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FORTY-THIRD PARLIAMENT
FIRST SESSION—SECOND 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 Vamvakou 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

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### Members of the House of Representatives

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<td>New England, NSW</td>
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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

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

Minister for the Arts  Hon. Simon Crean MP
Minister for Social Inclusion  Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information  Hon. Brendan O’Connor MP
Minister for Sport  Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity  Hon. Gary Gray AO, MP
Assistant Treasurer and Minister for Financial Services and Superannuation  Hon. Bill Shorten MP
Minister for Employment Participation and Childcare  Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development  Senator Hon. Mark Arbib
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel  Hon. Warren Snowdon MP
Minister for Defence Materiel  Hon. Jason Clare MP
Minister for Indigenous Health  Hon. Warren Snowdon MP
Minister for Mental Health and Ageing  Hon. Mark Butler MP
Minister for the Status of Women  Hon. Kate Ellis MP
Minister for Social Housing and Homelessness  Senator Hon. Mark Arbib
Special Minister of State  Hon. Gary Gray AO, MP
Minister for Small Business  Senator Hon. Nick Sherry
Minister for Home Affairs and Minister for Justice  Hon. Brendan O’Connor MP
Minister for Human Services  Hon. Tanya Plibersek MP
Cabinet Secretary  Hon. Mark Dreyfus QC MP
Parliamentary Secretary to the Prime Minister  Senator Hon. Kate Lundy
Parliamentary Secretary to the Treasurer  Hon. David Bradbury MP
Parliamentary Secretary for School Education and Workplace Relations  Senator Hon. Jacinta Collins
Minister Assisting the Prime Minister on Digital Productivity  Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade  Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs  Hon. Richard Marles MP
Parliamentary Secretary for Defence  Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Multicultural Affairs  Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing  Hon. Catherine King MP
Parliamentary Secretary for Disabilities and Carers  Senator Hon. Jan McLucas
Parliamentary Secretary for Community Services  Hon. Julie Collins MP
Parliamentary Secretary for Sustainability and Urban Water  Senator Hon. Don Farrell
Minister Assisting on Deregulation and Public Sector Superannuation  Senator Hon. Nick Sherry
Minister Assisting the Attorney-General on Queensland Floods Recovery  Senator Hon. Joe Ludwig
Parliamentary Secretary for Agriculture, Fisheries and Forestry  Hon. Dr Mike Kelly AM, MP
Minister Assisting the Minister for Tourism  Senator Hon. Nick Sherry
Parliamentary Secretary for Climate Change and Energy Efficiency  Hon. Mark Dreyfus QC, MP
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<td>Hon. Tony Abbott MP</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
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<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts</td>
<td>Senator Hon. George Brandis SC</td>
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<tr>
<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<tr>
<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Energy and Resources</td>
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<td>Shadow Minister for Communications and Broadband</td>
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<td>Hon. Kevin Andrews MP</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
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<tr>
<td>Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship</td>
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<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Agriculture and Food Security</td>
<td>Hon. John Cobb MP</td>
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<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
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<td>Hon. Sussan Ley MP</td>
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<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 and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
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<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
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<tr>
<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
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<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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<td>Shadow Minister for COAG</td>
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<tr>
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<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>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator Hon. Michael Ronaldson</td>
</tr>
<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>
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<tr>
<td>Shadow Minister for Seniors</td>
<td>Hon. Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate</td>
<td>Senator Mitch Fifield</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>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<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>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<tr>
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<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee</td>
<td>Hon. Tony Smith MP</td>
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<tr>
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The SPEAKER (Mr Harry Jenkins) took the chair at 9.00 am, made an acknowledgement of country and read prayers.

TELECOMMUNICATIONS
LEGISLATION AMENDMENT (FIBRE
DEPLOYMENT) BILL 2011
First Reading
Bill and explanatory memorandum presented by Mr Albanese.
Bill read a first time.

Second Reading
Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (9.01 am)—
I move:
That this bill be now read a second time.

The Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 amends the Telecommunications Act 1997 to support the government’s policy that fibre-to-the-premises infrastructure should be installed in new developments.

When the government announced the NBN, it indicated it would also progress legislative changes to have fibre-to-the-premises infrastructure installed in new developments. The government considers it does not make sense to roll out a fibre network to up to 93 per cent of premises without preparing for the rollout of fibre in new developments.

The government has undertaken an extensive consultation process in developing this legislation, including releasing discussion papers and draft legislation and forming a broadly based stakeholder reference group.

In drafting this bill, the government has also considered the recommendations of the Senate Environment and Communications Committee report into the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010.

Details of the government’s policy have been set out in policy statements on 20 June and 9 December 2010. Under the government’s policy, from 1 January 2011, NBN Co. is the fibre provider of last resort in new developments within its fibre footprint. As a result, while developers are free to use other telecommunications providers, NBN Co. will provide fibre where developers do not wish to use another provider. Developers are required to meet the cost of trenching and passive infrastructure. The provision of passive infrastructure by developers recognises the considerable investment NBN Co. will make in providing fibre cabling and associated equipment.

Telstra has a transitional role to provide services where NBN Co. does not yet have fibre.

The bill reflects the government’s decision that NBN Co. Ltd will be the fibre provider of last resort. The bill will add a new part 20A to the Telecommunications Act to support the rollout of the NBN. Proposed part 20A is intended to apply to all types of new developments, including broadacre estates, urban infill and urban renewal projects. The rules will generally apply to new developments in NBN Co’s long-term fibre footprint.

There are four key measures in proposed part 20A.

First, the bill enables the minister to specify new developments or classes of new developments in which fixed lines that are installed must be optical fibre lines. While NBN Co’s role as the fibre infrastructure provider of last resort means fibre will be provided in new developments, this provides a mechanism to ensure, if necessary, that new lines in future are fibre.

Second, the bill provides that when fixed-line facilities are being installed in a devel-
opment, these facilities must be fibre-ready. This rule will apply to the person installing the facilities, and if that person is a developer, whether or not the developer is a constitutional corporation.

A fixed-line facility is an item of passive infrastructure such as underground ducting or ‘pit and pipe’ used in the deployment of fixed telecommunications lines to a premises. A ‘fibre-ready facility’ is a fixed-line facility that is designed, manufactured and installed so that it allows the ready deployment of optical fibre cabling, noting such cabling has special deployment requirements.

Third, the bill will have the effect of requiring constitutional corporations, particularly developers that are constitutional corporations, to install fibre-ready facilities on or in close proximity to their developments. Penalties will apply if a constitutional corporation sells or leases land or a building situated in a new development unless fibre-ready facilities have been installed. However, the sale or lease transaction will still be valid. The focus of this requirement on constitutional corporations reflects the application of the Australian government’s constitutional powers over corporations.

These fibre-ready requirements will not apply in new developments where other urban utilities are not being installed. The bill also provides for NBN Co. to provide a written statement advising that it will not be deploying fibre in an area, that is, the area is outside the long-term fibre footprint of the NBN. The effect of such a statement is that it will relieve a person such as a developer of the obligation to install fibre-ready facilities in that area.

To provide flexibility, the bill also provides for the minister to exempt specified projects, individual lots or units, or conduct from requirements under the bill.

The bill also exempts from these requirements developments where, before the bill comes into effect, contracts have been signed or work has commenced on the installation of fixed-line facilities or lines, or where civil works generally have been contracted or commenced.

Fourth, proposed part 20A provides for a regime for carriers to secure access to fixed-line facilities such as pit and pipe that are owned by non-carriers, to ensure fibre can be rolled out using these facilities. The regime is based on that applying to carrier facilities in part 5, schedule 1 of the Telecommunications Act. Access would be on terms that are commercially negotiated or, failing agreement, determined by an agreed arbitrator, or failing agreement on an arbitrator, by the Australian Competition and Consumer Commission.

The bill provides for a number of new definitions to support the operation of part 20A of the Telecommunications Act.

Part 20A does not intend to exclude or limit the operation of state and territory laws that are capable of operating concurrently with the proposed new part 20A. As such, the legislation can be complemented by changes to state, territory and local planning arrangements, which would further support the deployment of fibre-ready facilities or fibre.

The bill applies the civil penalties in the Telecommunications Act to breaches of obligations under the new part 20A.

In addition to inserting the new part 20A, the bill also amends part 21 of the Telecommunications Act, which relates to technical regulation. The amendments enable the Australian Communications and Media Authority to make technical standards for customer premises equipment and cabling for use with the NBN and other superfast telecommunications networks. The ACMA will be able to
exercise these powers on its own initiative or if directed by the minister. The amendments also enable the minister to give the ACMA directions in relation to cabling provider rules.

The proposed amendments to the bill will commence at the start of the day after the day the bill receives royal assent, or 1 July 2011, whichever occurs later in time. While the government first flagged its intention to facilitate the deployment of optical fibre infrastructure in new developments in April 2009, this approach gives further advance notice and removes concerns about potential retrospective requirements.

It has been the government’s expectation since the 20 June 2010 announcement, however, that developers will have recognised the benefits of installing fibre-ready passive infrastructure to facilitate the rollout of fibre in their developments and will have proceeded on this basis.

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

I commend the bill to the House.

Debate (on motion by Mr Andrews) adjourned.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (9.10 am)—I move:

That this bill be now read a second time.

The legislative framework of Australia’s aviation security regime consists of a suite of measures designed to deter and prevent acts of unlawful interference with aviation. The framework is constantly reviewed to ensure it adapts to evolving threats to the security of the Australian aviation industry.

The Aviation Transport Security Amendment (Air Cargo) Bill 2011 (the bill) contains four key amendments to the Aviation Transport Security Act 2004 (the act) to simplify and strengthen the existing security regulatory framework for supply chain security. These amendments are critical in terms of improving security outcomes.

The bill:

• improves Australia’s capacity to respond to events of heightened transport security threat;

• provides transitionary arrangements to ease the regulatory burden on air cargo industry members while Australia moves to implement the new air cargo security initiatives announced by the government on 9 February 2010;

• allows for training requirements of air cargo industry members to be prescribed by legislative instrument which will increase the transparency of training requirements and allow scrutiny by the parliament; and

• simplifies the air cargo clearance process by removing terminology that is not relevant or that is inconsistent with operational procedures used in the air cargo industry.
In late October 2010, terrorists operating from Yemen concealed improvised explosive devices inside printers and sent them as air cargo consignments to the United States of America. Intelligence information led to the successful disruption of this attempted terrorist targeting of the aviation sector. This event reinforced the need to be able to respond quickly to address emerging threats.

The Australian government took immediate action to protect the travelling public and the Australian aviation sector, strengthening measures against inbound cargo originating from Yemen and Somalia. This was achieved through special security directions issued to regulated air cargo agents (RACAs) which initially required screening of inbound air cargo arriving directly from the Middle East and later banned carriage of air cargo from Yemen and Somalia.

This bill continues to strengthen Australia’s air cargo security through four measures.

First, this bill will amend the definition of ‘aviation industry participant’ to include accredited air cargo agents. Under the current legislative arrangements, accredited air cargo agents are not defined as a type of aviation industry participant and therefore are not subject to the full suite of regulatory obligations that apply to aviation industry participants.

Adding accredited air cargo agents to the definition of aviation industry participants in the act will allow special security directions to be applied to accredited air cargo agents in times of heightened security threat and require them to comply with incident reporting requirements. This amendment will provide for consistent security obligations to be applied to all aviation industry participants.

Second, the bill extends the validity of regulated air cargo agents’ transport security programs to ease the burden on both industry and the department during the transition to a new air cargo security framework that aligns with world’s best practice. The framework was announced by the government on 9 February 2010 and included the establishment of a regulated shipper scheme and funding to assist industry to procure appropriate examination technology such as x-ray and explosive trace detection equipment to secure air cargo. The proposed transitional provisions will enable the air cargo industry members to determine the most appropriate regulatory scheme for their business, reduce compliance costs and streamline regulatory requirements during the progressive implementation of the new framework. This amendment will extend the validity of existing transport security programs to 31 December 2012 unless the transport security program is revised prior to this date.

Third, the bill will allow for a legislative instrument to clearly prescribe security training requirements for regulated air cargo agents and accredited air cargo agents. This will ensure consistency in training outcomes and increase the security of air cargo across the industry. A legislative instrument also increases the transparency and scrutiny by the parliament of the training prescribed.

Finally, the bill includes some minor technical amendments which will simplify the air cargo clearance process by:

- removing ‘certification’ provisions to accurately reflect operational procedures applied by industry whilst maintaining the integrity of air cargo security measures; and
- removing all references to the term ‘freight’ and replacing them with the term ‘cargo’. Cargo is a term which is more relevant to industry practices and terminology, and is consistent with other existing provisions in the act.
In summary, the bill will provide a more secure air cargo environment. The proposed amendments:

- increase flexibility and responsiveness to situations of heightened security threat;
- reduce the regulatory burden and cost to industry members during the progressive transition to the new air cargo security framework;
- allow for greater scrutiny, consistency and transparency of training requirements for air cargo industry members; and
- simplify terminology appropriate to industry practices and procedures.

Such changes are necessary in the continual refinement and improvement of the security arrangements to ensure Australia is positioned to respond to emerging security threats and continue to meet world’s best practice in our transport sector.

Debate (on motion by Mr Andrews) adjourned.

INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2011

First Reading

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.17 am)—I move:

That this bill be now read a second time.


The proposed amendments in this bill have been identified through practical experience as measures that will improve the operation of key provisions in the legislation.

I will briefly outline the key measures in the bill.

Amendments to the ASIO Act

The bill amends the definition of ‘foreign intelligence’ in the ASIO Act to ensure consistency with the Intelligence Services Act and the Telecommunications (Interception and Access) Act 1979. This follows on from a similar amendment to the Interception Act, which was made last year by the Anti-People Smuggling and Other Measures Act 2010. The amendments ensure a consistent approach to the collection of foreign intelligence, and reflect that the modern national security context encompasses threats from both state and non-state actors.

The bill also amends the ASIO Act to clarify that computer access warrants authorise ongoing access to the computer during the life of the warrant. This amendment is not intended to change the operation of the provision.

Amendments are also included to exclude the communication of information relating to employment within the intelligence community from the operation of the security assessment provisions in part IV of the ASIO Act. This will put ASIO on the same footing as other intelligence agencies when it comes to communicating such information.

Amendments to the Intelligence Services Act

The bill also contains an amendment to the functions of the Defence Imagery and Geospatial Organisation. It will provide a specific function for DIGO, as it is called, to cooperate with and provide assistance to the Australian Defence Force. This is consistent
with a similar function of the Defence Signals Directorate.

The bill contains amendments to provide a new ground for granting ministerial authorisations for producing intelligence about Australian persons. The new ground covers intelligence regarding activities related to the contravention of United Nations sanctions. It will complement the existing ground that covers activities relating to the proliferation of weapons of mass destruction or the movement of goods listed on the Defence and Strategic Goods List.

Clarification of the immunity provisions in the Intelligence Services Act and the Criminal Code computer offence provisions are included. These amendments make it clear that the immunity provisions can only be overridden by express legislative intent. This will ensure that those provisions are not vulnerable to being inadvertently overridden by later in time legislation.

Finally, the bill contains amendments relating to the status of certain instruments under the Legislative Instruments Act 2003. Consistent with the government’s commitment to clearer laws, the bill moves existing exemptions from the Legislative Instruments Regulations to make these exemptions express on the face of the Intelligence Services Act.

**Oversight and accountability**

I would like to take this opportunity to remind members that Australia’s intelligence and security agencies continue to be subject to a range of important oversight and accountability measures.

These include the Parliamentary Joint Committee on Intelligence and Security, and the Inspector-General of Intelligence and Security.

The government is committed to ensuring that national security oversight bodies are well-equipped to undertake their vital roles.

Members would recall that amendments to increase the size of the Parliamentary Joint Committee on Intelligence and Security were recently passed as part of the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010. The committee plays a vital role in providing parliamentary oversight of the administration and expenditure of the agencies.

The mandate of the Inspector-General of Intelligence and Security was recently expanded in the National Security Legislation Amendment Act 2010, so that the Inspector-General can extend inquiries outside the intelligence community in appropriate cases.

**Conclusion**

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

This bill, while relatively small, is an important step in the government’s ongoing review of National Security legislation, and will improve the practical operation of a number of provisions. I commend this bill to the House.

Debate (on motion by Mr Andrews) adjourned.

**CHILD SUPPORT (REGISTRATION AND COLLECTION) AMENDMENT BILL 2011**

First Reading

Bill and explanatory memorandum presented by Ms Plibersek.

Bill read a first time.
Second Reading

Ms PLIBERSEK (Sydney—Minister for Human Services and Minister for Social Inclusion) (9.23 am)—I move:

That this bill be now read a second time.

I am pleased to introduce the Child Support (Registration and Collection) Amendment Bill 2011. The bill has two objectives. Firstly, the bill proposes to allow the Child Support Registrar to delegate certain powers and functions to individuals outside the Department of Human Services. Secondly, the bill amends several criminal penalty provisions to ensure the offences in those provisions can be prosecuted successfully.

The government believes it is vital that the children of separated parents receive the emotional and financial support they need. While most parents do the right thing and pay their child support in full and on time, not all parents meet their child support obligations.

The Child Support Program has identified that having the ability to outsource debt collection activity to external service providers on occasions should increase the successful collection of outstanding child support liabilities.

The first amendment in the bill will enable the Child Support Registrar to delegate certain powers and functions to external service providers. This approach is currently utilised by Centrelink for collection of outstanding liabilities.

This approach aims to improve the collection of child support by using the expertise of skilled external providers for specific collection activities. The outsourcing of collection activities is expected to lead to an increase in the successful identification and collection of outstanding child support debt.

Additionally, the outsourcing of collection activities allows Child Support Program staff to concentrate on other compliance activities and better serve other Child Support customers.

The amendments to the delegation provisions under the Child Support (Registration and Collection) Act 1988 are based on equivalent provisions under the Social Security (Administration) Act 1999 and the Paid Parental Leave Act 2010. As the Department of Human Services moves towards an integrated model between its various agencies, these amendments will enable the Child Support Program to ensure consistency of service delivery options across agencies.

The second group of amendments are to certain criminal provisions under the Child Support (Registration and Collection) Act 1988. These provisions relate to the obligations of an employer when they are required to withhold money from an employee.

Employer withholding is a process whereby an employer withholds amounts from a paying parent’s wages or salary, only as required by the Child Support Program, to be paid to CSA in satisfaction of a child support liability.

The current offences relating to employer withholdings in the Child Support (Registration and Collection) Act 1988 are somewhat ambiguous. The offence provisions create an obligation and provide a penalty, but do not specify whether the offence is created by an act or omission.

A literal reading of these provisions suggests that an employer could indeed be penalised for complying with the section. This makes it difficult for the Commonwealth Director of Public Prosecutions to prosecute an employer who is doing the wrong thing.

The proposed amendments will make it clear that an offence is committed when an employer fails to take a certain action.
The Commonwealth Director of Public Prosecutions has been consulted in the making of the proposed amendments.

These amendments will improve the prospect of successful prosecution under the act. They make it clear that it is an offence when an employer fails to deduct or remit child support payments for the benefit of children. Improving the ability of the Child Support Program to successfully prosecute employers who fail to comply with requirements under the Child Support (Registration and Collection) Act 1988 will also help protect the integrity of the Child Support Program, and, at the end of the day, better support the children of separated parents.

Debate (on motion by Mr Andrews) adjourned.

CUSTOMS AMENDMENT (EXPORT CONTROLS AND OTHER MEASURES) BILL 2011

First Reading

Bill and explanatory memorandum presented by Mr Brendan O’Connor.

Bill read a first time.

Second Reading

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (9.27 am)—I move:

That this bill be now read a second time.

This bill is part of the government’s initiatives to increase the level of security in the export cargo environment by strengthening the Australian Customs and Border Protection Service controls over international export cargo. The bill will enhance Customs and Border Protection’s ability to respond to specific security concerns and to detect and respond to high-risk export cargo.

These measures implement the outcomes from a joint Customs and Border Protection and Department of Infrastructure and Transport review, which formed part of the Australian government’s response to the Independent Review of Airport Security and Policing for the Government of Australia (the Wheeler Report).

The measures are both balanced and proportionate to the risks in the export cargo environment; they will not needlessly affect the movement of legitimate export cargo.

The bill also proposes changes that will more closely align the legislation with existing air and sea cargo industry export business processes. These changes address concerns raised by the Australian National Audit Office in its review of the ‘Cargo Management Re-engineering Project’.

This bill will improve Customs and Border Protection’s ability to deal with goods in licensed depots and warehouses as well as aligning the procedures and terminology that apply to the two schemes, providing clarity to licence holders. This includes new provisions for the suspension and cancellation of depot licences.

The bill will also enable the Chief Executive Officer of Customs to specify conditions on depot and warehouse licences to ensure compliance with other laws of the Commonwealth or a state or territory, and it will introduce strict liability offences for breaches of licence conditions. These changes are designed to support the security improvement initiatives relating to export cargo.

In response to industry suggestions, the bill will remove a requirement for reporting cargo on board lost or wrecked ships or aircraft where a report has already been made and it will remove some redundant provisions.

 Customs and Border Protection has consulted industry extensively on the changes in this bill through a principles paper in 2008 and the release of an exposure draft of the
bill in February 2011. I commend the bill to the House.

Debate (on motion by Mr Andrews) adjourned.

CUSTOMS TARIFF AMENDMENT (2012 HARMONIZED SYSTEM CHANGES) BILL 2011

First Reading

Bill and explanatory memorandum presented by Mr Brendan O’Connor.

Bill read a first time.

Second Reading

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (9.31 am)—I move:

That this bill be now read a second time.


These amendments implement changes resulting from the World Customs Organization fourth review of the International Convention on the Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System.

Australia is a signatory to the Harmonized System and since 1988, the Harmonized System has formed the basis of Australia’s commodity classifications for traded goods, both imports and exports.

The Harmonized System is a hierarchical system that uniquely identifies all traded goods and commodities. Over 200 countries use the Harmonized System.

Australia has implemented the Harmonized System domestically through the Customs Tariff Act 1995 for imports and the Australian Harmonized Export Commodity Classification for exports.

As a signatory to the Harmonized System, Australia is required to implement the changes resulting from the fourth review on 1 January 2012.

The amendments concentrate on environmental and social issues that are of global concern, including the use of the Harmonized System for identifying goods that are of importance to the food security program of the Food and Agriculture Organization of the United Nations such as certain fish species and products.

The Harmonized System changes will create new subheadings for specific chemicals. These include pesticides such as tributyltin compounds and ozone-depleting substances such as halogenated derivatives of hydrocarbons. This will facilitate the monitoring and control of international trade in these products under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Montreal Protocol on Substances that Deplete the Ozone Layer.

The bill will clarify texts to ensure the uniform application of the Harmonized System.

The Customs Tariff Amendment (2012 Harmonized System Changes and Other Measures) Bill 2011 will also amend Schedules 5, 6, 7 and 8 of the Customs Tariff Act 1995.

These schedules give effect to the application of customs duty on imported goods in accordance with Australia’s bilateral free trade agreements with the United States, Thailand and Chile and Australia’s regional agreement with ASEAN and New Zealand.

The bill will also preserve existing levels of industry protection and margins of tariff preference that apply to imported goods, including goods imported under the free trade agreements.
This bill will provide certainty for Australia’s importers and exporters and ensures that Australia classifies its goods and commodities in accordance with the Harmonized System and in a manner that is consistent with its major trading partners.

Debate (on motion by Mr Andrews) adjourned.

CRIMES LEGISLATION AMENDMENT BILL (No. 2) 2011
First Reading

Bill and explanatory memorandum presented by Mr Brendan O’Connor.
Bill read a first time.

Second Reading

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (9.36 am)—I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes Legislation Amendment Bill (No. 2) 2011. This bill contains amendments that are integral to the government’s efforts to tackle serious and organised crime, and to ensure the integrity of our law enforcement processes.

Firstly, the bill contains amendments to the Law Enforcement Integrity Commissioner Act 2006 to bring the Australian Customs and Border Protection Service (Customs) within the jurisdiction of the Australian Commission for Law Enforcement Integrity (the commission).

From 1 January 2011, the commission has had oversight of the law enforcement functions of Customs, following the prescription of Customs in regulations made under the Law Enforcement Integrity Commissioner Act.

The bill being introduced today will amend the act to enable the commission to oversee all Customs’ functions.

It is important to ensure that the commission has oversight of all Customs' functions because of the close relationship between Customs’ law enforcement functions and many of its non-law enforcement functions. For example, administrative staff and employees employed in other areas of Customs provide support or have access to the agency’s law enforcement functions, information and systems.

The government considers it is appropriate, therefore, that Customs be brought under the commission’s purview on a whole-of-agency basis. And this can only be achieved by including Customs in the act.

Placing Customs within the commission’s jurisdiction will also give effect to a recommendation of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity in its interim report on the inquiry into the Law Enforcement Integrity Commissioner Act.

The government is committed to ensuring the integrity of federal law enforcement agencies in Australia, and equipping the commission with the powers necessary to oversee these agencies.

Schedule 2 of the bill contains the other key element of the bill, and delivers an important Gillard government election commitment to combat serious and organised crime.

Organised crime is estimated to cost Australia anywhere between $10 billion and $15
billion each year. This is money that is created outside of the legal economy, is diverted from legitimate services, and often is the result of fraud or theft from Australian citizens.

The government has provided a comprehensive response to this threat; we established the Organised Crime Strategic Framework in 2009, and developed the Organised Crime Response Plan in 2010, both of which recognise the need for a multi-agency approach to combating organised crime. This bill is the next step in this work.

Schedule 2 of the bill will support the newly established Criminal Assets Confiscation Taskforce, led by the Australian Federal Police, which will strike at the very heart of organised crime, its financial motivation.

The task force commenced operations in January of this year, bringing together expertise in intelligence, operations, forensic accounting, litigation and specialist law enforcement to ensure a highly integrated approach to criminal asset confiscation. Its main objective is to enhance the identification of potential criminal asset confiscation matters and strengthen their pursuit.

To support this work, schedule 2 of the bill will amend the Proceeds of Crime Act 2002 to enable the Commissioner of the Australian Federal Police (AFP) to commence proceeds of crime litigation on behalf of the government’s Criminal Assets Confiscation Taskforce.

Currently, the Commonwealth Director of Public Prosecutions (DPP) is the only authority that is able to conduct proceedings under the Proceeds of Crime Act. The amendments contained in this bill will ensure that the AFP has that same power.

Extending the act to include the AFP will enable the task force to become a specialised unit focused on proactively investigating and litigating proceeds of crime matters, which will lead to the more effective pursuit of criminal assets. And ultimately, the objective is to ensure that more proceeds of crime money is returned to the community for crime prevention and diversion initiatives.

Under these amendments, the Director of Public Prosecutions and the Australian Federal Police will also have the ability to transfer responsibility for proceeds of crime matters between the two agencies, allowing either authority to take over matters initiated by the other, where appropriate.

In addition, the bill contains proceeds of crime related amendments to the Family Law Act 1975. The Family Law Act currently sets out procedures for the stay of proceedings when action is being taken at the same time under the Commonwealth Proceeds of Crime Act. The amendments will make these same procedures available when action is being taken under state or territory proceeds of crime legislation. This will allow family law proceedings relating to property and spousal maintenance to be stayed or set aside where there are Commonwealth, state or territory proceeds of crime proceedings on foot. These amendments are consistent with the government’s commitment to ensuring that proceeds of crime are vigorously pursued.

Schedule 2 also contains two amendments to the Proceeds of Crime Act to extend the definition of ‘property-tracking document’ to ensure a magistrate can issue a production order for documents relevant to unexplained wealth proceedings, and to improve the interaction between collection of tax-related liabilities and proceeds of crime proceedings. These measures are aimed at ensuring the full picture is before the court when orders are made.

These elements of the bill show the government’s clear commitment to addressing serious and organised crime in our commu-
nity, by targeting the proceeds of their illicit activity.

We know that organised crime crosses both state and national borders. We also know that organised crime groups rely on the profits from their crimes—money is the life-blood of their organisations. The task force is aimed at attacking the architecture of organised crime groups by taking the profit out of crime.

These changes are fundamental to achieving the proactive and dynamic approach to asset confiscation needed to detect and deter organised criminal activity in Australia, and I am confident the results will speak for themselves.

Debate (on motion by Mr Andrews) adjourned.

SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2011

First Reading

Bill and explanatory memorandum presented by Ms Kate Ellis.

Bill read a first time.

Second Reading

Ms KATE ELLIS (Adelaide—Minister for Employment Participation and Childcare and Minister for the Status of Women) (9.44 am)—I move:

That this bill be now read a second time.

This bill implements the government’s response to the review of the Comcare scheme, as well as introducing certain other associated amendments.

The Comcare scheme provides workers compensation and occupational health and safety arrangements for employees of the Australian government and for some private sector corporations that self-insure their workers compensation liabilities under the scheme.

In late 2007, federal Labor undertook to review the Comcare scheme—in particular, its self-insurance arrangements which provide for the entry of private-sector corporations into the scheme. The review was to ensure that the Comcare scheme has suitable occupational health and safety and workers compensation arrangements for self-insurers and their employees.

On 25 September 2009, the then Minister for Workplace Relations, Minister Gillard, announced a number of improvements to the Comcare scheme arising out of the review. On 26 November 2009, the Occupational Health and Safety and Other Legislation Amendment Bill 2009 was introduced into parliament to implement these improvements; however, the bill lapsed when the parliament was prorogued.

The bill that I am introducing today will implement the improvements arising from the review of the Comcare scheme through amendments to the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act).

The bill also makes amendments to respond to policy issues unrelated to the review to address Comcare’s access to the consolidated revenue fund and also workers compensation coverage for employees working in high risk environments overseas.

To encourage timely determination of workers compensation claims, the bill amends the SRC Act to enable the setting of statutory time limits within which claims must be determined. Claims determined quickly tend to be shorter in duration and less costly.

The bill also reinstates workers compensation coverage for off-site recess breaks. This will realign the Comcare scheme with most jurisdictions and remove the inequity in cov-
verage for employees whose employers do not provide on-site facilities for meal breaks.

This amendment will cost Comcare $1.7 million in 2010-11, indexed for the out years. However since these injuries are currently only claimable through Medicare and the Pharmaceutical Benefits Scheme, reinstating coverage will result in a net saving to the PBS of $136,000 in 2010-11, also indexed for the out years.

Furthermore, the bill amends the SRC Act so that medical and related costs will continue to be paid where a worker’s weekly compensation benefits are suspended for refusing to participate in the rehabilitation process.

Suspending weekly compensation benefits can be a useful incentive to encourage claimants to comply with the requirement to undergo appropriate rehabilitation and return to work programs. However, suspending medical and related payments can be counterproductive to early rehabilitation and return to work.

This reform will have a negligible financial impact on Comcare’s premiums pool of around $24,000 per annum in 2010-11, indexed for the out years.

Also as part of the response to the review, in early 2010, the then Minister for Workplace Relations directed Comcare to strengthen its OHS prevention and enforcement approach, including through more proactive interventions and improving the expertise of its investigators.

The minister also requested Comcare to develop guidance material for employers to improve consultation with all workers on occupational health and safety matters. This was intended to ensure that consultation arrangements reflect the modern workplace, and extend beyond the traditional employee/employer relationship.

Separately, under federal Labor the lump sum and weekly death benefits for the Comcare scheme were increased substantially from May 2008 to align them more closely with death benefits payable under the majority of state and territory workers compensation schemes.

These measures, as well as the measures proposed in the bill, are designed to improve the Comcare scheme by reducing injuries; strengthening the focus on rehabilitation and return to work; and increasing benefits for injured workers.

The bill also seeks to make a number of additional reforms to address issues that have arisen separately to the Comcare review.

In particular, the bill amends the SRC Act to provide workers’ compensation coverage for injuries sustained while an employee is working in a ‘declared place’ outside Australia, or where the person is a member of a ‘declared category’ of employees whose work requires deployment to places outside Australia.

It does this by enabling the minister to declare certain high risk places, for example, Afghanistan or Iraq, to be places where the SRC Act will be deemed to provide continuous coverage for all Commonwealth employees.

The bill will also allow the minister to declare certain classes of employees to be covered while outside Australia. The need for this flexibility arises specifically in relation to the establishment of the Australian Civilian Corps, who will assist in disaster relief, stabilisation and post-conflict resolution in developing countries and failed states.

The effect of these changes will be to provide 24/7 coverage under the SRC Act for employees exposed to unusually high risk while working outside Australia. The fiscal impact of these amendments will be in the order of $2 million per annum.
Other amendments to the SRC Act contained in the bill will restore Comcare’s access to the consolidated revenue fund to pay for its workers’ compensation liabilities and associated expenses arising from long-latency injury claims, such as those related to asbestos exposure.

Comcare’s access to the consolidated revenue fund was closed off as an indirect result of a Federal Court decision in 2006.

However, the intention of the SRC Act has been—and still is—that the consolidated revenue fund should fund these claims because they relate to employment-related injuries not covered by Comcare’s premium system.

This bill also contains technical amendments to the SRC Act, the Occupational Health and Safety (Maritime Industry) Act 1993 and the Seafarers Rehabilitation and Compensation Act 1992 to cater for new arrangements and terminology introduced by the Legislative Instruments Act 2003.

I commend the bill to the House.

Debate (on motion by Mr Andrews) adjourned.

SOCIAL SECURITY LEGISLATION AMENDMENT (JOB SEEKER COMPLIANCE) BILL 2011

First Reading

Bill and explanatory memorandum presented by Ms Kate Ellis.

Bill read a first time.

Second Reading

Ms KATE ELLIS (Adelaide—Minister for Employment Participation and Childcare and Minister for the Status of Women) (9.52 am)—I move:

That this bill be now read a second time.

The bill introduced today delivers on our government’s election commitment to modernise Australia’s welfare system and introduce tougher measures to ensure more unemployed people are getting back into work.

Our government believes that the task of managing the Australian economy is important in that it ensures that all Australians who are capable of work, have the opportunity to do so.

The Prime Minister has said that a job provides far more than just a pay packet and she is correct.

With it, a job brings dignity and purpose to a person’s life; it provides economic security for a family now and into the future; and it connects people with their communities, building a more socially cohesive Australia.

It is because we understand the value of having a job that when the global financial crisis threatened the jobs of so many Australians, it was this government that stood up and took action—saving hundreds of thousands of Australians from losing their job.

Our stimulus strategy created work opportunities for small businesses, tradespeople and suppliers in communities, towns and cities right around the country.

Australia’s seasonally adjusted unemployment rate was five per cent in February 2010—around half that of the United States and of most European countries.

But with our economy returning to strength and our mining sector booming, now is not a time for complacency. It is a time to turn our sights to what still needs to be done.

There remain too many Australians who are without a job, some for a full year or more; too many Australians who are not engaging in mainstream economic and social life; too many Australians who are capable of work but have to rely on unemployment benefits.

We know that most job seekers are genuine in their efforts to find work.
For most, unemployment is temporary. But for some, unemployment has become long term. The government is willingly doing its part to ensure that those people are supported financially while they look for a job.

The government has advanced major reforms to Australia’s employment services that are providing much more effective assistance to job seekers. The greatest reform associated with the introduction of the new disability employment service has been the uncapping of program places, resulting in an additional 72,000 job seekers with disability accessing this service now compared with the previous coalition government. Also, Job Services Australia is delivering more tailored and flexible employment services with a particular focus on disadvantaged job seekers. As a result, since Job Services Australia began operating, 36 per cent of more than 686,500 job placements were for the most disadvantaged job seekers. Engagement by job seekers with those services is vital and that is what this bill is about.

For many years the rate at which job seekers attend appointments with employment service providers has been around 55 per cent. While some job seekers may unavoidably need to miss an appointment because they are genuinely sick, start a job at short notice or have other valid reasons, I believe that attendance at appointments—appointments designed to help job seekers get into work—can and must improve. This is why we made an election commitment to strengthen the compliance system.

This bill will introduce suspension of payment for job seekers following an initial failure to attend an appointment.

As soon as Centrelink is advised that a job seeker has missed an appointment with their employment services provider, or if the provider believes that the job seeker has become disengaged from an activity they are supposed to be participating in, Centrelink will suspend the job seeker’s payment. Job seekers who have been identified by Centrelink as vulnerable, such as those who are homeless or who have a mental illness, will not have their payments suspended in the first instance.

When Centrelink contacts the job seeker, another appointment will be booked for them. As part of this contact with Centrelink, if the job seeker agrees to attend the rescheduled appointment Centrelink will immediately release the job seeker’s payment, and they will get back paid. At that contact job seekers will also be very clearly advised by Centrelink that not attending the next appointment may result in both a suspension and a penalty through loss of payment.

All job seekers will be required to attend a rescheduled appointment—regardless of their reason for missing the first appointment. If the job seeker attends the rescheduled appointment, they will not be penalised.

However, if the job seeker does not attend the rescheduled appointment, payment will again be suspended. This time—if they do not have a reasonable excuse—they will lose payment for each day from the second missed appointment until they do attend a rescheduled appointment.

There will be no back payment for this period. This penalty will be deducted from their very next payment.

This bill is not about punishing Australians who have a valid reason for missing an appointment. Suspension is not about punishing job seekers for punishment’s sake. The job seeker is either paid back in full or payment resumes when they do what is required of them.

But these changes will give the job seeker no choice but to agree to re-engage with employment services and be serious about find-
ing work—if they want to receive income support. We want more job seekers actively engaging in work experience activities, in training, in participation programs so that they are getting the skills and experience that they need to find a sustainable job into the future.

Under current legislation, penalties for failing to reconnect cannot be deducted from the job seeker’s payment for the fortnight in which the penalty is applied—penalties must be deducted from a later payment.

The effect of this delay has been to disconnect the penalty from the failure to attend an appointment. By making the penalty more immediate we can provide a more direct deterrent for job seekers who are not taking their appointment responsibilities seriously.

This government is committed to lifting workforce participation and extending the benefits of work to more Australians of working age.

We will continue to do all we can to provide income support recipients with opportunities to work and in return we expect them to take responsibility for making the most of those opportunities. We are proud of our efforts, striving for record levels of participation in the Australian workforce.

The Australian economy is forecast to grow, with Treasury estimating real GDP growth of 3 1/4 per cent over 2010-11. Sound management of the Australian economy during this period has involved investment in infrastructure for our long-term benefit as well as job creation measures targeting our regions with high unemployment.

All Australians on income support should have the opportunity of work—but with opportunity comes responsibility—and with this bill we are going to firmly expect that people meet those responsibilities.

I commend the bill to the House.
double taxation of income arising from overlapping tax jurisdictions.

The Chilean and Turkish treaties will also improve the integrity of the tax system by providing the framework through which the Commissioner of Taxation can cooperate bilaterally with his Chilean and Turkish counterparts to prevent tax evasion.

The internationally accepted approach to meeting the above policy objectives is to conclude a bilateral tax treaty. These two treaties are largely based on the OECD Model Tax Convention on Income and on Capital and the United Nations Model Double Taxation Convention between Developed and Developing Countries, with some mutually agreed variations reflecting the economic, legal and cultural interests of Australia, Chile and Turkey.

Malaysia

The agreement with Malaysia is a protocol which will amend the current Australia-Malaysia tax treaty to update the exchange of information article in that treaty to the current international standard, as endorsed by the OECD, the G20 and the United Nations.

The updated exchange of information provisions are an important tool in Australia’s efforts to combat offshore tax evasion and will make it harder for taxpayers to evade Australian tax by increasing the probability of detection of abusive tax arrangements.

Aruba, the Cook Islands, Guernsey and Samoa

The agreements with Aruba, the Cook Islands, Guernsey and Samoa seek to eliminate double taxation on certain income derived by individuals, in particular government workers, students and business apprentices, and pensioners and retirees. Aruba, the Cook Islands, Guernsey and Samoa are required to provide reciprocal taxation treatment in relation to Australian government employees, students and business apprentices, retirees and pensioners.

These four agreements will also provide a mutual agreement procedure for the resolution of taxpayer disputes involving transfer pricing adjustments. These agreements were prompted by Australia’s desire to conclude tax information exchange agreements—TIEAs—with Aruba, the Cook Islands, Guernsey and Samoa. The TIEAs establish a legal basis for the exchange of taxpayer information between two countries and are an important tool in Australia’s efforts to combat tax avoidance and evasion.

The agreements contained in this bill are part of a package of additional benefits offered to Aruba, the Cook Islands, Guernsey and Samoa in order to secure the TIEAs signed in 2009 with each of those jurisdictions.

Each of the new agreements with Aruba, Chile, the Cook Islands, Guernsey, Malaysia, Samoa and Turkey will enter into force after Australia exchanges diplomatic notes with each of the other countries advising of the completion of their respective domestic law requirements.

Debate (on motion by Ms Gambaro) adjourned.

THERAPEUTIC GOODS AMENDMENT (2011 MEASURES No. 1) BILL 2011

First Reading

Bill and explanatory memorandum presented by Ms King.

Bill read a first time.

Second Reading

Ms KING (Ballarat—Parliamentary Secretary for Health and Ageing and Parliamentary Secretary for Infrastructure and Transport) (10.05 am)—I move:

That this bill be now read a second time.
This bill will make changes to the Therapeutic Goods Act 1989 to further enhance the regulatory framework for therapeutic goods and provide additional support for the new streamlined processes being implemented to bring improvements to the time within which prescription medicines are evaluated by the Therapeutic Goods Administration.

A number of initiatives were identified in a review of the application and evaluation processes for prescription medicines that could help eliminate unnecessary delays, including those arising from the provision of incomplete or insufficient data. Implementation of these initiatives is expected to result in a reduction of the current 500 days for an application to be determined to approximately 300 days.

The TGA has been working to streamline the submission process both for the registration of new prescription medicines and for making changes to the entries of prescription medicines in the Australian Register of Therapeutic Goods. A 12-month implementation phase for the new streamlined submission and evaluation processes commenced on 1 November 2010.

Changes to the act to support these processes were made by the Therapeutic Goods Amendment (2010 Measures No.1) Act 2010. This bill includes further changes to add legislative support to the new processes.

Prior to implementation of the streamlined procedures, prescription medicines application submissions were generally accepted for evaluation in the expectation that further documentation could be lodged and information provided during the evaluation process. This, coupled with often lengthy response times to the requests from the TGA for further information or documents, substantially added to the evaluation completion time.

The amendment proposed in the bill will provide that, when an application is made to make changes to a prescription medicine’s entry in the register which involves evaluation of clinical, preclinical or bioequivalence data, the applicant must provide adequate information in the required form and manner and pay any prescribed fee for the application to be effective and therefore accepted for evaluation. This requirement is designed to ensure that the necessary information will be supplied at the appropriate time to enable an evaluation to take place within agreed time frames. Applications that do not meet these requirements will not be accepted for evaluation. This reflects the rules already in place under the act in relation to applications for new entries in the register for prescription medicines.

The new streamlined submission processes will provide greater clarity about TGA requirements for granting marketing approval for medicines and making changes to prescription medicine register entries, encourage a higher standard of application submissions, provide more predictable time lines, increase transparency in the management of evaluations and, importantly, remove unnecessary delays in the evaluation process.

This bill will also make a change to the way evaluation fees are collected by the TGA. Completion of evaluations of prescription medicines is subject to prescribed time lines under the Therapeutic Goods Regulations. Where the TGA fails to meet these time lines, the evaluation fee payable by an applicant is reduced by 25 per cent. Currently, sponsors applying to register prescription medicines initially pay three-quarters of the evaluation fee, with the remaining one-quarter payable only if the TGA completes the evaluation within the time frames set out in the regulations.

Since the implementation of time limits for completing evaluations for prescription medicines in 1992, the TGA has only failed
to complete evaluations on time on about 15 occasions. The collection of 75 per cent of fees and the recovery of the remaining 25 per cent owing applies only to applications requiring the evaluation of clinical, preclinical and bioequivalence data associated with prescription medicines. The administrative burden in invoicing applicants twice to recover the full evaluation fees payable, and monitoring each application until completion in order to send the second invoice to recover the remaining 25 per cent of fees owing, is not warranted given TGA’s track record of completing evaluations on time. Additional administrative costs are passed on to industry as the TGA operates on a full cost recovery basis.

The amendment will mean the TGA collect the full evaluation fee when an application is accepted for evaluation and must refund 25 per cent of that fee if they do not complete the evaluation within the prescribed time limit. This is a more efficient way of recovering moneys owing to the Commonwealth.

The final amendment included in the bill relates to the operation of a ministerial power to make determinations for the purpose of imposing standard conditions on the registration or listing of therapeutic goods. These are mainly prescription, over-the-counter or complementary medicines and therapeutic devices.

The Therapeutic Goods Amendment (2009 Measures No. 1) Act 2009 amended the Therapeutic Goods Act to enable a legislative instrument to be made by the minister that would set out the ‘standard’ conditions to be imposed on the registration or listing of these goods. These conditions may relate to, for example, the manufacture, supply, use, custody or disposal of therapeutic goods included in the register.

The legislation currently provides that once the minister makes such a determination, the new conditions will apply not only to the registration or listing of therapeutic goods after the instrument comes into effect but also to therapeutic goods already on the register. The removal of the old standard conditions is therefore necessary to ensure there will be no overlap or possible inconsistencies between the new conditions and those imposed as standard conditions on goods that have already been entered into the register.

The bill includes amendments to ensure that the old standard conditions cease to apply when the first instrument takes effect. Any unique or special conditions applying to specific therapeutic goods entered in the register will continue to apply.

The bill also contains an amendment enabling the instrument imposing the standard conditions to apply only to the registration or listing of therapeutic goods after the instrument comes into effect as there may be occasions when this is appropriate.

The measures in this bill make important improvements to the operation of the regulatory framework for registered and listed therapeutic goods to the benefit of Australian consumers as well as industry.

I commend the bill to the House.

Debate (on motion by Ms Gambaro) adjourned.
Second Reading

Ms COLLINS (Franklin—Parliamentary Secretary for Community Services) (10.12 am)—I move:

That this bill be now read a second time.

This bill delivers on three important election commitments made by the government during the 2010 election campaign to improve support for Australian families and children. These will make the system of family tax benefit advances more flexible to better meet families’ needs and make sure children have a health check before they start school.

The bill also includes a measure from the 2010-11 budget on streamlining notification of compensation payments, along with some minor clarifications to family payments and technical amendments.

An additional two election commitments for Australian families were included in an earlier bill. These were:

- improved support for families with teenagers, which will provide substantial increases in family assistance for families with teenagers aged 16 to 19 in secondary school or vocational equivalent; and
- better access to the baby bonus to assist families with the upfront costs of having a new baby.

Together, these commitments will significantly improve the assistance available to Australian families to assist with the costs of raising children.

More flexible family tax benefit advances

The first election commitment in the bill being introduced today overhauls the advance payment rules for family tax benefit part A to better meet families’ needs. This initiative is part of the government’s Better Access to Family Payments package, which will give families improved and more flexible access to their family payments.

One element of the Better Access to Family Payments package has already been introduced in a recent bill—a $500 upfront payment of the baby bonus for eligible parents.

Managing the household budget can be a delicate balance, especially when something unexpected happens. The fridge or washing machine can break down, or a school uniform can get damaged and need replacing.

The measure in this bill will ensure that advance payment rules for family tax benefit part A are more flexible, helping families deal with unexpected expenses.

Under the new rules that will apply from 1 July 2011, families will have more choice over the size and timing of their advance payments.

For some families, this new flexibility will mean avoiding higher credit card bills or small loans from high interest providers such as payday lenders. For others, it will make it easier to manage the family budget around one-off expenses like the car registration or a broken fridge.

Currently the maximum advance amount is fixed at around $330 for six months for all families, and this full amount can only be advanced twice a year—on 1 July and 1 January. This means that families do not have the flexibility to request advances when they actually need them to meet unexpected costs.

Under the new rules, families will be able to choose the value of their advance payment between minimum and maximum amounts. The minimum amount for all families will be 3.75 per cent of the maximum standard rate for a child aged under 13—this would give a minimum advance amount of around $160.

The maximum amount will be linked to the family’s usual annual rate of payment.
Generally, a maximum of 7.5 per cent of that rate will be available for advance payment.

For a family not receiving rent assistance, and with one child under 13, this would give a maximum advance amount of around $320. For a family not receiving rent assistance, and with two children under 13, the maximum advance would be around $640.

The maximum advance would be higher for a family receiving rent assistance.

An overall maximum will apply, set initially at $1,000 in 2011-12, and maintained at the same percentage of the maximum rate for one child under 13 as in the first year.

Some families on the base rate of family tax benefit part A would have access to a smaller advance amount because of their smaller existing entitlements.

Families will repay their advances through adjustments to their ongoing fortnightly family tax benefit part A entitlement in the following six months.

From 1 July, families will be also able to request advances at any point in the year, and can have multiple advances up to their maximum advance amount.

However, Centrelink will not approve advance payment requests if they would result in financial hardship. Families making repeated requests will also be assessed to see whether they may benefit from financial advice or financial counselling.

There are currently around 1.5 million families that could benefit from this measure if they choose to take these more flexible family tax benefit advances.

These reforms for families are similar to the improvements that this government has already implemented for age pensioners as part of its historic pension reforms.

Healthy start for school

The second election commitment delivered through this bill will set up a new requirement for income support recipient parents of four-year-olds, to make sure their children have a health check before they start school.

The new arrangement will make payment of the family tax benefit part A supplement (which is paid to families at the end of a financial year) conditional for these families on the children undergoing a health assessment, such as the Healthy Kids Check.

The new requirements apply to families where either member of a couple has received income support for any part of the year.

The requirement will also apply to non-parent carers who have received family tax benefit for a child in their care for at least 26 weeks, and who also received an income support payment at some time during the financial year. In addition, the new requirement will only apply to non-parent carers who still have the care of the child at the end of the financial year.

Preschool health checks make sure children are healthy, fit and ready to learn when they start school. These important checks promote early detection of developmental issues and illnesses.

Research indicates that disadvantaged children not only begin school less well prepared, but that early gaps persist and even widen as children progress through school. An early check is critical to help detect any developmental barriers, such as hearing or sight impairment.

The health checks to be included will be set by ministerial determination. Many children receive health checks through child and maternal health clinics or through other health services. In 2008, the federal Labor
government also introduced a Healthy Kids Check for four-year-olds so that families also have the option of receiving these services from a general practitioner or practice nurse.

Parents will need to confirm with Centrelink that the check has been done. There will be an exceptional circumstances provision to waive the new requirement, such as when the child has a severe disability or terminal illness.

This requirement will apply from the entitlement year that begins on 1 July 2011 and it is estimated around 92,000 children aged four, whose families receive income support at some point in the year, will be affected by this measure each year.

This important measure is another example of the government putting the health and wellbeing of children and families at the centre of our welfare reform agenda.

The government’s welfare reforms reflect the expectations of the broader Australian community—that people receiving welfare support should take personal responsibility for themselves and their families. People must participate in study, training or work and parents must care for their children.

It builds on the new model of non-discriminatory income management already rolled out in the Northern Territory, and the income management trials in Cape York and across metropolitan Perth and the Kimberley. Income management makes sure welfare payments are spent in the best interests of the child.

Income management is having positive results:

- More welfare money is being spent on food, clothing and school related expenses and less on alcohol, gambling, cigarettes and drugs.
- Over half of those who could have left the scheme in the Northern Territory have volunteered to stay on it—they find the BasicsCard is a helpful budgeting tool.
- And in Western Australia, two-thirds of people on compulsory income management and 82 per cent on voluntary income management said they recommended income management to others—a pretty good endorsement.

**Strengthening child support compliance**

In the third election commitment in this bill, the compliance regime on the use of default income in child support assessments will be strengthened.

A new, more accurate, default income arrangement will be introduced that uses a parent’s previous taxable income, increased by wages growth, instead of a lower default income in cases where they have not lodged a tax return.

Currently, when a parent has not lodged a tax return, their child support assessment is estimated at two-thirds of the male total average weekly earnings. However, this figure often understates the parent’s actual income.

Almost one in four child support cases have incorrect assessments due to late or non-lodgement of tax returns. Some parents have failed to lodge returns for over seven years. This non-compliance with tax obligations works against the policy objective of the Child Support Scheme that parents contribute towards the cost of raising their children according to their capacity to pay.

Under legislative changes made in 2006, and implemented during 2008, a new default income of two-thirds of male total average weekly earnings has applied in child support cases where a person does not lodge their tax return for more than two years. This default income is around $39,000 per annum.

Since 1 July 2008, there has been a 570 per cent increase in the use of this default
income where it is lower than the person’s previous taxable income.

To ensure a more accurate child support assessment and therefore better support for children in separated families, the new process will generally use the parent’s last known taxable income, indexed by the growth in average wages. However, if the current calculation of two-thirds of male total average weekly earnings would produce a higher income, that figure will be used instead.

This measure will help ensure that child support assessments are fairer and more accurate and remove the unintended incentive for parents on higher incomes to benefit from a lower child support assessment if they do not lodge a tax return.

Streamlining of compensation payments notification

A measure from the 2010-11 budget will also be introduced in this bill. This measure will streamline the process of notifying Centrelink when payments are made by compensation payers and insurers.

These compensation payers and insurers will now need to tell Centrelink before compensation payments (lump sum payments as well as ongoing periodic payments) are made to compensation recipients or their partners.

The new requirement will help make sure people are paid their correct Centrelink entitlements and avoid overpayments and unnecessary debts accruing.

This measure will help simplify the process of Centrelink notification for recipients of compensation who also receive Centrelink payments.

Minor amendments

Lastly, some minor clarifications will be made to several family assistance and child support provisions. These clarifications do not change current policy.

This bill delivers on three important election commitments and a measure from last year’s budget. The measures in this bill will improve support for Australian families, improve child support assessments and help prevent compensation recipients accruing unnecessary debts with Centrelink.

I commend the bill to the House.

Debate (on motion by Ms Gambaro) adjourned.

PARLIAMENTARY ZONE

Approval of Proposal

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (10.24 am)—On behalf of the Minister for the Arts, I move:

That, in accordance with section 5 of the Parliament Act 1974, the House approve the following proposal for work in the Parliamentary Zone which was presented to the House on 21 March 2011, namely: Installation of “The Prime Ministers” artwork.

In doing so I indicate that the National Capital Authority has received a works approval application from Arts ACT for the installation of the Prime Ministers artwork to be located at the intersection of Walpole Crescent and Queen Victoria Terrace, Parkes in the Parliamentary Zone.

The artwork comprises a lifelike reproduction in bronze of a 1945 photograph of former prime ministers John Curtin and Ben Chifley as they walk from the Kurrajong Hotel in Barton to work at the provisional Parliament House, now known as Old Parliament House.

Approval of both houses is sought under section 5(1) of the Parliamentary Act 1974 for the proposed works in the Parliamentary Zone.

I commend this motion to the House.

Question agreed to.
Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (10.26 am)—by leave—I move:

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

Question agreed to.

ELECTORAL AND REFERENDUM AMENDMENT (PROVISIONAL VOTING) BILL 2011

Second Reading

Debate resumed from 22 March, on motion by Mr Gray:

That this bill be now read a second time.

Mr FLETCHER (Bradfield) (10.27 am)—When I was rudely interrupted last night, I was saying all of us in this place are united by our pride. That is the point at which I stopped—and obviously that sentence could admit of many possible ways in which it might be completed—but the particular aspect that I wish to point to, in which I say that all of us in this place are united by our pride, is our pride in the fact that Australia is one of the world’s great democracies. We are one of the world’s oldest democracies and we are one of the world’s most successful democracies. Clearly, at the base, at the foundation, of being a successful democracy is to have a voting system of integrity—a system in which the people can have confidence and a system which is beyond reproach in its operation in reflecting the people’s will in selecting their parliamentary representatives.

It follows from that that it is of the first importance to protect the integrity of the voting system by ensuring that persons who claim to be entitled to vote can demonstrate that entitlement and that there is no risk of persons who claim to be entitled to vote but are not in fact entitled to vote being able to lodge a vote and having that vote counted. It is of the first importance that there is no risk that such a scenario can come to pass.

When you consider that it is often the case that there are results in particular divisions determined by very narrow counts, it adds weight to the conclusion that we must be scrupulous in protecting the integrity of the voting system and scrupulous in ensuring that not one person who is not entitled to do so under the law is able to cast a vote. Let me instance just one recent result which demonstrates that proposition. In the seat of Bowman in the 2007 election, if a mere 33 votes had changed direction, the result would have been different—and, I venture to suggest, this parliament would have been a vastly poorer place had the present member for Bowman not been returned, as he happily was, albeit only very narrowly.

In the ordinary course of events, persons who are on the roll and can demonstrate that—their name is there in front of the returning officer or AEC officer when they turn up to vote—are permitted to vote with no further formalities required. They have carried out the necessary formalities in the exercise of getting on the roll. But that is not the scenario we are talking about in this legislation. We are talking about people wishing to cast a provisional vote, and a provisional vote, if I may remind the House, is a vote cast in circumstances where an elector’s name cannot be found on the roll or the name has already been marked off the roll. The law as it stands states that, in these exceptional circumstances, there is a requirement that the person who has turned up at the polling booth asserting a right to cast a vote but whose name cannot be found on the roll or whose name is on the roll but is marked off...
as having already voted, is required to provide proof of identity.

As I have already observed in the earlier proportion of these bifurcated remarks, it is not unusual in our society to be asked to produce identification. Frankly, it is slightly surprising to see the confected indignation from the other side of the chamber at the requirement that identification be produced in the circumstances I have just described—circumstances I think we can all agree are exceptional and very much in the minority.

The proposition that I put to the House is, first of all, that it is very important that we protect the integrity of our voting system. That is of the first importance, given the reputation that this nation has as one of the world’s great democracies, a reputation that I am sure all of us in this place are united in our determination to protect. The second proposition I wish to put to the House is that the costs of requiring identification in these circumstances are modest and the benefits are significant. The report of the Joint Standing Committee on Electoral Matters concludes that some 80 per cent of persons in this category—that is, seeking to cast a provisional vote—were able to provide identification. In other words, the claimed burden of this requirement is nowhere near as great as those on the other side of the chamber would have us believe.

We also heard further confected indignation about the remarkably onerous nature of this obligation—again remembering that it is a relatively small proportion of people who face this obligation because either their name is not on the roll or it is on the roll but when the official goes to cross out the name he or she finds it has already been crossed out. It is not, I would submit, an unusually onerous requirement of people in these circumstances to provide identification. As a requirement in terms of individual responsibility, I suggest it is not an onerous one. The costs of the present arrangement in public policy terms and in terms of the imposition on individuals are modest indeed. The benefits are significant, because they go to preserving the confidence of all Australians in the integrity of our voting system and, in turn, in the integrity of our democracy.

The third point I wish to make—and I do so with some reluctance, but the historical record commands me to make it—is that there are reasons, regrettably, to raise questions about the rationale of those on the other side of the chamber for putting forward this change in the first place. It gives me no pleasure to note that the Labor Party has form in bringing forward changes to the electoral system, the voting system and much of the regulatory apparatus dealing with our democracy which are supposedly motivated by a high-minded concern for the public good but which are in fact substantively driven by a desire to achieve partisan political advantage. You would appreciate, Mr Deputy Speaker Thomson, that it gives me absolutely no pleasure to make this point, but unfortunately the historical record is simply impossible to ignore.

We saw some years ago in Queensland the unedifying spectacle of a former state secretary of the Australian Labor Party, then a serving member of the Queensland parliament, appearing before the Shepherdson inquiry. When he appeared, he was asked about the address at which he had enrolled some years before as a younger man, when he was starting out in the pursuit of his political ambitions. He initially attempted to avoid the question, but after taking a break, presumably to receive legal advice, he returned to the box to advise that it was in fact correct that his name appeared on the roll at that address but it was also correct that he had never actually lived at that address. It was apparently an unfortunate administrative
error—such an unfortunate administrative error that the consequence was that he abruptly resigned as a member of the Queensland parliament.

So there is very clear evidence of the Labor Party—including its most senior officials and, indeed, Labor parliamentarians—seeking to play games with the electoral system in this country for partisan political advantage. It gives me no additional pleasure to note with some concern that this gentleman has now been appointed as a senior executive of the National Broadband Network company at a salary of well over $400,000 a year—the DEPUTY SPEAKER (Mr KJ Thomson)—I would ask the member for Bradfield to relate his remarks to this bill.

Mr FLETCHER—his principal qualification apparently being that he was a good mate of the Minister for Broadband, Communications and the Digital Economy.

The DEPUTY SPEAKER—The member for Bradfield will cease speaking while I make the observation to him that he needs to relate his remarks to the bill before the House, which is a bill concerning provisional voting.

Mr FLETCHER—Mr Deputy Speaker, you are quite right—it is a bill concerning provisional voting. And amongst the policy matters to consider as we assess whether the change which is proposed in this bill is good policy are the implications it will have for the integrity of our voting system, and that necessarily asks us to consider what might be the possible motives of the political party that has brought forward this amendment.

In the state of New South Wales we have also seen the Labor government, after spending years enthusiastically hoovering up donations from certain categories of donors, now banning those donations from tobacco companies, from alcohol companies and from gaming and gambling companies. This is a remarkably late conversion to this new-found standard of virtue, and it could cause any objective observer to ask, ‘How could they be so shameless and transparent?’ Yet this is the party which is putting forward the set of amendments in this bill.

Our voting system is of the highest importance to the integrity of our democracy. The measures which this bill puts forward are not in the public interest. They undermine a well-established and important safeguard, and on this side of the House we say they should be rejected.

Ms BRODTMANN (Canberra) (10.39 am)—I rise today to speak in favour of the Electoral and Referendum Amendment (Provisional Voting) Bill 2011. I do so because I fundamentally believe that what this bill will achieve is the correct and moral thing, despite the way that the former speaker was outrageously construing it. It is a fact that in the 2007 federal election over 27,000 votes were rejected at a preliminary scrutiny because of issues over the provision of identity. In 2010, more than 28,000 votes were eliminated—hardly the small number that was suggested by those opposite today. What concerns me about this figure is that, in a later examination of the votes, it was found that the name was in fact on the roll in over 12,000 cases.

I was also shocked to hear that the current state of provisional voting has not always prevailed. In the 2004 election, almost 50 per cent of provisional votes were included in the final count. In the 2007 election, this figure plummeted to 14 per cent. Of the more than 168,000 provisional votes cast, just over 24,000 were counted. Why was this so? Was there a sudden and dramatic increase in potential voter fraud? No, there was not. What actually happened was that the then Howard government decided to change the electoral
laws. Perhaps, in a similar fashion to which it was motivated to make changes to laws on the closure of the electoral roll, the Howard government was motivated by the realisation that provisional voters have a tendency not to vote for the coalition. For example, following the 2004 election, the national two-party preferred vote was 53 per cent to 47 per cent in favour of the coalition. This contrasts with the exact opposite which is seen when analysing the two-party preferred breakdown of provisional votes.

Whether or not this was a conscious decision of the previous government to disenfranchise those voters who traditionally did not support them I do not know. What I do know is that, as a result of these changes to both provisional voting and the electoral roll, thousands of Australians who should have been given the chance to choose their government and their representatives were denied their political rights. The kinds of changes that came in 2006 disproportionally affected vulnerable groups—groups we should be encouraging to participate in our electoral system. These include the young, those voting for the first time and people with particular vulnerabilities: the marginalised. While I understand that there is a need to strike a balance between the integrity of the electoral system and the enfranchisement of the people, I do not believe those changes in 2006 were motivated by concerns of integrity, despite what the previous speaker was saying, and nor did they achieve it. It was not a victory for democracy in this country—quite the contrary.

It is a sad truth that in many countries various provisions have been used to disenfranchise voters at elections while still providing for universal suffrage in theory. I note in particular the various Jim Crow laws in the United States that were used so effectively in ensuring that African-Americans were prevented from enrolling and voting in elections. These kinds of laws create obstacle after obstacle that a potential voter must overcome in order to achieve what is a fundamental human right. Article 21.3 of the Universal Declaration of Human Rights states:

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

I believe it is our responsibility as members of this parliament to ensure that Australia lives up to this article. I believe we must, wherever we can, make such laws as enhance the enfranchisement of the Australian people.

There are a number of legitimate reasons why a voter may have to cast a provisional vote. First is if their name cannot be found on the certified list. Others are if their name is marked as already having voted, if there is some question about identity or if the voter is on the silent elector list. As the law stands, a voter is required to provide proof of identity by the first Friday following the polling day. If it is not provided, the vote is removed from consideration. There are any number of reasons why a voter may not be able to provide appropriate identity—for example, if they do not have a drivers licence or a passport and so have difficulty in supplying appropriate documentation. There is also a stunning contradiction at the heart of the law as it presently stands. This requirement to provide proof of identity applies only to provisional votes and to no other form of declaration vote. That is right: no other method of voting is subject to this rule. This leads to an absurd situation. If the voter had instead decided to lodge an absentee ballot, their vote would in fact have been counted. This contradiction exposes the incoherence of the
provision and possibly also the discrimination that I fear lies behind it.

Significantly, the provision disproportionately affects more vulnerable groups compared to others in our society. There are those who for reasons of homelessness, disability or other vulnerability find it difficult to navigate the bureaucratic complexity of modern life. And it is not only the vulnerable who find this difficult; for many, the vicissitudes of life have placed burdens and responsibilities on them that consume all their energy. I have some sympathy for those labouring under the burdens of everyday life. Coming from the background that I do—being the daughter of a mother who single-handedly raised my sisters and me, I can readily understand that having the time to deal with bureaucratic niceties can be a bit of a luxury. For reasons that are sadly familiar, those who are in this situation are often, if not mostly, women. I can therefore understand why some people simply do not have the ability or time to provide the documentation required under the current legislation. This does not mean that they are any less deserving of a vote at our elections—any less entitled to that most fundamental of human rights: enfranchisement.

A number of organisations, including the Australian Electoral Commission, support this legislation. It would indeed be a cause for celebration if those opposite could bring themselves to join in with their support and atone for their imposition of a discriminatory obstacle to the exercise of a political right. Sadly, this does not seem to be the case. This legislation will enhance and modernise our electoral system and our democracy, and I commend it to the House.

Mr BRIGGS (Mayo) (10.47 am)—I rise to speak on the Electoral and Referendum Amendment (Provisional Voting) Bill 2011 and follow the member for Canberra in doing so. I hate to disappoint the member opposite, but we will not be supporting the bill. We think it is a bad bill. We have thought it is a bad bill the couple of times it has been presented to the parliament, and that is because in 2006 the Howard government did the right thing and brought in provisions ensuring the integrity of the electoral roll—and that is ultimately the question that we are debating here. On this side of the House, the understanding is that you need to have an electoral roll that has the utmost integrity and that enfranchises as many people as it can but ensures there is no fraud. That is important because we are very fortunate to have the wonderful democracy that we do in Australia. We have arguably the best democracy in the world. We have free and open elections that are free from questions about corruption and legitimacy and that allow governments even in questionable circumstances like last year’s, where we had the situation of this parliament—a hung parliament. There has been no question put in relation to the legitimacy of the government.

Even in the great democracy of the United States we have seen presidential elections which have dragged on for weeks and months because of questions about their electoral system and their electoral rolls. And it is not just the events surrounding George W. Bush’s election; well back even to the famous John F. Kennedy election in the early sixties there were questions about Lyndon Johnson’s accession to the Senate. We do not suffer from those same problems because we have an electoral roll which is protected from question. It is held above accusations that it has been rorted in some way. The problem with lessening the protections in it is that you raise questions about the validity or integrity of the roll. It is interesting that at the 2010 election, of the provisional voters who voted in that fashion, 80 per cent of them provided evidence of their identity at the polling place.
on the election day and a following 16 per cent provided evidence of their identification in the required time frame afterwards. So we are talking about a very small percentage who did not meet those requirements. And I do not think the requirements as put by the members opposite are as onerous as they would like us to believe.

We of course need identification for various things in our society: to access government payments, to drive a car or to travel, you need a form of identification—and rightly so. And rightly so we also should for our electoral roll. I think there is a reasonable discussion, which we have had in this place previously, about the requirements for voter identification when enrolling and voting on election day. I think we should do everything we can to ensure the roll is protected in that way. So the bill is based on a premise from the Labor Party that the voters they are supposedly trying to enfranchise are more likely to vote for the Labor Party than they are for the Liberal Party, and that is what this is about. This is not about improving our election system or improving our electoral roll. This is some sort of political view that by opening this up and making it easier you have more opportunity for the Labor Party to get more votes than this side of the House.

This Saturday we have another election in Australia and I do not think there will be too many questions about the integrity of the result. I think it will be pretty clear—in fact, I think some betting agencies have already decided what the result will be, which does seem to be a little early. Again, it goes to the confidence that people have in our electoral system. At a time when we are talking about using the internet more often, the AEC is walking down the path—I think rightly—of looking at the way that people can enrol and keep their details updated. I am sure all members in this place would appreciate that the quicker we get updates the better it is for members of parliament, the better it is for people to have the most recent updates, particularly for young people who move around a bit. The easier we make it for people to keep the AEC updated with their movements the better.

Again, it has to be done in a fashion that does not question the integrity of the roll and does not raise the risk of an election being brought into question at some time. We have very good processes for dealing with questionable elections, but we do not face them very often. We do not face them to the point where a government’s or parliament’s legitimacy is questioned, because of the strength of our electoral system. This is something that we on this side of the House have had a commitment to for a very long time. As I said earlier, in 2006 we decided this was important because it added to the strength of commitment to ensuring the integrity of the roll.

I think members on the other side are ill advised to move down this path. This is a bad decision. It is a bad bill because it undoes good changes to a system which is working very well. We have seen that it is working very well from the field evidence. If we look at the results from provisional voting at the last election we can see it did not cause some great dislocation in people’s ability to cast a provisional vote, as the previous member said. There are circumstances where provisional votes are required, and that should continue. But it should continue with the added protection that is in the system today. Overturning this protection, based on what I think are very questionable motives, is something that we should not support.

On the side of the House, we do not support it. We have had a commitment to this issue and we continue to maintain that commitment. Personally I continue to maintain that commitment because there is no more
important thing in our electoral system than the roll and making sure it is protected from questionable voting and questionable tactics. It must be above repudiation in all those ways, ensuring legitimacy for governments and for all of us who are elected to this place. That is why we stand for these protections. We stand for the protections that were put into this system in 2006. There is no great need for change. The Labor Party is taking an ideological position. This is an unfortunate bill and it should be opposed.

Mr MELHAM (Banks) (10.55 am)—I rise to support the Electoral and Referendum Amendment (Provisional Voting) Bill 2011 and I do so in the knowledge that this bill is consistent with a principle under which this parliament should be operating when it comes to elections, and that is the principle of enfranchisement, not disenfranchisement. We have had two High Court decisions in recent times that have struck down legislation of the Howard government that went to the very heart of disenfranchising voters. The first decision was in the Roach case to do with prisoner voting. It was a 4-2 decision of the High Court reinstating the principles as they were before the former government had legislated and in effect disqualified a class of prisoners from the vote. The second decision, and the most recent one to do with this election, was the 4-3 decision of the High Court in the case of Rowe, which was about the seven-day enrolment procedure. Talking about ideology, some of these people were appointed to the High Court by the former government. Justice Crennan could hardly be said to be a radical and she was in the majority of four. The joint judgment in that case of Justices Gummow and Bell went to the seven-day rule, which I think is a principle that we need to listen to. In paragraphs 166 to 167 they said:

In particular, the requirement in Roach that any disqualification be for a substantial reason cannot be answered simply by what may appear to have been legislative purpose. A legislative purpose of preventing such fraud before it is able to occur, where there has not been previous systemic fraud associated with the operation of the seven-day period before the changes made by the 2006 act, does not supply a substantial reason for the practical operation of the 2006 act in disqualifying large numbers of electors. That practical operation goes beyond any advantage in preserving the integrity of the electoral process from a hazard which so far has not materialised to any significant degree.

So what they then did was reinstate the seven-day provisions. In relation to provisional voting the same is true. The paranoia of those opposite who say, ‘We require proof of identity, we require a drivers licence before we’re going to let you have a vote or we’ll give you seven days to bring it back,’ has disqualified thousands of voters.

What did the Electoral Commission do in their submission to my parliamentary committee, the Joint Parliamentary Standing Committee on Electoral Matters? They nailed it. In paragraph 5.5.6 they said:

Of the 28,065 provisional votes rejected on the basis that the elector did not provide EOI, 12,227 of these were cast by electors who were actually enrolled. Those voters took a provisional vote because their name could not be found on the day and that is the provision they were bound under. They were subsequently found to be on the rolls. But because the clerk did not pick that up on the day, maybe because of a misspelling or a wrong pronunciation—because a lot of this is non-English-speaking background—they were all knocked off the roll. What was the criterion before, which we are reinstating? We are reinstating the old provision that says that you sign when you get a provisional vote, it gets scrutinised, and there are scrutineers present, and if there is doubt as to the signature you get knocked out. Your signature becomes the proof of identity.
Today we heard from the National Party; they made a submission before our committee. Now, the signature provision still applies to declaration votes other than provisional votes; that is the nonsense here. And cop this, Mr Deputy Speaker: this is what they said, on page 5 of their submission, in relation to the signature provision:

The AEC has subsequently advised The Nationals that there were 5,549 PVCs rejected nationally due to signature mismatch.

What I say to you, Mr Deputy Speaker, and to the member opposite is that there is a proof of identity provision that has always been there. It is the signature. These votes do not go into the ballot box on their own. They go into a packet, which is signed and lodged, and the details are checked. That is all that is required. What we have now is evidence before our committee from the independent Australian Electoral Commission, who, I might add, support what the government is doing on this provision. The party opposite that proclaims it hates red tape is using red tape to knock out legitimate voters. These are not people who do not want to vote; these are people who are showing up and want their vote to count. And in 12,000 cases they were actually on the roll and their votes did not count because of this provision, which really was a knockout provision put in for political purposes because provisional votes supposedly traditionally favour the Labor Party. That is not the way you operate the electoral system. I have always believed in enfranchising.

I am not saying, and the government is not saying, that these votes should go in as a normal, ordinary vote on the day of the election. What happens is that if your name is not on the roll or if there is a misspelling you have a provisional vote and there are certain provisions. Under the old act, which I have with me, section 336 required the elector to sign a paper with his own signature so there could be a signature check where doubts existed. I have scrutineered in more than one election in other divisions along these lines, whereas many opposite and even many on my side have not done it; they have not had that experience. That is why I say that this argument some people are making, that you need a drivers licence to get a video card or other things and so the same should apply to the Electoral Act on election day, is nonsense. We have had a High Court case in relation to the seven days that basically says that if you want to knock out legitimate voters, if you want to assert electoral fraud and if you want to say there is a problem with the system, produce evidence. That is why the High Court reinstated the seven-day rule in terms of the opportunity to enrol or change enrolment from when an election is called.

Of course, the conservatives argue that the seven-day period allowed a massive opportunity for fraud to occur. Another letter that the Electoral Commission sent to us said that they did a survey of eight or nine electorates. We will have it tabled publicly; I am entitled to talk about it in general terms. What it showed was that there were about 33 people surveyed who changed addresses back to their old address within a short period of time after the election. It does happen, but it is not fraud that is occurring. What they discovered was the overwhelming number of the 33 were young people, and they were going to make some further inquiries. We have got a good system. If there is electoral fraud, if those opposite say a particular division has miscarried because there has been a stack on the roll and that was a fraud, then they can challenge that election in the Court of Disputed Returns. But what I find offensive is that the party that says it does not believe in red tape continually puts blockers in to knock out tens of thousands of voters from having their vote counted.
We all condemned the first Bush election and the Florida hanging chad. This is Australia’s hanging chad. It was put in by the Howard government for a particular purpose, and, if anything, the fraud that was being perpetrated on the electorate was the basis upon which that provision was changed by the former government. It has been exposed for what it is—lacking in substance. And safeguards are there so that those provisional votes are properly checked and scrutineers from any particular party can question the identity of the person. It only goes back to whether they were inadvertently taken off the roll, and there are other things that are occurring in that regard. A whole lot of people who get a letter from the Electoral Commission and do not reply or whatever are being taken off the roll. In the old days they were reinstated, but under the former government this notion that you bear the responsibility, you bear the onus, has led to another 90,000 people not getting back on the roll and not getting their vote.

We support an incursion on the no-fly zone in Libya, we support what is happening in Afghanistan, to give people the right to elect their governments, the right to participate. What we have here is provision after provision put in by ideologues who in effect say that there is a presumption of guilt upon you before your vote will count. It is designed to attack the less advantaged in our community: Indigenous people; people who are not literate; the people of non-English-speaking backgrounds in south-west Sydney, where the top 12 electorates of informal votes are—and we will be looking at addressing that in our report. I cannot understand how those opposite can get up here with a straight face and say they want to maintain a provision when there is a submission before the electoral committee that says that this pernicious section resulted in 12,000 people at the last election who were legitimately on the roll not being able to have their vote exercised. That was as a result of polling-official error—not as a result of fraud—and the commission, to their credit, have admitted that and said that is what this provision does. The commission have consistently said that this provision should not be there.

The next argument will probably be that the AEC are under the control of the government and the Labor Party and they are our mouthpiece. They are not. During the 21 years I have been in this place I have had nothing but the highest regard for the Electoral Commission and their officials. Occasionally they make mistakes.

