very pleased to have the opportunity to speak in support of the member for Fremantle’s motion on the rights of children. As a former principal and a teacher at the time, I welcomed the Hawke government’s ratification of the United Nations Convention on the Rights of the Child in December 1990. In fact, I remember teaching a unit of work on the topic to some very interested children. And I welcome the member for Fremantle’s efforts to protect and foster the rights of children.

Since the convention was ratified we have made significant progress, both in Australia and internationally, in our efforts to protect the rights of children. Ten thousand fewer children now die each day than they did when the convention was ratified. It does not sound many but when you take into account 20 years of population growth it is pleasing.

This reduction in the number of children dying each day has in part been achieved through the aid program of Australian governments and the development programs of Australian aid organisations. This is an achievement of which all Australians should be proud, and one which we hope to expand upon. Internationally, over eight million children continue to die each year. That is a significant figure. It is equivalent to the death of the entire population of Australia every three years. A preventable disease like malaria, for example, kills a child every 30 seconds and greatly contributes to anaemia among children, stunting their growth and hindering their development.

At the millennium summit in 2000 the Australian government pledged, among other things, to work in cooperation with other developed nations to halt and to begin to reverse the incidence of malaria and other major diseases through the provision of insecticide treated bed nets and antimalarial drugs. We also promised to reduce infant mortality rates by two-thirds and to ensure that children everywhere were able to access primary schooling. That is why we are contributing $1.6 billion over the next five years as part of the United Nations Global Strategy for Women’s and Children’s Health, to reduce complications during childbirth and to improve the health of children under the age of five.

We are also investing in education initiatives in Asia and the Pacific in the order of $744 million in the 2010-11 financial year to bring our official development assistance spending to $4.3 billion in 2010-11, increasing to between $8 billion and $9 billion per annum by 2015.

In addition to the work of the non-government organisations mentioned in the motion, I would also like to applaud the work of PLAN, whose child-centred community development programs foster the rights of children, improve access to education and reduce child poverty. The Coalition for Adolescent Girls and Girl Effect, likewise, should be commended for their innovative work directed towards young women as the means through which to change people’s lives, their communities and nations. In the words of Girl Effect:

If we can release girls living in poverty, they will do the rest.

Girl Effect in particular has a very innovative approach, using social media to inspire other young people to assist and to take action.
In Australia there remain significant issues of child abuse, neglect and youth homelessness. The most recent report of the Australian Institute of Health and Welfare indicates that in Australia during 2008-09 there were 339,454 reports of suspected child abuse and neglect made to state and territory authorities concerning 207,462 children. Of the 162,385 reports that were investigated, 54,621 were substantiated, of which over 34,000 were in my home state of New South Wales.

Particularly concerning is the disadvantage experienced by Indigenous children. An Aboriginal child is 7½ times more likely to be abused than a non-Indigenous child, and is more than nine times as likely to be placed in care. This is not acceptable and we do need to close that gap and ensure that Aboriginal children receive the same opportunities and caring and loving environments that many other children receive.

I would like to dwell on the issue of the national commissioner for children. I also agree that we should appoint a national commissioner for children as the Australian Human Rights Commission has recommended. I heard the member for Pearce say that that would have to be very strictly defined. I think it would be an important voice for children and for fostering the protection and promotion of children’s rights in Australia.

In the short time that I have spoken, 75 children will have died somewhere in the world from preventable causes. ‘The answer’, according to the Minister for Foreign Affairs, Kevin Rudd, is ‘to honour our commitments even when the global economic environment is harsh, because for the poorest of the poor it is even harder’. Domestically, as a government, we must be proactive in our policy making and foster a rights based culture for all Australians, particularly our children, who are at particular disadvantage. I therefore commend the motion.

Mr LAMING (Bowman) (6.55 pm)—It is one thing to join hands in this chamber and support a motion reflecting on the 20th anniversary of the ratification of the United Nations Convention on the Rights of the Child, but no opposition can stand by and allow us to debate in a very banal and anodyne way on elements of that UN convention without identifying the complete failure of successive governments to provide shelter and protection to Indigenous Australian children. I am glad the previous speaker, the member for Newcastle, made a passing reference to that important area.

Over the last three years we have seen a shift under the current administration, from inadequate effort to resolve Indigenous housing to inadequate Indigenous housing, with huge amounts of good money going after bad, while, in many cases, poorly run administrative programs have seen this government criticised—-with which I absolutely agree. But I have even greater sympathy for the Indigenous children who do not receive housing because it is not being administered appropriately.

We all know the history: it was a Territory government responsibility to provide shelter to Indigenous children, and they relied quite often on federal top-ups. But it was in 2007 when the game-shift occurred and the emergency intervention saw around $547 million committed over four years to Indigenous housing.

That was meant to change things. It was meant to work towards providing Indigenous housing in those overcrowded communities where young children go to bed at night—let us not forget this—in crowded bedrooms, sleeping with extended family members or, sometimes, strangers, because of the lack of housing stock. And to gloss over that, in point (3) of
this motion, by saying that, ‘on the whole children in Australia fare better than’ children overseas, is to completely miss the point that nothing has been achieved in these last two years. We hold up the SIHIP program as an example of that, where we had the promise, originally, of $547 million, increased by $456 million to $1.1 billion, but then we had all that money going down the drain into houses that are not being improved with value for money.

If we are concerned with, as we are in our debate on this motion today, the protection of children and the provision of adequate shelter, then we need go no further than the Bath report in the Northern Territory, which found that, for over 800 children, child abuse cases have not even been examined by the Northern Territory government. I do not care what their excuses are.

In reality, what have we had? We had the year 2008, were nothing occurred except consultation on colour schemes for homes, massive administration, and bureaucracy moving through. By February 2009, not a single house had been built. By mid-2009, just two homes had been built. That was completely inadequate. Then, when we started investigating what was happening with SIHIP, the truth was revealed: there was no chance that 750 new homes could be built; no chance that 230 derelict homes could be flattened and replaced; and no chance at all that, under those current budget allocations, 2,500 improvements could be made. When we all held our breath, hoping that there would be improvements for children living in these squalid and overcrowded conditions, what happened? We started getting what were called ‘functional upgrades’ where they checked the plumbing, the electrics and then walked away—sometimes collecting $75,000 per home. Constructing dwellings in Indigenous Australia for $875,000 apiece, in communities where there are up to 20 or sometimes 30 people sharing a home—this is inadequate.

I call for a minister who is prepared to go and sleep in those conditions and see what it is like firsthand. We need someone who will say, ‘$1.1 billion of wasted money is simply not good enough.’ We see money being dished out to contractors, as we see the alliance breaking apart. It is an appalling situation for children—appalling. It is one thing to be debating a fairly banal piece of private member’s business here, but quite another to stand by while the following things are happening. The improvements to homes have been little more than functional. We have seen a complete stalling in some communities. We have seen a huge bureaucratic overlay—$45 million spent even before the first house was constructed. And then we have seen examples like those in Ali Curung, where they paint around a hole in the wall, where they provide nothing more than a bench. This is not a jail—this is a home for Indigenous Australian children. What are we left with? We are left with massive gouging by a program that has failed to deliver for Indigenous Australian kids.

What we need is independent scrutiny—to step away from this current minister and the Northern Territory government—maybe through a judicial inquiry. But we cannot afford to look back on $1.1 billion in the rear-vision mirror and say, ‘Gee that could’ve been spent better,’ because there are thousands of kids out there who do not sleep or who, when they do sleep, are sleeping with strangers or extended family, listening to parties and seeing, as I have said, that dreadful combination of piss, petrol, potato chips and poker. They lead their lives unable to go to school, and unable to have a chance at employment or a healthy life because of the quality of their housing.
The DEPUTY SPEAKER (Hon. DGH Adams)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

Global Fund to Fight AIDS, Tuberculosis and Malaria

Debate resumed, on motion by Mr Sidebottom:

That this House:

(1) acknowledges the Government’s recent increased commitment to the replenishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria, which:

(a) increased the previous commitment of $145 million in 2008-10, to $210 million for the 2011-13 period;

(b) recognised the importance of the Global Fund in the treatment and prevention of AIDS, Tuberculosis and Malaria, the three major infectious diseases;

(c) acknowledges the Global Fund as a highly effective funding mechanism for promoting global health and preventing 5.7 million deaths from AIDS, Tuberculosis and Malaria in some of the world poorest countries; and

(d) recognises the need to better fund the work of the Global Fund to deliver increases in the provision of antiretroviral therapy, tuberculosis treatment, long lasting insecticidal nets to prevent malaria, and treatment of women for mother-to-child transmission of HIV; and

(2) urges all aid donor countries in the world to fund their fair share of the global amount required by the Fund, which is estimated to be $20 billion over the next three years.

Mr SIDEBOTTOM (Braddon) (7.00 pm)—The point of my motion today is to draw member’s attention to the plight of millions of the world’s population, predominantly the poor, who are afflicted by the world’s three main killer diseases, being HIV-AIDS, TB and malaria and what it is that governments can do to save lives and ease suffering. Each year about five million people in the world die from these three diseases: approximately two million from HIV-AIDS, two million from TB and one million from malaria. These figures represent huge personal suffering for family and friends who lose loved ones, as many of us would know from our own experience. To many of those left behind, they also represent a familiar life sentence of poverty, disability, sickness and lost opportunity. The loss of the family breadwinner can mean that the remaining family members have insufficient food and may not be able to afford even the most basic health care and that children, particularly girls, must forego a primary education, something that most would universally acclaim as a basic human right.

In 2000 the United Nations created the Millennium Development Goals, a set of eight goals based on the world’s main development challenges and designed to build a safer, more prosperous and more equitable world. Goal 6 of the MDG specifically aims to halt and reverse the spread of HIV-AIDS and the spread and incidence of TB and other major diseases, including malaria. I am pleased to say that significant progress on this goal has been achieved. In 2000, the number of people dying from HIV-AIDS, TB and malaria was estimated to be six million annually. Today that figure has been reduced—if I can use such a term—to five million annually.
While there have been many governments and international organisations responsible for achieving that reduction, there is one organisation that stands out for its effectiveness in delivering health programs successfully. I refer specifically to the Global Fund to Fight HIV-AIDS, Tuberculosis and Malaria—pandemic nonrespects of borders, yet all three are easily preventable and treatable. The global fund is the largest multilateral funder of public health programs in developing countries. It was established in 2002 as an international public-private partnership for the purpose of mobilising and intensifying the international response to the global epidemics of HIV-AIDS, tuberculosis and malaria. To the end of 2009 the fund has disbursed nearly US$10 billion.

The work of the global fund has undoubtedly made a significant contribution to the global reduction in the number of deaths from the three diseases. The fund estimates that its own programs have saved 5.7 million lives since its creation. Indeed, in May 2010, The Lancet said, ‘There is no sector of government expenditure that gives a better human return’ than the global fund. The global fund is an international success story that serves as a model for the delivery of international development assistance not only for its effectiveness in saving lives but for the innovative approach it adopts. Financial allocation decisions are technically based and are transparent and there is a high level of civil society involvement in its decision making. On 4 and 5 October this year, donor nations to the fund promised to replenish funding to the fund of US$11.7 billion over the 2011-13 period.

I am pleased to say that the Australian government increased its 2008-10 commitment of $145 million to $210 million. These funds will be a good investment. They will enable the global fund to continue and expand on its existing programs, they will save the lives of millions more people, they will help to keep more people out of the poverty cycle and they will make a significant contribution towards achieving the health goals of the Millennium Development Goals, particularly goal No. 6.

While I do not want to be critical of the international community’s replenishment of the $11.7 billion US fund, it needs to be acknowledged that, unfortunately, the level of funding promised will not be sufficient. Health advocates estimate that, in order for the global fund to fully realise its objectives, a total of US$20 billion is required. That is almost double the total amount promised.

Time is fast running out for achieving the Millennium Development Goals by the target date of 2015. It will require more urgent action from the governments of the world, both donors and recipients. I call on members of all parliaments and governments to review their personal and collective commitment to achieving the MDGs and funding their nation’s fair share of the required global funding for the global fund to fight HIV-AIDS, TB and malaria in particular.

It is time to make the achievement of the MDGs an urgent priority, the likes of which were illustrated in the global response to the recent global economic crisis. At the important microlevel of the program and on funding provisions, it is encouraging to note the following. In relation to HIV, by the end of 2009, global fund programs were providing: antiretroviral therapy—or the so-called ART—to 2.5 million people; 1.8 billion male and female condoms; treatment to nearly one million HIV-positive pregnant women to help prevent mother-to-child transmission of HIV; 105 million counselling and testing sessions; and 4.5 million basic care and support services to orphans and other AIDS-vulnerable children.
As regards tuberculosis, six million people who have had active TB were treated, along with $3.2 billion invested in detecting and treating new smear-positive TB cases in some 112 countries. TB prevalence is declining as are TB mortality rates. Malaria prevention has been greatly aided by the distribution of 104 million insecticide treated nets. A variety of prevention programs have been funded, to the total of $5.3 billion, covering some 83 countries. Morbidity and mortality rates worldwide due to malaria have declined markedly and, in some cases, by more than 50 per cent in an increasing number of countries. It is estimated that some five million lives have been saved and hope restored for 33 million people living with HIV, the hundreds of millions of people who contracted malaria or who are at risk each year and the 10 million who contract active TB annually.

The global fund is realising the extraordinary vision of its founders, donors and implementers. It has drastically intensified the fight against HIV, TB and malaria, as I mentioned, while contributing to improving health systems in the progress of achieving the MDGs.

Virtual elimination of mother-to-child HIV transmission globally by 2015 can be achieved. Massive scale-up of HIV prevention programs and the provision of ART continues, as I mentioned earlier, although unfortunately universal access to comprehensive and evidence based HIV prevention, treatment, care and support remains distant. As I also mentioned, the prevalence of TB has significantly decreased over the last decade and the international target of halving the prevalence of TB could be met by 2015. Unprecedented coverage with ITNs and effective novel treatments have made great inroads into combating malaria. A rapid scale-up of prevention, treatment, care and support for these three pandemics has meant hope and, as the global fund annual report for 2009-10 testified, has had a positive impact on millions of lives.

The report notes:
Such unprecedented progress would not have been possible without the support of donors and partner organizations.

That is at the heart of the global fund. The report goes on:
In the coming years, continued, substantial increases in long-term financial commitments by donors—such as Australia—will be needed to consolidate these gains and to reach the MDGs by 2015 and universal coverage of HIV, TB and malaria services. 2010 is the year that should inspire extraordinary commitments from the public and private sectors to safeguard and build upon the already substantial achievements made over the past decade.

I thank Ingrid Smethurst and Ian Sansom of the RESULTS Burnie group for bringing the work of the global fund to my attention as they have and for conducting their public campaign to make us all aware of what is a global issue and a global responsibility.

Mr NEVILLE (Hinkler) (7.10 pm)—Part of the essence of humanity is our drive to alleviate the suffering of others. It is something that we seek to do as representatives in parliament, and it is a natural instinct in the everyday lives of most people. Australians are renowned for their generosity and their readiness to help others in distress.