Mr Husic—Who doesn’t?

Mr MELHAM—But, as my colleague says, who doesn’t? In this instance they gave evidence before the committee. It was not the first time; they did it before the last election, but the nature of the Senate was such that this would not get through.

It is about time that members of this House started to argue for enfranchising people, not disenfranchising them. At the federal level the Liberal-National parties have not done too badly out of compulsory voting and the provisions of the Electoral Act, because they have been in government for more than two-thirds of the time. This is not a situation where they could have argued, as they did in 2006, that it stopped them from getting elected in 1996, 1998, 2001 and 2004. No, they were spurious arguments and we now know, as a result of proper investigation, what those amendments mean.

That was why I was surprised by the High Court decisions in Roach and Rowe. The High Court basically put a limit on the parliament’s power to legislate because of the precious nature of the right to vote. The right to limit prisoners and the right to limit people getting on the roll in the seven-day pe-
period after an election was called were quite historic decisions by the High Court, but they were right. They were underpinned by enfranchisement, not disenfranchisement, which is what this current provision on provisional voting does.

It is separate to what happens with postal votes and other declaration votes. The signature is used to verify postal votes. As the National Party point out in their submission, for over 5,000 people there was a question over their signature. Signatures are used in the postal vote provision to determine identity. It might be a relative or someone else who has signed but, if there is a doubt, it is out. We do not have to listen to the garbage from the other side that this is going to be doom and gloom for our electoral system. They say there is going to be doom and gloom because they think there is a disadvantage to them because this class of people are not necessarily their supporters.

As I said, my principle has always been—and it has been on the record for 21 years; and I have been on the electoral committee for about 12 or 13 years—for enfranchising. Yes, we have to have safety nets. I support the reinstatement of the signature as the basis for provisional votes. If someone is not on the roll for two elections before the election they wish to vote in, they do not get a vote, so not every one of these votes gets put back into the count—don’t believe that either. Many get excluded for good reasons. I commend the legislation to the House.

Mr NEVILLE (Hinkler) (11.10 am)—I am a great friend of the member for Banks, but that was a very florid presentation that was full of emotion and not much logic. He is trying to make us believe that somehow these poor migrant people who struggle with English have been deprived of their democratic rights. In asking for identification, the rules lay down that you bring in your drivers licence, a passport, a birth certificate, a citizenship certificate, a Medicare card for God’s sake and various bank credit cards. If you are fair dinkum, is that an onerous provision for any long-term Australian or migrant? It is not a greatly onerous provision. It is a sensible thing that happens everywhere.

If you want to open an account at the bank, you have to rack up 90 points, which is all tied up with your identification and your past business. If you want to travel by air, you have to be able to show one of those items to get on the plane. No longstanding Australian or migrant argues with that. If you want to undertake hire-purchase or credit arrangements, it is required. Young people wanting to go in a nightclub have to have some form of identification. Even video stores, the most fundamental of all things, require you to have some form of identification. But for the most important thing we probably do every three years—voting for the government of our country—we want to water it down a bit. I do not think that is good enough.

What is provisional voting when you boil it down to the essentials? If you have been left off the roll unfairly or unjustly or by some form of bureaucratic error, you can claim a vote. That is essentially what it is. When you rock up to the polling booth on election day and find your name is not on the roll and say, ‘There is no reason for me not being on the roll. I have been in my house for many years. I have been unwittingly removed from the roll,’ if you present some form of identification away you can go.

This Electoral and Referendum Amendment (Provisional Voting) Bill 2011 proposes to remove all of that identity stuff and replace it purely with a signature. I do not know about that. I am putting my hand up and declaring a degree of self-interest because for many years I had the toughest seat
in Australia and I watched everything in the way of voting. The one thing that stood out to me as not being as well regulated as the rest of the electoral system was provisional voting. I will give you a few examples of that shortly.

The member for Banks made a big song and dance about how many people had been excluded from their democratic right. I question that. Let us look at the figures across Australia as provided by the AEC—and it is good that the minister is at the table; I am sure he will correct me if I am wrong. Eighty per cent of people did provide identification on election day at the polling booths, with another 16 per cent providing it by the following Friday. So 96 per cent of all people who applied for a provisional vote had no trouble in coming up with the goods. The four per cent that for whatever reason missed out—it might have been just bone laziness; it might have been that they were in bed with the flu; it might have been that they had gone off to a job somewhere, who knows what—in my electorate was less than the informal voting rate. So it is hardly a disenfranchise-ment of a large section of the Australian population.

Fiddling with the rolls and the processes around the rolls is really a direct attack on the fundamentals of democracy, though you can dress it up any way you like. I am not having a crack at my political opponents, the government, in this. I have a lot of respect for the members in the House at present including the Special Minister of State, who is at the table, and my good colleague from western Sydney. I have great respect for them. But, hey, listen fellas, in your party, even over recent years, there have been some wicked examples of fiddling with the rolls.

In the Queensland parliament, you have had to tip members out of the parliament. Not just members but senior cabinet minis-
I would like to take you to my electorate. Mine has been, as I said, a pretty tough electorate over the years. It is not so bad at present. In one election I was down to 69 votes, 64 on recount. I know what a close election is like, so I take a particular interest in postals, pre-polls, absentees, provisionals and the like. It used to amaze me that I would poll somewhere between 55 per cent and 60 per cent for pre-poll, absentees and so on but, when it came to the provisionals, suddenly the vote dropped down to about 33 to 37 per cent. Why would that be? If these people, as the minister at the table says, are of similar character, why is it that three of those subgroups voted decidedly one way and the fourth group, over which the scrutiny at that time was probably less rigorous, voted another way?

I have got some figures here. In 2004 the figures for absentee, postal and pre-poll votes were 55 per cent, 62 per cent and 56 per cent. When we go to 2001, the figures for absentee, postal and pre-poll votes were 51 per cent, 54 per cent and 54 per cent, but suddenly provisionals were 37 per cent. That was for two-party preferred; when you took them down to the raw votes it was ALP 46 per cent, coalition 26 per cent. It was totally out of character with the rest of the voting in the election and in the other sectional voting. In 1998 the figures for absentee, postal and pre-poll votes were 50.6 per cent, 53.5 per cent and 52.8 per cent but—oh surprise!—provisional votes were 38 per cent for two-party preferred. Take them down again to the raw voting and it was ALP 47 per cent, coalition 27 per cent. Why did the result of 60-40 all of a sudden go 66-33 the other way? You would just have to say that there was something rather suspicious about it.

I am sure people would proffer all sorts of different reasons for that, but this is the interesting thing: when the new rule was brought in in 2007—in other words, the rotters were put on notice that they were going to be asked to identify themselves at the polling booth—that made a profound difference. More so in 2010 than in 2007, because in 2007 the ones who had been doing this over the years were probably not quite ready for it. Again, suddenly, where I would poll in that 55 to 60 per cent of most of the sectional votes my vote came up from the low 30s—two-party preferred—to 44. That is extraordinary. Why did that just suddenly happen in the 2007 election when it had not happened in the previous four or five elections?

When you come to 2010, where this new system was well entrenched, my vote went not just to 44 but up to 47. It was getting up towards where all the other sectional votes were. I will be very interested to see, if the House and the Senate approve this bill, whether that vote slips back again. If it does, I think that is a fair indication that there has been some rorting going on.

I repeat: it is not an onerous burden to identify yourself, and it takes place now—as I outlined before—in many walks of life. You would not put on a tantrum at an airport and say, ‘I don’t want to show you my drivers licence.’ You show them the drivers licence, you get your ticket and you get on board. But suddenly this most important thing—the thing that we all cherish on both sides of the House, the role of democracy—is watered down. ‘Yes,’ we say, ‘We will do it by way of signature.’ I suppose that will be better than having no provision at all, but when my scrutineers went in to scrutinise the prepolls I used to get them to take a list of returned mail addresses. The number of votes that were claimed—we do not know what their votes were—before the envelope was opened that were from addresses from which we had had mail returned regularly was interesting. There was a bit of a suspicion in my mind that there was some undercurrent of rorting in those provisional votes.
I would prefer to see the system that was brought in towards the end of the Howard government retained. The government’s plan may work, but not to the same extent. *(Time expired)*

Mr STEPHEN JONES (Throsby) (11.25 am)—It is an interesting debate that we are engaged in here today, because it really does lay bare the lie at the heart of the name of the party which those opposite purport to represent. It is a truly interesting debate when the party of liberty stands here and seeks to defend rorts which would deny citizens their votes. The party of liberty seeks to remove the rights of citizens.

Mr Robert—Mr Deputy Speaker, I rise on a point of order. Seriously, impugning the rights of a political party in the House is clearly not appropriate under the standing orders.

The DEPUTY SPEAKER (Mr KJ Thomson)—The shadow minister was not here for the earlier debate. I can assure him that members on my left made exactly the same allegation, but of a different political party.

Mr STEPHEN JONES—I seek to make the point, plain and simple, that if those opposite who represent the party of liberty had the courage of their convictions then they would vote in favour of these proposed amendments to the electoral laws in the Electoral and Referendum Amendment (Provisional Voting) Bill 2011. They would vote in favour of it because a party of liberty which truly stood for the principle that the people should choose those who represent them in this august body would want to extend the franchise and ensure that everybody has the right to exercise their citizenship rights as Australians to cast a vote in their electorate for their representatives in this place.

Of course, those opposite have form on this matter. Prior to the last election they had so distorted the electoral rolls as to ensure that many hundreds of thousands of Australians could not even enrol to vote because of the early cut-off of the electoral rolls on the day that the election was called. This rort—and it was a rort—has been overturned by the High Court, and for the first time in four years we saw at the 21 August 2010 election over 100,000 mostly young people enjoy their right to vote in a way that the High Court found was true and proper.

This reform which has been brought to the House by the Special Minister of State for the Public Service and Integrity is a continuation of our intent to ensure that we correct many of the wrongs that have been visited upon our electoral system by those opposite, and it should enjoy the support of all members of this House. For a country which was founded in relatively modern times, and as a nation of convicts, Australia has nevertheless had a proud history of democracy, and has played its part in exporting democracy to the countries of our region.

We are rightly proud of the conduct of our elections, which are done with integrity and a level of scrutiny and transparency that puts even the closest of election results to the test. Indeed there are some of us who even enjoy and look forward to the festive atmosphere of polling day, with the community out together enjoying a sausage sizzle, the sharing of our democratic values and the real contest of ideas that surrounds an election.

In Australia, we do not change governments frequently, but, when we do change governments, it is without the mayhem or bloodshed that accompanies the change of regimes or governments in many other countries. That is something that we on all sides of the House are rightly proud of. When you hear that the recently deposed President of Egypt, Hosni Mubarak, was in power for 30 years, you really do know that something is
not working in the democratic system of that country.

Our system of compulsory voting means that everyone gets a say. It is a system that continually needs refining and sometimes we need to wind back the egregious limitations that are placed on that system by representatives of those opposite. It is a system which enables everyone to cast their vote and it is a system that is the envy of the world. These are all good features of Australia’s voting system. Even on a bitterly cold winter’s day, as was the case in August last year, we are able to get out with the customary enthusiasm and cast our vote in favour of the representatives of our choice.

The bill before the House today will remove the requirement for provisional voters to show proof of identity within a week of voting to allow their vote to be counted. These so-called provisional votes are declaration type votes cast at a polling place on polling day. There are four main reasons a person will be asked to cast to a provisional vote. The first is where a person’s name cannot be found on the electoral roll by the polling official; the second is where a mark appears on the certified list, which indicates that the person has already voted; the third is where the polling official doubts the person’s true identity; and the fourth is where the person is a silent elector and their address does not appear on the publicly available edition of the roll.

The Australian Electoral Commission has stated that over 200,000 provisional votes were cast in the 2010 election. Of these, 28,065 provisional votes were rejected because the voter did not provide evidence of identity by the first Friday following the polling day. Importantly, further examination by the AEC of these 28,000 votes found that in over 12,000 instances—nearly half of these instances—the name of the voter was found on the certified electoral roll. So here was a person who was fully entitled to cast a vote but because, for one reason or another—their busy life or many other reasons—they were unable to subsequently provide proper proof of their identity to the AEC their vote was not counted.

These are the people that the member for Hinkler recently chose to blithely disregard as rorters. I prefer to call them ‘citizens’ in my electorate, but he chooses to call them rorters. He really did bell the cat—and this goes to the heart of the opposition’s objection to these provisions—when he said that the real reason that he did not want to vote in favour of these proposals is that he thought the people who would cast a provisional vote in accordance with these proposed amendments would not vote for him; and this was coming from a representative of the party of liberty, the party of free speech, the party of democratic rights. The member for Hinkler could not have stated his case more clearly. The reason that he does not support these amendments is that he fears that the people who will use them will not vote for him. The over 12,000 people in the 2010 election who were precluded because of the Howard government rorts will be able to eligibly cast a vote in an election and have their vote counted—have their democratic say counted. The member for Hinkler and many others on the other side of the House choose to call these people rorters. We call them citizens and eligible enrolled voters. They will once again be enfranchised by this provision.

Indeed, it was a similar story in the 2007 federal election, where there were 167,500 provisional votes and 27,000 votes that were rejected at preliminary scrutiny because an elector did not provide proof of identity. This is a situation that was created by the coalition—and it is a sad state of affairs. It means a significant number of people turned up at polling booths on polling days in both 2007
and 2010, keen to have their say and cast their ballot, found that they were not on the electoral roll and then cast a declaration vote only to have it rejected because of unnecessary red tape and an onerous process.

Those opposite choose to laugh, but the reason that it is unfair is that these voters would have had their vote counted if they had instead stayed home and voted absentee. If they had cast a postal vote, a pre-poll declaration vote—their vote would have counted, with no need for proof of identity. There is simply no reason that otherwise valid provisional votes should be treated differently to other forms of declaration votes. The real reason—which was made crystal clear by the member for Hinkler—that they do not require proof of identity for pre-poll postal votes is that those opposite believe that the majority of those people are going to vote for the opposition. Those opposite fear that if we redress this rort, this discriminatory treatment of declaration votes on polling days, those people will not vote for them. That is a shameful exposition of your political philosophy. The party of liberty is the party of electoral rorts.

It is interesting to look back at how this disenfranchisement affected the outcome of the 2007 federal election. Some interesting research by Mr Peter Brent from the Australian National University contained in his paper on provisional voting rejections in the 2007 election claims that the ‘missing provisional votes’ might have affected the outcomes in two electorates, McEwen and Bowman, and added ‘0.1 per cent to Labor’s national vote’ in that election and probably would have turned the election the other way in those two electorates—two of Australia’s most marginal electorates.

There is no high principle here. The only principle that is in evidence here is that those opposite are afraid that people will not vote for them. They are afraid of this because, quite clearly, they do not have confidence in their ideas, so they are attempting to rort the system. They do not have confidence in their own ideas or in their own capacity to get out there and campaign.

As we know, it is a relatively uncommon outcome of our electoral system for one political party to hold the balance of power in both houses of parliament. It occurred in 2005 and that was the first time it had happened since 1981. We know that the first thing the Howard government did when it was presented with a blank cheque from the electorate was to get to work on an ambitious rewriting of Australian industrial relations laws—the odious Work Choices laws. Fortunately, the machinations of democracy saw off both those laws and the government that introduced them in 2007. But that was not the only piece of legislation that the Howard government rammed through the parliament during those unfortunate years. The Howard government’s agenda was driven by the coalition’s conservative ideology as it sought to gain political and electoral advantage over its opponents on this side of the House.

It is well known to many in this place that in December 2005 the coalition introduced the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill. Like so much of the Orwellian doublespeak that characterised the Howard government’s term in office, it had nothing to do with electoral integrity and everything to do with rorting the electoral system. This bill had absolutely nothing to do with electoral integrity. The measures in the bill included raising the threshold for anonymous political donations to $10,000, which eroded an important transparency measure. It closed the electoral rolls early, as I have already stated; it disenfranchised some votes by prisoners; it made it harder to enrol to vote; and it disenfranchised provisional voters. It was all done...
for partisan politics. It was empty of ideology except the ideology which drives those opposite to cling to power at all costs. They junk their co-called liberal ideology in favour of an anti-liberal proposition to disenfranchise voters. We in this House have the opportunity today to fix this historical anomaly to ensure that those who truly do believe in liberty, in democratic values and in the right to vote will be able to exercise their right to vote—as is every Australian’s birthright. I call upon the House to support the bill.

Mr TEHAN (Wannon) (11.40 am)—It gives me no joy to be speaking on the Electoral and Referendum Amendment (Provisional Voting) Bill 2011 today, because all this bill will do is affect the integrity of our voting system. The honourable member who just spoke mentioned the 2007 election and the seat of McEwen. I had some experiences with the voting and the vote counting in the seat of McEwen. There were multiple votes cast in that election and there was nothing that the AEC could do about it. I will give one example which I think illustrates why we have to be so careful to maintain the integrity of our electoral system. There was a parish priest who received a note from the AEC inquiring as to why he had voted three times in the electorate of McEwen. It turned out that someone had voted under his name in New South Wales and then twice within the electorate of McEwen at different polling booths. There was nothing that the AEC could do about it, apart from giving him a ‘Please explain’. When he explained that he had voted only once and had voted within the local community where he works, that was the end of the story, and those other two votes were counted.

The interesting thing about the McEwen electorate during the election of 2007 was that there were multiple cases of people casting more than one ballot, and it was the first time that the union movement en masse had been up to scrutinize and to also hand out how-to-vote cards at polling booths in that electorate. During the Work Choices campaign they bussed union officials into the electorate so that they could hand out how-to-vote cards and do the scrutinizing. And—surprise, surprise!—we also saw an increase in multiple voting.

Mr Craig Thomson—That is drawing a long bow.

Mr TEHAN—It is not a long bow. If you look at the historical facts you will see that that is what occurred. First the coalition candidate was declared the winner, then the Labor Party candidate was declared the winner, and eventually the coalition was. It was that close, and that multiple voting could easily have been the thing that decided who won that seat. It goes to the heart of why we need to protect the integrity of our electoral roll, and the changes in this legislation will do nothing to do that.

We are heading for a system whereby anyone will be able to turn up and vote and be able to vote on multiple occasions. We are not moving to protect the integrity of the electoral roll. In fact, we are looking to weaken it and, by weakening it, we will harm our democratic processes here in Australia. People will begin to wonder whether we truly do have a democratic system when it is possible for people to be able to vote on more than one occasion.

The honourable member who spoke previously talked about the 200,000 provisional votes which were cast at the last election: 28,000 of those were rejected under the changes introduced by the coalition in 2006, and 12,000 of those would have been eligible. What about the other 16,000? What was the situation with those votes? They were not found to be legitimate voters on the roll.
Those 16,000 votes remain a mystery. How can we have a system whereby we allow people to cast their votes provisionally and not ask them to provide some identification? They do not have to do it on polling day. This change was a reasonable change; it just required them to provide some proof of who they are within seven days, to make sure there was not fraud and to protect the integrity of our system.

If you cannot provide identification in seven days, then you are not taking your vote seriously—the importance of that vote, the importance of our democratic system and the importance of providing integrity within that system. Sadly, in Third World countries, we see continual rorting of the democratic system and we have all seen what that leads to and the types of governments that we get from that. That is not what we want to see here in Australia. We want people to know that when they cast their vote every other citizen is casting their vote in exactly the same way. We want people to be confident that there are not some citizens voting maybe one, two or three times when others are doing the right thing. We need to have some safeguards, because, unfortunately, if you do not have the safeguards in the system, people will rort it. We as the coalition in 2006 did not make an onerous requirement. All we said was that people needed to provide some identification within seven days.

It is important to note that, at the 2010 general election, 80 per cent of provisional voters provided evidence of their identity at the polling place on election day and another 16 per cent provided evidence of their identification in the required time frame, the following Friday. So only four per cent of voters did not provide identification. We need to ask the question: why? Was it because they were frightened that it would be found out that they had voted earlier? If that is the case then surely we should keep this requirement within our electoral system. When people cast their votes in polling booths on polling day, we continually get attempts to rort the system. Sadly, some attempts to rort the system are bound to work. Why shouldn’t there be, especially when it comes to provisional voting, some measure to make sure that the person casting the vote is casting a legitimate vote?

We need to remind people what provisional voters are. These are the people who turn up and their name is not on the roll or there is a query on the roll about their identification. Why shouldn’t we be able to ask them a simple thing before we allow their vote to count: ‘Prove to us who you are. There is a query about who you are; therefore, we need you to do this.’ We do not do it to people who turn up on polling day or to people who cast a postal vote or to people who do a pre-poll vote. We only do it to these provisional voters. The reason we do it is that there is already some unease about whether this person has the right to cast that vote. So there is nothing wrong with asking them to provide some identification within seven days.

Our voting system is integral to our whole democratic system. We have seen, sadly, in other places—for instance in Florida—the unease and doubt caused by voting systems which were seen to be potentially able to be manipulated. We have seen what that can lead to and the distrust and general outrage from the community that a proper system is not in place. We do not want to see that occur here in Australia.

In the seat of McEwen in 2007, in an extremely close vote, we saw that there was the potential for rorting in our system. We have to make sure that we take steps to stop that from happening. We do not want it to lead to the situation where we disenfranchise people. This is not about disenfranchising peo-
people. This is about requiring people—if there is uncertainty and unease about whether they are qualified to vote—to prove that they are qualified to vote. This is not disenfranchising people; this is protecting the very integrity of our democratic system.

Mr Melham—What evidence?

Mr TEHAN—What evidence? The evidence the honourable member missed earlier on was just one example—but we saw numerous—of a parish priest being asked to explain why he had voted three times in the 2007 election in the seat of McEwen.

Mr Melham—Was he charged?

Mr TEHAN—No, he was not charged because he was able to demonstrate that he had only voted once, but the other two votes where people used his name to cast their ballot remained legitimate votes. They were not withdrawn because no-one knew who or what those ballots were or where the voters were. Two votes were counted, and no-one knows who cast them.

By making this amendment, we are saying: if you want to potentially rort the system, do it by turning up and casting a provisional vote, because no-one is going to check your identification as to whether you are legitimately able to cast that vote or not. This is not the type of electoral system that we need here in this country. People have confidence in our electoral system. The integrity of our electoral system is seen as world class; yet, this is an area that has been identified as having some risk of fraudulent behaviour. The government is saying, ‘We’re going to open it up and make it easier for fraud to take place. We’re not going to put in one little small requirement that you need to show identification after seven days.’ What this government needs to say is, ‘There seems to be some risk here of fraudulent behaviour.’ Instead it is going to make that risk greater and put that system at further risk of losing its world-class reputation.

Sadly, the fact that this change is coming from the Gillard government should make the Australian people very worried. Everything that the government do turns into a mess and the fact that they are meddling in our voting system, which is seen to be world class, sends shivers up my spine. Are we going to see a pink batts fiasco? Are we going to see a BER fiasco? Look at the record of the government: everything they touch turns into disaster. I am worried that we are going to see another disaster with this change to something that is absolutely vital to the very fabric of Australian society—our democratic processes.

These changes were brought about in 2006 because they were required to protect the integrity of our voting system. The only reason the government want to change these laws is that they know that any rorting that will take place is more likely to benefit them than anyone else. This change is a sham.

Mr HUSIC (Chifley) (11.55 am)—Thank you for the opportunity to participate in this debate, and I will start by acknowledging the number of people in the public gallery joining us here today—witnesses to, in effect, the democratic process in operation right now. It is also worth pointing out that this debate on the bill that is being discussed is about enhancing people’s participation in the democratic process in this country.

The Electoral and Referendum Amendment (Provisional Voting) Bill 2011 looks at repealing the requirement for provisional voters to provide evidence of identity as a precondition to their votes being included in an election. As has been reflected upon earlier in the debate, there are four main reasons that a person wants to cast a provisional vote: firstly, their name cannot be found on a certified list; secondly, a mark already ap-
pears on the certified list, which indicates a person has voted; thirdly, the polling official doubts the person’s identity; and, finally, the voter is a silent elector.

The Electoral Act and the referendum act currently require a person casting a provisional vote to provide evidence of identity by the first Friday following polling day, and if the voter cannot provide evidence of identity by the deadline the vote does not progress to preliminary scrutiny and is not counted. This requirement—again, this has been commented upon in the course of this debate—was put in place by the previous government in 2006. Mind you, a lot of those opposite had been elected to office in 1996, 1998, 2001 and 2004, but they decided in 2006 that this was such a significant issue that they needed to deal with it. This resulted in a situation where provisional votes were dealt with in a way inconsistent with the treatment of other types of declaration votes—namely, absentee votes, postal votes and pre-poll votes.

At the 2010 election, over 28,000 votes were rejected because the voter did not provide evidence of identity by the deadline. It is worth noting that about 14 million people in the 2010 election cast a vote, of which 28,000 were rejected under the system put in place in 2006 by the former government. Again, it is important to note: the requirement for a provisional voter to provide evidence of identity leads to an inconsistency in the treatment of different types of declaration votes—namely, absentee votes, postal votes and pre-poll votes.

On that word ‘integrity’: my ears always prick up when the opposition use that code word. They talk vigorously about the need to defend the integrity of the roll. Rather, I think it reflects paranoia about the processes, probably championing conspiracy theorists and their fascination with this issue of votes being counted or being excluded. We will often hear cited Dr Amy McGrath, who from time to time has made it her life’s work to deal with the issue of why some votes have been counted and others excluded. Again, I think it is important that the AEC is scrupulous in its defence of process. Frankly, the use of and overreliance on this word ‘integrity’ in relation to the roll is code for those opposite advancing mechanisms to prevent people from casting a vote and finding ways to exclude them from the roll—particularly young people, as has been evidenced in the past in terms of the conditions for ratifying their enrolment ahead of an election—including, as we have seen before, differentiating between declaration votes and putting forward these onerous issues in relation to identity.

We need to be vigilant about hurdles that prevent participation and, as the member for Melbourne Ports observed in this place last night, our challenge is to find a way to get the 2.5 million people who did not cast a vote in the 2010 election to vote. Fourteen million people did; 2.5 million did not. That is a serious issue. Obviously, there are a whole host of reasons why people might not participate in the voting process, and we can canvass them. It may be, in some part, a reflection of disillusionment in the democratic process that makes people opt not to cast a vote. But there are other reasons as well, and I would certainly advance the idea that we have placed before them hurdles that make
the process more difficult. From my perspective, removing the ID hurdles is an important measure.

In the electorate that I have the great honour of representing, Chifley, the proportion of people who have drivers licences is amongst the lowest in Western Sydney, and there is a reason for that: the state government has changed the way you get a drivers licence. Bear in mind that those opposite have said: ‘What’s the problem? If you just present a drivers licence then your identity has been verified.’ I would dispute that. To come back to the point, in New South Wales learners—unlike many of us in here who obtained our licences in years past—have to undertake 100 hours of driving to obtain a drivers licence. Again, some would say, ‘It’s not that big a deal.’ But, in fact, if there is no-one in the house who has a drivers licence and/or the learner is from a low-income family—and in the electorate I represent there are a great deal of people from low-income families—there is no-one at home who can participate with them in the driving requirements that are mandatory for getting a licence. Their only alternative is to pay for driving lessons to obtain their licence, and that in itself is a problem because they will not have the funds for it. So they are the hurdles to getting your drivers licence in New South Wales. While those opposite are advancing the idea, ‘Merely present your drivers licence; that’s okay,’ the fact is that drivers licence requirements such as those in New South Wales present a big problem for us.

I return to the fact that we need to find a mechanism to get the 2.5 million people who did not cast a vote in the last election to vote. Australia does have complex systems of voting. There are the optional preferential differences between federal and state elections. For example, in the New South Wales election, you have optional preferencing; in the federal election, you are required to fill every box with a number. As an aside, I would say that our system is way better than the US system, where there are enormous complexities and differences between the states in the way that people cast their votes, and that does disenfranchise people. At this point, I am also mindful of comments made by former Prime Minister Whitlam, where he recommended—and I do not want to cause a collective heart attack in the chamber; wait for it—that federal, state and local government elections all be held on exactly the same day—

Mr Anthony Smith interjecting—

Mr HUSIC—It certainly caught my attention, Member for Casey! When Mr Whitlam made that point, he was looking at the US system, where people vote on the one day. Some of the reasons he made that point and the reason I make this point now is that there is an issue of voter education—that is, holding those elections all at the same time gives people the opportunity to be informed about and to better understand the processes in place, and what they need to do to cast a valid vote. From my perspective, the AEC needs to increase its focus on education.

As the member for Banks said today, the top 12 electorates in the country—many of them with high levels of informal voting—are located in Western Sydney, and the diversity within those seats is worth considering. There are different literacy rates. There are people for whom English is a second language. There are people who have come to Australia from backgrounds where democracy is not necessarily as strong a proposition as it is here. They may not know that, under a compulsory voting system, you need to undertake certain things to be able to obtain a vote. These are serious issues.

I do not think that advertising alone in the lead-up to a federal election is good
enough—that is, using mass advertising mechanisms to educate people on how to cast a vote. While I understand it is considered an efficient way to get a message out, I think other ideas need to be considered to ensure that people understand the voting system and, thereby, that they cast valid votes.

One idea I would put forward for consideration by the AEC is that they identify seats where informal voting is high and where demographic triggers would warrant escalated education processes. By that I mean that the AEC conduct face-to-face briefings with people in those electorates to ensure that they do understand the democratic process—that is, the way that they can cast valid votes. That type of work could be done by divisional officers. I understand that, as always, budgets and the level of support provided to the AEC for this function will be a worthy point of consideration, but I think that AEC officials conducting face-to-face briefings with large groups of community members to better explain the democratic process would be enormously valuable. I note the presence of the Special Minister of State in the chamber, and I would hope that this would be something that could be considered for future election campaigns as a measure to improve voter education.

We also need to maintain close scrutiny of proposals to improve enrolment. I note that last night in the chamber the member for Mackellar made some points about this. I quote from Hansard, where the member for Mackellar said:

I am concerned, for instance, with the proposition that has been put forward that for future federal elections we might go the way of, say, the New South Wales Labor government, which has changed enrolment provisions to encompass automatic enrolment whereby people’s details will merely be taken from other agencies such as the Road Transport Authority, school rolls or whatever they decide can be dealt with.

The member for Mackellar, judging by the way she referenced it in debate, believes that this issue is a problem. But, in actual fact, the number of databases that exist within government provide an easier mechanism to enrol people to vote. Given that the identity requirements—the provisions that are put in place to validate a person’s identity through drivers licences or other forms of identification—sit in multiple databases, there is already an avenue for us to verify the person’s bona fides, their address et cetera and to improve enrolment processes. I think this is something that is worthy of consideration in improving people’s engagement in the process.

I note that those opposite often refer to the fact that it is easier to vote than it is to get a video card. There is a good reason for that—there are fewer video stores these days, because that mode of technology and people’s reliance on DVDs and videos is fast disappearing. There is also a commercial imperative for video store operators to put in place—

Mr Anthony Smith—that’s a killer point!

Mr Hartsuyker—What a demon debating point!

Mr HUSIC—Well, you guys advance it as some reason as to why—

Mr Hartsuyker—Well, it’s true.

Mr HUSIC—Well, you refer to video cards, and you are referring to an outmoded form of technology and the fact that there is a commercial imperative to establish the bona fides of people seeking membership. Whatever can be done to harness existing technology and modern processes to improve the ability of people to participate and to tackle the challenge of 2.5 million people who are not casting a vote needs to continue, and I would certainly urge the government to consider this in the years ahead.
Mr ANTHONY SMITH (Casey) (12.10 pm)—In speaking briefly on the Electoral and Referendum Amendment (Provisional Voting) Bill 2011, the shadow special minister of state and other colleagues from this side of the House in defending the reforms that were put in place back in 2007. We are hearing the Labor Party state in the House today their long held view—a view which would lead to our electoral roll being left open to abuse. It is as simple as that. At present, if a voter attends polling booths on election day, and they not on the electoral roll and seek to cast a provisional vote, they are asked by virtue of the fact that their enrolment criteria and enrolment details are nonexistent or unclear to provide simple evidence of identity—the sort of evidence of identity that Australian citizens are asked for every day in the modern economy.

It was interesting how the previous speaker from the other side danced around that point with great awkwardness in his contribution. We are talking about electors who are not on the electoral roll or whose details are unclear turning up at polling booths and simply being asked to provide evidence of identity. If they are unable to provide that simple evidence of their identity at that time—and I say to the member opposite, who must have ignored the evidence or been oblivious to it, that we know from the statistics that that is absolutely not the case in the majority of instances—they have until the next Friday to provide it.

I am very familiar with these reforms. They were a recommendation of the Joint Standing Committee on Electoral Matters, which I chaired back in 2004 and 2005, and they were then embodied in the legislative reform introduced by the government at that time. We have heard a lot of rhetoric from those opposite about the right to vote. We all cherish the right to vote. But with rights come responsibilities. For every voter whose details, for whatever reason, are out of date or who is not on the electoral roll and must cast a provisional vote, which by its very nature and definition is provisional and requires further checking, to be asked to provide stipulated identification—namely, a drivers licence—is not too onerous. The member opposite would have you believe that this will be news to his electors and that a drivers licence is a new thing, but we know that most people have a drivers licence, and we know from the statistics that, as the shadow minister pointed out, most had no problem providing it on the spot.

But of course the legislation as it exists at the moment makes provision for those without a licence. The absurd and incompetent notion from the member opposite that those without a licence would have to go and acquire a driver licence to vote is an unfortunate reflection on his lack of capacity to look at the detail of the act as it stands today. For those without a licence it is very clear they can provide alternative forms of identification if not on the spot then at some point within the next five working days. What those opposite are saying here in this House is that it is a fundamental belief of those in the Labor Party and those in the government that if someone casts a provisional vote, which by its very nature has an uncertainty about it at the time, it is too much to ask for some identification on the spot and too much to ask that voter to provide that simple information sometime in the next five days—information that should be asked for on a daily basis.

This reform was introduced in 2006. It has operated at two elections. The shadow minister made very clear that the statistics tell the story: the vast majority of electors in that situation had no problem providing the identification on the spot. Those who could not provide it on the spot had Monday, Tuesday, Wednesday, Thursday and Friday to provide...
that information. In a democracy, with the right to vote comes responsibility. It is very interesting: back in 2005, when the Joint Standing Committee on Electoral Matters reported on this and many other issues, the dissenting report from those opposite was quite long. It will not surprise you, Madam Deputy Speaker Burke, that the dissenting report dissented with most parts of the committee’s deliberations to improve the integrity of the electoral system. I know my friend and colleague Shadow Minister Hartsuyker would have thought that, given the vehemence of the debate he has witnessed from those on the other side, there would be a long, comprehensive, analytical, absolutely academic piece from those opposite about why this reform introduced in 2006 should not go ahead. When you look at their dissenting report and cut through the volume of those opposite such as the member for Banks and the member for Melbourne Ports, who return on these issues with the regularity of Thunderbirds episodes on a Saturday morning, you see that their big, compelling point was that, when they had considered it, there had not been any evidence provided that there had actually been fraud.

It was not that they were worried about fraud or the integrity of the electoral roll; it was that there had not been any evidence presented. I quote from the report: ‘No evidence was presented to the inquiry of fraud in the casting of declaration votes.’ This is very like saying, if you are working in a bank, ‘We’ve left the bank vault open, but nothing has happened up until now.’

This reform introduced in 2006 was a sensible reform. The Australian public, I believe, would find it a very straightforward reform. As a member representing a seat in Victoria I can say I have had no feedback from a provisional voter finding the provisions unnecessary or intrusive. They would be understood by Australians as something to protect the integrity of the roll. Those honestly voting and casting provisional votes would want to know and would understand that there are integrity provisions in place. The arguments we have heard from those opposite, particularly from the previous speaker, whom I have had more time to listen to, really demonstrate the hollowness of their opposition to this measure. It is a measure that does them no service at all.

Mr SLIPPER (Fisher) (12.20 pm)—Looking through the Special Minister of State’s second reading speech, the best explanation for the proposals in this bill appears to be that the current arrangement for there to be evidence of identity provided with respect to provisional voting is inconsistent with the rules that currently relate to other forms of declaration voting such as postal voting and absent voting. So what the minister is proposing, I gather, is that there should be consistency by removing the need for electors to provide evidence of identity with respect to provisional voting. I do believe that there is a sense of logic in wanting to have the same rules apply to provisional voting as to other forms of declaration voting, but I make the submission to this House that a better way of doing that would be to require evidence of identity to be provided by basically everyone seeking to cast a vote pursuant to declaration voting. I think that would enhance the integrity of the electoral system and overcome the minister’s reason for introducing the Electoral and Referendum Amendment (Provisional Voting) Bill 2011.

It is important that the electoral system of Australia has as much integrity as possible, and all honourable members would claim that they support an electoral system with integrity which would ensure that, following an election, the result as declared is in fact the result voted for by the Australian people. However, our side—that is, the Liberal-
National team—takes a very strong view that we ought to continually upgrade the integrity of the electoral system. The government, while supporting in principle that idea, does through their Electoral and Referendum Amendment (Provisional Voting) Bill 2011 seek to undermine the integrity of the electoral system. The minister may not have heard what I said a moment ago, but now that he is back at the table I will repeat that the reason for this bill appears to be the lack of consistency in treatment of different sorts of declaration voting. Minister, the best way to bring that consistency in would be to require all declaration voters to provide evidence of identity.

Let us face it, anyone can go to an electoral office, a prepoll centre or a polling booth on or before polling day—whenever those offices are open—and claim to be a voter. I think that when we make an improvement with requirements that can be met by the overwhelming majority of voters, there seems to be little reason to take this step, if this bill were to become law, which makes the integrity of the electoral system less sound. I am advised that at the 2010 general election 80 per cent of provisional voters provided evidence of their identity at the polling place on election day—the honourable member for Casey indicated that most voters have a drivers licence—and another 16 per cent provided evidence of identification in the required time frame—that is, by the following Friday.

It is my submission that the government has not sufficiently convinced the parliament that the proposal contained in this bill is worthy of support. There are a number of situations where people are able to obtain a provisional vote. One might be where the person’s name is not on the electoral roll. Other situations could be where the person’s name has been marked off or where the polling official on the day has concerns about the identity of the would-be voter. We know that currently the provisional vote is not counted until the elector’s identity can be confirmed and a careful check made of the circumstances.

Failure to provide the identification presently means that the vote is not counted and the integrity of the electoral process is not endangered by including dodgy votes in the count. It is a sensible and strict system that is really a commonsense system. It is a system that was introduced by the former government in 2006. It has proven, during the two elections when it has operated, to be solid and sensible. It simply does not require changing. As I mentioned a moment ago, 96 per cent of those who cast provisional votes at the August 2010 federal election did provide identification either on the day or by the following Friday. That gives people plenty of time to dust off some form of identification and to front up to prove that the person actually exists and that he or she is not simply a nom de plume.

The Liberal-National opposition opposes the retrograde measures of this bill. I think it is a pity that the minister, for whom I have the highest personal regard, is introducing legislation which seeks to undermine the integrity of the electoral system. The bill introduces loopholes that can compromise the integrity of our electoral system and I think it is important that the government reconsider this matter. The amendments which were made by the former government in 2006 were positive. They have not received any opposition from the community. There does not seem to be any compelling reason to water down the integrity of the electoral system by removing the need for provisional voters to prove that they exist. I suggest that, instead, the minister should require other declaration voters to provide identity. While he is at it, it would not be a bad idea if before casting a vote on polling day everyone should produce evidence that he or she exists

CHAMBER
as well. We really ought to have a situation where people prove that they exist before they are able to cast a vote. That should apply to declaration voters of all sorts, including provisional voters. It should also, in my view, apply to people seeking to cast an ordinary vote on polling day. Regrettably, I must join my colleagues in opposing this retrograde legislation which has been introduced to the parliament by the minister and the government.

Mr Gray (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (12.28 pm)—in reply—I thank all the members who have spoken on this bill. In particular, I thank the member for Fisher for his observations, which are interesting in many ways. The Electoral and Referendum Amendment (Provisional Voting) Bill 2011 will repeal the requirement for provisional voters to provide evidence of identity as a precondition to their votes being included in the count for an election.

Provisional votes are a type of declaration vote cast at a polling place on polling day. There are four main reasons that a person will be asked to cast a provisional vote. First, the person’s name cannot be found on the certified list; second, a mark appears on the certified list which indicates the person has already voted; third, the polling official doubts the person’s identity; and, finally, the voter is a silent elector. When a provisional vote is cast, ballot papers are placed in an envelope and written on the outside of the envelope are the voter’s details, including name, address, date of birth and signature. This allows the Australian Electoral Commission to examine the voter’s eligibility to have the vote included without the requirement for additional evidence of identity.

This amendment is supported by the Electoral Commission which, in its submission to the inquiry by the Joint Standing Committee on Electoral Matters into the 2010 federal election and matters related thereto, recommended that the requirement for production of evidence of identity by provisional voters should be repealed. The Electoral Commission supports the measure in this bill for two substantive reasons. First, the Electoral Commission believes that the details provided on the outside of the envelope including the voter’s name, address, date of birth and a signature allow the Electoral Commission to examine the voter’s eligibility to have the vote included without the requirement for additional evidence of identity.

Second, at the most recent general election over 28,000 provisional votes were rejected because the voter did not provide evidence of identity by the deadline. Out of the 28,000 rejected votes the Electoral Commis-
ision found that over 12,000 were instances where the name of the voter was subsequently found on the certified list, so they were eligible voters. Whatever the grounds were for issuing the provisional vote, the result is that otherwise eligible votes were being excluded from the preliminary scrutiny. So in effect, the 2006 amendments were simply unworkable. What we do by this amendment is restore the custom and practice in dealing with provisional votes through this bill. I would like to thank all members who have contributed to the debate on this bill and I commend the bill to the House.

Question put:
That the motion (Mr Gray’s) be agreed to.

The House divided. [12.36 pm]
(The Speaker—Mr Harry Jenkins)

Ayes…………..  72
Noes………….  67
Majority……….  5

AYES
Adams, D.G.H. Albanese, A.N.
Bandt, A. Bird, S.
Bowen, C. Bradbury, D.J.
Brodman, G. Burke, A.E.
Burke, A.S. Butler, M.C.
Byrne, A.M. Champion, N.
Clare, J.D. Collins, J.M.
Combet, G. Crean, S.F.
D’Ath, Y.M. Danby, M.
Dreyfus, M.A. Dreyfus, M.A.
Ellis, K. Emerson, C.A.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Garrett, P.
Georganas, S. Gibbons, S.W.
Gray, G. Grierson, S.J.
Griffin, A.P. Hall, J.G. *
Hayes, C.P. * Hasan, 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. Murphy, J.
Neumann, S.K. O’Connor, B.P.
O’Neill, D. Oakeshott, R.J.M.
Owens, J. Parke, M.
Perrett, G.D. Plibersek, T.
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.
Thomson, C. Symon, M.
Vamvakou, M. Thomson, K.J.
Windsor, A.H.C. Wilkie, A.
Zappia, A.

NOES
Alexander, J. Andrews, K.J.
Andrews, K.J. Bishop, B.K.
Bishop, J.I. Briggs, J.E.
Broadbent, R. Buchholz, S.
Christensen, G. Coulton, M. *
Dutton, P.C. Fletcher, P.
Frydenberg, J. Gash, J.
Haase, B.W. Hockey, J.B.
Irons, S.J. Jones, E.
Kelly, C. Macfarlane, I.E.
Markus, L.E. McCormack, M.
Morrison, S.J. Neville, P.C.
O’Dwyer, K. Pyne, C.
Randall, D.J. Robert, S.E.
Ruddock, P.M. Secker, P.D. *
Slipper, P.N. Somlyay, A.M.
Stone, S.N. Truss, W.E.
Turnbull, M. Vasta, R.
Wyatt, K.
Mr Gray (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (12.41 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 Gray (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (12.41 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011

Second Reading

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

That this bill be now read a second time.

Mr Turnbull (Wentworth) (12.42 pm)—This Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 introduces amendments to the Broadcasting Services Act 1992, the Radiocommunications Act 1992, the Australian Communications and Media Authority Act 2005 and the Copyright Act 1968. The bill has two main elements: to introduce measures to effectively implement a reorganisation of digital television channels to realise the digital dividend—that is addressed in schedule 1—and to amend the regulatory framework for free-to-air digital television services provided on the VAST satellite service, and the switch-over to digital-only television, which is addressed in schedule 2.

I will begin with schedule 1, dealing with the digital dividend. As a result of the switch to digital-only television, the government plans to release spectrum—known as the digital dividend—in the frequency range 694 to 820 megahertz inclusive. Digital television switch-over will be completed in Australia, it is intended, by 31 December 2013. The UHF spectrum currently used for broadcasting services is highly valued for delivering wireless communication services including super fast mobile broadband. The government has indicated that it aims to auction the digital dividend spectrum in the second half of 2012.

In order to free up this highly valued spectrum, broadcasting services will need to be relocated out of the identified digital dividend spectrum and reorganised more efficiently within the remaining broadcasting spectrum. This process is known as restacking. To assist the Australian Communications and Media Authority, ACMA, to plan and implement the restack of broadcasting services as efficiently as possible, the government proposes amendments to the Broadcasting Services Act and the Radiocommunications Act to modify the existing planning process for television broadcasting services.

While the coalition understands the need to provide ACMA with greater regulatory flexibility during the restack process, we do have some concerns around the realignment of the existing licence areas into new television licence area plans. The issue is with the extensive powers that the bill gives the minister to direct ACMA to make or vary a television licence area plan for a particular area. We note that it is not intended that every television licence area plan reflect all the characteristics of each of the existing licence plans and we are concerned that there is scope for rescuing of resources between the respective broadcasters. During the recent Senate inquiry the Department of Broad-
band, Communications and the Digital Economy testified that this bill made ‘no express prohibition on ACMA allotting broadcasting spectrum in whatever way it sees fit’.

We note with concern that this means ACMA could have the discretionary power to allocate greater than two channels per television licence area plan to a more powerful broadcaster to the detriment of smaller players in the market. Despite departmental reassurances that the intention ‘is not to disadvantage any broadcaster and for ACMA to assign channels of equivalent utility to all broadcasters in a particular area’, the coalition remains concerned that, despite the best intentions, the provisions in the bill include broad and unchecked powers.

I will now move to schedule 2, which deals with the switch from analog television to digital. Members will be aware that the switch to digital is occurring on a region-by-region basis with Mildura and regional South Australia completed and regional Victoria and regional Queensland scheduled for the first and second half of 2011. The coalition has registered, both in this place and elsewhere on a number of occasions, its real concern with the government’s handling of the switchover, particularly in regional and remote Australia. In fact my colleague the member for Casey in May last year warned this House that the government’s inadequate planning and preparation would have significant consequences for consumers particularly in regional and remote Australia.

Those warnings seem to have fallen on deaf ears and here the coalition finds itself again urging the government to look at the problems with their implementation of the rollout of digital television. As an overall approach the government has decided to depart from the principle that wherever analog terrestrial television channels are transmitted a digital terrestrial transmission facility should be established. This means that many people will need to switch from terrestrial television reception to satellite reception. The government has decided to fund a satellite based service called VAST, at a cost of $375 million over 12 years, and has decided to discontinue funding support to local communities, typically local councils, to provide self-help retransmission services. In a paper provided to the consumer expert group meeting held on 26 August 2010 it was stated:

There are 680 self-help sites in Australia and broadcasters will convert a number of these to digital. However, about 570 sites will not be converted and will cease operation. This will affect around 127,000 households in over 700 communities. Households in these areas may need to install VAST satellite equipment in order to watch free-to-air television.

In its submission to the exposure draft of this bill, the Local Government Association of Queensland stated:

… converting many if not most existing analogue self-help retransmission sites to digital is a more convenient and cost effective way to approach a conversion to digital TV …

In Queensland, 56 councils have retransmitted analog television services to rural and remote communities for over 20 years. This convenient and low-cost service provides the simplicity of the delivery of major city television services without the need for individual satellite dishes and related equipment. The government acknowledges that there is a cost for consumers to move from terrestrial coverage to satellite and to that end they have developed a satellite subsidy scheme that reimburses eligible households to assist them with the cost of converting. The coalition urges the government to use the same rationale for communities wishing to establish their own digital terrestrial self-help transmission.
As put to the recent Senate inquiry by Mr Hoffman, the general manager of the Local Government Association of Queensland:

It has been acknowledged by the department that it is technically possible to undertake the self-help terrestrial retransmission. In fact, the department has advised a cost potentially between $110,000 and $270,000.

Allowing the subsidy to be pooled to create a lump sum would assist the local councils involved to upgrade their facilities to digital terrestrial service without requiring further government funding. This would represent a more flexible and constructive use of the satellite subsidy scheme amount already set aside as well as having the potential to substantially reduce the added household expenses associated with the conversion to satellite television. To date the government regrettably has refused the many sensible and practical requests to pool the existing satellite subsidy scheme, and the coalition urges the government to be flexible and allow councils the right to decide, in consultation with their communities, whether converting retransmission sites is a better option for them.

Further practical requests with respect to the satellite subsidy scheme have been made and ignored by the government. The coalition urges the government to consider providing subsidies for small businesses to transition to terrestrial digital television in remote Australia. The VAST satellite subsidy scheme only applies to private residential households not to hospitals, nursing homes, hotels or caravan parks or indeed any other businesses which might provide television services to their customers or guests. The government does not seem to have considered the likely substantial, if not prohibitive, cost that may otherwise have to be incurred by small businesses to procure digital television transmission. The cost to these small businesses to install multiple VAST service units is open ended and this is particularly relevant to towns and communities that rely heavily on tourism as a source of income activity. When giving evidence to the recent Senate enquiry, Mr Arnold, the manager of the Remote Area Planning and Development Board in Queensland said:

We are trying to assess on behalf of individual tourism businesses the likely cost. Some of them who have looked into it are estimating it is a substantial cost—$10,000 to $20,000.

In a statement to the Senate committee examining the Broadcasting Legislation Amendment (Digital Television) Bill 2010, the Department of Broadband, Communications and the Digital Economy stated that broadcasters who have undertaken to convert a transmission site from analog to digital or to establish new digital transmission facilities, or gap fillers, are required to have the site active six months before the digital switchover date. As the department rightly pointed out, this six-month time frame is critical in providing residents and businesses with the necessary time to ensure they have adequate digital television reception and to properly convert their current equipment and free-to-air television aerials. The government did not observe the six-month rule in the case of the initial Sunraysia analog switch-off or the South Australian switch-off—nor did they make it for the Victorian switch-off, due on 5 May. The coalition will be watching closely to see that the disallowable instrument the minister needs to lodge to switch off regional Queensland ensures that there will be six months between the proposed switch-off date and when the last broadcaster owned and controlled digital terrestrial transmission facility is commissioned.

Turning to the specifics of schedule 2 of the bill, the coalition acknowledges that there are measures related to the VAST service in the bill that are critical to the rollout of digital television in Western Australia. We sup-
port ensuring that commercial broadcasters in remote and regional Western Australia are given the same opportunity to build the necessary infrastructure to deliver the full suite of digital television channels via terrestrial broadcast before allowing viewers in those regions to access the satellite service, thereby protecting the local terrestrial broadcast market.

However, we do wish to record our reservations with items 47, 50, 51 and 52 in the bill. These measures allow broadcasters to seek exemptions from existing obligations to roll out digital terrestrial facilities in certain circumstances and allow the minister to exempt applications from the ABC or SBS to roll out digital terrestrial facilities of their own in certain circumstances. Under these exemptions, any commercial broadcaster, the ABC or SBS could request exemption from providing digital terrestrial transmission facilities within their ACMA conversion scheme to communities of less than 500.

Under the current provisions of the Broadcasting Services Act 1992, broadcasters have no choice but to convert their analog facilities in such a way that provides for the same terrestrial signal coverage. The minister’s office has advised the coalition that, left unchanged, this may result in what they describe as ‘mixed reception outcomes’, where viewers need to install both terrestrial and satellite digital reception equipment to access the full range of digital television services. If this is the intention of the proposed change, the coalition is concerned that the bill actually goes well beyond this and could result in broadcasters applying for exemptions from upgrading or installing digital terrestrial services, especially in remote areas.

In conclusion, the coalition acknowledges that the passage of the legislation is necessary to continue to implement the government’s digital switchover policy, especially in regional and remote Western Australia. However, the coalition strongly urges the government to consider amending the bill consistent with the concerns that I have expressed. While there are no direct measures contained in this bill that would have any impact on the rollout of the satellite subsidy scheme or the six-month rule, the coalition asks the government to consider the comments that I and my colleagues, and indeed local communities, particularly in Queensland, have made, and to adjust the scheme to ensure smooth implementation of the switch to digital television, particularly for regional and remote Australians. It surely must be evident to the government, as it is to communities in regional Australia, that, notwithstanding the technical functionality and capacity of satellite services, it is clearly preferable where it is at all possible for digital services to be retransmitted terrestrially. To support local communities in doing that—enabling the VAST satellite subsidy to be pooled so that they have the wherewithal to convert to digital retransmission—is manifestly good policy, is in the public interest and would both improve the technical reliability of the service and reduce the cost of receiving the new digital services for households in those regions.

Mr HAYES (Fowler) (12.57 pm)—The Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 will amend the Broadcasting Services Act 1992 and the Radiocommunications Act 1992 to provide the Australian Communications and Media Authority, ACMA, with improved planning and enforcement powers to implant the reorganisation of digital television channels as required. The bill will also allow for the realisation of a digital dividend of spectrum by 31 December 2014. I will go into what that means in the broader context a little later.
The bill will ensure the equalisation of television services for regional, rural and remote Australia, allowing all Australians the same degree of access to television channels. Allowing for regional Australians to have access to the same television channels as the rest of us is a key outcome of the government’s switchover program. The bill will enable viewers in remote and regional areas to access the VAST satellite communications service to receive the full suite of digital television channels. Providing equal access to television services to all Australians, regardless of where they live, is extremely important, and its importance has been known for some time. Before I came down to make my contribution I looked up the report of a committee inquiry that I participated in back in 2006, the House Standing Committee on Communications, Information Technology and the Arts inquiry into the update of digital television in Australia. I got my highlighter out and flipped through that document. I want to draw your attention to a couple of things I have noted. The report noted:

Not since the shift from black and white to colour has so radical a change in the nature of Australian television taken place. The ‘revolution’ is the introduction of digital television … and the planned switch-off of current analogue services. DTV offers clearer, sharper pictures in widescreen format. As it requires less spectrum to broadcast, it also offers opportunities for many more channels, and additional features such as interactivity and datacasting.

In terms of dealing with digital television, the report says:

[Digital television] is a new television technology that is replacing existing analogue free-to-air television in Australia.

[Digital television] delivers television signals in a substantially more efficient way than the current analogue system. With analogue broadcasting, the signal is in the form of a continuous wave, whereas digital broadcasting signals are in the form of discrete bits of information.

Analogue television channels can transmit one continuous stream of programming … DTV is a broadcasting transmission system which uses digital modulation techniques to transmit television programs.

Mr Hartsuyker—You don’t sound convincing, Chris!

Mr HAYES—I am getting to that. I am going to win you over yet, Luke. The report says:

Through compression technology, [digital television] broadcasting transmitters have the capacity to transmit an [high definition TV] picture, or to transmit multiple programs at the same time using the same amount of bandwidth as used for analogue television.

It concludes that digital television will allow for making available residual transmission capacity. And that is what has occurred.

I am glad the member for Cowper intervened. He was not on that particular committee, but I recall one of his colleagues who was on the committee and who sits on the opposition frontbench took the view that under no circumstances could she ever see analogue television been switched off. Obviously a lot of water has gone under the bridge since 1976, and we have certainly progressed a long way to deliver digital television in a meaningful way to the Australian public. But we are going further. This is where the member for Cowper would probably want to get up and support this piece of legislation. He represents a rural seat—including my parents, who are in that seat—and his constituents will all benefit from the application of digital television. They will see the vast array of new programming available and they will have the ability to see it in high definition. We are certainly moving with the rest of the world in being able to make these services available to the Australian people.
The bill also provides for a very important aspect—that is, the freeing up of some of the residual spectrum. That is scheduled to be auctioned in 2014. That spectrum is obviously very valuable space. It is something that was previously used through the analog transmission. It is now capable of being used for other activities in servicing the community. In fact, there are 106 megahertz of spectrum which has been freed up in what is known as the 700 band. It is an extraordinarily interesting band. This particular spectrum can carry large amounts of information, of data, at high speeds over very long distances and can penetrate buildings. As I have had the opportunity to have a discussion on the odd occasion with the minister, I have indicated to him that this is the very sort of capacity that both the police and the emergency services need to safeguard public interest, particularly during critical instances when communications systems are often congested or break down. I would highlight the experiences that we endured during the Victorian bushfires, the recent floods in Queensland, Cyclone Yasi and what occurred to our colleagues in Christchurch, where their 000 services went down for a period of five hours.

Police and emergency services need access to an appropriate spectrum. I am not saying how much, but I know each of the police commissioners has sought to articulate that particular position. I know they have written to the government seeking that 20 megahertz be quarantined in that 700 spectrum for the use of police and emergency services. At the moment our ambos, our firefighters and our police all communicate on the 400 megahertz spectrum. That is a spectrum limited to voice command, voice communication. It certainly is not an area of spectrum that is going to be capable of meeting the modern needs of law enforcement or emergency services. When you have to dispatch people to a particular scene or incident and, for instance, you have to provide them with data or provide them with maps, provide them with video streaming, the 400 megahertz spectrum will not do any more than what a police walkie-talkie does, quite frankly.

As I said, I know each of the police commissioners has made this matter known to government. Indeed, only recently Commissioner Negus of the Australian Federal Police, when he spoke to parliamentary officers of the law enforcement committee, indicated the AFP’s significant interest in having a measure of the 700 band reserved for discrete communications of police and emergency services. If this does not occur the telecommunication systems—presumably operated by companies such as Optus, Telstra, Vodafone—would all be out there and vying for this valuable piece of digital real estate, if I can put it that way. I just do not see that the police and the various fire and emergency services would be in a position to compete against those particular power players for that valuable spectrum. That is why the position has been put that a certain part of that spectrum should be quarantined from sale or auction.

I know this is not what occurs in this bill but, should the government eventually reserve part of the spectrum for police and emergency services, I suggest that it be done on the basis that requirements are made for national policing and that every state and territory police service, together with the AFP, and their respective emergency services counterparts, establish a fully functioning network within five years or that such spectrum should revert to the Commonwealth for commercial disposal—in other words, a provision of ‘use it or lose it’.

Fast, reliable communication and data exchange is needed by our emergency services personnel in order to provide them with the
tools to do a job which is often in very, very difficult circumstances. Our police and emergency services are duty bound to protect the community at times of threats, emergencies, natural disasters and crises, and we all pay tribute to them in this place and say what an extraordinary job they do. But one of the things we also have to have central in our minds is that it is okay to give accolades to the police and emergency services but we must also make sure that, when they go and do the job that we want them to do on behalf of our community, we equip them with the appropriate resources and technologies to do just that. It is in the interests of community safety and also the safety of the 350,000 ambulance, police and fire officers and state emergency service personnel, for them to be equipped with such technology. Relying on a commercial provider does not meet the need of our public safety agencies, particularly during times of high usage or high threat, when the services of these providers could be congested to the point of failure.

Internationally, the switch to digital television has also resulted in a freeing up of additional spectrum. I think it is important for this place to note that both the European Union and the USA have targeted the 700-megahertz band for public safety and police communications networks—what I understand is referred to in the US as the D Block communications system. The Obama administration in the US has recently lent its full support to a proposal to give a valuable chunk of their radio waves to the emergency services and to build a national wireless high-speed broadband network for public safety. I think this is indicative of the way we are going with the application of technology—not simply in our viewing technology and how we can use it to the benefit of our communities but also in how we apply it for the issues of police, emergency services, law enforcement, and rescue and disaster response.

If we are going to be conscious of providing our police with the tools that they need for protecting society, we need to ensure that they have present technologies and emerging technologies capable of being used in their communication networks. It would a great shame, in my humble opinion, if we found that a young person with a smartphone has more advanced and better communications than the capability of police officers out there carrying their two-way radios and seeking to protect the Australian community.

As I indicated, I have raised these matters with the minister and he is very alive to my concerns in those areas. What I have sought to do from the outset is to show that we took what was identified in 2006, when people opposite were saying that the analog system would never be turned off, and moved this forward. We have taken the nation into the digital age not only in digital television but more recently in digital radio. We are showing the leadership that is required, and we will continue to do that. So I suggest to my colleagues opposite, including the member for Cowper, that they get on board, support this piece of legislation, support the member for Cowper’s community and, more importantly, support my parents.

The DEPUTY SPEAKER (Mr S Sidebottom)—Thank you for your contribution. The question is that the bill be now read a second time. I call the member for Cowper—probably in response as well.

Mr HARTSUYKER (Cowper) (1.11 pm)—Yes, I would certainly hasten to add that the member for Fowler can sit in this place in the full knowledge that his parents are very well represented, and I will certainly work hard to ensure that they stay that way. I welcome the opportunity to speak on the Broadcasting Legislation Amendment (Digital...
tal Dividend and Other Measures) Bill 2011. The bill is presented in two schedules, the first of which introduces measures to release the so-called digital dividend. The second is to amend the regulatory framework overseeing the services provided on the VAST satellite network as part of the switchover from analog to digital television.

Schedule 1 amends the Broadcasting Services Act to implement a reorganisation of spectrum management in order to release spectrum within the frequency range of 694 to 820 megahertz, which is referred to as the ‘digital dividend.’ Spectrum within the digital dividend is highly valued by the broadcasting and mobile telephony industries. According to the government’s green paper on managing the digital dividend, the spectrum will allow the implementation of fourth-generation mobile wireless networks using Long Term Evolution technology and mobile WiMAX. These technologies will theoretically provide peak data speeds of 100 megabits per second and higher. By accessing the spectrum, telecommunications companies will be able to provide high-speed services to consumers and households whilst allowing those consumers the flexibility to stay mobile.

This legislation gives the Australian Communications and Media Authority improved planning and enforcement powers to rearrange digital television channels, a process known as restacking. The actual digital dividend will be released by restacking the current bands of spectrum allocated to analog television, which are being converted to digital television through the digital television switchover. Currently the frequency band between 582 and 820 megahertz is dedicated to the Ultra High Frequency band V, which is used to broadcast analog television. Switching over from analog to digital television frees this band by converting the broadcast of television to lower bands of spectrum.

The government aims to auction the digital dividend spectrum in the second half of 2012, and the actual spectrum will become available after all broadcasting centres are converted to digital television in December 2013. ACMA will be authorised to restack television services by realigning television licence area plans to new areas and within lower bands of the spectrum. The new license area plans will be defined by ACMA through legislative instrument and would specify the channels available in particular areas of Australia to provide television broadcasting services.

However, the legislation also gives the minister the power to issue a written direction to ACMA about the exercise of its powers to make or vary television licence area plans and to impose an obligation on ACMA to comply with such a direction. Ministerial directions to ACMA will be legislative instruments and tabled in parliament, but the explanatory memorandum to this bill makes it clear that the instruments will not be disallowable. This means that parliament will be able to read the ministerial direction to ACMA but will not be able to debate and vote on its content.

The coalition has some concerns with this approach. The legislation today is the very last chance this parliament will have to meaningfully debate the release of the digital dividend and restacking television broadcasts. At the moment, we are seeing one of the largest reorganisations of telecommunications services in Australian history through the digital dividend release and the National Broadband Network. Yet the government is operating in the dark, whilst industry operates in an environment of regulatory uncertainty.
The coalition is concerned that making ACMA’s management of the digital dividend subject to a non-disallowable ministerial direction only increases the uncertainty that is preventing the Australian telecommunications sector from making confident investment decisions. The NBN rollout is an example. As Pat Tapper, CEO of Internode, Australia’s largest privately-owned ISP, said in the Australian newspaper three weeks ago:

“The NBN is in the paper every day, but when you try to nut down on it and figure out what’s happening from what’s being said, there’s no path you can be confident in because it’s being planned and rolled out incrementally. There are a lot of variables in that.”

As is evident from submissions made to the Senate inquiry on this legislation, broadcasters have already been subject to uncertain ministerial directions concerning the digital dividend. The minister issued a direction to ACMA on 9 July 2010 for the purposes of providing policy guidance on the government’s digital dividend objectives. The direction was rushed through just before parliament was dissolved last year for the election. There was no opportunity for parliament to consider the direction and its importance. As Broadcast Australia says in their submission to the Senate inquiry, the direction issued on 9 July 2010:

… is shaping the future of all free-to-air broadcasting for decades to come.

Broadcast Australia argues:

… the Directions of 9 July should be inserted into the Broadcasting Services Act …

and says:

We still believe this would be the desirable way to allow Parliament to oversee and consider such important planning principles before their implications become a “fait accomplis”.

The Local Government Association of Queensland notes in their submission:

… the major policy issues concerning this enormous change in broadcasting and mobile voice and data services across Australia have been enshrined in little publicised Ministerial Directions of 9 July 2010. These … Objectives which, among other things may determine whether most areas of regional Queensland ever get digital radio, or whether a 6th free-to-air TV terrestrial frequency will be rolled out anywhere in regional Queensland deserve some debate at the Australian Parliament level.

Under this legislation, there is nothing to prevent the minister from issuing directions to ACMA that again shape the direction of broadcasting without any parliamentary oversight. The coalition is concerned that such an approach could add to the regulatory uncertainty already faced by the industry. Parliament would ideally be able to scrutinise future ministerial directions to ensure that any direction is in the best interests of consumers without placing unnecessary burdens on the industry. The coalition will certainly monitor any directions made by the current minister under this legislation and will revisit the issue of non-disallowable instruments as the need arises.

Schedule 2 to this bill introduces amendments to the legislative framework which the new VAST satellite service operates under. In particular, the amendments will allow broadcasters to request an exemption from providing digital terrestrial transmission facilities within the schemes operated by ACMA for broadcasters to convert their services to digital. Broadcasters will be able to request an exemption for any communication area, regardless of its population, which is not currently serviced by an analog terrestrial broadcast by local free-to-air entities. However, the minister is not authorised to grant an exemption unless the area contains fewer than 500 people in residence. The legislation provides that an exemption would need approval by the minister and would then be
tabled as a legislative instrument in parliament.

The coalition is concerned that these provisions will allow commercial stations to refuse to provide television coverage to areas considered unprofitable. However, the Department of Broadband, Communications and the Digital Economy has advised that the legislation in practice will only affect those areas receiving a broadcast solely from the ABC. According to the department, the provisions will allow the minister, on a case-by-case basis, to decide which areas can be excluded where an ABC tower is providing the ABC as the sole channel for the area and where VAST replicates what is currently available. This can be potentially applied to the 98 areas across Australia that are only served by an ABC tower. The VAST service will provide a superior television broadcast to these areas because it will contain all 16 digital channels, including the ABC which the viewer would currently receive. Viewers will also be provided with rolling local news channels, providing local news content from each regional broadcasting centre in Australia. As such, viewers in areas that currently only receive the ABC will be provided with an improved service after connecting to VAST. The coalition will be watching closely to ensure that the legislation delivers an appropriate outcome for viewers.

We believe that the government must do all it can to ensure that people are able to access terrestrial television regardless of where they live. The VAST satellite service should only be seen as a service of last resort. Regional groups and local councils across Australia have concerns about the quality of service provided by VAST and the fact that many of their communities will not receive a terrestrial digital signal. Broadcast Australia submitted to the Senate inquiry that there was a misconception that the VAST service provides a comparable level of service to terrestrial television. Broadcast Australia said that:

... receiving free-to-air digital TV channels (DTH) from the VAST satellite is more costly and offers less utility and convenience to homes than local terrestrial reception of those same channels.

Currently there are many regional and remote communities in Australia receiving television via self-help sites, which are retransmission sites operated by local councils or community groups. These sites receive a broadcast—either terrestrially from the nearest major centre or through the Aurora satellite service—and then rebroadcast the terrestrial signal in the local community. As television broadcasting is switched over to digital, these sites will require upgrading in order to receive and broadcast a new digital signal. According to the department, broadcasters have made a candidate list of 57 communities which will be provided with a terrestrial digital signal.

A further 34 regional communities currently relying on self-help sites will receive a digital signal through gap fillers, which will consist of either a stronger digital signal from nearby centres or a signal provided by the installation of signal boosters. But, according to the department, there are 16 regional communities relying on self-help sites that will not be upgraded to digital or receive a gap filler. These communities will be forced onto the VAST service. There are also 374 communities, classed as remote and which receive limited terrestrial signals, that will be forced onto the VAST service.

I attended a forum recently, with the member for Dawson, at Dingo Beach in the Whitsundays region of Queensland. Dingo Beach is a small community that receives terrestrial television through a self-help tower and is not a candidate for conversion to digital. It is proposed by the government that Dingo Beach will be provided with a
VAST service. The community attending that forum unanimously wanted to receive reliable terrestrial television so that they could get the relevant local content; however, unfortunately to this point the government has been unwilling to accede to the request for the provision of a terrestrial service to Dingo Beach.

There are common issues across regional areas that will not be upgraded to digital. For instance, the Remote Area Planning and Development Board of Queensland lists three main concerns with the VAST service. Firstly, satellite television does not allow the portability of terrestrial television, which is preferred by tourists and travellers. Unless they have expensive satellite systems, caravan tourists in particular will not be able to receive a signal when travelling through areas where there is no terrestrial coverage.

Secondly, households that install a VAST satellite will be forced to move the satellite when vacating the home if they want to ensure satellite coverage in a new home without purchasing new satellite equipment. Thirdly, the government’s satellite subsidy scheme does not cover businesses important to regional areas such as hotels, motels, resorts and shops. Businesses struggling with tight margins and problems such as increasing electricity costs will find it difficult to pay the $10,000 to $20,000 that it will cost some businesses to convert.

For these reasons, the coalition has asked the government to complete an analysis of the costs and benefits of pooling the subsidy scheme available for households within each community that is currently serviced by a self-help site. The opposition strongly urges the government to consider this because many communities would certainly prefer that option. It may in the end turn out cheaper, depending on the size of the community involved.

Instead of providing the subsidy direct to households, the funding could be pooled and used to upgrade retransmission sites, allowing digital terrestrial broadcasts to the local community. The coalition recognises that in some sites an upgrade to digital simply would not be possible. These are the areas where VAST is an appropriate service to implement, when all other avenues have been exhausted.

The bill provides a means for broadcasters to rely on VAST without necessarily exhausting all avenues. The legislation as drafted provides much scope for broadcasters to refuse an upgrade, with little guidance on how this decision should be determined. The conversion to digital is a very important issue, and the coalition certainly is concerned about the prospect that some viewers in regional and remote areas may not get equity of access to high-quality digital television. It is a vitally important issue for regional and rural Australia that people be part of the digital switchover in the most efficient and most effective way. We are certainly concerned about the impact of costs on small business. The satellite subsidy scheme also only provides for the conversion of the first television, so each additional set-top box is 100 per cent at the cost of the household, which is a significant cost for some households. The coalition certainly is supportive of the move from analog to digital and will be watching the government’s performance in this area very carefully.

Ms ROWLAND (Greenway) (1.26 pm)—I will address some of the issues raised by the member for Wentworth and the member for Cowper and the concerns they say they have with the operation of the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011. If you want to look at a party that addresses digital black spots, look at us on this side of the House. In fact, almost a year ago it was
the Minister for Broadband, Communications and the Digital Economy who announced a landmark agreement about VAST—a landmark agreement that would provide digital TV services to viewers who could not receive terrestrial digital TV. What Senator Conroy said was very true—that is, that we are the party, the government, of equality of opportunity when it comes to the cities and the regions. He said:

This is a significant breakthrough in the provision of digital TV services to all Australians, particularly for those in remote and regional areas who for many years have had to put up with less choice than people in the cities.

The new VAST service will make available to all parts of Australia, for the first time, the same number of channels as those in the capital cities. So if you want to talk about equality of opportunity, if you want to talk about what is being done to ensure that viewers in regional and remote areas of Australia have the same opportunities as everyone else in the digital environment, you need look no further than us.

The member for Cowper comes in here and talks about this digital switchover, the digital dividend being conducted in Australia, as being rife with uncertainty. What absolute rubbish! I defy anyone in this place to find me a better strategy being executed anywhere else in the world. Where is the regulatory uncertainty? You will find that the fulfilment of this digital dividend has the support of all aspects of the communications sector, from broadcasters to telco operators, to carriage service providers—the list goes on.

It was recognised as early as January 2008, more than three years ago, that there would be an issue with the switchover timetable regarding black spots in self-help retransmission sites. So what did the government do? This government convinced broadcasters to upgrade more than 100 self-help sites to digital capacity. So it is not the first time that we have addressed this issue for the benefit of rural and remote constituents.

This proposed legislation forms part of one of the most significant developments in Australia’s digital economy and it is an integral step in the process of planning and enforcing the restack of certain broadcasting services that currently occupy what we call the digital dividend spectrum—the analog television spectrum which, when liberated, is going to enable all Australians to utilise the highest quality future communications services. As I said, when we look at developments in all aspects of this government’s ICT agenda that have led to this point—including the digital dividend consultation, the switchover, the National Broadband Network, the upcoming convergence review and the work being done by ACMA in its role of regulating the process of radio communications management, the auction of the digital dividend spectrum and the renewal of existing spectrum licences, which we legislated for in this place late last year with amendments to the Radiocommunications Act—one quickly realises there is a guiding goal towards which every agency, department policy maker and, may I say, element of the telecommunications and broadcasting sector is working. That goal is to maximise the benefits of the digital economy for all Australians: for all individuals, irrespective of where they live or work; in the utilisation of ICT by all sectors in our economy, both government and private and both large enterprises and small businesses; and for all types of players, such as the carriers, carriage service providers, ISPs, broadcasters and other innovators.

The spectrum path that is being pursued by this government is a fabulous opportunity for Australia to enjoy significant wireless broadband services, utilising the sweet spot of that liberated spectrum as a complement
to the NBN. In fact, the two work hand in hand. You would think, given this, that it would be something that those opposite would be embracing, would be speaking on and would be welcoming. But, no, those opposite only have one strategic direction in relation to ICT, as we all know—that is, to destroy the NBN. On that point, I turn to the coalition’s policy platform on the digital dividend, and I use the term ‘policy platform’ loosely, because it is a bit hard to find any actual semblance of it. When you do look at their policy which they took to the last election, surprise! It is still their policy today. You look for some semblance of spectrum management, something that has to do with the digital dividend, and you actually do not find very much. You find statements such as:

To assist in achieving the most rapid possible rollout of services, the Coalition will take a proactive approach to spectrum allocation to support its broadband initiatives.

You actually do not see anything in that policy about the concerns that members opposite have brought here today. You do not see a single thing in that policy about rural and remote Australia having quality of access to digital television channels. You do not see anything in that policy about a strategic direction when it comes to fulfilling the digital dividend. It was so important to them that it does not even rate a mention in what is still their policy.

At this point I think it is very useful to look at the context of both this bill and the broader digital dividend framework, the fact that spectrum is a finite resource that is used but not consumed and the ways in which we regulate spectrum. We regulate spectrum to avoid interference. We want to ensure that appropriate rent is paid for a scarce resource and we want to provide certainty for existing and future users of that valuable space. The objects of the Radiocommunications Act are very instructive on this point, and they include maximising, through the efficient allocation and use of the spectrum, the overall public benefit derived from using the radiocomms spectrum. There are lots of public benefits at stake here and lots of public benefits in the decisions governments will make in fulfilling those statutory objects. We as a government—we as a legislature as a whole, in fact—bear those statutory obligations. Looking at the overall public benefit, I want to remind all of us here that one of the public benefits is to maximise the financial return on this spectrum. That is why we seek a return on this scarce resource through a simultaneous multiple-round ascending auction process. In particular, I want to reiterate that we only get one opportunity to do this. We only get one bite at what is called the ‘sweet spot’ of the spectrum—one opportunity to get it correct.

Turning to the restack and the nature of this bill and its role in the realisation of the digital dividend, this government took the bold decision to put 126 megahertz of the 700 megahertz band into the digital dividend, using a process that is internationally harmonised with our neighbouring countries. The services that will be offered are significant and exciting, and we are already seeing Telstra trialling some of those services and looking to roll out wireless services of similar great potential. I want to turn to the process and the green paper that the Minister for Broadband, Communications and the Digital Economy released and consulted on which gave rise to the current strategy that is being pursued. In June last year, when he announced the size and location of the digital dividend, the minister noted:

Wireless broadband is an important complement to fixed line services, and the release of this spectrum will enhance and support the services that will be enabled by the Government’s investment in the National Broadband Network.
Extensive consultation was undertaken on the green paper, and what the minister announced reflects the importance of the decision that was made again—only having one chance to get this right when the liberated spectrum is reallocated. The release is in a contiguous block in the UHF band, and a contiguous dividend means substantial connectivity and productivity benefits will flow. It avoids what engineers will call the ‘swiss cheese’ problem: irregular holes in the spectrum that are not suitable for advanced wireless broadband services. As the minister said in his announcement, this is indeed a historic microeconomic reform. The auction process will be conducted in the second half of next year, and the clearance of that space will be as soon as possible after the analog switch-off on 31 December 2013. This process has been one of certainty and sound strategy—again, consistent with the imperatives of spectrum management.

I want to turn to the restack and the process of clearing out those broadcasting services currently occupying the sweet spot of the spectrum and how they are going to be organised more efficiently. ACMA has been working on these complex issues associated with the restack and the switch-off. There has been significant coordination with broadcasters. In terms of a digital dividend for television, there are essentially two ways of restacking in channels 52 to 69, commonly referred to the block approach versus the minimum move approach. Either everything above channel 52 gets moved or you have a block move—all six digital channels are moved next door to each other. You can see the good outcomes that could possibly flow from that option, such as all antennae being able to work. Amongst other things, ACMA is taking these things into account and is cognisant of the need to minimise viewer disruption. In fact, it is currently consulting on these two proposed planning approaches for the restack. ACMA has also made it clear that the broadcasting industry will need to coordinate its efforts to avoid disrupting services. This again reflects the very sound approach being taken by the regulator, working in conjunction with the industry, to ensure that all consumers benefit from the digital dividend.

I want to say some other things about the ACMA process. I think Giles Tanner from ACMA summed it up very well when he described the digital dividend and how the advances in digital communications technology allow us to do more with less. ACMA’s role in the digital dividend is threefold: the conversion process, moving from free-to-air analog to digital; the restack of those digital TV services into a smaller amount of the UHF spectrum band slots; and the reallocation of the liberated spectrum left vacant after the TV restack. As I said, that reallocation will take the form of spectrum licences.

In Australia our approach is to have an auction process, consistent with the recognition of the value of this spectrum and the imperative of achieving an appropriate rent for such a valuable, scarce resource. Also, consistent with the statutory objects of the act, 15-year spectrum licences will be auctioned. This reflects intelligent planning. It will avoid having a period when there is spectrum lying unused between the analog shutdown and the start date for the new uses of the digital dividend spectrum. Reallocation will occur in parallel with the planning and implementation of the restack.

I said earlier that I defy anyone to find a strategy that has been carried out in a more orderly and structured way. I want to turn to the overseas experience in this area and the importance of harmonisation. It is very useful to contrast the successful transition that is underway in Australia with the European experience. So much of the time European
countries take action on certain policy issues only when they are directed to do so and are threatened with action under the European Union sanctions process. In contrast, Australia is actually helping with the harmonisation. We are reflecting the true nature of radcomms management as a global management issue of standardisation and interference management. In this radcomms area it is actually counterproductive to insist on a uniquely Australian solution. The result of the approach we have taken is that other countries actually are going to look to Australia as a model of how to do this task successfully. This is a very good news story for Australia.

The spectrum auction process will deliver benefits for consumers, including economies of scale, achieved by harmonising our use of the 700 megahertz spectrum with the uses in major overseas markets. There are headlines in Europe, for example, that say that the digital dividend may not pay off as well as it should. There are risks in some countries where spectrum is being freed up that only uses a fraction of that required for analog transmission. From initial auctions, the trend is not encouraging for consumers. The Swedish auction has only confirmed the status quo, to preserve what some have analysed to be an oligopoly in the domestic mobile business. Australia has very sound spectrum management rules to overcome that.

The bill confers on ACMA and indeed clarifies some aspects that have been interpreted as statutory impediments to carrying out its planning functions in this digital dividend task. The broadcasting sector and the telcos are on board. The amendments that have been made through the Radiocommunications Act and the Broadcasting Services Act continue a very clear strategy that is being held up as world’s best practice. All of us in this place should embrace the realisation of the digital dividend.

Mr TRUSS (Wide Bay—Leader of the Nationals) (1.41 pm)—As we have heard, the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 seeks to take some further steps in the government’s program to convert Australia’s television system to digital. The elements in the bill will make some improvements in that regard, but this debate gives us an opportunity to review the progress of the analog switch-off. There are widespread concerns in the community about the impact on households of the digital conversion. This is the first time in history that a Labor government has delivered something to the country areas before the cities. I suppose that should have set off alarms in the first place. Country areas are clearly being used as the experimental guinea pigs to see whether this conversion can be run smoothly before it is attempted in any of the large cities.

The member for Greenway said that the digital television system will deliver equality of access to people in regional Australia. It is true to say that for most people who live in regional communities it will deliver equality of access to the range of channels that exist in the cities. There will also be a small number of people in remote areas who will be better off than they were, and that is certainly to the credit of this program. Unfortunately, there will also be some thousands who will be much worse off. Those people cause me the greatest concern.

The government’s decision to not convert over 400 of the self-help transmitters around the country means that over 400 communities will have their analog television signals switched off and there will be no digital transmission coming from the transmitters. Instead, the government is offering a satellite option, an option which is obviously inferior for most of these people. The government is going to make billions of dollars out of the sale of the spectrum that will be freed up as a
result of the closure of the analog television network. Why can’t it spend some of those dollars—$100 million or so would just about do it—to convert all of the self-help transmitters so that people living in small regional communities and in some cases urban communities are able to get their signal in the same way that they get it now? That is surely a reasonable request.

About 100 or so of the transmitters will be converted, largely at the expense of the television stations themselves, but over 400 will not. That seems to me to be not treating people in regional areas as fairly as they should be treated.

Debate interrupted

STATEMENTS BY MEMBERS

Newman, Mr Campbell

Mrs PRENTICE (Ryan) (1.45 pm)—I stand today to support and endorse Campbell Newman as the next Premier of Queensland. We also need a Liberal National Party member to represent the people of Ashgrove, a state seat within my electorate of Ryan. We need a strong and effective Premier of Queensland, and I can think of no-one better than Lord Mayor Campbell Newman. You do not get a reputation around Brisbane and Queensland as ‘Can Do’ Campbell without having a strong track record of action, commitment and delivery. There is no doubt that Campbell will deliver for the people of Ashgrove as their local member and for all Queenslanders as their Premier, just as he has for the people of Brisbane for the past seven years.

Having worked closely with Campbell since 2002, I know he will make an outstanding contribution to state politics and the state Liberal National Party team, both as a member and as leader. Campbell’s energy, passion and commitment to Brisbane and Queensland are something I admire, and I know he will work tirelessly and faithfully for the people of Ashgrove and deliver the LNP to government in Queensland.

Campbell’s experience in senior management and in the military and his commitment to getting on with the job of delivering services and outcomes for Brisbane residents and Queenslanders will stand in stark contrast to the tired Bligh Labor spin machine. I have every confidence that Campbell Newman will be able to make this unique situation work and, furthermore, run an effective and powerful campaign to be both the leader of the LNP and the Premier of Queensland.

(Time expired)

Buckingham, Mr Don

Ms PARKE (Fremantle) (1.47 pm)—I would like to say a few words in memory of Don Buckingham, a Fremantle constituent and a true friend. Don died on Labour Day, 7 March, which is appropriate for a man who gave such a great deal of his time and passion to the labour cause and to the Australian Labor Party. He was 70 years old, and is loved and missed by his wife, Alison, his three children, his two grandchildren, his wider family and many friends.

I first met Don in 2007 during the course of my election campaign in Fremantle. Throughout that time with all its intensities, with all its highs and lows, Don Buckingham was a constant presence and a constant source of can-do energy and enthusiasm for the good fight that is politics in Australia.

At the service to mark Don’s passing, it was remarked time and again that here was a gentleman of generosity, social conscience, good humour and an irrepressible kind of larrikin spirit. He loved a bet. He loved a good pair of shoes. He loved a cup of tea after helping to stuff a few thousand envelopes in the name of a Labor win. I was the beneficiary of Don’s hard work—he walked a lot of miles for me.
Don Buckingham is someone I will always associate with the best in politics: a person of strong principles; a person of indefatigable commitment; a person who took local political engagement seriously, but not too seriously. He was much loved by me, by my staff and by fellow Freo Labor members. And we will remember him.

Mount Barker Community Resource Centre

Mr CROOK (O'Connor) (1.48 pm)—I recently had the opportunity to visit the community of Mount Barker in my electorate of O'Connor and meet with a dedicated group of volunteers who have spent the last five years coordinating the establishment of the Mount Barker Community Resource Centre.

The community resource centre is now nearing completion and it is a very impressive building indeed. When completed, the building will feature a library, a computer room, office space, a seminar room, a worship centre, a professional kitchen and a 200-seat auditorium for community functions, school events or private hire. The resource centre will also play host to a number of community services, including Centrelink, Foodbank, the YMCA, the Great Southern Aboriginal Corporation, counselling services and after-school homework classes.

The centre has been funded with much support from Lotterywest and the Royalties for Regions program and a very strong contribution from the Baptist Church, who have also volunteered considerable man-hours towards the project, including installing the fencing and brickwork for the building. I understand many contractors have also contributed labour and materials in kind towards construction, and many community members have volunteered their time to provide Mount Barker and the surrounding areas with an amazing resource for many years to come. This level of community support is indicative of many regional communities and it is always a pleasure to see them in action.

I was very pleased to take a tour of the facility and I look forward to visiting again when the building is officially opened later this year. The Mount Barker Community Resource Centre committee should be commended for the many hours they have contributed to establishing a facility that will be utilised and enjoyed by the whole community.

Illawarra Floods

Mr STEPHEN JONES (Throsby) (1.50 pm)—On Monday this week I advised the House of the terrible floods that have affected my electorate of Throsby in the Illawarra of New South Wales. During Monday night and Tuesday morning over 290 millimetres of rain fell in a small area in just a few hours. There was devastation to property and, tragically, the loss of one man's life.

I would like to take this opportunity to once again praise the local SES who have taken, and responded to, over 800 calls for assistance. I would also like to heap praise on the local schools, particularly Albion Park Public School at Tongarra and other schools who looked after many kids because their parents simply could not get through flood affected areas to pick them up from school. A number of kids slept overnight in school gymnasiums.

Thankfully, overnight the New South Wales Premier has declared the local government areas of Bega, Bombala, Kiama and Shellharbour as natural disaster affected. As a consequence, the Attorney-General has now announced that the Commonwealth government will provide financial assistance to these communities under the Natural Disaster Relief and Recovery Arrangements. This is very welcome indeed. I would encourage all local residents, particularly indi-
viduals, who have been affected by these floods to avail themselves of this assistance.

**Foetal Alcohol Syndrome**

Dr STONE (Murray) (1.51 pm)—foetal alcohol spectrum disorder or foetal alcohol syndrome is the greatest cause of non-genetic permanent intellectual and physical disability in newborns in Australia. In fact, if you drink while pregnant you are running an enormous risk with your baby. Nearly 60 percent of Australian women do drink alcohol during their pregnancy. Too many do not know the risks they take.

Yesterday, in a bipartisan approach, members and senators formed a new group with the aim of eliminating FAS and FASD from Australia. We are one of the few developed nations still not taking this problem seriously; a problem which affects young Australians right through their lives in very serious and debilitating ways. This group aims to ensure that in the future there are warnings on alcohol product labelling. We need a national diagnostic tool for this condition, and this is under development. We need better education for practising medical professionals, service providers and particularly police and those who work in the judiciary. We need to assist and support pregnant women who have alcohol dependency and we need to learn from best practice overseas.

Of course, we need to give FAS and FASD the status of recognised disabilities in Australia to facilitate better funding for the delivery of services, and to help families who are dealing with the victims of FAS or FASD and who struggle every day to make sure that their children have a decent life.

**Tasmanian Institute of Sport Awards**

Mr LYONS (Bass) (1.53 pm)—It would be remiss of me not to mention the Sheffield Shield. I congratulate Tim Coyle, the coach of the Tassie Tigers, and George Bailey, the captain, on a wonderful victory for the best state in Australia—Tasmania.

I was at the TIS awards the other night and I came across some wonderful young people. There was Amy Cure, who won world titles in cycling in Europe; Belinda Goss, who won legs of the Netherlands Cycling Tour; and Eddie Ockenden, who captained the Australian hockey team during the year. These are great individuals who really represent Tasmania well.

I would like to mention Marjory Kerslake. Marjory is not an outstanding athlete, but for the last 37 years she has supported the Devon Netball Association and is a life member of Netball Australia. She is a fantastic and dedicated woman, and you would not find anyone more dedicated in any sporting arena. I would also like to mention Joshua Bowring, who is an umpire in netball. There is little recognition for these wonderful servants of the game, but he umpired in the Australian Netball League and did a semi-final in Launceston as well as the grand final in Melbourne. I also mention Ray Denton of the Paringa Archery Club, who gave wonderful and outstanding service to our community.

**Proston Show**

Mr O'DOWD (Flynn) (1.54 pm)—On Saturday, 12 March, I had the pleasure of opening the Proston show in the south of my electorate of Flynn. The Proston show is the first of the regional shows, and is a credit to their community. It is the first opportunity for exhibitors to prepare their stock for showing on the regional circuit and, of course, at the Brisbane Ekka.

The Proston region has suffered from the recent constant rain, and I would like to congratulate all exhibitors for their mighty effort to present such magnificent animals. The cattle, horses and poultry were in great condition, and it was a pleasure to present the
winning ribbons to the proud owners. And the contributions in the baking competition, cake decoration, needlework and floral arranging were outstanding. I was delighted to see so many children participating in the various events, the horse jumping being my favourite. The whip cracking and wood chopping also drew good crowds.

Congratulations to the President, Anthony Rosser, who actually manages a cattle property consisting of 20,000 head not so far away from Proston, and to the Secretary, Glenda McArdle, and their committee for a wonderful day. I also thank the Proston community for supporting such a wonderful event.

Cane, Ms Maureen

Ms BRODTMANN (Canberra) (1.56 pm)—I wish to acknowledge the outstanding contribution to the Canberra community by Maureen Cane, who recently retired after 10 years as chief executive officer of Communities@Work.

Over the decade Maureen Cane has harnessed what she describes as ‘that wonderful Tuggeranong community spirit’ and has built an extremely successful community enterprise. Under her stewardship, Communities@Work has grown into an organisation with over 400 staff, more than 200 volunteers and 150 home based, family day carers. It provides services and facilities in children’s services, before and after school care, respite care, disability services and services for families and youth at risk. It offers services for school aged children and seniors, as well as training through its NuSkills Learning and Development.

It initiated Business Tuggeranong, which brings businesses and employers together to promote the region as a great place to do business. I am a member of that group. It also presents many public events, such as the Celebration of Families and the Weston Creek Spring Festival. Communities@Work also runs OzHarvest Canberra, rescuing food so that charities and refuges across the ACT can better assist people in need. It does everything.

It was a fitting tribute earlier this month when Maureen Cane was named Canberra Citizen of the Year. I congratulate her on her enormous achievements which have had a major impact on the greater good of the Canberra community. (Time expired)

Hughes Electorate: Coptic Community

Mr CRAIG KELLY (Hughes) (1.57 pm)—The Coptic people make up a valued and active part of the community in my electorate of Hughes. Three Coptic parishes surround the boundaries of the Hughes electorate, and we are privileged to have St Marks Coptic College in the suburb of Wattle Grove.

On their own initiative, the Coptic people in and around Sydney have worked hard to put together a petition, and have gathered over 1,300 signatures. Unfortunately, the petition does not meet the criteria necessary for it to be tabled as a petition, but I am advised I can seek leave to table it as a document. Their petition seeks to draw attention to the serious human rights violations against the Coptic people—a recent example being the New Year bombing at Alexandria’s ‘Saints’ church which claimed at least 24 Christian lives—and to request the Australian government to ask the Egyptian government: (1) to set up an independent inquiry to investigate the atrocities committed against the Coptic people; (2) to implement laws to prevent violence against Copts; (3) to implement laws that afford equal rights for Egypt’s Coptic people to those of Egypt’s Muslim community; and (4) to abolish any existing laws that discriminate against Chris-
tians in Egypt. I therefore seek leave to table this document.

Leave granted.

Surf Life Saving Tasmania

Mr LYONS (Bass) (1.59 pm)—I rise to offer a bouquet to Surf Life Saving Tasmania for their wonderful work in organising schools and school-age children with disabilities, taking them to surf beaches during last summer. They were awarded recognition at the Tasmanian Institute of Sport awards.

I would also like to congratulate the Bridport Surf Lifesaving Club, which last Sunday took a group of Nepalese people to the beach. Some of these people had never been to a beach before. It was wonderful to see them being thrown under waves and getting up with great and gracious smiles on their faces. This was a fantastic effort by Surf Life Saving and the Bridport Surf Lifesaving Club.

The SPEAKER—Order! It being 2 pm, the time for members’ statements has concluded.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr ABBOTT (2.00 pm)—My question is to the Prime Minister, and I ask this question on behalf of the thousands of people gathered outside Parliament House today who the Prime Minister would not talk to. I ask the Prime Minister: will she seek a mandate for her carbon tax before she introduces legislation into this House? Will she seek to make the next election a referendum on her unnecessary new tax?

Ms GILLARD—I thank the Leader of the Opposition for his question. On the question of attending the rally outside Parliament House today, I am not aware that I was invited. But, as I understand it, the Leader of the Opposition did not lack for red-headed company at that rally. He had a red-headed friend out at that rally, so I am sure he would not have missed me.

Let me turn to the substantive question that he has asked me about talking to the Australian people and campaigning for climate change action. The Leader of the Opposition seems to have forgotten that he sat in the Howard cabinet for years—a truly remarkable feat—and that he used to claim the Prime Minister as his political mentor. He sat in that cabinet day after day making decisions for the Howard government. Let me remind the Leader of the Opposition that amongst the decisions the Howard government made was their decision to go to the 2007 election arguing for an emissions trading scheme. The Labor Party also went to the 2007 election arguing for an emissions trading scheme and we went to the 2010 election arguing for an emissions trading scheme.

Mr Christensen interjecting—

Ms GILLARD—We understand that the Leader of the Opposition wants to continue his scare campaigns. He only knows one thing, which is to scare people, to try to make them afraid, and to deny the future. He has no positive policies and plans. What is remarkable is not his hollowness, because that is well-known; what is remarkable is that he would march away from the legacy of the Howard government at such a speed—march away from Prime Minister Howard’s commitments to an emissions trading scheme and march away from the Liberal Party philosophy about the power of the markets.

The Leader of the Opposition may be stuck in this denial and in his inability to make up a policy for the nation’s future, but we are not. We will get on with the job of leading this nation to a clean energy future. If you care about the jobs of the future, you want to price carbon. If you care about the environment, you want to price carbon. That is precisely what we will do.
Carbon Pricing

Mrs D’ATH (2.03 pm)—My question is to the Prime Minister. Why is it important to the government that facts, not fear, be the basis for tackling climate change? How has pricing carbon and believing in climate change been an issue for the government—

Opposition members interjecting—

The SPEAKER—Order!

Mr Champion interjecting—

The SPEAKER—The member for Wakefield! The member for Petrie has the call.

Mrs D’ATH—Why is it important to the government that facts, not fear, be the basis for tackling climate change? How has pricing carbon and believing in climate change been an issue for the government of Australia over the last two decades?

Ms GILLARD—I thank the member for Petrie for her wonderfully perceptive question, because her question actually captures the major issue before this parliament today. I know the member for Petrie is someone who is in touch with her community and is out there having the real discussions with her community about this nation’s future, including the need to tackle climate change and to price carbon. As she does that, I know that she says to people in her community, in the wonderful state of Queensland, that we are a nation blessed with abundant sources of renewable energy.

Opposition members interjecting—

The SPEAKER—Order! The members for Dawson, Riverina, Braddon and Wakefield will leave the chamber for one hour under standing order 94(a).

The members for Dawson, Riverina, Braddon and Wakefield then left the chamber.

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Ms GILLARD—I thank the member for Petrie for her wonderfully perceptive question, because her question actually captures the major issue before this parliament today. I know the member for Petrie is someone who is in touch with her community and is out there having the real discussions with her community about this nation’s future, including the need to tackle climate change and to price carbon. As she does that, I know that she says to people in her community, in the wonderful state of Queensland, that we are a nation blessed with abundant sources of renewable energy.

Opposition members interjecting—

The SPEAKER—Order! The members for Dawson, Riverina, Braddon and Wakefield will leave the chamber for one hour under standing order 94(a).

The members for Dawson, Riverina, Braddon and Wakefield then left the chamber.
more progressive man in 1990 than the Leader of the Opposition is today. When you look at the election policy, you see that he was arguing for a tax review to promote sound environmental practices in industry and he said that he would never resile from a willingness to act in the genuine national interest wherever that is required.

The history of Liberal engagement with this question goes on. Here is the environment policy from the days of John Hewson and Fightback. As I understand it, the Leader of the Opposition wrote Fightback. Maybe he wrote this as well: ‘a better environment and jobs’—their policy. This says: ‘Where possible, the coalition will look for market solutions to environmental problems. We will use market forces and realistic pricing mechanisms as the primary means of regulation.’ That is something the Liberal Party no longer believes in.

Then, from the 2007 election, we have all of these documents, with Prime Minister Howard and Treasurer Costello committing the Liberal Party to action on climate change and an emissions trading scheme. Those were the days when the Liberal Party bothered to deal with facts. Now they have succumbed to this low point under the Leader of the Opposition, where all they deal in is fear. Does the Leader of the Opposition remember those days? (Time expired)

**Carbon Pricing**

Mr ABBOTT (2.09 pm)—My question is again to the Prime Minister, and I refer her to the statement of Greens party leader Bob Brown last night on 7.30 when he said that he did not force the Prime Minister to introduce a carbon tax. How does she reconcile his admission with her claim on 24 February that she broke her promise to not introduce a carbon tax because of the changed circumstances of this parliament? If Bob Brown did not make her break this promise, who did?

Ms GILLARD—I thank the Leader of the Opposition for his question, and let me advise him: I make my own decisions. I make my own decisions based on my convictions. When I work through policies for the government, I rely on facts. So how have I formed my view about climate change? Let me be very clear. I looked to the scientific community for what the scientific consensus was. I dealt with facts, not fear. I know that the leader of the Opposition is in a flirtation with climate change denial. I have looked at the facts and at the science. I formed the view that we need to act. I have accepted economic advice from around the world—the same economic advice the member for Flinders accepted when he wrote his thesis and the same advice former Prime Minister Howard accepted when he released these documents and when the current Leader of the Opposition was in his cabinet. That advice was that the best way of acting on carbon pollution was to harness the power of the market and to have an emissions trading scheme.

I remind the House that in 2007 Prime Minister Howard actually went to the election promising ‘the most comprehensive emissions trading system anywhere in the world’. Post the 2010 election, we work in the parliament the Australian people voted for. In this parliament, as the Leader of the Opposition well knows, we work with others to secure reforms in the national interest. I formed the view, working with the Multi-Party Climate Change Committee and understanding the views of members who are represented on that committee, including the Australian Greens, Mr Windsor and Mr Oakshott, that the best way of securing reform in this parliament, the way forward, was to bring a carbon pricing mechanism to the parliament, and I announced that carbon pricing mechanism. I had a choice between acting and not acting. I had a choice between acting
in the national interest and failing to do so. I had a choice between accepting the science and engaging in denial. I had a choice between accepting quality economic advice and rejecting that advice. On every occasion, I made a choice to act—to accept the science, to accept the economic advice, and to work with this parliament to bring carbon pricing to this parliament.

Unfortunately, at every point the Leader of the Opposition has made a different choice: to flirt with climate change denial, to reject economic advice and the power of the markets, to turn his back on 20 years of Liberal engagement with reducing carbon pollution—most recently Prime Minister Howard’s promise to enact the most comprehensive emissions trading system anywhere in the world. In making that choice, the Leader of the Opposition was guided every step of the way by his political interest. He thinks it is in his political interest to be out there raising fear and scaring the community. Can I say to the Leader of the Opposition that, on every judgment call he has needed to make in the nation’s interest on the question of climate change, he has called wrong. Can I say to the Leader of the Opposition too that the Australian community will hold him to account for that.

Mr ABBOTT—I ask a supplementary question. In the light of the evasions that we have just heard from her, I ask the Prime Minister: does she honestly believe that she would be in the Lodge today if, six days before the last election, she had been straight with the Australian people and said upfront to them, ‘Yes, there will be a carbon tax under the government I lead’?

Ms GILLARD—I will answer the Leader of the Opposition first using these words: No great challenge has ever yielded to fear or guilt. Nor will this one. Human ingenuity, directed towards clean technology and wise institutional design, remain our best weapon.

Who said that? John Howard said that. In respect of those who decried measures like carbon pricing, using markets or denying the science, he, former Prime Minister John Howard, said:

They are the real climate change deniers because they deny … rational, realistic and sustainable policy solutions.

I ask the Leader of the Opposition: how does he parade himself before the Australian people claiming to be dressed in the clothes of a Liberal leader?

Mr Abbott—Mr Speaker, on a point of order: the question was about the Prime Minister’s pre-election deceit, and she should be directly relevant to the question.

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

Ms Rishworth interjecting—

The SPEAKER—Order! The member for Kingston who is now within earshot and out of her place, should be very careful. The Prime Minister understands the need under the standing orders to be directly relevant to the question. She will relate her material to the supplementary question.

Ms GILLARD—On the question the Leader of the Opposition has asked me, I say this first: how does he go before the Australian people dressed in the clothes of a Liberal leader and deny more than 20 years of Liberal engagement with the science of climate change and deny the tradition of the Liberal Party in engaging with markets? What I said to the Australian people before the last election is that climate change is real. I accept the science. It is caused by human activity. We need to act. The way to act is to introduce an emissions trading scheme, and we
will get there. We will get to an emissions trading scheme, working with the parliament that the Australian people elected.

Mr Abbott—Mr Speaker, on a point of order, reluctantly: she is defying your instruction to be directly relevant to the question.

Mr Hunt interjecting—

Mr Dreyfus interjecting—

The SPEAKER—The member for Flinders and the parliamentary secretary for the minister for climate change will leave the chamber for one hour under standing order 94(a).

The members for Flinders and Isaacs then left the chamber.

Mr Dutton interjecting—

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

The member for Dickson then left the chamber.

The SPEAKER—I can assure the Leader of the Opposition that I understand his frustration, that he believes that he is (a) not getting the answer he is trying to elicit and (b) not being answered in the way he would wish. I have said to this House that, if members want to improve the exchange in questions and answers, the simplest way of doing that is to apply the same rules to both, which would remove the argument. I regret to say that we confront a decision that I have to make on whether the response be argument or the placing of facts before the chamber and whether it is directly relevant or not. Whilst I appreciate that the Leader of the Opposition believes he has asked a specific question for which he wants a direct answer, as I have stated throughout the year, that is not the standing order.

Mr Abbott—Mr Speaker, further to the point of order: the question was about the Lodge, not the dodge. She should be directly relevant.

The SPEAKER—The Leader of the Opposition will resume his seat. The Leader of the Opposition is now advised that the latitude extended to leaders for this question time has been used. The Prime Minister has the call.

Ms GILLARD—Thank you, Mr Speaker.

As I was saying: I said to the Australian people before the 2010 election that I believed climate change was real. I said to the Australian people before that election that climate change was induced by human activity. It is induced by carbon pollution and we need to act on carbon pollution. I said to the Australian people the best way of addressing carbon pollution was to price carbon through an emissions trading scheme. And we will get there.

Of course I campaigned for majority government. I work now in the parliament the Australian people voted for, and in this parliament we will price carbon through the carbon mechanism that I announced, despite the fear campaign of the Leader of the Opposition, despite the campaign of denial and fear that he is raising. I also say to the Leader of the Opposition: if he wants to debate political honesty in this place, then bring it on—

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

Ms GILLARD—because did he go to the Australian people before the last election telling them about his $11 billion black hole? Did he go to the Australian people before the last election saying One Nation would write his economic policy? Did he go to the Australian people before the last election saying senior members of his frontbench, like the shadow Treasurer, would agitate for the return of Work Choices? No, he did not. So if we want to have a debate about political
honesty, bring it on because we have the most hollow man with the least conviction sitting in the opposition’s leaders chair we have ever seen in this parliament. Bring it on; I am very happy to have it.

The SPEAKER—The Prime Minister will conclude her answer!

Opposition members interjecting—

The SPEAKER—If those on my left would stop interjecting, the Prime Minister might have heard that I have asked her to conclude her answer. I will not be lectured by interjection.

Carbon Pricing

Mr RIPOLL (2.23 pm)—My question is to the Treasurer. Treasurer, why is putting a price on carbon an important economic reform for Australia’s future; and what is the government’s response to recent expressions of opinion on the economics of a carbon price?

Mr SWAN—I thank the member for Oxley for this very important question because putting a price on carbon is the right thing to do for Australia. It is not an easy thing to do. There are no soft options and of course there are no cost-free options, but it is the right thing to do not just for the future of our country but also for the future of our economy.

There are diverse views in the community, and we welcome a full debate about global warming and what must be done about it. We welcome a frank debate, but that debate must be based on facts, not on fear. The behaviour that we have seen from the opposition, and particularly the opposition leader, today is that he is moving over to the fringe. He is moving over to the fear side of the argument and he does not want to confront the facts.

Yesterday he took offence in this House at being called a climate change denier. But out there today he was addressing a climate sceptics rally. Yesterday he was claiming he was somehow a believer in action on global warming but today he is out there addressing a rally of climate change sceptics.

I would like to quote from the website used by the group that was out the front of parliament today. Fair enough: they should be out expressing their opinions. I do not contest that for a moment. This is a debate about ideas. It should be a debate about ideas. It should be a debate about fact. But this is what the website that is used by those who were outside parliament today says—and everybody should listen very carefully: CO2 is not pollution and does not need to be reduced in the first place …

It then goes on to say:

Any warming from CO2 is likely to be harmless. He was out there today addressing a rally of climate change sceptics. Yesterday he took offence about being called a climate change denier. How can he have any credibility in here when he says he believes in dealing with global warming and goes out and addresses a rally of people who do not believe in dealing with global warming? How can he have any credibility at all? He comes into this House and says he is a believer in markets and then he puts forward some Russian-style scheme to deal with changes in the environment.

Mrs Bronwyn Bishop—Mr Speaker, on a point of order: the question is out of order in that in contravention of standing order 100 it invites inferences, imputations and insults about the people who are in the rally today who are defenceless to defend themselves. Quite properly, the answer is in fact showing that the question is out of order in the first place, and indeed the member for Isaacs earlier in the chamber said across the chamber to me, ‘How could you associate with those people?’ The implications and the insults that are coming from that side of the House and
the scare campaign means that the minister should be sat down.

The SPEAKER—Order! Having allowed the question and having it responded to for two minutes and 47 seconds, it is a bit late to be raising a point of order about the question. I would invite the Treasurer to conclude his answer and remind him of the requirement to be directly relevant to the question.

Mr SWAN—I am being directly relevant to the question. I was asked about views which have been expressed, because views have been expressed in this House by the Leader of the Opposition that they are concerned about the cost of living. Now we hear they want to rip that cost of living out, and we have had the most extraordinary article today in the Sydney Morning Herald by Lenore Taylor and Phillip Coorey where they get the yarn where they were in fact instructed in the shadow cabinet not to tell anybody they had taken a decision to rip out household assistance, should it be provided. These double standards are absolutely extraordinary. But poor old Joe let the cat out of the bag. The coffee was barely warm in the shadow cabinet before he got on the agenda and told the truth.

Mr Randall interjecting—

The SPEAKER—The member for Canning should quell his overexuberance before he gets invited to go for a cup of tea.

Mr Pyne—Mr Speaker, on a point of order: I am hoping that you will get the Treasurer to refer to members by their correct titles.

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

Mr SWAN—It is one thing to be a climate change denier, if you are not wise or do not understand the science; it is entirely another thing to know the science and then go out and deny it. That is what we are getting from members opposite, including the shadow Treasurer and the Leader of the Opposition, because their motivation is so low. They actually do know the science, but they deliberately ignore it and go out and run a fear campaign about something that is so important to our future—(Time expired)

Carbon Pricing

Mrs MIRABELLA (2.30 pm)—My question is to the Prime Minister. I refer the Prime Minister to comments of the Chairman of BlueScope Steel at the Press Club yesterday that China has a coal fired power system equal to more than 13 times Australia’s entire electricity generation and that between now and 2020 it is planning to add a further 60 per cent to its existing coal fired power generation. Why does the Prime Minister continue to insist, as she did yesterday in question time, that China is ahead of Australia in tackling climate change when she knows the opposite is true?

Ms Julie Bishop interjecting—

The SPEAKER—Order! Deputy Leader of the Opposition, it is a bit early to try to get a supplementary, and the supplementary has been used.

Ms Julie Bishop interjecting—

The SPEAKER—Order! No. The Deputy Leader of the Opposition is now being defiant. The Prime Minister has the call.

Ms GILLARD—I thank the member for her question. What I said yesterday to the parliament was accurate, and let me add to it today. Let me inform the member who asked the question that in 2009, for the second year in a row, both the US and Europe added more power capacity from renewable sources, such as wind and solar, than from conventional sources. Let me also advise the member that renewables account for 60 per cent of newly installed capacity in Europe
and more than 50 per cent in the US. At the same time, let me inform the member that China surpassed the US as the country with the greatest investment in clean energy.

Mrs Mirabella interjecting—

Ms GILLARD—Let’s just go through that sentence again because the member was yelling instead of listening. She pretends an interest in this question, but she is really just on the fear campaign. Let’s just go through that very slowly for her again. China surpassed the US as the country with the greatest investment in clean energy. Let’s just have a think about what that means for the future of the global economy and the economy of our region. We have the giant economy of China investing at that rate in clean energy, more than the United States. What should that imply to the member for Indi if she really stopped and thought about it? It should imply that China is making those investments for a purpose. It is making those investments because it too wants to tackle climate change. It should imply to the member for Indi that there will be huge economic possibilities for our nation as China invests. If we research and develop and are at the forefront, the cutting edge of this technology, imagine the wealth that could be generated. If we are there as a clean energy nation ourselves, able to export technologies and knowledge to a giant like China, imagine the wealth.

Of course, the member for Indi sits there and shakes her head because she is not interested in the facts and she is not interested in imagining the possibilities of the future. Let me say to the member for Indi: our future as a nation will be made by being a cleaner energy economy. We cannot afford to be left behind as giants like China and the US and the countries of Europe change and move. We cannot afford to be left behind. Prime Minister Howard understood this; Treasurer Peter Costello understood this.

The member who asked the question campaigned in the 2007 election on the introduction of an emissions trading scheme. She was re-elected in this parliament in 2007 on the introduction of an emissions trading scheme. I say to the members of the Liberal Party who are truly ashamed of this fear campaign, who are truly ashamed of how low the Liberal Party has fallen under this Leader of the Opposition: it is time for them to assert themselves and say unambiguously that they believe in the climate change science—

Mr Simpkins—Let’s have an election and decide it.

The SPEAKER—The member for Cowan is now warned!

Ms GILLARD—they believe in pricing carbon, they believe in what Prime Minister Howard promised in 2007 and they are prepared to work with the government in the national interest to create that clean energy economy of the future and get this done.

Petrol Sniffing

Mr CROOK (2.35 pm)—My question is to the Minister for Indigenous Health. The implementation of low-aromatic fuels in remote communities of Australia as a tool to combat the petrol sniffing epidemic is vitally important. A report from the Department of Health and Ageing in 2008 found a 70 per cent drop in the occurrence of petrol sniffing when low-aromatic fuel was made available. Whilst I acknowledge that implementation of low-aromatic fuels is only part of the solution, could the minister please advise the House of the progress that has been made in relation to the rollout of Opal fuel to the northern goldfields of Western Australia, the Central Desert and the Ngaanyatjarra Lands in an effort to curb the alarming occurrence of petrol sniffing?
Mr SNOWDON—I thank the member for his question. I know he shares the concern with many members in this chamber of the scourge of petrol sniffing on Aboriginal communities across this country and the dramatic impact it has on young people in particular. My own involvement with this terrible issue goes back three decades, when I was involved in helping to set up a petrol-sniffing program in the Central Desert lands of Pitjantjatjara country in 1980 and 1981. So I share his concern and understand the dramatic implications of petrol sniffing.

I informed the House when the member last asked me a question that the Commonwealth had committed $84 million to the rollout of Opal over the next four years. I indicated then that we had problems in rolling it out in the goldfields region because of infrastructure issues. I am pleased to be able to advise the House that, after consultation with BP Australia, those infrastructure issues have been overcome and that, as of 21 March, a communication strategy was entered into in the goldfields region to inform people about the arrival of Opal and that Opal would start to be delivered in the goldfields as at 31 March. It will be rolled out progressively over two months, and I expect that we will see many of the petrol stations in the region delivering Opal to consumers over that period.

I say to the member that, since we last spoke about this, BP has had Opal independently tested and evaluated by, I think, Orbital in Western Australia. Their conclusion is that this fuel is as good if not better than other unleaded fuels. There will be no harm to small boat motors, to lawnmowers or to cars as a result of the use of this fuel, and those people in the community who are concerned about its impact upon their vehicles ought to understand that this is a very good fuel that will not harm their vehicles. I know that the member is aware that there are some sceptics and deniers in his own community around the issue of Opal. They exist in the Northern Territory as well. I say to them: get your head out of the sand, get with the game and buy Opal.

Mr Abbott—on indulgence—As the minister originally responsible for the introduction of Opal, I would like to associate myself with the excellent question from the member for O’Connor and with the answer from the minister and to suggest to the Prime Minister that I am very happy to offer bipartisanship in increasing Aboriginal dysfunction—

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

Renewable Energy

Mr GEORGANAS (2.39 pm)—My question is to the Prime Minister. Why is it important that Australia not be left behind in the international race to create clean energy? How will the government secure jobs and investment in the future?

Ms GILLARD—I thank the member for Hindmarsh for his question. I know that he wants to see the people of his electorate live in a prosperous country with the jobs of the future. Ultimately, when you strip it all down and look at the debate about carbon pricing and climate change, where does it lead you? It leads you to whether you believe in facts or whether you believe in scaremongering; to whether you believe in hope or whether you believe in peddling fear. It also comes down to whether or not you are optimistic about the talents and capacities of the Australian people to adapt and to change and to lead that change or whether you are a pessimist, as the Leader of the Opposition is. The Leader of the Opposition believes the Australian people are not up to change. He actually must believe that the Australian people are not up to much. But the history of economic transformation in our country tells us to be optimistic about the Australian people
and their talents and capacities. We have innovated before and we will innovate again. I am an optimist about this nation’s future. The best days lie in front of us, not behind us.

I know that on that side of the parliament they are mired in pessimism. They do not have faith in the Australian people—they do not have faith in their capacity for change. I have seen two things in the last week which have reinforced my hope and optimism in the creativity of the Australian people. I visited the Australian Solar Institute laboratories at the Australian National University. They are there at the cutting edge of research and development into solar technology. It is the kind of place that will lead to new technology, new innovations and great wealth for this country as the world moves to a cleaner energy future. This morning I went to the Capital wind farm at Bungendore, where I saw renewable energy technology operating and providing electricity and energy for our nation. I saw that happening. I met with two young people—two apprentices who are the first to do their apprenticeship at a wind farm. They are at the cutting edge themselves. Their names were Mark and Louie. Mark is from my electorate—he is from Diggers Rest—but he is there in Bungendore learning his trade on the energy of the future.

The opposition would have you believe that these innovations do not exist. They would have you believe that our researchers are not up to it. They would have you believe that our young people cannot adapt. These pessimistic beliefs are untrue. I have seen it with my own eyes this week, and we will see it every day in the future. What we will see with pricing carbon is that we will create an incentive for Australian businesses, Australian companies, Australian researchers and Australian designers to be there generating the clean energy of the future. This is a remarkable possibility for a creative, clever country. It is a remarkable possibility for a country with so many sources of clean energy. I am optimistic about that future, and I say to the Australian people: we should all be optimistic about the future and not give way to the denial, the fear and the pessimism about the future that the Leader of the Opposition peddles every day. We can do this. We will price carbon, and we will get those great clean energy opportunities in the days to come.

An opposition member—Hallelujah!

The SPEAKER—Whilst there are a couple of helpful dobbers on my right, I am just a little unsure. But I remind members that there are two people here who have been warned. I think I am reminding one in particular that the warning is a first step to naming and with the naming I will test whether I can get the support of the House in the punishment, so he should be very careful. Given that the other is a female we now know who I am talking about, and he should be very careful.

Carbon Pricing

Mr RAMSEY (2.44 pm)—My question is to the Prime Minister. I refer the Prime Minister to the fact that BlueScope Steel is one of the most environmentally responsible steelmakers in the world and that, if a carbon tax pushes more steel manufacturing overseas to China—where they will emit more carbon dioxide for every tonne of steel—it will mean that total global emissions will increase, not decrease. I ask the Prime Minister: why is the government threatening thousands of manufacturing jobs in Australia with a carbon tax that will have the effect of increasing emissions as industry and jobs migrate overseas?

Ms GILLARD—I thank the member for his question. I would want firstly to go specifically to BlueScope and then talk more broadly about protecting Australian jobs. Let me say specifically on BlueScope: inevita-
bly, as we work out way through this carbon pricing debate, we will see claims and counterclaims in the media. I say to the member and to the Australian public generally that when they see those claims it would pay to run the fine-tooth comb over them so people have the accurate facts. I believe in people having the facts.

So on BlueScope Steel let’s go through those facts for the member. There was a report that BlueScope was planning to abandon building a $1 billion cogeneration plant at its Port Kembla steelworks. That was reported in the newspaper. The fact is they cancelled that project prior to the carbon price announcement that was reported on 26 February. It is very important that people get the facts. And then, of course, on BlueScope Steel, because the member specifically asked me about BlueScope Steel, we did at an earlier time during debates about carbon pricing have BlueScope Steel saying that it was shelving a cogeneration plant because at that stage the carbon price had been deferred by a year. So, actually, they wanted the carbon price in order to understand the financial—

Ms GILLARD—No, I am putting that from the point of view of investment certainty. They wanted the certainty to feed into their investment decisions. In that regard I refer people to a report in the Sydney Morning Herald on 6 May 2009, which says:

BLUESCOPE Steel’s plan to build a $1 billion-plus co-generation plant to lower greenhouse gas emissions from its blast furnaces at Port Kembla has emerged as the first major casualty of the Federal Government’s decision to delay the start of the proposed emissions trading scheme by at least a year.

So what I would say to the member is that it does pay to run a fine-tooth comb over the series of claims which will inevitably be made publicly during the course of this debate. What I would then say to the member, broadly, on manufacturing jobs—

Mr Pyne—Mr Speaker, I rise on a point of order regarding relevance. The Prime Minister was not asked a question about any claim that BlueScope Steel has made. She was asked a question about migrating jobs overseas and increasing emissions globally because of the introduction of her carbon tax. It would be nice if she could answer the question she would like to have been asked, but she was asked a question and she should answer that one.

The SPEAKER—The member for Sturt will resume his seat. I invite him to read, in the copy of the question that he has, the preamble. The Prime Minister has the call.

Ms GILLARD—Thank you very much. The last few words I said before I was interrupted were on the question of manufacturing jobs, about which the member asked me. Let me address that for the member. I understand and the government understands that we will need to take steps to assist industry to adjust. That is why when we announced the carbon price we said all of the revenue raised by putting a price on the 1,000 biggest polluters will be used to assist households—that is the assistance that the member is committed to ripping away—will be used to assist industry to adjust and will be used for programs to tackle climate change. I want to protect Australian jobs. I want us to have the clean energy jobs of the future. In order to ensure as we design the scheme that we hear the voice of business, we are working through a business roundtable as well as through direct consultations so that we can get the design right. We want to protect Australian jobs. That is what the industry assistance is about as part of this package to price carbon. If the member seriously wants to contribute to this debate then of course he would have to get his party to abandon cli-
Mr Husic (2.50 pm)—My question is to the Minister for Climate Change and Energy Efficiency. Will the minister update the House on the government’s action to tackle climate change and how this has been received, including the response of the so-called ‘people’s revolt’ to the government’s plan?

Mr Combet—I would like to thank the member for Chifley for his question. Since the government announced the carbon price framework several weeks ago there has of course been significant debate in relation to it. Today, for example, I was happy to receive a petition from the ACTU and the World Wildlife Fund on the need to take action on climate change. The petition was signed by over 12,000 people and called for the parliament to reduce carbon pollution and move to a clean energy future.

Of course, there are those with opposing views, including those who are part of the so-called ‘people’s revolt’ organised by the Leader of the Opposition. It is perfectly legitimate in a democracy for people to freely express their views and to engage in rallies such as that conducted today. I have been involved in some rallies myself over a period of time. It is appropriate, though, to consider just what organisations are becoming involved in the Leader of the Opposition’s campaign against a carbon price and why they might oppose the government’s climate change plans.

The revolt is in fact led by the Menzies House website, which was founded with the help of Liberal Senator Cory Bernardi, who is notorious for his climate change science denial. But there is also a range of other groups involved that do not like the government’s climate change policy. The Consumers and Taxpayers Association, who organised today’s rally, AAP noted a few weeks ago is an association with just three members. You have also got climate sceptics groups, the anti-Semitic Australian League of Rights, and One Nation. No surprise that they do like the government’s policies.

Mr Pyne—Mr Speaker, I rise on a point of order.

Government members interjecting—
The Speaker—Order! Those on my right.

Mr Adams interjecting—
The Speaker—The member for Lyons is warned. The Manager of Opposition Business on a point of order.

Mr Pyne—Mr Speaker, would it be more relevant for the minister to point out that the member for Robertson was at the rally greeting busloads of people from her electorate and encouraging them to take part?

The Speaker—The member for Sturt is warned. There is no point of order. The minister has the call.

Mr Combet—One of the other groups protesting the government’s climate change laws was—

Mr Pyne interjecting—
The Speaker—I name the member for Sturt!

Mr Albanese (Grayndler—Leader of the House) (2.54 pm)—I move:

That the member for Sturt be suspended from the service of the House.

Question put.
The House divided. [2.58 pm]

(The Speaker—Mr Harry Jenkins)

Ayes......... 68
Noes......... 67
Majority....... 1

AYES

Adams, D.G.H.
Bandt, A.
Bowen, C.
Brodie, G.
Burke, A.S.
Byrne, A.M.
Collins, J.M.
Crean, S.F.
Danby, M.
Ellis, K.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Georgianas, S.
Gillard, J.E.
Grier, S.J.
Hall, J.G. *
Husic, E.
Kelly, M.J.
Leigh, A.
Lyons, G.
Marles, R.D.
Melham, D.
Neumann, S.K.
O’Neill, D.
Parke, M.
Plibersek, T.
Rishworth, A.L.
Roxon, N.L.
Saffin, J.A.
Smith, S.F.
Snowdon, W.E.
Thomson, C.
Vamvakouli, M.
Windsor, A.H.C.

NOES

Abbott, A.J.
Andrews, K.
Billson, B.F.
Bishop, J.J.
Broadbent, R.
Chester, D.
Cobb, J.K.
Crock, T.
Fletcher, P.
Frydenberg, J.
Gash, J.
Haase, B.W.
Hawke, A.
Irons, S.J.
Jones, E.
Kelly, C.
Macfarlane, I.E.
Markus, L.E.
Mirabella, S.
Moylan, J.E.
O’Dowd, K.
Oakeshott, R.J.M.
Pyne, C.
Randall, D.J.
Robert, S.R.
Ruddock, P.M.
Secker, P.D. *
Sliper, P.N.
Somlyay, A.M.
Stone, S.N.
Truss, W.E.
Turnbull, M.
Vasta, R.
Wyatt, K.

Entsch, W.
Forrest, J.A.
Gambaro, T.
Griggs, N.
Hartsuyker, L.
Hockey, J.B.
Jensen, D.
Keenan, M.
Laming, A.
Marino, N.B.
Matheson, R.
Morrison, S.J.
Neville, P.C.
O’Dwyer, K
Prentice, J.
Ramsey, R.
Robb, A.
Roy, Wyatt
Scott, B.C.
Simpkins, L.
Smith, A.D.H.
Southcott, A.J.
Tehan, D.
Tudge, A.
Van Manen, B.
Washer, M.J.

PAIRS

Symon, M.
Cheeseeman, D.L.
Mitchell, R.

Schultz, A.
Baldwin, R.C.
Ley, S.P.

* denotes teller

Question agreed to.

The SPEAKER—The member for Sturt is suspended from the service of the House for 24 hours.

The member for Sturt then left the chamber.

Mr COMBET—Mr Speaker, those opposite raised the participation of the member for Robertson in the rally. I just wish to alert the House that in fact the member for Robertson issued a press release prior to question time commencing today which said, in part, the following:

Even though I disagree with today’s protest, I wanted Central Coast residents who have taken
the trouble to come down and express their views to know that I value their contribution to our democracy. In the debate over the implementation of a carbon price, we must not allow ourselves to be swept up in fear and misinformation campaigns.

On that point, one of the other organisations involved in protesting the government’s policies is the Coalition of Law Abiding Sporting Shooters. What do they want, as well as no carbon tax? They want to repeal former Prime Minister John Howard’s gun laws. They were there today. We also had the...a group which, as one commentator pointed out, warned that the Kyoto protocol was part of a new imperial structure that would relocate Australian sovereignty to Germany. Clearly these are not people who would support action on climate change. The decision by the Leader of the Opposition to associate himself with the placards we saw today, the messages that have been provided and the groups that have participated is unbefitting a leader of a major political party in this country— and you should disassociate yourself.

**Asylum Seekers**

Mr MORRISON (3.03 pm)—My question is to the Minister for Immigration and Citizenship. When, and on how many occasions, did he or his office receive warnings about the potential for increased violence on Christmas Island and who provided those warnings?

Mr BOWEN—I thank the honourable member for his question. I think it is the first question he has actually asked me this week as the shadow minister for immigration, and I thank him for it. As I indicated yesterday to the honourable member for Gippsland, I am aware of two reports in relation to suggestions of violence on Christmas Island—

Opposition members interjecting—

Mr Perrett interjecting—

**The SPEAKER**—The member for Moreton is warned!

Mr HARTSUYKER—Mr Speaker, I rise on a point of order. The question was very specific and, as he did yesterday, he is avoiding the question, which asked: when did he or his office receive warnings about the potential for increased violence on Christmas Island and who provided those warnings? When is he going to answer that question?

**The SPEAKER**—The minister will respond to the question.

Mr BOWEN—The warnings are the two that I have referred to. Clearly, as I have said continuously, I have recognised for some time, since last September, that we needed to reduce pressure on the detention centre at Christmas Island. One of the reasons we needed to reduce the pressure on the detention centre at Christmas Island was the pressure that that created in relation to the management of the detention centre. I have made that clear. That is why I announced the mainland detention centres to relieve the pressure on Christmas Island. I did that in response to advice from my department that the pressure on Christmas Island should be reduced. I have done that, against the opposition of those members opposite, who said that those detention centres were not necessary.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. I refer to page 551 of the *Practice* where, under the heading ‘Answers to questions without notice’, it says:

When a Minister is occasionally unable to provide an immediate substantive answer, he or she may either undertake to supply the Member with the requested information in writing at a later date...  

As the minister is unable to provide the answer, perhaps he could follow that.

**The SPEAKER**—The member for Mackellar will resume her place. I thank her...
for assisting the rest of the membership of the House by referring to a different page of the Practice today. That is good advice to ministers if they feel they are in that position, but the last part of her point of order to me is her opinion. The minister is responding to the question.

Mr BOWEN—As I said, I have responded very clearly to the situation on Christmas Island and have taken steps to reduce the pressure on the Christmas Island detention centre. I have done so in conjunction with the advice from my department that the numbers on Christmas Island would benefit from being reduced in relation to the opening of detention centres on the mainland, which the opposition opposed at every step. I have established an independent, arms-length inquiry, which I invite the honourable member for Cook to make a submission to.

Climate Change

Ms OWENS (3.07 pm)—My question is to the Minister for Sustainability, Environment, Water, Population and Communities. Will the minister outline the impacts of climate change on Australia’s environment? What action is the government taking to reduce this impact and are there any impediments?

Mr BURKE—I thank the member for Parramatta for her question. While a lot of the focus of the debate has gone on preparing Australia’s economy for the future through a lower emissions economy, we must not turn a blind eye to the environmental damage that is done through climate change itself. The Intergovernmental Panel on Climate Change has projections of significant loss of biodiversity through to 2020. The impact of climate change is greatest on the most sensitive parts of our environment. Areas identified include the wet tropics, including the Daintree rainforest, our alpine regions and the Great Barrier Reef, which is our greatest environmental asset; a biodiversity asset which makes an extraordinary economic contribution to the tourism industry.

One thing that puts us in a different situation to many nations when we talk about the environmental impact of climate change is the extraordinary number of species that are found on our continent and nowhere else on earth. Around 90 per cent of the species found in Australia, whether they be plants, mammals or reptiles, do not exist anywhere else on the planet. The impact environmentally on Australia is quite a different challenge to what we find in many other countries. While many of the mammals, for example, would be able to survive technically with what climate change itself would bring, their habitat would not. When endangered species lose their habitat, in turn we lose these species.

The Great Barrier Reef and the extent of its biodiversity can easily be lost upon us, but let us start with just how different it is to other reef systems around the world. So often when people talk about the great reefs of the world they talk about the Caribbean. The Caribbean has 60 species of coral and the Great Barrier Reef has 560 species of coral. We have a very different biodiversity challenge to what is found in many other countries of the world.

The climate change challenges faced by the Great Barrier Reef come in a number of ways. We know about the increased occurrence of bleaching events, the increase in major weather events and the impact of the growth in carbonic acid. We often talk about forests as being the only carbon sinks. The ocean itself is an extraordinary carbon sink. In the process of transferring carbon dioxide in the ocean you get a growth of carbonic acid. The growth of carbonic acid has a very precise impact on the rate at which coral
grows back. If you put these three events together—the impact of bleaching events, the coral damaged during major weather events that are happening more regularly and coral species, which take 30 to 50 years to regrow, being slower to regrow because of the growth in carbonic acid—we will end up with a situation where the Great Barrier Reef itself exists but its biodiversity, which we are proud of and which we come to expect in the Great Barrier Reef, is under significant pressure.

That is one of the reasons why action is so important not only in taking the opportunity now to set up our economy for the future but also in recognising the biodiversity challenge faced by the environmental assets in Australia. It is critically important to our tourism industry and important to the environment of Australia.

DISTINGUISHED VISITORS

The SPEAKER (3.11 pm)—I advise members that we have in the gallery the Hon. Gary Nairn, a former member for Eden-Monaro and former minister. On behalf of the House, I acknowledge him in a very warm and friendly manner.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mr MORRISON (3.15 pm)—My question is to the Minister for Immigration and Citizenship. I refer to the minister’s last answer. Is it true that the only warnings he received were the two reports he referred to about the potential for increased violence on Christmas Island?

Mr BOWEN—I thank the honourable member for his question. I also refer him to my previous answer. I referred to two specific reports that have been referred to. I also referred to departmental advice that it would be beneficial to reduce the numbers on Christmas Island, which I responded to.

Mr Morrison—Three!

Mr BOWEN—It is also the case, and it is on the public record, that a number of Christmas Island residents have expressed the view that the number of people should be reduced on Christmas Island, which has been responded to as well.

Mr Morrison—Four!

The SPEAKER—The member for Cook is warned. He can ask his question; he cannot enter into a debate across the table. There are other avenues that he has in prospect for that debate.

Climate Change

Ms ROWLAND (3.13 pm)—My question is to the Minister for Climate Change and Energy Efficiency. Is the minister aware of recent comments made by officials from BlueScope about the government’s plans to tackle climate change? If so, what is the government’s response?

Mr COMBET—I thank the member for Greenway for her question. Of course, the government will welcome contributions by representatives of industry to the carbon-pricing debate, including by BlueScope Steel. I am aware of comments made yesterday by the Chairman of BlueScope, Mr Graham Kraehe. In part he expressed dissatisfaction at the level of consultation with his company. I take this opportunity to put the record straight. BlueScope was extensively consulted on the development of the Carbon Pollution Reduction Scheme in the last term of parliament and in this term of parliament, since I have been the minister, I have met with representatives of the company on five occasions, including twice through the government’s business roundtable, of which the BlueScope CEO, Mr O’Malley, is a member. The evidence of the consultation does not
match the assertions that Mr Krahe has made on this point.

Secondly, today the Australian Financial Review reported that BlueScope, as the Prime Minister made some observations about a moment ago, will now abandon plans to build a $1 billion cogeneration plant at the Port Kembla steelworks. The implication of the story was that this is somehow related to the proposed carbon price. This is an example of the misinformation that has unfortunately entered this debate, because in fact the Illawarra Mercury reported that BlueScope’s announcement not to proceed with the cogeneration plant was made on 21 February, three days before the government’s carbon price framework was announced.

That was not the only time that BlueScope’s plans for that plant had been cancelled or deferred. In the Sydney Morning Herald on 6 May 2009 it was reported that BlueScope would cancel its plans for the cogeneration plant because, as the Prime Minister indicated earlier, the argument was, at that time, that the emissions trading scheme planned by the government was not coming in soon enough. So the argument has shifted about a bit. The argument back then was that BlueScope had to defer or cancel the plans because there was no carbon price but now it is apparently, or at least inferred, that the cancellation is related to a carbon price announcement.

Finally, Mr Krahe yesterday made a number of comments about the potential impact of a carbon price on BlueScope Steel’s operations. As the detailed features of the carbon price mechanism, including the assistance arrangements for BlueScope’s operations, are in fact the subject of the consultation process involving the company and are yet to be settled, Mr Krahe’s observations are, at best, a bit premature.

Ms Julie Bishop interjecting—

The SPEAKER—Order! The Deputy Leader of the Opposition!

Mr COMBET—The government has made clear that we will be providing assistance to support jobs and competitiveness in the most affected industries, including steel. It is worthwhile noting that under the government’s previous scheme, the carbon pollution reduction scheme, BlueScope would have received 94.5 per cent of their permits for free, very substantially offsetting their carbon liability.

Ms Julie Bishop interjecting—

The SPEAKER—The Deputy Leader of the Opposition is warned.

Mr COMBET—The government certainly understands the pressure that the steel industry is under through the combined effects of the high Australian dollar, increased coking coal and iron ore commodity prices and a significant supply of steel on world markets. The government is committed to working closely with the steel industry over its carbon liability and the assistance arrangements to apply, but in this discussion calm, reasoned and empirically based debate will best serve the public policy outcome that we all desire.

Asylum Seekers

Dr JENSEN (3.17 pm)—My question is to the Minister for Immigration and Citizenship. Have the detainees involved in last week’s riots—

Government members interjecting—

The SPEAKER—Order! The member for Tangney will start again. Those on my right will come to order.

Dr JENSEN—My question is to the Minister for Immigration and Citizenship. Have the detainees involved in last week’s riots on Christmas Island, who set fire to the facility and attacked Federal Police, been identified and what immediate sanctions have been
imposed on these detainees for their participation in last week’s riots?

Mr Bowen—As I have made clear, there is an Australian Federal Police investigation into the violent and unacceptable incidents on Christmas Island last week. That Australian Federal Police investigation may well lead to the laying of charges by the Commonwealth Director of Public Prosecutions. Under our system, that is how it works; directors of public prosecutions lay charges, not ministers.

I have also indicated that I will regard the character test very seriously in the granting of visas on this matter. As the Prime Minister has indicated to the House, there is a process to be undertaken in relation to the character test. That test must be applied on a case-by-case basis. As the Prime Minister explained this the other day, the shadow minister for immigration interjected and said, ‘The minister’s intervention power is not appealable.’ I think he has been getting legal advice from George Brandis again because he is wrong. Ministers’ intervention powers are not appealable in some instances. The minister’s decision to refuse or cancel a visa on character grounds can be appealable.

I know he is getting advice from George Brandis. I do not think he is getting it from the member for Menzies because, if he were getting advice from the member for Menzies, the member for Menzies would be saying, ‘Scott, do not forget Haneef because I got it wrong.’ I do not think the government wants to get it wrong in this instance because the minister for immigration is following the process, which the former minister, the member for Menzies, did not.

Carbon Pricing

Ms Parke (3.20 pm)—My question is to the Treasurer. How is the government consulting with business and other important sections of the community on the implementation of a price on carbon?

Mr Swan—I thank the member for Fremantle for that question because there is extensive consultation with the business community on this very important economic reform.

There are only two certainties here: all nations will have to act and the longer we wait the much tougher the transition will be, which is why the government is determined to act and to work in a consultative way, particularly with the business community. It is why we have commissioned new, updated analysis from Ross Garnaut, it is why we have commissioned the Productivity Commission and it is why the Treasury is doing new modelling. We have a number of forums where we are consulting with the business community.

I want to make this point because I say to all those in the business community, and there is a very broad coalition that is supporting this essential reform: do not be intimidated by some of the irresponsible elements of the community. This is too important a reform for the future of our economy for those that understand the importance of this to our future prosperity, to jobs for our kids and our grandkids. Stay involved with the process and do not be intimidated by some of the shouting and yelling that we are seeing from the Tea Party fringe elements that are out there in this debate. We do need a debate but we need a debate that is based on fact. One of the most important facts was outlined recently by Jac Nasser of BHP Billiton. He said:

Economies that defer action are likely to face higher long-term costs, as global investment is redirected to early movers. As one of the most carbon-intense economies, if Australia acts strongly to reduce its carbon footprint, its emissions-intensive sectors are likely to maintain or...
improve their competitiveness in a low-emissions world.

That sums up the economic case for this fundamental reform. It is one that is essential for the future of the nation; it is right for the country, it is right for the economy and we should not be deterred by extreme elements in the Liberal and National parties.

Asylum Seekers

**Mr IRONS** (3.22 pm)—My question is to the Prime Minister. I refer the Prime Minister to evidence provided in Senate estimates last October that the Minister for Immigration and Citizenship took no steps to exercise his powers under the Migration Act that do not rely on any criminal proceedings to rescind the permanent protection visas provided to the three SIEV36 passengers who scuttled that boat, killing four people, wounding 40 and endangering the lives of Australian Navy personnel. Why should the Australian people have any confidence that this minister will act to deal with violent rioters on Christmas Island or anywhere else?

**Ms GILLARD**—I thank the member for Swan for his question. It raises a matter that was also raised with me yesterday by the member for Cook. I had intended at the conclusion of question time to table a letter that I provided the member for Cook with earlier today.

The matter the member for Swan raises relates to SIEV36. I can say to him that I am advised that one of the persons on SIEV36 was charged in November 2010 with two counts of resisting Commonwealth officers and the matter has been committed to the Supreme Court of the Northern Territory. The relevant offences carry a maximum penalty of two years. As you would be aware, it is a matter of public record that has been confirmed previously in the House that this is one of three individuals about whom I believe the member is asking.

As I advised the member for Cook in writing, a person’s visa may be considered for cancellation if the person fails the character test under section 501 of the Migration Act. As is appropriate, the minister is awaiting the outcome of these criminal proceedings before considering any action in relation to this person. As the matter is still before the court, obviously it is inappropriate for me to comment further.

I am advised that the Commonwealth Director of Public Prosecutions, after consultation with the Northern Territory Director of Public Prosecutions and the Northern Territory Police, has determined that there is insufficient evidence to bring further charges. The letter goes on to clarify what would be well understood and well known, and that is that the Commonwealth Director of Public Prosecutions makes those decisions independent of government. That has been the case under governments of all persuasions; and so it should, because of the separation of powers that we have—the DPP acts independently.

I would also indicate to the member, in case there is any further concern, that the issues relating to SIEV36 were extensively canvassed in the parliament last year on 17 March and then more briefly, I think, on the day after. I am advised that around five questions were asked about this matter on 17 March last year. The topic the member raises is not new; I understand that he is concerned about it, and I refer him to the letter that I have provided to the member for Cook. I table that now.

**Australian Natural Disasters**

**Ms LIVERMORE** (3.26 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on the progress of the government’s efforts to fund the reconstruction of regions impacted by recent natural disasters?
Ms GILLARD—I thank the member for Capricornia for her question. Of course she was one of many members in this House who spent the weeks of summer assisting communities that were hit by natural disasters. In her case it was the city of Rockhampton being hit by flooding and being isolated for quite an extended period of time. Members on both sides of the House were called upon to assist their communities in that time of flooding. Members are still, in some parts of the country, being called upon to assist communities that have suffered flooding in recent days.

During that period, as we emerged from that summer of natural disasters with the flooding and then the cyclone, I made a pledge on the nation’s behalf—and that pledge was that we would not let go. We would assist the communities that had suffered so greatly during this period to rebuild. I said that all Australians would be with them during the rebuilding and recovery effort and that we would get on with it with good judgment and common purpose so that we could assist these communities to rebuild and to get on with their lives.

Last night two bills passed the Senate, the 51st and 52nd bills to do so in this parliament. They were the legislation to fund the reconstruction and recovery effort. We know these disasters have come at a terrible human cost and a cost to the economy. Queensland, which suffered so badly, is over one-fifth of our economy, and early Treasury and RBA estimates suggest that GDP growth will be half a per cent lower than would otherwise have been the case. Crop production will be around $1.2 billion less, there will be $300 million less in tourism, and coal production could be 16 million tonnes less in the March quarter.

As we go about this recovery and rebuilding we do know that, despite this economic setback from natural disasters, the underlying economy is strong. That is why it is appropriate to pay as we go. As the economy trends back to full capacity we will not take the soft option by deferring hard savings until four years from now. That is why the government took the decision to engage in savings. It was not easy, but it was the right thing to do. And we took the decision to defer infrastructure; once again, it was not easy, but it was the right thing to do. And we also took the decision to ask the Australian people—people of goodwill—to pay a flood levy, which was very fairly constructed so that 60 per cent of taxpayers are paying less than a dollar a week.

Of course, we made these tough decisions; we found the tough saves, rather than claiming it was easy. In doing so we did not play the politics of fear. We did not cut programs to earn a cheap headline. We got on with the methodical decision making necessary to rebuild Queensland and to rebuild the nation. As we know—

Mr Tehan—Mr Speaker, I rise on a point of order which goes to relevance. I was wondering whether the Prime Minister could outline, now that she has taxed the Victorian people, what the plan is for Victoria for the $500 million.

The SPEAKER—It is hard for me to decide whether the member for Wannon should know, on the basis of his predecessor’s knowledge of the standing orders, that that was not a standing order. But I would indicate to him that the next time that he interrupts proceedings in that manner he will be dealt with. I think that I have been overly generous to a number of people—whose cries I hear, and one who has interjected since he returned. Being a Tasmanian does not give him any special privileges. I warn the member for Wannon to be careful.
Ms GILLARD—And, of course, we will rebuild Victoria too. The House would recall that the government’s plan was met by the politics of fear. The government’s plan was met by a scare campaign led by the Leader of the Opposition. That scare campaign is silent now. What we should learn from that example is that, ultimately, the Leader of the Opposition’s carbon pricing scare campaign will fall silent too—indeed, there is some evidence it has already fallen silent today—because fear cannot stand up against facts, and we will be there explaining the facts.

Mr Albanese interjecting—

Ms GILLARD—And I thank the Leader of the House for his very timely reminder. With those words—

Ms Julie Bishop interjecting—

Ms GILLARD—and with the Deputy Leader of the Opposition showing the intelligence she is famous for, I ask that further questions be placed on the Notice Paper.

Opposition members interjecting—

The SPEAKER—Order! I would invite the Prime Minister to withdraw, given that it was just the reaction.

Ms Gillard—I am happy to withdraw.

The SPEAKER—I thank the Prime Minister for her cooperation.

Opposition members interjecting—

The SPEAKER—Order! When matters are dealt with members should learn to just get on with it.

WALLACE BROWN AWARD

Mr ABBOTT (Warringah—Leader of the Opposition) (3.32 pm)——on indulgence—I congratulate Sky News journalist Ashleigh Gillon for winning the 2011 Wally Brown Award for young journalists. The citation says:

Ashleigh submitted broadcast highlights … The live coverage of the toppling of a Prime Minister. Much of the work was unscripted as she took television viewers into the halls of Parliament House and provided insights into the machinations going on behind the scenes in the Labor Party as caucus decided to replace a first-term Prime Minister.

I congratulate Ashleigh Gillon—and I note that the Minister for Foreign Affairs did not refer to the citation in presenting the award to this fine young journalist.

QUESTIONS TO THE SPEAKER

Question Time

Mr CRAIG KELLY (3.33 pm) Mr Speaker, today over six busloads of citizens from my electorate of Hughes joined with thousands of others in a protest out the front of Parliament House to protest against the Prime Minister’s betrayal of her election promise. These constituents of mine wished to obtain tickets to question time; however, they were told that no tickets were available—yet at the start of question time today, more than half the gallery was empty. I would like you to inquire into how tickets could be made available—

The SPEAKER—Order! This is a perennial problem. I would indicate to the member for Hughes that the member for North Sydney has some expertise in this matter, because he has raised it with me. The ticketed areas of the galleries were booked out—absolutely booked out. What I do not think is realised is that there are still walk-up tickets. He is quite right that there were plenty of spaces at the start of question time. But there are two distinct things in operation.

AUDITOR-GENERAL’S REPORTS

Report No. 33 of 2010-11

The SPEAKER (3.34 pm) I present the Auditor-General’s Audit report No. 33 of 2010-11 entitled The protection and security of electronic information held by Australian government agencies.
Ordered that the report be made a parliamentary paper.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.35 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:
Commonwealth Ombudsman—Activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police—Report for 2009-10

Debate (on motion by Mr Hartsuyker) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Immigration Detention

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

The rolling crisis in the Government’s immigration detention network.

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

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

Mr MORRISON (Cook) (3.36 pm)—Australia’s immigration detention network is collapsing under the strain of Labor’s failed border protection regime. Under Labor, our immigration detention network is in a rolling crisis. Last Sunday week, after a series of breakouts on Christmas Island, the Prime Minister said to reporters here in Canberra that ‘this is a situation that is well in hand’. Within 24 hours of the Prime Minister claiming that the situation was in hand on Christmas Island, tear gas was being dropped, beanbag rounds were being fired at protesters and Christmas Island had descended into a week of chaos.

Yesterday morning the minister at the table, the Minister for Immigration and Citizenship, boldly assured the nation, with the same assurance that the Prime Minister sought to assure people around the country last Sunday week, that his advice was that all asylum seekers had been accounted for. Yet last night on Lateline he had to admit that there were still at least two missing—there may well have been more; he was not able to be exactly sure—after a face-to-file check failed to accord with a headcount. This is the status of the management of our immigration detention network.

What concerns me about this is that the government is pretending that there is nothing here to see. I asked the minister whether he knew, when he went out yesterday morning and sought to assure Australians that everything was under control, that further checks had to be undertaken. I asked him whether he knew that there is not just a headcount but that you have to do a face-to-file check, as he mentioned last night. If he did know that, why was he so quick out of the blocks to try to create the impression that everything was under control, just like the Prime Minister was?

As is usual in this portfolio, the government protests as to certain facts but, as the facts become known, it is clear that the minister is in charge of absolute chaos. Yesterday on the ABC the member for Wannon nailed this pretty accurately. He knows, as I do—particularly as I come from New South Wales—that the minister is known in the New South Wales Right as a numbers man. But it is clear that he could not get his numbers right on Christmas Island yesterday. The numbers that he should be concerning him-
self with are the ones on Christmas Island, rather than the numbers within the New South Wales Right faction here in Canberra—where I understand he has been exceptionally busy of late. Perhaps I could suggest to the minister that to find those asylum seekers an all-points bulletin should be put out to the bowling alleys of the country, where they lost the last people who had broken out of the system. Or perhaps they are down at the Melbourne aquarium, where they found the last one. There is a whole series of places they could be. The minister may be advised that, next time, before he goes out and starts pretending that everything is okay, he might want to check that they have done all the checks, so that he can give proper assurance rather than giving false hope, as he continues to do on a daily basis about the status of our immigration program and about the status of our detention network that is in complete chaos. It is a rolling crisis.

I remind those in the House that on 21 November 2009 a bloody fight—as it was described—broke out on Christmas Island, involving 150 Afghans and Sri Lankans. They attacked each other with broom handles, pool cues and tree branches. Three detainees were medivac’d to Perth, 10 were admitted to hospital on Christmas Island and 27 others were injured. On 20 to 22 September 2010 there were rolling rooftop protests at Villawood. Literally, beds were burnt—

Opposition members interjecting—Beds were burning!

**Mr MORRISON**—Beds were burning at Villawood, as they were on Christmas Island last week. There were beds burnt at Villawood and people stayed on the roofs for a number of days in that fairly appalling scene. On 1 September 2010, 90 detainees broke out of the Northern Immigration Detention Centre in Darwin. That cost taxpayers $430,000 to fix the mess. And not just that, but it cost a further $790,000 to upgrade the centre because of the security problems at that place, because it was not developed to deal with this level of policy failure. Mind you, I note that we learned in estimates that no-one was charged over that incident either.

On 15 November 2010, there was a violent brawl at Broadmeadows involving 50 children. One was hospitalised. On 17 November there was another rooftop protest at Villawood. At the Airport Lodge in Darwin there was a protest over several days, from 7 to 10 February, which ended with 11 people hospitalised and a further 11 taken to the watch house. On 27 and 28 February there was a riot at Christmas Island in the family compound, where 13 people were injured, windows were smashed, three asylum seekers were arrested and 15 young males had to be moved off the island. On 16 March 2011 there was a mass breakout at the Asti Motel. They walked down Smith Street in Darwin at will. Hundreds of them walked down Smith Street in Darwin, while—not to be outdone—a rooftop protest was also underway at the Northern Immigration Detention Centre in Darwin.

On 17 March there was, for once, a quieter protest, but a protest nonetheless, at Curtin. We should be watching Curtin carefully, because the minister knows that things are boiling up in Curtin as well. On 12 and 13 March there were mass breakouts at Christmas Island, and that was the same weekend the Prime Minister sought to tell everybody that everything was under control. Then, of course, from 14 to 17 March riots broke out on Christmas Island as hundreds engaged in violent protests. Buildings and beds were burned to the ground, staff were holed up and unable to escape, police were assaulted, tear gas was used and beanbag rounds were deployed.
Such is the crisis that has occurred under this government and under this minister that Federal Police had to take by force a Commonwealth facility. That is a disgrace. That is absolutely a loss of control. Not only have they lost control of our borders; now they have lost control of the detention network—and the chaos continues.

This is not the first time we have seen riots and other protests in our detention network, as those on this side of the House know. But there is a big difference now as opposed to when the coalition was in government. When this side of the House had to deal with the difficulties of people coming to this country, we acted. We took steps; we took action; we stopped the boats. We did that through a series of measures, not just one measure. The minister tries to make out that there was just one measure here and one measure there. There were a series of measures put in place and, as a result of those measures, the boats stopped. The number of boats reduced to an absolute trickle. I noticed that last night the minister said that his goal at Christmas Island is to get a detention population to 2,000. That is his goal!

I see the Father of the House here today. The Father of the House put in place a series of measures that ensured that when the coalition left office in November 2007 there were not 2,000 people on Christmas Island, there were not 2,000 people in the detention network; there were four people who had arrived illegally by boat who were in our detention network. That is a goal the minister might want to take up. Rather than 2,000, he might want to think about trying to get the number to four. But to get it to four he has to do some things which I do not think this minister has the resolve to do. Resolve, as the member for Berowra knows, as the former Prime Minister knows and as those who have served in that capacity know, requires you to take difficult decisions. Resolve requires you to send messages when there is chaos in our detention network and requires that you immediately sanction those who are involved in rioting.

This is a minister who is happy to have a three-month review and not know who was involved in the riots last week. He is not happy to suspend those people immediately. They are going to wait for about six months, and after that period of time, maybe even in 12 months time, when he does his general character test review case by case, he may well decide to deny them a visa. But you have to go on his form. It was revealed in this House yesterday and today that three people on SIEV36 were part of a plan, as the Northern Territory coroner said, to scuttle that boat. An independent assessment and review by the coroner found that they sank the boat. The minister knows that the general character test does not require a criminal conviction. He knows this absolutely. He knows that at any time, regardless of any other criminal proceedings, he could have revoked those visas. He could even change those visas. He could have given them a 449 safe-haven visa. But this is a minister who decided not to act. As long as this minister decides not to act, the boats will keep coming, the detention centre chaos will continue and we will continue to see the harm, the waste and the frustration of the Australian people who are angry about one thing: a government that cannot run an immigration system. They are sick to death of a government that simply refuses to listen to them and understand that what infuriates them is a government that has lost control of our detention network, our borders and our immigration system. Their only answer, as the Prime Minister did shamefully in this place a few weeks ago, is to say, ‘The Australian people feel this way because they have been victims of a race baiting campaign by the opposition.’ That is a disgrace. Before the
last election the Prime Minister said, ‘If you are concerned about border protection, you are not a racist.’ Commander Bradbury over there I am sure put this in there because he knew—

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! The member will refer to the member for Lindsay by his correct title.

Mr MORRISON—I will refer to the member for Lindsay by his appropriate title rather than what I referred to him as before. It was the member for Lindsay who—before he went on that great expedition to Darwin, the well-known port in Lindsay—went out there and encouraged Australians that he was all keen on border protection and so was the Prime Minister, and the people of Lindsay did not have to worry about the government thinking they were racist because they were concerned about the government’s border protection failures. They did not have to worry about that, because that was all behind us. But in this place several weeks ago the Prime Minister restated her assault on the Australian people for having concerns about her border protection failures.

They have no policy at all. This is their policy to stop the boats: East Timor. We can have a processing centre in East Timor—as a new millennium project, I suspect. It will not be this millennium; we will have to wait for the next one. It will be the millennium processing centre at East Timor in the next millennium, to go with the Millennium Dome, I suppose, from this millennium.