Before going into the substance of my speech, let me clear one little thing from my mind. I am governed by two overriding principles when it comes to foreign aid and the elimination of disease. First, I cannot abide those people who peddle the glib old mantra that charity begins
at home. Charity does not begin at home; charity begins when you look into the eyes of a sick or starving child. Second, anyone who believes that we have eliminated smallpox, have almost eliminated polio, can eliminate AIDS—as the previous speaker said—or can eliminate malaria and tuberculosis by somehow cocooning Australia from the rest of the world and trying to escape our obvious interdependent responsibility lives in a fool’s paradise. As a nation we have an obligation to help foreign countries which desperately need our expertise, our manpower and—yes—our money to overcome the difficult challenges they face. I also believe that any Australian government, regardless of its colour, has the duty to ensure that our foreign aid budget and other allocations in the development assistance fields deliver the greatest good for the greatest number of people affected.

Foreign aid has to be targeted at projects which empower Third World countries. There is no question that disease eradication, particularly amongst our neighbouring countries, is one of the best purposes our foreign aid can be put to. As someone who has a firsthand understanding of the importance of the fight against devastating diseases such as HIV-AIDS, tuberculosis and malaria, I am happy to speak in support of the motion of the honourable member for Braddon on the Global Fund to Fight AIDS, Tuberculosis and Malaria. At this time last year I was one of the parliamentary advisers to the Australian Embassy at the UN. I am familiar with the great work being done around the world in fighting these awful, debilitating diseases through the Global Fund and more widely through the Millennium Fund.

One of the greatest efforts to overcome these diseases has been carried out through the Global Fund to Fight AIDS, Tuberculosis and Malaria. It was created in 2002. It is a unique partnership between governments, the private sector and international communities to combat three of the most insidious diseases still plaguing the planet. The Global Fund is currently the main source of finance to help fight these diseases throughout the world, providing a quarter of all the international financing required to combat AIDS, two-thirds of tuberculosis outlays and three-quarters of malaria treatment programs.

Since its inception, it is estimated that the work done through the fund has saved around five million lives in some of the poorest countries on earth. In the same time frame, the fund distributed around $10 billion to help control the spread of HIV, tuberculosis and malaria, and invested more than $90 billion in specific control and treatment programs. These programs are saving around 3,600 lives every day and preventing thousands of new infections from breaking out.

Australia committed $145 million to the fund for 2008 to 2010, and last month the government confirmed it would contribute again, pledging $210 million to the fund between 2011 and 2013. Some Australians might question the value of foreign aid, but in many cases we reap the benefits of the work we are doing in funding other nations, even in our own nation. As I said, the global fund is responsible for the control and treatment of HIV-AIDS, malaria and tuberculosis through South-East Asia and the Pacific, covering 24 countries in our region, including Papua New Guinea, Indonesia, Tonga, Vanuatu and the Cook Islands. It is important to recognise that malaria is a global issue; and, in the case of controlling the spread of malaria, the benefits to our region are self-evident. Many of the 60 per cent of malaria cases occurring outside Africa occur in the Asia-Pacific region, so this is not some remote disease in an even more remote country; this is something right on our doorstep. Ask the diggers who served in Papua New Guinea and the Pacific Islands in World War II. Ask the contractors who
work or have worked recently in Papua New Guinea or the Solomon Islands. Many of them have been struck down by malaria. It is a disease which has a serious economic as well as a human impact on poorer countries. It fuels a cycle of poverty, primarily afflicting the poor, who tend to live in malaria prone areas in poorly built dwellings that offer few if any barriers against mosquitoes.

During my time at the UN, I spoke about Australia’s leading role in combating malaria in the Asia-Pacific region. Around one-quarter of the nations that have embarked on malaria elimination programs are located in the Asia-Pacific region, and through the Pacific Malaria Initiative we are providing targeted technical and management support to governments to implement their national malaria control plans. This initiative is already making significant headway. For instance, in the Solomon Islands, the malaria incidence rate was brought down from 199 cases per 1,000 in 2003 to 82 cases per 1,000 in 2008, while in Vanuatu the rate has decreased from 74 cases per 1,000 in 2003 to 14 cases per 1,000 in 2008. Australia also hosted the inaugural meeting of the Asia Pacific Malaria Elimination Network early last year. The network is another forum to help improve the technologies, skills, systems and leadership that are needed to decrease and eventually eliminate malaria in the Asia-Pacific region.

A little closer to home, we recently heard about the dreadful outbreak of cholera in Papua New Guinea. But what most Australians do not know is that malaria is actually one of the leading causes of death and illness in Papua New Guinea. The global fund has invested around $70 million in malaria treatment and eradication programs in Papua New Guinea. Because of our proximity to PNG, this is relevant to us. Alongside this, Indonesia currently ranks third in the world for its overall tuberculosis burden. Because of our proximity to these two nations, we are particularly susceptible to outbreaks of both malaria and tuberculosis in Northern Australia.

Recognising this, the coalition pledged $40 million during the recent election campaign to help establish a tropical health institute at James Cook University upon winning government. The money would have gone towards the construction of an Australian institute of tropical health and medicine which would focus on bacteriology and biomolecular sciences, urology and pharmaceutical chemistry. Older Australians would remember the famous Sir Raphael Cilento, a doctor from Queensland who was a world leader in tropical medicine in the 1950s. We need to repeat those sorts of things in the current age. In a nutshell, such work would advance us tremendously in the elimination of many of these scourges that the world suffers.

Those of us who lived in the 1950s and 1960s would remember having the skin tests and going along to the mobile X-ray clinics. That way Australia eliminated tuberculosis. It had a tri-fold effect of detection, treatment and elimination and the end of a potential infection. We should not expect that we who got through that so lightly should not do something to help our neighbours through a similar crisis. And so I support the honourable member’s motion.
I welcome Australia’s increasing support for the Global Fund, which was established in 2002 to dramatically increase resources to fight three of the world’s most devastating diseases: AIDS, malaria and tuberculosis. That funding increase occurred at a crucial time. In the *Guardian Weekly* of 24 September 2010 there was a report that quoted Michel Sidibe, head of the UN HIV-AIDS agency. He talked of the momentous gains that have been made over the last few years but expressed concerns that European countries were giving $623 million less this year to HIV-AIDS programs around the world, and there was a shortfall of $10 billion in the funds needed to achieve universal access to HIV treatment. The *Guardian Weekly* article by Peter Beaumont said:

UNAids said access to treatment for HIV has increased 12-fold in six years, and 5.2 million people now get the drugs they need. But another 10 million who need the drugs do not get them.

He quoted Michel Sidibe as saying:

“To sustain the gains we are making, further investments in research and development are needed—not only for a small wealthy minority, but also focused to meet the needs of the majority.”

So this decision came at a time when there were some concerns that the economic crisis of the past few years, and the parallel failure of countries to meet their commitments anyway, was leading to a disturbing possibility that the significant gains being made would not be continued.

AIDS has a huge social impact and an impact on the economic productivity of developing countries. The previous speaker talked about malaria affecting most, particularly, poorer communities because of the way in which it spreads. In contrast, AIDS often largely hits the remaining educational elite of many of these African countries. Disproportionately, they are the ones amongst whom it is prevalent. Those countries have already lost many of their educated experts to other countries—they basically seize the people trained or educated overseas. It is a very crucial issue.

Around one million people die from malaria, mainly children under five, and over 300 million clinical cases are reported. Over half the world’s population in 109 countries is at risk of contracting malaria. Like AIDS, most deaths from malaria occur in Africa, with around 2,200 people dying every day.

More than two billion people suffer from tuberculosis, of which 90 per cent live in developing countries, and obviously that is clearly related to the material conditions under which they live. We know that in Australia there has to be a lot of vigilance in regard to tuberculosis in the immigration intake. For a few years we had problems because we trusted people to fulfil commitments once they arrived here, rather than ensuring that they actually got rid of the condition through treatment before they arrived here.

Each disease is debilitating and potentially deadly. When someone suffers from a combination of them it is even worse, particularly with HIV-positive people contracting tuberculosis.

The fund has a different, I think effective, way to deliver support and to combat AIDS, malaria and tuberculosis. The fund works closely with donor and recipient countries, other organisations and local communities to prevent duplication, which is important, and to integrate effectively into the delivery of health programs. In other words, there is a lot of cooperation with the local system on the ground and ensuring that there is not a situation where there are a
whole lot of overpaid Western professionals competing in the same market and basically falling over each other.

By increasing Australia’s support for the global fund from $145 million in 2008-10 to $210 million for 2011-13, we are making a contribution to the health, wellbeing and productivity of developing countries. The global fund has received commitments of $11.7 billion over the next three years, but needs an estimated $20 billion. I am hopeful that Australia’s initiative on this front is such that it would precipitate action from a number of other countries. As I said, there have been concerns over the past year that despite the major advances being made it will not be held because of countries retracting their offers.

Mr LAMING (Bowman) (7.25 pm)—In combating international poverty one of the few really great successes has been the global fund to target these three major infectious diseases world wide. As we have already heard, they kill around 3½ thousand people every day and result in thousands of additional infections and enormous morbidity for families, particularly in developing economies.

The origins of the fund go back prior to the year 2000, when a number of leading economists looked at ways to provide a carrot—effectively, a reward—for both nations and corporations that invested heavily in the solutions to what at that time were unsolvable problems—the top three killers. Malaria, TB and HIV had for a long time taken hundreds of thousands of lives in the decades preceding the year 2000. Only then did a guy called Jeffrey Sachs, working together with Michael Kremer from the School of Economics at Harvard, first talk about a global fund.

The initial concept was to have donor nations in particular put money aside that would serve to be a carrot attracting investment into new forms of pharmaceuticals that could one day help us to win this titanic struggle. In the intervening period, of course, the large nations, and particularly the G8 nations, got together with the pharmaceutical manufacturers and negotiated some very impressive breakthroughs where these expensive drugs, particularly the HIV drugs, could be provided at just a fraction of the market price. So all of the negotiation around the global fund was then able effectively to be turned into a leveraging instrument which, unlike the UN bodies with which it was working, did not have major in-country offices and did not seek to tell nations what to do. Instead, it just focused on the simple principles of working with national priorities and working as leverage rather than simply as a provider of services. It sought, where it could, to leverage in-country expertise, to do independent evaluation and to be completely balanced in the way they approached these three great killers. They did not focus unfairly on one intervention, one region or one disease.

That was the essence of the global fund, and we have had three commitments to replenishing it. The most recent was on 4 and 5 October in New York, and was quite successful. There the second replenishment of $9.7 billion was increased to $11.7 billion. Over those three replenishments we have seen jumps of 80 per cent and then most recently 20 per cent. It is very promising that most of those who contribute funds have actually backed up the talk with walk. The moneys that have been committed are coming through. In fact, in the most recent replenishment, where they have achieved $11.7 billion, about $2.52 billion of that is expected to come when these donor nations are able to fund those commitments.

The estimation is that we need $20 billion over this three-year period. In reality, we have just under $12 billion. That tells us that we are getting somewhere near but still not close
enough to what would be the ideal target. We know from national plans in the 83 nations that are afflicted with malaria, of the 112 with TB and around 140 combating HIV that the two really great challenges will be predominantly men having sex with men as the chief threat in HIV transmission and women having babies who are HIV positive. They will be the two key focuses around HIV because we are seeing an explosion—a radical jump—that has actually caused a J-curve in the reporting of HIV in these nations.

With multidrug resistant TB, again, the challenge is to get the suite of drugs correct and to have them available in all nations. That was the real success of the last three-year period. Obviously, with malaria, it is insecticide impregnated nets that are available to people to reduce the chance of infection with malaria, particularly around dusk and while sleeping.

I will now turn very, very briefly to those three millennium goals. The ones we are most optimistic about are: 6, which is the reduction of the dreadful communicable diseases; they are also contributing to goal 4, around child mortality being halved, and 5, maternal mortality being halved. The communiqué that came out from the most recent meeting in New York was really encouraging. They are pointing at country-coordinating mechanisms, CCMs, that allow this effort, which is fundamentally a financial instrument, to get down into countries and leverage the ability and the capacity on the ground. That means that it is being implemented slightly differently in each country, a real change from the struggle that these agencies have had before to coordinate multiple donors and to work with local capacity.

Finally, it is good to see ACFID right here in Australia recommending with its five health-related recommendations: that 20 per cent of Australia’s aid be health related, 15 per cent be family planning related, a focus on avoidable blindness and of course their recommendations around treatment of those three conditions. We welcome the government’s increased commitment of $210 million. This is only one per cent of what is needed and is well short of our GDP as a contribution to global GDP, but still it is a very important contribution towards the Millennium Development Goals that could well be achieved by 2015.

The DEPUTY SPEAKER(Mrs D’Ath)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Home Insulation Program

Debate resumed, on motion by Mr Hunt:

That this House:

(1) notes that the Australian Government has not released figures for the full rate of defects discovered under both the Home Insulation Safety Plan and the Foil Insulation Safety Program;

(2) calls on the Australian Government to release the full rate of defects discovered under both the Home Insulation Safety Plan and the Foil Insulation Safety Program, including the:

(a) number and percentage of roofs:

(i) found to be unsafe;

(ii) found to be faulty or substandard;

(iii) found to be flawed, unsafe or substandard in any way; and

(iv) rectified;

(b) cost of repairing the faulty, substandard or unsafe insulation; and
calls on the Australian Government to release information on the asbestos problem discovered under the Home Insulation Program, in particular:

(a) the number of roofs containing asbestos that received insulation;
(b) any specific warnings of asbestos risk given to installers prior to fitting the insulation; and
(c) steps being taken to manage the asbestos risk for safety inspectors assessing roofs.

Mr HUNT (Flinders) (7.31 pm)—I rise to address the motion in relation to the release of information under the Home Insulation Safety Program and the Foil Insulation Safety Program. These two programs were put in place as a consequence and a recognition of the catastrophic failure of the Home Insulation Program. The Home Insulation Program—or the pink batts program as it has become colloquially known—has been arguably the greatest failure in program delivery in Australia since the Second World War.

The facts speak for themselves. We start with 207 house fires according to the Auditor-General’s most recent report. We move to 1,500 potentially deadly electrified roofs. Further still, we see that there has been a failure rate on the first 13,800 roofs inspected of 29 per cent, which have either substandard or dangerous insulation installations in some way or another. Let us assume that, because they have been targeted the figure is lower than that, we are still talking about well over 200,000 homes with potentially dangerous, deadly or substandard insulation. All of this leads to a roof repair bill of a minimum of $680 million, which could climb as high as a billion dollars.

But none of this compares with the tragic linkages associated with this program. Four young lives were lost through association with this program. The coroner’s cases will follow. There have been prosecutions, but it is absolutely clear that there has never been a full and thorough investigation of the linkages that this program has had to those tragedies. That is why the opposition fully supports a royal commission. The Auditor-General was not empowered to examine the linkages between these tragedies and the program: the quality of the program design at ministerial level, the execution of ministerial conduct, or any of those elements. The Auditor-General was only empowered to deal with the program delivery by the administration, not by the executive. It is a fundamental failing of transparency under this government and there must be, and should be, a full royal commission, and we will prosecute that case going forward.