The minister was saying last night: ‘It takes time and we have to wait and wait. We do not have an immediate plan; we have a long-term plan.’ I think a millennium is a particularly long period of time. But this is the plan that the government has and it is a plan that is coming to nothing.

This is a plan that worked: on 1 September 2001 Prime Minister Howard said, ‘There will be third-country processing at Nauru’; 19 days later the centre opened. Eight months after the Prime Minister announced her processing centre in East Timor, it is no closer to coming into being. This is a processing centre that is a ‘never-never’ solution.

The only other proposals they put forward, apart from removing the Howard government’s regime, was the asylum freeze. That worked well. It led to a tripling in the amount of time people spent in detention and a doubling in the detention population and it was such a great deterrent that over 50 boats turned up in the meantime and over 2,000 people. Every time this government touches this area, it completely turns to mush. The cost that is paid in humanitarian and financial terms and in the integrity of our immigration program is simply too high.

I have a challenge for this minister. This minister has to decide this week whether he is going to be part of the solution or part of the problem. This minister has to decide whether he is going to walk out of this chamber today and walk into the Prime Minister’s office and say: ‘We’ve got it wrong. We shouldn’t have changed the policy of the Howard regime. It has absolutely turned to mush. I am sitting in a sea of disaster when it comes to our detention network and you will not let me take the decision.’ That is a decision that I am sure the minister knows he has to take—he would know he has to take these decisions—and he can decide to do that today or he can roll over to the Prime Minister and continue to swim in this sea of absolute failure.

I do not think the minister will do that. I think this minister is part of the problem not the solution. His only answer to date is to go out there and employ another six media officers to spin the boats away. You cannot spin
them away; you have to act and you need to act now.

Mr Bowen (McMahon—Minister for Immigration and Citizenship) (3.51 pm)—At the outset I think it is appropriate, given that these issues have been raised, that I put on the record my appreciation and the government’s appreciation and acknowledgement of the work of the Department of Immigration and Citizenship, Serco and the Australian Federal Police in managing the very serious incidents—riots and protests—at Christmas Island over the last week. I think it is appropriate that that is put on the record. Sometimes staff of departments are criticised, and there is a place for that, but it is also appropriate that we thank them. And I do thank them at the outset of this debate.

There are legitimate issues for discussion in this very complex policy area, and it is right that they be raised. I will not take a lecture from members opposite on the issue of riots in detention centres. I will not take a lecture from members of the Liberal Party. The member for Cook in a short acknowledgment said, ‘We had issues too.’ He quoted issues in detention centres about protests, escapes and fires over the last couple of years. He said in a dismissive note, ‘Of course there have been incidents before.’ He did not talk about the riots in detention centres about protests, escapes and fires over the last couple of years. He said in a dismissive note, ‘Of course there have been incidents before.’ He did not talk about the riots and protests at Baxter. He did not talk about the riots and protests at Woomera, Curtin, Christmas Island and Nauru. He talked about some people walking down the street; he did not talk about the 480 people who left detention centres in one go under the previous government.

Mr Morrison—We acted.

Mr Bowen—He says, ‘We acted,’ and those protests, riots and fires started as early as 2000 or 1999. He says, ‘We acted.’ I am not going to take a lecture from the member for Cook on those issues.

The member of Cook raised a number of issues, and I am happy to deal with them one by one. Let me deal with the last: the matter he referred to as spin doctors. He says the government’s answer is to hire more spin doctors, more media advisers, through the newspaper. He says we have just created six new positions.

Mr Morrison—You’ve advertised them.

Mr Bowen—He says, ‘You’ve advertised them,’ It is very important not to mislead the House. Let me explain to the member for Cook how the Public Service works. When somebody leaves a position, they tend to be replaced. When they are replaced, there tend to be advertisements, so not every advertisement in the newspaper is a new position. In fact, of the six positions advertised this week, four are existing positions. The member for Cook could have given me a call. He could have put in an FOI. He could have asked. The member for Cook says there are six new positions, and it is wrong.

I feel obliged to share with the House the budget of the national communications branch of my department: $2.98 million in the year 2010-11.

Mr Christensen—That’s all right.

Mr Bowen—The member for Dawson says, ‘That’s all right.’ It is a lot of money and it is exactly half the amount we inherited from the previous government—not exactly half but around half: in 2007-08 it was $4.23 million and in 2006-07 it was $3.8 million; more than the current budget of the national communications branch.

If the honourable member for Cook wants to start this debate, I do not think this is essential to the debate. I do not think this is a key point, but if the honourable member for Cook wants to raise matters, he needs to be sure of his facts. He needs to make sure when he says things to the House that he is correct.
The member for Cook also raises the matter of character and, again, he has been unsure of his facts. He has been wrong. The member for Cook said in the House the other day, as I mentioned during question time, that the minister’s power to deal with character issues is not appellable; it cannot be appealed to the courts. All he had to do was lean across to the man sitting next to him, the former minister for immigration, who had his decisions on character matters appealed to the courts and had a particularly disastrous result because proper and due process is very important in these instances. I am very clear. I have said previously that I will take character into account in these processes. I am more than happy for the member for Cook when that has happened to then question me about how that occurred. I am more than happy for the member for Cook, if he is still in his current portfolio, to ask me how they were dealt with and what the result was. He can try and pre-empt the decisions all he likes.

He makes the point that character issues should be taken into account, and I agree with him. He might ask the member for Berowra, the member for Menzies or Senator Vanstone how they took character into account when considering matters at Baxter, Woomera and previous riots, protests and fires, and the millions of dollars worth of damage caused in those incidents. He could ask them how they took character into account, but I would say each case is taken on a case-by-case basis, as is appropriate.

The member for Cook raises the matter of the counts at Christmas Island and the face-to-file checks. As I made clear last night, the initial check indicated that everybody had been returned and the numbers were appropriate. Then there were some anomalies identified through the face-to-file check. They have been further checked, and I can advise the member for Cook and the House that I have been advised by the department of immigration, the Australian Federal Police and Serco that those matters have been resolved and everybody is in the detention centre—

Mr Morrison interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper)—The honourable member for Cook has had his opportunity.

Mr BOWEN—who should be in the detention centre now those final checks have been done. I am more than happy to advise the House of that.

The member for Cook, quite rightly and appropriately, raises the issue of the opposition’s alternative approach. I think the member for Cook and I would agree on some things in this House. I think we would agree that the appropriate way of dealing with pressures on detention is to break the business model of the people smugglers. I think we would agree on that. I think the member for Cook would say, ‘Yes, that’s right.’ He has different terms for it, as he is entitled to. He says, ‘There’s sugar on the table. You’ve got to remove the sugar.’ That is a different way of saying the same thing. The member for Cook likes to say that. Let us go through the member for Cook’s policy prescriptions. He raised it.

Mr Morrison interjecting—

The DEPUTY SPEAKER—I remind the honourable member for Cook that he is still under warning.

Mr BOWEN—He said, ‘We have a suite of measures.’ He is right about that: there are a number of measures on the table from the opposition. I have never said, as he alleged I had, that there is only one measure. Whenever you ask the member for Cook about the solution to any problem in the world, he says, ‘Nauru.’ You could ask him the solution to global warming and he would probably
say, ‘Nauru.’ You could ask him the solution to famine in the world and he would probably say, ‘Nauru.’

Nevertheless, I recognise that he has a number of measures on the table. Firstly, he has the detention centre, the offshore processing centre, at Nauru. He says that that would somehow reduce the incentive to come to Australia. He says that a detention centre at Nauru would create uncertainty as to the result of your claim for asylum in Australia. I thought: Okay, let’s have a look this. How would that work when you take into account that, of those who were settled out of Nauru, 96 per cent were settled in Australia or New Zealand?

The member for Cook says, ‘This would create uncertainty. This would stop people coming.’ It was so uncertain that 47 got settled in other countries—that is true. Out of the thousands of people, 47 people were settled in other countries; 96 per cent were settled in Australia or New Zealand. A detention facility at Nauru, with all due respect, would be another Christmas Island—an offshore excised place, a different country, but with the same result of people being processed and settled in Australia. He says, ‘Take the sugar off the table. You’ll have to spend some time in Nauru, maybe 12 months, and then you end up in Australia.’ What is the difference between being processed in Nauru, Christmas Island or Curtin? I am not sure, but the honourable member for Cook seems to think it would make a difference.

The member for Cook needs to answer some questions. Who would run the Nauru processing centre? Would it be the International Organisation for Migration? Has he been to Geneva and met with them and asked them if they would run it? Has he met with the UNHCR and asked them to run it? Or would it be run by the Department of Immigration and Citizenship? If, for example, the member for Cook tried to get an international organisation to run it and those international organisations said, ‘You’ve got to be kidding! We tried that last time. It was a disaster. We’re not going to associate our name with that sort of project,’ he would have to run it himself through the department of immigration, and we all know the legal implications of that, following the recent High Court case.

With respect, the member for Cook then talked about temporary protection visas in point 2 of his suite of measures, as he likes to call them, and he is right. He says: ‘We would introduce temporary protection visas.’ What is the impact of uncertainty there? How does that take the sugar off the table? Consider this: of the 9,043 people granted temporary protection visas, 8,600 were then granted permanent residency—95.1 per cent. So you have 96 per cent of the people at Nauru making it to Australia and 95 per cent of the people who got temporary protection visas were given permanent residency.

Mr Morrison interjecting—

Mr BOWEN—You are saying it is not true. You do not think that 95 per cent of the people who got temporary protection visas ended up with permanent residency in Australia? That is a very interesting approach.

Mr Morrison interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper)—The honourable member for Cook has had a fairly good go. He will now remain silent.

Mr BOWEN—I am more than happy. He is making some fine interjections which I would like on the record, but I do respect your ruling and the office that you hold, Mr Deputy Speaker. What would be the impact of the temporary protection visas? We should check the history and see the impact. The member for Cook very proudly says, ‘Temporary protection visas, after they were in-
troduced, reduced the number of boats arriving in Australia.’ He says the number of boats fell.

Mr Keenan—That is exactly what happened.

Mr Bowen—That is exactly what happened. My old friend, the member for Stirling, comes in and says the number of boats fell. Well done. The number of asylum seekers went up. After the introduction of temporary protection visas, 8,000 people came over the next two years, but it is okay because they came on bigger boats! The number of boats went down, but the number of people went up—

Mr Keenan interjecting—

The Deputy Speaker—Order! The honourable member for Stirling will also remain silent.

Mr Bowen—and the proportion of women and children taking that dangerous journey on boats went up. Before the introduction of temporary protection visas, 13 per cent of people who arrived in Australia by boat were women and children. After their introduction, it was 48 per cent. So, if we are concerned about women and children on boats, I am not sure temporary protection visas are the answer.

So here we have a suite of measures. Measure No. 3: turn the boats back. That was a triumph in the election campaign. The ‘boat phone’—remember that?—Admiral Abbott, at Kirribilli House, on the phone saying, ‘Turn that one back’; ‘Don’t turn that one back.’ That is what we had. The member for Cook has to explain this: if his policy is to turn the boats back—he said it would be in limited circumstances, where it did not cause danger; I respect that—perhaps he could share with the House what those limited circumstances would be. What would be the circumstances when the lives of our naval personnel and the lives of the asylum seekers would not be put at risk? The other thing the member for Cook might like to explain is this: he says he is going to turn them back, but to where? The member for Cook might say, ‘Indonesia’—the logical place to turn them back to. The Indonesian government has said, ‘Not on your nelly. You’re not turning them back to us.’ When the member for Cook made his announcement and the member for Warringah, the Leader of the Opposition, made his announcement during the election campaign that we would turn the boats back to Indonesia, the Indonesian foreign ministry said, ‘We think not. Not to us.’ Minister Natalegawa, the Indonesian foreign minister said:

… simply pushing back boats to where they have come from would be a backward step. So I am not sure where he would return them.

Then we have point 4 of the honourable member for Cook’s suite of measures. I have to say, this one is probably my favourite. This is about the number of visas that would be made available to offshore entry and onshore entry. He says, ‘We would limit the number of visas available to people who arrive in Australia by boat’—to, I think, 3,750. What would this create when you think about it? You would think, ‘Okay. Let’s have a look at this idea. Maybe this has got some merit. We’ll consider it.’ The member for Cook would say, ‘If you are one of the first 3,750 people to arrive in Australia by boat, you get a visa. If you are the 3,751st, sorry, you stay in detention’—unless he would abolish mandatory detention. I am not sure that is his policy. That is a rolling detention crisis if I have ever heard one. The first 3,750 get a visa and the rest have to wait. Don’t you think that would create quite an incentive to be one of the first 3,750? Don’t you think we would have quite a rush to be part of that process? Don’t you think we would have people saying, ‘Let’s get on a boat and make
sure it is in the first few months of the year to make sure we’re one of the 3,750’?"

That is the suite of measures that the honourable member for Cook refers to. I refer to it as a suite of fraudulent policies which would have no impact and may have a negative impact.

Mr Morrison—You’ve got 30 seconds to give us your policy.

The DEPUTY SPEAKER—The honourable member for Cook remains under warning.

Mr Bowen—The member for Cook needs to be held to account and he needs to explain how these so-called policies would work, because we says, ‘We have the policies that work.’ They do not work, because they do not match the people smugglers’ business model. They do not remove the incentive for onward movement, or secondary movement, which the honourable member for Cook correctly refers to as the movement through the Asia-Pacific region. I will tell you the way to stop onward movement; I will tell you the way to reduce the people smugglers business model and eliminate it: you enter into a regional solution for a regional problem.

Mr Morrison—We agree.

Mr Bowen—The member for Cook says, ‘We agree.’ He thinks the region is Iran and that we should have a transfer agreement with Iran. We do not have that approach. We have the approach that we live in the Asia-Pacific region and we will enter into an Asia-Pacific regional partnership, because an international problem needs a regional solution and an international solution, not harsher punitive measures in the hope that they work and in the hope that they will make a difference, which they will not. (Time expired)

Mr Keenan (Stirling) (4.06 pm)—I must start with a confession, and that is that I have a soft spot for the Minister for Immigration and Citizenship. Sometimes I feel that we need to save him from himself. To do that, I think we need to at least give him some facts in this debate. If that is the case, maybe he will stop coming in here verballing, misleading and telling the Australian people more untruths. I would like to do that for a few minutes today. Firstly, I want to rebut some of the things that he said about our policy regarding third-country processing on Nauru. Nauru, as we know, was used in the past in a suite of policies that did something that this minister could never claim to have done: they stopped the boats. It was not the only policy; it was part of a suite of policies to which the opposition would return to achieve the same result when the government changes.

The minister, for some unknown reason, keeps referring to the fact that 95 per cent of the people who are on Nauru came to Australia with permanent visas. I want to give him some facts issued by none other than his predecessor as the Minister for Immigration and Citizenship, Senator Chris Evans. On Friday 8 February 2008, in a press release from the government, Senator Evans stated:

A total of 1637 people were detained in the Nauru and Manus facilities, of whom 1153 (or 70 per cent) were ultimately resettled from those facilities—
to Australia or other countries. Of those who were resettled, around 61 per cent (705 people) were resettled in Australia.

The minister continually and wilfully misleads by saying that that figure is 95 per cent. If he had any integrity he would come back in here and correct the record, because that is a press release, which I am happy to table, from his predecessor as minister for immigration.

The other thing the minister does, and I think this is most unfortunate, is to continue
to claim the fiction that when we introduced our suite of policies, including temporary protection visas, it somehow resulted in more people arriving in Australia illegally. That is completely and utterly untrue, and I just want to go back and remind the minister of the statistics. From 2002 onwards, for five years prior to the government changing when the Labor Party won the election, we had on average three boat arrivals per year. That is the equivalent of one arrival every four months. Three boat arrivals a year is a weekend’s work for this government. The statistics are completely and utterly irrefutable. The policies that we introduced, which were incredibly controversial at the time and criticised up hill and down dale by the Labor Party as being inhumane and not what they would do, worked to drive the people smugglers from their evil trade and stopped the boats from coming down to Australia.

I also want to address the issue, which the government raises, of the so-called ‘boat phone’. It worries me a lot, seeing that this minister clearly has no idea what is going on in his own portfolio, that they talk about the fact that, if a boat were to undertake an action on the high seas, a naval crew would not refer back to political authorities for permission to do anything. Anyone who has any understanding of how Customs and Border Protection works knows full well that a naval commander, before he took any such action, would of course go up the chain of command and that there would ultimately be a political decision about the sort of action to be taken. So this idea that somehow it is unusual for political authorities to control what their military forces do is ludicrous, and it does make me worry about what this minister actually understands about what is happening within his own portfolio.

Yesterday we saw a classic example. The minister fronted up at a press conference and said, rather unfortunately, that all the people who had escaped from Christmas Island had been accounted for. Later on he was contradicted in that, first of all by his own officials and then by officers of the Australian Federal Police. A great many events have occurred over the last week. We have seen extraordinary scenes within all our detention centres and particularly, of course, on the Christmas Island detention centre. As the shadow minister for immigration has said, we have seen the extraordinary and unprecedented sight of the Australian Federal Police being called upon to retake a Commonwealth facility by force because the Commonwealth had lost control of that facility. We saw detainees use violence against other detainees. We saw detainees use violence against Commonwealth officers. We saw widespread breakouts and riots. We saw buildings being set on fire and weapons being used.

How did we get to this situation? How is it that, when the government came into power in 2007, there were four people in our detention network who had arrived here in an unauthorised way by boat, yet now we have over 6½ thousand people in our detention network who have arrived in the same way? You have to laugh about the fact that the minister cannot manage to conduct a headcount within his own facilities. I wonder how hard it would be to conduct a headcount when you only needed to count four people. I suggest that it was a lot easier under the policies of the previous government, because the policies of the previous government had stopped the boats from coming in the first place. Ultimately, that has to be the goal of government policy, yet—sadly—this Labor Party just refuses to listen.

As I said, I do have a soft spot for the minister for immigration, so it was impossible for me not to squirm when watching him on *Lateline* last night. It was impossible not to feel his embarrassment as he was peppered with questions by the presenter and
was unable to answer even basic questions on the facts of what is going on in his own portfolio. You have to wonder why you would even bother being a minister in this Labor government. You have consecutive prime ministers, Rudd and Gillard, treating the cabinet with contempt and making policy on the run. Then you have the spectacle of ministers who do not seem to be in charge of what is happening in their departments. The minister last night could not answer any of the questions in a categorical way. Everything had to have a caveat of ‘I am advised’ or ‘I have been told’. He does not give the impression of a minister who is in charge of events within his own portfolio.

Correct me if I am wrong, but I always understood that the idea is that ministers try to be in charge of and shape events within their portfolio. They should not just be hapless victims at the mercy of events. They should not just be talking heads for the department that go out and do press conferences and shrug their shoulders while explaining to the people the circumstances of the latest disaster that has happened within their portfolio as though everything is beyond their control because ultimately they are only the minister.

If you were squirming when the presenter asked the minister to explain some basic facts about what had been going on within his own portfolio, then you really had to feel sorry for the minister when the presenter finished off the interview by asking him about the ‘never-never’ solution in East Timor. That has become an international embarrassment. Australian diplomats are forced to run around the region pushing an idea that everybody in the room knows is never going to happen. I was lucky enough to visit East Timor in January, when I also visited Indonesia, and the East Timorese were quite forthright—as they have been whenever this issue has been raised—that they have absolutely no intention of hosting an international facility at Australia’s behest. Quite frankly, it was very hard for them to hide their disgust at the way the Australian government had treated them.

I also had the opportunity during that visit to visit Indonesia. I talked to some of the members of the committee that are looking into outlawing people-smuggling within Indonesia, something that is very important. They were very polite. They came and met me, and we had a very polite meeting. At the end of it they finally said to me: ‘You know, we are a little bit bemused about why we are always talking to Australians about people-smuggling. They come up here and ask us to do more when the Australian government is pursuing a policy that encourages the people smugglers to continue to bring people to Australia in an unauthorised way.’ That is a fair point. That is why Indonesian officials have said publicly that they would like Australia to take the sugar from the table. They would like Australia to clean up its own house and to stop encouraging people to come here in an unauthorised way and apparently doing everything we can to encourage people smugglers to be in charge of Australia’s immigration system.

The East Timor never-never solution is the ultimate embarrassment, and I urge the government to stop pretending that this is ever going to happen, stop damaging our relationships with our regional neighbours and admit that this is not going to happen. If they were serious about third-country processing they would pick up the phone, talk to the President or Prime Minister of Nauru and ask to reopen the facilities that the Australian taxpayer has already funded on that island.

Words will not solve this problem. The people smugglers need to know that this government has some resolve to stop them from bringing people down here in an unau-
thorised way. Unless the government shows that resolve, more people will come and we will continue to have this rolling crisis within our detention network. *(Time expired)*

**Ms SAffin** (Page) *(4.16 pm)*—In politics people often say that if you say something often enough, long enough and hard enough—if you repeat it over and over—people will get to believing it. That is what I have heard from the coalition over the years. They keep saying: 'Under the Howard government we had the solution and we stopped the boats. We stopped the people coming.' It is simply not true, and the evidence does not support it. I will turn to that later on in my contribution, but I wanted to state that at the outset. I am sure some of the honourable members opposite now believe it, because they have said it long enough that they have deluded themselves. It is a fact that it just did not work.

With this debate what causes me concern is to have to be debating such a critical humanitarian issue in an atmosphere of attack and demonisation. Both planks—attack and demonisation—are there for one reason only. The honourable member for Cook raises this MPI today, but he and his coalition colleagues are doing it simply to try to gain political support by pretending to have solutions and demonising the others. It is always easy to demonise people we consider to be the others—people who are different from us, who are boat people, who come here differently. Gone are the days when there was bipartisan support on this issue. I hope that one day we can return to that, because the people around the world who are refugees and who are seeking asylum in countries around the world, particularly the wealthy developed countries, deserve better.

The honourable member for Cook talks about a crisis. There is a crisis, and it is an international crisis. It is a crisis for the tens of millions of refugees worldwide. A large percentage of those are women and children, so there is clearly a crisis, but it is in the international area. In talking about this issue there sometimes is also the charge that if you express some support for common decency you are a bleeding heart. I am happy to be accused and wear that badge. If talking about and acting on common decency means I am a bleeding heart, so be it.

I want to turn to the issue of the honourable member for Cook and others saying that under the Howard government they stopped the boats and they have the solutions or the suite of measures that the honourable member for Cook refers to. There were 240 boats that arrived under the Howard government. They carried over 13,600 asylum seekers. It is all within the timing. We have to look at the timing and at what is happening internationally and in our region. The boats stopped coming because global circumstances changed, and that is a fact. That happens because of what is happening in the international community with the conflicts in our region and the conflicts around the globe. The Taliban regime fell at the end of 2001, and millions of Afghans were able to return home. That is a fact. In 2003—

**Mr Christensen interjecting**—

**Mr McCormack interjecting**—

**Ms SAffin**—Mr Deputy Speaker, I cannot hear. The honourable members opposite are disturbing me.

**The Deputy Speaker (Hon. Peter Slipper)**—I think the honourable member has raised a valid issue with me, and I would ask the honourable members for Dawson and Riverina to observe the standing orders.

**Ms SAffin**—Thank you. In 2003, the Howard government started to build a detention centre on Christmas Island that cost $400 million. They were planning for more boat arrivals; otherwise, why would you
build a detention centre? They were anticipating that the people would come. The opposition, through the honourable member for Cook, say that their suite of measures will fix the problem of turning back boats ‘where circumstances permit’. That is a hollow promise too. Of the 240 boats that arrived under the Howard government, only seven were turned back. And that was given up, too, because they realised under the Howard government that that did not work. No boats were turned back after 2003. The practical reality is that there is nowhere to turn the boats back to. Who are you going to turn them back to? Send them back to where? To avoid being turned back, boats are sabotaged, putting Australian Customs and Border Protection and Defence personnel at risk. We have seen it and do not want to do that.

Then temporary protection visas were introduced. We have heard that the temporary protection visas worked, that they stopped the people coming by boat. They were introduced, to the best of my memory, in 1999 and, after that, still about another 8½ thousand people came on boats, so I have not seen the evidence that temporary protection visas worked. Yet here we are being told that if we reintroduce them that will fix it again. The reality is there is no easy fix for this issue. Whether you are in government or in opposition, the position has to be that it is a work in progress, that we have to work through it and come to reasonable solutions to shared problems, because the issue of refugees is a shared problem.

Of the people who did come here and were granted temporary protection visas—about 11,000 people—only three per cent ever went back. It is cruel, apart from being a failed solution to that problem.

The opposition also talk about going it alone on offshore processing. Mr Abbott has agreed with the government on the need for a regional processing centre—I have heard him say it. But the federal Labor government is committed to getting it right. What we are talking about is establishing a regional centre with the cooperation of the United Nations High Commissioner for Refugees in a country which is a signatory to the international Convention Relating to the Status of Refugees. That is critical because if we are going to have a shared solution to a shared problem, to have it in the region with the cooperation of the appropriate body, the United Nations High Commissioner for Refugees, and, I would imagine, working with the International Organisation for Migration, then it has to be done within that framework. That is where the conversation is taking place at the moment.

I have a couple of points about East Timor. The President of East Timor, His Excellency Jose Ramos-Horta, has been given carriage of this matter for Timor-Leste. He said that Timor-Leste accepts in principle to accommodate a regional assessment centre, but the opinions of all East Timorese sensibilities will be listened to before a final response is given on the Australian proposal. They are involved in those conversations about that issue. A meeting is coming up soon in Bali where I am sure that issue will be on the table.

There is one person I think of who sets quite a moral barometer for this issue, the late Peter Andren. I remember that he was a very popular member in his own area. He spoke on this always from the point of a moral position. Yes, when you are in government you have to have practical solutions,
sensible solutions, but we are looking at people—(Time expired)

Mrs GRIGGS (Solomon) (4.26 pm)—The government’s immigration network is indeed in crisis. The system is out of control. As a consequence of Labor’s failure, our detention network is stretched beyond its capacity. When the coalition left government only four people who had arrived illegally by boat were in detention. Today that figure is more than 6,300, including more than 1,000 children.

I call on the Gillard Labor government to assure Darwin residents and Northern Territorians that they will be safe, given recent events that have occurred on Christmas Island. If you want a more visible example of the depths of the crisis Labor have created with their failed border protection policies you need look no further than the Asti Motel in suburban Darwin. On 16 March this year, 100 detainees walked out of the hotel heading downtown to Darwin. This was not people rioting and escaping from a remote or secure facility. We have experienced riots and protests and breakouts from the Berrimah secure facility as recently as last week.

Territorians are enduring riots beside residential houses. The Asti Motel is surrounded by houses and units right in the suburbs of Darwin. My office is inundated with calls from residents who no longer feel safe and secure in their own homes. This is outrageous. I cannot understand why my constituents should have to feel frightened and insecure in their own homes, experiencing riots on their front lawns as a direct result of the Gillard Labor government’s failed border protection policy. Territorians are not watching riots on TV, they are watching riots outside their bedroom windows.

The Northern Territory Police and the Royal Darwin Hospital, like many of the other services that are provided in the Northern Territory, are already stretched to capacity. How can this Labor government say that there is going to be no pressure on Territory services as a result of their failed border protection policy? In September 2010, when 90 detainees escaped from the Berrimah detention facility and staged an all-day protest on the road, there had to be a significant impact on NT Police resources. This is just one example. There have been a number of breakouts. As I said, there were people walking down the mall. It is just disgusting. There were also riots which resulted in hospitalisations at Royal Darwin Hospital. Territorians all know that Royal Darwin Hospital is stretched to capacity—but we are told this failed border protection policy will not impact on Northern Territory services at all.

It gets worse. Asylum seekers are being housed in residential apartments in the suburbs. How can this be, when Darwin is experiencing its worst housing crisis? The government are trying to hide these people by renting the apartments under a veil of secrecy. This is typical of this government—they hide the facts from Australians. They have form. When the plans for another onshore detention facility were announced recently in Darwin, they said it would cost $9.2 million. But, as we know, it will cost $83 million, and that is just for starters. I am holding up the front page of the Northern Territory News, which outlines it all. The Labor government’s failed border protection policies are costing Australians hundreds of millions of dollars each year—money that could be spent on vital services and infrastructure. The $83 million that has been identified as the cost to build the new detention facility in Darwin could be spent on building other things, such as three new schools or four new cancer centres, or for nearly a thousand nurses in our hospitals. What about 900 police officers on our streets? Maybe it could build five new suburbs. This money could
even establish the eight new GP superclinics that the government have failed to deliver.

Mr Morrison—That’s a lot of money.

Mrs GRIGGS—It is a lot of money. It goes without saying that this $83 million could even have gone a long way towards replacing infrastructure damaged in the floods and the cyclones of the past summer.

Further, I have received an email which is typical of concerns that I am hearing from constituents in my electorate, and I would like to share it:

Dear Mrs Griggs,

I just want to express my disgust about the government building yet another detention centre, especially in Darwin. I am so annoyed that we can find the money to support overseas illegal immigrants yet we cannot find the money to build a second hospital for Darwin. These people are costing the country a hell of a lot of money and it gets up my nose.

Building this facility in Darwin will put a drain on our resources. Yes, it may create some jobs. However, try and organise a plumber or an electrician in Darwin. Some of these guys won’t even go near normal households because they’re too busy working on large-scale government projects.

Every time an illegal immigrant gets sick they will be putting a drain on our health system. We as Territorians wait a long time at A&E. Now we’ll be pushed even further down the queue because of these people.

My daughter attends Durack School, and she quite often comes home with raffle tickets so that the school can fundraise to purchase the most basic of items for the school. Government schools should get this funding automatically. If we can afford to spend the money on decent accommodation for the illegal immigrants, along with all the other privileges that they receive, why can’t we afford to look after our schools?

Natasha, please turn back the boats. Spend the money on Australians. There are a lot of them out there that need our money. Please have a look at this article I watched on A Current Affair, ‘Saving Vicky’. This lady needs our money and, as a taxpayer, I am more than happy to support this lady. I am not happy paying for illegal immigrants.

There are also a number of reader messages from the Northern Territory News that I would like share. The first says:

Why riot + protest? If they aren’t happy, i would happily pay a one-off tax to send them home.

Another one says:

So … More beds for detainees & prisoners?? Why not more beds at the hospital?

Yet another says:

Tell these rioting asylum seekers they just failed the test and deport them. In Aust, non compliance has consequences.

Territorians are not racist. We just want border protection policies that work. The Territory does not want to be the Commonwealth’s social experiment, and we do not want our constitutional weakness used so that Labor can dump their problems and the outcomes of their bad policies on us. We want genuine economic opportunities, not those that come from bad Labor policy.

The Territory has a strong multicultural background, and Territorians welcome people from all cultural backgrounds—but Labor are taking advantage of Territorians’ goodwill. Accepting refugees does not mean we accept Labor policy. We have a housing crisis and, increasingly, our own economic refugees because of the cost of living rises under this terrible, terrible Labor government. We know that, if there is a carbon tax introduced, Territorians will pay more because the carbon tax is going to be a tax on remote and rural Australia, and it is going to impact on the cost of living in the Territory when we are already experiencing very high pressures. Territorians want a guarantee from this secretive and deceptive government that Labor’s failed border protection policies will not impact on the safety, the security and the economic welfare of Territorians. It is an interesting fact that this Labor government
have built more detention beds in the Northern Territory than they have hospital beds. Palmerston people are waiting for a new hospital. What will they get? A new detention centre. Maybe the minister will turn the detention centre into a hospital when he fixes his border protection policy. My beef is not with the businessmen who are building the detention centre at Wickham Point. My beef is with this deceitful Labor government whose failed border protection policies have made it necessary and who clearly cannot be trusted.

Mr ZAPPIA (Makin) (4.36 pm)—I suggest that the real rolling crisis is with respect to the position of the Leader of the Opposition and how much longer he will be in that position. This matter of public importance before the House today is all about diverting attention from the divisions within the coalition and onto other matters. When it comes to the opposition we can be certain that they will never allow the facts to get in the way of their political strategy. This matter of public importance debate today is just like the issue of climate change because time and time again we are seeing the coalition distort the facts. In fact, they are doing it quite deliberately to create fear and concern amongst members of the broader Australian community. I wonder what the member for Pearce, the member for McMillan and other coalition members in this place whom I know do not share the kinds of emotions and concerns that I have heard from other members of the coalition today feel when their colleagues bring into this place this kind of debate and use the kind of language that has been used as part of this debate. It is clear to me that when it comes to immigration, refugee policy and climate change the coalition is very clearly divided. To some extent it gives me some comfort to know that, even amongst their ranks, there are people who are level-headed and consider this matter in a measured way.

We are dealing here with the lives of real people, people who in most cases have undergone trauma, persecution, danger, loss and serious suffering. This is a critical international humanitarian issue and we should not play politics with it. As a country that prides itself on freedom, equality, democracy and civil rights, this whole issue with all the complexities associated with it must, for the sake of the people we are dealing with, be handled in a considered and rational policy setting—not with the simplistic, distorted rhetoric that the opposition come into the House with.

The opposition come into this House and criticise the government. I believe the Minister for Immigration and Citizenship quite adequately addressed this point, but I want to reiterate some home truths here. They come into the House and are very critical of the government but they do so without putting forward any rational, credible policy alternatives. You would think that, as the alternative government, they would at least do that. They have no position for which there is any credible level of support by any of the mainstream agencies, government departments or overseas governments with which we have to
work in managing this issue. If they are going to come into the House and criticise the government, they should at least offer a better proposal that has been endorsed by the very agencies, governments and countries we have to work with. Do not come in here and simply criticise.

Let me go to some of the facts relating to asylum seekers. I heard members opposite being critical of the government. They claimed the government facts were incorrect. I will get back to some of those claims if time permits. I will go to the facts that were prepared by the Parliamentary Library—not by the Labor Party or by the minister, but by the Parliamentary Library. These are the facts. Fact 1: Australia has had a long history of accepting refugees for resettlement. Since 1945 some 700,000 refugees and displaced persons have found their new home in Australia.

Fact 2: when the Office of the United Nations High Commissioner for Refugees was established in 1951, there were approximately 1.5 million refugees internationally. So not long after World War II there were 1.5 million refugees internationally. As at the end of 2009 there were an estimated 43 million forcibly displaced people worldwide, including 15.2 million refugees, 983,000 asylum seekers and 27 million internally displaced persons. So we went from 1.5 million not long after World War II to 43 million and that does not include the additional 25 million people who have been displaced due to natural disasters of the types we have seen in recent times.

Fact 3: the majority of asylum seekers still arrive in Australia by air. Even with the recent surge, boat arrivals are still less than half of Australia’s onshore asylum seekers. Fact 4: Australia is not being swamped by refugees. That is what the opposition would have people believe. They are doing their best to portray that myth. For over 10 years, and even during the time of the Howard government, about 13,000 refugees per annum resettled in this country and that includes all the boat arrivals. So the number of people who have resettled in this country in the last decade or so has been around 13,000 per annum in total. That has not changed and is not about to change. Around the globe right now there are 377,000 people seeking refuge in other countries a year. That is the number of applications that are processed to the knowledge of the UNHCR. In fact, Europe gets over a quarter of a million claims every year and has done so for the last three years, the USA gets about 50,000 claims a year and Canada gets about 33,000 claims. So that puts Australia’s 6,500 claims into context.

I want to make two quick points. One is to rebut what the member for Stirling said when he was critical of the minister’s use of facts. He was referring to the rates of Manus Island and Nauru asylum seekers who were ultimately given asylum. He said the figure was about 70 per cent. My hearing of the minister’s comment was that it was Australia and New Zealand he was referring to when he was referring to the 90 per cent plus. I want to make that point absolutely clear. I think most members of this House would agree that there is little difference between Australia and New Zealand.

The second point I want to make is this: the same kind of fear campaign that I am hearing here today was run before Christmas in respect of the Inverbrackie detention centre that has been set up near Adelaide. Inverbrackie has been established and, contrary to all the fear that was being promoted by members of this House, people have settled into that community and settled in very well. I will quote from the *Southern Cross*, the online Catholic paper issued only recently. It said:
Mount Barker and Adelaide Hills parishes say they have been inundated with the generosity of parishioners and locals wanting to donate goods to Inverbrackie residents.

The article goes on to say:

Pam Ronan said that the Catholic R-12 College in Mount Barker was keen to welcome the refugee children into the school community.

Patricia Brady said:

People have responded so generously and it is not just from the Catholic community but from all of the community.

That is the kind of reaction that people are getting in the Mount Barker area to the people coming into Inverbrackie, not the fear and concern that was being suggested before Christmas by people in this very House. The *Sunday Mail* report just before Christmas in Adelaide confirmed again the same kinds of feelings.

This motion is all about diverting attention from the Leader of the Opposition. *(Time expired)*

**The DEPUTY SPEAKER (Hon. BC Scott)**—Order! The discussion has now concluded.

**MINISTERIAL STATEMENTS**

**Recent Natural Disasters: Economic Impact**

**Mr SWAN** (Lilley—Treasurer) (4.47 pm)—Over the past few months we have witnessed a series of truly tragic natural disasters—both here and abroad. At home, our country has been ravaged by floods, with Cyclone Yasi in the north and bushfires in the west. Overseas, we have seen earthquakes hit Christchurch and in the past 12 days we have watched the horrific images as one of the largest earthquakes on record hit Japan, followed by the devastating impact of the subsequent tsunami.

These events have tested us, and they have tested our friends. It has been inspiring to see the way in which communities have come together—here at home and globally—to help those in need. Our focus has of course been on providing immediate relief and assistance and getting on with the difficult task of rebuilding our affected communities. But it is appropriate that just before parliament breaks prior to the budget that I update members on the likely impacts of these events on our economy and on our budget preparations.

**Japan**

Our thoughts in the past few weeks have rightly been with the Japanese people and we have been focused on providing assistance, particularly to those Australians in Japan. These events will leave behind a tragic loss of human life and a damage bill running into many billions of dollars. The economic consequences of these events will become clearer in the coming weeks and months.

But we know that as the third largest global economy, this disaster will inevitably impact on the global economy and on our own. Japan accounts for around six per cent of global GDP and is also an important economy for Australia. Japan is our second biggest trading partner and our third largest source of foreign investment. Around one-sixth of all our exports are to Japan—almost $40 billion. We are Japan’s largest supplier of coal, and Japan is also an important destination for our iron ore exports.

Treasury’s initial assessment is that there is likely to be a short-term impact on some Australian exports to Japan in coming quarters. Japanese demand for steel-making inputs is likely to fall in the near term following the closure of several large steel-making plants and the disruption to Japanese manufacturing. Commodity markets have also generally weakened. Thermal coal prices are down around seven per cent since the earthquake and iron ore prices are down around
four per cent. But there may be some rise in demand for other fuels such as LNG as other forms of energy production are more heavily utilised.

In the medium term, reconstruction will support growth in Japan and add to demand for Australia’s bulk commodity exports. But the risks surrounding this assessment are considerable and to the downside. Any escalation in the problems at the nuclear reactors would exacerbate the economic impact on Japan and the global economy, as would further disruption to closely integrated production networks in Japan. There are also considerable risks of dislocation in global energy markets, including rising coal, gas and oil prices.

These events could adversely impact global confidence at a time when the world economy is already facing significant challenges, and there is new instability in parts of the Middle East and North Africa. We will of course continue to monitor the situation closely, including the impact of these events on the global economy and also on our own.

**Natural disasters at home**

Australia has also taken a direct hit from natural disasters here at home. In economic terms, the January floods and Cyclone Yasi will likely be the largest natural disaster in our history. Together, they will likely reduce economic growth by around half a percentage point this financial year. The supply chains for our coal exports were severely hampered, and production at some of our big mines continues to be disrupted by the floodwaters. On top of this, fruit and vegetable crops have been damaged—the disasters wiped out a significant part of the country’s food bowl. Between our coal and agricultural industries alone, we expect that production will be reduced by around $8 billion—which is slightly larger than our earlier estimates. Our tourism sector has suffered, and other industries—such as manufacturing, retail and transport—have been put under enormous pressure. This is a cruel blow for those sectors already struggling to cope with the high dollar.

The loss of production has also translated into higher prices for families—especially for fruit and vegetables. The region affected by Yasi produces 90 per cent of Australia’s bananas and around one-third of our sugar cane. We expect that the January floods and Cyclone Yasi will increase CPI inflation by half of a percentage point in the March quarter, perhaps more. While this will hurt families doing it tough, these price rises will be temporary, unwinding as crops regrow and production comes back on line.

But just as we are now seeing in Japan and have witnessed in Christchurch as well, the way the community in Queensland and Australia has pulled together has been inspiring. We have seen community groups, business and governments at all levels chip in to help the rebuild. The Queensland Premier’s Disaster Relief Appeal has raised more than $240 million. This is in addition to tens of millions of dollars of in-kind assistance.

And the federal government is providing more than $6 billion for flood and cyclone affected regions across Australia, with the vast majority being invested in rebuilding damaged public infrastructure, such as roads, bridges and schools. More than two-thirds of this will be funded through budget savings, with the remainder funded through a modest, temporary levy. And I am pleased to see that this levy passed the Senate yesterday, with the support of every single Labor MP and senator from Queensland. I do not want to get political here, but I do wonder how the Queensland MPs on that side of the House will look their constituents in the eye when they head home this Friday.
Budget

It is against the backdrop of these natural disasters that we will spend the coming weeks putting the final touches on our fourth budget. Recent events—both here and abroad—will make a difficult task even more difficult. The early years of the budget estimates will bear the brunt of the rebuilding and recovery costs, and government revenue will also take a hit from weaker growth in the short term.

But keeping our budget on track to return to surplus by 2012-13 is the right economic strategy for an economy which is expected to be pushing up against its capacity over the coming years. Just as it was the right thing to step in and support demand during the global recession, it is the right thing to do to step back when private demand is strengthening.

We have already put in place around $5½ billion in savings to meet the cost of rebuilding from the floods and cyclone. And we are sticking to our strict fiscal rules, including our cap on real spending of two per cent or less in above trend growth years. We understand that this will mean that we need to do a lot of things in this budget that will not be popular, but they will be the right thing to do.

A position of strength

While these events pose big challenges for our budget preparations, they will not knock our economy off its medium-term path. We were not beaten by the global financial crisis and we will not be beaten now.

Because of the decisions we took during the global financial crisis and our strong fundamentals, we face these new challenges from a position of strength. The Australian economy is halfway through its 20th year of continuous economic growth, with low unemployment, a solid investment pipeline, strong public finances and a sturdy financial system.

In resources alone, investment has gone from $35 billion last year to an estimated $56 billion for this financial year. Next year, it is expected to increase even further, to a record $76 billion. On top of this we have strong job creation—over 300,000 jobs have been added in the past year, and over 700,000 since we came to government. And we are on track to return the budget to surplus faster than any major advanced economy.

Our position of strength gives us the confidence to make the right policy choices, and our fourth budget will also keep the wheels of reform turning. We will not lose sight of the important task of transforming our economy. We have an ambitious agenda to keep our economy strong and prepare it for the challenges and opportunities that lie ahead. We have a plan to build capacity through making critical investments in infrastructure, skills and education. We are doing the hard yards in tax reform and superannuation, to broaden the economy and boost national savings. This will be another responsible budget that helps manage an economy in transition. We are committed to preparing our economy for the future and making sure we are best placed to take advantage of the opportunities.

On climate change we are putting in place the policies to transition our economy to the low-carbon future. It is important that we decouple our economic growth from growth in carbon pollution—we know the earlier we start the lower the cost and the better placed our economy will be.

With the associated investment pipeline, we know that the mining boom will also continue to push our economy towards its capacity. That is why we are investing in the infrastructure and skills, while also putting in place the policies to support increased workforce participation and labour supply. It is also why it remains critical that we deliver
on our fiscal commitments and stick to our strict fiscal rules in the upcoming budget. But we will approach this task knowing that by making the tough calls now, we are putting our economy in a position of strength. This was the approach we took to dealing with the worst global recession in 75 years. It is the approach that we have taken when putting together our previous budgets. And it is the approach we will take in finalising the budget I will deliver in this chamber in less than seven weeks.

I ask leave of the House to move a motion to enable the member for North Sydney to speak for 10 minutes.

Leave granted.

Mr SWAN (Lilley—Treasurer) (4.58 pm)—I move:

That so much of standing and sessional orders be suspended as would prevent Mr Hockey speaking in reply to the ministerial statement for a period not exceeding 10 minutes.

Question agreed to.

Mr HOCKEY (North Sydney) (4.58 pm)—Australians have watched on in despair at the devastation caused by the earthquakes that have recently struck Christchurch and northern Japan. The devastation which has impacted our friends in these countries has been difficult to watch, particularly when you see footage of people wandering the streets and cities, which have been reduced to rubble, knowing that they have lost nearly everything—and, in some cases, they have lost their loved ones. These events have truly tested the people of Japan and New Zealand, and our deepest sympathies go out to them in their hour of need.

While we focus our attention on the tragedies that have fallen on our neighbours, we must not forget the natural disasters that our own nation has had to face in recent months. Disasters such as floods, cyclones and fires are a natural and, sadly, a regular part of living in Australia. First there were the floods across much of the eastern states, along with bushfires in the south-west of Western Australia, followed by the monster Cyclone Yasi in Far North Queensland. Cyclone Yasi left an unbelievable path of destruction that has left many North Queensland communities completely disadvantaged. Many are still struggling to pick up the pieces—over a month after the storm has passed.

The Treasurer notes that the government is providing more than $6 billion for flood and cyclone affected regions across Australia, and the coalition welcomes that support. It believes the government should spend whatever it takes to get these shattered communities back on their feet as quickly as possible. What the coalition does oppose is how the government has chosen to fund that commitment with a $1.8 billion new tax. What the government should have done was fund all of the reconstruction through savings measures within the budget—and the coalition showed the way, identifying $2 billion of savings which could have been reallocated to the reconstruction effort.

Imposing new taxes is, sadly, part of the Labor Party’s DNA. Labor has announced 13 new or increased taxes in just two terms. These include the alcopops tax, the increase in the tobacco tax, the significant increase in luxury car taxes and, more recently, the mining tax, the flood levy and now the carbon tax. Enough is enough. Another tax will put already strained household budgets under more stress. Quite simply, Australian households cannot afford another Labor tax. This new flood tax will erode consumer sentiment and stifle consumer spending at a time when the retail industry is already doing it tough. There have been levies before, but the flood levy raises in a single year three times the amount of any levy introduced under the previous government. Besides the Medicare levy, this is the single largest annual levy
ever introduced in Australia. The Prime Minister said it was the right thing to do. We in the coalition believe the additional tax is the wrong thing to do.

The coalition also has grave concerns about the capacity of the government to administer such large funds. They have a poor history when it comes to management of programs, including a $1.2 billion blow-out in the computers in schools program; a $1.5 billion blow-out in the Building the Education Revolution school halls program; the Green Loans program, with $300 million wasted and the program finally cancelled; and the GP superclinics, with 36 promised and only eight currently in operation after four years. Preventing these and other program spending blow-outs would have paid the $1.8 billion to be raised through the new levy and much more.

It is also worth noting that, for 2010-11, the interest paid on Labor created government net debt will be $4.38 billion this year alone. That is nearly 2½ times the amount to be raised by the new flood tax. That is a core reason that the coalition are so committed to paying back Labor’s debt when we are next in government. The interest on the debt is a huge burden for the budget. The money can be much better spent on essential services such as health, education and income support. The government also has a much greater capacity to respond to natural disasters when the budget is in surplus and there is money in the bank.

But it is not just the coalition that does not trust the Treasurer with money. The Prime Minister could not trust her own Treasurer to oversee the reconstruction of Queensland. She found it necessary to appoint a Liberal to oversee the job. On 7 February this year, when the Prime Minister appointed former federal Liberal finance minister John Fahey as chair of the Reconstruction Inspectorate, I am sure Lindsay Tanner and a number of other people in the Labor Party who had served so well for so long would have been turning in their political graves. Part of the Reconstruction Inspectorate’s remit is to:

- Scrutinise requests for reimbursement by local government for projects completed for the purposes of reconstruction—and—
- Examine high value or complex projects prior to execution

Both these jobs should properly be done by the Treasurer and the Minister for Finance and Deregulation, Senator Wong. But our Prime Minister has decided to appoint a Liberal to do all this because, as she knows from school halls, pink batts and the NBN, the Treasurer is not quite up to the job of dealing with taxpayers’ money—yet the Treasurer is going to deliver a budget in May.

The Treasurer wants us to believe that the budget strategy is back on track and he said: ‘Keeping our budget on track to return to surplus by 2012-13 is the right economic strategy.’ And he went on to say:

And we are sticking to our strict fiscal rules, including our cap on real spending of two per cent or less in above trend growth years. This is a key point. It is curious that the Treasurer has omitted to mention perhaps the most important of his fiscal rules. Let me remind the House of the three rules which underpin Labor’s medium-term fiscal strategy. They are (1) maintain tax to GDP ratio well below the 2007-08 level on average—which is 23.5 per cent (2) achieve budget surpluses, on average, over the medium term and (3) real growth in spending to be kept below two per cent until the budget returns to surplus. This restraint is to be maintained, on average ‘while the economy is growing at or above trend until surpluses are at least one per cent of GDP’. They are the three rules. The Treasurer has not mentioned the first of
these rules relating to tax restraint—the 23.5 per cent rule. I suspect he is now walking away from that commitment—to use the Prime Minister’s words—because he knows that this big-taxing government will not be able to meet that promise. This is a further example of the disingenuousness of the government and it is a clear signal that the forthcoming budget will be built on a lie.

This budget is going to have a gaping black hole. Budgets are supposed to include the financial effects of all policy announcements of government. The government has announced that it will be introducing a carbon tax as early as 1 July 2012. It stands to reason that the funds to be raised through the carbon tax should be included in budget revenue and the spending associated with the so-called compensation measures should be included in expenditure. However, the government has decided, deliberately, not to announce any of the detail of the carbon tax, such as the rate, to whom it applies, which industries will be exempt and so on. It has also failed to announce the households and industries that will receive compensation. It is not even putting an in globo figure into the budget papers. This means that it is virtually impossible for Treasury to determine revenue and spending with any certainty. However, the ongoing speculation about the level of the mining tax suggests that, if the mining tax has a starting price of between $20 and $30 a tonne, the sums will be significant.

On page 27 of Ross Garnaut’s climate change review, update paper No. 6 states that a carbon price of $26 per tonne carbon dioxide equivalent would generate around $11.5 billion in 2012-13 alone—-$11.5 billion on the revenue side; $11.5 billion on the expenditure side. A recent report by the Centre for International Economics suggests that the price on carbon will need to escalate rapidly following the end of a fixed-price period in order to achieve the required emissions reduction. Therefore, for a starting price of $20 per tonne, the price increases to $49 in 2016-17. That equates to an annual tax take in excess of $20 billion. For comparison, the GST collects $50 billion a year. So the carbon tax is equivalent to increasing the GST from 10 to about 14 per cent. This is a significant black hole in this budget, and it clearly illustrates that the government is unable to meet the 23.5 per cent target, and that is why the Treasurer has stopped talking about it. It is one of the three major components for fiscal integrity and the Treasurer has dumped it. In order to ensure that he does not break another promise, he has decided to leave the carbon tax and the carbon expenditure out of the budget. That is why the budget in May will be a big lie. It is not telling the truth about the fiscal state of the nation. (Time expired)

MINISTERIAL STATEMENTS

Afghanistan

Mr STEPHEN SMITH (Perth—Minister for Defence) (5.08 pm)—As I said during last year’s parliamentary debate on Afghanistan, ‘There can be no more serious endeavour for any country or government than to send its military forces into conflict.’ That is why it is appropriate that Australia’s commitment to Afghanistan is the subject of ongoing parliamentary and public scrutiny. As part of this, the government and I are committed to providing regular reports and updates on Afghanistan, including to the parliament.

My report on this occasion includes the recent NATO and International Security Assistance Force (ISAF) defence ministers meeting in Brussels, which I attended earlier this month.

Why we are there

It is worth reminding ourselves why we are in Afghanistan and what our goal is. The government’s strong view is that it is in our
national interest to be in Afghanistan, not just with our alliance partner the United States but also with 46 other members of the international community acting under a United Nations mandate.

Australia has a responsibility to help stare down international terrorism and ensure stability in Afghanistan. Our fundamental goal is to prevent Afghanistan from again being used by terrorists to plan and train for attacks on innocent civilians, including Australians in our own region and beyond. To achieve that goal we must help prepare the Afghan government to take lead responsibility for providing security for the Afghan people. We must stabilise the security situation and mentor and train the Afghan security forces.

Progress

There are signs that the international community’s recent troop surge, combined now with a strong military and political strategy, has reversed the Taliban’s momentum. This progress is incremental and hard-won, but it is apparent. As International Security Assistance Force Commander General Petraeus told the US Congress on 15 March, districts west of Kandahar city—the birthplace of the Taliban—have recently been cleared by ISAF and Afghan troops.

In recent months, there has been a fourfold increase in the number of weapons and explosive caches turned in and found. Around 700 former Taliban have now officially reintegrated with Afghan authorities, with some 2,000 more in various stages of the reintegration process. But I do urge caution. United States Defense Intelligence Agency head, General Ron Burgess, has cautioned that ‘the security situation remains fragile and heavily dependent on ISAF support’ and that the Taliban ‘remains resilient and will be able to threaten US and international goals in Afghanistan through 2011.’

We must expect pushback from the Taliban, particularly in areas recently claimed by ISAF and Afghan troops, when this year’s fighting season commences in April or May. We do need to steel ourselves for a tough fighting season. United States Secretary of Defense Gates was correct when he said in Afghanistan on 8 March that the coming spring and summer fighting seasons would present an ‘acid test’ of whether our gains could hold. As well, the international community must continue to press President Karzai and his government to deliver on his undertakings at the London conference in January 2010 to improve governance, pursue electoral reform, take effective anti-corruption and anti-narcotics measures and create social and economic opportunities for all the Afghan people, including Afghan women and girls.

As United States National Intelligence Director Jim Clapper advised the United States Congress recently, which he repeated to me when I met him in Australia last week, there remains concern about the ability of the Afghan government to deliver on governance. Without progress on governance, security gains will remain fragile.

International commitment

Leaders of the 48 ISAF countries met at the Lisbon summit last November and resolved that a conditions based transition to Afghan led security begin this year, 2011, with the aspiration of completing transition by the end of 2014. NATO and ISAF members also made an important long-term commitment to support Afghanistan beyond the transition of security responsibility. Good progress has been made since the Lisbon summit, with the first Joint Afghan-NATO Inteqal Board report on transition and the development of ISAF Transition Implementation Principles.
Australia endorses the first Inteqal report and its recommendation to begin transition, as the Brussels NATO-ISAF defence ministers meeting also did, and as announced by President Karzai on 22 March, which I will refer to shortly. The Inteqal report’s commitment to coordinate transition planning with both Afghan and ISAF stakeholders will ensure all partners are consulted throughout the transition process, including on future tranches for transition. It is essential to get this right, to ensure the sustainability of the transition process. As the Prime Minister said at the Lisbon summit, there is no point transitioning out only to have to transition back in later.

The ISAF Transition Implementation Principles emphasise a shared, long-term commitment, a properly resourced mission, and investment and reinvestment in training. I attended the recent NATO-ISAF defence ministers’ meeting in Brussels. Building upon the Lisbon summit, this meeting delivered the message that ISAF partners are committed to achieving a conditions based, irreversible and sustainable transition of security responsibility to Afghan National Security Forces. Working hand in hand with the Afghan government, ISAF intends to complete the handing over of security responsibility to Afghan authorities by the end of 2014. This is an achievable task, and it has already started.

**Transition**

We must remember that transition will be a process rather than a single event. It will take place at different times in districts and in provinces only as security circumstances permit. The pace of this transition will depend on conditions on the ground, in particular the operational readiness of the Afghan National Security Forces.

On 22 March President Karzai announced the first provinces and districts to transition to Afghan authority. These include the provinces of Bamyan (all districts), Panjshir (all districts), and Kabul (all districts except Surobi) and the districts of Mazar-e-Sharif (Balkh province), Herat (Herat province), Lashkar Gah (Helmand province) and Mehtar Lam (Laghman province).

This first tranche of provinces and districts identified for transition has been selected on the basis of an assessment that their security, governance and development conditions are sufficient to commence transition. The decision to commence transition was made by the Afghan government based on the assessment and recommendation of the Joint Afghan-NATO Inteqal Board. In these areas the Afghan security forces have been assessed as capable of taking on additional security tasks with less assistance from ISAF.

**Progress in Oruzgan**

Transition is what Australia is working towards in Oruzgan province with the Afghan National Security Forces and our partners in Combined Team-Oruzgan, the United States, New Zealand, Singapore and Slovakia. There was never an expectation that Oruzgan would be in the first tranche of districts and provinces to begin transition. We believe the Oruzgan transition process can occur over the next three years, between 2012 and 2014.

Over the past six months, the Afghan National Security Forces and Combined Team-Oruzgan have expanded security over areas previously controlled by the Taliban. This has been made possible in part through the transfer of several patrol bases from ISAF or Afghan National Army control to the Afghan National Police, which has in turn allowed the Afghan National Army to move into contested areas.

The increasingly competent Afghan National Security Forces, with the support of
Combined Team-Oruzgan, are covering more and more ground, extending the reach of the Afghan government throughout the province. Australian mentored Afghan forces are expanding the security footprint from the Tarin Kowt bowl to the Mirabad Valley in the east, Deh Rawud in the west, and north through the Baluchi Valley into Chora. Our task now is to ensure that this progress in security, development and governance and the gains we have made are consolidated and not reversed.

Progress in training the Afghan National Security Forces

As part of the overarching transition strategy in Afghanistan, Australia is committed to mentoring and training the 4th Brigade of the Afghan National Army (ANA) in Oruzgan province to enable them to take on responsibility for security arrangements in the province between 2012 and 2014. Australia’s assessment of the 4th Brigade’s capacity is that it is effective with assistance and increasingly capable.

A further infantry Kandak has now arrived in Oruzgan to bring the 4th Brigade to full strength. While this 6th infantry Kandak lacks experience, it is trained and equipped for initial tasks, has strong leadership and is a strong graduate of the Consolidated Fielding Centre in Kabul. The 6th Kandak is currently mentored by US forces.

The next rotation of Australian forces—Australian Task Force 9—will be deployed into Oruzgan province in June, and will take on the additional task of mentoring the newly formed 6th Infantry Kandak of the 4th Brigade. As we hand over patrol bases and establish new ones, and see ANA Kandaks conduct more unaccompanied activities, Australian forces can be released for additional training and mentoring tasks, including responsibility for additional ANA forces in Oruzgan. As the Kandaks become more capable and self-reliant, Australian forces can move into an enabling and overwatch role.

Support for our troops

Our troops and personnel in Afghanistan are performing extremely well in dangerous circumstances on a daily basis. Australians are proud of the fact that our troops have a well-deserved reputation for their effectiveness and their conduct. Afghan government ministers—including Defence Minister Wardak, whom I met again in Brussels—and ISAF Commander General Petraeus praise the work and reputation of Australians deployed in Afghanistan, including in their engagement with local Afghan communities.

The support and protection of Australian personnel in Afghanistan is, rightly, our highest priority. The provision of new capability is part of the package of initiatives worth $1.6 billion that the government committed to, following the Force Protection Review effected by my predecessor Minister Faulkner, and underlines the commitment to provide our troops with the best available equipment.

Of the 48 recommendations made by the review, 42 are now complete or on track. They include enhanced counter IED measures, better armour and heavier calibre weapons for our Bushmasters, the placement of medics with each platoon operating in Afghanistan and the introduction of 1,000 sets of lighter combat armour.

US related allegations

Recent media reports of allegations of premeditated murder of Afghan civilians by a small number of US soldiers are deeply disturbing. The allegations were first reported last year, at which time the United States launched a criminal investigation into the allegations. Criminal charges were laid following the investigation and are now the
subject of United States court martial proceedings.

The United States Army has apologised for the distress the terrible incident and the publicity it has caused, saying they stand ‘in stark contrast to the discipline, professionalism and respect that have characterised our soldiers’ performance during nearly 10 years of sustained operations in Afghanistan’.

In this context, the United States Army has restated its commitment to the ‘adherence to the law of war and the humane and respectful treatment of combatants, noncombatants, and the dead’ and acknowledged that ‘when allegations of wrongdoing by soldiers surface, to include the inappropriate treatment of the dead, they are fully investigated; soldiers who commit offences will be held accountable as appropriate’. Australia very firmly believes that strict adherence to rules of engagement is essential on the battlefield.

Rule of law and the protection of civilians

The rule of law is an essential basis for international relations and for national security policy. The force of international law, and the protection it offers the Afghan people, clearly distinguishes the international effort in Afghanistan from the actions of the Taliban and its associates. On the ground, international humanitarian law—including the principles of military necessity, proportionality, distinction and discrimination—provides the framework for Australia and ISAF’s rules of engagement.

The Australian Defence Force (ADF) has built a reputation over the years for professionalism and compliance with such rules of engagement. Australian forces take all possible steps to ensure their operations do not endanger the lives of civilians. We have prided ourselves on our high standards and we have a well-regarded international reputation for doing so. When, for example, there are incidents involving civilians, they are always investigated.

In that context, the Registrar of Military Justice has convened a general court martial to try charges against two of the three Australian Defence Force members relating to an incident in Afghanistan on 12 February 2009. Pretrial directions hearings for the court martial are scheduled to commence soon in Sydney and the trial has been set down for 11 July 2011.

Casualties

It has already been a difficult year for the Australian Defence Force. This year, Australia has lost two more brave soldiers. Corporal Richard Atkinson was killed in an improvised explosive device strike on 2 February. Sapper Jamie Larcombe died as a result of gunshot wounds sustained during an engagement with insurgents on 19 February. Our thoughts continue to be with the families, friends and colleagues of Corporal Atkinson and Sapper Larcombe, as they too come to terms with their great loss. These soldiers served their country well and will always be remembered.

We have lost 23 fine Australian soldiers in Afghanistan. As well, four Australian soldiers have been wounded in Afghanistan this year, with 168 ADF personnel wounded in action since 2002. Our thoughts are also with our wounded and their families. The sacrifice our men and women make is great, as is the appreciation of our nation and our people. Our forces face a resilient insurgency, who, in coming months, will seek to retake ground. In this environment, we must steel ourselves for the possibility of further casualties, of further fatalities. Despite these tragic losses and the challenges ahead, Australia remains resolute.

Conclusion

We are seeing progress in Afghanistan. This progress is fragile. The Taliban know
they need to regain momentum, so we can expect them to fight back. The coming fighting season will be tough. As we prepare for it, we are also mindful of the civilian toll of the war. We can expect high-profile attacks by Afghan insurgents to continue and to increase, like the 21 February suicide attack in Kunduz province that killed around 30 Afghans and wounded 36 others. An increasing number of civilian casualties are caused by insurgent attacks and the deliberate targeting of civilians or tactics which result in civilian casualties. These attacks are aimed at undermining Afghan and international confidence in the progress that is being made on security, governance and development and on transition.

Transition has commenced with President Karzai’s announcement earlier this week of the first provinces and districts to transition to Afghan authority. Transition must be conditions based and irreversible. Transition can not be and must not be a signal to premature withdrawal.

The international community must continue to provide a long-term commitment to Afghanistan. That is why Australia has made clear it expects to maintain a presence in Afghanistan after our current training mission in Oruzgan has concluded, either in further specialised training, overwatch or through civilian capacity building and development assistance. Australia is confident that the international community has the right strategy for putting Afghanistan in a position to take responsibility for security matters and prevent it from again becoming a haven for international terrorists. This military and political strategy and the required resources are now, at long last, in place and delivering hard-won progress. We see this in Oruzgan as we see it elsewhere in Afghanistan. Australia stands firm in its continuing commitment to Afghanistan.

I present a paper providing more detail on Afghanistan and I ask leave of the House to move a motion to enable the member for Fadden to speak for 17 minutes.

Leave granted.

Mr STEPHEN SMITH—I move:

That so much of the standing orders be suspended as would prevent the member for Fadden speaking in reply to my statement for a period not exceeding 17 minutes.

Question agreed to.

Mr STEPHEN SMITH—on indulgence—Before the member starts, I apologise to him in advance. I need to go to a cabinet committee meeting. I will of course very carefully read his contribution. I thank him for his indulgence.

Mr ROBERT (Fadden) (5.27 pm)—Thank you for the opportunity to respond to the Minister for Defence. The minister should know that he enjoys bipartisan support from the coalition as the government seeks to prosecute their agenda with our fighting men and women within Afghanistan.

I thank the minister for his commitment to provide regular updates to the parliament as to what is happening in Afghanistan and I note the minister has indeed been true to his word in keeping his commitment to provide these updates.

It is important, as we seek to understand where we are going in Afghanistan and what the future holds, that we also look back to truly understand how the fight started and why it is important that the government is indeed supported at a bipartisan level to continue the fight in Afghanistan. I think we all agree that the world changed on September 11. Australia invoked the ANZUS alliance, standing shoulder to shoulder with our friend and ally the United States of America as they launched Operation Enduring Freedom.
On 20 December 2001, the UN approved resolution 1386, a resolution which has been approved annually since that date. There are 48 ISAF nations working within Afghanistan. It is a difficult but just and justified fight in response to an unmitigated act of barbarity. I do not need to remind the House or indeed the entire nation that over 100 Australians have perished at the hands of terrorists, whose support, whose training, whose financing and whose indoctrination can in one way or another be linked back to the insurgents, the Taliban and the other extremist groups operating within Afghanistan.

The minister noted that recent progress in Afghanistan has for the most part been positive, especially following the US troop surge that commenced in mid-2009. There is no doubt that recent ISAF operations have made ground, particularly in southern Afghanistan. In Kandahar we currently have 14 or so artillerymen fighting with British artillery commanded by the CO of the 7th Parachute Battalion, the Royal Horse Artillery. There is a group fighting in Kandahar down in the south, where in previous battles they had trained their guns over open sights so close were the enemy, where now there is greater control over the area and greater engagement through shuras with local leaders, and our men are reporting that there is greater trade and commerce between disparate groups within the area. Indeed, the degree of fighting, in their experience, has lessened. A new patrol base has been put outside the main operating area in Kandahar, a testimony to the degree of stability that is being achieved in the southern province.

But let us not lose focus. As the new fighting season approaches, the Taliban will look to reclaim ground it has lost. They are a resilient and hard-fighting foe. In the coming months, as the winter snow melts, the Taliban will push back. It is fair to assume that we are fighting a resilient enemy. The question the nation needs to ask is a simple one: can we or can we not hold our gains? I agree with the minister on the capacity, the capability and the courage of our fighting men and women to hold our gains and, more importantly, to gain even more.

I note the recent report from Major General Mike Kraus, Deputy Chief of Staff Plans at ISAF’s Joint Command Headquarters, where he said:

We believe that we have momentum. We believe we now have the initiative.

However Major General Kraus also noted the fragility of these gains. I know General Kraus. He is not a man loose with his words—a serious war-fighting general who understands the serious nature of our commitments in Afghanistan.

The message here, I believe, is that progress is rarely easy and it is rarely quick. It is incremental. It comes at a cost. Enduring progress is dependent upon coalition forces holding their nerve and, as the minister quite rightly stated, standing firm on their commitment to Afghanistan. In short, if I can quote the previous commander of our deployed forces, Major General Cantwell, not only to the Prime Minister but also to the Leader of the Opposition, and indeed to the parliament, this is ‘not the time to get the wobbles’.

Progress made by Australian forces should not be underestimated. Australian forces are doing an amazing job in incredibly difficult, dangerous and arduous circumstances. General Petraeus, the commander in Afghanistan, has consistently commended the work of Australia’s fighting men and women. In terms of military progress, it is undeniable that the southern provinces, including Uruzgan where the bulk of Australia’s fighting forces are based, is a comparatively safer place than it once was. In Uruzgan, Australia, along with other members of Combined
Team-Uruzgan, have made significant progress both in training Afghan 4th Brigade soldiers and in the reconstruction work through the Provincial Reconstruction Teams. I recognise that the Afghan 4th Brigade’s capacity to operate independently of assistance is increasing—slowly, but it is certainly increasing. Having been to Afghanistan twice last year and having seen for myself the progress they are making, I can provide testimony to that fact.

I note that with the next rotation of Australian forces they will also be taking responsibility for the 6th Khandaq of the 4th Afghan Brigade. Australia will therefore be responsible for training the entirety of the brigade. It was also pleasing to see the brigade’s heavy weapon support Khandaq actually fire their D-30 artillery pieces, bringing on line another capability they have got to engage with to seek to destroy the insurgency within Afghanistan.

I also note that we continue to supply a surface vessel operating in the Gulf and the Red Sea region, which does an excellent job in enforcing the restriction zones there, doing counterpiracy and other support activities. I note our substantial aviation assets are flying out of both Afghanistan and, indeed, the wider Middle East, continuing to provide a range of significant resources and platforms desperately needed for the fight to continue. We can as a nation be proud of our some 2,350 men and women currently deployed in the wider Gulf region. As I have said consistently in this place, and I say again to the minister: the only thing I would ask is that currently there is a cap of 1,550 men and women in Afghanistan and it is our contention that that cap would be better placed on the 2,350 in the wider Middle East area of operations to allow the force commander to surge men and women troops as he sees fit. I certainly reiterate that to the minister.

In terms of transition, the minister has said consistently that a transition of Australian forces out of Afghanistan will take place over what is now three years, sometime between 2012 and 2014. This has the support of the coalition. The PM has also stated, during her address on this issue leading the debate in the parliament, that Australia will maintain a capability after the training role of the 4th Afghan Brigade has ceased with an overwatch capability, a training capability, and perhaps a civilian capacity-building and development assistance capability. The coalition again supports this. We do, however, ask the minister to provide an update as soon as that would be available as to what the overwatch capability or that training role or civilian capability would look like in terms of personnel, equipment and the length of time it would be envisaged that they would be in Afghanistan beyond 2014. We appreciate that it may take some time for the minister to work through the details of what that overwatch or training capability may look like.

In terms of the transition arrangements, we understand that progress has taken place since the London Conference on Afghanistan in January 2010, especially with respect to improving the governance within the Karzai regime. Whilst many steps have been made with respect to improvement within the regime, the world understands that there still needs to be improvement with respect to the legitimacy and the standards of governance and the fight on corruption that the Karzai government brings to its administration in Afghanistan. Certainly taking those issues of governance beyond the major cities and into the regional areas where the Taliban still have considerable influence remains a priority as the Karzai government moves through the London conference initiatives to seek to improve the governance within the area. In terms of endorsing the NATO report and the transition for wider Afghanistan and espe-
cially the ISAF Transition Implementation Principles, they are indeed welcome news and are supported as they emphasised a shared, long-term commitment.

I note the minister said that the transition will be conditions based, irreversible and sustainable, with ISAF intending to complete the handover by the end of 2014. I also note the announcement by President Karzai on 22 March of the first provinces to transition. They are Bamian, all districts; Panjshir, all districts; Kabul, all districts except Surobi; and the districts of Mazar-i-Sharif, Herat, Laskargah in the Helmand province, and Mehterlam. In the transition section, though, it has constantly been said—and the minister has made these statements—that the transition would be one based on metrics, where data and commanders’ judgments drive the transition. The coalition support that. We support the view that transition may well take place in Oruzgan district by district, valley by valley, village by village, re-entrant by re-entrant. As I said, the government has the support of the coalition for a metrics and commander judgment based transition that adequately ensures that the Afghan National Army’s 4th Brigade has the training, resources and equipment to do the job, and that ensuring the transition occurs so that Australian soldiers’ lives are not put at any greater risk than they normally are.

As we move towards that transition, it is instructive to look at the toll in Afghanistan. In this year alone, two of our great soldiers have been killed in action: Corporal Richard Atkinson on 2 February, from an IED blast; and Sapper Jamie Larcombe on 19 February, from gunshot wounds he sustained. Our thoughts are with their families, and I join with the minister in thanking those who have made the ultimate sacrifice. I cannot begin to understand the pain that their families are going through. We have now lost 23 brave Australians in combat in Afghanistan. Four more have been wounded in action this year, bringing the total number of wounded, since 2002, to 168. The coalition join the government in their commitment to care for these soldiers and their families. We must, and we will, do everything possible to support them.

I note with interest that the Army has recently embarked on a campaign to better educate and care for those suffering from post-traumatic stress disorder upon their return from the battlefield. I note the great DVD they have made, called Dents in the Soul, and I commend the Army, particularly the Chief of Army, General Gillespie, for their work in tackling this difficult issue and their efforts in embarking on what amounts to a significant cultural change program within the Army and, more widely, within the ADF.

We on this side of the House continue to expect the government to continue to look after our troops’ welfare, and their families’ welfare, not only in the short term but also in the longer term. We expect them to deliver on their promise to support our returned troops, particularly those who have sustained physical injuries or mental conditions.

I call on the wider nation to remember that our fighting men and women fight for us; they fight for you. They fight for the safety and freedom that we enjoy. I call on the nation to remember them and perhaps, if the opportunity arises, to show your appreciation in a tangible way by writing to them. Australia Post will send a two-kilogram parcel free of charge—send them some decent coffee, send them some Tim Tams, send them a letter. The joy your family will get from receiving a letter back from one of our fighting men and women is truly something to behold. Our soldiers have a great sense of humour. A digger from Cairns writes back and says he is used to the tropics but he is now in minus 15 degrees in the mountains at Chora.
and he is freezing. I encourage Australians to remember our fighting men and women—send them a care package—not just in Afghanistan but right across the theatres of influence where our men and women serve.

The Minister for Defence also provided an update on the new C-RAM, the counter-rocket artillery and mortar early warning system installed to help protect Australian soldiers from attacks in Afghanistan. It is a critical system. It was called for by the coalition, and I thank the previous Minister for Defence for heeding that call and bringing the system forward. Certainly, it is better late than never. It performs a vital role, providing precious seconds warning for our troops.

I also thank the minister for providing an update on the court martial proceedings relating to three ADF personnel. It is no secret that the coalition remain concerned about the length of time it has taken to bring these charges, noting from the minister’s comments that only two court martials have been arranged, with the third pending. We will continue to monitor closely the amount and quality of representation these soldiers are afforded. I note the minister and CDF have promised the finest advice and representation that can possibly be provided, and that is indeed welcome.

I note the minister’s comments with regard to detainee management. I am in lockstep with the minister insofar as we agree that the first priority of the detainee management framework must be to ensure insurgents are removed from the battlefield. Naturally, we will continue to monitor very closely the whole range of issues currently before the ADF regarding detainee management. I also note, though, that ADF troops, most notably our special forces, are becoming frustrated with Australia’s limited current framework. My understanding is that ADF troops can still only hold suspected insurgents for a maximum of four days, whereas our ISAF partners can hold them for 14 days. I would argue that that length of time does not allow for the extraction of valuable information by Australian troops. It is difficult to assess the intelligence value of information extracted within just four days. I believe it is having an impact on troop morale, especially when insurgents are caught, released and then caught again. It is my understanding that the minister is reviewing these arrangements, to his credit. I therefore ask the minister in good faith: can he provide a firm time line for that decision and update; and will any recommendations be made public?

In conclusion, I thank the Minister for Defence for providing the House with this update. He has been true to his word and provided an update, as he said he would. I sincerely hope that he will consider the points that I have raised today on behalf of the coalition. We join the government in thanking our professional military commanders, who have assured the government and the opposition that our fighting men and women are doing everything they need to do to ensure success in the campaign in Afghanistan. We must steel ourselves against the future as we enter the fighting season. We remain in lockstep with the government, as there is bipartisan support for the mission and for our troops.

**INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY AMENDMENT BILL 2011**

**First Reading**

Bill and explanatory memorandum presented by Mr Gray.

Bill read a first time.

**Second Reading**

Mr Gray (Brand—Special Minister of State and Special Minister of State for the
Public Service and Integrity) (5.44 pm)—I move:

That this bill be now read a second time.

The purpose of the Inspector-General of Intelligence and Security Amendment Bill 2011 is to update and modernise the operation of the Inspector-General of Intelligence and Security Act 1986.

The proposed amendments are primarily intended to ensure the Inspector-General of Intelligence and Security (IGIS) is able to undertake the work of the Office of the IGIS more effectively and efficiently, including by addressing issues which have arisen or become evident since the legislation was enacted in 1986.

The bill will also strengthen the accountability and oversight framework governing the activities of the agencies that make up the Australian Intelligence Community (AIC), and will provide greater assurance regarding the legality or propriety of their activities.

The act was originally drafted in response to the Royal Commission on Intelligence and Security conducted by the Honourable Justice Robert Hope in 1983, which raised, amongst various issues, concerns about the capacity of ministers to control effectively some AIC agencies.

The government's expressed aim at the time in establishing the office was for assistance to be provided to ministers in undertaking their oversight and review responsibilities in relation to the five Australian intelligence and security agencies, particularly with regard to ensuring compliance with the law, propriety of their particular activities, and consistency with human rights. The work of the IGIS, particularly in assisting the government meet its responsibilities in relation to the intelligence agencies, is one of the foundations of the accountability framework for the AIC, currently numbering six agencies.