Today, this motion addresses an urgent, immediate and imminent requirement on the route to that royal commission. It is about the disclosure of public safety information which has been withheld from the public. In particular, the motion notes that the Australian government has not released the figures for the full rate of defects discovered under the Home Insulation Safety Plan and the Foil Insulation Safety Program. It calls on the government to release the full rate of defects discovered under both the Home Insulation Safety Plan and the Foil Insulation Safety Program and, in particular, it calls on the government to release information on the asbestos problems discovered under the Home Insulation Program. The figures which comprise that last element were today the subject of a campaign by unions which identified the Home Insulation Program as the third wave of the great asbestos risks of the last 30 years.

It was not the Liberal Party, it was not the federal coalition, it was not former members; it was the union movement which this very day identified the Home Insulation Program as the
third wave in the tragic march of failures relating to asbestos and the exposure of workers, the
exposure of inspectors and, potentially, the exposure of homeowners as a consequence of the
government’s Home Insulation Program. Against that background, it is negligence, folly and
denial to keep these figures about defect rates and public safety from the public.

The government’s task is clear. Its duty is to ensure that, no matter how painful it is to the
members of the government, the full facts about public safety are disclosed and the full facts
about the risks to homeowners are disclosed. The government’s argument is very simple: ‘Be-
cause we have been targeting inspections it may give a falsely high figure.’ One hundred
thousand inspections have been carried out. That is an enormous sample and that figure will
give a representative view of the failure rate within those houses that have been subject to
insulation from the least reputable installers and the most dodgy fly-by-nighters. There is no
doubt about that; that cannot be in question. What we see is very clear: that 100,000 homes
will give a real and profound indication of the rate of failure. As we know, there has been an
extraordinary level of failure under this program.

The argument that it is too much to let the public know about the rate of failure and the rate
of risk underestimates the public. The public, if given the right information, can make the
right decisions. But it also shows contempt for the public, and that is contrary to the spirit of
transparency with which this government was installed and contrary to the agreements around
transparency. I would respectfully say to all those Independents who will consider how they
vote on this motion that transparency must rule. There can be no doubt about that.

Against that background, take not our word, take the word of the industry associations who
themselves warned the government well over a year ago that the Home Insulation Program
was a deathtrap waiting to happen. The National Electrical and Communications Association
has written to the Independents. James Tinslay, the Chief Executive Officer, said in a letter
last week:

… the National Electrical and Communications Association (NECA) was the first body to warn the then
minister, the Hon. Peter Garrett, of the potential dangers faced by the then proposed Home Insulation
Program.

He went on to say:

NECA’s members and their employees who work on domestic premises are well aware of the risks re-
lated to working in roof spaces …

He also says:

Due to the confidentiality provisions of the government inspection contracts, NECA members are not
able to provide details of the numbers of live roof spaces or those that have the potential to become live.
This makes it very difficult for an industry to plan on how to address the ongoing dangers.

Electrocution is a potential risk from nondisclosure, according to the chief executive officer of
one of the two national bodies. Mr Tinslay in his letter went on to say:

We believe that the release of this information is essential for NECA members, fire fighting and other
emergency services, state electrical safety regulators, other tradesmen and especially householders
themselves.

The advice could not be clearer. The evidence has been palpable. The government ignored 26
warnings before the program was finally wound down. Throughout the second half of 2009
the opposition called for an Auditor-General’s inquiry, the first day of which was 28 August
2009, almost a year and a half ago. The risks were manifest, the warnings were obvious, the steps were ignored and there were tragic consequences.

But it is not just the one body that has pointed out the risks. The CEO of Master Electricians Australia, Mr Malcolm Richards, has written to me. In his letter dated 19 November—last week—he set out the fact that there are risks to homeowners through electrical faults. He said:

This finding is based, in part, on the initial results of the Federal Government’s Foil Insulation Safety Program … which were reported in the media earlier this year.

He went on to say:

We note that the full results of the safety inspections have not yet been released …

He says that his body would support ‘any effort to have these figures made public in order to add to public understanding of the level of pre-existing electrical faults in Australian homes’.

There is no doubt that the two leading bodies in Australia who represent those who work with electricity want the figures about the Home Insulation Program released. There is no doubt that the government is in denial. This motion should be supported. It is about public safety information. All members, I hope, will be able to back it.

(Time expired)

Ms SAFFIN (Page) (7.41 pm)—I rise to speak against the motion moved by the member for Flinders, and I shall carefully set out the reasons why. The government is extremely disappointed that the opposition has decided to move this motion in the House. To stand accused by the opposition of not putting the safety of Australian householders first is both unfair and misleading. The government has done two significant things, among others, on this issue. It has provided several opportunities to privately brief the opposition on the current safety inspection results and has consistently explained its reasons for not releasing this data prematurely. Furthermore, the government has also explained many times that the decision not to release the current inspection results is based on advice provided by the Department of Climate Change and Energy Efficiency. As I will discuss shortly, independent advice from the CSIRO also supports the government’s approach. I can say regretfully that the opposition has responded by refusing to accept the offer of a private briefing. It also continues to publicly distort the facts on this issue, which only serves to undermine the public confidence in the insulation industry and the current inspection programs.

Tonight I wish to reinforce to the House one more time why the government is adopting its current approach. The inspections under the HISP taken to date have not been done on a random basis. They have been targeted according to a risk assessment and focus carefully on safety issues. Safety is paramount. Given the importance of the targeted risk assessment, the government has commissioned the CSIRO to assist by conducting a statistical analysis of the inspection data to inform the HISP. In addition, the government has asked the department to commission a leading independent, internationally recognised consultancy firm to carry out analysis of the safety inspection programs and the results to provide advice on the extent of risk mitigation. Together, the inspections results data, the work conducted by the CSIRO and the report of the consultancy firm will inform the government’s future decisions on the safety inspection programs.

When all of this work has been considered by the government it will be released publicly in the appropriate form. A considered release of this information will build further public confi-
dence in the safety inspection programs. Confidence is vital for the future of the insulation industry. The government has acted upon the advice of the department in taking the decision not to release the data concerning the HISP safety inspection results at this stage of the inspection process. This advice is based on the fact that non-foil inspections undertaken to date are not a random sample and therefore are not representative of potential issues across the HIP. That was a fact noted by the ANAO in its recent report on this. The non-foil inspections are being targeted according to a risk assessment. For example, businesses that have been associated with noncompliance or fire incidents are being targeted, rather than installations of businesses that have no compliance issues.

The release of the results of the targeted, risk assessed inspections would be misleading with respect to the incidence and type of safety concerns and the relationship between the incidents and the type of insulation product used across the 1.2 million households. The results would therefore be open to misrepresentation, potentially causing unnecessary apprehension. For these reasons, the results could also generate further disruption in the insulation industry by deepening the loss of confidence in the insulation market or segments of it when it may not be warranted on safety grounds—for example, where the issue relates to the manner of installation of a particular product rather than the product itself. In particular, I ask the House to consider that the politicisation and misrepresentation of the results would likely drive an increase in general household requests for inspections, taking inspectors away from the targeted safety program, thereby diverting resources, increasing costs and extending the time needed to inspect the houses identified by the risk assessment. This is a very serious consideration that has influenced the advice provided to the government.

The government’s advice is that all these factors indicated it would not be in the public interest to release the non-foil inspection results until the inspection program is far more advanced, at which time a more definitive assessment could be given about the number of any further houses to be inspected, the remediation measures that may be required, the impact on the industry and possible future regulatory measures. The inspection data is also being shared with state and territory regulatory bodies and law enforcement agencies for the pursuit of non-compliance remedies, and specific elements of the data are sensitive in this regard. The advice provided to the government by the department concerning this issue has been very carefully considered and supported by the department’s audit committee that is chaired and attended by independent advisers.

I also draw the House’s attention to the recent Auditor-General’s report into the HIP—which the opposition supported given the auditor’s independence—which clearly found that the government’s remediation and safety inspection programs were appropriate and well designed. This was the reason that the Auditor-General did not find it necessary to make any recommendations in his report. All of these points, as well as an offer of a private briefing, were made by my colleague the Minister for Climate Change and Energy Efficiency, the Hon. Greg Combet, in a letter to the member for Flinders on 5 November. The honourable member for Flinders still has not responded to this letter, as I am advised. CSIRO has since written to the department on these matters, and I quote directly from this letter:

The CSIRO opinion is that the data set of 58,000 inspections made so far does not provide a representative sample of the approximately 1.16 million population of installed households for the following reasons:

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MAIN COMMITTEE
many of the inspections occurred as a result of calls to the Centrelink hotline by householders concerned about the quality of their installations.

- another significant component of the inspections thus far has arisen from a targeting program developed by PWC.

As a result, among the total population of installed households, these 58,000 inspections would provide a misleading picture of the overall fire safety risk.

In our view, the sampling we have proposed will provide more reliable estimates of (i) the overall fire safety risk and (ii) the impact of various risk factors on that fire safety risk.

This independent advice from CSIRO completely supports the reasons the government has provided for not releasing the safety inspection results. Minister Combet wrote to the member for Flinders on 16 November providing him with the CSIRO letter and once more offering the honourable member the opportunity to receive a private briefing. I am advised that the member for Flinders has failed to reply. The opposition simply does not want to listen to the facts. Instead it wants to wreck the current inspection programs and force the government to pursue other options. In precisely the same way that it has been said it does not matter what happens with the NBN, the opposition leader has said, ‘Wreck at all costs.’

The issue of asbestos is also raised in the opposition motion and it is being addressed by the government. The government has recognised issues surrounding the inspection of the roofs containing asbestos. On 12 November a tender was released for phase 2 of the HISP which will seek to secure the services of a specialist contractor to resolve this complex issue.

In view of all of the above that I have just spelt out I encourage the House to respect the government’s approach. I would also encourage the opposition to drop this motion and reconsider the government’s offer of a confidential briefing. Further the Foil Insulation Safety Program involves inspections of all 50,000 homes insulated with foil under the HIP. In closing, I reiterate that the government is extremely disappointed that the opposition has decided to move this motion.

Mr VASTA (Bonner) (7.51 pm)—I second this motion. In an open and transparent democracy the public deserves to know the rate of failure of all inspections carried out to date and this government must be held to account. I support this motion because it is in the national interest but also because there is a great deal of anxiety amongst homeowners in my electorate of Bonner. Homeowners in Bonner have made numerous representations to me concerned about whether or not they are living in a house with significant safety defects. In addition a number of homeowners in Bonner have asbestos or a risk of asbestos in their roof but had foil insulation installed. These homeowners have a well-founded concern about safety but are feeling left high and dry in relation to these issues. They have been told that they must remove the asbestos from their roof before their house can be further inspected or the insulation removed. This is likely to be at an incredible cost and many of these homeowners are senior citizens.

The government’s Home Insulation Program cost taxpayers $2.5 billion and from its inception it has been an outrageous failure of policy and implementation. As we all know now, and it is confirmed by the Auditor-General, this program was linked to at least 207 fires and the tragic deaths of four insulation installers. As we all know now this government rejected all attempts to warn them of the issues associated with this program and all attempts to shed light
on what was really going on with fraudulent claims. This government preferred to put the safety of the public and the accountability of government below their own self-preservation.

While the government now is conducting safety inspections of houses fitted with insulation, in October the Auditor-General’s report found that there had been a 29 per cent failure rate—that is, nearly one in three jobs done under the government program were dodgy or dangerous. The Auditor-General found a one in three failure rate but this government has decided that it will only inspect one in five houses at risk. That is not good enough. The most striking issue is that the one in three failure rate discovered by the Auditor-General is based only on a small sample of nearly 14,000 homes. One hundred thousand safety inspections have been carried out now, so it is time to stop hiding the truth.

Anecdotally, I understand that the rate of failure and the number of dodgy jobs is now much higher than one in three. In fact at one inspection that was carried out on Friday of last week an old Queenslander house with non-foil insulation was found to have failed Australian standards in three areas. Firstly, the depth of insulation was too low. Then there was not adequate clearance of cellulose around the downlights. Finally, the cellulose was not restrained around the cavity. They were all failures of Australian standards. The inspector said that almost all houses he had inspected did not meet the Australian standards and in 100 per cent of cases he had found the specific issue of cellulose not being restrained around the cavity.

So it is time for the government to come clean. Importantly, this motion also seeks to uncover the number of asbestos related problems. As I mentioned, homeowners with asbestos in their roofs are being left high and dry. It is outrageous for residents to be told that they must remove the asbestos from their roofs before any further inspection can take place or the insulation can be removed. Residents are well aware that the government had no problem in allowing the insulation to be installed in roofs with asbestos in the first place without appropriate oversight, so they must do whatever is necessary to assist these homeowners to rectify the issue that now exists. In the words of Mr Barry Reardon from my electorate of Bonner:

The government has been responsible for getting us into this mess. It has a responsibility to get us out of it.

It is unacceptable for this government to claim that the extent of failures should be withheld because its release could cause unnecessary apprehension. What is causing unnecessary apprehension in the electorate is the lack of information for the public to make informed choices, particularly in relation to whether or not to remove or remediate the insulation installed under this program. I urge all members of this House to support this motion. It is in the public interest to do so.

Mr STEPHEN JONES (Throsby) (7.56 pm)—The member for Page has outlined the reasons the government should not release information relating to inspection results at this time. I would like to spend the time that I have focusing on the steps that the government has taken to wind down the program and to deal with the issues in an open and transparent manner. On 10 March this year my colleague the Minister for Climate Change and Energy Efficiency outlined the main priorities for the government in remediating the Home Insulation Program. They included, firstly, to put in place a household inspection program, to identify and address the extent of safety and fire hazard concerns, to mitigate risk and to thereby reassure households who have had their homes insulated under the program; secondly, to assist industry and employees adjust to the termination of the program; thirdly, to identify and put in place
processes to deal with issues of non-compliance and fraud; and, fourthly, to identify any fail-
ures of administrative processes within government associated with the design and implemen-
tation of the Home Insulation Program.

Over the last seven months the government has made significant progress against these ob-
jectives. This was reinforced in the ANAO audit report, which stated:
Substantial work is also currently being undertaken by DCCEE to rectify safety issues and address con-
cerns raised by the many stakeholders involved in the program. In implementing the remediation pro-
grams, DCCEE has incorporated many of the lessons from Phase 2—particularly in regard to govern-
ance arrangements and bringing in program management experience to meet identified priorities.
Safety remains the government’s main priority, and a comprehensive safety inspection pro-
gram has been established, in which a minimum of 200,000 homes that had foil and non-foil
products installed under the program will be inspected. The government has already com-
pleted over 110,000 inspections. However, a lot more difficult work is needed to be done.
From the moment the government closed the Home Insulation Program on 19 February, it has
been transparent in determining what went wrong and what it is to do to fix the problem. For
example, the government has established and supported a number of inquiries into the pro-
gram, and I will go through each of those.

Firstly, there is the ANAO report. On 3 March 2010 the minister requested that the Auditor-
General conduct an audit of the HIP. The terms of reference to this inquiry were determined
by the Auditor-General, and they were able to access all relevant material, including cabinet
documents. The ANAO report was tabled on 15 October this year.

Secondly, there is the review of the administration of the Home Insulation Program. The
review of the administration of the Home Insulation Program was commissioned by the De-
partment of the Prime Minister and Cabinet to examine and report on the effectiveness of the
program design, administration and delivery arrangements. It was undertaken by Dr Allan
Hawke AO and completed on 6 April this year. The review identified problems in program
governance, design and administration, risk management, compliance mechanisms and capac-
ity issues.

Thirdly, there was a Senate inquiry. The Senate Standing Committee on Environment,
Communications and the Arts also conducted an inquiry into the program and tabled a report
on 15 July.

Fourthly, there were coronial inquiries. Coronial inquiries are still ongoing into the tragic
loss of four people that were associated with the Home Insulation Program, and the govern-
ment has agreed to provide funding for legal representation of the families associated with the
coronial hearings.

Fifthly, an insulation advisory panel was established. When Minister Combet assumed re-
ponsibility for the program, he was determined to seek the views of industry experts in terms
of how the government should proceed with elements of the program. Consequently, he estab-
lished an insulation advisory panel which included Dr Ron Silberberg, Mr Tony Arnel and Mr
Peter Tighe.

Sixthly, there are monthly reports. The government is also producing a monthly public re-
port on the Department of Climate Change and Energy Efficiency website—

A division having been called in the House of Representatives—
Sitting suspended from 8.01 pm to 8.14 pm

The DEPUTY SPEAKER (Ms AE Burke)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

Daw Aung San Suu Kyi

Debate resumed, on motion by Ms Saffin:

That this House:

(1) welcomes, on behalf of the Australian people, the release of Daw Aung San Suu Kyi from house arrest;

(2) congratulates the Burmese pro-democracy movement for its steadfast resistance to military rule and ongoing campaign for democracy;

(3) calls for the immediate and unconditional release of the more than 2,000 political prisoners still detained in Burma;

(4) calls upon Burmese authorities to embark on a genuine process of national reconciliation and engage in dialogue with all of Burma’s ethnic groups; and

(5) calls on the Australian Government to:

(a) make the most of this opportunity to bring about lasting reform for Burma and its people;

(b) reinforce the campaign for political reform in Burma with increased engagement through government and diplomatic channels;

(c) maintain efforts to enforce a universal arms embargo against Burma; and

(d) support at the highest levels of Government the efforts of Aung San Suu Kyi and her colleagues to restore democracy and peace.

Ms Saffin (Page) (8.15 pm)—The reason I put this motion before the House in those terms is to seize the moment on the release of Daw Aung San Suu Kyi after many years of house arrest—the last period of which having been about seven years—and seize this opportunity to look at how the country and the people can move forward. As a matter of public record, I hold views and have made comments about Burma, its people and the ruling military regime; over a long period of time I have made many comments about this issue. But, at this point in time, there is a feeling, and a willingness and a wish, particularly on behalf of the people, to say: ‘Let us all try and work together. Let us see how we can make the changes necessary in Burma. We have the international community, and friends like those in Australia, to work with us to give us that support.’

When Suu Kyi was released she came out to her house, and then the next day she spoke at the National League for Democracy headquarters and said a number of things. They were not surprising to me. They were consistent with her conciliatory approach. She, like others, knows that national reconciliation is needed in Burma, particularly to try and restore some sort of political peace and peace in other areas. She said that she wanted to speak directly and honestly with the generals who jailed her so that they could work for the betterment of the country. She has always said that, in fact. That is what she has always said.

There is lots of speculation: ‘Why did they let her out at this time? What are they thinking?’ People are speculating and saying, ‘Maybe it is because the elections are over, they think that
that’s gone and she’ll have no influence and no power.’ I think that everyone knows better than that. She has enormous influence and enormous authority in her country. In Burma, she is simply referred to as ‘the Lady.’ That is how people talk about her. When they drive past her place on University Avenue, without her knowing people will often show absolute respect and make a gesture of respect as they drive or go past. People do not have all their hopes and aspirations in one person, but she embodies a peaceful Burma, a prosperous Burma, a Burma that is truly united. That was the Burma that her father, General Aung San, envisaged as well.

I have said before that, when she went back to Burma in 1988 and spoke—for the first time very publicly—at Shwedagon Pagoda, she went there as her father’s daughter and left there as a leader in her own right. Everyone was curious and excited to see the daughter of the national hero come to speak.

She means it when she says:
I think we all have to work together. We will have to find a way of helping each other.

She says further:
I don’t believe in one person’s influence and authority to move a country forward. One person alone cannot do something as important as bringing democracy to a country.

If my people are not free, how can you say I am free? We are none of us free.

That brings me to the political prisoners. I note that the military regime said that there were no political prisoners in Burma, but there are political prisoners in Burma. There are over 2,000 of them. One of them who got jailed for about 93 years, Khun Htun Oo, is a leader of the Shan people’s ethnic nationalities party, the Shan Nationalities League for Democracy. He received 93 years, which just seems extraordinary, because he was a political operative too. He is in jail. There are political prisoners and we have to work to ensure that we advocate that there are no political prisoners and that they come out of jail.

One other thing that Suu Kyi said is:
I have been listening to the radio for six years. I think I’d like to listen to some real human voices.

That is a very human and a very telling comment. That was one of the first comments she made when she came out. That brings me to Radio Australia. Radio Australia has a Burmese broadcast program. That was introduced by our government and it is something that I know gets listened to very well in Burma. In fact, it is on first thing in the morning. There are other radio programs that are broadcast into Burma, but it is early in the morning and I know that a lot of people listen to it. It is really important, particularly in countries where there are not a lot of media for them to engage in, and people do love the radio. So that is a good thing.

One of the things that I would say if I could have a conversation with General Than Shwe, which is pretty hard to do, is: ‘Now is the perfect opportunity. Now is the time. You have had the elections, even though they were not free and fair. We know all about that and it is a matter of public record. They are out of the road, Aung San Suu Kyi is free and she has made it very clear that she wants to talk and work for the betterment of the country. The time is right to seize that opportunity.’ That is very difficult, particularly because military dictatorships by their very nature can become quite secretive, paranoid and fearful and can operate in a military model of command and control. That can change. He can actually change that. Am I being naive about it? No, because I have seen it in other countries. I have seen people change. I have seen dictators change. I have seen military regimes transition. We have all seen it in our
lifetime in many places. It can happen as well in Burma. There has been conflict there for a long time. There are a large number of ethnic nationality leaders and we need those changes to happen.

I was really pleased with the response of everyone and I want to thank the people who are speaking in support of this tonight, because it is something that we all agree on. It is something where the House comes together and says, ‘This is a statement that we agree with.’ We can operate in that truly bipartisan way. I was really pleased to see that our foreign minister spoke with Daw Aung San Suu Kyi, and hopefully there will be a visit to Burma in the near future. Also, the Prime Minister sent a letter directly to her through our ambassador in Burma, stating that people in Australia support her. The motion tonight is clearly about recognising that now is the time to work smart and work well with all the leaders in Burma and work in such a way that they can give voice to their aspirations. As Aung San Suu Kyi says: ‘Please use your liberty to help us achieve ours.’ That is what we continue to do. (Time expired)

Mr FRYDENBERG (Kooyong) (8.25 pm)—I rise today to speak in favour of the motion moved by the member for Page. Importantly, it focuses our attention at this time on the release from house arrest of a modern-day hero, Burma’s Aung San Suu Kyi. Aung San Suu Kyi’s unwavering commitment to a democratic future for her people and her inner strength in the face of decades of repression have won respect the world over. She is today’s most conspicuous flag-bearer for Mahatma Gandhi’s doctrine of seeking political change through peaceful resistance. It was Gandhi who said: Nonviolence is the first article of my faith. It is also the last article of my creed.

It has been no different for Aung San Suu Kyi. While the world rejoices in Suu Kyi’s release, it is but an incremental step on a long path to real and lasting change in Burma. How Australia and the international community responds to these recent developments will be critical. Before outlining in more detail what I consider are some of the key factors at play, it is worth recounting the life of this remarkable woman. Her family history and personal journey to this point provide an important context in which to understand her indomitable determination and resolve. Aung San Suu Kyi was born in 1945 to Aung San, commander of the Burma Independence Army, and Khin Kyi, the senior nurse of Rangoon General Hospital. Two years later, her father was assassinated, leaving her mother to become a senior public figure and later Burmese ambassador to India. Suu Kyi was educated in New Delhi and later Oxford University where she met her future husband Michael Aris. In 1965, she moved to New York first to study and then to work at the United Nations. In 1972, she married Michael Aris and travelled with him to the kingdom of Bhutan, where he was a tutor to the royal family and she worked in the Ministry of Foreign Affairs.

It was not until 1988 that Suu Kyi returned on a more permanent basis back to Burma to provide palliative care to her sick mother in Rangoon. In that year the resignation of the military leader of Burma, General Ne Win, sparked mass protests and Suu Kyi called publicly for multiparty elections. The National League for Democracy, the NLD, was formed that year and Suu Kyi took on the role of General Secretary. As her popularity rapidly grew, the military placed her under house arrest on 20 July 1989.

Despite the restrictions placed on her, the NLD won the 1990 elections with 82 per cent of the parliament’s seats, but all to no avail. The military dictatorship denied any form of democratic government and continued the brutal suppression of Suu Kyi’s human rights. In 1991,
Suu Kyi received the Nobel Peace Prize but understandably rejected the military offer of free passage to receive the award and visit her family abroad knowing that she would never be allowed home.

Despite all that she has suffered, including spending 15 of the last 21 years under house arrest, she remains defiant and optimistic. Even when her husband, Michael Aris, was dying of prostate cancer in 1999 and was denied permission by the Burmese government to visit her one final time, she would not be broken. We must accept this is a woman who knows her people, who knows how the international political system operates and has faith in the path that she has chosen. We in the international community therefore owe it to her and her people to do all that we can to bring pressure to bear on Rangoon’s brutal military dictatorship. In her words, ‘Please use your liberty to promote ours.’ It is a plea we cannot ignore.

Australia’s response must be multifaceted and combine a series of diplomatic, economic and assistance based approaches. It must be a balanced approach and not one based solely on isolating the regime. First, we are right to place travel restrictions and financial sanctions against 453 of Burma’s leadership class. There must be a price to pay. Second, we must continue our sanctions on defence exports to Burma and encourage our international partners to adopt a similar approach. Third, a substantial aid program to Burma is important as nearly one-third of the nearly 60 million Burmese live in abject poverty. The civilian population also suffer greatly from a high incidence of HIV-AIDS and poor levels of community health and disease prevention. Problems on the ground have been compounded by natural disasters, including devastating cyclones and floods. Fourth, we must continue to expose the human rights abuses that are carried out on a large scale in Burma. As I wrote back in 2007 in an article in the Age, in Burma thousands of children are kidnapped to become child soldiers, and torture and sex slavery are used as political weapons. Despite knowledge of these tragedies, a number of countries in our region seek to preserve their economic and strategic relationships, most prominently in the energy sector as Burma has the world’s 10th largest gas reserves. These countries protect their economic and strategic relationships ahead of the more important commitment to protecting and upholding universal human rights. In this vein we must continue to call for the immediate release of the over 2,000 political prisoners held in Burma.

Fifth and finally, we must combine these strategies with a policy of engagement with the Burmese hierarchy. Under President Obama the United States have moved their approach to a more active policy of engagement. They found that isolation alone did not get the desired results. This must be welcome, particularly the visit earlier this year to Rangoon by US Assistant Secretary for East Asian and Pacific Affairs Kurt Campbell. We need to work with the United States, Japan, India, Korea and our partners in ASEAN to bring about change at the top in Burma. Indonesia’s President Susilo Bambang Yudhoyono, SBY, has an important role to play in this regard. As a former general, as a person who knows Burma well and as the leader of ASEAN’s most powerful member, he is strategically placed to take a leadership role. Australia has a very good relationship with Susilo Bambang Yudhoyono and Indonesia. We should use our good offices with the president and his country to identify appropriate opportunities to partner with them in this important mission.

The case for change in Burma is more pressing than ever. Aung San Suu Kyi’s release has given the case fresh impetus. Australia, as an important player in the region and committed as we are to protecting human rights, cannot stand idly by. I therefore support the motion and
Ms PARKE (Fremantle) (8.34 pm)—I rise to support the member for Page’s motion.

In the Quiet Land, no one can tell
if there’s someone who’s listening
for secrets they can sell.
The informers are paid in the blood of the land
and no one dares speak what the tyrants won’t stand.

In the quiet land of Burma,
no one laughs and no one thinks out loud.
In the quiet land of Burma,
you can hear it in the silence of the crowd.
In the Quiet Land, no one can say
when the soldiers are coming
to carry them away.

The Chinese want a road; the French want the oil;
the Thais take the timber; and SLORC takes the spoils …
In the Quiet Land …

In the Quiet Land, no one can hear
what is silenced by murder
and covered up with fear.

But, despite what is forced, freedom’s a sound
that liars can’t fake and no shouting can drown.

That poem is called In the Quiet Land, and it was written by Daw Aung San Suu Kyi.

I thank the member for Page for her important motion regarding the release from house arrest of Aung San Suu Kyi, who I know is a close personal friend of hers. The Nobel peace prize winner and Burmese democracy leader has been the conscience of the nation in the oppressive society of Burma and a source of inspiration to people all over the world for more than two decades. The Nobel prize committee chairman, Francis Sejersted, called Aung San Suu Kyi ‘an outstanding example of the power of the powerless’.

The woman who challenges one of the world’s most repressive military regimes stands only five foot four inches tall, weighs 45 kilos and has the gentlest of manners.

Ms Saffin—She’s tough.

Ms PARKE—I note the member for Page’s comment: she is tough. Her father, independence hero General Aung San, was assassinated when she was only two years old. In 1990, she won landslide national elections in Burma as the leader of the National League for Democracy, yet she has spent 15 of the last 21 years in some form of detention. During her early years of detention, she was often in solitary confinement. She was not allowed to see her two sons or her husband, who died of cancer in March 1999. She has grandchildren she has never met.
Aung San Suu Kyi has suffered these personal agonies with calm and dignified conviction and strength, famously saying:

The only real prison is fear, and the only real freedom is freedom from fear.

What personal suffering she has experienced, she says, cannot be compared with that of thousands of her followers who have been imprisoned, tortured or killed. Indeed, there remain more than 2,200 political prisoners in Burma, including pro-democracy activists, monks, students and journalists, who are being held in the country’s 43 prisons and in an unknown number of labour camps, many serving sentences of several decades after trials with very limited or no access to legal representation. It is important that we do not allow the welcome news of Aung San Suu Kyi’s release to cloud our sense of the ongoing misery of many Burmese people, including the many ethnic minorities.