With a view to renewing assurance to the parliament and the public that agency use of special powers and capabilities is subject to scrutiny, the bill recognises expressly the IGIS's special role in assisting the government in relation to oversight of the intelligence agencies.

In relation to the IGIS's inquiry and reporting functions, the bill enhances and expands the IGIS's capacity to undertake own-motion inquiries and to provide copies of reports of inquiries to the Prime Minister.

Currently, the act allows the IGIS to undertake preliminary inquiries, but only where a complaint is made to the office. The proposed amendment will widen the scope for such preliminary inquiries by the IGIS. The ability to undertake a preliminary inquiry in response to a complaint provides the IGIS with an efficient and cost-effective mechanism to ask an agency for information about a matter, without having to allocate resources to conduct a full investigation.

In a significant number of instances, this allows for a sufficient examination of the matter while avoiding a full inquiry. There can be occasions when an allegation about one or more of the AIC agencies is made, for example in the media, but a formal complaint is not lodged with the IGIS. Currently, the only formal option open to the IGIS to examine a matter raised in this way, if he or she is so minded, is to move straight to a full inquiry.

It is preferable in such circumstances for the agency to have an early opportunity to present relevant facts to IGIS, prior to a decision about whether or not to commence a full own-motion inquiry. The bill allows for the adoption of this two-stage process for deciding whether to commence an own-motion inquiry, which will help ensure the signifi-
cant coercive powers provided under the act for use in a full inquiry are only available when an actual need is identified. Moreover, this will provide the IGIS with more flexibility and a more cost-effective option for handling many issues.

The bill also addresses an anomaly in the act in that for the Office of National Assessments (ONA), the Australian Security Intelligence Organisation and the Defence Intelligence Organisation, inquiries can be conducted by the IGIS on his or her own motion into the effectiveness and appropriateness of the procedures of the agency relating to the legality or propriety of the activities of the agency, but for the Defence Imagery and Geospatial Organisation, the Defence Signals Directorate and the Australian Secret Intelligence Service there is currently no own-motion capacity in this regard—the IGIS can only conduct an inquiry into these agencies in response to individual cases of concern. The bill ensures IGIS can adopt a common approach towards all six AIC agencies.

The act currently allows the IGIS to provide to the Prime Minister, as the minister responsible for the ONA, a copy of any report covering ONA, but not the other five AIC agencies within the IGIS’s jurisdiction. The bill will correct this anomaly and allow the IGIS to give the Prime Minister a copy of any final report prepared in relation to an inquiry conducted under the IGIS Act, either where the Prime Minister has requested that be done or where the IGIS otherwise considers such action appropriate.

The bill will also provide the IGIS with the capacity to delegate his or her powers in certain circumstances, subject to ministerial approval.

There is currently no power of delegation in the act, and hence the IGIS must personally exercise the significant powers of the office. Due to the small size of the office, there is a limit to how many inquiries can be effectively conducted at any one time on top of its inspection and complaints handling functions.

In addition, the strong coercive powers provided to the IGIS to compel persons to provide information and documents can be exercised only by the IGIS personally. In practice, this means it would be difficult for IGIS to concurrently progress more than two full inquiries of a significant nature in a timely way.

The bill allows for the engagement of a suitable person to conduct a major inquiry with access to the full range of powers under the act. This will ensure the IGIS has greater flexibility to expand the capacity of the office at short notice if a person of suitable standing could be engaged and delegated the full powers of IGIS in respect of a particular inquiry.

Coercive questioning, however, is an extraordinary power exercised by a very limited number of agencies. Accordingly, the scope for the IGIS to delegate the powers of the office, particularly coercive questioning powers, will be subject to limitations that ensure this mechanism is only resorted to when there is a strict need.

The proposed amendments require the IGIS to seek approval from the relevant minister in each case where such powers are to be delegated for the purpose of a specific inquiry only. The amendments also specify that unless the responsible minister otherwise agrees in relation to a particular inquiry, the person proposed to be employed in relation to the inquiry must be able to obtain and maintain a security clearance to at least the same level as staff members of the Australian Secret Intelligence Service.

There would be a relatively limited number of suitable candidates for delegation. The key qualities required for a suitable person...
would include: a very good understanding of the policy, bureaucratic and legal environment within which the intelligence and security agencies work, as well as an ability to approach issues fairly and with an open mind in order to arrive at objective, credible and defensible outcomes from inquiries or other investigations.

The person would have to have the seniority and wisdom required to engage effectively the highest levels of agencies, and where necessary to resist pressures to influence unreasonably the outcomes of an IGIS investigation. For reasons of credibility, a delegate should also not have worked for any significant period of their career in the intelligence community itself, and would have to be able to work with and be subject to direction from the IGIS. Finally, the amendments require that the responsible minister must be satisfied that the proposed delegate has appropriate expertise for the particular inquiry.

The bill also provides the IGIS with the capacity to assist royal commissions at the discretion of the government of the day, while ensuring the effective operation of limitations on any unauthorised release of sensitive intelligence material by current or former IGIS officers to a court, coronial inquiry or royal commission. This would be in order to assist the work of relevant royal commissions.

The secrecy provisions of the act are intended to avoid court proceedings becoming an indirect route for disclosure via the IGIS of documents and information from the intelligence and security agencies, to which the IGIS has complete and necessary access, and the bill ensures that no person can be required by a court or tribunal to disclose information in contravention of the secrecy provisions of the act.

There are, however, likely to be cases where the IGIS could provide significant assistance to, and facilitate the work of, a royal commission. The bill therefore recognises the desirability of enabling the IGIS to release material to royal commissions in certain circumstances. The proposed provision that a commission must be expressly prescribed in regulations as authorised to seek evidence from, or cooperate with, the IGIS will avoid the IGIS being under an obligation to give evidence to all royal commissions at a commission’s request.

The bill will also simplify some of the existing provisions of section 8 which, although they are key to the IGIS’s jurisdiction, complainants and interested members of the public often find convoluted and difficult to read and comprehend. The operation of subsections 8(5), (6) and (7), which relate to the scope of the IGIS’s authority to inquire into employment matters concerning intelligence agency employees, will be simplified, providing greater clarity regarding the IGIS’s inquiry functions covered by these provisions. The substantive role, powers or functions of the IGIS in relation to the intelligence agencies will not be altered by these proposed amendments.

Finally, the opportunity is taken with this bill to rectify drafting oversights and inconsistencies that have become apparent in the act.

One oversight arose when a new requirement was introduced by the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 for the IGIS to give evidence in Information Commissioner reviews in certain circumstances, requiring a minor consequential amendment to paragraph 34(5)(a) proposed by this bill.

The bill will also rectify an unintended inconsistency in subsection 34(5) regarding the treatment of ‘documents’ as opposed to ‘information’ that arose when the subsection was repealed and substituted by schedule 4.
to the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009, and then amended by schedule 6 to the Freedom of Information Amendment (Reform) Act 2010.

Currently, paragraphs 34(5)(c), (ca), (d) and (e) deal with circumstances in which a person can be required to divulge or communicate information, but there are no equivalent provisions relating to documents. The proposed new paragraphs 34(5)(ba), (bb), (bc) and (bd) correct this drafting oversight.

As noted by the Prime Minister in announcing in December 2010 the Independent Review of the Intelligence Community, which is currently under way, intelligence plays a key role in preserving Australia’s national security and supports a wide range of our national interests.

With the significant expansion in the resources and capabilities of the intelligence community over the past decade, it is important for the accountability machinery for the intelligence agencies to be revisited and refined in order to keep pace.

This bill will ensure the office of the IGIS is well positioned for the future, and is one part of the government’s broader agenda of ensuring accountability machinery across the Commonwealth is operating both efficiently and effectively.

I commend the bill to the House.

Debate (on motion by Mr Keenan) adjourned.

SECOND READING

Mr GRAY (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (5.57 pm)—I move:

That this bill be now read a second time.

The Statute Stocktake Bill (No. 1) 2011 seeks to reduce red tape in the government’s internal administration by repealing redundant special appropriations and a statutory special account.

This bill is an important part of government housekeeping in keeping the financial regulatory framework of the Commonwealth up to date.

The bill, if enacted, will update legislation across a range of portfolios by abolishing 39 special appropriations, including a statutory special account, repealing redundant provisions in 11 acts and repealing 25 acts in their entirety.

These redundant provisions have been identified through a stocktake of special appropriations. The government committed to regular stocktakes of this nature in response to the report Operation Sunlight—overhauling budgetary transparency released with the government’s response on 9 December 2008.

The bill carries on from the efforts of five previous financial framework legislation amendment acts from 2005 until 2010 and the Statute Stocktake (Regulatory and Other Laws) Act 2009, and contributes to Commonwealth efforts to clean up the statute book. The bill also assists the government to maintain effective legislative housekeeping, which is consistent with the government’s better regulation agenda.

The bill contains no significant policy changes.

Schedule 1 of the bill would, if enacted, repeal 13 special appropriations that have
either been fully expended or would concern functions that are no longer being undertaken, such as the Loans (Australian Industry Development Corporation) Act 1974.

Schedule 2 of the bill will repeal 26 redundant special appropriations, including 25 acts and a statutory special account that no longer have any effect, such as the Forestry and Timber Bureau Act 1930.

The measures contained in the bill reflect the government’s commitment to enhance transparency and accountability across the Commonwealth’s financial framework.

I commend the bill to the House.

Debate (on motion by Mr Keenan) adjourned.

COMMITTEES

Public Works Committee

Reference

Mr GRAY (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (6.00 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Australian Defence Force Academy Redevelopment, Canberra, Australian Capital Territory.

The Australian Defence Force Academy provides a learning and living environment for officers and cadets of the Australian Defence Force undertaking military training and university studies. The scope and delivery of military training and education has changed since the academy opened in 1986. These changes have resulted in a gap between the current facilities provision and that required. The government proposes to invest $98.5 million plus GST into a range of facilities to meet the future academic and military training needs of the Australian Defence Force.

The proposed works include a new 1,200-seat auditorium; five new teaching spaces and the refurbishment of existing teaching facilities; a new indoor sports centre; refurbishment of the cadets’ mess kitchen, military staff working accommodation, chaplain’s office and staff living-in accommodation; upgrades of the existing site engineering services; and new secure storage for cadets’ bicycles and for flammable goods. Subject to parliamentary approval, the project is scheduled to commence construction late this year and be completed by the end of 2014. I commend the motion to the House.

Question agreed to.

Mr GRAY (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (6.01 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Robertson Barracks electrical reticulation system upgrade, Darwin, Northern Territory.

Robertson Barracks is a key defence base in the Northern Territory and is located approximately 20 kilometres east of Darwin. It is the home of the 1st Brigade and the 1st Aviation Regiment and a number of lodger units. The base supports a working population of approximately 3,500 personnel. It was constructed in the 1990s under an initiative called Army Presence in the North Project. The original high-voltage system at Robertson Barracks has undergone an ad hoc extension over the past 13 years as the demand for power has grown.

The existing high-voltage system is nearing its capacity and has insufficient redundancy to cope with disruptions to the power
supply, such as outages during tropical storms. The emergency power station has inadequate capacity and cannot fully support the capability during power outages. It also lacks the controls necessary for effective power switching and load shedding, which is necessary to ensure that power is supplied to critical areas of the base. These shortcomings have a direct impact on the operation of the base and constrain future growth and development. There is a pressing need to upgrade the high-voltage power supply and distribution network to provide a reliable and flexible system which has sufficient capacity to meet future demands.

To this end defence propose the following work: the extension of the high-voltage feeder, interconnection of switching stations, upgrade and extensions to ring mains, construction of essential emergency power station, and installation of power control and monitoring systems. Without a comprehensive upgrade, the high-voltage infrastructure will continue to be affected by power failures and will be further compromised by the need to undertake ad hoc and costly upgrades each time there is an increase in the demand for power. The proposed upgrades will provide a purpose-designed power distribution system that will resolve existing inadequacies and will provide for growth and development at the base for approximately 15 years. The estimated outturn cost of the proposal is $43.4 million plus GST. Subject to parliamentary approval, construction is scheduled to commence in late 2011 and is expected to be completed by mid-2013. I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Mr GRAY (Brand—Special Minister of State and Special Minister of State for the Public Service and Integrity) (6.04 pm)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Integrated fit out of new leased premises for the Australian Taxation Office in Albury, New South Wales.

The Australian Taxation Office proposes to undertake an integrated fit-out of the new leased premises at the corner of Smollett Street and Amp and Volt lanes, Albury, New South Wales. The new premises will replace the existing ATO location in the Albury CBD. The lease for the existing property will expire in December 2012. It is expected that the relocation into the new building will provide the ATO with considerable advantages in building design, operational performance and operating cost efficiencies, and long-term viability through improvements in site infrastructure. The estimated outturn cost of the proposal is $19.17 million plus GST. Subject to parliamentary approval, the proposed integrated fit-out works are scheduled to start in September 2011 and be completed by October 2012.

In its report, the PWC has recommended that these works proceed. Development will commence base building works on site in March 2011, with demolition and excavation of the basement areas being the first tasks. The ATO is expected to take up occupancy of the building in October 2012. On behalf of the government, I would like to thank the committee for its support and I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Mr GRAY (Brand—Special Minister of State and Special Minister of State for the
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Facilities for the introduction into service of Land 121 vehicles at RAAF Base Amberley and Damascus Barracks, Meeandah, Queensland and Gaza Ridge Barracks, Victoria.

The current military transport and logistics wheeled vehicle fleet has reached the end of its useful life. To support the future capacity needs of the Australian Defence Force, a new fleet of up to 7,500 vehicles will be acquired between the years 2011 and 2020. The new fleet will include self-contained loading systems allowing a single vehicle to perform several functions via interchangeable loading modules. This fleet will replace the current Land Rover 110, Unimog, Mack and S-Line vehicles with a mix of unprotected and protected vehicles. The protected vehicles will provide increased personnel protection to reduce vulnerability to improvised explosive devices.

The introduction of a new vehicle fleet will have three distinct facilities requirements including: the receipt, inspection, fit-out and dispatch of vehicles; the conversion training of military drivers to operate the new vehicles; and maintenance training to support the sustainability of the new fleet. This project will include the construction of training and administrative facilities at RAAF Base Amberley and the construction of administrative, parking and inspection facilities at gatehouse and entry at Damascus Barracks, Meeandah, Queensland. Training and administration facilities will also be constructed at Gaza Ridge Barracks, North Bandiana, Victoria. The estimated cost of the proposal is $50,291 million, plus GST, and includes all delivery costs: management and design fees; construction costs; furniture, fittings and equipment; contingencies; and an allowance for escalation.

In its report, the PWC has recommended that these works proceed. Subject to parliamentary approval, construction is scheduled to commence in mid-2011 and is expected to be completed by mid-2012. On behalf of the government, I would like to thank the committee for its support and I commend the motion to the House.

Question agreed to.

Parliamentary Budget Office Committee Report

Ms O’Dwyer (Higgins) (6.09 pm)—On behalf of the Joint Select Committee on the Parliamentary Budget Office, I present the committee’s report entitled Inquiry into the proposed Parliamentary Budget Office, together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

Ms O’Dwyer—by leave—I have presented the report of the Joint Select Committee on the Parliamentary Budget Office entitled Inquiry into the proposed Parliamentary Budget Office. The committee was appointed by the parliament to consider the proposal to establish a parliamentary budget office, or PBO. The membership of the committee consists of senators and members of the Australian Labor Party, the Liberal Party of Australia, the Nationals, the Australian Greens and an Independent member. The committee considered matters raised in submissions and public hearings, and also represented the views of their party colleagues. In line with its terms of reference, the committee looked beyond the scope of the Agreement for a Better Parliament and examined various successful aspects of international PBO models. In so doing, the committee considered a broad range of services and possible struc-
tures for the PBO, with the aim of creating a PBO framework which could serve the Australian parliament effectively.

Key values underpinning the committee’s recommendations included incorporating mechanisms into the PBO which could enhance transparency of process, ensure equality of access to its services and maintain independence. The committee found that the establishment of a PBO is warranted as the most practical way to provide high-quality research and analysis on fiscal policy and budget related matters to the parliament.

The committee recommended that the mandate of the PBO be to inform the parliament by providing independent, non-partisan and policy-neutral analysis on the full budget cycle, fiscal policy and the financial implications of proposals. In line with this mandate, the committee recommended that the main functions of the PBO should be: to respond to the requests of senators, members and parliamentary committees; to formally contribute to committee inquiries; to publish self-initiated work; and to prepare costings of election commitments.

The committee also found that the election-costing provisions of the Charter of Budget Honesty Act could be enhanced to enable the electorate to be better informed about the financial implications of election commitments. In this respect, the committee has recommended new measures to give parties additional costing-process options. This would serve to enhance transparency and accountability of policies and to better inform the wider community. These new measures include amending the Charter of Budget Honesty Act to enable minor parties with five or more members to access the existing election costings process while also providing an alternative source of costings through the PBO.

In line with international best practice, the committee has recommended that the position of Parliamentary Budget Officer be created as an independent officer of the parliament. In this way, the Parliamentary Budget Officer and their office will more clearly serve the ongoing financial information and scrutiny needs of the parliament as a whole, therefore enhancing fiscal transparency and executive accountability in the longer term.

Related recommendations in the report seek to further strengthen the ability of the PBO to provide independent and robust analysis. These include: provisions to assist the PBO to access information held by government departments; the appointment, dismissal and remuneration arrangements for the Parliamentary Budget Officer; and mechanisms for the oversight of the PBO by the Joint Committee of Public Accounts and Audit.

On the committee’s behalf, I thank all of those who assisted the committee with its inquiry. I commend the report to the House.

TELECOMMUNICATIONS INTERCEPTION AND INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2011 STATUTE LAW REVISION BILL 2011 WATER EFFICIENCY LABELLING AND STANDARDS AMENDMENT BILL 2010

Assent

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

SCHOOLS ASSISTANCE AMENDMENT (FINANCIAL ASSISTANCE) BILL 2011

Returned from the Senate

Message received from the Senate returning the bill without amendment or request.
NATIONAL VOCATIONAL EDUCATION AND TRAINING REGULATOR BILL 2010
First Reading
Bill received from the Senate and read a first time.
Ordered that the second reading be made an order of the day for the next sitting.

NATIONAL VOCATIONAL EDUCATION AND TRAINING REGULATOR (TRANSITIONAL PROVISIONS) BILL 2010
First Reading
Bill received from the Senate and read a first time.
Ordered that the second reading be made an order of the day for the next sitting.

NATIONAL VOCATIONAL EDUCATION AND TRAINING REGULATOR (CONSEQUENTIAL AMENDMENTS) BILL 2011
First Reading
Bill received from the Senate and read a first time.
Ordered that the second reading be made an order of the day for the next sitting.

CUSTOMS AMENDMENT (SERIOUS DRUGS DETECTION) BILL 2011
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered immediately.
Bill agreed to.

THERAPEUTIC GOODS LEGISLATION AMENDMENT (COPYRIGHT) BILL 2011
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered immediately.
Bill agreed to.

Third Reading
Mr BOWEN (McMahon—Minister for Immigration and Citizenship) (6.16 pm)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010
Report from Main Committee
Bill returned from Main Committee with amendments, appropriation message having been reported; certified copy of the bill and schedule of amendments presented.
Ordered that this bill be considered immediately.

Main Committee’s amendments—
(1) Clause 2, page 3 (after table item 7), insert:
7A. 1 July 2011.
However, if section 2 of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences before 1 July 2011, the provision(s) do not commence at all.
Immediately after the commencement of section 2 of the *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011*. However, if section 2 of the *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011* commences before the day this Act receives the Royal Assent, the provision(s) do not commence at all.

(2) Schedule 1, item 82, page 25 (lines 14 and 15), omit “the regulations”; substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(3) Schedule 1, item 87, page 27 (lines 2 to 20), omit subsections 43A(1) and (2); substitute:

Scope

(1) This section applies to particular information if:

(a) the information is subject to a regulatory regime under a designated program Act (the *first program Act*); and

(b) the information is also subject to a regulatory regime under another designated program Act (the *second program Act*).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

(2) If:

(a) the Secretary, the Chief Executive Medicare or a Departmental employee:

(i) discloses the information; or

(ii) uses the information; or

(iii) makes a record of the information; and

(b) the Secretary, the Chief Executive Medicare or the Departmental employee, as the case may be, does so without contravening the first program Act;

the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(4) Schedule 1, item 87, page 28 (line 6), omit “the regulations”; substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(5) Schedule 1, item 96A, page 37 (line 22), after “instrument”, insert “; agreement”.

(6) Schedule 1, item 96A, page 37 (after line 26), after paragraph (1)(b), insert:

(ba) section 7A;

(7) Schedule 1, item 99A, page 42 (line 7), after “instrument”, insert “; agreement or arrangement”.

(8) Schedule 1, item 99A, page 42 (after line 11), after paragraph (1)(b), insert:

(ba) section 7A;

(9) Schedule 1, Division 3A, page 42 (line 16) to page 44 (line 10), omit the Division.

(10) Schedule 1, item 100, page 44 (line 12) to page 45 (line 7), omit the item.

(11) Schedule 1, item 101, page 45 (line 8), omit “other”.

(12) Schedule 1, item 102, page 45 (line 26), omit “other”.

(13) Schedule 1, item 102, page 46 (line 1), omit paragraph (1)(b).

(14) Schedule 1, item 103, page 46 (line 10), omit “other”.

(15) Schedule 2, item 48, page 67 (lines 22 and 23), omit “the regulations”; substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(16) Schedule 2, item 48, page 67 (line 30), omit “1988.”; substitute “1988; or”.

(17) Schedule 2, item 48, page 67 (after line 30), at the end of subsection 40(2), add:
(c) services, benefits, programs or facilities that are specified in a legislative instrument made by the Minister for the purposes of this paragraph.

(18) Schedule 2, item 48, page 68 (lines 10 to 28), omit subsections 40A(1) and (2), substitute:

Scope

(1) This section applies to particular information if:

(a) the information is subject to a regulatory regime under a designated program Act (the first program Act); and

(b) the information is also subject to a regulatory regime under another designated program Act (the second program Act).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

(2) If:

(a) the Secretary, the Chief Executive Centrelink or a Departmental employee:

(i) discloses the information; or

(ii) uses the information; or

(iii) makes a record of the information; and

(b) the Secretary, the Chief Executive Centrelink or the Departmental employee, as the case may be, does so without contravening the first program Act;

the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(19) Schedule 2, item 48, page 69 (line 15), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(20) Schedule 2, item 57A, page 78 (line 20), after “instrument”, insert “; agreement”.

(21) Schedule 2, item 57A, page 78 (after line 24), after paragraph (1)(b), insert:

(ba) section 8A;

(22) Schedule 2, item 60A, page 83 (line 2), after “instrument”, insert “; agreement or arrangement”.

(23) Schedule 2, item 60A, page 83 (after line 6), after paragraph (1)(b), insert:

(ba) section 8A;

(24) Schedule 2, Division 3A, page 83 (line 11) to page 85 (line 5), omit the Division.

(25) Schedule 3, item 4, page 97 (line 17), after “employee”, insert “; when used in Part IV, VI or IX.”.

(26) Schedule 3, page 99 (after line 7), after item 10, insert:

10A After subsection 16(2A)

Insert:

(2AAA) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.

(27) Schedule 3, item 14, page 100 (lines 2 to 20), omit subsections 16AB(1) and (2), substitute:

Scope

(1) This section applies to particular information if:

(a) the information is subject to a regulatory regime under a designated program Act (the first program Act); and

(b) the information is also subject to a regulatory regime under another designated program Act (the second program Act).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.
Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

(2) If:

(a) the Secretary, the Registrar or an officer or employee of the Department:

(i) discloses the information; or
(ii) uses the information; or
(iii) makes a record of the information; and

(b) the Secretary, the Registrar or the officer or employee of the Department, as the case may be, does so without contravening the first program Act;

the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(28) Schedule 3, item 14, page 101 (line 6), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(29) Schedule 4, page 106 (after line 12), after item 28, insert:

28A Subsection 3(1)
Insert:

social security law has the same meaning as in the Social Security Act 1991.

(30) Schedule 4, page 106 (after line 22), after item 29, insert:

29A Subsection 109C(2)
Omit “officer of an agency other than the Department”, substitute “officer of the Human Services Department”.

(31) Schedule 4, item 32, page 107 (lines 5 to 16), omit the item, substitute:

32 Paragraphs 118(1)(e) and (e)
Repeal the paragraphs.

(32) Schedule 4, page 109 (after line 4), after item 41, insert:

41A After paragraph 162(2)(daa)
Insert:

(dab) for the purposes of the social security law; or
(dac) for the purposes of the Paid Parental Leave Act 2010; or
(dad) for the purposes of the Student Assistance Act 1973; or

(33) Schedule 4, page 109 (after line 10), after item 42, insert:

42A Subsection 221(2)
Omit “officer of an agency other than the Department, unless the head of the agency”, substitute “officer of the Human Services Department, unless the Secretary of the Human Services Department”.

(34) Schedule 4, item 44, page 109 (line 14), omit “head of an agency”, substitute “Secretary of the Human Services Department”.

(35) Schedule 4, items 45 and 46, page 109 (lines 16 to 23), omit the items, substitute:

45 Subsection 234(3)
Repeal the subsection.

(36) Schedule 4, page 110 (after line 13), after item 50, insert:

50A After subsection 150(2A)
Insert:

(2B) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.

(37) Schedule 4, page 118 (after line 14), after item 94, insert:

Disability Services Act 1986

94A At the end of subsection 28(5)
Add:

; or (d) make a record of information with the express or implied authorisation of the person to whom the information relates.

(38) Schedule 4, page 138 (after line 22), after item 257, insert:
After subsection 130(3A)

(3AA) Despite subsection (1), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

Schedule 4, page 151 (after line 18), after item 357, insert:

After subsection 77(5)

(5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

Schedule 4, page 158 (after line 30), after item 417, insert:

After subsection 88(5)

(5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.

Schedule 4, page 165 (after line 7), after item 470, insert:

Section 6

family assistance law has the same meaning as in the A New Tax System (Family Assistance) (Administration) Act 1999.

Schedule 4, page 166 (after line 17), after item 479, insert:

Section 6

social security law has the same meaning as in the Social Security Act.

Schedule 4, page 166, after proposed item 479A, insert:

After paragraph 127(2)(d)

centrelink program has the same meaning as in the Human Services (Centrelink) Act 1997.
(49) Schedule 4, page 184 (after line 24), after item 611, insert:

611A Subsection 3(1)
Insert:

family assistance law has the same meaning as in the A New Tax System (Family Assistance) (Administration) Act 1999.

(50) Schedule 4, page 185 (after line 4), after item 613, insert:

613A Subsection 3(1)
Insert:

medicare program has the same meaning as in the Human Services (Medicare) Act 1973.

(51) Schedule 4, page 185 (after line 10), after item 615, insert:

615A Subsection 3(1)
Insert:

social security law has the same meaning as in the Social Security Act 1991.

(52) Schedule 4, page 185 (after line 21), at the end of Part 1, add:

617A After paragraph 351(2)(da)
Insert:

(db) for the purposes of the family assistance law; or
(dc) for the purposes of the social security law; or
(dd) for the purposes of the Paid Parental Leave Act 2010; or

(53) Schedule 4, page 185, at the end of Part 1, add (after proposed item 617A):

617B Paragraph 355(1)(b)
Repeal the paragraph, substitute:

(b) disclose any such information:

(i) to the Secretary of a Department of State of the Commonwealth for the purposes of that Department; or
(ii) to the head of an authority of the Commonwealth for the purposes of that authority; or

(iii) to the Chief Executive Centrelink for the purposes of a centrelink program; or

(iv) to the Chief Executive Medicare for the purposes of a medicare program; or

(54) Schedule 4, page 192 (after line 8), at the end of the Schedule, add:

Part 5—Amendments anticipating the enactment of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011
A New Tax System (Family Assistance) (Administration) Act 1999

655 At the end of subsection 162(2)
Add:

: or (f) with the express or implied authorisation of the person to whom the information relates.

Social Security (Administration) Act 1999

656 At the end of subsection 202(2)
Add:

: or (f) with the express or implied authorisation of the person to whom the information relates.

Student Assistance Act 1973

657 At the end of subsection 351(2) (before the note)
Add:

: or (f) with the express or implied authorisation of the person to whom the information relates.

(55) Schedule 4, page 192, at the end of the Schedule, add (after proposed Part 5):

Part 6—Amendments contingent on the commencement of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

658 Subsection 2(1) (table item 5)
Repeal the item, substitute:
5. Schedule 4, items 1 to 3
The day after this Act receives the Royal Assent.

6. Schedule 4, item 4
The day after this Act receives the Royal Assent.
However, if item 655 of Schedule 4 to the Human Services Legislation Amendment Act 2011 commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

7. Schedule 4, items 5 to 7
The day after this Act receives the Royal Assent.

8. Schedule 4, item 8
The day after this Act receives the Royal Assent.
However, if item 656 of Schedule 4 to the Human Services Legislation Amendment Act 2011 commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

9. Schedule 4, items 9 to 11
The day after this Act receives the Royal Assent.

10. Schedule 4, item 12
The day after this Act receives the Royal Assent.
However, if item 657 of Schedule 4 to the Human Services Legislation Amendment Act 2011 commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

11. Schedule 4, items 13 to 15
The day after this Act receives the Royal Assent.

12. Schedule 5
The day after this Act receives the Royal Assent.

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

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr BOWEN (McMahon—Minister for Immigration and Citizenship) (6.18 pm)—by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BROADCASTING LEGISLATION AMENDMENT (DIGITAL DIVIDEND AND OTHER MEASURES) BILL 2011

Second Reading

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

That this bill be now read a second time.

Mr TRUSS (Wide Bay—Leader of the Nationals) (6.19 pm)—When the debate was interrupted, I was expressing concern that the government has decided, in the context of the introduction of digital television, to close something over 400 local transmitters. These are often self-help transmitters in small locations and provide television services direct to nearby households. Instead, the government has decided that people who receive their television from these transmitters will in future have to switch from terrestrial TV reception to satellite reception. The government has put in place a satellite subsidy scheme that reimburses eligible households to assist them in the cost of making that change. However, I think that there are still issues associated with the change from receiving television reception from a local transmitter to the new television arrangement that need to be addressed.

It is clear that receiving your television from a satellite is a second-best option. There is inconvenience involved and the technology is more complicated. Particularly elderly people or those who are not able to readily deal with some of the technology issues will face difficulties. I am aware that the government is proposing to offer people in-house
assistance to help them understand the new technology, but I think we all know from dealing with parents and grandparents that they find these sorts of changes very difficult to manage. In addition, if you have multiple televisions in a house or you have televisions in different buildings, you are required to have much more expensive connections. The government is only offering to subsidise the initial set-top box. If that is lost or a tenant takes it to another place, the owner will be obliged to pay the future cost of those sorts of changeovers.

In reality it would be far better to keep operating as many of these transmitters as possible. In fact, for a relatively small investment out of the billions of dollars the government expects to make from the sale of the spectrum, it would be fair to help those who would actually pay the price. Those people have to give up analog television reception, which most of them are quite happy with, so that the government can sell off the spectrum, so surely they are entitled to be treated fairly and the government should go the extra mile to make sure that they receive a reasonable signal.

There are a number of other issues with getting your television reception from a satellite. Instead of getting local programs, you get programs that have been generically prepared in a faraway place to cover, in some cases, several states. So you no longer get local television advertisements, local information or programs that are particularly relevant to your needs, and there will be time change differences because of the inability of the satellite system to deal with various time zones. From those perspectives satellite reception is clearly inferior. The government has made an effort with its plans to develop a news channel so that regional news services can be transmitted in a local format. That is welcome, although there still seems to be quite some confusion about how that is actually going to happen. Even then, people will not get the news precisely at the right time; it will be replayed sometime later in the evening, either sequentially or simultaneously, so people will have to go through a somewhat more complicated system of programming to see their local news.

Every effort should be made to have the maximum possible number of people receiving their television in the traditional way rather than having to transfer to satellite. There are already quite a number of Australians in rural and remote areas who do get their television by satellite. For those people the new satellite will be an improvement, and it will be welcome from that perspective. However, there are scores of country communities and councils, particularly in states such as Queensland, that operate these local retransmission facilities via the satellite service and would like to continue operating them. At this stage, the government has not been willing to accept that option. The local communities would like to pool the subsidies that are available so that they can retransmit.

I appreciate, and I again acknowledge, that over recent times there has been some willingness on the part of the government to consider this option. I accept that there are technical issues, but, if the trial—which I understand is to be held quite soon—of the use of some technology that will enable this retransmission is successful, then I hope the government will see the good sense in allowing this retransmission to occur at the local levels so that we can retain the local transmitters which were to be closed down by the government under these new arrangements. There does need to be an acceptance that the conversion of the self-help transmitters should happen wherever possible. That is particularly important for business and motels and places like that where there are going to be multiple connections, and it is particularly important for the elderly or others in
the community who battle with having to deal with the more complex technology.

It is obvious that the digital signal offers some advantages. Where the signal is available clearly and soundly it offers more choice, better picture quality and better sound quality. But we all know that the digital signal also has some disadvantages. Its range is potentially smaller. There are going to be some people who now get perfectly good analog television reception who will not be able to receive digital. There may be some other people who, fortuitously, will receive a better signal—I acknowledge that—but I think that all of the technical experts say that more people will miss out than are likely to see new benefits. In reality, in examining these sorts of issues, we need to make sure that we do what we can to limit the obstacles to people’s enjoyment of television. In addition, the digital signal is more likely to be affected by adverse weather conditions and, of course, it pixelates and breaks up whenever there are problems with the signal. Those are issues that I think are very important and that people want answers about.

In my own electorate, the analog signal is scheduled to be turned off in half of the electorate in a few months time and in the rest of the electorate in 2013. I appreciate that that is a problem of the electoral boundaries more than it is for those choosing to turn off the signal, but in the city of Gympie, for example, a part of the city will be turned off in 2011 and the balance turned off in 2013. That is going to create some difficulties on the ground. It has been enormously difficult for me as a local member to get accurate and reliable information about what is actually happening in my own electorate. There have been advertisements in the newspapers, which I have read carefully. There are help numbers that you can call. I have called them, and the people have been helpful, but they have not been able to provide answers to most of the questions I have asked. So there was real concern that we are near to a close-down date—in fact, until a few weeks ago I thought that the closedown date might be as soon as 1 July; in other words, only two or three months away—and yet there was no information available to people to help them with the transfer.

I am pleased to say that over the last few weeks the minister’s office has been much more constructive in trying to provide us with the information we need. Previously, I wrote letters to him over many months and got back replies that provided no useful information. I studied his answers to questions in the Senate estimates and found that his answers from various times seemed to conflict with each other. So I welcome the new and more cooperative approach that we are receiving from the minister’s office and hope that thereby we can work through some of those local problems. I now know, for instance, that it seems that the close-down in the majority my electorate will not happen until December this year, so that give us a little bit more time to work through the issues.

I have been struggling to find out what was going to be the source of the programming for the satellite service, which is actually up there and has been operating since December last year, but nobody could tell us which programs were coming from it. We are still battling to get some information about where these programs are going to be sourced from in the future. But if there can be a spirit of cooperation—and I particularly acknowledge the assistance that we are receiving from Emma Dawson, who seems to understand these issues and has been prepared to deal with them in a constructive way—we may well be able to work through them.
From discussing these matters with my colleague the member for Forrest, I am aware that the changeover in western Victoria has gone better than expected. An enormous amount of effort went into it and not all the problems are resolved, but essentially, particularly towards the end, the changeover went reasonably smoothly. I hope that that same level of commitment can be provided in other areas, bearing in mind that western Victoria is comparatively flat countryside. When you move into parts of Queensland, like my own electorate, which are very hilly there are going to be many more complications.

It is important that the government offer a fair deal to all those involved. This legislation will improve the access to the VAST satellite system for some people, and that is a step forward, but there will need to be a better information program available. There will need to be real help for those who are going to be disadvantaged. The public did not ask for this and did not want it. I think they are starting to enjoy the fact that there are extra channels, and they will appreciate the quality, but there is a lot to go through and there will need to be a strong spirit of cooperation if in fact this transition to digital is to happen smoothly and without further difficulties.

Mr FLETCHER (Bradfield) (6.31 pm)—I am pleased to speak on the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011, a bill which is critical to the future of broadcasting in Australia but also critical to the future of wireless broadband. The reason for this is that the bill will improve the access to the VAST satellite system for some people, and that is a step forward, but there will need to be a better information program available. There will need to be real help for those who are going to be disadvantaged. The public did not ask for this and did not want it. I think they are starting to enjoy the fact that there are extra channels, and they will appreciate the quality, but there is a lot to go through and there will need to be a strong spirit of cooperation if in fact this transition to digital is to happen smoothly and without further difficulties.

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is that those blocks will be restacked—that is, all of the frequencies used for digital television broadcasting will be brought together, and that will free up a large block of spectrum in the 700-megahertz band. That is a necessary step to take if the utility and value of the spectrum for other purposes, particularly wireless broadband, are to be maximised.

Most commentators in this area say—again, it is a proposition that those of us on this side of the House accept—that wireless and fibre or wireless and fixed have important complementary roles when it comes to the provision of broadband services. But what is puzzling is the conflicted attitude of the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, to the use of wireless for the delivery of broadband services. Consider, for example, what Senator Conroy had to say about OPEL, the network which was going to deliver wireless broadband services under the Howard government’s Broadband Connect program in a contract announced in mid-2007. Senator Conroy described OPEL as a ‘dog of a product’. This is using, I might say, the same technology at the same speed—12 megabits per second—as is now part of the National Broadband Network between the 93rd and the 97th percentiles. Senator Conroy in an interview on the 7.30 Report in 2007 had this to say about the OPEL network:

If you pick up your cordless phone while you’re using your Internet, your line can drop out. If you use your microwave, your line will drop out.

It was a fear campaign about the use of wireless to deliver broadband. I reiterate that it is the same wireless, the same technology and the same speed as is now embodied within the National Broadband Network proposal to deliver broadband using wireless between the 93rd and 97th percentiles.

But if we go to what the then Leader of the Opposition, Kevin Rudd, had to say in 2007, it is even more interesting. On 19 June 2007 Mr Rudd said: ‘People in regional and rural areas deserve every bit as good a service as those in the big cities. Our fibre-optic-to-the-node plan will offer high-speed broadband to 98 per cent of Australians regardless of where they live. When you look at some of the technical deficiencies in wireless and problems in terms of being able to access speeds of 12 megabits per second using wireless then we believe we have hit upon the right technology.’ It is a technology which they have subsequently abandoned.

There is a real contradiction here. On the one hand we have these criticisms of wireless made for political purposes by the current minister, Senator Conroy, and the former Leader of the Opposition, Mr Rudd, and yet at the same time we have a bill which is proposing complex arrangements to restack the spectrum in the 700 megahertz band so as to free it up for an auction of spectrum which is very likely to be used for the delivery of wireless broadband technologies.

Senator Conroy has continued to run this line, even quite recently, about the deficiencies of wireless. What did he say on 10 August 2010 in relation to the coalition’s policy on the use of wireless as a component for the delivery of broadband? He said that this ignored the advice of industry experts and that:

It will consign Australia to the digital dark ages.

Apparently in the eyes of Senator Conroy wireless is a deficient technology for the delivery of broadband. Indeed, in an interview on 18 August 2010 he described the coalition’s policy as one that would ‘condemn Australians to a wireless network’. We have a deeply conflicted minister and a deeply conflicted government who on the one hand, with this bill, are going through a complex process to restack the spectrum so that it can
be auctioned in the expectation of earning several billion dollars because the spectrum will be acquired by mobile telephony operators and others who will use it to deliver fourth-generation, or long-term evolution, wireless broadband while on the other hand they, especially Senator Conroy, are relentlessly criticising wireless as a technology. Senator Conroy just keeps doing it; he just cannot stop himself. It is like some kind of Pavlovian response—mention wireless and there is Conroy jumping up with a criticism. What did he say in Senate estimates on 19 October 2010?

Let me be really clear about this; you cannot monitor somebody 24/7, every second, on an existing fixed wireless network …

In other words, on one hand there is nothing but criticism of wireless as a technology from Senator Conroy but on the other hand there is a bill which is premised on the importance of wireless. Let us be clear and reiterate that the truth is: wireless is a very important component of the delivery of broadband in the future, as is fixed technology including, in an appropriate way, fibre. There is no contention about the importance of fibre. I need hardly remind the House the contention is about the appropriate ownership structure, the appropriate reach of fibre and whether you need to spend $5,000 per premises to deliver fibre to the home, as is the policy of this government.

Let me turn to my second point I want to highlight, which again relates to the National Broadband Network and its implications for the legislative scheme we are considering. We have seen that the tail has wagged the dog when it comes to broadband policy in this country. The tail of trying to make National Broadband Network Company’s business plan as credible as possible has wagged the dog of good telecommunications policy. Already this government has fallen prey to temptation. It has fallen prey to temptation to impose legislative restrictions on the capacities of companies other than NBN Co. to compete in the delivery of broadband.

We have seen this in the so-called cherry-picking provisions. Let us be clear: cherry picking is a notorious code phrase regularly used by monopolists as really meaning ‘we want a free kick’. It is the phrase that Telstra, as this country’s dominant incumbent monopoly in telecommunications, used for many years, and now we have NBN Co. using exactly the same language. There is a real danger that this government will fall prey to temptation when it comes to auctioning off the spectrum which is being rationalised and restacked under this legislation. There is a real danger that this government’s desire to protect the National Broadband Network Co. to maximise that company’s business prospects will affect the way this government thinks about the auction of this spectrum. I simply highlight here the risk that this government may fall prey to the temptation of trying, in whatever ways it can, to nobble the capacity of competitors using the auctioned spectrum to be effective competitors with the National Broadband Network Company. A way in which this government could do that is by rigging the rules of the auction. I simply highlight that risk.

My third point in the brief time that remains available to me is that there are serious concerns about the way in which this government has dealt with the transition to digital as a means of providing continued service in television to people in rural and regional Australia. Of course the transition to digital is inevitable and indeed it is desirable, but it is important that it be managed in an appropriate way to provide continuity of service. For example, it is important that the VAST satellite service should be seen as a safety net rather than as a standard means of delivery of service to hundreds of thousands of households. That is an import concern that
those of us on this side of the House have about this bill.

This is a bill which reveals a sharp contradiction in the attitudes of this government about wireless broadband spectrum. I highlight the concern that there is a risk that this government will fall prey to the temptation to rig this auction in a way that will undermine competition to the National Broadband Network Company. I also highlight the importance of maximising the delivery of continued service to rural and regional Australia.

Mr Matheson (Macarthur) (6.45 pm)—The Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 covers many details and measures. However, I would like to focus my attention on the proposed auction of the 694-through to 820-megahertz frequencies of the radio spectrum, known as the digital dividend, when our nation switches from analog to digital television. The auctioning of this 126 megahertz will deliver a revenue windfall to the Treasury. This spectrum will no doubt be highly sought after by mobile telecommunications and internet corporations, as this particular spectrum is ideal for carrying large amounts of data at very high speed over long distances and has the ability to penetrate buildings and other structures. Because of these unique features, this part of the radio spectrum would also be invaluable to the police and emergency services to safeguard public safety, particularly during emergencies and critical incidents when other communications systems are congested or break down.

I strongly believe it is necessary for measures to be included in this bill to ensure that part of the spectrum will be made available to police and emergency services in times of emergency. The peak bodies of Australia’s police, firefighting, ambulance and other emergency services have requested 20 megahertz of the spectrum to be reserved for these disaster situations. The use of this spectrum represents some amazing opportunities for frontline emergency services and could revolutionise the way these services operate. Mr Deputy Speaker, I bring to your attention a fact sheet that was sent to all MPs and senators by the Police Federation of Australia. In this fact sheet they have raised a number of concerns and made comments in relation to reserving part of this spectrum for emergency services personnel. This updates our February alert that the police and emergency services need the spectrum in the 700-megahertz band for digital dividend for public safety. I will read some quotes from the fact sheet:

All of Australia’s Police Commissioners met on 11 March to reaffirm the need for 20 MHz of the available 126 MHz—
which equates to about 16 per cent. The fact sheet continues:

They are supporting the Attorney-General’s proposal to reserve spectrum for these ‘mission critical’ purposes. Australia’s fire authorities and ambulance services are also united behind this proposal.

COAG has agreed that all these emergency services must have seamless, secure and robust communication systems. It’s called interoperability.

The major telcos, like Telstra, Optus and Vodafone, will be bidding for the spectrum at auction. On behalf of these big three telcos, a misinformation campaign is being run by the Australian Mobile Telecommunications Association (AMTA).

To set the record straight, Motorola—a company with the technical expertise to know what’s what—agrees that our public safety organisations need part of the 700 MHz band ‘for dealing with crisis situations’. Motorola said ‘Australia risked mortgaging its future if emergency services were unable to obtain some of this spectrum’; it ‘is critical to the future of emergency services users’. Motorola also refutes the claim that other bands like 400 MHz or 800 MHz would do the job for
police and emergency services. And they debunk the argument that Australia would be out of step with the Asia Pacific regional plan. Congestion on telco networks is a serious problem during emergencies. Their communications systems are not designed and built to ‘importance level 1’ which public safety agencies build to. And if any telco forced to provide a service to police, was foreign owned, national security could be compromised. Finally, police and emergency services have never said they should get spectrum for $0. State and Territory police spend millions of dollars now on their stand alone communications networks. Any charge applying to public safety agencies should take into account their non-commercial use of spectrum for public safety purposes as per the Radiocommunications Act 1992.

We also understand an Access Economics report for A-G’s says that if 20 MHz is reserved, the revenue raised at auction may not fall. The spectrum is rare and valuable and may become more so.

The Police Federation of Australia are surely an agency that we should all be listening to. This is an issue of national significance, and I hope the minister is listening. We can only assume that the sale of the digital dividend is being used for promotional purposes, probably to try to return the budget to surplus in 2012-13.

Mr TEHAN (Wannon) (6.49 pm)—In rising to speak on the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011, I raise serious concerns about the digital switch-over in south-west Victoria which is due to take place in early May. Like many other government programs that we are bearing witness to in south-west Victoria, this one looks as if it is going to be another rolled-gold disaster. It seems quite clear that the people are not ready and the groundwork has not been done. The shadow minister for communications has written to the Minister for Broadband, Communications and the Digital Economy on this, and his reply makes no sense. So tonight I am calling for the digital switch-over in south-west Victoria to be postponed so more work can be done with local communities and residents to get them ready for the so-called digital switch-over, which—let us be honest and call a spade a spade—is the analog switch-off. That is what it is. It is people having their analog TVs turned off.

Those people need to be prepared so that they can move to digital—and they are not. Let me read an email that I have received: Dear Mr Tehan,

I am writing to you for some assistance in the matter of such poor reception in the Cobden area. We feel disadvantaged in this, as most towns seem to have better reception than us. We are seeing texts to the editor in the local papers about problems with pixilation. Many TV viewers between Terang and the southern coast have been experiencing pixilation on TV signals. We also have issues regarding upgrading of antenna systems. It seems that when you switch to digital, if you need to upgrade your antenna system and you are a pensioner or a gold card holder, you will not get assistance.

These problems and many more need to be addressed before the so-called digital switch-over or—let us call a spade a spade—the analog switch-off takes place. This is going to impact people in my electorate. They already have poor mobile telecommunications reception and now they are going to have poor TV reception. They are going to be left with a double-whammy. This government is failing to listen and is failing to take account of this extremely serious problem. The digital switch-over in south-west Victoria needs to be postponed. More effort needs to be made to make sure that people, especially those who are less well off, are in a position to be able to deal with the digital transfer, with the analog TV being turned off.
Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (6.52 pm)—in reply—I thank honourable members for their contributions to the debate on the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011. After its introduction on 24 February the bill was referred to the Senate Environment, Communications and the Arts Legislation Committee for inquiry. The committee tabled their report in the Senate on 22 March and recommended that the bill be passed.

The bill introduces amendments to the Broadcasting Services Act 1992 and the Radiocommunications Act 1992 that are crucial to effectively implement the restack of digital television channels needed to realise the digital dividend. On 24 June the government announced that 126 megahertz of broadcasting spectrum would be released as a digital dividend, resulting from the switch-off of analog television services.

The switch to digital-only television will be completed in Australia by 31 December 2013, releasing the channels used for analog television. The digital dividend will be released as a contiguous block of spectrum in the ultra high frequency, or UHF, band. The UHF spectrum currently used for broadcasting services is highly valued for delivering wireless communication services, including superfast mobile broadband.

The government aims to auction the digital dividend spectrum in the second half of 2012. In order to release this highly valued spectrum, digital broadcasting services will need to be relocated or restacked out of the digital dividend spectrum and organised more efficiently within the remaining spectrum. The government intends that the digital dividend spectrum be cleared by 31 December 2014.

While ACMA has some scope under its existing powers to commence digital channel restack planning, the bill will give it more flexible planning powers and allow the restack of digital television channels to occur in a timely and efficient manner. The proposed amendments will also improve the regulatory framework for digital switch-over and the delivery of both terrestrial and satellite free-to-air digital television services.

During the Senate committee’s inquiry into the bill some submitters raised concerns that the bill favoured satellite conversion over terrestrial conversion. The government recognises that both terrestrial infrastructure and a satellite service are required to provide all Australians with access to the full range of digital television services. Government policy does not advocate a preferred method of digital television reception.

The bill will amend the conditional access scheme to provide commercial broadcasters in remote Western Australia with the opportunity to roll out their terrestrial digital television services before viewers they intend to serve can access the VAST service. This will protect the integrity of the larger terrestrial television markets in remote Western Australia and avoid the need for viewers to purchase satellite reception equipment unnecessarily.

The bill will also allow viewers access to the VAST service after a specified time following switch-over in their licence area where VAST provides a superior number of commercial digital television services, including digital multichannels, than are otherwise available terrestrially in their area. These provisions will provide the commercial broadcasters with the incentive to roll out all of their terrestrial digital television services before viewers in the area receive automatic access to VAST.

Although commercial and national broadcasters can apply to the minister for exemption from converting terrestrial digital trans-
mission sites under very limited circumstances, it is important to note that this exemption is not automatic. It is within the minister’s discretion, having regard to the statutory criteria outlined in the bill, to grant a broadcaster an exemption. An exemption cannot be granted where a service has already commenced transmitting in digital. These provisions are intended to, amongst other things, minimise situations where consumers need to purchase both satellite and terrestrial reception equipment to receive the full suite of digital television channels.

This bill will progress the government’s digital television switch-over program and will help realise the digital dividend, bringing significant social and economic benefits to all Australians. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (6.57 pm)—by leave—I move:

That this bill be now read a third time.

I thank the opposition for their cooperation.

Question agreed to.

Bill read a third time.

ADJOURNMENT

Mr ALBANESE (Grayndler—Minister for Infrastructure and Transport) (6.58 pm)—I move:

That the House do now adjourn.

SS Yongala

Mr EWEN JONES (Herbert) (6.58 pm)—I rise this evening, on 23 March 2011, to mark the 100th anniversary of the sinking of the passenger ship SS Yongala. Its name means ‘good water’ in the Nadjuri language of South Australia. It is named after the town in South Australia. It was on the ship’s 99th voyage from Melbourne to Cairns and all ports in between on 23 March 1911 when the Yongala steamed out of Mackay. By 26 March it still had not arrived in Townsville. It was reported missing on 26 March.

The SS Yongala sank off Cape Bowling Green, about 85 kilometres south-east of Townsville, on 23 March 1911. She sailed into a cyclone and was sunk. All 122 people on board perished in what is still considered to be one of the most tragic incidences in Australian maritime history. The only body ever found was that of the racehorse Moonshine, which was washed up not far from Townsville.

In 1958, two skindivers from Townsville located the wreck and brought to the surface a steel safe which was found in the cabin. It was upon researching the safe’s serial number that it was confirmed that the wreck was indeed the Yongala. In 1980 the wreck was declared an historic shipwreck and is now afforded some legal protection against looting and illicit salvage of any items still on board the wreck.

Australia’s leading underwater filmmakers, Ron and Valerie Taylor, say that they have dived on wrecks all over the world but the Yongala is ‘by far the best’. The SS Yongala is today a major tourist attraction for the scuba diving industry in Townsville and is widely recognised as one of the top 10 dives in the world. More than 10,000 divers every year travel to Townsville to dive this wreck. It is on the bucket list of every serious diver in the world. At over 100 metres long, she is one of the largest, most intact historic shipwrecks. That shipwreck now has established an artificial reef that provides a structural complex habitat for a diverse range of marine life.

At 10 am today in Townsville there was a memorial service at the Maritime Museum of Townsville. On Saturday night in Townsville
there will be a tribute dinner at the historic Yongala Lodge in Fryer Street in North Ward, which will be attended by 14 members of the Rooney family. The Yongala Lodge was built in 1884 as a private residence whose original owner was Mr Matthew Rooney. There will be lots of things going on at that dinner including a charity auction at which I will be the auctioneer. Tragically, Matthew Rooney, his wife and daughter perished when then SS *Yongala* sank in 1911, thereby forever linking the lodge with this historic maritime disaster.

As with all disasters, there is always that funny or quirky little story. The Earl family from Cairns, who sent their family south to Brisbane to escape as the wet season, could not find accommodation in Brisbane and were booked to come home on the *Yongala*. They would have died on the wreck if it had not been for that last-minute finding of a home to rent in Brisbane. They stayed in Brisbane and survived. Today in Cairns there is a suburb called Earlville, named after the family. If they had been able to get on that boat, future generations of the Earl, Harris, Fallon, Howey, Nelson, White and Curtis families would never have known life. In another lovely little story, in the Harris family someone was sick and unable to get on the boat. We do not know how true that one is but, as with all stories, the further you get away from the original incident the truer they become—look at my rugby career!

It is a very special day in Townsville. The *Yongala* is a very special place. We need to back the North Queensland tourism industry, and I would urge anyone out there who is a serious diver and has a current ticket to get to Townsville, dive the *Yongala* and spend a tonne of money in my city.

**Organ Donation**

Mr *LYONS* (Bass) (7.03 pm)—I rise on this occasion to speak about the importance of organ donation. Recently, Australians celebrated DonateLife week, which aims to highlight the importance of organ donation and speaking to your family about your wishes. It should not only be during DonateLife week that we discuss organ donation. This is something that we should continually be thinking about. Forty per cent of Australians do not know the wishes of their loved ones when it comes to organ donation. I feel it is a discussion all families should be having.

As part of the national reform package for organ and tissue donation, the family of every potential donor will be asked to give their consent to donation if the situation arises. The request will be made by trained health professionals. Even if you have registered your wish to be a donor, your family will still be asked to give consent. The most important thing people want to know in order to make a decision about a family member becoming a donor is the wishes of the deceased. Organ donation can be a sensitive subject, but I urge you to speak up.

In 2010, 309 organ donors gave 931 Australians a new chance at life. One organ and tissue donor can save the lives of up to 10 people and significantly improve the lives of dozens more. Australia has a world-class reputation for successful transplant outcomes but has one of the lowest donation rates in the developed world. As a nation, we can do better. Around 1,700 people are on Australian organ transplant waiting lists at any one time. On average, people on the transplant list must wait between six months and four years. This year, we should make it a priority to fix it.

If you are struggling with making the decision of whether or not to be an organ donor, I suggest you take some time to read some of the stories from the DonateLife *Book of Life*, available on the website. A
story that I was particularly struck by was the story of Michael. Michael died when he was 32 and his organs helped six people with life-saving transplants. I quote from the Book of Life:

Michael was very healthy and active in the Surf Lifesaving movement and a member of the Palm Beach Surf Club since he left school. He loved to surf.

He enjoyed country music, writing songs and he played in a band that was gaining recognition, winning a Tiara Country Music Award. At the time of his death Michael was nominated for a Golden Guitar Award. He made frequent visits to Tamworth, and one night he crashed into a tree on his way to Tamworth to visit his girlfriend before giving a performance nearby.

We were told that with the head injuries he sustained meant that he wasn’t going to make it. He had discussed organ donation as a family and Michael knew he wanted to be an organ donor. Michael’s loving and generous spirit spread with a generous legacy of organ donation helped save and transform the lives of six people.

As you can see, one donor can save the lives of many. I am sure the families of those six recipients are eternally grateful for Michael’s sacrifice.

The book is filled with stories such as this. One organ donor was a mere 15-month-old. It takes great courage for a family to make a decision like this but they can and they can rest assured there are real, life-changing benefits from their decision.

I am pleased to say that in my home state of Tasmania we had the highest rate of organ donation last year. This was a dramatic improvement from the previous year. I urge all of you and all Australians to register, and one day, hopefully, to save the lives of many through your decision.

I want to make this very public request to my family that my organs be donated. I trust that will not be soon.

**Dawson Electorate: Digital Television**

**Mr CHRISTENSEN** (Dawson) (7.07 pm)—I rise tonight to highlight issues relating to the digital television switch-over in my electorate of Dawson. The residents of Dingo Beach and Hideaway Bay in the Whitsundays are justifiably upset at the fact that they feel they have been effectively left out of the switch-over. These residents need access to the same local television broadcast that exists in other communities within Mackay and the Whitsundays—a service that could perhaps have been provided with the funds wasted on television advertising to promote digital television.

I have been told by the office of the Minister for Broadband, Communications and the Digital Economy that it may be beyond the laws of physics for a local transmission to be made available to Dingo Beach and Hideaway Bay. However, locals involved in the television antenna industry believe differently. I have put a question on notice to the minister representing the communications minister in this chamber, asking them to detail why it is not physically possible. I suppose that only then will I be satisfied that it is not just an excuse to avoid spending dollars to get equality in television reception for these residents.

Access to local television goes far beyond watching Neighbours of an evening or watching question time on the ABC. Queensladers are very aware of what an emergency information broadcast for a cyclone sounds like, and particularly North Queensladers. We now have satellite, radar and a world of weather monitoring technology, but it is of no consequence if the local television emergency broadcast—that last link in the chain—is missing.

It is appropriate that I have the opportunity to address the House today because, as the member for Herbert outlined so elo-
quently before, exactly 100 years ago on this very day a similar scenario cost the lives of 122 people off the North Queensland coast. On 23 March 1911 the SS *Yongala* steamed out of Mackay, bound for Townsville. As the *Yongala* headed into the Coral Sea, a telegram to warn of a cyclone between Mackay and Townsville was received at the Flat Top Island signal station, just off Mackay. It was a fraction too late; when wireless technology was uncommon, the final link in the cyclone warning chain failed. The *Yongala* steamed on to its demise and, as was outlined before, there were no survivors. We have come a long way in 100 years, but if we fail to keep that last link in the chain the consequences can be as drastic as they were for the *Yongala*.

The switch-over to digital television will also send business to an early demise. In my electorate, Hydeaway Bay Caravan Park owner, Roz Willcocks, knows that when analog television closes shop she will probably have to do the same thing. The cheapest of the two options that have been put to her in the switch-over will cost the business $25,000 plus a large labour bill. The other option put to her had a starting cost of $100,000, and Mrs Wilcox told me that she stopped reading at that point. For loss of television signal to close down this business is a sad reflection on how this government does not care for small business.

For Roz Willcocks and her husband, both in their 50s, this is more than the loss of a business. It is the loss of a livelihood and a lifestyle. Offering a part subsidy for residential premises is an insult, but to snub small business altogether is offensive.

When I appeared on the local television news in Mackay seeking community feedback on digital reception, the staff in my electorate office were ready to string me up and beat me like a pinata. There was an avalanche of complaints that range from very poor signals with constant interruptions to no signal at all. I hope that when Regional Broadcasting Australia appoints a local coordinator for the Mackay region and the Dawson area they will address each and every one of those concerns, because unless I am satisfied that all that can be done is going to be done to ensure there is a reliable local digital television transmission that is going to get to all of the residents in the Dawson electorate who can physically receive such a transmission, then I am afraid I cannot support the switch-over to digital this year.

**Queensland Floods**

Mr PERRETT (Moreton) (7.12 pm)—It is now around three months since the tragic floods ripped through my electorate, damaging or destroying 4,200 homes and, unfortunately, more than 1,000 businesses. Some of those were quite significant businesses, employing up to 3,000 people. Whilst I have seen the devastation of Japan and Christchurch—and I am thankful I do not represent an electorate in those areas—nevertheless it is still quite devastating to go around my electorate and see the damage that occurred.

Three months on, most people are still waiting for their houses to dry out and for the rebuilding to begin. You can still drive down the streets and see straight through houses where things have been ripped out and where they are just waiting for the insurance to kick in or not. For many of these people the novelty of staying at another family’s house or in a friend’s garage or living in a house without walls and floor coverings or in a caravan out the back or parked out the front is wearing very thin.

Many are still waiting for insurers to finalise their assessments, and many of my constituents are dealing with the news that they have received from their insurer that they are on their own. Insurance companies like
NRMA, Alliance and CGU, to name but three that have been particularly brought to my attention by my constituents, have left too many of their loyal long-time policy-holders out to dry. Imagine what it is like after you have been paying insurance premiums religiously—for many people for decades, especially since the 1974 floods when people took out flood insurance—to be told by your insurer that you have been abandoned just when you needed help the most. Most of us do not have much left over after we pay the mortgage, the utilities and other household expenses, so imagine what it is like if you have been flooded. You still have to pay your mortgage, and some people, unfortunately, still have to pay their rent. You also have to find money to rebuild your house and somehow find money to pay rent for your family if you are living in alternative accommodation rather than at a friend’s house. This is next to impossible; impossible for these people who have been devastated to get ahead or to get their head above water, so to speak—a horrible metaphor. Insurance companies must get on with the assessments and support the rebuilding as quickly as possible.

I want to particularly single out NRMA, which was very, very quick to engage its expert hydrologists and issue the reports to claimants accompanied by the rejection letter that many of my constituents received. It was little comfort for the flood victims to find out that they would not be covered because of the hydrologists’ assessment of the type of water that occurred. If you live in Queensland you would see the NRMA ads. They often have a couple of Broncos—which is a Brisbane rugby league side. NRMA is a New South Wales company that is trying to make inroads into Queensland and uses the Broncos in its advertisements. You need to do a little more than just put on a couple of Broncos jerseys to show loyalty to Queensland, I would suggest. It is no wonder that many of my constituents who are flood victims are fed up and furious with these insurers.

For those people who had no expectation of insurance, thankfully there is the Premier’s Disaster Relief Appeal to assist them, and often the kindness of strangers. I have mentioned previously in the House some of the wonderful organisations that have actually given to cash people—like Buddhist and tai chi organisations and quite a few others. But for those who were bedazzled by the fine print in their insurance document and have found themselves without cover, it is time for these insurers like NRMA, Alliance and CGU to show some heart and pay up.

To be fair, there are some insurance companies that have not deserted their policy holders. I will mention two companies, Suncorp and Westpac, which, it has been reported back to me by my constituents, have done the right thing. In fact, I spoke to a bloke today who was flooded who described Westpac as ‘absolutely brilliant’. So I will give some praise where it is due. We have seen great examples of cooperation and goodwill from some insurers, but we have also seen some disgraceful behaviour. As a lawyer, I understand that they have to look at the contract. But there are certainly some pretty sharp practices going on out there, especially when I see the heartache of people who were flooded in 1974 and flooded again in 2011. Many of them are absolutely heart-broken.

I welcome the support we have received from Assistant Treasurer Bill Shorten. He is doing some great work. I think he will be in Ipswich early in April—and I look forward to the insurance companies turning up. I welcome the review that he has announced into the insurance industry and look forward to a standard definition of ‘flood’ so that
people do not get caught out in the future. 

(Time expired)

Rural Medical Workforce

Mr CHESTER (Gippsland) (7.17 pm)—I rise tonight to urge the Minister for Health and Ageing and the Prime Minister to listen to the concerns of the Rural Doctors Association of Australia, which continues to highlight the very real crisis in the rural medical workforce. This week I, along with other members in this place, met with representatives from the Rural Doctors Association and discussed a range of policy initiatives that are required to provide regional communities with a fairer and more equitable health service. I believe the discussions that we had today at the breakfast hosted by the RDAA were very useful and allowed for a good exchange of ideas between the medical professionals who are at the coalface in terms of the delivery of health services in our rural and regional communities and members of the place who took the opportunity to talk with the doctors—many of whom have many decades of experience. In fact, one of the big problems is that we have an ageing medical workforce in regional communities and there is a need for a succession plan to encourage younger health professionals to set up practice in our regional communities. It is a challenge not only faced by this government but also faced by previous governments. It is a very significant issue right across regional Australia.

The Nationals believe that regional health deserves a higher profile in the overall health policy of government. When health policies are being made, we believe there should be a dedicated regional health minister in the cabinet to stand up and fight for country communities. We also believe there needs to be an overhaul of the regional incentive programs to attract and retain health professionals in rural and regional communities. The current system of using the Australian Standard Geographical Classification Area simply does not work for many of our regional towns. The system has created some quite unusual anomalies where small regional towns like Sale and Yarram in my electorate are placed in the same category as some of the outer suburban areas for the purpose of calculating any financial compensation or incentives for doctors. I believe there needs to be a better targeted system of payments which rewards doctors and other health professionals who move to some of the more difficult to service areas and then choose to stay there.

If we are serious about attracting and then retaining doctors in these communities, particularly Australian trained doctors, in rural practice, we need to provide better incentives among a range of other measures which add to their whole experience of living and working in a regional community. We also need to make sure that we are providing opportunities for students from regional communities to actually achieve the marks to go on to study medicine. It has been proven over many, many studies that students who have some origins in a regional community are more likely to come back and practise in those communities in the future. It is a very important issue, and I am sure other regional members on both sides of the House are well and truly aware of the fact that we do have a crisis in the rural medical workforce.

These views are consistent with the Rural Doctors Association of Australia and its plans to improve access to health services in regional Australia. I refer to the RDAA budget submission to the Treasurer, where the organisation highlights the concerns it has with current policies and emphasises the need for decisive action to overcome the current crisis. In his letter to the Treasurer, the president of the RDAA, Dr Paul Mara, referred to areas where “the current policy
framework is failing to meet the needs of rural and remote communities’, and he says:

This need is reflected in the health status of people in these communities, the considerable underspend in Medicare in comparison to metropolitan areas, ongoing difficulty in attracting doctors and other health workers to these communities.

In his submission, Dr Mara says:

If we are to improve the much poorer health outcomes in rural and remote communities, we must build a sustainable rural medical workforce and viable practices that can support better access to primary health care/general practice and local secondary (hospital) services. The key elements of sustainability are:

(i) Professional issues including training, skills and qualifications of doctors and local professional supports to enable doctors and their families to have adequate leave for study and recreation;

That is a key issue in making sure that the experience for a doctor in a regional and rural location is a positive one—that they are not forced to work ridiculous hours and always be on call but that they actually have a quality of life in our regional communities. The other key elements of sustainability for our regional workforce were:

(ii) Structural issues including practice infrastructure and business structures that support private investment in health to complement public investment; and

(iii) Ensuring that the higher level skills, commitment and responsibility of rural practice is adequately reflected in the economics of practice—so that they can get a good return from their business.

I agree with Dr Mara. Regional Australia makes an enormous contribution to the wealth and prosperity of our nation, and regional people deserve a better deal with it comes to health services. Investment in rural health is not just an investment in doctors or even the health of individuals; it really is an investment in the health of our entire economy.

Holi Festival

Mr BYRNE (Holt) (7.22 pm)—I rise tonight to speak about a very noteworthy event that I attended in the vicinity of my electorate of Holt. It was my great honour to participate in the annual the Holi festival last Saturday at the Shri Shiva Vishnu Temple in Carrum Downs. I celebrated this event with many members of parliament, including the Leader of the Opposition in the Victorian parliament, Daniel Andrews. All of us were struck by the beauty of the temple, which is surely one of the most beautiful and ornate places of worship in Australia.

The Holi festival is an ancient festival which celebrates the victory of good over evil with the help of the divine. It also celebrates the triumph of devotion. These are universal ideals that are especially relevant in light of the many natural disasters the world has suffered over the past few months. I think it is useful for all of us, regardless of our religious background, to strengthen our faith and renew our commitment to each other.

What I experienced everywhere around me on that day was the faith and commitment of the Hindu community and the rich traditions on display: the burning of sandalwood and the bright colours on people’s faces and clothing, placed there with laughter and with love, are just some of the traditions that were celebrated and revered. I believe that celebrations like this enhance us all.

One of the great triumphs of the Australian experience is to allow people from every corner of the earth to make this place their home, to share their cultures with their fellow Australians and to do so in an atmosphere of mutual respect and shared understanding. That belief was reinforced for me
by many from the non-Hindu community who also attended the event and revelled in it, sharing the experience in a spirit of happiness, understanding, mutual respect and shared commitment—values which make this country the best place on earth to establish and build a future, regardless of race, colour or creed.

The Shri Shiva Vishnu Temple in Carrum Downs, where the Holi festival took place last Saturday, is one of the biggest traditional Hindu temples in the southern hemisphere and it has existed since 1994. The temple runs Hinduism classes, encourages the use of the HSV library, organises religious and spiritual lectures and workshops, and, importantly for the community, hosts events that recognise significant important Hindu festivals such as the Holi festival. The temple has its place among major temples all over the world. The vision, the dedication, the courage and the spirit of the Hindu community of Victoria gave the people of Victoria a priceless and everlasting legacy in the form of this truly magnificent temple. It is shared with the rest of the community and is accessible to the rest of the community, and it is meant to be so.

This unique temple transcends time barriers to remain an icon symbolising the contribution of the Hindu community to the Australian community as a whole. Mention of the temple would be imperfect without the mention of hundreds of volunteers who sacrificed their time and worked with missionary zeal to create and construct this edifice.

I am always pleased to be asked to attend events of this nature, because to me they emphasise what makes Australia a great community. I am proud of and wish to recognise the role played by the Indian, Sri Lankan and other Hindu communities who came to Australia and made it their home.

It is often said that when the Catholics came to Australia they built their churches; and in building the churches they sunk their roots into the community and made the community their home. This is exactly what is happening with the Hindu community as well as more recently arrived communities. When you look at the temple and you see the spirit of the people who were sharing in that particular festivity, and you see how other people can share their experiences at the same time—and thousands of people attended this event—I think it says a lot about our very unique place in the world and the fact that we can attract people from other parts of the world and make them feel part of our community but also share in our community. I wish to congratulate the committee of management that were involved in organising this event: Mr Vijeyakumar, Dr Anavekar, Mr Thanikasalam, Mr Mahendran, Mr Wickiramasingham and many others involved in organising the Holi festival.

We are aware that there have been push-and-pull factors involved in these people coming to this country. But the fact is that everyone that I saw at that event who was sharing their history and their culture was proud to be Australian and proud that the event was making Australia the rich and dynamic culture and country that it is.

Suicide Prevention

Mr CHRISTENSEN (Dawson) (7.27 pm)—I rise again tonight to make an urgent plea to the government for the lives of young people in the Dawson electorate. The Mackay region is generally regarded as financially advantaged, and in some ways that is true. The average wage in the Mackay region is above average as a result of good employment prospects in the mining industry. However, those good jobs are enjoyed by only a small section of the community.
The region is socially disadvantaged as a result of shift work and fathers, husbands and mothers being away from home—four days on and four days off, or worse. These disadvantages compound other problems to create an unacceptably high suicide rate in Mackay. When researcher Leda Barnett began work on a project in Mackay, the city was in the midst of a suicide cluster. Suicide has a powerful effect on people, and it is not uncommon for family and friends to take their own lives in response.

Seven years ago, a group of young people in Mackay were devastated when two of their friends committed suicide only weeks apart. Debbie Guzowski sat in her living room with grieving friends and decided that enough was enough. They formed the Grapevine Group and have been working on suicide prevention ever since. The group plans to make Mackay the most suicide-safe region in Australia. But they have an uphill battle.

According to the National Mental Health Survey, more Australians die from suicide than from motor vehicle accidents—mostly young people, and a high proportion are young Indigenous people. The ‘Reducing youth suicide in Queensland’ discussion paper reported that Queensland children and young people suicide at a rate well above the national average. It found that 48 per cent of youth suicides were contagious or imitative, and 28 per cent of children and young people who suicided in Queensland were Aboriginal or Torres Strait Islanders—mostly between the ages of 10 and 14.

People who work in the mental health industry tell me that suicide is a bigger issue in regional centres than in capital cities, and Mackay has the second-highest suicide rate in the state. But suicide statistics are woefully underreported because single-vehicle accidents, overdoses and other accidents are reported as just that—accidents rather than suicides. The shame of suicide leaves the real facts, the harsh facts, hidden from view. When you consider how much money is spent on awareness and prevention of traffic accidents, you have to ask why we are not taking mental health, which is a much bigger problem, more seriously. This is a problem of life and death, and it is a plague on our modern society.

Mackay youth workers are dealing with children as young as seven years old attempting to take their own lives. One example: a 16-year-old Mackay girl was making an attempt on her life on a monthly basis, using measures as drastic as swallowing battery acid. On one such occasion her parents feared for their own safety as well as for their daughter’s, and they called the police. The girl was taken in handcuffs to the Mackay Base Hospital and was admitted to the psychiatric ward. The psych ward only has 18 beds and they were all full. She was released just one hour later.

There are better solutions out there. Suicide prevention education and early intervention save lives. This has been proved with 30 headspring mental health centres around the nation. But there is no headspring centre in Mackay, where one is so desperately needed. The cost of funding one of these centres is not much in the grand scheme of things and the alternative is simply not acceptable. Tonight I implore the government to allocate the $4 million needed to build a headspring youth mental health centre in Mackay as a matter of urgency.

We are here to make decisions and sometimes these are indirectly decisions of life and death. This is one of those times, and it is time to get our priorities right. That is what we as elected leaders are here to do. We are not here to legislate for a better life for ourselves; we are here to create a better life for
Lyons Electorate: Local Festivals

Mr ADAMS (Lyons) (7.32 pm)—I would like to speak tonight about the communities that I represent and the great festivals that are a great part of the Tasmanian scene, especially at this time of year—the celebration of individuals and activities that go on within different regions of my electorate.

Last week I was at the 110th Bream Creek Show. They have a great competition there for the biggest pumpkin; some of them are nearly as big as your chair, Mr Speaker. They certainly celebrate pumpkins in a big way at Bream Creek. Brian Fish was there with his bullock team—I once outpulled his bullock team, which was a great part of history for that show.

The week before that, I was at the Fingal Valley festival, where they celebrate coal shovelling, wood chopping and sheep shearing. The world roof bolting championships were also on. This is where miners drill into large blocks of concrete which have been set up with a huge crane. They practice their art and miners come from all over to compete in that competition. It is a great celebration of Australian working people. They also do yard dog trials. There is the veterans bike race, from Fingal to Mathinna and back. That was won by my mate John Watkins this year, and he was a great winner and really appreciated his win.

SteamFest at Sheffield, which is overseen by Chris Martin, is a celebration of all things steam—people’s involvement with and love of steam—the history of steam engines and things of steam. This year they were to open their new shed with money from the Tasmanian community fund, which will give them great opportunity to do a lot more work on steam engines and on their train.

The Kempton festival celebrates horses, coaches, gigs and everything else that is horse-drawn. This year I had the honour of opening their new coach shed. It is a great shed, and it is well organised. If you travel down the highway between Hobart and Launceston you can see the shadows of horses and coaches on each end of that great little town.

The autumn festival at New Norfolk includes the celebration of hops and the history of hop growing in that region. It is held at Bushy Park, where hops is still grown. That is a terrific opportunity. This year maybe they will get some boats coming up the great Derwent River and through the rising bridge. We might even get a passenger train up this year as well.

At the Oatlands festival the Carrington Mill is driven by wind grinding wheat into flour. Organic flour is grown in the electorate. They are producing some great stuff. Oatlands has more sandstone cottages, houses and other buildings than any other village in Tasmania.

Swansea has the Freycinet Peninsula festival. They are celebrating with a French theme; they have a mayor that was born in France. There is also: St Patrick’s Day at Westbury; the penny-farthing fair at Evandale with everything to do with penny-farthings, including the world championship; Poatina Fun Day; and of course the Brighton...
Mr HAASE (Durack) (7.37 pm)—I rise this evening to remind this House of the very hard and important work done by service clubs around Australia and, specifically, I wish to bring to the House’s attention the work done by the Geraldton Rotary Club. It is 70 years ago this year that, on 19 November, 645 officers and crew of the HMAS Sydney II perished. Therefore it is 70 years this year that we will recognise that occurrence. This year we will celebrate and reflect upon that incident at the magnificent memorial on high ground overlooking the city of Geraldton-Greenough. We can do that because of the hard work of the Rotary Club of Geraldton. Its members today number just 35, and they, as we like to say, punch well above their weight.

Back in 1988, there was a monument created on top of the same hill, recognising the commitment of the crew of Sydney II, but the Rotary Club of Geraldton decided they would go one step further: being the last Australian port of call for the officers and crew of the HMAS Sydney II, they decided that there ought to be a national monument to the officers and crew in the city of Geraldton-Greenough. A lot of hard work, a lot of dedicated fundraising, a lot of assistance from the then Howard government and funds under the Regional Partnerships Program created with the assistance of sculptors Mr and Mrs Smith what is truly a magnificent monument. Every member of this House ought keep in mind the fact that we truly have around this nation some incredibly empathetic and reflective monuments.