A number of commentators have remarked that, in releasing Aung San Suu Kyi, the military regime hopes to achieve international legitimacy and deflect criticism from the recent general election. Noted author on Burma Bertil Lintner has written:

“It is a public relations exercise for foreign opinion after a totally fraudulent election …”

Nevertheless, like his Holiness the Dalai Lama in his steadfast commitment to dialogue with China about Tibet, Aung San Suu Kyi appears committed to engagement with the regime in Burma. I note the member for Page’s comments about this being a momentous opportunity to achieve change and that this is perhaps not the time for cynicism but for positive and smart thinking. Greg Sheridan, writing in the *Weekend Australian*, has noted that increased engagement by Australia in Burma may consist of further aid for Burma’s people, who, he notes, currently receive ‘among the lowest aid support in the world’ at US$8 per capita. In contrast, neighbouring Laos receives US$80 per capita.

As noted by the member for Page in her motion, the release from house arrest of Aung San Suu Kyi is a welcome event, and it is to be hoped that Australia can assist Burma in making the most of this opportunity to bring about lasting reform for the Burmese people. It is somewhat ironic that Aung San Suu Kyi is being asked to speak at this year’s Nobel peace prize ceremony in Oslo, which she could not attend in 1991—and it is to be hoped that she will be permitted to travel—while this year’s Nobel peace prize winner, Chinese human rights activist Liu Xiaobo, remains imprisoned and unable to attend the ceremony. I commend tonight’s motion regarding Liu Xiaobo moved by the member for Melbourne Ports.

These events demonstrate how important it is that the citizens and parliaments of free countries like Australia do our best to support pro-democratic reform in other parts of the world, including China and Burma. I started with a poem from Aung San Suu Kyi and, like the members for Page and Kooyong, I will end with her plea:

Please use your liberty to promote ours.

Ms O’DWYER (Higgins) (8.39 pm)—I join with the members for Page, Kooyong and Fremantle in welcoming the release from detention of Aung San Suu Kyi. She has been detained, on and off, for 15 of the last 21 years. Her detention came about because of her leadership of the National League for Democracy, which won over 80 per cent of the vote in the 1990 election. Aung San Suu Kyi is a woman whose efforts to promote democracy in Burma can rightly be described as truly heroic. For as long as the Burmese military junta has attempted to cling to power through a corrupt regime that is in clear defiance of the will of the
Burmese people, Aung San Suu Kyi has been prepared to sacrifice personal comfort and safety in the face of a repressive regime to stand up for the democratic rights of the Burmese people.

Aung San Suu Kyi, in her famous ‘freedom from fear’ speech in 1990, said:

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.

Her words so accurately characterise the plight of millions of people around the world whose lives are at the mercy of a despotic government whose aims are not to enhance the welfare of the people but to consolidate their power by subverting democracy and, ultimately, destroying it. This fear has characterised tyrannous regimes throughout history and has no better characterisation than a number of the communist regimes of the 20th century. Aung San Suu Kyi’s fight for democracy is not only for the people of Burma but for everyone who suffers, or has suffered, due to the lack of democratic rights.

It is fitting that a motion such as this should be moved in the Australian parliament. As a free and democratic country, Australia should show support to those who fight for freedom in a country ruled by fear and oppression. Australia has never had to fight for democracy. We are the beneficiaries of a long-established Western tradition. Yet Burma ceased to be a democracy in 1962 when General Ne Win led a military coup. This remarkable turn of events led Burma on a path to socialism and tyranny. Suu Kyi returned to Burma in 1988, originally to care for her mother, herself a prominent Burmese political figure. Her father was a famous commander of the Burma Independence Army. She came to lead the pro-democracy movement, which became particularly vocal after the retirement of General Ne Win. On 26 August 1988, she famously addressed half a million people at a mass rally in front of the Shwedagon pagoda in the capital. She was detained under house arrest in 1990, along with many others, by the newly established military junta. She was released in 1995, placed under detention again in 2000 and released in 2002. In 2003, pro-government militia attempted to assassinate her, but her driver managed to get her to safety. She was detained for a third time.

Aung San Suu Kyi was willing to undergo extreme harassment, arbitrary arrest, years of home detention and an attempt on her life in order to secure democracy in Burma. She was forced to forgo a home life to fight for the freedom of her people. She was separated from her husband and her children and has never met her grandchildren. Aung San Suu Kyi’s release from prison on 13 November, after years of incarceration, represents an important step forward for democracy in Burma. For now, Aung San Suu Kyi is free to travel the country and speak to her people, reviving the pro-democracy movement. But we can be in no doubt that the regime will be observing her activities very closely. Throughout Aung San Suu Kyi’s promotion of freedom in her country she has eschewed those who have called for violent resolution. Her path, while a difficult and long one, has always been a peaceful one. This has taken great moral courage. Her commitment to peace was recognised by her award of the Nobel peace prize in 1991.

Despite her recent release, there can be no doubt that the country is still tightly and brutally controlled by a military regime that cares nothing for individual rights. There are still more than 2,200 political prisoners, and these are only the prisoners we are aware of. Before the most recent election the military junta changed the constitution to stop Aung San Suu Kyi’s National League for Democracy contesting the election. It is no surprise, then, that the mili-
tary regime was returned in an election that was not free or fair. Aung San Suu Kyi deserves both our admiration and our support, and it is fitting that we pay tribute to her in the Australian parliament.

**The DEPUTY SPEAKER (Ms AE Burke)**—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

**Population**

Debate resumed, on motion by Mr Ripoll:

That this House notes that:

1. the Intergenerational Report predicts Australia’s population may reach 35.9 million by 2050;
2. population growth continues to be centred around Australia’s capital cities;
3. the electorate of Oxley contains parts of Ipswich East, one of the statistical areas that has seen the largest population increases in Australia between 2004 and 2009;
4. continuing population growth is placing pressure on the sustainability of Australian cities and the lifestyles of their residents;
5. a ‘business as usual’ approach to planning and development will no longer be sufficient for the future needs of Australian cities;
6. building Sustainable Cities must become a policy priority for all levels of government; and
7. the future sustainability of Australian cities must include a need to ‘decentralise’ the capital cities and encourage major employers, such as government department, to regional and outer urban centres.

**Mr RIPOLL (Oxley) (8.44 pm)**—Early this year the Treasury’s 2010 intergenerational report *Australia to 2050: future challenges* was released. I have spoken about this report many times, and I will continue to raise issues from this very important report, because it shines a light on where we will be as an economy and as a nation in about 40 years time. Among other things, the report projected that by 2050 Australia’s population will be around 36 million. This is a projection based on middle-range population growth, but even the ABS low-growth projection suggests that Australia’s population will grow to at least 30 million by 2050. But it could be much higher, based on modelling. It is important to note that this is not a target; it is merely a projection as to where we might be.

Australia’s capital cities still account for the vast bulk of population growth—in fact, nearly all of it. Almost all Australians live on the eastern seaboard in our major cities. The concentration of population in capital cities is projected to grow from 64 per cent in 2007 to 68 per cent by 2056. Of course, this will be an increase not just in the percentage but in the actual numbers as well, and it is quite significant when you take that as a totality.

From 2004 to 2009, Queensland’s population grew by over half a million people, the largest growth of all the states and territories. This is, of course, why Queensland and other states like Western Australia struggle with infrastructure: because of the very fast growth in population and all the associated problems that come with it. Queensland’s average annual growth rate for 2004 to 2009 is 2.54 per cent, second only to Western Australia. I think it is pretty obvious to people reading or listening to this that these are the two booming states.

The Oxley electorate, my electorate, which is really part of the Western Corridor of South-East Queensland, is part of the statistical area called Ipswich East. This contains suburbs such
as Springfield and the Greater Springfield region; older parts of Ipswich such as Redbank and Goodna; the Inala/Forest Lake region; and the western suburbs of Brisbane—the Centenary suburbs. This area of Ipswich East experienced average annual population increases of 7.3 per cent for the period from 2004 to 2009. This equates to nearly 20,000 people over that five-year period, most of whom have probably moved into the Greater Springfield region. This place is firmly among the 10 areas with the largest population increases in Australia.

Here the growth is new, and it is working well; it is welcome growth. But the population growth in Australia’s capital cities and larger regional centres is placing enormous pressure on the sustainability of our cities. The fact is that Australia’s major cities are choked. We need to acknowledge that whether it is in Brisbane, Sydney, Melbourne, Perth or Adelaide—wherever it is across the major cities in Australia where the majority of people live—it is having an impact, including an impact on our lifestyle. Traffic congestion, overcrowded public transport and increased utility charges are just a few examples of the way population growth is being felt by Australians. This is not to cast some poor image of Australia as a small nation of just 22 million; it is just the reality and the fact that, as a nation that is still young, we have not quite grasped the issue of how to deal with population in urban centres.

To make a comparison of what I am trying to say, I will paint a picture for you. Australia has 22 million people. The city of Tokyo has 22 million people. The reality is that development will continue in Australia; that will happen by necessity, and it must happen to accommodate our growing population. But we are not keeping pace in terms of housing. In fact, the National Housing Supply Council’s State of supply report 2010 set out that the housing shortage is currently 178,400 dwellings. That is a lot of people if you start adding that up in terms of families and people that are without. In Queensland there is a shortage of 56,000 homes, and this is exceeded only by Sydney. The projection of houses required by 2029 is 3.2 million additional homes, and I am just not sure that there is yet a collaborative approach in this country that will quite meet that challenge—although I do have to say that this government is working hard to acknowledge that and to meet that challenge.

We can see from these figures that just stopping development is not the answer. Australia does need new homes and new infrastructure, and we need to in some way meet all the shortfalls that we will be facing either at the lower end, the middle area or, indeed, the higher end of population growth forecasts. But these figures are not about a pessimistic view. To me, they present us with an opportunity to build sustainable cities and to look properly at the way we deal with infrastructure and the way we live—the way that we build a home and what is seen as supposedly normal in the way we conduct ourselves.

The building of sustainable cities must become a policy priority for all levels of government and, for that matter, for industry when considering Australia’s development needs. This government’s Major Cities Unit is a step in the right direction. The Major Cities Unit is working with all tiers of government, major stakeholders and the community to provide input on urban policy.

We need to get the balance right. In fact, we need to get the mix right—the mix between development, lifestyle, infill developments, the release of land and the development process, which to my mind currently is just too long. It takes too long from the time somebody purchases a block of land to the time they can bring that through to somebody actually living in a house on it. We need to do better at all these levels.
The Major Cities Unit will also work across portfolios to provide an integrated plan in such areas as climate change, housing, and health and innovation, all of which are linked. This is the real challenge when we talk about sustainable cities. It is not just about lifestyle and having a home; it is about the transport mix, the housing, the jobs and where we work, eat, play and live, rather than just where we might live and then travel to work.

This is a good start. The Major Cities Unit and Infrastructure Australia and a range of other policies that were brought on by this government are a step in the right direction, but more work needs to be done. There needs to be better regulated development, not to stymie growth but to maximise and coordinate its potential. A new estate needs to have coordinated transport and jobs, roads in, roads out and rail. That needs to be done in cooperation with industry to make sure that there are jobs where people live, that commerce has an opportunity to develop and grow where people live and that there are options to allow a greater diversity.

There needs to be recognition that the business-as-usual approach of people living on the city fringes and then commuting to the city centres is completely unsustainable and will fail. It places too much pressure on our road and transport infrastructure, something which I am sure everybody in this place understands fully and appreciates every day. Most state governments have produced plans for the future development needs of their capital cities, and most target infill development—the use of land within a built up area. This will provide between 50 and 70 per cent of new housing in the future. Infill development is good and is one way of addressing development, but it is not the only way and it is not the solution. Large swathes of the inner cities cannot simply be demolished so that high-density buildings can be built. The National Housing Supply Council has found that infill development faces the major barrier of being too expensive. Base land also costs, and the particular challenge of having to accommodate existing structures means that in all of our major cities, except perhaps Sydney, it costs more to build a two-bedroom unit at an infill location than it does to build an equivalent three-bedroom house with a backyard in a greenfield site.

There are many challenges ahead and many more things that we can do. Living in high-density inner city regions may be attractive to some, but is not the only solution for all Australians. There are many families who still want to live within a reasonable distance of the lifestyle of the city and all of the facilities that it brings but want to have a yard and parks—access to a lifestyle that is affordable and also access to work. This can only happen on the fringes of our cities and in the regions. The future sustainability of Australia’s cities must include a need to decentralise, and this is where I think there has been a real breakdown between the three tiers of government.

This is new stuff. In a lot of ways, planning to deal with these issues is no more than perhaps a few years old. In the past cities just grew and developed at their own pace, based on whatever local government authorities decided might happen or where governments might have spent some infrastructure money. The aim should be to get people to work, to play, to study, to go to the doctor and to have facilities and shops all within walking distance of where they live. Leading demographer Bernard Salt calls this plan a mosaic city of self-contained regions, where the majority of people have a 15- to 20-minute commute instead of one hour or more. For people who live in Sydney that is sometimes two hours.

The key to achieving this is to decentralise the jobs. Major employers such as government departments and industry ought to be encouraged to move to suburban and regional centres.
There is much more that can be done in this area. I am doing all I can by highlighting the issues here but also by talking to ministers and looking at a holistic approach to how we can achieve this. We can get the balance right, whether we have 30 million, 36 million or 50 million people by 2050. We have a great opportunity to have real control not over the number of people who live in this country by 2050 but over the sort of lifestyle they achieve by that time. *(Time expired)*

Mr ALEXANDER (Bennelong) (8.55 pm)—The *Intergenerational Report* predicts that Australia’s population will reach almost 36 million by the year 2050. We are undoubtedly in an age of growth and will be for the foreseeable future. From a personal perspective this makes me consider that when my 17-year-old son, Charlie, reaches my current age, our nation’s population will have increased by 60 per cent. Are we making suitable preparations for this kind of increase? As our population grows, will our nation grow with it? Like any worthwhile business, do we have a master plan for our own development? It should be a government’s obligation to plan for the future and make provision for such growth.

Our world will not end at 2050, hopefully, but it is becoming increasingly apparent that there is a genuine absence of federal policy designed to seek the most efficient development and population spread for our country. Sometimes it appears that our population increase has taken us by surprise, with more and more people simply shifting into two major cities, and no incentive to look beyond. At a meeting of town planners recently, one commented, ‘Had we known Sydney was going to grow like this, we would have planned very differently.’

This has brought us to a point of paralleling the perils that plagued the major northern cities of the United States in the seventies, choking on their overpopulation and insufficient infrastructure, the cost of living and the cost of doing business rising to a breaking point, and crime rising as more and more people could not afford to live in their own cities. A shift occurred through a huge investment in infrastructure, resulting in a new wave of growth and enormous migration to what is now referred to as the sunbelt, stretching from Florida to California. In particular, the population of Atlanta, Georgia, grew 60 per cent in just 20 years, from 1960 to 1980, preceded by an intensive campaign of road, rail, airport and housing developments together with an active chamber of commerce that attracted big businesses to relocate their headquarters to Atlanta to enjoy cheaper running costs whilst providing an improved quality of life for their employees. In quick succession, businesses recognised the advantages of relocating to the southern regions. The arguments were comprehensive and have stood the test of time in providing companies with greater efficiency and a competitive edge. Businesses and families were attracted as a result of the master planning that had taken place. The highways and airports were built in anticipation of future needs rather than just trying to keep up with existing needs. This helped to facilitate growth, to the point that Atlanta’s international airport is now the busiest in the world.

Over recent times we have witnessed Australia’s acceleration at a furious rate without any form of master plan. Development has been ad hoc, leading to haphazard housing construction and insufficient transport infrastructure. It could be argued that Sydney and Melbourne have already gone past the need for strategic master planning because we were travelling too fast and simply missed the signpost. Without genuine master planning of our nation, the disproportionate growth of the major cities has occurred while regional areas have been left behind. Maximum efficiency will be achieved through the construction of vital infrastructure...
services just in time to meet current needs. This is a far better option than the current scenario we witness in our major cities whereby the available services are not even coming close to meeting current needs.

The greatest problems facing our major cities, especially Sydney, are the cost of living, which is directly attached to the cost of doing business, and the quality of life that this cost affords. The electorate of Bennelong that I represent is a perfect example of a concentration of all of the factors that impinge on this quality of life: overdevelopment, overpopulation and infrastructure not keeping pace. If we had had appropriate master planning, and just-in-time infrastructure construction had occurred, all the needs of today’s population and into the future would have been catered for in the most efficient and effective way possible. Instead, Bennelong is confronted—

The DEPUTY SPEAKER (Ms AE Burke)—It being 9 pm, the debate is interrupted. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed.

GRIEVANCE DEBATE

Debate resumed from 15 November.

The DEPUTY SPEAKER (Ms AE Burke)—The question is:

That grievances be noted.

Flinders Electorate: Community Services

Mr HUNT (Flinders) (9.00 pm)—I rise to speak in relation to three grievances. They are not the usual types of grievances, where we are casting blame upon one level of government or another. They are grievances in relation to the legitimate concerns of different community groups which need to be addressed, and now is the moment to turn and address those points of disadvantage.

The first is in relation to the You Are My Sunshine Foundation and the cause of young children who suffer from neuroblastoma. It is a condition of which I was not aware previously. My exposure to the condition came about as a consequence of discussions I had with Judi Donahoo on the Mornington Peninsula and also on Phillip Island recently. Whilst I was there she explained to me that she had lost her young granddaughter, Kahlilla, or Lilly, at age five. Lilly was a beautiful young girl who had suffered from neuroblastoma. With so many of these young children, 60 per cent of cases in the late stages will not live. As the father of a five-year-old, I found this quite extraordinary.

Judi is setting out to raise money for awareness of this condition to help train doctors in early stage diagnosis. At this stage, late stage treatment is not successful in many cases. Early stage diagnosis is the best way to find a cure. In honour of her granddaughter, Judi and her family and others helped to set up the You Are My Sunshine Foundation. It was launched on Phillip Island in September 2009. To date, it has raised over $70,000 towards early diagnosis and a cure for neuroblastoma. This condition accounts for about 15 per cent of childhood deaths. I applaud the work which is being done. I ask that many members of this House contribute to and look at how they can highlight the work of the You Are My Sunshine Foundation in their own electorates. It is a worthy cause. It is one of many, of course, but it is powerful and important.
In a similar vein, I wish to refer to Frankston/Peninsula Carers Inc. Hastings, as part of the work of Frankston/Peninsula Carers, has been selected as the site for a new community housing project. It is the Hastings model. It came about because of the process of deinstitutionalisation—a worthy goal. But the deinstitutionalisation of many people who were part of psychiatric facilities in Victoria, New South Wales and right across Australia was not accompanied by an appropriate mid-stage transition path. What we need in Australia at this moment in time is a very strong movement towards supported accommodation. That is the Hastings model. They have a small number of people who have particular adult disability needs in a supported environment, with assistance to live there, with assistance to develop and with assistance to maintain their condition. As part of this process, 13 of the 20 homes will go to the aged and families on low to moderate incomes. Seven of the 20 homes will be available for intellectually and physically disabled adults.

The problem that elderly carers face is real, significant and profound. Many of them live in great fear of death or incapacity and of their adult child with a disability being left to fend for him- or herself. This is not a fault for which any government should be held to account. It is a failure to recognise that the deinstitutionalisation process in and of itself was not enough.

This is the moment when, as a nation, we have to turn towards recognition that supported accommodation does not represent reinstitutionalisation; it represents the necessary minimum of support for people who live, in many circumstances, on the fringes; who require additional assistance; who require support; and who require maintenance. It is this process of supported accommodation which the Hastings model has set up. Karl Hell—who, sadly, passed away over the course of the past year—was one of its founders, along with Joy and David Jarman. I know Joy and David well, and I knew Karl well. All of them have been concerned about their own children—adults with disabilities. They should be very proud of their work, and Karl’s family should be very proud of what he has achieved. The Hastings model will, I believe, spread around the country and provide a form of supported accommodation.

We worked hard to get the support of the state and federal governments after we fell out of office, and I thank those at both levels who were able to assist. I am delighted that the building, which is within 100 metres of my office in Hastings, has already begun. I can see the progress every week as I return from parliament, or on any one day if I am in and about my electorate office.

That leads me to a third group which is in need of assistance: Phillip Island farmers. The farmers went through the period of drought, they coped well and they managed their water resources. Now, unfortunately, because of a broader, overarching state policy, those within the Bass Coast Shire Council have been greatly concerned by rate rises of up to 200 per cent within five years. The rates apply to farms on land within the Bass Coast Shire. It is not the shire’s fault; it is the fact that the shire has not been appropriately resourced for the challenges of a low rate base with a massively high rate of growth. Some individual rates have risen by more than $10,000. This has crippled farmers. We do not think it is fair or appropriate. The state should ensure that there are equalisation payments to the Bass Coast commensurate with its rate of growth, not just its population level.

That is extremely important. I grieve for our farmers and seek assistance and relief for them by saying to the state government of the day, whoever it may be after this Saturday, that there must be a process of equalisation for the Bass Coast, particularly for the farmers who main-
tain the green wedge land which makes Phillip Island and the Bass Coast such a beautiful place.

China

Mr DANBY (Melbourne Ports) (9.08 pm)—Throughout most of the 1930s, Winston Churchill’s was an isolated voice warning of the need to rearm and to stand up to the resurgent power of Nazi Germany. Most famous was his criticism of Neville Chamberlain’s appeasement of Adolf Hitler. In a speech to the House of Commons, he bluntly and prophetically stated:

You were given the choice between war and dishonour. You chose dishonour, and you will have war.

I usually follow the law of argumentation which rules that the first person to mention the Nazis automatically loses any argument. In this speech I will not focus on the horrors of Nazism or seek to compare any country to Nazi Germany or any policy to that of the Nazis. Rather, I will speak of Churchill’s view on how democratic nations of the world should conduct their foreign policies when faced with a rising giant and potential rival and how these views have relevance today. It is undoubtedly the case that, in the context of the current financial crisis and the induced weakness of Western countries, the modern-day rising giant is China, which has begun to flex its muscles as never before.

Almost every significant country is struggling to come to terms with China’s increasingly aggressive diplomacy, while quietly and with too little scrutiny China has been acquiring ever greater military capabilities. Countries to have felt the Chinese diplomatic blowtorch include: France, due to pro-Tibetan, pro-democracy protests during the Olympic torch relay; Vietnam, due to territorial disputes; Japan, due to the arrest of the Chinese fishermen in disputed waters; Norway, due to the deliberations of the Nobel Committee; and of course Australia, due to the failed Chinalco takeover of Rio Tinto and the subsequent unjust imprisonment of Australian citizen, Rio executive Stern Hu, shamefully given up by his company. China’s approach has essentially been to use economic and other consequences to suppress any criticism of its policies. Indeed, in many countries including Australia there have been voices openly advocating a policy whereby Australia should not say anything likely to aggravate China.

Somewhat similarly in the 1930s, there were those who thought the best path was to say nothing which could provoke a bellicose Germany. Mr Churchill was full of contempt for those of this view and in one speech he said:

I hear it said sometimes now—that we cannot allow the Nazi system of dictatorship to be criticized by ordinary, common English politicians.

For Churchill, a submissive policy of noncriticism would simply lead to more and greater impositions. He said:

I foresee and foretell that the policy of submission will carry with it restrictions upon the freedom of speech and debate in Parliament, on public platforms, and discussions in the Press … Then, with a Press under control, in part direct but more potently indirect, with every organ of public opinion doped and chloroformed into acquiescence, we shall be conducted along further stages of our journey.

In Churchill’s time ‘national sovereignty’ was used by dictators as a shield for international criticism of their policies. To this Churchill said:
We in this country, as in other Liberal and democratic countries, have a perfect right to exalt the principle of self-determination, but it comes ill out of the mouths of those in totalitarian States who deny even the smallest element of toleration to every section and creed within their bounds.

Words all countries should remember when deciding how to respond to the actions of non-democratic states.

Each year the Pentagon makes a report to congress called Military and security developments including involvement of the People’s Republic of China. Its 2010 edition makes concerning reading. Here is a taste. It says:

China is developing and fielding large numbers of advanced medium-range ballistic and cruise missiles, new attack submarines equipped with advanced weapons, increasingly capable long-range air defense systems, electronic warfare and computer network attack capabilities, advanced fighter aircraft, and counter-space systems.

In total China’s military budget will be estimated to be US$150 Billion, far surpassing any other country, except for the United States.

Other than within the five walls of the Pentagon, in my view, too little attention has been given to the growth of Chinese military power.

In a paper which won the Secretary of Defense’s National Security Essay Competition, Australian Brigadier General John Frewen wrote that China’s intention to launch its first aircraft carrier within five years could be potentially a source of instability in the Asia-Pacific. In his words:

The unintended consequences of Chinese carriers pose the greatest threat to regional harmony in the decades ahead.

Another game-changing weapon is China’s Russian designed ‘carrier killer’, dubbed the ‘Sizzler’ by NATO. Newsweek recently ran a front-page article on the Sizzler. Apparently, it can ‘reach farther and fly faster than the West’s top antiship missiles in the America’s Harpoon and France’s Exocet’. The article continued:

China sees missiles such as the Sizzler—and a missile currently in development known as the Dong Feng (DF)-21D—as key to its growing naval power in Asia … [it] could turn part of China’s sub fleet from a manageable threat to a “very problematic” one …

according to John Patch, Professor at US Army War College.

In Churchill’s day it was not the development of new missiles but the development of long-range aircraft which was upending previous military calculations. As he said then:

The Navy was the ‘sure shield’ of Britain. As long as it is ready in time and at its stations we could say to any foreign Government: ‘Well, what are you going to do about it?’ We cannot say that now. This cursed, hellish invention and development of war from the air has revolutionised our position.

I certainly hope Western defence agencies are provided with the means to develop a reliable countermeasure to these new missiles because, if such a countermeasure is not produced, then one day, like Churchill, we may be cursing this ‘hellish invention’, but we will be referring to it as the DF-21D. Similarly, parallel to Chinese military developments we see the development of Beijing’s ‘string of pearls’ strategy the development of Chinese ports throughout the Indian Ocean, from Gwadar on the Arabian Sea in Pakistan to Hambantota in southern Sri
Lanka to Chittagong in the Bay of Bengal. All of these are a part of an integrated, energetic, expanded naval strategy.

Democratic nations must speak out for what is right—for human rights and for democracy—and support one another when pressure is brought to bear on them. I believe that, rather than making conflict more likely, if democratic countries form a united front and hold true to our convictions, conflict will be less likely, as China and other non-democratic countries will not be emboldened by easy diplomatic victories. I believe the Obama administration’s diplomacy towards China over the past year provides an example of how to handle relations with China. Throughout 2009 the US accommodated China in the hope of gaining cooperation; little was achieved. This year, however, seeking to engage China as much as it can, the US has stood firm on a number of important issues. It has backed Google’s stance on censorship. It has backed Liu Xiaobo’s Nobel Peace Prize, making him a bigger celebrity. Most recently, the US has stood strongly with its democratic allies, stating that mutual defence treaties with Japan embraced the disputed islands.

In my view, Australia has not always managed its relationship with China as well as the United States has this year. I believe, however, that Foreign Minister Rudd’s zhengyou China policy is the one that Mr Churchill would respect. It is based on dialogue and constructive criticism rather than appeasement. Mr Rudd described the zhengyou as:

… a relationship of mutual respect, but we’re also able to talk about the things on which we have different views without threatening the underpinning relationship.

I note that another important part of Mr Rudd’s foreign policy when he was Prime Minister was to acquire 12 powerful Australian submarines for Australia’s defence. This is a policy which I supported when Mr Rudd announced the plan, and I continue to support it into the future in the national security interests of Australia. Zhengyou is about respect, and I certainly do not think China will be less respectful of us for being so well defended.

The New York Times recently reported that China had formally asked European nations and Australia to boycott the Oslo ceremony at which the Nobel Peace Prize would be awarded in absentia to the imprisoned Chinese democracy activist Liu Xiaobo. I think it is an important moment in the West’s relationship with China. Either weakness can be shown or a strong stand can be made. The response to such an outrageous demand should be for all countries to make a point of sending high-level representatives. If they do not, and they bow to the Chinese demands, then a statement made by Mr Churchill in the wake of the German invasion of Czechoslovakia will again have currency:

… the terrible words have for the time being been pronounced against the Western democracies.

Thou are weighed in the balance and found wanting.

The DEPUTY SPEAKER (Hon. Peter Slipper)—Before I call the member for Indi, I remind the member for Melbourne Ports of the provisions of standing order 64, which indicates that he ought not to refer to the former Prime Minister—or for that matter, any other member—by his name and should use his title.

Mr Danby—I should have used the honourable member for Griffith; I apologise.

Cost of Living

Mrs Mirabella (Indi) (9.17 pm)—I rise to speak about a very pressing issue and concern in my electorate—that is, the ever increasing cost of living and the pressures that con-
continue to make everyday life quite an anxious event for so many individuals and so many families. As I spoke to people right across my electorate during the course of the election campaign and since then, there was one theme that resonated time and time again, and that was the rising cost of living. Victorians have experienced extraordinary increases in the general cost of living under both state and federal Labor governments, which are simply out of touch and out of control. Not a day goes by that my constituents are not failed by both Premier Brumby and Prime Minister Gillard.

There are a number of things that feed into the general cost of living. As we know, interest rates are a key factor and, as we have seen over the last couple of years, this government have lost total control over interest rates and have lost total control over their spending. They are addicted to spending not millions but billions. It is as if they have a tube feeding their very survival through their addiction to extraordinary spending. That is putting pressure on interest rates out there in the marketplace. They might try and claim in public that they are doing something about banks, for example, and that they are trying and working to increase competition but, as we all know, this is all talk. They are behind the game on this and they were highly embarrassed by the coalition’s comprehensive nine-point plan. They are trying—not very well—to play catch-up, but it is too late and we know that.