This 70-year anniversary will be more significant because this is a year that we will create the last element, the fifth element, of this commemorative monument. It will be a reflective pool with some 644 seagulls engraved in black granite in a circle around the pool and one stainless steel three-dimensional seagull rising from the reflective pool and the eternal flame. It is well worth seeing. I would like to think that many Australians will take the opportunity on 19 November 2011 to be part of the respectful celebrations of the sinking of the Sydney II.

I would like to share with you just one point: back in 1988, when the original site memorial was being dedicated, the crowd assembled on quite a bright Geraldton-Greenough day and a very large mob of seagulls hovered over the crowd. They remained motionless in the onshore wind. It was a hair-raising moment. No-one counted the 645 seagulls, but it was hair-raising. So much so that this was remarked to the sculptors of the final memorial, which led them to create a dome of remembrance on the top of this hill featuring 645 seagulls.

It is a terribly emotional moment when anyone visits this site and realises the significance of the monument and the empathy it has with the occasion. Of course, it is all down to the hard work, the vision, the foresight and continued dedication of the members of the Rotary Club of Geraldton. We all should applaud their work because it is the work of such regional service clubs that creates so much of the goodwill and infrastructure of remembrance in our regional centres right around this nation. I applaud their continued work and trust that everyone will return to Geraldton-Greenough on 19 November this year. (Time expired)

US-Australia Retail Price Differences

Mr HUSIC (Chifley) (7.42 pm)—Back in January, we witnessed the launch of a campaign by major retailers to start adding the GST to the purchase of products sourced overseas via the net. It was a short-lived
campaign for a host of reasons, not the least of which was that consumer backlash swamped the campaign before it got off the ground. Many consumers know that the moment they get online they can see for themselves the major price differentials that exist between products obtained here and the same ones that can be purchased overseas.

It is certainly something that has not escaped constituents whom I represent in this place. Last month I received an email from Mount Druitt resident Anastassia Watson, who wrote on behalf of Andrew Luke and herself. Ms Watson and Mr Luke wrote to me because they had ‘concerns with the cost of products in Australia which in our opinion are overpriced compared to the United States’. They then listed a range of products such as food, clothing and electronic gear that could be purchased here, then compared them to the cost levied in the US. For example, Ms Watson highlighted—and I quote:

A good pair of TN Nike Shoes in Australia is $239 and in the United States it’s $100.

An NBA jersey in Australia is $139.95 and in the United States the jersey is $50.

An Xbox game is priced at an average of $110 on its release date in the United States its $60. On this point, it has been pointed out that Sony’s PS3 gaming platform has almost a $200 price differential between here and the US.

Ms Watson wrote:

Seriously, if I was an American coming to Australia and realised that Australian prices are more than double, I would put myself on the first flight back to the US!

She also asked me to pass on her concerns to the Treasurer, and I will be doing just that.

The issue of price differentials frustrates many consumers, particularly when they seek to purchase electronic items. I think it is well known I do not mind Apple products. Their sleek, smartly designed products are leading edge, innovative, and help shape the way technology caters to consumers. Besides their terrific MacBook, I have also been impressed with the iPad, which I am using tonight. It was a great platform from which I read my inaugural speech. I am led to believe I was the first member in this place to do so.

It is not unusual for users of Apple products to become fervent devotees of the brand, but in the rush to embrace the products the users sometimes find themselves checking out the cost of the products here versus what they would pay for them in the US. It is also front of mind for people weighing up whether they will purchase the iPad2, which will be released in Australia on Friday. I raised the issue of price differences on the social media platform Twitter the other day and got quite a strong response from the general public, and I want to thank them for taking the time to share their views with me. I had some of the price differences brought to my attention. In very broad terms, for example, and taking into account taxes and currency variations, it turned out that the 13-inch MacBook Pro costs $1,399 here and $1,218 in the US, the 17-inch MacBook Pro costs $2,899 here and $2,700 in the US, and the 8 gigabyte iPod Touch costs $289 here and $247 in the US. Going through the Australian Apple website, to buy certain brands of headphones might set you back up to $200 more than buying the same product on Apple’s US website. To Apple’s credit the 16-gigabyte iPad2 with wi-fi will cost $579 here but $543 in the US—a lot tighter in price. These amounts are in Australian dollars. For details on the calculations, people will be able to visit my website in the next day to see the breakdown for themselves. For many people these differences are not small. As someone remarked to me via Twitter: ‘iPads take into account 10 per cent GST. Mark-ups over that are hard to justify.’

It is important to bear in mind that Apple products are generally priced at a higher
range to begin with. On top of that, do not forget that Apple is overwhelmingly the manufacturer, wholesaler and retailer, and, from what I understand, they give resellers little, if any, control over pricing. One more noteworthy point is that their products are largely manufactured in China and shipped out from there to both Australia and the US. Consumers are struggling to work out why they are charged way more for these products and they would like some answers. Given the enormous brand loyalty Apple no doubt enjoys, I think there is a valuable opportunity for the company to explain why the same products in the United States cost significantly more here. To help get some answers quickly, overnight I will be writing to Apple Australia’s managing director to put some of these differences to him.

The worn-out observation about the internet is that it has made the world a much smaller place. Clearly, it has brought before people’s eyes the fact that others are getting a better retail deal. Besides shrinking distance, let’s hope it has a similar effect on price differences too.

**Mental Health**

Mr ANTHONY SMITH (Casey) (7.47 pm)—I rise tonight in this adjournment debate to address the important issue of mental health, particularly as it affects young Australians. What we all know in this House is that mental health impacts so many Australians. We know that in every community mental illness among young Australians is a major issue that demands practical and tangible support. We know that there is a critical need for early treatment. We know that delay in accessing appropriate treatment or, indeed, the failure to access treatment is particularly damaging for young people in adolescence. Maturity can be delayed, social and family relationships can be strained and employment prospects can be derailed, and secondary problems such as substance abuse, unemployment and behavioural problems may develop and intensify. We outlined these issues very much in our election policy just a few months ago.

The Howard government recognised the critical need in this area. In 2006, the Howard government and the Minister for Health and Ageing at the time, now the Leader of the Opposition, massively boosted funding for mental health and established headspace units for the first time. This policy was backed up and added to in a major way by the coalition prior to the last election. The $1.9 billion boost in the final years of the Howard government was backed with another $1.5 billion policy promise that would, if implemented, have a major positive impact in mental health. There are a number of aspects to it. One aspect in particular was to provide $225 million towards an additional 60 headspace sites, as recommended by leading mental health clinicians. The policy as a whole was recognised and praised by mental health experts as a breakthrough. It was called a ‘game-changer’ at the time. Indeed, Professor John Mendoza in the Australian on 1 July declared it ‘the most significant announcement by any political party in relation to a targeted, evidence based investment in mental health’.

I focus particularly on headspace. Many members of the House are well aware of the success of this new program that is only a few years old. It provides, as we know, mental health support but particularly a youth-friendly and a youth focused environment in which to do so. A speaker just a few minutes ago spoke about the critical need in his electorate. There is a critical need for an extension of this program. In the Yarra Valley on the outer-east of Melbourne, in the electorate of Casey, the area that I represent, as well as in adjoining electorates, there is a critical need for a headspace unit. As we know, there
are 30 operating nationally. The member for Dawson mentioned some of the background. The nearest facilities for the Yarra Valley, in the electorate of Casey, are in St Kilda and Frankston. It is vital that this program is rolled out further. It is a practical program that will have an immediate beneficial effect for youth who need to access it. We know that 35,000 young people have accessed the existing services to date, but we need a service in the outer-east and the Yarra Valley. All of us know that there are young people who need this service. We need to put that service where they are. It is vital that the outer-eastern suburbs are given the opportunity to complete an expression of interest for a site in the outer-east and the Yarra Valley.

(Time expired)

Mr SLIPPER (Fisher) (7.52 pm)—I speak today about an event held on 16 March: the fifth annual National Ride2School Day. National Ride2School Day promotes health and physical activity for children. Teachers, parents and students are encouraged to leave their cars at home and to either walk or ride their bikes to school. Prior to this event, I sent letters to the schools in my electorate, which is on the Sunshine Coast, encouraging them to participate in Ride2School Day.

Back in the seventies, more than 80 per cent of students walked or rode to school; however, now only 20 per cent of children do so, even though the majority of them live within five kilometres of their school. Many of these children are driven relatively short distances to school and so miss out on a great chance for some exercise. Inactive lifestyles expose one to preventable diseases such as obesity and diabetes. It is also known that children who have an active childhood are more likely to maintain this healthy lifestyle throughout their lives, and this limits the likelihood of obesity in later life.

I congratulate the organisation of Ride2School Day for their initiative in implementing an event that is directed towards improving the health and fitness of our youth. Ride2School Day started in Victoria in 2006 and has grown increasingly popular over the past five years. This year 140,000 children from more than 1,050 Australian schools participated in this physical activity. Many of them were riding to school for the first time. I also thank and congratulate all schools that participated this year by encouraging their student communities to take part in this event by walking, riding, scooting or skating to school. I give special mention to Kawana Waters State College for its early involvement in Ride2School Day and congratulate all students, parents and teachers for their participation.

I also speak today about the 11th annual Fisher Seniors Forum and Expo, which will be hosted by me later this year. The Fisher Seniors Forum and Expo was first hosted by the Fisher Seniors Council and me in 2001 and has grown in popularity substantially since then. The purpose of the forum and expo is to provide senior residents of the Sunshine Coast with friendly and informal access to free information about issues that affect them.

This year we will be honoured by the presence of the shadow minister for seniors, the honourable member for Mackellar, at the forum as a special guest. The honourable member attended the forum last year. She also attended it in 2001 as Minister for Aged Care. I take this opportunity to thank the shadow minister for her presence at occasions of such importance to the Fisher seniors community. Each year the seniors expo...
that accompanies the forum features a large number of exhibitors who are ready to give helpful free advice on a range of products and services of interest to seniors. Last year’s forum attracted 30 different exhibitors from a wide variety of services such as healthy eating, hearing specialists and sun care.

I now turn to an issue which is close to our hearts—that is, the safety and protection of our children. Last weekend I attended with my wife, Inge, the sixth annual Dance for Daniel, the main annual fundraiser for the Daniel Morcombe Foundation, which works to provide child safety education and support for young victims of crime across Australia. The Dance for Daniel is a night where the dress code is ‘red tie’ or ‘red outfit’ to commemorate the life of Daniel Morcombe, who went missing on 7 December 2003. His case has become the biggest investigation in Queensland police history and resulted in the formation of the Daniel Morcombe Foundation.

An auction is held to raise money for the foundation so that they can continue to inform children and parents of the dangers of child predators. There is also a silent auction and, Mr Speaker, you will be pleased to know that I purchased the Kevin 07 framed T-shirt at a cost of more than $300, but that money is of course going to a very worthy cause. There is a need to set boundaries in order to keep our children safe. Up for grabs on the evening was a range of items. In addition to the Kevin 07 T-shirt, there was a scarf signed by the Prime Minister. It also raised a substantial amount of money, and I would like to thank both the Prime Minister and the Minister for Foreign Affairs for their donations to such a worthy cause. The Minister for Foreign Affairs also spoke in the Main Committee on the disappearance of Daniel Morcombe.

Daniel was just 13 and wearing a red T-shirt when he disappeared from under the Kiel Mountain Road overpass on the Nambour Connection Road. Through this tragedy, which no parent and no family should suffer, Denise and Bruce Morcombe have become magnificent advocates for child safety and risen to take on an important role in the community that is both invaluable and priceless. Over the seven-plus years since the disappearance of Daniel Morcombe, the case has generated publicity and media coverage across the Sunshine Coast, Queensland, Australia and even internationally. Denise and Bruce are true heroes of our community and I commend them for their ongoing good work.

I once again urge all of us in the Australian parliament to wear red this year for the Day for Daniel, as so many people from the Prime Minister to the Leader of the Opposition and your good self, Mr Speaker—as well as so many other members—have done in order to highlight the importance of child safety in Australia. (Time expired)

Port Macquarie Base Hospital

Mr OAKESHOTT (Lyne) (7.57 pm)—In the short time I have I would like to congratulate the many in the local community of Port Macquarie who have lobbied and advocated so hard for the expansion of Port Macquarie Base Hospital. There has been a successful campaign over many years both to see the $80 million in 2005 spent on the buyback of a privately funded public hospital resulting in a unique 10-year experiment in health care in New South Wales and to have the expansion take place, which has been approved through the independent health and hospital board on the back of the $1.8 billion regional round of the Health and Hospitals Fund.

This is a significant Commonwealth commitment generally and, specifically for
Port Macquarie Base Hospital, the largest commitment ever from the Commonwealth to a hospital in the history of the electorate of Lyne as well as the largest funding amount ever committed to Port Macquarie Base Hospital in any form. This is a $96 million commitment from the Commonwealth matched by $14 million commitment from the state including, at the state’s end, ongoing operational and recurrent funding.

This is a significant expansion of more than 50 per cent of the size of the existing footprint. So the scale of it is large. There are twelve additional surgical beds, an expanded hot floor critical care unit, a new 30-bed medical in-patient unit, an expanded emergency department and a cardiac cath lab for heart support patients. At the same time, we are seeing this weekend the arrival of the second linear accelerator—the $4.8 million program to see over 400 cancer patients treated locally—which will take its place alongside the first accelerator, which arrived two years ago.

I am pleased also that tenders will be going out in the coming month for the 12-bed geriatric unit. That will be a new capital build between the second and third pods at the hospital and will link in nicely with the dementia plan for the mid-North Coast and the dementia day care unit that will be opened on 7 April. So there is a lot happening in the health space on the mid-North Coast, in and around Port Macquarie Base Hospital in particular. This work is welcome, and I thank all of those who have participated in this long campaign.

The SPEAKER—Order! It being 8.00 pm, the debate is interrupted.

House adjourned at 8.00 pm
Mr Snowdon to present a Bill for an Act to deal with consequential and transitional matters arising from the enactment of the Governance of Australian Government Superannuation Schemes Act 2011 and the ComSuper Act 2011, and for other purposes.

Mr Shorten to present a Bill for an Act to change the law relating to certain fuels, and for related purposes.

Mr Shorten to present a Bill for an Act to provide for grants for ethanol manufactured in Australia, and for related purposes.

Mr Shorten to present a Bill for an Act to amend the Energy Grants (Cleaner Fuels) Scheme Act 2004, and for related purposes.

Mr Gray to present a Bill for an Act to amend the law relating to the remuneration of certain Australian Public Service offices and of Members of Parliament, and for related purposes.
The DEPUTY SPEAKER (Hon. Peter Slipper) took the chair at 9.30 am.

CONSTITUENCY STATEMENTS

Casey Electorate: Wandin Country Fire Authority

Mr ANTHONY SMITH (Casey) (9.30 am)—I rise this morning in this House to pay tribute again to the wonderful community in Wandin in the Yarra Valley in the federal electorate of Casey, and in particular the Wandin CFA. On Saturday, 5 March, along with 180 other members of the local community, I attended the opening of the Wandin Fire Station extension. The Wandin CFA was founded in the 1940s. It has a proud history. Due to the dedication and support of so many members of the local community, they have been able to extend their station. Mr Deputy Speaker, as you would appreciate, it has taken a lot of work and a lot of commitment. I pay tribute to the captain, Mr Peter Polovinka. I also pay tribute to Les Sharp. He is a member of the CFA and the Wandin Rotary and is irrepressible, unstoppable and ever persistent. The extension of this CFA district station would not have come about without his constant effort over the past four or five years.

As I said, it was a wonderful community effort. There were contributors at so many levels. The Bendigo Bank of Wandin and Seville contributed $50,000. I pay tribute to so many of the local businesses that gave in-kind donations and gave their time and equipment at so many levels—Gavin McIntyre the builder; Meyland Constructions, who did the excavations; Beenak Constructions; Warratina Lavender Farm; Wandin Video; Zen Gawronski the painter; Waterhouse Timber; Boral Quarries; Activity Playgrounds; Mount Evelyn Garden and Produce; Hewitt Constructions; Wandin Retravision; Robin Mauder the sign writer; and the Golden Opportunity Shop in Seville.

On top of that, as you would imagine, Mr Deputy Speaker, there was constant fundraising to ensure that this great day came about. The extended fire station is a much-needed practical upgrade for the Wandin CFA. It will also serve as a wonderful community facility for everyone in Wandin and the wider community. I commend the leadership of the Wandin CFA and the Wandin community for their community spirit and dedication.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Hon. Peter Slipper)—I welcome to the gallery today participants in the 2011 Inter-Parliamentary Study Program, from a range of countries around the world and from Western Australia. The Main Committee is the second chamber of the House of Representatives. Some would say it is inappropriately referred to as the Main Committee. We are looking at a better name for it, but you are very welcome. I hope you enjoy your visit to our parliament and I would like to wish each of you well in the future.

Honourable members—Hear, hear!

CONSTITUENCY STATEMENTS

Richmond Electorate: Building the Education Revolution Program

Mrs ELLIOT (Richmond—Parliamentary Secretary for Trade) (9.33 am)—Today I rise to speak about the very positive impact of Building the Education Revolution in my electorate of Richmond. The provision of education is one of the most important services that a govern-
ment delivers, and the reforms delivered by this federal Labor government have been immense. The Gillard government understands the importance of education. We know that accessing a quality education is one of the key factors in transforming a child’s life. It has taken the federal Labor government to reassert the importance of education through our many and varied programs, particularly Building the Education Revolution, or the BER.

Of course, during the very dark days of the global financial crisis it was the federal Labor government that took decisive action and put in place the economic stimulus package. The purpose of the stimulus package was to protect jobs and invest in vital infrastructure like that needed in our nation’s schools. In the electorate of Richmond more than $115 million has been invested in more than 90 schools. I have had the privilege of visiting many of the infrastructure projects in schools right across my electorate. I have had the opportunity to see first-hand some of the many benefits to these local schools. An example is the new multipurpose hall at Brunswick Heads Primary School. Another is the wonderful Korean language centre at Wallumbin High School, where I was witness to a very inspirational performance of traditional Korean songs. Just last Thursday, on St Patrick’s Day, I was very pleased to attend Mount St Patrick’s Primary School and College, two linked schools in Murwillumbah that pooled their resources under the BER—more than $4 million altogether. They have built some fantastic new classrooms, a science and language centre and improved access for disabled students. It was great to see the students so excited about their new classrooms and talking to the teachers about the new opportunities that all these resources will bring—and all credit to Mount St Patrick’s School.

I was also very pleased the next day to visit the Holy Family Catholic Primary School at Skennars Head for a very similar opening. Through more than $2 million in BER funding, this school now has a hall with wonderful resources not only for the whole school—for assemblies, concerts, lessons and events—but also for the whole community. The BER has given our schools resources they desperately need. Of course, the provision of quality education occurs when governments, schools, teachers, students and parents work together with their local community to improve their schools, and that is exactly what the Gillard government has done with Building the Education Revolution.

I will finish with the words of the principal of one of the schools, who said, ‘Boys and girls, always remember that with a federal Labor government anything is possible when it comes to investment in our schools.’

**Australian Football League**

**Mr IRONS** (Swan) (9.36 am)—I rise to speak about and welcome the new season of the AFL, which commences tomorrow night with a match between Carlton and Richmond at the MCG, a grand stadium which ranks as one of the best sporting arenas in the world. These two clubs have long been rivals and have fought many battles over the years.

The summer period has been a tumultuous one for the AFL, with clubs, players and player managers under extreme scrutiny for their behaviour. Once the first ball has bounced, many people, particularly club supporters, will forget these issues, though, as they embrace the season proper with a tribal passion like no other in the world. There is no reason why the AFL community cannot learn from this past summer that, as they are an important player in the Australian community, they must continue to strive for standards that are acceptable to the public in general. That being said, the AFL has drawn much criticism, and we see a long list
of critics ready to pounce upon the AFL at the slightest misdemeanour, from the media through to people who see themselves as public figures with a need to comment. What we do forget is that the AFL is part of our community and it contributes in many ways that often go unsung. From family participation through Auskick through to the senior AFL ranks, this sport contributes to many charities and causes that the AFL critics always fail to mention.

In 1857 talented cricketer Tom Wills returned from schooling at Rugby School in England. Wills advocated a winter game to keep cricketers fit during the off season and subsequently invented Australian Rules football. The Melbourne Football Club was formed on 7 August 1858, the year of the code’s first recorded match, between Scotch College and Melbourne Grammar School. The game meandered along, steadily growing, until major changes in the 1990s brought about the formation of the Australian Football League, a national competition. When Tom Wills founded this great game, he would never have envisioned its popularity and the fantastic contributions it has made to our culture, economy and community.

There have been some memorable moments in the AFL. The first league season of the new millennium began three weeks earlier than usual, with the Sydney 2000 Olympic Games to begin in early September. In round 1, 1970, Richmond and Fitzroy met at the MCG. For the first time league football was played on a Sunday, with the Queen in attendance. In round 2, 1960, an unusual and rare occurrence led to a future great tradition. Due to torrential rain, the round was postponed. To make up the time, two matches were played for the very first time on Anzac Day, while the remainder were played on the following Saturday. But that began the great Australian Anzac Day AFL tradition. In 1950 the decade began with Essendon sensation John Coleman kicking 100 goals for the second successive season. He became the only player ever to kick 100 goals in both his first two seasons of football.

Again, I take this opportunity to congratulate the AFL on another season. I also take this opportunity to mention that my son, Jarrad Irons, is playing with Port Adelaide now, and hopefully he will line up against last year’s premiers, Collingwood, at Etihad Stadium at 2.10 on Saturday afternoon. I will get that news today. But keep a lookout.

Petition: Child Sex Trafficking

Mr BANDT (Melbourne) (9.39 am)—Today I table a petition of some 225,328 Australians who are urging the government to take action to combat child sex trafficking in our region. Sitting over there on a trolley in some eight boxes, the signatures on this petition have been collected by children protection advocates Child Wise and The Body Shop, and it represents one of the largest petitions ever to come before this parliament. To assist proceedings, I can inform the House that the petition has been examined by the Standing Committee on Petitions and is found to be in order.

I believe the government has a responsibility to protect the human rights of the most innocent and vulnerable in our region and to listen to those in the community who want to protect children from sexual exploitation. That is why I am very proud to table this petition on behalf of the many people who signed it, from 62 different electorates across the country.

Globally it is estimated that 1.2 million children and young people are trafficked every year for sexual exploitation and cheap labour. The estimated minimum number of persons in forced labour, including sexual exploitation, as a result of trafficking at any given time is 2.5 million. Of these, 1.4 million are in Asia and the Pacific, and yet only 0.1 per cent of Austra-
lia’s aid budget aims to tackle the issue. Australians have been identified as travelling sex offenders in at least 25 countries, including Cambodia, Indonesia and Thailand. There are some very simple steps, supported by these petitioners, that the government could take to address this situation.

The first is an ongoing education campaign and a support service that helps Australians to identify and report suspicions or concerns about child sex offenders who travel overseas. Child Wise recommends an initial outlay of $15 million over three years to fund such a program. The second is the funding of community based international development programs that focus on the prevention of and protection against child sexual exploitation, such as child sex trafficking and child sex tourism. Child Wise recommends an initial outlay of $7.5 million over three years. Those two steps are well within the resources of the government and I hope that the government listens to this call from the community to take action to help stop child sex trafficking. I commend the petition to the House.

The DEPUTY SPEAKER (Hon. Peter Slipper)—The honourable member has presented the petition for approval by the Petitions Committee. As I understand it, it has been approved and the petition is received pursuant to standing order 207(b)(ii).

The petition read as follows—

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

This petition of Australian citizens draws to the attention of the House, the criminal activity and human rights abuse of child trafficking into the commercial sex Industry which takes place in our region. Australian sex offenders contribute towards the demand for these children to be trafficked. We therefore ask the House to:

1. Fund an ongoing education campaign and support service which helps Australians to identify and report suspicions or concerns about child sex offenders who travel overseas.
2. Fund community-based, international development programs which focus on the prevention of and protection against forms of child sexual exploitation such as child sex trafficking and child sex tourism.

from 225,328 citizens
Petition received.

Gambling

Mr CIOBO (Moncrieff) (9.42 am)—I rise to speak about this Labor government’s grubby deal with the Independent member for Denison to introduce a mandatory precommitment scheme with respect to poker machines. This is an issue of great importance to me and I know to many communities across Australia. We know that the Labor Party, as part of its desperate bid to secure government for itself again following the last federal election, chose—without any real scientific or intellectual backing—to support a call from the member for Denison for the introduction of a mandatory precommitment system—in other words, effectively a licence to gamble. All Australians will no longer, as a result of Labor’s policy, have the choice to decide to have a flutter on the pokies unless they go through what is effectively a registration process.

For me, this matter has been brought home by recent correspondence that I have received from a number of community clubs. The Broadbeach Bowls and Community Club estimates that pokie precommitment, or Labor’s mandatory precommitment, will be the final nail in the
coffin for them. It will be a blow to their club and a blow more broadly to the Gold Coast, who are currently bidding for the right to host the 2018 Commonwealth Games. The Broadbeach Bowls and Community Club is slated to be the venue for the bowling segment of the Commonwealth Games, should we secure it. This is a club that simply cannot afford to introduce mandatory precommitment technology that Labor’s Big Brother approach to defining the lives of all Australians would force on them. The average age of their members is currently 60, and bowls is for many their only recreation. The club’s closure as a direct result of Labor’s myopic policy would be a big blow to their lives.

The club has written to the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, and to the Assistant Treasurer, Bill Shorten, but are yet to receive a reply from either of them. In their letter, which they copied to me, the Chairman of the club, Barry Gilbert, wrote:

Our Club is important in our community. We provide recreation and interaction with a broad spectrum of backgrounds, average age being 60 years of age. The proposed reforms would close not only Broadbeach Bowls and Community Club but dozens of similar organisations throughout the whole of Australia …

It concerns me that the Labor Party, having done this deal with Andrew Wilkie, is now looking at introducing mandatory precommitment even though it will do nothing to help problem gambling. Problem gamblers have a problem. They are irrational. Labor’s proposal, which will allow problem gamblers to set their own gaming limits—which could for many be unlimited losses a day—will not be a solution and will jeopardise clubs.

Middle East

Mr DANBY (Melbourne Ports) (9.45 am)—I welcome the democratic revolution that is taking place in the Middle East. We have seen developments in Tunisia and Egypt that will hopefully lead to greater rights for people in both of those countries. We have also the more problematic sectarian differences in Bahrain and Yemen, which are also being played out at the moment, along with the developments in Libya.

Most surprisingly, the important developments taking place in that part of the world which are getting minimal coverage, in Syria and Iran, are probably the most important for Australia and indeed for the world—I would argue even more so than Egypt. The ability of the people in both of those countries to limit the power of the dictators who run them is very much dependent upon the fact that there is a complete lack of democracy in both countries. In Syria there are very serious demonstrations taking place in the south, in Deraa, but there are no Western reporters there covering it. Indeed, if you were to look at the coverage of the events of the last few weeks you would wonder whether all of these countries in the world had just been invented. Where have all these Middle East reporters, both international and Australian, been in the past 20 years? They have certainly not been reporting on any of these difficult areas of the world. These places have been democratic hellholes for decades. Anyone who has been a reader of publications produced by Freedom House knows that the civil liberties of people in Tunisia, Yemen, Syria and Iran have been terrible for the past 20 years. There should have been more consistent reporting from these parts of the world by our international media and by our Australian media. Unfortunately, that has not been the case.

Democracy in Egypt is going to see an election in six months time, but democracy is not just simply an election in six months time. It is the rule of law, noncorruption, the rights of
women, respect for minorities, and particularly the rights of women. I want to focus on a very ominous statistic produced by the United Nations Industrial Development Organisation that 45 per cent of Egyptian women remain illiterate. This, I fear, and the nonparticipation of 50 per cent of society in a relatively benign country, compared with some of the other dictatorships in the Middle East, is something that portends badly for the future of Egypt.

Egypt’s progress—indeed the progress of all of these countries—is going to be very largely determined by whether women, minorities and other groups start to participate in those societies. Australia and other Western countries could do nothing more important than see that the role of women in all of these societies is enhanced, and some of our democratic and aid programs should be focused on precisely that issue.

Kooyong Electorate

Mr FRYDENBERG (Kooyong) (9.48 am)—I rise today to acknowledge the hard work of many individuals and organisations in the electorate of Kooyong. Ours is a strong community with deep family values and a strong commitment to voluntarism and helping others. On the weekend I attended Camberwell Primary School’s French fete. While I mangled my French language, I did pay tribute to the hard work of the principal, Helen Warnod, parent Kate Schwenk and many others for their contribution to organising a wonderful fete attended by thousands of people. The school is in fact the first bilingual school in Victoria to have French immersion right across the curriculum—and they serve pretty good escargot.

On Sunday I attended the Kew Rovers barbecue, the local football club with teams in the 9- to 18-year-old age bracket. Also, importantly, they have a girls footy team. I pay credit to the president of the club, Rob Millar; vice-president, Jeff Hooper; committee member David Macrae; treasurer, Peter Johnson; director of football, Ian Aitken; Michelle Houlihan; Andrea Herbert; and many others for their hard work in organising the barbecue—and good luck for the season.

I also wanted to pay tribute to the organisers of the Kew Festival, where I judged the parade. The winners included Kew East Primary, St Paul’s College and Sacred Heart. To Debbie McColl Davis, Annette Smith and the thousands of people who turned up at Alexandra Gardens in Kooyam Road, Kew, it was a wonderful day and I thank you for asking me to participate.

I also attended the AGM of the Boroondara Netball Association. They have over 200 teams and nearly 3,500 girls playing in our local area. It is wonderful to see and it is so important. I pay tribute to the president, Sue Reddish, and to Grant Kennerley, who I presented with an outstanding contribution award for his support of the association.

I also attended the Relay for Life in Hawthorn at Gardiner Reserve with Premier Ted Baillieu, Mayor Nick Tragas, Councillor Coral Ross and Professor David Hill. This is a wonderful event that raises money for cancer research. Over 53 teams, with 900 participants, raised over $100,000 running around an oval for charity.

I also attended the National Ride to School at Auburn South Primary School. I pay tribute to Principal Gary Campbell, to the year 3s, who turned up with their scooters and their bikes and everything else that moved. Over 1,000 schools and 140,000 students Australia-wide participated in the Ride to School.
Finally, I want to mention Tom Wilcox, who has celebrated his 80th birthday. He is a wonderful community stalwart. He has been struggling with bad health and I pay tribute to his great contribution to our local community.

Isaacs Electorate: Bright Moon Buddhist Society

Mr DREYFUS (Isaacs—Cabinet Secretary and Parliamentary Secretary for Climate Change and Energy Efficiency) (9.51 am)—I rise to speak about the Bright Moon Buddhist Society, which celebrated its 30-year anniversary and commemorated the birthday of the Guan Yin Bodhisattva on Sunday, 20 March. Simon Crean, the member for Hotham, and I had the pleasure of attending the anniversary, as did local state members Tim Holding, the member for Lyndhurst, and Hong Lim, the member for Clayton. Over 1,000 people came together to celebrate the society’s achievements and were treated to traditional dragon dances and vegetarian cuisine distinct to the Buddhist Indochinese community.

The journey of the Bright Moon Buddhist Society over the past 30 years has been truly remarkable. The society came from humble beginnings formed in the garage of a founding member 30 years ago and has evolved over time to boast an impressive temple in Springvale South. When seeing the temple for the first time, you could be forgiven for thinking that you had been transported to the Forbidden City in Beijing. The construction of the temple has taken over 10 years and has been totally funded by community donations. It is a wonderful example of what a community can achieve when people unite to reach a common goal. The ongoing success of the society is a testament to the diversity of the Australian people and our willingness to embrace and celebrate our different cultural backgrounds. There is no doubt that the Bright Moon Buddhist Society has enriched the cultural identity of Australia and will continue to do so into the future.

On Sunday, we also acknowledged the birthday of Guan Yin Bodhisattva, venerated by Buddhists, who represents the qualities of kindness and compassion. Guan Yin’s presence at the temple is represented by a statue also funded from community donations. Recently, the society put into practice the qualities of Guan Yin when it generously contributed $11,400 to the Municipal Association of Victoria’s flood appeal. The society expects that the temple will be completed by the end of next year, and the Greater Dandenong Council believes—and rightly so—that the temple will be a great attraction for tourists in the future.

I would like to thank the Bright Moon Buddhist Society and, in particular, Vinh Loi Ly, president of the society, and Miao Jong, Venerable Abbot of the Bright Moon Buddhist Temple, for their ongoing commitment to the Buddhist community in the south-east and for hosting such a fantastic event. I thank all of the society’s members for their ongoing contribution to Springvale, to the greater Dandenong community and to the whole of Melbourne. I know, from the attendance of the more than 1,000 people at this wonderful event on Sunday, that it is the whole of Melbourne that has an interest or participates in the activities of the temple. Certainly, East Asian Buddhists from all over Melbourne, particularly from the Vietnamese and Chinese communities that are in the west of the city, also attended the function.

World Autism Awareness Day

Mr CRAIG KELLY (Hughes) (9.54 am)—I rise to draw to the attention of the House the fact that, on 2 April, the international community will come together for World Autism Awareness Day, which has the aim of raising awareness of autism at all levels of society and
to encourage early diagnosis and intervention. World Autism Awareness Day has been held every year since 1989 and was recognised by the UN in 2007, gaining a place in their official calendar.

World Autism Awareness Day expresses a deep concern for the prevalence and high rate of autism in children in all regions of the world, and the consequential developmental challenges faced by the children and also their parents. Autism is not distinguished by a single symptom but characterised by impairments in social interaction and communication, and restricted interests and repetitive behaviour. Autism of this order affects tens of millions across the world, including my own son, Trent. Additionally, World Autism Awareness Day celebrates the unique talents and skills of individuals with autism and is a day when those with autism are widely welcomed and embraced in community events around the globe.

I take this opportunity to draw to the attention of all members an example of such unique talents being utilised in my electorate of Hughes. I used the allowance available to decorate the Hughes electorate office to commission a series of three artworks from across my electorate. The pieces were done by budding artists from the Autism Advisory and Support Service, Bates Drive special school and Civic Disability Services’ Sutherland day program. My wife and I donated the blank canvases, the acrylic paints and the brushes. We commissioned the Autism Advisory and Support Service to create an abstract artwork with an Australian desert theme, while Bates Drive and Civic created works with coastal and bushland themes respectively. As widely respected disability advocate and founder and President of the Autism Advisory and Support Service Grace Fava noted, art is very calming for most children with a disability but particularly for those children who are non-verbal, as it provides a channel for them to express their feelings. Those artworks now hang with pride in my electorate office in Sutherland.

This is just a small but practical step that all members can take to assist those with autism and other disabilities. On this World Autism Awareness Day, on 2 April, I call on all members to join in efforts to inspire compassion, inclusion and hope for those suffering with autism.

**International Women’s Day**

Ms GRIERSON (Newcastle) (9.57 am)—On 8 March, the 100th anniversary of International Women’s Day was celebrated around the world, and I would like to share three very different Newcastle events in which I had the privilege to participate. The first was a visit to the residents of the Warabrook hostel for the aged to deliver an address. I spoke to them about some significant Novocastrian women and reminded them of the special achievements of Joy Cummings, the first female Lord Mayor of Newcastle and indeed the first female Lord Mayor in Australia. She is also remembered, though, for having our national anthem changed from Australian ‘sons’ to Australians ‘all’. Joy was a wonderful Labor Lord Mayor and a wonderful woman, and was also the first leader in Australia to have the Aboriginal flag flown from a civic building. To share International Women’s Day with the women of the hostel—two of whom have actually lived the entire 100 years—was very rewarding, for it is those women who have been part of the daily struggle to bring about the many positive changes to women’s lives, particularly those experienced over recent decades. I acknowledge their contribution and thank Warabrook hostel for their kind invitation.

That week, though, I also had the privilege of attending the 10th anniversary of the DALE Young Mothers Program at St Phillip’s Christian College. It is always a wonderful experience
to visit the very young mothers at DALE, who are being assisted to have their babies with them on-site whilst they complete their secondary school education. Although the support they are given at DALE is praiseworthy, there is no denying that this is a tough gig for these very young mums. So, to hear them talking about being able to follow their dreams and achieve their goals, a family, a career, a TAFE or a university qualification, was indeed heart-warming. The management, staff and participants in the DALE program over the last 10 years have my continuing admiration and support.

Finally, I attended an International Women’s Day dinner organised by the Union of Australian Women in Newcastle at which Catherine Henry, a progressive woman and an accomplished lawyer in her own successful practice, outlined the challenges for women in the legal profession. Her statistics on the minute number of female barristers practising in Newcastle compared with the many male barristers was a salient reminder that women still have a way to go in their quest for equal opportunity. It is a reminder to the Attorney-General that a Federal Court in Newcastle will one day be an important incentive to grow the capacity of the female legal profession in Newcastle; but we cannot wait forever.

Finally, I take this opportunity to acknowledge the many women who have inspired me in my life. To all of them, I am grateful for their example. To the wonderful women who work in my office and indeed in this parliament and to all women: go girls!

The DEPUTY SPEAKER (Hon. Peter Slipper)—In accordance with standing order 193, the time for members’ constituency statements has expired.

CUSTOMS AMENDMENT (SERIOUS DRUGS DETECTION) BILL 2011
Second Reading

Debate resumed from 23 February, on motion by Mr Brendan O’Connor:

Mr KEENAN (Stirling) (10.00 am)—I rise to speak on the Customs Amendment (Serious Drugs Detection) Bill 2011. The Australian Customs and Border Protection Service is responsible for managing the security and integrity of Australia’s borders. Customs officers work hard day and night to detect and deter unlawful movements of goods and people across the border. Customs have responsibility for protecting Australians through the inspection of cargo to try to find illicit drugs, weapons, unauthorised boat arrivals, postal items and also target high risk travellers. Australian Customs officers do a great job under tough circumstances day in and day out. Unfortunately, they are given very little help by this current government, which is stretching their capacity to do their job, particularly to manage our borders.

Since Labor changed our immigration laws in 2008 relating to asylum seekers, there has been an influx of unauthorised boat arrivals putting an enormous strain on Customs and leaving Australia a soft target for organised criminal syndicates seeking to profit from human misery. Last week we witnessed the largest boat arrival since February 2010—this boat carrying 145 people. We also witnessed a government that had completely lost control over our immigration detention system. We witnessed a large outbreak of asylum seekers from the Christmas Island detention centre, which resulted in a violent confrontation with Australian Federal Police officers, with detainees setting fire to the main buildings, throwing rocks and Molotov cocktails, whilst rioting and setting fire to furniture and bins. The problems certainly were not
limited to Christmas Island, with protests, breakouts and disturbances occurring throughout the mainland detention network.

Under this Labor government, breakouts, riots and complete chaos reign. They have allowed people smugglers to dictate to the Australia government who comes to Australia and people smugglers are now in charge of our immigration policy. Since August 2008 we have seen the arrival of 215 boats carrying over 10,500 unauthorised people. Since Julia Gillard knifed former Prime Minister Kevin Rudd, the now foreign minister, and took control of the Labor Party saying that it had lost its way, 74 boats carrying over 4,000 unauthorised arrivals have come under her watch.

Without a strong border protection policy, these numbers will continue to increase and more people will risk their lives and the lives of their families trying to enter Australia illegally. Labor’s weak stance on border protection has fuelled the abhorrent industry of people smuggling. As we have stated many times in this House, the coalition believe in an uncompromising approach to protecting Australia’s borders and keeping Australia safe. The integrity of our borders cannot be maintained without a properly resourced Australian Customs and Border Protection Service.

Since coming to office over three years ago, Labor has cut funding for the Customs service for cargo screening, making Australia’s borders less secure and our nation more vulnerable. In the 2009-10 budget, Labor cut the budget of Customs for cargo screening by $58.1 million. This cut to screening by the Rudd-Gillard government reduced the number of potential sea cargo inspections by 25 per cent. Labor’s cuts also resulted in a reduction of 75 per cent of air cargo inspections. In the recent Customs annual report, it was revealed that only 4.3 per cent of sea cargo is X-rayed and only 0.6 per cent of sea cargo is physically examined. It was concerning to find out that a whopping 95.7 per cent of all sea cargo consignments are not X-rayed. It is no wonder that illicit drugs are slipping into Australia and onto our streets under this Labor government when only 13.3 per cent of air cargo consignments are X-rayed and only 0.6 per cent of air cargo is physically examined. This means that 86.7 per cent of all air cargo consignments are not X-rayed. What has become quite clear is that Labor’s cuts to the Customs cargo and vessel inspection system has put Australians at risk by giving a boost to organised criminal gangs that smuggle illicit drugs and weapons into the country.

During last year’s election campaign the opposition committed to restoring Labor’s cuts to cargo screening at ports and airports and committed an additional $35 million to increase Customs resources for cargo screening. This over $93 million funding increase would have enabled the Customs service to inspect an additional 52,500 sea cargo consignments and at least 7½ million additional air cargo consignments. Unfortunately, under a Labor government, these cuts to Customs cargo screening means that more drugs will flow onto our streets and will allow the organised criminal syndicates that smuggle these drugs to thrive.

As noted in the bill’s explanatory memorandum, currently under the Customs Act an internal search, including an internal scan, can be carried out only by a medical practitioner at a place specified under regulations. The Customs regulations of 1926 specify a hospital, surgery or other practising rooms of a medical practitioner for this purpose. The explanatory memorandum explains that, once detained, an application can be made to a judge for an order for an internal search of the detainee by a medical practitioner. Internal searches can be carried out by various means, including by conducting a scan of a person’s internal cavities. A detainee
can also consent, in writing, to be subject to an internal search. The amendments in this bill allow, in addition to the existing internal searches by medical practitioners, internal non-medical scans to be done in limited circumstances by an officer of Customs using prescribed equipment. The former search will be renamed medical internal search and the latter will be called non-medical internal scan.

According to Customs, last financial year 205 people were taken to hospital for examination under suspicion of having concealed drugs internally. Upon medical examination, less than a quarter were found to be carrying drugs. In light of these statistics it makes sense to the coalition to support the changes proposed in this bill in order to streamline the process for Customs and enable funds to be saved where possible. We believe that these changes are quite reasonable as, when a suspected person does not consent to having the non-medical internal scan, they can opt to have the medical internal search at the hospital as per current practice. The coalition supports the enhancement of security at Australia’s airports, including the introduction of these non-medical scans. However, the parameters under which these scanners are operated must be monitored and given careful consideration.

The coalition has a long history of keeping Australia safe. Border protection and national security always remain at the forefront of our priorities and we support the progressive enhancements and security being made at Australia’s airports every day. We therefore support this bill.

Mr Hayes (Fowler) (10.08 am)—I too stand to support the Customs Amendment (Serious Drugs Detection) Bill 2011. On the face of it, it is quite evident that this is an essential piece of legislation if we are indeed to be serious about combating serious and organised crime, particularly in relation to detecting serious drugs.

The bill will amend the Customs Act 1901 to enable Customs officers to conduct an internal scan on persons suspected of carrying illegal substances, which are primarily drugs. At the moment should there be reasonable grounds to suspect a person is carrying illegal substances, the only option under the act is to undertake an internal examination that must be conducted by a medical practitioner at a place designated under the act. Obviously, this is a long and lengthy process; people are detained. They are taken to a hospital or to the premises of a medical practitioner and subjected to a search as specified in the act. The fact remains that, in the last financial year alone, one-quarter of the 205 people suspected of carrying illegal substances were found to be carrying illicit drugs on their bodies—27 kilograms of illicit drugs were detected. When you think of it, 25 per cent would ordinarily be regarded as a pretty high strike rate. Using this new technology, the other three-quarters, who were quite innocent, would not have been detained and subjected to this prolonged and complex medical search process. The proposed non-medical form of examining whether illegal substances are being concealed will provide a significant relief for our hospitals, our emergency units and, indeed, our medical practitioners and certainly will reduce the cost and the time for our customs officers as they go about doing their work in protecting our borders and keeping our community safe.

Clearly there have been some issues raised, particularly in the populist media, regarding concerns about privacy. I have seen articles indicating that you would see images of people that would amount to a breach of privacy. I have been lucky enough to have been given a reasonable brief on this. As you are aware, I am on the Parliamentary Joint Committee on Law
Enforcement. One of the inquiries that are currently afoot is looking at our security provisions around both airports and ports at the moment, and one of the areas that we were looking at only recently was the issue of these machines. There are a couple of varieties, and certainly from what we have seen and the brief that we were given, Mr Deputy Speaker, let me tell you that you will not be seen in all your regalia if you walk through one of these things; you will only be seen as an animated depiction. Not in my wildest dreams would I suspect that you would do anything like this, Mr Deputy Speaker, but should someone have planted something on you internally—I do not know how—the machine would simply be able to indicate the areas of suspicion. You would also be given your normal liberties under the act as you were being processed. However, should you not accept being subject to one of these screenings, you would then be subject to the current provisions of the act—that is, an internal search by a medical practitioner.

This bill is not an overreaction. This is something that our government is doing, supported by the opposition, to protect our communities. I have learned in recent times about the value of the drug trade in this country. I have spoken many times about this. I know we talk about the drug trade and all the criminals associated with it, and I often speak about them as just being businesspeople—nefarious businesspeople. They are certainly motivated by profit, but that is what it is; they are in a business. I have an unclassified document from the Australian Crime Commission, and I will give an indication of why I see these people as businesspeople. For instance, cocaine can be accessed in Peru at the moment for as cheap as US$950 per kilo. If brought to the Australian market, it could fetch up to $250,000 per kilo. In Canada methamphetamine can be purchased for $16,687, a typical price per kilogram. That would sell on Australian streets at $210,000.

We were given a brief on ecstasy tablets when we were in the Netherlands as part of the Australian Crime Commission committee at one stage. Presently the typical price for 1,000 ecstasy tablets in the Netherlands is $4,111 and on Australian streets I am advised it is $20,000 for 1,000. The reality is that in the Netherlands an ecstasy pill can be bought for about US$3.50; in an Australian nightclub they are about $45 each—and the nightclub will also charge heavily for the water that it takes to help process that pill!

That is the profit motive that underpins this. That is what encourages people to take the risk. That is what encourages the organisers of these criminal endeavours to use people as drug mules to go and do that. It should not be a shock to any of us who are parents, and in my case a grandparent, that the reality is that the world has changed. People are out there to exploit our kids and our families. We should be doing everything that we can, applying the resources that we have and the technology that is available, to shut down this illicit crime because what is at stake is our kids, our families and our community as a whole.

These things should not be subject to partisan politics, and this matter certainly is not. We should be putting our best endeavours forward to ensure that our people that we put on the front line are appropriately resourced with the necessary financial commitment and also provided with the necessary tools of trade to do what we expect of them, which is to go out and protect our communities.

What we are being asked to consider in this bill makes a lot of sense, given the fact that as a country we are a point of destination. People do not fly through Australia because it is a cheap way to get to somewhere else. They come here for a reason. Last year alone we had 2.5
million people visit Sydney. They did not all turn up for the grand final but, with the traffic jam that I was caught up in, I suspect that half of them did! The point I am making is that we are a prominent destination. We are a destination for people who want to come down under to experience everything that we have, which is great, but we have a population and an economy which is also driving illicit drugs. There is a market here. There are Australians working in collaboration with international drug syndicates and they are working to ply their trade here. They are going to move to satisfy the market. That is why I said these are businesspeople.

Having said that they are businesspeople, there is one other thing which is not exactly a pet subject but is one I often speak about. It is the relationship between organised crime and terrorist groups. As members would be aware, last year I had the opportunity to visit the Middle East and to see a lot of our people in the field. It certainly struck me as somewhat odd that we have our people in Afghanistan, a country which at the moment provides in excess of 97 per cent of the world’s drug trade in heroin—that is where the poppies are being grown and exported—yet, from the last I saw, internationally we are probably catching somewhere around six or seven per cent of that.

To go back to the document that I referred to earlier, the unclassified document from the Australian Crime Commission: if we are talking about heroin per kilogram coming out of Afghanistan, we are talking about being able to access it from the providers there at $2,405 as a typical figure. In Australia that would be sold at $210,000—not for a kilogram but for 700 grams—after it has been refined and processed. That shows what the market is, but it also shows where it has been grown and all the rest of it. The important thing to know about Afghanistan is that opium is not the cash crop of choice; however, it is the crop that has been provided to a lot of the poorer farmers by the insurgent and Taliban sources. People are not given an option of growing wheat, barley or opium. They are told what to grow and provided not only with the crop to grow but also with the labour to plant and harvest it.

Basically, when we talk about the fighting season and the non-fighting season in Afghanistan, what coincides with the non-fighting season is the introduction of terrorist-funded labour to harvest a crop. People that participate in this particular drug trade are not necessarily home-grown Afghan warlords; we are talking about people out of Colombia. The drug syndicates of the world are using this as their cash crop to actually market their drugs and value add to their illicit trade.

The synergy here is that a significant proportion of that money then goes back to fund insurgencies, because the resources are being provided by insurgent groups. We see pictures of British or Australian troops wandering through various areas which look suspiciously like opium fields. The product of those sales is what is being put back to target and to commit acts of violence against Australian, American, Canadian and other forces in Afghanistan under the UN remit who are out there trying to protect the rights and future of the Afghan people.

I will conclude on the basis that I have also used this as an opportunity to talk widely about the subject. It is appropriate that we do everything we can to resource our people on the front line, our Customs officials—officials from the police and other services providing law enforcement services that go about their task of protecting our communities. I commend the bill to the House.

Mr EWEN JONES (Herbert) (10.22 am)—I rise to support the Customs Amendment (Serious Drugs Detection) Bill 2011. I will start by stating the bleeding obvious: serious drugs
are a blight on our society and on the city of Townsville, which I represent. Anything we can do to assist our Customs officials in getting these drugs off our streets is to be applauded. We see the captured drugs on television and we hear the street value of these imports, but what we do not hear about is the human cost of drugs which get through, and the people who carry them into our country. What we also see today is an increasingly violent nightclub and pub scene. We are seeing the results of people taking illicit drugs and the fallout from them, with displays of thuggery and just plain animalistic behaviour.

Customs primarily search people at the entry point to our country, scanning people who would have ingested or secreted parcels of drugs to get them into the country. Quite apart from being the sole risk-taker for someone else’s get-rich scheme, the dangers of bags rupturing and killing the mule can never be underestimated. All three levels of government need to work together to tackle head-on the issue of drug induced antisocial and violent behaviour. If we can change our attitude towards the taking of drugs, we can then rid ourselves of the dangerous attendee at just about every party in Australia every weekend. Drug-fuelled violence in any city or town is an issue that has no respect for the level of income people enjoy or the school they attended. It affects every part of our communities, from the victims to the small business owners, our health professionals and police.

More and more we see the federal government picking up the tab for health services needed to treat victims of drug-fuelled crime. Night after night, day after day, we see crimes committed by those who are drugged and drunken. Here is an example: a 21-year-old man and his girlfriend were out and about in Townsville. They collected some takeaway food and were in the car eating it when a man came along and randomly started kicking their door. When the young man got out of the car to complain he was set upon with such rage that he was beaten unconscious and his mum could barely recognise him at the hospital. The assailant got a few hours community service, wholly suspended.

In response to the violence on our streets the Queensland state government did what all Labor governments do: it conducted a talkfest, gave the project a snappy name, penalised some small business owners and duck shoved the responsibility to the police. The people of Townsville are calling for strong and decisive action. As a parent of two teenage girls I am keenly aware of the dangers facing innocent people having a good time. The people of Townsville have told me that they no longer want soft responses to what is violent, life-destroying, out-of-control and costly crime. It is time that drunken and drugged louts were dealt a punishment which fits the crime. I have therefore called for mandatory sentencing for drunken and drug-related violence. While the ‘one punch can kill’ slogan was effective, parts of my city are being held to ransom by what amounts to cage fighting each night of the weekend. The people of Townsville are saying it is time that louts on drugs should also know that ‘one punch and you are in a jail cell every weekend for a month’.

Too often our police are arresting these violent criminals only to see them on the streets again causing the same problems. By jailing these thugs on weekends you are taking away the very liberty that they are abusing.

Mr Perrett—Are you going to get to the legislation?

Mr EWEN JONES—I will have a really good listen to the member’s speech in a minute.
It is the weekends that they value more than people’s safety, and by denying these people their weekends it sends the message that we are a society which will not accept drug or rage violence. This is in stark contrast to the light, non-deterrent penalties currently handed out by the courts.

Simon Overland, the Victorian Police Commissioner, has stated in a speech that the simple banning of thugs from entertainment precincts had not lowered alcohol and drug related thuggery. It is time we treated this crime with the disdain it deserves. Mandatory minimum sentencing of four weekends in prison for offenders would send a clear message to the victims that we, as a society, value their safety. It would also send a clear message to those who take drugs and go out looking for trouble that we, as a society, abhor their actions. Western Australia recently instituted minimum sentences for assaults against police, and within 12 months crimes against police dropped by 28 per cent. Make no mistake, mandatory sentencing is a deterrent.

Townsville is now a major city: we are the largest city in northern Australia, we are home to the largest military installation in the country, we are home to the most significant tropical university in the world and we are on show most of the time. When our convention centre opens we will have people from all over the world come to Townsville. When that happens, what do we want them to see? Do we want them to see and experience a wonderful city where people are having fun and feeling safe or do we want them to receive welcome packs which warn them of places they should avoid? This is not just Townsville: I ask everyone here to ask their community on which side of this equation they would rather place themselves? I want to let these people who want to ruin evenings and lives know that if they try it on they will do so in the knowledge that if they are convicted they will be spending the next four weekends behind bars as a minimum. Weekend detention will have the least impact on the majority of employers, but the employee will have to tell their boss that they will not be available for that weekend overtime or the staff barbecue because they will be busy.

It is time that people felt safe about going out. Across Australia we see people carrying knives for protection when they go out with friends. That is a ridiculous way to live their lives. Drugs play a major part in this, and I will do anything that I can do which reduces their impact on my city. My city is a great one and my country is a great one; we are great people, we are resilient and friendly and I do not want this sort of behaviour to end up being the norm. We must take a stand, as a community, and tell everyone that we will not cop this at all. I commend this amendment to the House.

Mr Perrett (Moreton) (10.28 am)—I commend the member for Herbert for managing to go for that length of time without ever once mentioning the legislation under debate. It is commendable effort; I am yet to see one person totally avoid the legislation. I would say, in response to the member for Herbert’s speech that I have a bit of faith in our judicial system Australia-wide, whether it is a Labor state or a coalition state. And I have a bit of faith and trust in our judiciary and lawyers; they do a good job.

I rise to speak in support of the Customs Amendment (Serious Drugs Detection) Bill 2011. This bill delivers on the Gillard government’s commitment to ensure strong protection of our borders. It will help boost the protection of our borders and support our Customs officers in their efforts to eliminate illegal drug trafficking, which could end up on our streets. Drug couriers increasingly take greater risks to avoid detection, some unfortunately concealing drugs
and other suspicious substances internally. This obviously poses significant health risks to those couriers as sometimes packages split and drug couriers face serious illness or death as a result.

As a government, we want to do all we can to stop drug importation and protect Australian families from the awful harms caused by drug use. Of course we do as a responsible government, and I am sure all state and local governments are doing their bit to combat this scourge of modern society. That is why it is so important that our Customs officers can easily detect drugs that are being imported inside the bodies of drug couriers.

Drug traffickers face reasonably tough penalties in Australia; they are not as tough as those of some of our neighbours, but obviously we have a much more humane approach. The maximum penalty for importing a marketable quantity of drugs is 25 years in prison and/or a $550,000 fine. These are significant penalties, but some nevertheless still attempt to traffic drugs into Australia. They are desperate people, perhaps, or greedy people, or a combination—I am not sure—but this bill enables Customs officers to perform an internal body scan of people suspected to be internally concealing drugs or other suspicious substances. This is not a random scan that occurs at the airport like the explosives tests that many of us have experienced; this is a scan that is carried out when Customs officers have a reasonable suspicion that someone is carrying drugs internally, and the person must also agree to the scan. Those who refuse the scan would instead undergo the hospital examination, which is the current practice.

I understand that we have already made funding available to purchase these scanners, but we also need to give Customs officers the power to perform the scans. At the moment, if a Customs officer believes a person may be concealing drugs internally, that person is taken to a hospital or a surgery where a medical practitioner is then needed to perform an internal search. Obviously this is costly, time consuming and an unnecessary burden on our hospital emergency departments and on the resources of our Customs officers who have to escort the person there. Also, if the person is concealing and refusing to admit that they are concealing, there is more possibility that the drugs packaging could split and cause serious harm to that person, which has occurred occasionally.

Last year AFP officers spent almost 8,300 hours guarding suspects, including more than 4,600 hours in hospital waiting rooms, rather than policing our airports and other public areas. This common-sense piece of legislation allows a Customs officer, with the consent of the detainee, to perform a non-medical internal X-ray scan which can be done quickly. Customs will be able to use computer images of a person’s insides to determine whether they are in fact concealing substances. If the image shows an officer’s suspicions were misplaced, the person would be released immediately. Obviously we do not want legitimate travellers to face unnecessary delays. However, if the image shows evidence of internal concealment, the person will then be referred to a medical practitioner for an internal examination.

Last financial year Customs referred 205 people to hospital for an internal search; 48 of these were confirmed to be concealing suspicious substances, so basically one in four was found to be doing the wrong thing. The new X-ray scans will reduce the number referred to hospital unnecessarily and ensure that our Customs officials can focus on their job of protecting our borders. With early and accurate identification, we will also reduce the health risk to
drug couriers with the drugs packages concealed inside their body that can then, because of stomach acids and the like, break and possibly even kill the person.

The bill strikes the right balance between law enforcement technology and privacy. It must be operated with strict controls that ensure that individual rights are respected. For example, a suspect must give written consent to being subject to body scanning. The body scan will only be conducted by a specially trained Customs officer. The images taken are subject to storage, access and destruction controls. Children, pregnant women and the mentally impaired will not be offered a body scan. This is not the same as the full-body scans that are being used overseas for aviation safety; rather this is a Customs measure which scans only the inside of the body to identify internal concealment of drugs in body cavities. The technology will be trialled for one year and, if it is a success, will then be rolled out to more airports.

I know that people in the room, particularly the member for Fowler, are familiar with the decisions that people make to go and smuggle drugs, because I know that he has a particular connection with the Rush family. Scott Rush’s parents are my constituents, so we know that when people are young or in desperate times they can make crazy decisions. While I can understand why people would make such a decision and think that it is okay to smuggle drugs, obviously we need the full force of the law to come down on those people. In Australia we are a humane nation and this is a part of that humane approach which makes our borders strong but is also a sensible approach. It is an important part of protecting our borders.

As this technology improves, the Gillard Labor government will continue to respond to ensure that our Customs officials have the tools they need to keep Australia safe. I commend the bill to the House.

Ms MARINO (Forrest) (10.35 am)—I certainly support the measures that are included in the Customs Amendment (Serious Drugs Detection) Bill 2011 because the impact of the illicit drug trade on Australian society cannot be underestimated, and I do not think that it is by any member of this House. It causes immeasurable harm and suffering to individuals, families and communities. According to the National Drug Strategy, illegal drugs cost our nation $8.2 billion annually. One of the three pillars of the drug strategy is to reduce the supply, which is, in part, what this bill is intending to do. Whilst we put a number in dollar terms on the impact of illicit drugs on the Australian community, it is not only in monetary terms that we need to consider and manage the impact of drugs, as many of us here know. Numbers, like statistics, require assumption and are open to interpretation, but the impact of drugs on individuals, their families and their communities is not.

The drug strategy says that illegal drugs not only have dangerous health impacts but also are a significant contributor to broader crime. They are a major activity and income source for organised crime groups. Like alcohol, illegal drugs can contribute to road accidents and violent incidents, and something that concerns us all is the family breakdown and social dysfunction. These are the real outcomes of the trade in drugs, and I seriously ask that the House consider not only the dollars but also the impact of crime where people hide in their homes often too frightened to step out onto the street.

The destruction of families and individuals dealing with the addiction is something that you often have to see to believe how serious this is: the impact of illness or death of an addict for the spouse and the children; the parents who spend endless hours waiting, worrying and literally praying that their children will be safe and praying that their children will get through to
another day and sometimes listening on the phone to what is happening to their children. There are parents whose children are mature adults in my community. They are 30 or sometimes 35 years of age, well educated and in professional careers as well, but they are in the grip of drug dependence. This has a major impact on the whole family, as well as on the individual’s life and professional career. These are minor examples of the human face and toll of our drug trade casualties. For this reason and for several others I support this bill, which will improve the Customs’ ability to use new scanning technology at our borders. The bill aims to allow Customs officers greater access to scanning technology at our borders and it will mean faster and more accurate assessment of passengers entering Australia and, potentially, a higher and more immediate detection rate.

It is important, however—I think none of us would underestimate this—that an individual’s privacy should not be abandoned or compromised in the process of protecting our community. This is a freedom and right of our democracy that we in Australia can sometimes take for granted. However, I understand that in this case there is no threat to a citizen’s individual privacy. Modern scanning equipment will not be recording details that could or should cause concern. I personally cannot imagine anyone being very embarrassed by a CAT scan of the stomach or duodenum unless they have a reason to be so. Unless there are illicit substances in these parts of the body, I think it is that old adage: if you have nothing to hide, this really should not be a problem. As the technology improves, and I suspect that it will, it may one day be possible to rapidly scan all passengers arriving through our borders. I think we are at the cutting edge of some of the technology to facilitate this type of scanning.

A scan of our internal organs that will not be stored in perpetuity is no risk to the privacy of the individual. The measures included in this bill should, in particular, be able to help target the importation of heroin and cocaine into Australia, but I hope that it will have a broader impact on all drug categories. Data from the Australian Crime Commission indicates that passenger transfer is certainly not the only major method of smuggling drugs into Australia, which we are all aware of. Only 4.3 per cent of the seizures of amphetamines and cannabis in Australia in 2008-09 came from passengers or crew at border checkpoints. Over 90 per cent of seizures were made either in our mail system, through parcel post discoveries or in air cargo.

Because of the high level of domestic cultivation of cannabis, the level of importation into Australia is not necessarily high. That is evident by the reduction in the detection of cannabis at the Australian border, which decreased from 53.4 kilograms in 2007-08 to 8.6 kilograms in 2008-09. The majority of detections continues to involve seeds.

Cocaine is detected a little more frequently in passengers at Customs checkpoints, with 8.1 per cent of seizures detected this way. Cocaine, again, is the most frequently detected in smaller weights in parcel post. However, a lower number of large shipments in sea cargo account for 80 per cent of the total amount of cocaine imported by volume. In comparison, heroin is detected regularly in our air passengers arriving in Australia. Twenty-four per cent of heroin seizures are made by checking passengers, which makes up one-third by volume of heroin seized in Australia. According to the National Drug Strategy Household Survey of 2007, when asked, one in four Western Australians aged 14 to 24 acknowledged recently using cannabis. The drug issue is as serious as it gets for our communities. For 25- to 39-year olds this dropped to 16 per
cent, or one in six people, and one in 20 Western Australians reported recently using another illicit drug. Cannabis is not, as some people think, a soft drug. The impacts of cannabis can be very hard to live with, and that is why I am really glad that a Liberal state government in WA has reversed the Labor government’s soft-on-drugs approach that allowed citizens to grow two cannabis plants. It is not a soft drug. The 2004 National Drug Strategy Household Survey found that cannabis users are twice as likely to report diagnosis and/or treatment for a mental health condition than non-users. According to the Australian Institute of Health and Welfare Mental Health Services 2003-04 report, people who regularly use cannabis are likely to experience higher levels of psychological distress, including anxiety and depressive symptoms. There is now worldwide acceptance, which I am relieved about, that cannabis impacts on the mental health of users and there is little evidence to contradict that.

According to the British Royal College of Psychiatrists, research has indicated that there is a clear link between early cannabis use and later mental health problems in those with a genetic vulnerability and there is a particular issue with the use of cannabis by adolescents. They cite three major studies that followed large numbers of people over several years and showed that those people who use cannabis have a higher than average risk of developing schizophrenia. When you see this in your community, it is very apparent. In particular, they found that if you start smoking cannabis before the age of 15, you are four times more likely to develop a psychotic disorder by the time you are 26. You are still young. It also suggests that the more cannabis someone uses the more likely they are to develop psychotic symptoms.

One of the studies followed 1,600 Australian school-aged children between the age of 14 to 15 for seven years—it is a great study—and found that adolescents who used cannabis daily were five times more likely to develop depression and anxiety later in life. As well, children who used cannabis have a significantly higher risk of depression. The opposite is not the case. Children who already suffer from depression are not more likely than anyone else to use cannabis. So why are teenagers particularly vulnerable? We do not know for certain. I suspect it is something to do with the brain development. As you know, the brain is still developing until you are at least 20. Any experience or substance that affects this development has the potential to produce long-term psychological effects. There also appears to be a genetic link to the negative impacts of cannabis. Research in Europe and the UK suggests people who have a family background of mental illness are more likely to develop schizophrenia if they use cannabis as well.

In talking to people in my electorate I am often confronted with the impacts of cannabis use on lives and families. I have spoken to a mother whose daughter had been convinced by her peers—the peer pressure issue—to try cannabis. It was her first and only exposure to the drug. Unfortunately for her she reacted badly. I am not sure whether she had a genetic susceptibility, but this teenager to this day suffers ongoing psychotic episodes from that one exposure. She will probably never hold down a job or have a family of her own. Her own family will have to care for her throughout her life. Trying cannabis just once is a life sentence for her. It is not a soft drug and it must never be normalised in Australian society.

Amphetamines are another drug scourge that continues to spread evil influence, having a significant impact on communities in my south-west. By 2000 there were more calls to the south-west community drug service team based in Bunbury relating to amphetamines than any other illicit drugs. Whilst the more rapid excretion rate of this class of narcotics makes
them attractive to people who are regularly tested, the physical and psychological effects are devastating.

I have an interesting story of a fly-in, fly-out mine worker—I have a lot of those—who tested positive to cannabis at his goldfields work site. He then informed his employer that he would have to switch to amphetamines to avoid the random drug test program. That worker was rightly not re-employed. That that is what he would do indicates the level of desperation that the drug addicted reach. A young lady by the name of Jade Lewis spoke to a group of young people that I had and she gave a graphic account of what drug use had done in her life, to the extent that one night she was out on the streets and she was being beaten up because she owed the drug peddlers money. She pressed the automatic dial number for her parents because she was being beaten up. The phone call went through to her parents, but because she could not speak due to being belted so seriously, her parents were in their bedroom listening to their daughter being beaten. They did not know where to find her. It was not just then, but at any time. They did not know where she was or what was happening to her. The same parents, at one point, had concrete thrown through their windows. It does not just affect the individual users.

I have been trying to attract a headspace unit to the south-west. There are 15 different mental health workers and agencies in the south-west. Headspace is important for young people. It provides a one-stop shop for young people aged 12 to 25 and their families. They have a wide range of youth friendly health professionals. They only have to tell their story once and everybody who is providing a health support knows their story and they will get the help they need, whether it is mental health, education, employment or any drug issue which would affect a young person. This is a great part of the education and awareness program and is just part of the war that we wage against drugs.

I noted that there was an article in the Age on 18 October, which concerned me and I suspect everybody else in the House, that opium production in Burma is eclipsing that in all other South-East Asian countries and trending relentlessly upwards. The threat of serious transnational crime in drugs and in drug trafficking is one of our biggest challenges. It is a challenge at our checkpoints, at our borders, and in every way, shape or form in our society.

I acknowledge that what is contained in the bill will not be the answer to all of our problems, and it is not meant to be, but it is certainly meant to be a step in the right direction and that is why I have no hesitation in supporting the measures that are contained in the bill today.

Ms O’NEILL (Robertson) (10.49 am)—I am delighted to be able to speak to this important legislation today. The Customs Amendment (Serious Drugs Detection) Bill 2011, when enacted, will strengthen the arm of the Australian Customs Service to detect the importation of serious drugs into our country. As a person who has fought long and hard against the sinister and corrosive effect that illegal drugs have in our society, particularly on our youth, this legislation has my unwavering support. To put the effects of drugs into a proper context, I refer to the UN’s World Drug Report 2010.

There are two quite significant statistics. In Australia and New Zealand the annual heroin consumption was estimated at 1.8 metric tonnes, sourced from both Afghanistan and Burma, as we have just heard. Unless we put in place the kinds of provisions of deterrents that this bill provides for, the surplus of supply from those countries is likely to be landing in our country. The report also details significant growth since 2000 in the number of clandestine labora-
tories producing amphetamine type stimulants in Australia. In response to the comments of the member who has just spoken, we obviously have significant issues with the arrival of drugs from offshore to our country and the bill seeks to provide one more element that assists the Australian Federal Police and our border protection agencies in preventing that on-flow of drugs, to interrupt the supply. We know that good drug policy has, as one of its critical arms, supply reduction.

One of the reasons I am standing in the chamber here to speak to this matter is absolutely related to the impact of drugs on young people and the impact of drugs on the learning capacity of young people that were in my classrooms in schools on the Central Coast. We know that drug issues, drug addiction, drug experimentation and the family impacts they have happen in all areas, and the Central Coast is certainly no different from any other areas. In fact, quite often it has been said locally that with our significant surf culture the drug culture and surf culture has gone hand in hand for some time. I am pleased to see that we have hit a point in our development as a nation and our understanding of this drug culture that people within the surf culture are also beginning to interrupt that narrative that drugs and surf go together. That is because people have been around long enough now to see the demise of great people who have become hooked on what can be glamorised in the press as soft drugs and the devastating impact that has on families.

As with the story that you heard before, one of my good friends on the Central Coast has a son in year 9 who had the experience of meeting up with a couple of mates. He just wanted to belong. He had a very short period of engagement with cannabis and to this day that young man is now in care with 24-hour supervision. He cannot even boil water. The only people who keep in touch with him are not the friends who seduced him into trying what we know is an illegal substance, and it is illegal because it is dangerous. Of course there will be exceptions to the rule. There will be people who will survive the experience—and good luck to them; they must have the most incredible amount of protective health factors at their disposal. They have education generally. They have a family that has attitudes that are antithetical to drugs. They have the physical capacity to resist them and they have a sense of their own future that plugs them into that future. All of those things enable people to enter and move quickly out of a drug addiction or a drug culture that might prevent them from doing the best that they can and on to becoming the best members of our community that they can.

I will return to this young boy. It is his whole life. He was a boy with such incredible potential that has been lost because of an attitude of accepting and normalising drug use.

The legislation that we have before us is entitled the Customs Amendment (Serious Drugs Detection) Bill and it is a serious matter. I would also like to put on the record this differentiation of recreational, soft drugs and hard, serious drugs. I can only imagine that the opposite to that might be non-serious drugs, which is really an aberration. These drugs that we are talking about—all of them, from GHB and ecstasy to whatever is the current flavour of the month in the fashion of drug taking, from cannabis to heroin to amphetamines—are declared illicit because they are dangerous. They are not dangerous in any other way than impacting on families and individuals. We know that the costs to our community, in terms of health and wellbeing and also in terms of our capacity for work, are really quite significant.

A failure to interrupt the drug supply—and the bill is really moving towards supporting that interruption and employing new technologies to make sure we do the best job that we can—
created a situation for me where one Monday morning, in-between classes, I had a student approach me because he knew of my interest in this area and say to me, ‘Miss, I need to have a talk to you.’ I told him that I was in-between classes and was there any chance that it could wait until lunchtime. He said: ‘No, I can’t. I really need to talk to you. I don’t think I can keep going today until I get this off my chest.’ I said, ‘What’s the problem?’ He said, ‘One of my friends asked me to hold a tourniquet on his arm while he was shooting up on the weekend. I don’t know what to do.’ I think in that situation it was amphetamines and obviously I moved in to supporting him, connecting him with services and also tried the outreach to get support and services to the young person. I am talking about a 16-year-old young man who is faced with that kind of a dilemma on a Saturday night in a back street in my electorate in Terrigal who came to me seeking support because we were not able to interrupt the supply of that drug getting to him.

There are a lot of claims made in public about how we cannot prevent this and that all we can do is help people stay alive. I absolutely agree with the whole of the tertiary prevention framework of harm minimisation for people who are in need. That is an appropriate way to respond. But we should never, ever have such low expectations for our young people that we think that growing up in a drug-laden environment is going to be safe or normal. We need to use every opportunity that we can to interrupt that supply. That is why I want to speak to this legislation, because it is particularly important.

Currently, the Customs Act allows for an internal body search of someone who is suspected of carrying drugs internally, including an internal scan which can be carried out only by a medical practitioner at a hospital or surgery. But this amendment, with the consent of the detainee, will allow an initial non-medical internal X-ray of a person to be carried out by a Customs officer using body scan technology. This is important because it is timely and allows a response when it has been clearly identified that somebody might be carrying or is displaying behaviours that indicate they might be carrying these drugs in their body.

The body scan technology will be prescribed at a later date in the regulations in the act, but what this technology does is produce a computer image of a person’s body cavity within a skeletal structure. It does not capture images of external body parts. I am aware that there has been extensive local and international media interest in the new images used overseas for aviation security screening. It is very important that the people in Australia understand that what we are proposing here is not an image of that type. That is not proposed for use in Australia. The images that will be produced will assist Customs officers simply in confirming or ruling out suspicions that a passenger might be internally concealing a suspicious substance. Where a body scan image supports a suspicion of internal concealment, the existing regime governing internal searches by a medical practitioner will be triggered and that will still apply.

All the safeguards that apply to the sorts of equipment used in the conduct of external searches will also be extended to body scan equipment. For example, before a body scanner could be deployed, the chief executive officer of Customs would have to provide a statement to the minister that the equipment can be safely used to detect prohibited goods and that it poses no risk or minimal risk to the health of the person being scanned. Before Customs officers use the body scanner, they would also have to complete approved training in its use. There are a number of operational pluses to this kind of non-medical internal scan being carried out by a Customs officer, but this legislation and the detection that it allows will do some
critical things to address the issues that I raised earlier in my speech to the chamber today. We are talking about a preventative capacity. We are talking about interruption to supply. In doing so, we enhance not only the health of those who never receive the drugs that are caught at this point but also the health of those people who are coerced into carrying drugs in their body. Let us not forget for a moment the terrible life situation a person must be in when you are ready to actually attempt to carry illicit drugs within your body into another country. It is such a high-risk venture and often the people who are going to be caught in this sort of structure are people who most need our help and our care to get their lives back on track and away from such activities.

What we hope to do with this and what will be achieved by this is a reduction in the number of people who are referred to hospital for internal examination by a medical practitioner, and that has got to be a good thing. This legislation will reduce the significant resource and medical costs included in the process, and that also has to be a good thing. It will reduce whatever impact there currently is on our hospital emergency departments, and I know that will be a very positively received impact in our local communities. Further, it will allow earlier and accurate identification and referral for medical examination of people who are suspected of internally carrying drugs and, of course, that is beneficial to those people who are caught in that situation. It massively positively impacts on their health. The reality is that people in this desperate situation, trafficking illicit drugs within their bodies, have been caught in Customs, have had delays and have had a whole number of behaviours which I am sure that many of the viewers of *Border Protection* will have seen over the years—that television show that explores some of the issues that we are talking about today. They have required ambulance transport to hospital for medical internal treatment because they present with deteriorating health as a result of the action that they are undertaking. Early identification of internal concealment is obviously going to minimise potential threats to life and it will reduce the numbers of people requiring transport to hospital or the numbers of people who require surgery.

In the 2009-10 financial year 205 detainees were referred to the Australian Federal Police to be taken to the hospital for an internal search. Thankfully, only 48 of these were confirmed to be internally concealing a suspicious substance. For all of the others this technology is something that they would have been very pleased to have been able to access at that time to avoid the further inconvenience and complications, and the resources of our border protection and our AFP could be better used to move towards our end goal of reducing supply in a strategic and deliberate way.

This initiative is an important supply reduction initiative. It helps prevent the inflow of drugs to our society. It helps create, in the public space, a more certain articulation to add to the voices that are already out there that ‘do not bring drugs into Australia’ is a very strong message. If you do, we will interrupt that flow; we will detect it in the most advanced and best possible way. Based on those facts, I commend the bill to the House.

**Mrs Mirabella** (Indi) (11.03 am)—I rise to support the Customs Amendment (Serious Drugs Detection) Bill 2011 and I do so with a great degree of frustration—frustration which I am sure is being felt right across this nation from the eastern to the western seabords. It seems oddly ironic that I am standing here today in support of a bill that seeks to strengthen border protection during a week in which Australia’s borders have gone into complete melt-
down. As my colleague the member for Stirling has alluded to, last week saw the arrival of the largest illegal vessel since February last year, carrying 145 people, but that is just the beginning. We know chaos broke out at the Christmas Island detention centre, violent riots have erupted, Molotov cocktails were launched, government taxpayer funded buildings were burnt and many detainees were injured. I know it is a very sensitive topic for the government because they are incapable of dealing with this crisis—a crisis of their own making. Border protection is an area, whether it is to do with drugs or whether it is to do with people, that is of particular concern to the Australian public, and those seeking to speak out on behalf of the concerns of the Australian people should not be gagged or shouted down.

Similar scenes have been witnessed at detention centres on the mainland. We have seen, and I think we will see more, similar scenes to this being repeated and now we have a number of escaped detainees on the loose. Make no mistake, Australia’s border protection regime is in meltdown and it is this Labor government’s fault. We are told that asylum applications have increased across the board and we are just taking our fair share. That is wrong and it is a fraud, because from the last figures available, worldwide asylum applications to industrialised countries fell by 13 per cent and ours rose by 78 per cent. Since the relaxing of Australia’s border protection rules in August 2008 we have seen the arrival of more than 10,600 unauthorised people. The flow of arrivals has not slowed under the stewardship of Ms Gillard; in fact, it has accelerated and under her watch there have been some 74 boats and over 4,000 unauthorised arrivals.

What perplexes most people is that there was no imperative to change the strong border protection rules of the previous government. In fact, I seem to recall the then-aspiring Prime Minister, Mr Rudd, talking about how conservative he was about border protection, pretending that he was a pale imitation, a younger imitation, of a John Howard just in order to get elected. There was no imperative to change. Without a strong border protection policy what will happen is that these numbers of unauthorised entrants, this violence and the destruction of taxpayer funded property will continue to increase. The Labor Party has no plan and no agenda to fix their weak stand on border protection, fuelled by the abhorrent people smuggling industry.

In seems ironic that today the Labor government is introducing legislation to strengthen our borders when all they have done to date is to tear down the strong regulations and laws that were previously in place. This bill will amend the Customs Act to enable Customs officers to undertake an internal non-medical scan of a person who is suspected to be concealing internally a suspicious substance. It will allow, with the consent of the detainee, an initial non-medical scan of a person to be carried out by a Customs officer using this new technology that produces a computer image of a person’s internal cavities with a skeletal structure which may serve to allay an officer’s suspicion that a passenger is internally concealing a suspicious substance. Currently under the Customs Act an internal search, including an internal scan, can be carried out only by a medical practitioner at a place specified in the regulations, which specify a hospital, surgery or other practising rooms of a medical practitioner for this purpose.

It makes very practical sense for the coalition to support the changes proposed in this bill in order to streamline the process for Customs and enable funds to be saved where possible because, goodness knows, this government does need to save funds. If we look at some of the statistics, we see that in the last financial year 205 people were taken to hospital for examina-
tion under suspicion of having drugs concealed internally and, upon medical examination, less than a quarter were found to be carrying drugs. As well as streamlining services, these amendments are aimed at working to take some pressure off medical examiners.

Yes, the coalition does support these practical amendments. We will always support practical amendments that strengthen our borders. We are the parties that the Australian people know will always stand firm to strengthen our borders; it is the Labor Party that weakens our border protection. As I said earlier, it is strangely ironic that Labor is proposing these measures to strengthen border protection, when to date they have displayed a pattern of utter failure and an inability to face up to their responsibility as a national government and protect our borders against the practice of people smuggling and illegal immigration.

We saw in the 2009-10 budget that Labor cut the budget of Customs for cargo screening by over $58 million. This cut reduced the number of potential sea cargo inspections by 25 per cent and reduced the potential of air cargo inspections by 75 per cent. When you look at the disgraceful waste of hundreds of millions, of billions of dollars, in their Mickey Mouse programs like the free fluff in roofs program and when you see the sacrifices that need to be made by decent government programs—

Ms Brodtmann—Yes, the BER.

Mr Perrett—She is always at the openings.

Mrs MIRABELLA—They are shouting down.

The DEPUTY SPEAKER (Ms S Bird)—I indicate to the members that there is a form to interrupt, and that is not it. The member has the call.

Mrs MIRABELLA—I can understand the sensitivity. How can you defend the indefensible?

The DEPUTY SPEAKER—The member for Indi will not encourage the interjections.

Mrs MIRABELLA—Madam Deputy Speaker, with all due respect, these issues of budgetary cuts to Customs and Border Protection are an integral part of this debate and, if it hurts to remind members of the government that their ministers have been utterly and shamefully incompetent—some of them the most incompetent in the history of the Australian parliament—they need to listen and do their job to hold their ministers and their Prime Minister accountable.

In the recent Customs annual report it was revealed that only 4.3 per cent of sea cargo is X-rayed and only 0.6 per cent of sea cargo is physically examined. No doubt most Australians would be horrified to know that more than 95 per cent of all sea cargo consignments are not X-rayed. It is no surprise that so many illicit drugs find their way into the main streets or the back streets of every metropolitan centre, every country town and every valley in this nation. Under Labor, when only 13.3 per cent of air cargo consignments are X-rayed and only 0.6 per cent of air cargo is physically examined, I am sure the flow of drugs will become easier.

Labor’s cuts to the Customs cargo and vessel inspection systems are an absolute gift, a free pass, to criminal gangs and drug smugglers. The coalition reaffirm our commitment to strong border protection. We did so during the 2010 election, not because we were trying to imitate another political party to get elected, not because it was some cynical ploy to deflect from other policy issues, but because we actually believe in it. We have believed in it. I recall when
I was first elected, in the 2001 election, John Howard famously made comments to reaffirm our commitment to protecting Australia’s borders and taking our responsibility as a national government very seriously to determine the nature of the inflow of people to this country. We committed to that. We also committed to restoring Labor’s cuts to cargo screening at ports and airports, and we committed an additional $35 million to increase Customs resources for cargo screening.

This $93.1 million funding increase would have enabled Customs to inspect an estimated additional 52,500 sea cargo consignments and at least 7.5 million additional air cargo consignments. If the Labor Party were fair dinkum about Customs and Border Protection, they would at the very least commit to the reinstatement of this funding. In light of the past week’s tragic and unfortunate circumstances, you would think that any sensible government would step back, have the courage to admit their failures and return to the coalition’s policies, which actually worked and helped protect our borders.

They are not afraid to do it when they are in election mode. They are not afraid to pretend to be economic conservatives and, now they are in government, social conservatives, and try to mimic the coalition, so why not do it when it counts? Why not do it when policy needs to be made and implemented in the interests of Australia and Australians? It is quite clear that unfortunately the current the Minister for Immigration and Citizenship is rather hampered. He is not calling the shots. We see him deeply frustrated and, I hope, deeply concerned that his directions and his area of responsibility are seriously being dictated to by that alliance partner that the Labor Party have—and I am sure they will live to regret having it—the Greens. I ask members on the other side to think very carefully about this. The damage done to this nation cannot be reversed. They cannot reverse the damage that they have done through all their other policies—the billions of dollars wasted in putting expensive tin sheds on school grounds, the billions of dollars of damage through the free fluff in roofs program, to the sovereign risk that has been created by their carbon tax.

We saw yesterday Graeme Kraehe from BlueScope Steel giving the government facts that they do not want to hear; they tried to shout the poor man down, the man who said that the carbon tax emperor has no clothes. They have created all these problems that will add to the debt and interest payments that we have. They are creating all these problems leading to sovereign risk. If they go ahead with their carbon tax, they will send jobs offshore to countries that are not as efficient as us, that do not have the same environmental laws as us and that will actually increase emissions while making the same things that we made.

Let us put all of that to one side. Can they get one thing right? The one fundamental responsibility that Australians expect is: protect our borders. Is it that hard? Can you not be big enough to admit publicly what you talk about behind closed doors in the caucus room—that you have failed, that you have been absolutely irresponsible in junking policies that worked, only to see over 10,000 illegal immigrants arrive and damage and chaos ensue. Australians know that you have failed and they want you to do something about it. They want you to stop listening to the Greens; they want you to start protecting our borders. That is the very least this government can do. I know there is a preoccupation in a minority government to protect one job, the Prime Minister’s job, at the expense of everything else, but surely your conscience must be telling you that you have a responsibility to govern for all Australians.
The DEPUTY SPEAKER—Order! I remind the member to address the remarks through the chair, not to the chair.

Mrs MIRABELLA—In light of the broader issues raised by this customs amendment bill, which the coalition is supporting, I ask government members to think deeply and to realise that eventually their failures are clear for all to see. *(Time expired)*

The DEPUTY SPEAKER—I remind all members not to refer to ‘you’. They should refer their comments through the chair, not at the chair.

Ms BRODTMANN (Canberra) (11.18 am)—That is 15 minutes of my life that I am not going to get back again, and that is 15 minutes of my life that my colleague is not going to get back again. I am reflecting on how much time the member for Indi actually focused on the Customs Amendment (Serious Drugs Detection) Bill 2011, which is the reason we are here today. It was quite an extraordinary little performance that one, but it is pretty indicative of the bile, venom and nay-saying that is typical of the opposition today. Every opportunity that they get they use to kick down everything that we are doing, to nay-say what we are doing, to flip-flop all over the place on climate change. You are just wreckers. Admit it, you are just wreckers.

Madam Deputy Speaker, with all due respect to you, I shall speak through you. It is indicative of an opposition that just generates a culture of fear in this country and that wants to keep this country on its knees. It generates a culture of division and a culture of hatred. I am actually seeing it now, Madam Deputy Speaker. I do not know about you, but I am getting quite a few emails that are just revolting; they are poisonous. The only reason I can think of that I am receiving these emails is that there is this hatred that is being whipped up by the opposition on a whole range of issues and people are feeding off it. Is this the sort of nation that we want? Is this the sort of nation that you want? I hardly think so. What we do is make people proud of the fact that they are Australian—proud of the fact that as a result of our swift action when the GFC hit we saved this country from recession. We saved thousands of jobs from being lost. We saved this country. As a result of what we did we are the envy of the world. We invested millions of dollars in education, millions of dollars in health, millions of dollars in child care, millions in paid parental leave and millions—and we are continuing to do investment in these areas—in infrastructure. This is what makes people proud. This is what makes a happy and content nation, not one that is fuelled by what goes on in the opposition—on hatred and bile and venom—much of which we heard today. Probably we heard 12 minutes of that today and about three minutes on the bill, which I am about to discuss.

It is with great pleasure that I speak today in support of the Customs Amendment (Serious Drugs Detection) Bill 2011. This bill amends the Customs Act 1901 to enable Customs officers to conduct an internal, non-medical scan of a person who is suspected of internally concealing a suspicious substance. It is indeed a pleasure to speak in favour of a bill that illustrates so well the focused concern of this government to pursue worthwhile reforms and improvements in the way the government carries out its role. In this case, the role is the critical one of protecting the Australian community from the tragic effects of drugs.

I doubt that anyone who gets to about my age has not been touched by the tragic effects of drugs. When I was here at ANU I used to share a house on the north side with someone who was studying to be a lawyer. He became quite a prominent lawyer, as is so often the case. People tend to think that people who have serious addictions are either homeless, unemployed
or in a disadvantaged position, but my friend was a prominent lawyer. He was living in Darwin at the time and he overdosed on heroin. My husband also had a good friend who overdosed on heroin when she was in her late teens. So, as I said, once you get to this ripe old age you have always been touched by the tragic effects of drugs.

On that subject I was very heartened the other day to attend Karralika, which is in my electorate. They conduct a range of programs for those with drug and alcohol dependencies. They have had a fantastic success rate and I commend the work that they are doing at Karralika and encourage them to continue with their good work. They have a few issues at the moment in terms of wanting to extend their funding base. They are largely dependent on the ACT government and they want to extend their funding base to be a bit broader, so we have been discussing ways that they can do that. I take my hat off to everyone at Karralika for all the work that they are doing and thank them again for hosting me the other day.

This bill provides clear advantages over the current way in which those suspected of internally carrying drugs or other suspicious substances are examined and suspicions are tested. It does this by taking advantage of technological advances while at the same time reducing the cost to the Customs services of testing suspicions and reducing the negative effects on those tested. By providing greater efficiencies, the proposed procedures would materially improve the ability of the authorities to combat the importation of drugs, with all of their tragic consequences, some of which I have just outlined. Although the advantages are clear, as with any new technology the government is prudently beginning with a trial in order to ensure that the anticipated gains—advantages—do in fact materialise.

Currently under the act the procedure involves the internal manual search of someone who is suspected of internally concealing drugs. As you can imagine, Madam Deputy Speaker, this is far from being simply an inconvenience to the subject of the search. It is in fact an invasive and embarrassing operation. Furthermore, this operation can be carried out only by a medical practitioner at a place specified in the regulations. The Customs regulations of 1926 specify that it be a hospital or the rooms of a medical practitioner. Therefore the way we do things at the moment is characterised by considerable inefficiency, potentially wasting a considerable amount of time and human resources, and by a surfeit of bureaucratic procedure.

The current medical scan technology that is the subject of the bill, in contrast, has the potential to clearly show whether or not a person is carrying drugs or not and does so in a manner that is far less invasive and time consuming. It does so by scanning the internal organs and cavities of a subject and this technology produces a computer image of a person’s internal cavities within a skeletal structure as opposed to images of external body parts. So, in particular, it is a completely different system from that introduced recently in the United States: full body scanners that have received a great deal of critical comment. Where a Customs officer’s suspicions are allayed through a negative result from the scan, the subject will be released immediately. If, however, the suspicions are given evidential support by the scan, it is only then that a full internal examination will be conducted.

An example of the greater efficiency to be achieved is shown by some statistics. During the 2009-10 financial year, 2005 subjects were passed to the Australian Federal Police for internal examination at a hospital, but of those only 48 were confirmed to be concealing suspicious substances. This is clearly a very high rate of false positives with the associated efficiency losses. Of course, given the nature of the evil that we are trying to combat, we have to weigh
the cost to the taxpayer and the effect on those suspected against the cost of failing to detect drugs. The proposals of this bill would allow us to achieve the same aims at a lower cost in resources and harm and embarrassment to those examined, particularly those whom examination reveals to be not concealing suspicious substances.

The advantages include reducing the number of people who are referred to hospital for internal examination by a medical practitioner; reducing the significant resource costs and medical costs incurred in the current process; reducing the impact on hospital emergency units, which I think is a very positive thing, because given the pressures that are currently on emergency units any mechanism to alleviate those pressures is welcome; enhancing early and accurate identification and referral for medical examination of people suspected of internally carrying drugs; and, through early identification of internal concealment, minimising the potential threats to life and reducing the number of people requiring transport to hospital by ambulance on the basis of deteriorating health during detention.

It is important to stress again that these expected advantages will be tested in a trial. This trial will help to pick up any unexpected problems or ways of improving the process. Importantly, despite the strong imperative to combat the importation of banned drugs, the bill also provides protections for the privacy and human rights of those subject to examination. I know this is an issue of concern to people, so that is why I was keen to cover it today. First, under this amendment these kinds of scans will be conducted only with the permission of the subject. Second, this bill provides for the use of only such devices as are capable of scanning internal cavities and not any external scanning or imaging. Any scanner that is bought that has a capability beyond this would have that superfluous capability locked out so that no Customs officers will be able to alter that capability. It will be completely locked out and people will be incapable of mobilising it. Thirdly, the chief executive of the Customs service must provide a statement to the minister stating that the device procured is safe to be used, possesses no or minimal risk to the subject and can reliably detect illicit substances. Finally, these scanners will not be used on all travellers or, indeed, randomly. They can only be used in a situation where a Customs officer has reason to suspect the subject is carrying illegal substances. I think that is an important point to make and underscore.

Madam Deputy Speaker, the bill before us is one that should command the support of all who wish to see Australians protected against harmful drugs, and you understand the importance of securing efficiencies and cost reductions in the way government carries out its functions. I commend the bill to the House.

Mr BRENDAN O’CONNOR (Gorton—Minister for Home Affairs, Minister for Justice and Minister for Privacy and Freedom of Information) (11.30 am)—in reply—First, I thank the members who have contributed to this important debate on the Customs Amendment (Serious Drugs Detection) Bill 2011. I thank the member for Canberra for her very compelling arguments as to why the bill should be enacted to enable Customs and the AFP to do their very important role. I also thank the member for Moreton—apparently he did a very fine job; he told me so himself—and the members for Robertson and Fowler, who of course have been involved in dealing with matters like this. The member for Fowler continues to advocate strongly to ensure we have very good protection at our airports and in other places and I thank him for that. I understand the member for Herbert also spoke on the bill; I thank him for that.
I understand that the member for Indi made passing references to the bill when she spoke, which was very nice of her.

The Customs Amendment (Serious Drugs Detection) Bill 2011 will enable officers of Customs using prescribed equipment to undertake an internal, non-medical scan of a person who is suspected to be internally concealing a suspicious substance. Currently under the Customs Act an internal search, including an internal scan, can be carried out only by a medical practitioner at a place specified in regulations. The Customs Regulations 1926 specify a hospital, a surgery or other practising rooms of a medical practitioner for this purpose. The amendments will allow, with the consent of the detainee, an initial, non-medical, internal scan of a person to be carried out by an officer of Customs using body scan technology that is to be prescribed in the regulations.

This technology produces a computer image of a person’s internal cavities within a skeletal structure as opposed to images of external body parts. Such images may serve to allay an officer’s suspicion that a passenger is internally concealing a suspicious substance, in which case the detainee would be released immediately. Where, however, a body scan image supports a suspicion of an internal concealment, the existing regime governing internal searches by a medical practitioner will apply. The existing safeguards applicable to equipment used in the conduct of an external search of a detainee will be extended to the body scan equipment to be used to carry out a non-medical, internal scan. For example, before a body scanner could be deployed, the chief executive officer of Customs would have to provide a statement to the minister that the equipment can be safely used to detect prohibited goods and that it poses no risk, or minimal risk, to the health of the person being scanned.

In addition, before officers of Customs can use a body scanner, they would have to complete approved training in its use. The extension of the internal search regime to include a non-medical internal scan by an officer of Customs will reduce the number of people who are referred to the hospital for internal examination by a medical practitioner—I think that is a very wise thing. It will reduce the significant resources costs and medical costs incurred in the current process. In short, it will mean not having emergency awards or other facilities of a hospital being clogged up by these examinations. It will enhance early and accurate identification and referral for medical examination of people suspected of internally carrying drugs; and, through early identification of internal concealment, it will minimise potential threats to life and reduce the number of persons requiring transportation to hospital by ambulance on the basis of deteriorating health during detection.

These are very important consequences of this bill, if it is enacted. Mr Deputy Speaker, as you know, having the airport of Adelaide in your own electorate, this is an important bill. It is important to ensure we prevent people bringing drugs into this country. We have to have an effective regime to do that. This increases our capability to detect unlawful drugs being imported, making the streets safer in Adelaide and, indeed, safer in all of the cities, towns and regions of this country, because we are improving the capacity for law enforcement to detect drugs. I thank those who contributed to the debate, particularly those who actually spoke to the bill, and I commend the bill to the House.

Question agreed to.  
Bill read a second time.
Ordered that the bill be reported to the House without amendment.

THERAPEUTIC GOODS LEGISLATION AMENDMENT (COPYRIGHT) BILL 2011

Second Reading

Debate resumed from 24 February, on motion by Ms King:

That this bill be now read a second time.

Dr SOUTHCOTT (Boothby) (11.36 am)—I rise to speak today on the Therapeutic Goods Legislation Amendment (Copyright) Bill 2011. The coalition will not be opposing the bill. We understand the importance of the generics medicine industry in Australia and the competition it provides for medicines when they move off patent. The amendments to the Copyright Act have arisen due to some cases of pharmaceutical companies who have launched claims of infringement of copyright in their product information documents. The use of copyright infringement has the potential to provide pharmaceutical companies with an extended period of market exclusivity after the patent over the medicine has ended.

Copyright has a duration of at least 70 years from publication. The delay of generic medicines entering the market after the patent expiry of the original medicine would have significant financial implications for consumers and also for the government. Without these amendments, the moves by pharmaceutical companies to protect their interest under copyright compromises the accuracy, consistency and safety of the product information documents as the generic products seek to alter the already approved product information from the originator company to avoid potential liability under copyright. It also has the potential to damage the pharmaceutical brand substitution policy which was introduced in Australia in 1994.

The opposition recognises the important role that generic medicines and their timely introduction play in the health care system. We understand the purpose of these amendments, which is to ensure that we still have timely introduction of generics to the market and, in turn, increased affordability and access to pharmaceuticals in Australia.

The bill seeks to introduce two very specific exemptions to copyright infringement under Australian law. The first exemption is that the use or lodgement of existing product information documents is not a copyright infringement when used to apply to register a medicine under the Therapeutic Goods Act 1989. This exemption ensures that, for example, when a pharmaceutical company applies to the Therapeutic Goods Administration for registration of a generic version of a medicine, they will not infringe copyright if they submit a draft product information document that contains text that is similar to the product information already approved for the originator medicine.

It is important that the product information documents of the originator and the generic medicines are similar in form. The product information document contains technical information about the medicines, such as active ingredients, precautions, adverse reactions, dosages and storage, as well as details of the medicine’s safe and effective use. Doctors and pharmacists receive and use this information when prescribing and dispensing medications to ensure the safety of the patient. Having product information documents that are similar in form for both the originator and generic brands avoids any perception that differences in the content of the product information sheet reflect differences in the pharmacological or clinical properties of the medicine itself.
The second exemption removes copyright infringement to the supply, reproduction, publication, communication or adaptation of the TGA approved product information sheets, provided that the uses for a purpose related to the safe and effective use of the medicine. The amendments to the Copyright Act proposed in this bill will also bring the Australian law substantially into line with the same labelling requirements for medicines in the United States.

In consultation with stakeholders, while there was no opposition to the bill, there was concern about some potential unintended consequences. One, for example, is what will be the effect on product information publishers. For example, publication of reference work such as the *MIMS Annual* or the *Australian Medicines Handbook*. These reference handbooks are widely used by practitioners. The issue is what impact the exception of copyright will have on these reference books. There is also the potential for unintentional infringements such as those mentioned above. There is also the potential to reduce the intellectual property protections by abolishing copyright on a class of documents.

The opposition is satisfied that the amendments do not go any further than necessary to ensure that the TGA continues to have the ability to approve product information sheets that are in similar forms for both the originator and generic brands of the same registered medicine. However, we will continue to monitor the situation and, if the concerns of some stakeholder groups are justified, we will look at remedying the situation.

Despite the concerns by some stakeholders that I have mentioned, this bill does provide important exceptions to copyright to protect the timely introduction of generic medicines into the Australian pharmaceutical market. That is why the opposition will not be opposing this bill in the parliament.

**Ms OWENS** (Parramatta) (11.42 am)—I am pleased to speak on the Therapeutic Goods Legislation Amendment (Copyright) Bill 2011. We have some very complex bills in parliament from time to time. This, in many ways, is not one of those. Its purpose is quite simple. The issue that it deals with, which is intellectual property, is never simple, of course, and we have already heard from the member for Boothby about some surrounding issues. The purpose of this bill is quite simple. It is to ensure that generic drugs can make it to the market efficiently at the end of the patent period and to ensure that pharmaceutical companies cannot hold up the release of generic drugs when a patent expires by using the Copyright Act. The issue here is not the patent in the drug or the intellectual property in the drug itself. This bill really comes into effect when that patent period has expired, but the bill deals with the possible copyright in what is known as the PI, or product information.

In this context, product information is almost a technical term. It refers to a product information sheet that is approved by the Therapeutic Goods Administration before certain kinds of drugs are released. It contains technical information about the medicine, such as the characteristics of the active ingredient, its indications and contraindications, a description of clinical trials that support the indications, precautions, possible adverse reactions, dosages and storage and all kinds of information relating to the medicine’s safe and effective use. That product information is an extremely important device for prescribers of the drugs. The purpose is to assist medical practitioners, pharmacists and other health professionals to prescribe and dispense the medicine appropriately and safely and to assist them in working with their patients to provide the education so as to support the high quality and safe use of the drug that they are prescribing.
It has been the practice of the Therapeutic Goods Administration to approve a generic version of a registered medicine that is in a similar form to that approved for the originator registered medicine. In other words, when a drug comes off its exclusive patent period and it is released generically, the practice has been that the product information is essentially the same as the original drug. The reason for that is that it is important for the safe use that doctors and pharmacists who are prescribing and dispensing all brands of the same medicine receive the same information about the effects and contraindications and safety warnings associated with the use of the medicine. To do differently—to have different product information about each different generic brand of the same drug—might lead prescribers to assume that they are talking about different drugs rather than the same one.

This practice, which has become quite common, is at some risk now. In 2008, a Federal Court action was initiated by one of the originator pharmaceutical companies against a generic company. In that case, the originator company claimed that the generic company infringed the originator’s copyright in its product information. An injunction was granted by the Federal Court and that effectively prevented the first marketing of an independent, generic brand of the medicine. The assertion of copyright in product information by pharmaceutical companies has the potential to significantly delay the entry of the first generic medicine on the market, thereby delaying the listing of medicines under the PBS and effectively delaying or preventing a 16 per cent statutory price reduction for the medicine. This could result in significant financial cost for the Australian consumer and the PBS. Also, given that the duration of copyright is up to 70 years or more, it could significantly delay the entry of generic drugs to the market.

There is also a further concern that companies seeking to avoid copyright litigation may begin to supply their medicines without critical product information. This has already occurred on one occasion and such a practice would be detrimental to the safe and effective prescribing of higher risk medicines. So the purpose of this bill is really quite simple. It is to insert a new section 44BA into the Copyright Act, and the effect of that insertion will be that actions under the Therapeutic Goods Act for the purposes of approving product information or approving variations to approved product information will not be an infringement of copyright subsisting in any product information which has previously been approved by the Therapeutic Goods Administration.

Its purpose is quite simple and this appears to be an extremely balanced way to achieve it. It is important because any delay in bringing generic drugs to the market has a cost to both the consumer and government, and that delay can be substantial. It is also important because such delays could only lead to practice which is less efficient and good than the practice we already have. It would undoubtedly lead to different product information being provided for essentially the same drug as generic companies found ways to avoid possible court cases over infringements in copyright and it would in some cases no doubt lead to drugs being released to the market without product information. Neither of those two possibilities would be as good for the consumer or the taxpayer, for that matter, as being able to maintain the current practice of the Therapeutic Goods Administration preferring to use the same or similar product information for generic drugs as has been used for the original drug under its patent period.

Exempting particular acts from infringement action under the Copyright Act is not something that is done lightly. I know the member for Moreton is a keen advocate for intellectual
property, because of his writing and I am because of my background in the music industry. It is not something that is done lightly; it is an incredibly important regulation. However, the proposed amendments reflect the importance the government places on ensuring that we have the highest levels of health consumer safety through the provision of accurate information to prescribers and health professionals. The only other exemption of this kind in the Copyright Act actually relates to the use of approved labels on containers for agricultural and veterinary chemical products. It is a rare thing to do. There are precedents overseas, for example in the US, where the same label is actually used on generic drugs to the original drugs. They had similar issues and made amendments to the appropriate acts to allow for the use of those same labels without breach of copyright. It is a fairly common practice around the world and something I believe provides a balance between protecting the original interests of the drug company through their original patent period and protecting the interests of consumers by being able to bring generic products to market effectively at the conclusion of a patent period. Once again, I am pleased to support this bill.

Mr ALEXANDER (Bennelong) (11.50 am)—I rise to speak on the Therapeutic Goods Legislation Amendment (Copyright) Bill 2011. Whilst the coalition will not be opposing this bill, I feel it necessary to put on record some reservations about the direction in which we are heading with this industry which this bill represents. This bill is intended to prevent the pharmaceutical companies that research, develop, test, invest in and, finally, produce original medicines from being able to claim copyright over the heavily regulated product information document that they create to be inserted in the medicine packaging. As a result of this, as soon as the patent for a particular medicine expires, a generics company, that has made no investment in research and development and taken no risk, can start producing the same medicine with virtually a photocopy of the product information document inserted.

In short, this bill will add a caveat to the Copyright Act to basically say that if you are a company you can claim intellectual property through copyright of documents you produce, unless you are a pharmaceutical company. When I first read of this bill I was more than surprised to find that the industry’s representative, Medicines Australia, was supporting the passage of this legislation despite the fact that this further erodes its ownership over its property. I now understand that this decision is based on the best interests of Australia’s broader health industry. Medicines Australia has given proof that it is not an obstructive industry pursuing legal rights to frustrate generics companies. We all understand and support the role that generics companies play in reducing costs to the consumer by offering alternatives, and as representatives for those consumers it is our responsibility to ensure that we are protecting their interests. However, sometimes we as legislators can go too far in the dispensation of this protection. This is something we must remain mindful of when providing governance to this important industry.

The journey of a typical medicine can take on average almost 15 years from discovery to market. This includes more than six years refining 10,000 potential compounds down to 250, a further six years of clinical trials with up to 500 volunteers, followed by two to four years attaining TGA approval and commencing large-scale production. This journey is one of great expense and significant risk, as not all trialled medicines end up in the marketplace to recoup those costs. Of course, for a generics company all the hard work has been done and the risk
has been borne years earlier. The product has proven to be a success and all they need to do is simply wait for the product’s patent to expire.

Through the research on this bill, I have learned that some generics companies are stocking pharmacy shelves on the day the patent expires, meaning they have previously gone through the process of attaining TGA approval and commencing large-scale production. This raises a legitimate concern with the way in which this industry is regulated, as there is minimal, if any, communication between the TGA and IP Australia when placing generic medicines on the Australian Register of Therapeutic Goods. It seems that the TGA takes the view that it is up to the generic companies to self-regulate in ensuring they are compliant with the patent restrictions and, if not, then the original medicine producer can instigate legal action. We all know that, by the time the original medicine producers discover the breach and serve an injunction to prevent the marketing of these products, great damage can already have been done through a large quantity of sales and dilution of the brand. Surely we would prefer a society where our regulatory bodies take the initiative to check that a company has the patent permission to market a medicine prior to giving them the regulatory approval to do so. Surely it would be reasonable for the companies that have made all of the investment and taken all of the risk to be informed that a generics company has been given approval to copy their products. In the current system this is not the case.

It is my belief that, with all the regulatory support given to the generics companies in the name of competition, the original medicine producer should be afforded a reasonable notice period of one or two weeks so they can ensure the generics company copying their product is not in breach of the patent. This will avoid the need for a threat of involvement by lawyers with injunctions and claims for damages, and will simply ensure that all parties are doing the right thing in the first place.

The actions of both Medicines Australia and the coalition in not opposing this bill highlight our shared desire to avoid becoming a more litigious society and to support the important role played by the generics companies in our society. The pharmaceutical industry contributes over $4 billion per year in manufacturing exports, more than any other high-tech industry. They invest more than $1 billion per year in research and development and employ approximately 14,000 people, many of whom are based in the electorate of Bennelong. As we work to promote competition in this industry in order to lower prices for the end consumer, we must also ensure that we do not implement too many barriers to profitability and thereby reduce the incentive for the original medicine manufacturers to make the investment in the first place. After all, if there is no research and development, if there is no intellectual property developed, if there is no invention of an original medicine, there will be no product for the generics to copy.

Recently we witnessed the Gillard cabinet reject seven medicines from being listed on the Pharmaceutical Benefits Scheme despite these medicines being recommended for approval by the experts, the Pharmaceutical Benefits Advisory Committee. This decision is unprecedented and has created a dangerous environment, as many players in this industry are forced to reassess the longstanding processes for the production and marketing of their products. The fact that Medicines Australia, who will lose some control through this bill, has chosen not to oppose it and yet has expressed vociferous opposition to the government’s actions on the PBS, highlights what a bad decision this really is. Despite the government’s overt support for the
generics industry, this decision—to not offer some essential medicines on the PBS—means it is the consumers who can least afford these medicines who will be forced to pay the maximum price, instead of receiving the standard government subsidies for these health products.

This industry will only survive and thrive on the certainty with which we are able to provide it. Unprecedented and ill-thought decisions, based on politics rather than on what is right, will only serve to undermine this certainty and the foundations that this important industry is built upon. We are a country that has rapidly transitioned from a farming based economy to a more urban society exporting mineral resources. The future must embrace, encourage and stimulate high-tech industries that will produce an Australia at the forefront of the Asia-Pacific region. As legislators, we should do everything possible to support these cutting-edge industries and make welcome the investment that comes with a profitable and productive high-tech sector.

This legislation is fairly simple in its scope and it is both fair and right that we should ensure that technical information supplied for health products is consistent in its high quality. As a party we support the role of both competing interests, the original medicine providers and the generics companies. We support the competition in this market ensuring efficiencies, the original medicine providers and the generics companies. We support the competition in this market, ensuring efficiencies in service and keeping downward pressure on the price paid by the end consumer, yet this support must also be tempered by some clarity and forethought in the direction we take to support the vital role played by the original medicine producers, the essential contribution they make to our nation through investment, employment and, most importantly, the health of our constituents.

Mr NEUMANN (Blair) (12.00 pm)—I speak in support of the Therapeutic Goods Legislation Amendment (Copyright) Bill 2011. Competition is good for consumers and information is power. Information is important for doctors and pharmacists. It is important for consumers. It is important for good, sound health concerns and for public safety. Generics make medicine cheaper. Doctors and pharmacists are at the front line of primary health care not just across the country but in the various communities that I represent—Ipswich and the Somerset region.

This bill is a pretty simple one. It amends the Copyright Act to allow the Therapeutic Goods Administration to continue what has been a longstanding custom of approving product information in similar terms for all brands of a medicine. In fact, it really ends ambiguity and deals with a potential problem caused by litigation.

We have in this country a great health system that we intend to make even better. Medicare and the PBS are world firsts. These are great Labor initiatives. These are great initiatives that make the care of people in my electorate and the various communities across the country safer. They are supported fervently by Labor. Labor strongly believes in health care. We hear speeches by those opposite, even the last speech by the new member for Bennelong, that show they really are not fair dinkum when it comes to issues of health care. While they support this legislation, there is not fulsome support. We even had as recently as 20 or 30 years ago coalition members in this place actually deriding Medicare as a rort. The previous Prime Minister, John Howard, actually once described it infamously as a rort. They really are not as committed to our system of pharmaceutical care, health care and hospital care as we are. We know that, because whenever they are in power they rip money out of the health system. That
is exactly what they do, and that is the reality. Do not just trust me. The Institute of Health and Welfare has found that on repeated occasions while the coalition has been in power.

When prescription and other high-risk medicines are approved for marketing in Australia by the Therapeutic Goods Administration a product information document is produced. It is approved for use by health professionals. This is important for doctors and pharmacists. As I said, this bill ensures that the practice of the TGA approving product information in a similar form for all brands of a registered medicine can continue.

What does that product information contain? It is fairly technical, but it contains information in relation to the ingredients in a product. It contains information about what has happened in terms of clinical trials and a description of those types of trials. Further, it contains information about what has happened in terms of potential reactions to medicine and various precautions. It contains information about what should happen in relation to storage of that medicine and dosages patients can have. It is critical for doctors and pharmacists to have that sort of information, because that is good for public health care. It is good for consumers and it is good for the pharmacies across the country. There is a problem if that arrangement does not continue. As I said, the product information statement actually approved for a medicine assists in health care, particularly for health professionals, to prescribe and dispense accurate, appropriate and safe dosages of that medicine. Any pharmacy across the country knows that to be the case. It is important for high-quality and good clinical care that we do this.

This bill does provide a limited exemption and it puts in place what we always thought to be the case, and what litigation potentially could upset. It provides a limited exemption from copyright for product information, as I said. There is an emerging trend. In fact, a court case is currently being heard in relation to pharmaceutical issues. A company is claiming infringement of copyright for product information, a move that often when done or even threatened is simply designed to perpetrate, if not perpetuate, a problem for our health system. They want in fact effectively to delay the entry of any competitor or any competitor’s products into the market. So, competition is limited, and their listing on the PBS could be delayed.

Such legal action could in fact compromise the accuracy, consistency and safety of product information documents as generic products seek to alter the approved product information to avoid potential liability. As I said before, product information contains information about safety and effective use of medicine, and so it is vital. Product information is required for prescription, and it is important, as I said, for doctors and pharmacists.

In 2008, an interlocutory injunction—a temporary injunction—was granted by the Federal Court partly on the basis of an argument that the approved product information for a generic version of a medicine breached the copyright in the approved product information in the original version of the medicine. This injunction has effectively prevented the marketing of the generic medicine for more than two years, and the hearing of that case commenced in March 2011, after the introduction of the bill into the House of Representatives. The litigation referred to is Sanofi-Aventis v Apotex, which is being finalised this week with closing submissions being made today or tomorrow in relation to the litigation.

In 2008, Sanofi argued that Apotex would infringe their own copyright with respect to the product information for its originating medicine if Apotex were allowed to market its generic version. It also argued that Apotex would infringe the Sanofi patent in relation to inclusion of the treatment for psoriatic arthritis in the registered indications.
In the current hearing, Apotex has argued that there could be no copyright in Sanofi’s product information, because no authors could be identified; that it was not an original document, resulting from cutting and pasting from many different sources; that it did not result from an independent intellectual effort; and, finally, in any event, there was an implied licence for its use because of the custom and practice over many years in relation to the use of the product information which had not been challenged.

It was recognised during that hearing that, under the proposed amendments in the bill, it would not be possible in future to prevent an approved product information being used on the basis that it infringes copyright in another product information. However, the copyright matter was fully argued in the hearing because one of the issues in the case is whether the interlocutory injunction in 2008 was justified. Indeed, when courts look at matters in terms of interlocutory injunctions they often grant those on the basis of urgency or on a different basis to a final injunction. The decision of the Federal Court is not likely to be handed down for three to six months. I think three to six months is optimistic, in my experience in terms of the Federal Court. Even if the Federal Court finds that there was no copyright or that there was no breach of any copyright, there is still no certainty in relation to this matter and litigation could be initiated by other pharmaceutical companies or other interested parties in relation to that. The proposed amendment to the Copyright Act 1968 will ensure that the legal situation is clarified for the future and will ensure that the highest level of consumer safety can be provided through the provision of accurate information to health professionals such as doctors and pharmacists.

We have rigorous, scientifically based evaluation procedures for generic medicines. The Pharmaceutical Society of Australia strongly supports any moves to clear up any confusion surrounding generic drugs. Healthcare professionals have a key role, as I have said before, in helping consumers understand the real or perceived differences, or indeed the lack thereof, between different brands of medicine. Prescribing generic brand medicines is important to contain health costs. As I said previously, generics actually reduce health costs.

The impact for residents in my electorate of Blair is most keenly felt by our pensioners and seniors, by carers and by working families generally. About 14,000 people who are 65 years of age or older reside in my electorate of Blair, and about 23,000 people are reliant on some form of pension. That is a lot of people in an electorate of about 125,000 people. By enabling generic pharmaceutical companies, and their employees and agents, to use the existing product information documents, prescribers of these drugs, pharmacists and patients can be confident that the same standards for safe and effective use of medicine apply across the country.

It can be incredibly confusing for a senior person in my electorate who might be ageing. They might be concerned about taking a form of medication. The potential for what I would describe as medication ‘misadventure’ is heightened by confusion. Indeed, the third intergenerational report said that by 2050 there will be about 2.7 working Australians for every person over the age of 65. This is not a hypothetical; this is a real challenge now and it is likely to be more of a challenge in the future.

Senior residents of Blair tell me they are often confused when they go to take their typically red and blue capsule in the morning because it might be green and yellow. That is not a criticism, it is a fact for many people. Often as we get older we take more medication, and unfortunately this can be a challenge for people of all ages. There are cases when pensioners
have told their local pharmacist that they just stopped taking a drug because they were unfamiliar with it. They do not know what it means and they do not know its side-effects. It is important that information is the same for equivalent drugs.

A recent Galaxy poll of more than 500 people commissioned by a drug company in Australia found that when visiting a pharmacy 42 per cent accepted the offer of a generic every time, while 32 per cent did most times. One in five, or about 21 per cent, said that they worried that a generic drug could lead to getting the wrong medicine, while only about eight per cent in that poll said they never accepted a generic. So generics are widely accepted.

As medication experts have said, pharmacists are there to help consumers and to answer questions about their medication. Any person who represents a community in this parliament knows that when people go to a pharmacy they ask questions of the pharmacist. They ask questions about the drugs they take, often more freely and willingly than they ask questions of the doctors who actually prescribe the drugs.

This legislation clears up confusion. It simply puts in place what we have always thought to be the case and it will address the challenges of future litigation to make sure that public health and safety is better provided across the communities of Australia.

Ms HALL (Shortland) (12.13 pm)—Like the previous speaker, I rise to support the Therapeutic Goods Legislation Amendment (Copyright) Bill 2011, which is before the House today. The bill amends the Copyright Act 1968, and the amendments are intended to enable the Therapeutic Goods Administration, the TGA, to continue the longstanding practice that supports the quality use of medicines. The practice is to approve under the Therapeutic Goods Act the information for the generic version of a registered medicine that is similar in form to that approved for the originator registered medicine.

This legislation seeks to continue the longstanding practice of allowing generic medicines to be available to Australians. The member for Bennelong may have touched on this, but to really understand this issue we need to look at the importance of the pharmaceutical industry, which is one of the larger industries in Australia. The Australian medicine industry contributes $18 billion a year to the Australian economy and makes a significant contribution to the health of Australians. Some 14,000 Australians are employed in the industry, which exports $4.12 billion a year. The industry continues to export more goods around the world than any other high-tech industry, including the car, wine, scientific and medical equipment industries. In 2009, 18,000 Australians participated in clinical trials. It is a really big industry; it is an important industry for Australia. Part of that industry is the generic medicines industry. Generic medicines are substitute medicines that doctors can prescribe, or that can be bought by Australians, which are similar to the original medicine that was developed. These generic medicines can only be prepared and sold once the original medicine comes off copyright.

Since 1994, substitute, or generic, medicines have been prescribed within Australia. As the member for Blair pointed out, an overwhelming majority of Australians will accept a generic medicine as opposed to a branded medication. I know that, from a personal perspective, if I go to a pharmacy and I am asked whether I will have generic or a branded medication, I will choose the generic medication except in cases where there may be an ingredient that does not quite agree with me, which can be the case. That is why it is important that proper product information is available to doctors when they are prescribing the medication. Doctors need to
be absolutely certain that there will not be any unwanted side effects and that the medication will actually target what they seek to treat in their patient.

For a very long time, since 1994, that has worked extremely well in Australia. But in recent times concern has arisen, particularly with the case that is currently before the courts and which I believe is due to be heard this month—although, as the member for Blair said, it could be up to six months before the findings are handed down. An injunction was granted by the Federal Court in 2008. If this case were to be successful, it would have enormous implications for the availability and the prescribing of generic medicines. In turn, that would have an enormous impact on the costs and, I would argue, on the availability of pharmaceuticals in Australia, because it would increase the cost to government. With an increased cost to government, in the long run it would lead to fewer medications being listed on the PBS.

This is an exceptionally important piece of legislation because it ensures the ongoing viability and availability of generic medicines within Australia. Mr Deputy Speaker, I know that you are particularly interested in health matters, and we have discussed this issue of generic medicines on a number of occasions. I know your feelings are that the availability of generic medicines is exceptionally important to Australian people. Bearing that in mind, I know that you would want to be associated with the contributions that everyone has made to this debate, but you are unable to make a contribution because you are in the chair.

The DEPUTY SPEAKER (Mr S Georganas)—I thank the member for Shortland for thinking of me.

Ms HALL—As well as making a contribution in savings to government and therefore making medications more readily available, this also provides a saving of approximately $3 for each general prescription to Australians over a period of some 10 years. That is a very significant saving on an individual basis. There is a saving of $1.9 billion to the government and to the individual. I do not think there can be any argument that there is a strong need for generic medicine, and if any barriers were being put in place to stop people accessing generic medicines those barriers should be removed. Delay to generic medicines entering the market also delays their listing with the Pharmaceutical Benefits Scheme, which in turn leads to those costs that I alluded to a moment ago.

This legislation also ensures that all Australians receive the best advice with regard to their essential prescription medication, and the TGA requires pharmaceutical companies to submit a product information document that advises health professions about the medicine.

This legislation will ensure that the correct information is out there, that the consumers of the medication will have the best information, as will doctors. The outcome of the case before the High Court will not be impacted on by this legislation. This legislation takes effect once royal assent is given. This case has received widespread interest throughout the medical community and industry. The generic medicine companies have been watching the case before the court, and they know that any successful infringement of copyright case would mean that suppliers of generic medicines would be unable to provide information substantially similar to that from the originating company’s information. It could prevent generic companies from supplying essential information that must accompany medicines, and therefore prevent them from supplying generic medicines to the Australian market which, in turn, as I have already pointed out, will increase the cost of the medication.
The bill introduces an amendment that specifically relates to certain medicines, and states that there is no infringement of copyright where the supply, reproduction, publishing, communication or adapting of the information is for the purpose related to safety and effectiveness of medicines. So it is covering all bases. It is making sure that information is out there. It is ensuring that Australians can access generic medicines. It ensures that there is a cost saving to consumers, and it also ensures that there is a cost saving to government. I note that the Parliamentary Secretary for Health and Ageing has come into the House. I want to put on record, as I did about you, Mr Deputy Speaker, that she is a person who has made a long-term commitment in this area of therapeutic goods. I think she would be one of the people in this parliament who has the greatest amount of knowledge on this issue, and a person whom I know is committed to ensuring that all Australians can access generic medicines and to ensuring the safety of those medicines. I congratulate the parliamentary secretary on the legislation we have before us today. It is good legislation. It is legislation that will ensure the financial viability of the Pharmaceutical Benefits Scheme.

Mr CRAIG THOMSON (Dobell) (12.26 pm)—I would like to start where the member for Shortland ended off, and also lend my congratulations to the Parliamentary Secretary for Health and Ageing, because this is a great piece of legislation. She has done a great job in bringing it here. This is a good piece of legislation, because not only does it mean that consumers will be much better off and be able to get access to cheaper prescription drugs and so forth; it also means the taxpayer is substantially better off through the savings that come to the government. So the legislation is good all round in terms of what it does. It preserves the integrity of the information that will be provided to consumers, at the same time giving them a considerable saving of around $3, which as we know is not insignificant, particularly to people who are doing it tough in electorates like the electorate of Kingston and my electorate of Dobell as well. These things are very welcome by our constituents in those electorates, as are the not inconsiderable savings that come to the government in making sure we have this legislation in place.

When prescription and higher risk medicines are approved for marketing in Australia by the Therapeutic Goods Administration a document known as ‘product information’ is approved for the use of health professionals. This bill amends the Copyright Act 1968 to ensure the longstanding practice of the TGA of approving product information that is in a similar form for all brands of a registered medicine can continue. These amendments reflect the government’s concern that the important public health objectives of accurate, consistent information for prescribers and consumers might be jeopardised if some pharmaceutical companies claim infringements of copyright in the approved product information of their registered medicines in an attempt to delay market entry of their competitor’s generic versions of those medicines.

While this is only a recently emerging phenomenon, the use of copyright for that purpose has been identified as an issue that needs to be addressed. Product information contains technical information about the medicine, such as the characteristics of the active ingredients, its indications and contraindications, a description of clinical trials that support the indications, precautions, possible adverse reactions, dosages and storage, and other information relating to the medicine’s safe and effective use. Its purpose is to assist medical practitioners, pharmacists and other health professionals to prescribe or dispense the medicine appropriately and
safely, and to assist them to provide patient education about the medicine in support of high-quality and safe clinical care. It is critical that doctors and pharmacists receive the same information when prescribing and dispensing all brands of the same medicine. It is therefore the Therapeutic Goods Administration’s practice to approve a text of the product information of a generic medicine that is in a similar form to that approved for the product information of the original medicine. This avoids any perception that differences in the text of the approved product information or the different brands of medicine reflect clinical or pharmacological variations in the medicine itself.

Brand substitution policy was introduced in Australia in 1994 to encourage the use of generic medicines. The policy makes it possible to substitute, where appropriate, the prescribed drug brand at the time of dispensing in the pharmacy. This practice is a vital component of pharmaceutical policy in Australia, as it contributes directly to improved access and affordability of pharmaceuticals to both the government and health consumers. The timely availability of generic medicines is an essential feature of this policy. Any barriers that have the effect of preventing or delaying market entry of new brands of medicine will have significant financial implications both for government and consumers by reducing the effectiveness of further reforms to the Pharmaceutical Benefits Scheme implemented under the National Health Agreement Pharmaceutical Benefits Scheme Act 2010.

Under these reforms, the first listing of a generic version of a medicine now triggers a 16 per cent reduction in the price the Commonwealth pays for the medicine. These reforms will provide an estimated $1.9 billion in savings to the government and average savings over 10 years to consumers of $3 per general PBS prescription. These savings will contribute to the sustainability of the scheme and maintain access to quality medicines at a lower cost to the taxpayer. Action by pharmaceutical companies based on a claim of copyright and product information can substantially delay savings to the government and the Australian consumers, because the price reduction trigger of the first listing of a generic version of a listed medicine on the PBS is absent. It can also artificially prolong any market exclusivity that the company might have under the patent law.

Recently, a number of pharmaceutical companies have taken or threatened to take legal action alleging the use by another company of product information approved by the Therapeutic Goods Administration for a generic version of a medicine as an infringement of copyright. In 2008, an interlocutory injunction was granted by the Federal Court to a pharmaceutical company sponsor of a registered medicine partly on the basis of an argument that copyright in the approved product information for the medicine would be infringed by a competitor’s use of the approved product information for a generic version.

In December 2010, in an apparent attempt to avoid the risk of similar litigation, the first generic version of a medicine was marketed without its approved product information being made available. Whilst this is not in breach of any existing requirements under Therapeutic Goods Act, it is not conducive to the quality use of medicines and is not a desirable outcome for public health. If the marketing of this medicine had been prevented by an injunction, the PBS statutory price reduction would not have been triggered. Pharmaceutical companies currently receive appropriate patent protection of their medicines.

A division having been called in the House of Representatives—

Sitting suspended from 12.32 pm to 12.44 pm
Mr CRAIG THOMSON—As I was saying before, what a great bill this is in terms of the savings that it will provide to the consumer: $3 per prescription and $1.9 billion to the Australian taxpayer. It is a bill that delivers savings, while still maintaining the safety aspects that are so important when we are dealing with prescription medicine.

Pharmaceutical companies currently receive appropriate patent protection for their medicines under Australian law. Apart from the market exclusivity conferred under the Patents Act, the Therapeutic Goods Act includes measures that require a person applying to register a generic medicine to certify that either they believe, on reasonable grounds, that a patent will not be infringed by the marketing of the medicine or that the relevant patent holder has been notified of the application. Data protection provisions also prevent information provided to the Therapeutic Goods Administration in relation to a medicine containing a new chemical entity from being used to evaluate a generic product for a period of five years from the day on which the medicine was registered.

The government believes these measures safeguard a fair return for the efforts of companies bringing medicines to the market. The use of copyright injunctions to prevent generic medicines being marketed has the potential to provide the patent owners with a substantial additional period of market exclusivity after the patent has expired as a copyright and has a duration of at least 70 years from publication.

The issue, of course, is not unique to Australia. Similar issues have arisen in the United States in relation to the Federal Drug Administration’s same labelling requirements for medicines under amendments to the Federal Food Drug and Cosmetic Act. These amendments were designed to facilitate the introduction of generic competitors once the originator’s drug patent term and exclusivity period ended by allowing the generic producers to piggy-back upon the originator’s successful FDA application. The same labelling requirement was upheld by the second circuit in the United States Court of Appeal in 2000 in the SmithKline Beecham consumer health care case in which the court commented that the purpose of the amendments would be severely undermined if copyright concerns were to shape the FDA’s application of the requirements. The court found, as a consequence, that the same labelling requirements prevail over copyright laws.

I will now turn to some of the amendments more specifically. The bill will insert a new section 44BA into the Copyright Act 1968. The effect will be that actions under the Therapeutic Goods Act for the purpose of approving product information for prescription and other higher risk medicines or of approving variations to approved product information will not be an infringement of copyright substituting in any product information previously approved by the Therapeutic Goods Administration. This will ensure, first, that an applicant for the registration of a generic version of a registered medicine will not infringe copyright if it provides a draft product information document that contains text similar to the product information already approved for that medicine. This exemption would apply irrespective of when the product information was approved—that is, whether it was approved before or after the amendments came into effect.

Second, the supply, reproduction, publication, communication or adaptation of any approved product information of a registered medicine will not be an infringement of copyright in any other approved product information where such an act is done for a purpose related to the safe and effective use of the medicine concerned. This exemption would apply to such
acts, irrespective of when the product information was approved. It would cover, for instance, acts of the Commonwealth, including by the Therapeutic Goods Administration, pharmaceutical companies, health care professionals and all of those involved in making product information available to health professionals. The infringement exemption will only apply to acts done after the commencement of the amendments. The bill includes a so-called historic shipwreck’s clause which ensures that if the amendments would result in the acquisition of property from a person otherwise than on just terms, the Commonwealth must pay reasonable compensation to that person. This provision has been included as a precautionary measure to ensure constitutional validity and does not indicate that such a result is likely.

Exempting particular acts from infringements under the Copyright Act is not done lightly. The proposed amendments reflect the importance the government places on ensuring the highest level of health consumer safety through the provisions of accurate information to prescribers and other health professionals about high risk medicines. The only other exemption of this kind in the Copyright Act relates to the use of approved labels on containers for agricultural and veterinary chemical products.

The amendments go no further than is necessary to ensure that the TGA can continue to approve product information that is in a similar form for all versions of the same registered medicine. The government believes that these amendments will restore the appropriate balance between ensuring safe and timely access to medicines for all Australians and encouraging research and development in the pharmaceutical industry through appropriate protection of intellectual property.

These amendments will restore the appropriate balance between ensuring the safe and timely access of medicines to all Australians and encourage research and development. They have a real effect on the costs of medicines for ordinary Australians, reducing the cost on average by $3 per prescription, and saving the Australian Commonwealth government $1.9 billion dollars.

This is an important bill. It is an important reform in relation to these areas to make sure that generic medicines get out onto the shelves and are able to be used in a safe manner as quickly as possible, and providing those savings to consumers and to the Australian government. For those reasons I commend the bill to the House.

Ms KING (Ballarat—Parliamentary Secretary for Health and Ageing and Parliamentary Secretary for Infrastructure and Transport) (12.50 pm)—in reply—I thank members for their contributions. I think we had contributions from the members for Boothby, Bennelong, Parramatta, Blair, Shortland and latterly the member for Dobell. I thank them for their interest in this important piece of legislation.

I particularly want to thank the member for Boothby for his support of the bill and very much appreciate the opposition’s bipartisan support for these measures. I am glad to see that there is such bipartisan support for the need for Australians to have access to the same product information for whichever brand of prescription medication they are taking. I recognise that the member for Boothby, in his contribution, also highlighted some concerns, including the impacts of the proposed amendments on organisations such as MIMS, which makes product information available to doctors and to health care professionals. I assure the member for Boothby that the amendments will ensure that MIMS and other such organisations can continue to provide that product information without fear of copyright action being taken by the
pharmaceutical company, as the exemptions in the amendments extend to any publication for
the purposes of safe and effective use of medicines, which of course extends to the publica-
tion of MIMS.

I thank the member for Bennelong for supporting the bill. He also raised a query in his con-
tribution around when generic medicines are entering the market in Australia. In response to
that I reiterate that the TGA cannot include a generic medicine on the register of therapeutic
goods unless the generic company has certified that it will not be marketing the medicine in
breach of patent and has notified the patent holder. The originator company can take injunc-
tion action if they think their patent has been breached by early introduction of a generic
medicine which the patent still exists on.

The member for Bennelong also raised the significance of the pharmaceutical industry in
Australia and I would also like to add my words to that, in that the government fully under-
stands the significance of the industry in our country. As Minister Carr outlined quite elo-
quently in his recent address to Medicines Australia, the government recognises the enormous
contribution made by the industry.

Broadly, as the member for Shortland outlined, the pharmaceutical industry is of extreme
importance in Australia. It contributes significantly to our economy and provides the innova-
tion necessary for Australians to continue to have access to new and important treatments for
their health concerns. The Australian government is committed to ensuring access to new
treatments as well as timely access to generic versions of prescription medications once the
patent has expired.

The bill, as many members have outlined, is a response to an emerging phenomenon in the
Australian pharmaceutical industry. Some companies are taking, or have threatened to take,
legal action based on a claim of copyright in the product information of their registered medi-
cines in what appears to be an attempt to delay market access by competitors’ generic versions
of those medicines. Members will appreciate the potential for this, if it were to become a prac-
tice, to result in substantial detriment to the Pharmaceutical Benefits Scheme and to Austra-
lian health consumers.

Copyright is relevant in this situation because of the important practice of TGA to approve
for generic versions of high-risk medicines when they are supplied on the Australian market a
product information document in a similar form to the approved product information supplied
with the original prescription medicine. This practice has developed for public health reasons.
Product information contains critical information about the safe and effective use of medi-
cines and is made available to health professionals to guide their prescribing, dispensing and
administering decisions. The practice of requiring similar product information for all brands
of a medicine ensures that health professionals receive this same information about the same
medicine, irrespective of the brand. Variation in text between different brands of the same
medicine might give the impression that there are clinical and/or pharmacological differences
between the brands. This may result in confusion amongst prescribers and consumers, with
potential for resultant medical errors and patient harm.

No issue of copyright has arisen from this longstanding practice until just recently. In 2008
the Federal Court granted an interlocutory injunction, in effect preventing the market of a ge-
neric version of a registered medicine partly on the basis of an alleged infringement of copy-
right in approved product information. That matter is due to be heard by the Federal Court this
month and will be the first time that an Australian court has considered the issue. Legal action of this kind has the potential to delay or prevent the first listing of a generic version of a medicine on the Pharmaceutical Benefits Scheme, thus deferring what is now a 16 per cent statutory price reduction for that medicine under the scheme. This could result in a significant financial cost to the government and Australian health consumers under the scheme and subsequently to the Australian taxpayer.

The amendments in the bill are necessary to ensure that the long-supported and sound public health policy of having consistent, accurate information available for prescribers and consumers is not jeopardised. They provide limited exemptions to copyright infringement, but only for the purpose of approving product information or its later variation or where it is related to the use of approved product information for a purpose related to the safe and effective use of the medicine concerned. Action by companies raised on a claim of copyright in product information can delay, potentially indefinitely, savings to the government and Australian consumers because the price trigger of the first listing of a generic version of a listed medicine on the PBS will not occur. It can also artificially prolong any market exclusivity that the originator may have had through patent law.

Pharmaceutical companies currently receive appropriate patent protection for their medicines under Australian law. A generic medicine cannot be included on the Australian register of therapeutic goods unless the applicant has certified that a patent will not be infringed by the marketing of the medicine or that the relevant patent holder has been notified of the application. The Therapeutic Goods Administration is prevented from using information provided for the purpose of registering a medicine in order to evaluate the generic version of that medicine for five years from that registration. The government believes that these measures safeguard a fair return for the efforts of companies bringing medicines to market.

The proposed amendments reflect the importance the government places on ensuring the highest level of health consumer safety through the provision of accurate information to prescribers and other health professionals about these medicines. The Copyright Act already contains an exemption of this kind relating to the use of approved labels on containers for agricultural and veterinary chemical products. The amendments go no further than is necessary to ensure that the TGA can continue to approve product information that is in a similar form for all versions of the same registered medicine. The government believes that these amendments will restore the appropriate balance between ensuring safe and timely access to medicines for all Australians and encouraging research and development in the pharmaceutical industry for appropriate protection of intellectual property.

At the end of my contribution I want thank both the TGA and the Attorney-General’s Departments, whose staff are with us at the moment, for their work on this bill. It is a very important piece of legislation and I want to thank both of those agencies for their cooperation.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.
Mr ANDREWS (Menzies) (4.01 pm)—I rise to speak on the Human Services Legislation Amendment Bill 2010. The government’s bill further merges the back-end support services and some customer areas for Medicare and Centrelink, locating both within the Department of Human Services. Essentially the bill will achieve its objectives by amending the Medicare Australia Act 1973 and the Commonwealth Services Delivery Agency Act 1997, commonly referred to as the Centrelink act, and, through these amendments, firstly, abolishing the statutory offices of Chief Executive Officer of Medicare Australia and Chief Executive Officer of Centrelink; secondly, creating the statutory offices of Chief Executive Medicare and Chief Executive Centrelink within the department; thirdly, abolishing Medicare Australia and Centrelink as statutory agencies; fourthly, providing for service related functions currently delivered by Medicare Australia and Centrelink in support of their chief executives to be delivered by employees of the Department of Human Services; and, finally, providing for new functions taken on by the Chief Executive Medicare and the Chief Executive Centrelink in the future to be delivered by employees of the Department of Human Services.

Under existing arrangements, Centrelink and Medicare services are delivered from different access points, although there has been a gradual integration of back-end services between Medicare and Centrelink in order to improve service efficiency. The amendments that would result from the successful passage of this bill would, firstly, bring in new defined terms of ‘Medicare programs’ and ‘Centrelink programs’ to replace the current secrecy provisions’ focus on agencies as the basis for regulating information sharing; and, secondly, clarify that, if more than one secrecy provision applies to the same information and any applicable secrecy provision permits the use, disclosure or recording of the information, the use, disclosure or recording is taken to be consistent with all of the applicable secrecy provisions. The bill does not amend the Privacy Act.

The bill also amends the Child Support (Registration and Collection) Act 1988 to align the provisions for the appointment of the Child Support Registrar with the provisions of the appointment of the Chief Executive Centrelink and the Chief Executive Medicare and makes consequential amendments to a number of other acts that currently refer to the agencies or statutory authorities which will be abolished.

The amendments to formalise this new structure will be implemented from 1 July 2011. Transitional arrangements will be put in place to ensure that no disruption in customer service delivery occurs as a result of these changes.

The bill also amends investigative search and seizure provisions of part IID of the Medicare Australia Act. Many of the provisions in this part were modelled on earlier versions of the corresponding provisions in the Crimes Act 1914. Because there have been amendments to the Crimes Act over time, some of these provisions in the Medicare Australia Act are no longer aligned with the Crimes Act provisions. The main purpose of the proposed amendments is to bring these provisions into closer alignment with the Crimes Act provisions.
The issue of privacy was also raised in the course of the Senate Community Affairs Legislation Committee inquiry into this legislation. The bill also brings in amendments to clarify the operation of program secrecy provisions after the restructure to ensure these provisions operate in substantially the same way as they did prior to the restructure to protect against the sharing of customer data without customer consent. By integrating the portfolio into a single department of state, these reforms should increase efficiency and reduce the cost of service delivery, as well as increasing convenience for customers, who will be able to access both Centrelink and Medicare services in co-located offices as these are progressively rolled out.

Equitable, efficient and effective service delivery has always been a priority for the coalition. As a supporter of small government, streamlining operations and agencies into a single department is desirable. The merger of Centrelink and Medicare Australia will ultimately, hopefully, make it easier for clients of these agencies—that is, make it easier for ordinary Australians—to access the services they need and interface with the government in a more efficient and straightforward way.

I acknowledge the government’s proposed amendments to the bill, which at first glance appear to address some of the concerns raised by the Senate inquiry. Having received a briefing from departmental officials earlier today, I appreciate that briefing and the purport of the amendments. Whilst the coalition reserve their view pending any further advice we may receive about the amendments, it is not our intention to oppose the bill.

Mr STEPHEN JONES (Throsby) (4.06 pm)—I wish to speak today about the Gillard government’s reform agenda and, in particular, the important reforms to government service delivery that are set out in this bill, the Human Services Legislation Amendment Bill 2010. As a result of the passage of this bill, Medicare Australia and Centrelink will be integrated into the Department of Human Services as a single agency under the leadership of the Human Services secretary. A further consequence of these machinery of government changes is that the staff of Medicare Australia and Centrelink will be moved to the Department of Human Services. While currently Medicare Australia, Centrelink and the Department of Human Services work together very closely and in some respects share functions, further efficiencies can be achieved if they are combined as a single FMA agency under the leadership of the Human Services secretary. All staff from Medicare Australia and Centrelink will be moved to the Department of Human Services.

The Medicare Australia brand will not change. Medicare has provided Australia with affordable, accessible and high-quality health care since 1984. The integration of agencies will further extend the reach of the widely recognised—and, I might say, widely trusted—Medicare brand in the community. For example, through the co-location of services the number of shopfronts where Medicare services are available will more than double, from 240 today to around 500 when the plan is fully implemented. The creation of new statutory offices of Chief Executive Medicare and Chief Executive Centrelink will ensure that statutory decisions under program legislation, which are made on behalf of ministers and secretaries of other departments, will continue to be made under similar arrangements as currently apply, providing much needed continuity of service.

Can I address briefly the issue of data and data privacy. All of these agencies collect enormous amounts of data in the performance of their functions. The government is conscious of the need to protect customer data and therefore only existing customer data sharing arrange-
ments supported by legislation will continue. Importantly, any new sharing of customer data within the integrated Department of Human Services will only occur with customer consent. The government is particularly aware of the trust that Australians place in Medicare Australia’s management of their clinical health information and the need for this information to be held separately and securely. For this reason, clinical health information will be excluded from any data sharing under the service delivery reforms.

The bill is an essential component of the government’s service delivery reform agenda. Service delivery reform will transform the delivery of services in the Human Services portfolio and will provide better outcomes for generations of Australians. If the objective of this package of reforms can be summarised, in a nutshell it is all about putting the customer at the centre of service delivery objectives. It will put customers first in the design and delivery of services and it will ensure services are delivered more efficiently and more effectively, especially to people who need more intensive support and those with complex needs.

The integration of Centrelink, Medicare Australia and the Department of Human Services is a significant step in achieving this vision. It will not only drive efficiencies and reduce the cost of service delivery for government but also transform the delivery of services provided through the Human Services portfolio and provide better outcomes for generations of Australians, as I said.

As the former national secretary of a union that represents the vast majority of the workers who will be affected by these changes I know from firsthand experience that a significant change like this does not happen without the application of considerable time and energy from the public servants affected and their elected union representatives. I have a deal of sympathy for the public servants in Commonwealth agencies who are not change-averse but who have to juggle significant changes such as this along with the constant program changes that quite properly come from us in this place, together with the day-to-day obligations of delivering services to their clients.

The median length of service for our public servants today is now eight years. About 20 per cent of public servants have been in Commonwealth employment for 20 years or more, a significant change over the last two decades. This means that, if you have a career in the Public Service, by around the eight-year mark you have usually seen off a variety of ministers, governments and secretaries, and experienced everything that we can dream up in the period of our tenure, including bringing agencies and sections together and then splitting them up and putting them back together again. I hope that the changes that will be brought about by this bill and this package of reforms will drive a new direction in the delivery of human services, because it is much needed.

Machinery-of-government changes can almost become a way of life for Australian Public Service employees. That is why, when considering reforms to government service delivery, it is important to keep in mind those people who are at the forefront of the provision of these services—that is, the public servants who interact with the public on behalf of the government every day of their working lives. It is not an easy job. These government employees are often the target of people’s anger and frustration at government policy, or their expectations of what government policy should deliver, when it does not provide the outcomes that they are seeking. I understand that dealing with government can be a difficult process. That is why all
moves towards making this interaction easier, simpler and more controlled by the persons affected will be a good thing.

When talking about the co-location of Centrelink and Medicare offices, it is important to note that Centrelink workers frequently have to deal with customer aggression. I know that the employees who work there feel very strongly about the importance of delivering services to their customers but, equally, feel very strongly about their rights as employees to work in workplaces that are free from actual threats to their health and safety as employees. With the amalgamation of Centrelink and Medicare offices, there will be an even greater need to closely monitor the interaction of these difficult customers with other customers and for the organisation to be ready to take protective steps if required. This is in the interests of not only the employees of these agencies but also the customers who come there, quite rightly seeking the assistance that the government provides. They have a reasonable expectation of being able to do that in an environment free from any threat or perceived threat.

The service delivery reforms that are contained in this bill are a part of the overall public sector reforms that the Australian government has been embarking on for a number of years now. They are well overdue. These reforms have been a part of bipartisan efforts in Australia and are part of a broader international evolution of government service delivery, which is also known in some places as e-government. E-government is about using developments in information technology to enable governments and their citizens to interact more easily. The aims of e-government are to drive efficiency in service delivery provision and to use information technology to improve the quality and range of service delivery. I think everyone who deals with government departments and agencies would welcome these changes. They recognise the changing nature of the people who are relying upon or interacting with government departments on a daily basis.

The important measures contained in the Human Services Legislation Amendment Bill that we are debating today are but a small part of the important service delivery reforms that the Gillard Labor government is committed to in order to transform the delivery of public services. The aim of the measures of this bill is to put the Australian people first in the design and delivery of services and to ensure that services are delivered effectively and efficiently. Indeed, these should be the aims of all Australian governments. I commend the bill to the House.

Mr NEUMANN (Blair) (4.16 pm)—I speak in support of the Human Services Legislation Amendment Bill 2010. I will address the bill briefly and then express my praise for Centrelink for its wonderful support in South-East Queensland and particularly in my electorate of Blair during the recent flood crisis. This is an appropriate opportunity to do so. This bill integrates Centrelink and Medicare Australia into the Department of Human Services from 1 July 2011; it establishes new statutory provisions and positions, particularly the Chief Executive Medicare and the Chief Executive Centrelink, within the department; and it correlates with what we are saying about efficient and effective service delivery. Centrelink and Medicare are organisations that deal with the lives of working Australian families, pensioners and other people across the length and breadth of our country, day in and day out, week in and week out and year in and year out.

With this legislation and our aspirations, all staff from Medicare Australia and Centrelink will be moved to the department. We know how important Medicare is. We in the Australian
Labor Party were the architects and authors of Medicare; we believe in it. Those opposite have a transient and temporary commitment to it. From time to time they say they support it and yet, when in office, we know that they do not. Secretly, in their heart of hearts, those opposite do not believe in the concept of Medicare, and their brothers and sisters in Tea Party mode across the Pacific clearly show that they do not believe that the kind of health services we have in Australia should be present in the United States.

The brand ‘Medicare Australia’ is really held in high esteem by the Australian public. It has been part of delivering quality healthcare services in this country for more than 2½ decades. Co-locating the services in one position is the aspiration by 2014 and I think that makes tremendous sense. Australians across the country will value a single location for both Medicare and Centrelink. We are aware of the trust that Australians have in Medicare and we think that is important for primary health care and clinical health information. The giving of advice by social workers, assistance, financial counselling and the delivery of services, advice and assistance in getting back into the workplace—and, when one leaves the workplace, transitioning to a pension and retirement lifestyle—are really important. So, from those who receive the baby bonus to those who go on the age pension, and those somewhere in between who suffer from disabilities, pension requirements and the need to transition back into the workplace, Centrelink is their place. The integration is a significant commitment from the government to look at how we can drive efficiencies and make the system and the delivery of government services even better.

I note the minister is here in the chamber today and I want to thank her for the commitment she showed during the recent flood crisis. I point out that the Centrelink office in Ipswich did a tremendous job during the flood crisis. I also want to make mention of the government’s social inclusion agenda and our national compact with what is often called these days the third sector—the not-for-profit sector. We are seeing this in Ipswich. I was with the then Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Ursula Stephens, along with government representatives, employment service providers and not-for-profit organisations, when we announced on 4 May 2010 the community links initiative, a wraparound service. It is a new approach and it has been trialling well in Ipswich, ensuring that people do not have to go from one service provider to another. They go to Centrelink, where other service providers are present and co-located. So I am a big believer in co-location. That is why I am so happy to see our vision and aspiration that Medicare will also be co-located with Centrelink.

My electorate covers most of Ipswich and the Somerset region, including the Brisbane Valley. Located there are the Lockyer Creek, the Bremer River, the Brisbane River, the Somerset Dam and the Wivenhoe Dam. At the height of the floods, it really was an area of terrible devastation. Businesses were destroyed, homes inundated and lives tragically lost in my seat. The superintendent of St John’s Ambulance in Ipswich, Robyn Rossi, said she treated 700 people at the evacuation centre at the Ipswich showgrounds during the flood crisis there. Doctors from the GP superclinics came across. People went to the GP superclinic next door and they went to other evacuation centres in places like Riverview. At the height of the flood crisis the minister responded to my entreaties and Centrelink did a fantastic job in my electorate.

We had over 60 staff in Ipswich recovery centres—places like the Ipswich showgrounds, Bundamba, Riverview, Karalee, Esk, Fernvale, Lowood, Wivenhoe Pocket, One Mile and
Rosewood—as some of the more than 300 Centrelink staff who assisted in the recovery across South-East Queensland. That is the important role that Centrelink plays at the front line, helping people—just like Medicare does. Centrelink does as well, and I believe it is a fantastic organisation. Centrelink’s ability to nationally mobilise during these disasters is crucial to the people of Australia when they are in distress. In times of crisis, in times of property loss, in times of injury and indeed in times of death, Centrelink is there for the Australian people. The floods occurred in January on that Tuesday night, and by Sunday 300 staff, many from interstate, were already located in the area. Some of them stayed in Ipswich. Centrelink staff were there. Some people were on the Gold Coast and some were in Brisbane, but they came to help.

To date Centrelink has processed over 664,000 claims for the Australian government disaster recovery payment relating to the Queensland floods, paying about $715.1 million, according to the minister’s office. They processed 72,000 claims for the DIRS relating to the Queensland floods, totalling over $54.9 million. I want to make mention of a couple of people in Centrelink in Ipswich who did a fantastic job during the flood crisis. It has to be remembered that Centrelink staff who lived locally were cut off as well. People in my electorate will understand when I say my whole world for days revolved between Yamanto in the west and Riverview in the east. We could not get across the Bremer River because it was flooded, and Centrelink staff were cut off as well. But when they were there they galvanised and worked hard together. They came as quickly as they could and people were flown in from interstate as well.

Tony Perera is the Centrelink manager for the Ipswich region. I have the utmost respect and admiration for the work he did. That is how important Centrelink was in helping the people of Ipswich. He, along with Jenny Wright, the team leader of Local Connections to Work at Ipswich Centrelink did a fantastic job in the flood crisis. Tony was always there. If I needed some advice and some help, he responded with the flexibility of a ruck rover. I say that even though I am from Queensland and it is rugby league state. But he was everywhere. He was all over the place. Tony was everywhere. He could move and manipulate people everywhere. That is how great Centrelink were.

Trevor Romer was the leader of what I call the ‘green shirt brigade’. Everywhere I went I saw these community recovery T-shirts, and people respected them. People really respect Centrelink in my electorate because those green shirts, evacuation centres and recovery centres offered not just money but hope. They were there with their iPads, phones and laptops and automatically—just like that!—much-needed money was given out to people in need. So many people lost everything, and Centrelink were there to help. Trevor, as I said, is not from interstate, but he made the comment that he was very impressed with what was in place locally and the community effort that was taking place. Trevor told me he could walk into any group and it was clear that Tony was doing an exceptional job locally building networks and forging good relationships with stakeholders.

Tony Perera is on the Ipswich human and social subgroup committee, which consists of representatives from state, local and federal government levels in addition to local NGOs. I want to make a comment about what Centrelink did and what Tony has done, in particular. That committee was formed for the next phase of community recovery, and Tony had people working all over the place. When I rang up to Tony and told him that people in Wivenhoe...
Pocket were cut off at both ends, he got staff straight in there to help. He got staff doorknocking in places like Esk to see what people needed. Places like the Esk caravan park were just devastated as the Redbank Creek came in.

We provided things like a Blair floods information kit. We ran it by Tony, and we were handing these out all over the place. He and Centrelink also worked well with the federally funded Ipswich business enterprise centre for the flood disaster relief and recovery manual that was produced. Centrelink worked hand in glove with the Ipswich business community, including the Ipswich Chamber of Commerce, the Ipswich business enterprise centre, the Ipswich City Council and what we know as DEEDI in Queensland, which is the Queensland government’s Department of Employment, Economic Development and Innovation.

Centrelink were very flexible. They worked hard. They networked with people. They gave them whatever they needed. We know how important this was for the people in our area because Ipswich Mayor Paul Pisasale said this in a letter on 1 February 2011:

We understand that between 500 and 750 businesses were directly affected by flood inundation in the Ipswich region alone. Up to 1,000 businesses have been indirectly affected.

Only 60 per cent of those businesses are back on track, but Centrelink was there to help those workers who had lost their jobs with money, business advice and also advice for those people who did not know how to start picking things up. I remember speaking to a Centrelink worker in the Lowood neighbourhood hub. I remember her talking to me about the challenges and travails of the farmers in that community. She told me, with tears in her eyes, about how stoic and resilient the farmers were there and how you had to talk to them for 15 or 20 minutes before they started opening up. But that Centrelink social worker was there to listen, to give advice and to be a shoulder to cry on. That is the importance of Centrelink in times of crisis. She was there to give them advice, because we have the money on the table through low-interest loans and other funding that will help those farmers and those small business operators that Mayor Paul Pisasale talks about to recover, clean up and get back on their feet.

In the Somerset region, which is a rural area to the north in my electorate, the Ipswich business enterprise centre estimates that about 450 businesses were affected, and another 100 indirectly. The Ipswich business enterprise centre was there to work with the Somerset Region Business Alliance and Centrelink to help out. It was a partnership, with communities working together and all levels of government working together. I want to thank them very much for the work they did in that regard.

I think it is important for me to put on record that those staff members in the Ipswich Centrelink office went way beyond their normal duties helping those people who were flood affected. Tony has stated that this shows the level of commitment employed in human services. He said:

People who choose a career in human services are people who are not just looking for a pay cheque—they have a level commitment that is quite exceptional.