The once great Labor Party that, as Beazley Snr had said, used to be full of the cream of the working class was now full of the dregs of the middle class. The Labor Party has gone even further and has been hijacked by the extreme Left. It is clear now that, while Labor might be in government, the Greens are most definitely in power. This is not good for country Australians and this is not good for every single individual and every single family that is suffering with ever-increasing costs of living. A party that used to stand up for the working family is now standing up for the elitist ideology of the inner-city Left. A party that used to represent the concerns of the Aussie battler is now representing the political activists who will, inevitably, spell the downfall of the modern-day Labor Party.

I mentioned before that Victorian families are amongst those who have been hardest hit by the increasing cost of living in the last few years. I think we need to look at some important details and figures. If you take one particular cost, the price of electricity in Victoria, under the Howard government in 2003-04 there was a zero per cent increase, in 2004-05 there was a fall in the price, in 2005-06 we saw a 0.1 per cent increase and in 2006-07 we saw a 1.2 per cent increase. After the election of the Rudd-Gillard government in 2007-08 we saw a whopping increase in electricity prices in Victoria of 9.3 per cent, and it got even worse in the following year, rising by a massive 13.3 per cent. This was and continues to be hugely damaging to many Victorians and many families. In the following year, 2009-10, there was a 15.5 per cent increase. These are extraordinary increases. It is one thing for the Prime Minister to stand up in front of cameras and say she is concerned about the increased cost of living; it is another thing to understand what pressures drive prices up and cause families to go without.

During the election campaign I am sure that Labor supporters across the country breathed a collective sigh of relief when the Prime Minister and the Deputy Prime Minister emphatically ruled out a carbon tax. After dealing with such sharp increases in electricity prices during the first term of a Labor government, the prospect of a tax that would further compound prices would have definitely pushed families over the edge. On 16 August, when the Prime Minister said, ‘There will be no carbon tax under the government I lead,’ people believed her. Again,
when she was asked the question on the day before the election, the Prime Minister categorically stated, ‘I rule out a carbon tax,’ and she was lying at the time. She said anything that she knew would help her get elected. Who will suffer at the end of the day? Ordinary Australians who are struggling, who are at the margins now—they are the ones who will suffer because of this Prime Minister’s vanity and desire to win at any cost.

If people were in any doubt about the Prime Minister’s words, her deputy sealed the deal when he said on 15 August:

Well, certainly what we rejected is this hysterical allegation that somehow we are moving towards a carbon tax …

So anyone who even raised doubt that the Prime Minister was genuine was called hysterical, and these were the Treasurer’s words.

What is hysterical is that just one month after the Prime Minister said, ‘I rule out a carbon tax,’ when she was asked again she said:

I think the rule in, rule out games are a little bit silly.

And I am sure when she said that she tilted her head, very ‘Kernotesque’, from side to side and gave a little girly giggle, as if that was to excuse her very serious responsibilities of ruling for all Australians and looking after their concerns and their welfare, and that includes doing everything in her power as Prime Minister to keep prices down.

Is it any wonder that Labor’s popularity is at an all-time low, is it any wonder that union chiefs are warning Labor about the Greens’ rising power and is it any wonder that Australia has lost all faith in Labor’s ability to make basic decisions regarding easing cost-of-living pressures? Labor might be in government, but the Greens are in power. This could not be more true than at the federal level. And it may be—and I hope not—replicated at the state level in Victoria.

Last Wednesday the Prime Minister wrote a piece for the Sydney Morning Herald entitled Carbon price now or we’ll pay later. The article captured the political reality of the modern Labor Party: no heart, no soul and certainly no integrity; say one thing before the election and do the exact opposite afterwards. I would have thought that the Prime Minister would have taken a hint from the failure of Copenhagen. It makes no rational sense to impose a growth limiting tax on Australia’s entire economy before the rest of the world moves in that direction. A carbon tax now would destroy jobs, send investment offshore and further increase the cost of electricity. Essentially, what the Prime Minister’s article said was, ‘Let me make you pay more for electricity now or you’ll have to pay more for power later.’ It is one of those Orwellian arguments that we have come to associate with this particular Prime Minister. It was like reading talking points straight out of Senator Brown’s office.

After three years of astronomical increases in electricity prices, not to mention the rising cost of groceries and out of control interest rates, the last thing that people in my electorate in the outer suburbs of metropolitan centres and in country Australia want or can afford is a carbon tax. There is more than one way to achieve our goal of reducing emissions by five per cent—a goal that I might add is a bipartisan commitment. Just like there is more than one way to deliver universal and affordable broadband—also a bipartisan commitment—there is a better way. The Prime Minister will not take the hint. She will not look at a better way. In her vanity and her stubbornness, she is digging in her heels and refusing to consider other options,
whether for the reduction of emissions or the introduction of better communications. You would think that she would have learnt from the failures of her immediate predecessor but she has not. You would think that after President Obama dropped his plans for a carbon tax that the Prime Minister would reconsider. But it is not her decision anymore; it is the decision of the Greens. As Victorians go to the polls this weekend, they face another very real choice: a coalition government committed to reducing the pressure on families or another Labor-Greens alliance. (Time expired)

**Light Rail Study Tour**

*Ms GRIERSON (Newcastle) (9.27 pm)—* I would like to share with the House some of the experiences and outcomes arising from a recent study trip that I undertook in June and July of this year. The purpose of the overseas study was to have direct briefings about and to view first hand the operation of modern light rail systems in Dublin, Montpellier and Bordeaux with a view to preparing a working paper on the suitability of a light rail system for Newcastle, the city that I represent in the Commonwealth Parliament of Australia. All three cities selected have similar population catchments to Newcastle and, like Newcastle, both Bordeaux and Montpellier are regional cities. Montpellier is located two hours inland from the major coastal city of Marseilles.

The French light rail systems that I inspected were designed by Alstom and the Dublin Luas system was designed by Sinclair Knight Merz as part of a consortium. I would like to acknowledge the assistance of the Newcastle office of SKM and also of Alstom Australia president and managing director Chris Raine and sales director Mr Jean de la Chapelle in organising briefings and inspections. I acknowledge with gratitude the briefing prepared and delivered by Michael Sheedy and Danny Vaughan—respectively the director of light rail and the operations manager of the Railway Procurement Agency in Dublin—and the assistance of Ben Dunne from the Irish parliament, who gave me a tour on the Luas. In particular, I also thank Mr Gerald Kowalski, the customer director for Alstom Transport for the cities and local authorities of France, and Mr Jean de la Chapelle, Alstom Transport’s platform director and tender manager, for their individual briefings and guided inspections of, respectively, the Montpellier and Bordeaux light rail networks. Their willingness to consider the many questions that I put to them and their generous hospitality was very much appreciated.

In this debate tonight I do not have enough time to cover my entire study tour, but I would like to share some of my conclusions and some of the features of Newcastle that recommend it, in my view, for an urban renewal approach that includes light rail. First, though, it is important to state upfront that light rail has been an important part of the solution adopted by European governments to ageing infrastructure, urban decline and the need to cut carbon emissions. In the three cities I visited the light rail systems were successful drivers of population, productivity and public transport growth. As Australia faces the challenge of making its cities more sustainable, more productive and more liveable, light rail has a major part to play. I regret that we lag behind in this area, but the good news is that cities like Adelaide, Hobart and the Gold Coast are preparing for light rail as an important part of their urban redevelopment. I hope the city of Newcastle will one day join them.

In my study report I state the following conclusions. An integrated approach to urban planning and design in each case study has delivered effective light rail networks, which facilitated urban consolidation and renewal, CBD regeneration and population and economic...
An integrated approach to transport planning and urban planning maximised the effectiveness of all modes of public transport—bus, light rail and heavy rail—in the case studies. An effective, integrated transport and urban planning approach to light rail networks directly addressed ways to facilitate increased cycling and walking.

In France, funding support from the national government was dependent on cooperation across municipal governments. Whereas attempts to amalgamate local governments had not been pursued, the conditional funding approach provided an important impetus to planning across council boundaries and cross-council cooperation. This measure would be very applicable to the Australian setting and indeed to my region, which has several councils impacting upon transport routes.

The European Union provided one-off funding for the three light rail systems linked to the need to reach emission reduction targets. The emission reduction targets set by the European Union were important policy settings for the success of funding for light rail networks. Clearly, setting targets and introducing a price on carbon are important steps in attaining financial viability for light rail networks and systems. As an incentive for passenger take-up of light rail in Dublin, the national government made the purchasing of an annual pass a tax deduction, reducing an individual’s gross salary and therefore taxable income by the amount of the annual pass. This is an incentive that I think should be considered for implementation in Australia wherever light rail systems are introduced, particularly in the initial phase of operation.

The French cities successfully introduced light rail systems in a way that proactively reduced car usage and carbon emissions. Car parking was prohibited in many areas or was severely restricted. The pricing of parking was set to discourage car use. Light rail was given complete planning priority over vehicular transport. Urban planning in Australia, of course, has a long way to go to fully embrace such an important ethos. The Bordeaux and Montpellier approach was more strategic and holistic than the Dublin approach. Interestingly, the Dublin system suffered from a lack of agreement between two municipal governments. Where have we heard that before? But plans had been prepared to remedy that situation. In both Montpellier and Bordeaux, there was a commitment to delivering a significant network, sufficient to be a catalyst for the desired environmental and economic outcomes.

In all three cities visited, light rail is embraced by the public as affordable, safe, flexible and convenient transportation and is seen as an acceptable alternative to car transport. It was frequently described to me as middle-class transport. However, in observing the three systems in operation clearly they were all providing transport solutions to a diverse client base.

Initial capital infrastructure costs are unlikely to be recoverable in a simple financial input-output model. However, a holistic cost-benefit analysis that takes into account the cost of factors such as urban congestion, car emissions, road maintenance and accidents as well as the ‘opportunity cost’ of the negative impact of poor transport facilities on economic growth and urban renewal would be important to any feasibility study for the construction of light rail networks. While it is unrealistic to expect to recover initial capital investment for major light rail networks, it is important to cover operating costs and move towards a profit-making enterprise.

These conclusions provide guidance, I would suggest, to underpin the design and construction of light rail networks. The light rail networks that I have studied in Bordeaux, Montpel-
lier and Dublin were truly inspiring. They showed what can be achieved when a multidisciplinary and cross-government approach is applied to the challenges of regenerating cities, providing urban consolidation, greater sustainability and effective transport solutions that reduce emissions. In each of these cities the population has increased markedly, and economic growth has been a strong feature of the new modern transport networks. I am a strong advocate for such an approach in the city I represent, Newcastle.

Newcastle is a regional city which has experienced CBD decline over the past two decades. The success of both the Building Better Cities redevelopment project and the popularity of large suburban shopping malls contributed to this decline. But in Newcastle the CBD decline was exacerbated by the 1989 earthquake that saw the major regional hospital, the Royal Newcastle Hospital, seriously damaged and eventually replaced by a new hospital, the John Hunter Hospital, in a suburban area. Other large employers like Energy Australia also abandoned their CBD locations and relocated in suburban areas.

Some in our city suggest that in spite of the success of the Honeysuckle precinct along the harbour front, the heavy rail spur line that separates the harbour from the CBD retail area acts as a barrier to CBD regeneration and new investment into the CBD. However, for others the heavy rail is the major arterial link to the growing commuter areas of Maitland and the Central Coast. Undeniably, with competing needs and opposing viewpoints, finding a way forward has been difficult. Over 30 transport reports have been prepared by the state government but an integrated approach to transport and planning is some way off.

As the federal member for Newcastle, I have a responsibility for some areas of development proposed in Newcastle. In particular, the expansion of the university into a larger CBD campus is, from my viewpoint, an important anchor project, one that I believe will not only increase retention rates and improve the student experience but also provide an employment anchor for the city, increase population and visits into the CBD and thereby increase the demand for all services including retail, hospitality, personal, financial and transport.

After completing a light rail study overseas, I am convinced that the other project that will lead to CBD regeneration and urban consolidation is a light rail network in Newcastle. Since the election I have been working with three local experts in transport and urban planning to test the assumptions regarding light rail against a Newcastle context. Our preliminary work does suggest that a light rail system in Newcastle would be appropriate for the city. In particular it offers a way forward that would overcome the disconnect between the harbour and the CBD retail area and would offer a rapid link between the two university campuses.

For Newcastle, light rail would make it easier for everyone to enjoy the city’s great lifestyle, it would breathe a new life into the Newcastle’s growth corridors and light rail would link our knowledge and people centres with smart transport for the 21st century. Lonely Planet recently chose Newcastle as the ninth best city to visit in its Best in Travel 2011. When you visit Newcastle you would be struck by the work of Renew Newcastle, which is activating empty shops with creative enterprises. You would marvel at our working harbour, beautiful beaches and the friendly nature of the people. We are an earthy city with a great future. It is my belief that a new city-wide light rail network would be an important driver and catalyst for the city of Newcastle to realise its potential as one of the country’s best cities—prosperous, sustainable and liveable.
I look forward to the discussion paper on our urban environment and cities to be released by Minister Albanese later this year and see it as an important first step to realising a better future for Newcastle. I also look forward to releasing the working paper prepared with some resident experts before the end of the year.

Murray-Darling Basin

Dr STONE (Murray) (9.38 pm)—As we know, the Murray-Darling Basin is very much in the news at the moment, with people considering the needs of environment, agriculture and communities. The point is that each element is dependent on the other. If you have the environment in a bad condition, quite obviously farmers, who depend on natural resources for their agribusiness production, would also be in great strife.

I want to talk about the fact that we need to manage the environmental flows in the Murray-Darling Basin just as carefully as farmers manage their irrigation water. It is not just a case of saying, ‘Here is 7,000 gigalitres or 3,000 gigalitres and that is going to solve the problems of the Murray-Darling Basin river system.’ I know in metropolitan Australia some people just focus on the number and say to themselves, ‘The job must be right because we have committed a certain volume of water.’—end of story. Unfortunately it is the beginning of the story in how the basin ends up, hopefully with a sustainable ecosystem and agribusiness production into the long-term because, quite frankly, no country in the world can now afford to destroy its agriculture base. No country like Australia, which depends on food production not only for domestic consumption but also for export can afford to deliberately and callously do away with the major means of production in the biggest agricultural sector in Australia, the Murray-Darling Basin. Some two out of every five meals in Australia—if you want to think about in that context—are grown in the Murray-Darling Basin.

The environmental flows have long been considered in the whole scene, as evidenced by when they were first allocated. In fact, the first environmental flow to the Murray and northern Victorian wetlands was in 1979, quite some time ago. We had in 1993 the Murray-Darling Basin Ministerial Council allocating an annual 100 gigalitres to the Barmah-Millewa Forest for environmental flow. Environmental water allocations have been used since then in 1998, 2000, 2002, 2005-06. We had a very serious drought in the recent period but now with the rains we have an excellent opportunity to back up floods with environmental flow in the year 2010.

The tragedy is that the Barmah-Millewa Forest, which is of course the biggest red gum forest in the world, including 26,958 hectares of freshwater wetlands, is at the moment experiencing the worst blackwater event that anyone has seen in the last 200 years. We have experienced that blackwater event for the last 2½ months. What that means is that you have deoxygenated water, you have excellent tannin levels so high that the Murray crays, an endangered species, are now exiting the river because they can. They are actually crawling up the sides of the banks and into the forest. They are transparent, meaning that they have been starving for some time, and people presume the dead fish are on the bottom of the water.

We had a very serious blackwater event on the Wakool River one month or so ago. In that very tragic outcome, in the south-west of New South Wales, tens of thousands of native fish were killed, including 30-year-old breeding Murray cod, another endangered species. The president of Wakool River Association says he has seen dead Murray cod floating in the river and he feared hundreds of kilometres could be affected by that blackwater event. The point
about that event is that it could have been avoided or made less serious by an environmental
flow being put down at the right time to dilute the blackwater that was killing the wildlife.
The water became anoxic, low on oxygen, and the fish suffocated. We have a serious problem
and yet the locals were not able to activate a dilution flow in time to save those breeding cod.

In the Barmah Forest as we speak you might wonder why there is the worst blackwater
event in anyone’s memory. That is because, sadly, a forest like the Barmah-Millewa is not just
a great series of gum trees, red gums in this case, growing over 68,000 hectares. It also con-
sists of a lot of streams, lagoons, wetlands and the great Moira grasslands. Unfortunately over
time there have been different watering regimes where we now see the partial environmental
flooding over the years causing a greater growth of red gums choking a lot of the natural
channels of waterways. We have also seen as a consequence more canopy and a huge build-up
in leaf litter. In the past, in times when Indigenous Australians, including the Yorta Yorta and
the Bangerang, were in control, managing and owning this area, they undertook regular cold
burns. They did mosaic burning all through the forest and they kept down this huge leaf litter
on the forest floor. Unfortunately they are no longer managing what they once did. When the
cattlemen took over some grazing in the forest, they too did some mosaic burning, copying
the Indigenous practices. Now there is no cold burning of any real description occurring in the
Barmah-Millewa Forest and so one estimation is that there have been about 20 tonnes of leaf
litter per hectare accumulating. When you put a huge flow of water over that, you have disas-
ter. You have the biggest blackwater event that has ever been recorded, as I have said. That
has led to the huge loss of wildlife, particularly the Murray crays, an endangered species
which at the moment should not be harvested at all. They are moving into their breeding cy-
cle. They are up on the edges of the banks and moving to the forest and dying. We have the
grasslands that have been inundated by this blackwater dying because the vegetation that is
inundated by this toxic water cannot survive. We have a whole range of endangered species in
the forest, including the straw necked ibis and the Australian white ibis, the yellow billed
spoonbills, great cormorants and so on, which has led this to be a Ramsar listed wetland.

What I am saying is that in the Guide to the proposed basin plan there has to be an under-
standing that we need skill and expertise in managing the environmental flows in the various
icon sites across the basin. We do not have that skill anymore. The flood event in the Barmah
Forest was avoidable. The blackwater was observed; it could have been diluted so that we did
not have the massive kill that is now occurring in that ecosystem. Indeed, we should have
been having the cold burns in the way that the Indigenous Australians did their burning, which
kept the leaf litter under control and made sure that the Moira grasslands remained open and,
therefore, a great habitat for a great range of waterbirds and marsupials. Unfortunately, we
have neglected to bring those skills forward into the 21st century.

The Murray-Darling Basin Plan must balance community, environment, irrigator and criti-
cal human needs in a plan which delivers us into the 22nd century and beyond. If we do not
have skilled environmental flow management, if we do not take a hard look at how we cur-
rently manage environmental flows that have already been dedicated to the system—there are
hundreds of gigalitres right now in store for the environment—if that work is not done then
we are going to see more devastation, not less, as the years go by. Barmah Forest regularly
supports 20,000 or more waterbirds. At the moment it is a stinking, toxic mess. You do not
want to walk in the water. People have been warned in the media not to let the water touch

MAIN COMMITTEE
them downstream in the Murray and Edwards rivers. We are now approaching the peak tourist period, when people would normally be going boating, waterskiing and fishing in those stretches of the Murray. They are now being warned that the water is toxic.

Blackwater events are natural, everyone concedes that, but not on the scale that is now affecting the great Barmah-Millewa Forest. Sadly, it was avoidable with proper management and understanding. We have to make sure, therefore, that we take the opportunity we have right now to take the Guide to the proposed basin plan and make it a reasonable guide through the various reviews of that plan that are going on. I have talked before about the Senate Standing Committee on Rural Affairs and Transport inquiry, the House of Representatives Standing Committee on Regional Australia inquiry and indeed the socio-economic impact inquiry that the Murray-Darling Basin Authority itself is carrying out. That work has to look as hard at the issue of environmental flow management as it does at the issue of how to put on-farm water use efficiency back into the equation.

Australia has the most magnificent ecosystems; its great habitats and biodiversity are the envy of the world. But we also have the responsibility of managing it properly. We have not, to date. It has been the public sector which is supposed to be managing these sites and the environmental flows. They have got to get smarter. They have got to consult the locals, who know better from managing these systems over generations. At the end of the day, we can move on to see the environment and community winners. (Time expired)

Mr OAKESHOTT (Lyne) (9.48 pm)—Picking up on the final words from the member for Murray, I too rise to talk about the challenge and opportunity of having a unique ecosystem in Australia and of having the responsibility of managing it properly. My concerns, from a local electorate point of view, are coastal, representing the mid-North Coast of New South Wales. Part of the formal agreement that was reached with government was to get a release of a full response to the report of the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts inquiry into climate change and environmental impacts on coastal communities, chaired by Jennie George. This was a bipartisan report, supported by the deputy chair at the time, Mal Washer, into coastal erosion issues throughout Australia, which is an increasing headache for all levels of government to deal with. Whilst the topic of the previous speaker was the Murray-Darling Basin, many of the issues she mentioned about the management of ecosystems and of natural resources hold true for the coastal areas of my electorate.

This is important work with regard to coastal erosion. It is not only about the loss of land in millionaires row, up and down the exclusive streets on the Australian coastline; it is about the loss of open space and the rapidly increasing speed of the loss of coastal lands. This is increasing problems for local councils and various approval bodies dealing with local lands because the boundaries to determine where to do development and where to protect biodiversity are moving so quickly. On the North Coast of New South Wales and in my electorate there are two areas where there are particular concerns. At Old Bar, in the Greater Taree City Council region, there has been a significant increase in the speed of the loss of coastal lands. There is a boutique hotel there which will start to lose property if the loss of land continues at the rate it has for the last decade. One individual, Ross Keys, has had orders to knock down two of his houses at a time when refinancing from the banks during the global financial crisis hit him from another angle, so the huge problem for that individual is an example that this is a real
issue affecting real people. As well, in Lake Cathie, also in the electorate of Lyne, there is the potential loss of beach right up to a local street, Chepana Street. At the current speed, a loss of local infrastructure to the community is not too far away, just like what happened at Kingscliff, further up the coast, where the foreshore road went into the water and there were significant losses of open space during the heavy seas in winter. Likewise, there has been a recent Land and Environment Court case at Byron Bay and the ongoing issues between landowners and the local council there.

Those are four North Coast examples and I am sure there are many more right around the Australian coastline that emphasise the point that this is a real problem affecting communities that desperately needs coordination and leadership from the Commonwealth level. That is exactly why a former member of this place, Jennie George, chaired the inquiry by the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts that did receive bipartisan support. A lot was made of the release of that committee’s report in October 2009, more than 12 months ago. I remember, as you would, Mr Deputy Speaker Slipper, that nearly a whole question time was spent on this, with the Prime Minister talking at length about the importance of the issues raised in the report. There were 47 good recommendations, all along the lines that it is time for the Commonwealth to start to play at least a coordination role but preferably to take a leadership role in dealing with coastal erosion and the many inconsistencies that are faced at a local planning level.

An example, again from my communities, is that all the legal advice that the various councils are receiving is different. While there are some common themes, the recommendations on how to deal with those common themes are inconsistent in parts and are therefore creating greater headaches for the local councils and planning authorities, including about what to do from a legal liability point of view in addressing loss of lands and potential development approvals. I want to highlight in particular the two areas of greatest interest that I urge government to act on. One is on the legal questions, in an effort to support both local councils and also state agencies. There was a recommendation for the Australian Law Reform Commission to do some work in this space. I hope the government takes up that recommendation soon, as well as the recommendation about insurance issues. I think both the legal and the insurance aspects can drive a coordinated approach for more sensible planning throughout the coastal zone.

In addition, there are issues around emergency management. Whether or not you believe the science of climate change, the reality is that we are seeing more events in the coastal zone, and they are becoming more significant and therefore causing more damage to both private and public infrastructure. So engaging the emergency management sector in some preventative work is, I think, a valuable recommendation that is still waiting to be picked up. There was also a very good recommendation by the Natural Resource Management Ministerial Council for further work to be done in that regard. The loss of sand dunes is not just a loss of sand; it is a loss of natural resources and biodiversity in the coastal zone. That also has significance and does deserve further work.

That brings me back to a related issue, Caring for our Country. There have been some changes to the Caring for Country program. It would be nice to think we could get the forward estimates to show an increase in funding for Caring for our Country rather than a decrease, and that is certainly a continuing push at my end because it is related to a response to
this report. If the government is going to be serious about responding to these 47 recommen-
dations, catchment management authorities and the various bioregions within them will need
to be engaged at a more significant level, and programs like the Caring for our Country pro-
gram are the vehicle for that engagement. So I would strongly encourage the government to
(a) respond to this report and (b) act on the details, such as considering programs like Caring
for our Country in the forward estimates.

This is a report that is waiting for coordination and leadership. It does pick up on the previ-
ous speaker’s words—that we need to get serious about natural resource management in this
country and there are economic benefits if we do. The recommendations talked about Kakadu,
the Great Barrier Reef and wetlands, which the member for Murray was also taking about.
They are all captured in the coastal zone, and the lack of action in the coastal zone will see the
loss of many unique parts of Australian life and Australian ecosystems. I would hope that
the government responds, responds soon and responds strongly to this report that is still waiting
for direction from government.

Broadband

Mr WYATT (Hasluck) (9.57 pm)—I want to briefly talk about the National Broadband
Network and existing technology. I listened with interest to Ministers Roxon, Garrett and
Snowdon during the sitting today, and to their responses in respect of the merits of the NBN.
What I found disappointing was the fact that we did not also cover the existing technology
that is currently used and still extremely effective.

I refer to the work I did in health, where telemedicine and telehealth were significant as-
pects of providing diagnostic work around otitis media, both in New South Wales and Western
Australia but particularly in Western Australia in a broader context. The importance of the
advances made in telemedicine is that they have enabled city based specialists to diagnose
children and adults in country towns; provide the level of detail required both for their local
GP and in the context of a patient having a better understanding of the health problems they
are facing; and then have the capacity to discuss the treatment proposed, the merits of trans-
ferring to the capital city or, alternatively, having treatment at the local level. I think there is
also a need to look at capacity, when we roll out any technology, around the skills that are
required by people operating the systems that are established.

In listening to Minister Snowdon make reference to Aboriginal medical services, I saw
considerable merit in what he outlined. However, there is also a recognition that that technol-
ogy is now harnessed and used by Aboriginal community controlled health services around
the nation. To that extent, the NBN, whilst it has merit in the way in which it is being pro-
posed and articulated within the House, does not take into consideration existing systems. Part
of the challenge is that there are a number of areas in which government resourcing is re-
quired to address some very particular issues around infrastructure, youth programs, hospitals
and a range of other issues. I am of the view, even though I have not read the business plan for
the NBN rollout, that there is the capacity to look at existing infrastructure and utilise that
infrastructure in a way that not only enhances its function and role but also makes it very tar-
geted towards the things that are being sought. I also recognise that small businesses certainly
draw down heavily on technology—
The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! As an hour has elapsed since the commencement of the grievance debate, the debate is adjourned, and the resumption of the debate will be made an order of the day for the next sitting.

BUSINESS

Ms BRODTMANN (Canberra) (10.00 pm)—I move:

That further proceedings on orders of the day Nos 3, 7, 10 and 11, private Members’ business, be conducted in the House.

Question agreed to.

Main Committee adjourned at 10.01 pm
QUESTIONs IN WRITING

Australian Defence Force: Reservists
(Question No. 1)

Mr Robert asked the Minister for Defence, in writing, on 29 September 2010:
By depot within each State and Territory, what proportion of Army, Navy and Air Force personnel are reservists.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:

(1) Navy. Navy is unable to provide the sort of breakdown required to answer this question, as Reservists are generally employed directly into Regular positions.

(2) Army

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QUESTIONS IN WRITING
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(3) **Air Force**

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**Ministers and Ministerial Staff: Mobile Phones**

*(Question No. 9)*

Mr Briggs asked the Minister representing the Minister for Finance and Deregulation, in writing, on 30 September 2010:

(1) How many mobile phones are currently allocated to ministerial staff.

(2) What is the total cost of (a) ministerial, and (b) ministerial staff, mobile phone usage since (i) 3 December 2007, and (ii) 24 June 2010.

(3) What is the total cost of (a) ministerial, and (b) ministerial staff, mobile phone usage between (i) 3 December 2007 and 30 June 2008, (ii) 1 July 2008 and 30 June 2009, and (iii) 1 July 2009 and 30 June 2010.

Mr Swan—The Minister for Finance and Deregulation has supplied the following answer to the honourable member’s question:

The Department of Finance and Deregulation (Finance) supplies mobile phones to ministerial staff located in offices of the Minister for Finance and Deregulation (MFD), and the Special Minister of State (SMOS). Finance is not in a position to provide information on behalf of other Ministerial offices.
(1) As at 30 September 2010, five Blackberries had been supplied to the ministerial staff in the MFD office; five Blackberries had been supplied to the ministerial staff in the SMOS office.

(2) As expenditure reporting in Finance is conducted on a monthly basis, the Department is unable to provide information corresponding to specific dates, however, the data provided covers the period requested. Telecommunications accounts are established and managed in Finance as one account for each office, MFD and SMOS. On this basis, the costings provided do not distinguish between Ministers and ministerial staff.

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<td>$10,095.56</td>
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</tr>
<tr>
<td>3(i) 1 December 2007 to 30 June 2008</td>
<td>$12,954.87</td>
<td>$4,076.74</td>
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<tr>
<td>3(ii) 1 July 2008 to 30 June 2009</td>
<td>$40,397.88</td>
<td>$26,515.88</td>
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<tr>
<td>3(iii) 1 July 2009 to 30 June 2010</td>
<td>$34,347.90</td>
<td>$16,305.92</td>
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