He also said that it was not just Centrelink staff that pulled together during the floods. He mentioned a number of Medicare employees working alongside them as well. I want to finish by saying that I cannot stress how important Centrelink is at the coalface of assistance to people—social work, financial advice, a shoulder to cry on, money in the bank and help when it is needed. Co-locating Medicare and Centrelink together will facilitate better service delivery and make sure people in communities like mine in Ipswich and the Somerset region when
they need it get the hand they need—not a handout—to lift them up and help them get through this very difficult time.

Ms PLIBERSEK (Sydney—Minister for Human Services and Minister for Social Inclusion) (4.31 pm)—I want to thank the member for Blair for his acknowledgement of the fine work that the staff of the Department of Human Services did in response to the floods. He has, I know, got a very good relationship with his local Centrelink office and workers but he makes a very important point. It relates to this Human Services Legislation Amendment Bill 2010. There were Centrelink staff coming from around the country, there were Medicare staff there, there were staff from other parts of the Department of Human Services, there were even staff from the ATO and others that came to help on the phones to answer calls from people who were affected by the natural disasters in Queensland and in other parts of Australia.

One of the very important reasons for this legislation that we have been debating is to make that ability for staff to be moved to where the need is greatest much easier and more streamlined. I want to thank the member particularly, though, for taking the time to acknowledge the enormous effort of those people who came from across Australia, and the people who were already in Queensland—many of whom, as the member for Blair said, were flood affected themselves in their own homes and in their families. To acknowledge their work is very worthwhile.

I have heard a lot of terrific stories from those people who were wearing the green T-shirts about the way they were received by Queenslanders in particular who were stopping in the street to congratulate them on their work. One story included one of the green shirts going to the supermarket to buy cold drinks for people who were working in the heat and humidity at one of the recovery centres. The green shirt did not have quite enough money to buy the number of drinks that she wanted and the young woman working on the supermarket checkout said, ‘You take that drink, I’ll pay for that out of my pocket.’ She insisted on showing her support and her thanks for the work of Centrelink and other Human Services staff who worked so hard in the recovery.

I also want to take a moment to thank the shadow minister for his support for this legislation. This bill is a very important bill and relates to the reform of government service delivery. The whole purpose of the legislation is to deliver better services for Australians. The bill continues a broader program of reform that commenced in 2004 when the Department of Human Services was first created to place greater emphasis on the way government delivers services to Australians. The continued reform of service delivery will make life easier for Australians and will lead to improved policy outcomes for government, particularly in areas like economic and social participation, education, child care and health.

There are a number of customer benefits that will come from this integration including a most recent example of being able to claim Medicare rebates online, but also things like extending services by co-locating more Medicare Australia, Centrelink and Child Support Agency services under one roof, offering more one-stop-shop services whether in those shopfronts, over the phone or online. The collocation of offices will make it easier for people to access Medicare Australia and Centrelink services by offering them from one location, under one roof. The collocation program extends the reach of the Medicare program by more than doubling the number of offices where face-to-face Medicare services will be available—from 240 today to around 500. Already we are seeing the difference in collocated offices, where
staff can help customers and then refer them directly to a colleague from another agency. Through broader service delivery reform improvements, people will have the ability to update some of their personal details across the portfolio—if they choose to have their information shared across the portfolio—through a tell-us-once approach. That means if you change your address or your income details, for example, you can tell the department once and your records will be updated in a number of different places—if you agree. This will save people having to contact multiple agencies for the same purpose.

Maintaining customer privacy is a key focus as we merge the portfolio into a single department. Information will only be shared where that sharing is authorised by law or where the customer consents. Customer databases will not be merged. There will continue to be separate databases, although those databases will be able to talk to each other. Clinical health information is excluded from service delivery reform—that is a specific exclusion. The current program secrecy provisions, which apply strict rules about the handling of customer information, will continue to apply. The Privacy Act will also apply to protect customer information. My department continues to work closely with the Office of the Australian Information Commissioner about the impact of these reforms.

Service delivery reform will free up staff to provide better support and assistance to the people who need it. It will provide them with improved career opportunities and more diverse work. Front-line service delivery networks will be brought together into a single integrated customer-facing network. Staff will receive more training, have the tools to deliver better services and be able to deliver tailored services at a local level. My portfolio is working closely with the Australian Public Service Commission, the Community and Public Sector Union and other relevant unions to prepare for the new enterprise agreement which is being developed for the integrated portfolio. The integration of Medicare Australia and Centrelink into the Department of Human Services will not only improve services to customers and assist staff to provide better outcomes for customers, but also provide efficiencies and better services for lower cost. The government is proud of this significant reform which will deliver significant benefits for all Australians.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010
Consideration in Detail

Bill—by leave—taken as a whole.

Ms PLIBERSEK (Sydney—Minister for Human Services and Minister for Social Inclusion) (4.38 pm)—I present the supplementary explanatory memorandum to the bill. I ask leave of the committee to move government amendments (1) to (55) as circulated together.

The DEPUTY SPEAKER (Mr Murphy)—Leave is granted.

Ms PLIBERSEK—I move government amendments (1) to (55):
(1) Clause 2, page 3 (after table item 7), insert:

7A. Schedule 4, Part 5 1 July 2011.

However, if section 2 of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences before 1 July 2011, the provision(s) do not commence at all.

7B. Schedule 4, Part 6 Immediately after the commencement of section 2 of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011.

However, if section 2 of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences before the day this Act receives the Royal Assent, the provision(s) do not commence at all.

(2) Schedule 1, item 82, page 25 (lines 14 and 15), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(3) Schedule 1, item 87, page 27 (lines 2 to 20), omit subsections 43A(1) and (2), substitute:

Scope

(1) This section applies to particular information if:

(a) the information is subject to a regulatory regime under a designated program Act (the first program Act); and

(b) the information is also subject to a regulatory regime under another designated program Act (the second program Act).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

(2) If:

(a) the Secretary, the Chief Executive Medicare or a Departmental employee:

(i) discloses the information; or

(ii) uses the information; or

(iii) makes a record of the information; and

(b) the Secretary, the Chief Executive Medicare or the Departmental employee, as the case may be, does so without contravening the first program Act;

the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(4) Schedule 1, item 87, page 28 (line 6), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(5) Schedule 1, item 96A, page 37 (line 22), after “instrument”, insert “agreement”.

(6) Schedule 1, item 96A, page 37 (after line 26), after paragraph (1)(b), insert:

(ba) section 7A;

(7) Schedule 1, item 99A, page 42 (line 7), after “instrument”, insert “agreement or arrangement”.

(8) Schedule 1, item 99A, page 42 (after line 11), after paragraph (1)(b), insert:

(ba) section 7A;
(9) Schedule 1, Division 3A, page 42 (line 16) to page 44 (line 10), omit the Division.

(10) Schedule 1, item 100, page 44 (line 12) to page 45 (line 7), omit the item.

(11) Schedule 1, item 101, page 45 (line 8), omit “other”.

(12) Schedule 1, item 102, page 45 (line 26), omit “other”.

(13) Schedule 1, item 102, page 46 (line 1), omit paragraph (1)(b).

(14) Schedule 1, item 103, page 46 (line 10), omit “other”.

(15) Schedule 2, item 48, page 67 (lines 22 and 23), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(16) Schedule 2, item 48, page 67 (line 30), omit “1988.”, substitute “1988; or”.

(17) Schedule 2, item 48, page 67 (after line 30), at the end of subsection 40(2), add:
   (c) services, benefits, programs or facilities that are specified in a legislative instrument made by the Minister for the purposes of this paragraph.

(18) Schedule 2, item 48, page 68 (lines 10 to 28), omit subsections 40A(1) and (2), substitute:
   Scope
   (1) This section applies to particular information if:
   (a) the information is subject to a regulatory regime under a designated program Act (the first program Act); and
   (b) the information is also subject to a regulatory regime under another designated program Act (the second program Act).
   For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.
   Disclosure or use of information etc.
   (2) If:
   (a) the Secretary, the Chief Executive Centrelink or a Departmental employee:
      (i) discloses the information; or
      (ii) uses the information; or
      (iii) makes a record of the information; and
   (b) the Secretary, the Chief Executive Centrelink or the Departmental employee, as the case may be, does so without contravening the first program Act;
   the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(19) Schedule 2, item 48, page 69 (line 15), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(20) Schedule 2, item 57A, page 78 (line 20), after “instrument”, insert “agreement”.

(21) Schedule 2, item 57A, page 78 (after line 24), after paragraph (1)(b), insert:
   (ba) section 8A;

(22) Schedule 2, item 60A, page 83 (line 2), after “instrument”, insert “agreement or arrangement”.

(23) Schedule 2, item 60A, page 83 (after line 6), after paragraph (1)(b), insert:
   (ba) section 8A;

(24) Schedule 2, Division 3A, page 83 (line 11) to page 85 (line 5), omit the Division.

MAIN COMMITTEE
(25) Schedule 3, item 4, page 97 (line 17), after “employee”, insert “when used in Part IV, VI or IX.”.

(26) Schedule 3, page 99 (after line 7), after item 10, insert:

10A After subsection 16(2A)

Insert:

(2AAA) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.

(27) Schedule 3, item 14, page 100 (lines 2 to 20), omit subsections 16AB(1) and (2), substitute:

Scope

(1) This section applies to particular information if:

(a) the information is subject to a regulatory regime under a designated program Act (the first program Act); and

(b) the information is also subject to a regulatory regime under another designated program Act (the second program Act).

For the purposes of this subsection, in determining whether particular information is subject to a regulatory regime under a designated program Act, disregard whether the information is subject to a regulatory regime under any other designated program Act.

Disclosure or use of information etc.

(2) If:

(a) the Secretary, the Registrar or an officer or employee of the Department:

(i) discloses the information; or

(ii) uses the information; or

(iii) makes a record of the information; and

(b) the Secretary, the Registrar or the officer or employee of the Department, as the case may be, does so without contravening the first program Act;

the disclosure, use, or making of the record, as the case may be, does not contravene the second program Act.

(28) Schedule 3, item 14, page 101 (line 6), omit “the regulations”, substitute “a legislative instrument made by the Minister for the purposes of this paragraph”.

(29) Schedule 4, page 106 (after line 12), after item 28, insert:

28A Subsection 3(1)

Insert:

social security law has the same meaning as in the Social Security Act 1991.

(30) Schedule 4, page 106 (after line 22), after item 29, insert:

29A Subsection 109C(2)

Omit “officer of an agency other than the Department”, substitute “officer of the Human Services Department”.

(31) Schedule 4, item 32, page 107 (lines 5 to 16), omit the item, substitute:

32 Paragraphs 118(1)(c) and (e)

Repeal the paragraphs.

(32) Schedule 4, page 109 (after line 4), after item 41, insert:
41A After paragraph 162(2)(daa)
Insert:
(dab) for the purposes of the social security law; or
(dac) for the purposes of the Paid Parental Leave Act 2010; or
(dad) for the purposes of the Student Assistance Act 1973; or
(33) Schedule 4, page 109 (after line 10), after item 42, insert:

42A Subsection 221(2)
Omit "officer of an agency other than the Department, unless the head of the agency", substitute "officer of the Human Services Department, unless the Secretary of the Human Services Department".

(34) Schedule 4, item 44, page 109 (line 14), omit “head of an agency”, substitute “Secretary of the Human Services Department”.
(35) Schedule 4, items 45 and 46, page 109 (lines 16 to 23), omit the items, substitute:

45 Subsection 234(3)
Repeal the subsection.
(36) Schedule 4, page 110 (after line 13), after item 50, insert:

50A After subsection 150(2A)
Insert:
(2B) Subsection (2) does not apply to the making of a record of information with the express or implied authorisation of the person to whom the information relates.
(37) Schedule 4, page 118 (after line 14), after item 94, insert:

Disability Services Act 1986
94A At the end of subsection 28(5)
Add:
; or (d) make a record of information with the express or implied authorisation of the person to whom the information relates.
(38) Schedule 4, page 138 (after line 22), after item 257, insert:

257A After subsection 130(3A)
Insert:
(3AA) Despite subsection (1), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.
(39) Schedule 4, page 151 (after line 18), after item 357, insert:

357A After subsection 77(5)
Insert:
(5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.
(40) Schedule 4, page 158 (after line 30), after item 417, insert:

417A After subsection 88(5)
Insert:
(5A) Despite subsection (2), an officer may make a record of information with the express or implied authorisation of the person to whom the information relates.
(41) Schedule 4, page 165 (after line 7), after item 470, insert:

470A Section 6

Insert:

family assistance law has the same meaning as in the A New Tax System (Family Assistance) (Administration) Act 1999.

(42) Schedule 4, page 166 (after line 17), after item 479, insert:

479A Section 6

Insert:

social security law has the same meaning as in the Social Security Act.

(43) Schedule 4, page 166, after proposed item 479A, insert:

479B After paragraph 127(2)(d)

Insert:

(da) for the purposes of the family assistance law; or
(db) for the purposes of the social security law; or
(dc) for the purposes of the Student Assistance Act 1973; or

(44) Schedule 4, item 500, page 169 (line 28), after “Chief Executive Centrelink”, insert “, the Chief Executive Medicare”.

(45) Schedule 4, page 178 (after line 13), after item 560, insert:

560A Subsection 23(1)

Insert:

medicare program has the same meaning as in the Human Services (Medicare) Act 1973.

(46) Schedule 4, page 182 (after line 2), after item 587, insert:

587A After paragraph 202(2)(d)

Insert:

(da) for the purposes of the family assistance law; or
(db) for the purposes of the Paid Parental Leave Act 2010; or
(dac) for the purposes of the Student Assistance Act 1973; or

(47) Schedule 4, page 182, after proposed item 587A, insert:

587B At the end of paragraph 208(1)(b)

Add:

; or (iv) to the Chief Executive Centrelink for the purposes of a centrelink program; or
(v) to the Chief Executive Medicare for the purposes of a medicare program.

(48) Schedule 4, page 184 (after line 16), after item 608, insert:

608A Subsection 3(1)

Insert:

centrelink program has the same meaning as in the Human Services (Centrelink) Act 1997.

(49) Schedule 4, page 184 (after line 24), after item 611, insert:

611A Subsection 3(1)

Insert:
family assistance law has the same meaning as in the A New Tax System (Family Assistance) (Administration) Act 1999.

(50) Schedule 4, page 185 (after line 4), after item 613, insert:

613A Subsection 3(1)

Insert:

medicare program has the same meaning as in the Human Services (Medicare) Act 1973.

(51) Schedule 4, page 185 (after line 10), after item 615, insert:

615A Subsection 3(1)

Insert:

social security law has the same meaning as in the Social Security Act 1991.

(52) Schedule 4, page 185 (after line 21), at the end of Part 1, add:

617A After paragraph 351(2)(da)

Insert:

(db) for the purposes of the family assistance law; or

(dc) for the purposes of the social security law; or

(dd) for the purposes of the Paid Parental Leave Act 2010; or

(53) Schedule 4, page 185, at the end of Part 1, add (after proposed item 617A):

617B Paragraph 355(1)(b)

Repeal the paragraph, substitute:

(b) disclose any such information:

(i) to the Secretary of a Department of State of the Commonwealth for the purposes of that Department; or

(ii) to the head of an authority of the Commonwealth for the purposes of that authority; or

(iii) to the Chief Executive Centrelink for the purposes of a Centrelink program; or

(iv) to the Chief Executive Medicare for the purposes of a medicare program; or

(54) Schedule 4, page 192 (after line 8), at the end of the Schedule, add:

Part 5—Amendments anticipating the enactment of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

A New Tax System (Family Assistance) (Administration) Act 1999

655 At the end of subsection 162(2)

Add:

; or (f) with the express or implied authorisation of the person to whom the information relates.

Social Security (Administration) Act 1999

656 At the end of subsection 202(2)

Add:

; or (f) with the express or implied authorisation of the person to whom the information relates.

Student Assistance Act 1973

657 At the end of subsection 351(2) (before the note)

Add:

; or (f) with the express or implied authorisation of the person to whom the information relates.
(55) Schedule 4, page 192, at the end of the Schedule, add (after proposed Part 5):

**Part 6—Amendments contingent on the commencement of the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011**

*Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011*

658 Subsection 2(1) (table item 5)

Repeal the item, substitute:

5. Schedule 4, items 1 to 3

   The day after this Act receives the Royal Assent.

6. Schedule 4, item 4

   The day after this Act receives the Royal Assent.

   However, if item 655 of Schedule 4 to the *Human Services Legislation Amendment Act 2011* commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

7. Schedule 4, items 5 to 7

   The day after this Act receives the Royal Assent.

8. Schedule 4, item 8

   The day after this Act receives the Royal Assent.

   However, if item 656 of Schedule 4 to the *Human Services Legislation Amendment Act 2011* commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

9. Schedule 4, items 9 to 11

   The day after this Act receives the Royal Assent.

10. Schedule 4, item 12

    The day after this Act receives the Royal Assent.

    However, if item 657 of Schedule 4 to the *Human Services Legislation Amendment Act 2011* commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.

11. Schedule 4, items 13 to 15

   The day after this Act receives the Royal Assent.

12. Schedule 5

   The day after this Act receives the Royal Assent.

Since the *Human Services Legislation Amendment Bill 2010* was introduced to parliament last November, the government has decided that amendments are necessary to clarify the impact of certain provisions in the bill. The amendments I now move cover four main aspects.

First, the amendments modify the multiple secrecy provisions introduced by the bill. Currently, where a person is a customer of both Centrelink and Medicare Australia, those agencies hold common information about that person, such as their date of birth, name and address. After the integration of Centrelink and Medicare into the Department of Human Services, the department will therefore hold this common customer data in more than one program. Because different secrecy provisions apply to the information depending on whether it was provided to Medicare Australia or to Centrelink, the new multiple secrecy provisions are needed to clarify how the secrecy provisions should be applied in this circumstance. The bill makes it clear that, post-integration, where the department holds the same piece of information about a person under more than one program act, such as Family Assistance and Medicare, that information will be able to be used and disclosed if it complies with one of the secrecy provisions applicable to that information. The amendments do not substantively change
the effect of the new provisions; rather, they seek to make them clearer to ensure that the bill will operate as intended.

Second, the amendments make additional changes to the secrecy provisions of social security law, family assistance law, the Paid Parental Leave Act 2010 and the Student Assistance Act 1973. This will ensure that the existing arrangements for the use of customer information collected under these laws will continue to apply after the integration of Centrelink into the Department of Human Services. Importantly, customer privacy is protected because the amendments make no change to the existing arrangements.

Third, the amendments introduce new items to the bill to ensure that customers can consent to information about them being used for a purpose that would not otherwise be authorised by the act under which the information was obtained. These amendments support the government’s service delivery reform agenda by giving customers the right to choose how information about them is handled. The amendments allow the customer to choose to make their basic details, such as name, address and date of birth, available to multiple agencies rather than providing the same information separately to different agencies.

Fourth, the amendments remove transitional provisions relating to the continuation of certain agreements between Medicare Australia and Centrelink as delivery agencies and the departments responsible for the administration of programs. These transitional provisions are unnecessary, as the agreements will be continued by exchange of correspondence between departmental secretaries. These amendments do not alter the impact of the bill, which integrates Medicare Australia and Centrelink into a single Department of Human Services.

Question agreed to.

Bill, as amended, agreed to.

Ordered that this bill be reported to the House with amendments.

CONDOLENCES

Japan Disaster

Debate resumed from 22 March, on motion by Ms Gillard:

That the House:

(1) express its deep shock and sorrow at the earthquake, tsunami and nuclear emergency that have struck Japan;

(2) extend its profound sympathies to the many families whose loved ones have been lost in this tragedy;

(3) express its gratitude and admiration to the Australian emergency response personnel who are assisting in the recovery effort; and

(4) pledge the support of the Australian Parliament and community as Japan comes to terms with the immense nature of this disaster and the long and costly process of reconstruction that lies ahead.

Mr FRYDENBERG (Kooyong) (4.42 pm)—I rise today to speak on the condolence motion and express my sympathy with the Japanese people after the tragedy of the recent earthquake and tsunami. Like many in this place, I will forever have etched in my memory the vivid pictures of those massive black waves devouring everything in their way: ships, houses, factories and fields. For a moment it seemed biblical in its proportions.
Measuring 9.0 on the Richter scale, the earthquake was the biggest ever to hit Japan and the fifth largest on record—the largest being a 9.5 quake in 1960 in Chile that left more than two million people homeless. Today the numbers in Japan tell a devastating human story. In a country of 127 million, 22,000 people have been killed or are missing, tens of thousands of homes have been destroyed and hundreds of thousands have found themselves homeless. Many have no access to fresh water, food, power or, importantly as winter hits, heating. The humanitarian challenge is severe. With aftershocks continuing to cause fear, problems in the recovery stage have been compounded by the failures at the Fukushima Dai-ichi nuclear power plant and predictions of heightened radiation levels in the area. Fortunately, the latest reports indicate that engineers have been able to reconnect all six reactors to the electricity grid. Let us hope the situation stabilises with minimum damage.

Significantly, the world responded to the Japanese disaster quickly, effectively and with overwhelming support. More than 80 countries have sent emergency aid workers, and the Americans have sent a significant commitment of military personnel. Australia too played its part, sending search and rescue teams and sniffer dogs and just yesterday committing two additional RAAF C17 transport planes, which will transport American supplied water cannon systems. These C17s will give the C17 already in Japan additional support.

Australia’s contribution reflects our deep and significant bilateral relationship. Australia has no better friend in Asia than Japan and our relationship extends through the political, security and economic spheres. For decades Japan has been Australia’s No. 1 export market and our people-to-people links are particularly strong. Only months ago my wife and I spent our honeymoon in Tokyo, Hiroshima, Kyoto and elsewhere, exposed to the beauty, the history and the rich culture of Japan and its people. The Japanese are a resilient people who have survived recent tragedies like the Kobe earthquake in 1995, and each time have rebounded with vigour. Japan has the economic capacity and the strong social fabric that is required in times like these. And at trying times like these, we in Australia stand with our friends in Japan shoulder to shoulder for the task ahead. We grieve for the dead, we pray for the missing, and we stand ready to assist the injured. May peace and prosperity be with the people of Japan.

Mr CIOBO (Moncrieff) (4.47 pm)—I had the privilege some years ago of going to Japan as part of an Australian political exchange program with a number of young political leaders from Australia. What I learned as part of that, my only trip to Japan so far, was just how proud the Japanese people are, how warm they are and also—and this was my particular insight—how at peace the Japanese are. I found, through having the opportunity to travel to Tokyo and other locations such as Kyoto, that the Japanese have not entirely uniquely, but certainly in a large way, the ability to find sanctity and personal sanctum in their surrounds. There is a very strong physical and spiritual connection that I observed between the Japanese and the natural environment around them. And so whether it is the bright neon lights and the absolute hustle of a Western city in many respects, like Tokyo, or the Zen gardens in beautiful cities like Kyoto, there is no doubt that the Japanese understand Mother Nature and its interaction with them as a people.

With that in mind, I rise to speak to the condolence motion, to express empathy, sympathy and heartfelt sincerity towards the Japanese people over what they have endured over the past few days and what they will be enduring for many years yet. The twin earthquake and tsunami is without dispute Japan’s worst crisis since World War II. To see entire communities literally
swept away along Japan’s north-east coast as a consequence of the absolutely horrific tsunami that followed the level-9 earthquake, we know now in the aftermath that there are some 24,000 people listed as being dead or missing. The National Police Agency said today that 9,408 people have been confirmed dead.

So, as that gruesome task plays out in Japan, we here in Australia extend our hand of friendship and express, we hope, some sense of peace to the people of Japan, knowing that, although we are not enduring what they are, we do have an understanding of and sympathy for what they face.

This year, 2011, has been an extraordinary one. In our own country we have faced natural disasters. We have seen them in our near neighbour New Zealand. And now we see what is taking place in Japan. All of us understand the vital importance that flows from a strong societal fabric. All of us understand the strength that is garnered by being able to walk alongside friends and loved ones and know that this collective strength helps people to overcome adversity and challenge when everything before them—every sense that they can reach into, every sight they see, every smell they smell and every sound they hear—indicates that there is just so much tumult. In that sense, I rise on behalf of the community I have the privilege of representing to say to the Japanese that we have for many years enjoyed strong support and friendship and we as friends would like to be there now for Japan.

Australia as a nation has done what it can and what has been requested of it insofar as providing support for Japanese authorities with respect to search and rescue teams and the use of sniffer dogs for the gruesome task of recovering those who are deceased, and through the supply of military hardware such as C17 aircraft.

In my city of the Gold Coast, I dare say perhaps one of the better known Australian locations for Japanese tourists and in particular Japanese honeymooners, I know that there is a very strongly felt appreciation of just how significant this adversity is following the quake and tsunami. We know firsthand, although not at this scale, that it will take years for Japan to truly overcome the sheer size of this tsunami and earthquake.

The compounding factor in all of this has been the leaking of radiation from the Fukushima plant. Although we are literally tens of thousands of kilometres away, we look on with pride at those men and women who have literally put themselves in harm’s way to do what they can both to cool the nuclear reactors down and to ensure that they were able to reconnect the nuclear reactor’s cooling system to the power grid to enable the cooling system to once again operate. This is true bravery, with people literally sacrificing themselves in order to save so many others. I take this opportunity to also acknowledge, as a mark of respect, the bravery of those men and women and thank them for their selflessness and recognise that they have indeed saved the lives of tens of thousands, if not millions, of people as a result of their very fine efforts.

I, as the representative of Moncrieff, the citizens of the Gold Coast and the citizens of Australia, say to our Japanese friends: ‘God be with you. Strength to you. We have prayed for you and we will continue to be there for you in any way, shape or form that we can help.’

Mr SLIPPER (Fisher) (4.54 pm)—Thank you, Mr Deputy Speaker Murphy. At the outset I thank the honourable member for Fadden for his courtesy in allowing me to precede him as I must relieve you as the occupant of the chair in this place.
I think all of us were absolutely shocked when we saw the unfolding tragedy in Japan. For many years Japan has been a very close friend and trading partner of Australia. Many of us have Japanese friends and many of us have dealt with Japanese people in the area of business, to the mutual advantage of both Australia and Japan.

As a former chairman of the Australia-Japan Parliamentary Friendship Group and as a member many years ago of the Australia-Japan Society younger set, I want to pass on my sympathy and my condolences, as well as those from the electorate of Fisher and the people of the Sunshine Coast more generally, to the government and the people of Japan. I want to pay homage to those Australians who have gone to Japan to assist in alleviating the situation that has unfolded.

Japan is in an area of the world that is subject to earthquakes, but that does not in any way, shape or form make the tragedy that has occurred on this occasion any more understandable. My thoughts and prayers go to all of those affected as well as to the entire Japanese people. In relation to the earthquake and the tsunami and the loss of life, it must be an absolutely terrible situation. Many people are, with great fortitude, continuing to accept hardship and difficulty and I hope that the situation improves as quickly as possible. But on behalf of my constituency, and on my own behalf, I would like to pass on my best wishes to the people of Japan at this sad and tragic time.

Mr Robert (Fadden) (4.56 pm)—I rise to offer my support for the condolence motion regarding the Japanese earthquake. I rise with some degree of knowledge, having been in Japan when the quake actually struck. The best condolence I can give is to briefly share some of my 40-hour journey home, post the quake, because it speaks volumes for the courage, the tenacity and the great kindness of the Japanese people.

On that fateful day, 11 March 2011, I was in Kyoto in the morning and I bought a 400-year-old Japanese samurai sword from the Mihara province, a sword that for 10 generations samurai warriors had held, had lent on and had fought with. It was a sword that symbolised all that Japan was and is to be: a nation of great courage, of great inventiveness, of great entrepreneurialism and of tremendous spirit of community—everything that the samurai stood for and continue to stand for. Four hours after I bought that sword and was holding it in my hand, the shinkansen we were in travelling from Kyoto to Osaka and Tokyo ground to a sudden stop. It became apparent over the subsequent minutes, because we were still a fair way away—although my colleagues attest to the shaking on the train—that there had indeed been an earthquake.

The following minutes would outline the severity of the earthquake. We would later spend eight hours on our shinkansen, five hours of it stationary within 200 kilometres of Tokyo. Reports slowly came through over phones, mobile devices and tablets on board the train that a magnitude-9 quake had struck the main island of Japan. We later found out that the quake was so powerful that the island shifted eight feet—it actually moved eight feet towards the continental United States of America. NASA also tells us that the revolution of the world slowed by some 1.6 nanoseconds, which I am sure does not sound very much, but I can assure you that being on a tin-can shinkansen—to be somewhat flippant—when the earthquake and the aftershocks struck was certainly significant.

It was interesting that as I looked around at the 1½ thousand Japanese people on board the train, there was no sign of fear or confusion. Some commentators have called it a calm chaos.
I simply call it a calm and stoic demeanour. There was no sense of distress. The only difference between the Japanese people I saw going to Kyoto on the train and the Japanese people I saw coming back was that on the way back there was a lot more use of mobile phones. Those who did not have a phone had one readily shared with them. There was one gentleman I stood next to who had one phone, as he was speaking to friends, colleagues and loved ones, and another phone—showing the technological genius of Japan—beaming through, via wi-fi and the 3G network, what was actually happening on the ground, including the devastating earthquake.

Even reaching Tokyo, where the electric train system had ceased working, some estimate up to eight million Japanese people were stuck in Tokyo. Many millions then walked home. Estimates are that many millions stayed in Tokyo itself, finding somewhere they could possibly sleep—in the workplace or indeed in train stations or other covered areas. And at zero degrees and plunging on the streets of Tokyo, with millions of people, there was no sense of pushing, no sense of shoving, but people waiting orderly and calmly in line for food. While there was certainly traffic gridlock, as cars sought to leave Tokyo, the great flood of humanity on the streets was orderly, it was polite and it was calm. It speaks volumes of the Japanese people and how they have stoically got on with the job.

As the disaster unfolded—and, indeed, it was not until about 1 am in the ambassador’s personal residence, where he took us in, as there was nowhere else for our parliamentary team to sleep—we saw the full horror of what was unfolding on Japanese TV. It would subsequently take seven hours, through numerous trains, buses and taxis to make it to the airport as the full enormity of the situation unfolded. But even then, there were images of women and children and elderly people, standing in queues in the snow in the northern part of Japan, encouraging others to go first. There were reports of food arriving for people, which they would hand down the queues to the more vulnerable, the elderly and the young, to have it first. What we have seen is the very best of Japan.

Of course, we look with some trepidation at what is happening with the Tokyo Electric Company, the Fukushima nuclear plant. But, again, as it is slowly coming under control, we see 150 people—the Fukushima 150 they call them—with teams of 50 men at a time going into the damaged reactor areas, under terrible conditions, to seek to bring the reactor cooling under control. It is reported that there are no young men amongst them; only the older men who had children could volunteer. It speaks volumes of the courage and sacrifice. Japanese TV was reporting that these 150 men at Fukushima are the modern day samurai, willing to lay down their lives for the Japanese people to bring the reactors under control.

In a fascinating statement, a statement of great leadership, the Japanese Prime Minister came on national television to exhort the Japanese people that the Fukushima men had to bring the plant under control—and, to quote him on national television, ‘retreat was unthinkable.’ The fate of that nation rests in those 150 men, and I believe they have acquitted themselves magnificently, and only time will tell what they have brought about through their courage and sacrifice.

I commend Ambassador McLean and his full embassy staff for the sacrifice they made for their long hours, for their tireless work. I thank the ambassador personally for giving us his personal home to have a couple of hours sleep in and for keeping us informed. I thank his staff, especially the trade commissioner, who came with us on our seven-hour epic journey to
the airport, where we arrived before the evidence advance team, who came by road and found that blocked and joined us on the convoluted and difficult train journey to get to the airport.

I thank Qantas, who delayed their plane by up to two hours to ensure the maximum number of Australians could be on the flight. I caught up with the 747-400 pilot of that QF personally, to thank him after the flight. As he talked about the due time to take off there were still a hundred Australians missing—as in, had not made the flight—and he would wait until the last 24, who happened to be children, boarded the flight. Of course, everyone’s connections were stuffed up with a flight leaving so late. Qantas would take responsibility for that, but it speaks volumes of the national carrier that it would actually delay flights at its cost to ensure that all Australians could leave Japan on that first flight out, followed closely by a second flight through to WA.

I have nothing but praise for the Japanese people, for the leaders, for those men who are fighting in Fukushima to get the reactors under control. I have nothing but praise for embassy staff and our Qantas staff. I certainly commend the defence minister. We have three C17 Globemasters in theatre at present; two more taking water cannons to the Japanese people. I offer my heartfelt condolences to the Japanese nation. They are going through a trial—20,000 killed, a great part of their countryside devastated, the economy hit hard. This is a difficult blow to an economy already struggling. The Japanese people need to know that we as a nation will stand with them. I think that is readily demonstrated by the fact that there are only two foreign militaries right now operating alongside the Japanese Self Defence Force: the US military and the Australian military. That speaks volumes, louder than words ever could, of how special the relationship is with Japan and our commitment to it as a nation as it seeks to rebuild.

Question agreed to, honourable members standing in their places.

Ms OWENS (Parramatta) (5.05 pm)—I move:

That further proceedings be conducted in the House.

Question agreed to.

New Zealand Earthquake

Debate resumed from 22 March, on motion by Ms Gillard:

That the House:

(1) express its condolences at the tragic loss of life and damage to property suffered by the people of New Zealand in the Christchurch earthquake;

(2) extend its profound sympathies to the families and friends of the Australians whose lives have been lost in this tragedy;

(3) express its gratitude and admiration to the Australian police and emergency response personnel who are assisting the recovery effort; and

(4) pledge any further help that may be required as New Zealand undertakes the process of recovery and rebuilding.

Mr FRYDENBERG (Kooyong) (5.06 pm)—I rise today to express my sympathy with the people of Christchurch and New Zealand following the devastating earthquake that struck on 22 February. Christchurch, known to us, with its 350,000 inhabitants, as a picturesque and historic city with a close-knit community was plunged into darkness by the 6.3 magnitude quake. Coming on the back of the 7.1 magnitude quake on 4 September last year, and the
more than 4½ thousand aftershocks since that date, it was too much for any city to bear. Unlike the September quake this disaster struck close to the CBD, during the day and with people on the streets. I for one will never forget the images of the rubble-lined streets as the iconic Christchurch Cathedral, built in 1864, lay damaged, and the dramatic search through the remains of the Canterbury Television building was undertaken looking for brave survivors.

The death toll from this tragedy has been significant. As it stands, more than 165 lives have been lost, with many more injured. The trauma suffered by those affected will be lasting and deep. Like many of us in this House I had constituents who were in Christchurch at the time, and their stories from that day are harrowing. The rebuilding task will be immense but work is already underway. Engineers and inspectors assessed more than 66,000 buildings in the city, and it has been reported that up to a third of the city’s buildings will need to be torn down.

A remarkable 360,000 tonnes of silt was removed from the city, and, of the city’s 40 bridges, 26 are now open. Essential services—power, water and telecommunications—are now available to most, and temporary sewerage services have been quickly established, with 21,000 chemical toilets delivered to residents. With damage estimated to exceed NZ$12 billion, or 6.5 per cent of New Zealand’s GDP, the people of Christchurch will require the international community’s support. It was inspiring to see so many countries swing in behind New Zealand to lend a hand. Offers of assistance came in from far and wide—the United States, the European Union, Singapore, Malaysia, Taiwan, Israel and Argentina to name but a few.

But no country has been more committed to the rescue and recovery task than Australia. In the Australian culture there is no more powerful spirit than that of the ANZAC—Australia and New Zealand standing as one, sharing each other’s pain and sharing each other’s burden. In this place we should all be proud of the Australian contribution: urban search and rescue teams; firefighters; ambulance paramedics and doctors; victim identification specialists; more than 300 police officers, comprising Australian Federal Police and officers from Victoria, New South Wales and South Australia; consular officials and social workers; and tonnes of equipment, including a ready-to-go field hospital, were all dispatched with haste. Australia too has made a significant multimillion dollar contribution to the New Zealand Red Cross.

Prince William said it well only days ago at a memorial service in Christchurch. Quoting his grandmother, the Queen, he said ‘grief is the price we pay for love; here today we love and we grieve.’ To that we can add, as representatives in this place, that we as Australians will always be there to help. May peace and prosperity be with the people of Christchurch and New Zealand.

Ms OWENS (Parramatta) (5.11 pm)—I rise with some sadness to speak on the condolence motion for the New Zealand earthquake, and I offer my profound sympathy to those who have been affected by what was a dreadful event. There are some, of course, who lost their lives. There are many others who lost people they loved. There were many more who lost possessions and even livelihoods. And there are others—the whole city of Christchurch, of course—who have lost so many memories, whether those are simply the loss of the pub where they met their partners, or damage to the church in which they were married. It is hard for us to understand, when we live in cities like we do in Australia, the profound effect of losing bits of the landscape which hold memories of your earlier life. The people of Christchurch will carry the loss of so much of their city for the rest of their lives.
There were also many people who will carry more than that. I would like to acknowledge today the many people who worked so hard in search and rescue and the recovery of bodies during the days that followed the earthquake. For many of those people, their contribution will be paid for by the memories they will carry for the rest of their lives. Sometimes costs are paid by lives lived, not just by lives lost, and there will be many people in our very close neighbour New Zealand who will carry the effects of this for many years to come.

I see my colleague has arrived. Can I once again, very briefly, offer my profound sympathy to the people of New Zealand, and particularly to the people of Christchurch.

Ms BRODTMANN (Canberra) (5.14 pm)—On behalf of the people of Canberra I wish to offer my condolences and those of my electorate to the people of Christchurch and elsewhere in New Zealand affected by the recent earthquake. On 27 February Christchurch experienced an earthquake of such ferocity that it took the lives of more than 160 people and forever altered the lives of many thousands more. The scale of devastation was shocking. It appeared that a once beautiful city had been all but destroyed.

Like all of us I have been deeply moved by the stories that we have heard in this place and the pictures we have seen in the media about the tragedy. The tragedy was on a scale that was almost unimaginable for the people of New Zealand—that is, until we saw what happened in Japan. Our hearts go out to all those who have been affected, especially those who have lost loved ones or those who are still waiting to hear news of loved ones. We mourn their loss and we grieve with them.

While these images and events have been horrific, I have been heartened by the amazing spirit of the people of New Zealand in such difficult times. Anxious to see the latest news, we watched as a nation, and especially the people of Christchurch, work together. We saw people go to the aid of total strangers in a spirit of camaraderie. We saw people digging other people out of the rubble, coming to the aid of bleeding strangers and selflessly stepping in to save lives or just to lend a hand. These images were perhaps all the more disturbing as they followed soon after Australia’s own devastation from natural disasters. But amid these tragic scenes we saw the true spirit of New Zealand emerge.

The ties that bind Australia and New Zealand are strong, as many have attested in speeches on this condolence motion. They are bathed in the Anzac tradition and spirit. The legend of Anzac was born on 25 April 1915 and was reaffirmed in eight months of fighting on Gallipoli. Although there was no military victory, the Australian and New Zealand forces displayed great courage, endurance, initiative, discipline and mateship. As the new member for Canberra, I am looking forward to honouring those who died in that battle on Anzac Day in a few weeks time.

Such qualities came to be seen as the Anzac spirit. The Anzac spirit was born of egalitarianism and mutual support. According to the stereotype the Anzac rejected unnecessary restrictions, possessed a sardonic sense of humour, was contemptuous of danger and proved himself the equal of anyone on the battlefield. I understand that that Anzac spirit still lives in many of the Australian soldiers today. It can be exasperating for cultures that are more hierarchical, but they do deliver for our country and for the region in a number of ways. It is good to see that the good things about the Anzac spirit are still living in our soldiers today.
Australians and New Zealanders still invoke the Anzac spirit in times of conflict, danger and hardship. This is one of those times. We have served together and lost together. We mourn together the 60,000 Australians and 18,500 New Zealanders we lost in World War I and the 27,000 Australians and 10,000 New Zealanders who gave their lives in the Second World War. We again mourn together now, bound by a tragedy but also hope and aspirations for success. ANZAC has come to signify the ties that bind our two countries, the brotherhood and the sisterhood that we share, forged in war and sustained in peace. We are mates; we are brothers and sisters.

The relationship between Australia and New Zealand is a most important one for both countries for economic, social and security reasons. Australia is New Zealand’s largest single market and its strongest trading relationship. Our bilateral relationship is underpinned by free movement of people between the two countries, by regular contact at the political level, by close defence ties and by a range of interlocking agreements.

Australia and New Zealand share many foreign and trade policy objectives, although there are some differences of outlook and operation. New Zealand was one of the first countries to offer assistance to Australia during our flood crisis. The Attorney-General has made it clear that we will continue to do what we can to help our friends across the Tasman through this catastrophe.

We see Australia as a middle power but I think that New Zealand punches above its weight in so many ways. It has a population of only, as I recall, around four million people and yet the nation is a very significant, innovative and creative one that has given the world so much—and this from a tiny nation at the bottom of the world. What they have achieved is quite extraordinary. I got to know a number of New Zealanders when I was in Foreign Affairs—we had exchanges with the Ministry of Foreign Affairs and Trade there—and also when I was on my posting to India. We were like brothers and sisters. We were mates. All our functions were held together and there was that unspoken common bond that we have.

As with a lot of Australian families, I have a member of my family who is a New Zealander, as my sister married a New Zealand boy from Gisborne a few years ago. He is part-Maori. He is a part of Maori royalty in the north-east part of New Zealand. It is good to have him as part of our family. We love him to pieces. He has a very strong tradition of taking his children—my niece and nephew—back to his community and engaging with that community. As you know, Mr Deputy Speaker, there are different Maori title arrangements among the community there and there are abalone rights and whole range of things that are unique to New Zealand and unique to the Maori culture.

I am proud that Canberra was able to offer, in a small but significant way, practical assistance to our New Zealand brothers and sisters in their moment of need. A contingent of 25 Australian Federal Police ACT Policing officers was deployed to Christchurch to support the local community policing. The ACT Policing group formed part of a larger 300-strong police contingent, comprising police from across Australian jurisdictions. In addition, four specialist ACT Fire Brigade urban search and rescue firefighters were deployed to Christchurch to help in the recovery effort. These four highly qualified ACT specialist firefighters formed part of a large Fire and Rescue NSW contingent, following a formal request for assistance from New Zealand authorities. The ACT firefighters are trained to work in areas of major structural
damage and underground tunnelling through collapsed buildings. Their skills were invaluable for this mission.

This ACT contingent was warmly welcomed by the people of Christchurch, who were grateful for their contribution. While we have not experienced an earthquake or other natural disaster of this magnitude here, the people of Canberra have some understanding of some of what Christchurch is going through. We know what it is like to live in fear of Mother Nature because, in 2003, bushfires ravaged the southern part of Canberra, in my electorate, destroying 500 homes and killing four people. It took years for some families to get back on their feet, having lost everything. Then, our community rallied around for their fellow Canberrans, offering money, opening up their homes, giving clothes and shoes and toys, and lending cars. We are seeing the same sort of activity and response for our New Zealand comrades, just as New Zealanders are now rallying around for the people of Christchurch.

On Friday, 18 March we watched again, this time to see tens of thousands of New Zealanders, along with visiting dignitaries, including our Prime Minister, come together in Hagley Park amongst the ruins of downtown Christchurch. This National Memorial Service was the first public mourning by the city, and our hearts were again broken as we witnessed the outpouring of pain that the people of Christchurch are suffering. It is perhaps difficult to imagine how the community of Christchurch will rebuild and recover. But that will happen and indeed it is already happening. This beautiful city and the lives of those who live in it are starting to be rebuilt. As those affected by the 2003 Canberra fires know, tragedy can be overcome. But it takes a lot of time, resources, determination and help—help from your mates. The New Zealand character is a strong one. New Zealand will overcome this extraordinary hardship.

On behalf of the people of Canberra, I want to let the people of Christchurch know that they are in our prayers and thoughts at this time. I want them to know that we regard them as our family—our brothers and sisters—and know that we share their pain. I say to them: we will also be with you in the future, in the really tough times ahead, as the grim reality of your unreal situation comes to the fore. Again, on behalf of the people of Canberra I would like to express my condolences and support this motion.

The DEPUTY SPEAKER (Hon. Peter Slipper)—I thank the member for Canberra for that thoughtful contribution.

Mr Turnbull (Wentworth) (5.19 pm)—The Australian parliament stood together, as indeed our whole nation did, expressing our condolences to the people of New Zealand following the shocking earthquake in Christchurch. It is often said that Australians and New Zealanders are very close, although our rivalry in sporting events, particularly rugby, would indicate that there is a healthy degree of competition. Nonetheless, it is difficult to imagine any two countries which could be closer. As we know from our own Constitution, it was contemplated that New Zealand would enter into this great federation. While I think that is unlikely to occur anytime soon, who knows—perhaps our nations will become closer still in terms of our political relationship. There are over half a million New Zealand citizens living in Australia. That is a very large percentage of the total number of New Zealand citizens. A very significant percentage of that country’s citizenry live among us, and most Australians would not regard them as being anything other than fellow Aussies. So our bonds are very, very close.
So our bonds are very close. We have fought side by side in many wars, and indeed the
greatest military tradition, the greatest military ethos, of our nation is of course a shared one.
The Anzac tradition, the Anzac spirit, is an Australian and New Zealand tradition. So when an
earthquake or a natural disaster occurs in New Zealand it has an impact on all of us, in the
same way as it would have had it occurred within the Commonwealth of Australia so de-
scribed. And so we were deeply shocked by the Christchurch earthquake. As we know, more
than 180 people were killed. The earthquake occurred on 27 February, less than six months
after an earlier earthquake had hit Christchurch, causing heavy damage but fortunately caus-
ing no loss of life.

We had of course grieved earlier over the Pike River mine tragedy, which had claimed the
lives of 29 miners. Again, that tragedy was felt as keenly here as though that had been an Aus-
tralian coalmine with Australian miners. The earthquake of 22 February was less severe in a
technical sense than that of September, but because it was at a more shallow depth, and be-
cause it was much closer to the city of Christchurch, the damage was very considerable. John
Key, the New Zealand Prime Minister, declared his nation’s first ever national state of emer-
gency. Immediately, Australians were generous in their support of the Red Cross earthquake
appeal, and our overall Australian effort at the height of the crisis involved more than 600
people assisting in the largest search and rescue operation in New Zealand’s history. It is
worth noting that rescue workers came from many countries—the United States, Britain, Sin-
gapore, Taiwan and Japan. A number of Japanese students were killed and injured in the earth-
quake, and it is, as I reflected yesterday, a matter for some sober reflection, some grim reflec-
tion, that the Japanese search and rescue team, as they were completing their work in Christ-
church, had to rush home to deal with an even greater earthquake and a tsunami in their own
country—a reminder of the awful strength of nature and the way nature’s forces can over-
whelm even the most technologically developed and sophisticated works of mankind.

In my own electorate of Wentworth there are many New Zealand citizens, as there are in
every electorate in Australia. I suppose my electorate, being on the coast in Sydney, is one of
the closest to New Zealand. We have a very fond and deep relationship with the people of that
country. I was with the Prime Minister of New Zealand, John Key, at the Gallipoli celebra-
tions only last year. He spoke eloquently there, as he spoke eloquently at the memorial service
in Christchurch. New Zealand is very fortunate to have such a great leader as John Key. He is
an outstanding man with a great record of achievement and a quiet patriotism, and he com-
bines the stoicism, the ingenuity and the moral courage that we have come to recognise as
part of the New Zealand spirit—and, may I say, also part of the Australian spirit, because our
nation’s ethos and traditions are so very similar.

So, on behalf of the people of my electorate of Wentworth, I join all of our colleagues in
the parliament, whether they have spoken in this debate or not, in expressing our very deep
and sincere condolences to the people of New Zealand, recognising the close ties that bind us
together and recognising that, while we see in these natural disasters the worst that nature can
fling at us, we also see the very best that men and women of courage, conviction, commit-
ment and character can bring to bear in the face of the awful strength of nature.

Mr Hayes (Fowler) (5.31 pm)—I too join in this condolence motion and acknowledge
the heartbreaking situation that has befallen New Zealand, our nearest neighbour. It is another
significant time when this parliament should be reflecting on our position in the region, par-
particularly when this has occurred in New Zealand. New Zealand and Australia have a very significant relationship, one which is born out of an old colonialism; both young countries in the age span of the Commonwealth—or the British Empire, as it was then referred to; young countries with a young, energetic and enthusiastic commitment to the values of the Commonwealth. Coming out of all that we have a very, very close relationship. I think the Prime Minister got it right when she said New Zealand is family to us. I think that is right.

I just heard the remarks of the member for Wentworth. I think he is also right when he reflects upon the rivalry between New Zealand and ourselves, particularly in relation to rugby and cricket, and the banter that goes on between us. But, clearly, there are no two closer countries when it comes to a joint approach, sticking together with a joint national resolve. We are fast approaching Anzac Day. We will naturally recall at this stage the long history between these two young and proud countries—and, as I indicated earlier, enthusiastic members of the Commonwealth. Between us we have offered our sons, particularly in World War I and World War II, and probably before that, from what I have read of the history of the Boer War as well.

The whole spirit of Anzac was clearly forged in the position around the Dardanelles in World War I. It is not just legendary; it is something that really defines us. It defines Australia and New Zealand. It defines our commitment. It defines our attitude. And it clearly defines our resolve. When we have a calamity of the proportions we have just witnessed in Christchurch, the earthquake which for those of us in Australia was of staggering proportions, it is only right that we offer immediate assistance. I am very proud to say that we had something like 300 police officers on their way as quickly as possible. But, in addition to that, we had search and rescue teams and a whole host of other people going over to provide assistance—as did the United States and Taiwan, who are not unfamiliar with volcanic activity and have many specialists in that field. As you would well appreciate, Mr Deputy Speaker Slipper, from your familiarity with Taiwan, these people too were very active and committed their people on the ground in New Zealand as quickly as possible.

I have to say that I and my family viewed the footage with awe, seeing what had occurred in New Zealand. It is something that is very foreign to us, but it happened to a people whom we regard very much as family. I have been fortunate enough to have travelled to New Zealand on many occasions, and we are talking about one very pretty part of the world. To see the devastation that has occurred there and the impact it had—for instance, on the cathedral, which I understand is about 136 years old—is a quite devastating situation. I also feel for the people who had the effects not only of the initial shock of the earthquake but, for days, of the aftershocks of various proportions. You can imagine how that psychologically impacts on people—and clearly it has. Hence, some of the strain as people try to come to terms with the events. My deepest condolences go to the families of the 182 who were killed on 22 February and to the hundreds of people who were injured. To those people I wish a very speedy recovery.

I think it is important that we as a parliament reflect upon the events that occurred across the Tasman. I was very proud to be part of a parliament that stood silently in the acknowledgement of what occurred on that fateful day, as it did affect our very close friends, our very close allies. There would be very few houses in our country, I would suspect, that do not have some ties to people in New Zealand. Very clearly the New Zealand population has a fondness for this country, as they like travelling here. As my colleague the member for Wentworth said,
many of them actually reside here. Saying that, and reflecting on the humour of it, does not take away from the fact that we deeply care about what occurs to our neighbours in New Zealand—if anything, it really binds us closer. It is very difficult for us, particularly having been there on many occasions, and in the past on sporting bases as well, to reflect upon us being different people. Quite clearly, to spend any time with New Zealanders is like spending any other time with our own, particularly if we happen to be playing the British in anything at the same time! So we do band together. We are patriotic to each of our countries, but when it comes to supporting ANZAC we do stick together very much as a family should. To all the workers who tirelessly worked over there—and, as I said, we had something in the vicinity of 300-odd Australian police on the ground; we were able to put people there within 24 hours—I praise all your efforts.

I would like to particularly praise the efforts of the New Zealand police and emergency services. I have had in the past the happy position of representing, among others, New Zealand police officers. I was very proud to see that a number of those people on the ground in Christchurch were people that I am familiar with and happy to call friends and colleagues from my previous life, in particular, Greg O’Connor, who is now the CEO of the New Zealand Police Association. I heard his comments as he was stoically working with his members to provide the services needed on the ground at the time in New Zealand. I also mention the Red Cross and the emergency service workers; I think they did a tremendous job under very difficult circumstances. I know that a lot of assistance was given, and the stoicism, dedication and commitment shown by the New Zealand police and emergency services, and the hours they worked, is something of which they as a people should be truly proud.

It is times like these that really teach us the importance of valuing life, of valuing our families and our communities. Indeed, in doing that, we value our close links to other nations. There can be no other nation as close to us as New Zealand is, and I sincerely hope the City of Christchurch and New Zealand itself will recover. I believe they will, because I know them to be a very stoic and determined people. For what it is worth, as Australians we should stay committed to continuing to help our colleagues in New Zealand. Once again, I offer my sincere condolences to the families who lost loved ones, to those who were injured and to the New Zealand people. I do so on behalf of my family and the people in the federal electorate of Fowler, whom I am proud to represent.

Mr McCormack (Riverina) (5.42 pm)—At 12.51 pm on Tuesday, 22 February, an earthquake with a magnitude of 6.3 struck Christchurch. It was one of New Zealand’s darkest days. I express the deepest sympathy for the people of Canterbury and the people of New Zealand on behalf of the electorate of Riverina. Everyone in Christchurch that day experienced possibly the most frightening event of their lives. Many saw their home, their workplace and their livelihood crumble before their eyes and, for many, their loved ones were trapped in the wreckage. Some were rescued, some have been recovered and some have been lost forever. Our thoughts and prayers are with those who have lost friends and family. The final death toll is expected to be more than 180 people: fathers, mothers, brothers, sisters, sons, daughters—friends all.

Australians have played a role in assisting with the search, rescue and recovery in Christchurch, and I pay particular tribute to those people. I know that Cantabrians and New Zealanders are extremely grateful for the services provided to them to help with this stage of the
disaster. New Zealand’s Prime Minister, John Key, stated that his government will ‘stand shoulder to shoulder’ with the people of Christchurch and their loved ones. I know Australians stand shoulder to shoulder with New Zealanders as they recover from this disaster.

Australians and New Zealanders have a long history of helping each other. We can date the plans for the formation of a contingent of Australian and New Zealand troops to go to battle in the Great War to November 1914, although the term ANZAC did not become commonly used until the Gallipoli landing in 1915. Both countries suffered major casualties at Gallipoli and this is often seen as the moment in history when both countries came of age—an important step in our histories taken together. We also fought together earlier, in the Boer War, and joined forces again for World War II as well as for several subsequent conflicts. We have also worked together in peacekeeping efforts in the Pacific and served alongside each other in Afghanistan.

In addition to our strong bonds formed on the battlefield we also have a strong rivalry on the sports field. New Zealand’s national sport is Rugby, and a New Zealand Rugby team played New South Wales in 1894 and lost. But, just like the All Blacks of today, they came back to play an Australian team in 1903 and won, 22-3. Christchurch has a strong allegiance to Rugby; it is home to the Crusaders super Rugby team and to many All Blacks, including the captain, Richie McCaw. They were not excused by fame to get through this earthquake unscathed. Sadly, Phillip McDonald, a Crusaders board member, died in the Pyne Gould Building.

Australians and New Zealanders have fought together and played together, and now we mourn together. The latest addition to my electorate staff, Anna Duggan, came from New Zealand—indeed from the Prime Minister’s Office—and I know she particularly felt the awful tragedy. She knows people directly involved and affected by this awful tragedy. Many New Zealand people do. It is a particularly close-knit nation.

Just as Australia is home to about half a million New Zealanders, so too is New Zealand home for many Australians. I would particularly like to make note of those Australians who died in the earthquake. Our thoughts are with their families.

New Zealand is our cousin. It is family to Australia, close family, and we will always stand by and help the land of the long white cloud. We are Aussie battlers; the Kiwis are battlers too. The Ode of Remembrance, which is often read at Anzac ceremonies both here and across the Tasman, is written on a plaque in the Christchurch Cathedral, which also suffered severe damage. It has a sentence which I think is particularly poignant in how this earthquake will go down in history: ‘At the going down of the sun, and in the morning, we will remember them.”

Mr FITZGIBBON (Hunter) (5.46 pm)—I join the Prime Minister and other members of the House in reflecting upon the events in Christchurch on 22 February 2011. I rise as a local citizen and therefore, by definition, as a close friend of our friends across the ditch; I rise as a member of parliament, representing a country with a very close friendship with New Zealand; and I also rise as the chair of the Australia-New Zealand parliamentary group. It was my pleasure to attend the New Zealand High Commission to meet with the Acting High Commissioner and on behalf of the friendship group sign the condolence book and extend the sympathies of the group to the Acting High Commissioner and all those in New Zealand who have been affected.
Some 166 people have lost their lives as a result of the tragedy, and we fear there will be more added to that toll as time goes by. Of course two of those were Australians, and on this occasion we particularly remember them. Many more were injured and, both for them and for those who grieve, the effects of these events will remain forever. We reflect on their pain and their grieving and we remember them at this time. Out of every tragedy come stories of heroism, courage and selflessness. Through our television screens we have seen many examples of those in response to the events of 22 February.

More than 700 Australians have been to New Zealand in some capacity to assist our very good friends in their time of need. Rescuers, rescue coordinators and the police made up a very strong contingent—all sorts of people with the capacity to provide advice and assistance, including Centrelink officers. They are not necessarily thought of as front-line troops in these circumstances, but they are people who play a very important role when a town like Christchurch is in such crisis.

A lot of people have been killed and hurt in this city of about 400,000 people. We can imagine the scale and the impact even more when we reflect on the fact that one-third of the buildings in Christchurch will need to be demolished as a result of the events. Mother Nature can be an unforgiving friend. We have seen many examples of that of late in North Queensland, Victoria, Western Australia and, more recently, in Japan and we hope and pray that we do not see too many more events like this in the course of 2011. I believe we have had more than our fair share this year.

I would like to take the opportunity to congratulate my good friend Jeremiah Mateparae, who is the former Chief of Defence Force in New Zealand. He has recently been appointed Governor-General of that very fine country. I knew him well when I was defence minister. I know him to be a good man and a person who will do a wonderful job in that position. I can think of no better person to be head of state for the people of New Zealand at this very difficult time for them.

Again, I extend my thoughts and sympathies to all those who have been affected by the tragedy.

Mr SIMPKINS (Cowan) (5.50 pm)—I rise to join other members to express my condolences and the condolences of the people of Cowan for the losses Christchurch has suffered: the damage, the death and the total overall tragedy that Christchurch and the district of Canterbury have endured. I think we all remember where we were on 22 February when this earthquake struck Christchurch. The vision that came over our television screens in our offices was surreal in many ways. People were literally walking out of buildings, some covered in blood, buildings behind them collapsed—it was graphic detail. When you think about how close the New Zealanders are to us, it is a very stark reminder of the fragility of human life, and there but for the grace of God might we all be in a similar situation.

As we know, around 166 people have died, there are still people missing and, possibly most tragic of all, there are some bodies that are expected never to be finally identified, because of their injuries. That, of course, is the greatest tragedy for the families who have come to accept the loss of loved ones but who may never have the final resolution of having a specific grave where they can go and pray and remember their loved ones. That is certainly a great tragedy.
But out of this great tragedy a lot has been learned. There have been discussions about whether this was an aftershock of the major earthquake in the district last year or whether, because it was along a different fault line, it was a new earthquake unrelated to what happened last year. But, in any case, the significant damage inflicted upon buildings and the obvious loss of life in Christchurch, Lyttleton and the surrounding districts are very clear reminders of the need for earthquake ratings and of the fact that even older buildings need to be looked at.

As I understand it, 10,000 homes and many buildings are to be pulled down. The Grand Chancellor Hotel in Christchurch—all 26 stories of it—is to be pulled down within the next six months. A hundred thousand other houses and many more buildings were damaged and are in need of great repair. This is a significant disaster. It is something that New Zealanders will have to live with for a long time and there is no doubt that it will always be remembered.

It is, however, literally from the ashes, the crumbled ruins and the dust of this adversity that we have seen great courage: people who were prepared to go straight back in or fight for the lives of those who were injured around them. These are the great stories of the great Kiwi courage that we know of and, while that might be normally seen when we are playing the All Blacks, it was most definitely on show in Christchurch on 22 February. I pay tribute to the New Zealand people for their courage and determination not to let this beat them and to save as many people as possible.

What they should also be very proud of is the rapid response to this tragedy, the organisation that so quickly swung into action to make sure that the emergency services were able to cope and get on top of the situation as soon as possible, despite the huge amount of devastation. So I pay tribute to their emergency services, their police, the government of New Zealand and the city governments of Christchurch and of Canterbury. They were wonderful efforts by a well-organised nation, so congratulations to them as well as condolences.

We applaud the rapid reaction by the government here in Australia, and of course we support that all the way as opposition, as well as the readiness of our emergency services, our police and our urban search and rescue teams to be ready to go so quickly. They were on the ground within 12 hours, which is a wonderful demonstration of our commitment to our friends across the Tasman. We also had so many police—I believe over two periods there were 323 Australian police from every jurisdiction around the country—represented in the weeks after the earthquake to help the New Zealand police out. It is a very clear demonstration of the Kiwis thoughtful plans that they immediately, within the first 12 hours, were talking about the succession planning for when their people would start to run out of strength because they would be up for so many hours. They were locking in rescuers, they were locking in police and other emergency services to be able to cope with the days and weeks ahead, such was the foresight of the conditions that were required to be met.

I will finish by saying that it is a great tragedy and that the people of Australia, the people of Cowan and obviously all members of this parliament express our deepest condolences for the losses the New Zealanders have had nationally and to all of the families who have lost people over there. But out of that adversity, I salute them for the wonderful effort that they displayed, and of course all Australians who did so much to help out our friends across the Tasman undertaken from the time of the earthquake to this point and from here onwards as well.
Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (5.57 pm)—I too rise to join my many parliamentary colleagues from both sides of the chamber to express my condolences and support the Prime Minister’s motion recognising the suffering of the people of New Zealand, particularly the residents of Christchurch and their families and friends, following the tragic earthquake of 22 February. It is a testament to the strong and solid relationships between our two countries that so many are standing in the national parliament to recognise what the New Zealand people have been through and to evoke that sympathy that we have for them at this difficult time.

I first visited New Zealand, including Christchurch, in the late 1970s as an entertainer and visited a number of times consequent to that. Over that period I have forged close bonds with the people, with the landscape and with the culture of New Zealand, particularly with members of their artistic community. I feel a great sense of association with the people of Christchurch, who I have performed in front of on a number of occasions, and a number of whom I have subsequently met and formed relationships with over time. It is also the case that many of those people have come to work in Australia and sometimes to live and settle. Many of them live in my electorate, the electorate of Kingsford Smith. Again, the number of Kiwis that we know well in many of those aspects of our working lives, we realise what an impact an event of this kind has had on them.

I certainly want to pay recognition to the close relationship that exists between Australia and New Zealand. It is not only a consequence of the important Anzac tradition, which has been remarked upon by a number of members, or the fact that we have a close and friendly rivalry on the sporting field, or that politically we find ourselves as two democracies with some similar antecedents operating in the world community—many times we have shared positions in international fora on matters of significance; it is also that we work closely in matters of economy, as we do, for instance, in the approach that we take to issues such as the so-called scientific whaling of the Japanese in the Southern Ocean. As environment minister I was able to forge close and productive working relationships with my ministerial colleagues in New Zealand on that matter, including the work that was done at the International Whaling Commission over the past couple of years, to the extent of launching the Southern Ocean Research Partnership, which departed from Wellington with our New Zealand colleagues, a research partnership which is yet another of the many examples of the close relationships between the two countries.

I additionally want to make mention of the growing fraternal relationship between our two countries, and give recognition too that the Maori people of New Zealand afforded us as Australians a great generosity when we visited New Zealand. On my first visit I was privileged enough to receive a welcome from Maori people in Rotorua. Most recently I visited the Kaikoura community, where one of the world’s most significant whale-watching enterprises has been established by Maori people in that area. Again, the welcome from Maori there, and the critically important role that they play in New Zealand society, is one that we acknowledge, and it was much appreciated.

Australians, both the government and the Australian community, responded immediately to the New Zealand earthquake, recognising that in a sense our common cousins across the sea were experiencing great travail and great suffering. Again, I want to join many others in rec-
ognising the importance of that relationship. I know that for all Australians it was a case of helping our mates in Christchurch as quickly as we could.

Just last Monday performers from Australia, including New Zealand performers who now live in Australia, gathered together at the Clovelly Legion Club to raise money to support those people who have been affected by the earthquake in Christchurch. I want to acknowledge those performers, and in particular my close friends and colleagues from Dragon, especially Todd Hunter, the bass player from Dragon, who was a part of that group of people. Again they were gathering together to provide ongoing support to people as they struggle to put their lives back together after an event of this kind.

These two countries continue to grow closer and closer. We have a great deal in common and, when a tragedy of this kind befalls one of us, we know that the other will come and provide support. That has been so evident, and it is acknowledged in this House as being an absolutely necessary and right response for all Australians and the Australian government to make. I conclude by again extending my personal condolences and sympathies to the people of Christchurch. I have long enjoyed the support that they have provided to me, not only as a member of the government but also as an Australian who has visited there and worked there. We wish them well as they recover from this terrible event.

Mrs ANDREWS (McPherson) (6.04 pm)—I take this opportunity to add my condolences to the people of Christchurch and all who have been affected by the 22 February earthquake in New Zealand. Yesterday was the one-month anniversary of the 6.3 magnitude earthquake that struck on 22 February. It was the second earthquake that had rocked the region in the space of about six months. It was on only 4 September last year that the region was rocked by a 7.1 magnitude earthquake, which caused extensive damage, some injuries, but fortunately there was no loss of life.

When the 6.3 magnitude earthquake hit Christchurch at 12.51 on 22 February the thoughts of all Australians were with our close friends and our neighbours in New Zealand. I and many others watched in absolute disbelief as the horror of the tragedy unfolded on our screens. Since the beginning of this year, the world certainly has experienced the highest levels of natural upheaval in recent memory. Locally cities to the north and to the west of my home on the Gold Coast were affected by flooding. Further north, in Far North Queensland, they were ravaged by cyclones. The aftermath of the quake in Japan continues to unfold also and there are enormous levels of uncertainty as to its magnitude. Again, in Australia, fires have burned up the Australian landscape. While it is difficult to hear all of these terrible stories of destruction and lives lost I know that the plight of those brave New Zealanders in Christchurch has certainly never left our thoughts in Australia.

In my electorate of McPherson, 6.5 per cent of the population were born in New Zealand. I know it is inevitable that some of my constituents have been personally affected and my heart certainly goes out to them and to their families. It is expected that the death toll will be over 180 people and the vast majority of those are Christchurch locals. Those whose homes remain strong and livable and whose families remain intact are the lucky ones, but they too would most likely have been touched by the injury or the death of someone whom they knew.

I personally have visited New Zealand on many occasions over the last decade. Initially I visited the South Island for a holiday and then worked in the North Island on a number of occasions as a consultant. Most recently, I visited New Zealand a couple of years ago, again on a
holiday with one of my daughters, Jane, and we took a car trip where we travelled the North Island and then the South Island. It is certainly a country of magnificent beauty and we enjoyed our time there. In Christchurch we stayed within a block of the ChristChurch Cathedral. We were probably in Christchurch on that trip for about four days and every evening we would walk into the very heart of Christchurch and enjoy what was happening in the summer months in that city. When we reflect on it we say, 'It could very well have been that we were there when an earthquake struck.' As I said, we were staying within a block of the magnificent ChristChurch Cathedral, a beautiful 19th century place of worship that has withstood four earthquakes in its history. Sadly, this most recent earthquake was more than it could withstand and its spire is now lost.

Many Australians have visited New Zealand and/or are related to New Zealanders. My brother-in-law is from the South Island near Dunedin and he has family who continue to live in the North Island in Auckland. We as a family have been have been affected also because he had friends and relatives living in the Christchurch area. The people of Christchurch have shown their resilience in the face of previous quakes and they continue to do so in the aftermath of this most recent disaster. That resilience has never been more important, particularly with the city having been hit by a second earthquake in such a short period of time. It would be very easy to imagine some people giving up—having seen some buildings restored, to see them tumble and crack again must be devastating for the people of Christchurch. But the people of Christchurch should never forget that the international community and the people and parliament of this nation are behind their city and its people.

I would like to place on the record my appreciation for the hundreds of people throughout the country that uprooted their lives temporarily in the name of the welfare and safety of the people of Christchurch. Rescue workers came from around the world. There were certainly many from Australia who worked around the clock to assist those who had been injured and others who worked tirelessly as part of the search and rescue efforts. On behalf of my family and the people of the electorate of McPherson, I offer our condolences to the people of Christchurch who have suffered so much.

Ms O’Neill (Robertson) (6.10 pm)—I would like to join my colleagues here today in solemnly mourning the loss of life and limb and property in the earthquake that struck the Christchurch region on 22 February this year. This year has already been so full of tragedy. To our brothers and sisters over the Tasman, pakeha and Maori alike: our hearts go out to you. New Zealanders are our closest friends and allies. The Anzac spirit is a strong bond, and I am proud that we were able to be there for them at this time of need. The overall Australian effort at the height of the crisis involved more than 600 people. We have also donated $5 million in the New Zealand Red Cross earthquake appeal, in line with advice from the New Zealand government.

Other members here today have made observations on the scale of the disaster. The human impact on families and individuals is tragic, whatever the scale, and it is always the one that pulls hardest at my heartstrings. Buildings can be rebuilt, but mothers and fathers, sons and daughters—all those who we care about—when lost in this sort of tragedy are completely irreplaceable.

As to the buildings, I do note that the New Zealand Parliament was told today that, since the national state of emergency was declared on 23 February, 139 buildings in Christchurch
have been authorised for demolition. To put that in some sort of Australian context—say, a city the size of Canberra—I wonder: how can we imagine what that might look like, if 139 buildings that had been part of the visual landscape of the area had to be demolished? It is just a small physical indication of the profound change that is impacting on the people of Christchurch, in all areas of their lives. That kind of mental image should give us all pause to reflect on the scale of this tragedy.

I would like to conclude by saying that, of course, like all other Australians looking across the Tasman, our hearts and prayers—especially from those on the Central Coast, the area that I represent—are heading over the Tasman to those in New Zealand. With so much goodwill, we wish them well for their recovery from the place in which they are currently. We will continue the journey with them in our hearts, and in whatever practical way they may need from us. I add my condolences to those expressed here in this chamber today.

Dr STONE (Murray) (6.13 pm)—On 22 February at 12.51, Christchurch was rocked by a massive earthquake, of magnitude 6.3 on the Richter scale. In Australia, where we have such an old and stable continent, it is very hard to imagine that sort of terror and destruction—although, of course, some years ago at Newcastle we did have an earthquake that caused significant devastation.

The Christchurch earthquake destroyed one of the most historic parts of New Zealand, and in particular of its South Island, a place held very dear in the hearts of New Zealanders and in New Zealand’s culture. And many Australians, of course, have visited and stayed there. On behalf of the people of my electorate of Murray, which is in northern Victoria, I want to express our sincere condolences for the more than 180 who lost their lives—the little babies; the mothers and fathers; the grandparents—in a way that must have been a shock to all. Who would have expected it? The day dawns; it is another day—business as usual—and then you lose your loved ones. It is a shame, of course, that more could not have been rescued. But when you have an earthquake of this magnitude the miracle is that so many were able to be pulled from the rubble.

There was a massive international response, of course from Australia and also from Japan, which was ironic in that, just a very short time after that, Japan itself needed so much support for an earthquake and tsunami of even greater magnitude. It is not surprising that we should have speaker after speaker here in Australia extending our sincere sympathies and condolences to our friends across the ditch, as we say. We as Australians almost had New Zealand as another state of our federation, as we know, along with Fiji. It was a last-minute withdrawal, but it would have been a magnificent thing. I do not know if all New Zealanders would currently agree, but it would have been a magnificent thing for New Zealand to have been part of the Federation of Australia. We also shared early history of British colonisation. Who will forget people like our Governor Grey, from South Australia, who also worked in New Zealand, particularly with Maori issues and their early land rights issues. We had an enormous transfer of our high officials but also of our ordinary colonial Australians with the colonial New Zealanders of the time. There was a lot of Maori interaction, too, with Australia in those very early days. There were early whalers but also other workers who came to Australia. This was back in the 1800s. We have had those links therefore for so very long.

Until very recently, less than 10 years ago, there was no need for a visa or special red tape to enter Australia and become part of our society, and vice versa. Many New Zealanders who
live in my electorate of Murray came prior to the need for visas but many, dairy farmers in particular, have come since. As dairy farmers they have experienced the worst drought on record that Australia can throw at them and, more recently, some of the worst floods on record that my area has ever known. So things have not always been easy for the New Zealanders in the electorate of Murray, but they are solid citizens who stand shoulder to shoulder in their volunteering, community cohesion and community contribution as New Zealand Aussies—as we tend to call them.

On behalf of my electorate of Murray, let me say that we have the most sincere sympathy for all of those who lost their loved ones, lost their homes and cherished things like gardens and memories—and their cathedral, which managed to get through, more or less intact, four earthquakes before this one. We have enormous sympathy for their experience now, and we wish them well in the rebuild.

I was lucky to have been in New Zealand just two weeks ago on a parliamentary delegation, on the north island. We were meeting with and learning from the Maori experience with their young people and the justice system. I have to say that the friendship and the genuine need for both us and our New Zealander friends to understand each other’s strategies and to learn from each other was just so close. It is not something I have experienced in any other country—that willingness and strong desire to cooperate and share in what is a mutual problem for both of us. We need to make sure that all of our New Zealander and Australian Indigenous families have the best go. Our CER, our closer economic relations, is almost unique in the world in being so comprehensive and yet so trouble-free and so long lived.

We have this extraordinary relationship with New Zealand. There is a lot of DNA shared between our two countries. Our colonial experience means that we understand each other’s cultures intimately. Our Indigenous Australians and New Zealanders share mutual issues and concerns about their recognition and the maintenance of their culture, and our countries work to make sure that all of that is better for our Indigenous citizens in both countries. This earthquake has been a terrible disaster for those in Christchurch and for the broader New Zealand community, and the people of Murray extend their sympathies.

Mr CRAIG THOMSON (Dobell) (6.19 pm)—Many speakers have started their contribution in relation to this motion of condolence by talking about the close relations that we have with New Zealand and those which go to family in New Zealand. The fact that they are not part of the one country has not in any way diminished the close ties between the two countries. They may have moved away in 1901 from becoming part of this great country but it is as though they are another state of the same country. People move between the two countries as though they are one country as well.

My connection is that I was born in Wellington, New Zealand. I am the child of a mother who was born in Wellington, New Zealand. I was adopted, so my birthmother comes from New Zealand as well. I have family throughout New Zealand. My particular connection in relation to this earthquake is not only cousins who live in Christchurch who thankfully, while affected, are safe but my brother who works for the Australian Embassy. His role was to be down there on behalf of the Australian government liaising with Australians and making sure that the Australian media—which tends to be a little bit more robust, can I say, than the New Zealand media—was kept under some control, as much as that can be done. All of us who have come here and spoken about the connections have this sort of intimate connection with
New Zealand. Whether it is through marriage, friends or family, it is as though we are one group coexisting together.

At 12.51 on 22 February 2011 there was a 6.3 magnitude earthquake that occurred just 10 kilometres south-east of Christchurch. This followed the 7.1 magnitude earthquake that occurred in the region on 4 September 2010. I think in Australia we are getting used to analysing earthquakes a bit more, unfortunately, than we did in the past and one of the things we have learnt is that it is not just the magnitude, it is how deep or, in this case, shallow the earthquake happens to be. The earthquake in Christchurch was a very, very shallow earthquake which was why there was so much damage done.

Since the earthquake there have been over 200 aftershocks and they are continuing to this day. There is still a lot of activity there which is causing disruption, fear and some degree of uneasiness for those living there. Coming from Wellington I have been told by my mother that for many years and still to this day in Wellington they have to do drills in relation to what to do in an earthquake. So it is a country that is used to these sorts of activities, but no country is used to the loss of life and devastation that occurred in Christchurch. That is why we are here today to send our condolences to the people of Christchurch and the people of New Zealand. Over 180 people have died. There are still close to 100 people unaccounted for. Some of those will be amongst the fatalities—there is the issue of identifying the bodies—but it is still an ongoing issue.

We have spoken about the most important part which is the loss of life and injury to people, but the physical aspect has been quite incredible as well. Over one-third of the buildings in the Christchurch central business district are to be demolished. One-third of the city is to come down. We have heard from the National Insurance Company—New Zealanders pay a very small fee of around $64 a year to be covered by insurance because of this sort of activity—that they have received over 60,000 claims. They are expecting it to rise to close to 300,000 claims, which means that virtually every house, every suburb, has been affected by this earthquake.

The economic impact, of course, has been astronomical. While this impact is a distant third, it is still an important issue because New Zealanders and those from Christchurch do need to get back onto their feet. It has been estimated that the combined cost of the earthquake in New Zealand is going to be around $20 billion. That is a lot of money to Australia, but it is a lot more money to a smaller country like New Zealand. It is going to take them some time. Christchurch Mayor Bob Parker has estimated that the cost of rebuilding the city will be even more than that. He is estimating around $30 billion to rebuild the city. When those sorts of figures are spoken about in terms of the insurance, you can see that it is very widespread and it is going to take a long time to make sure that Christchurch is rebuilt properly. The Reserve Bank of New Zealand has taken immediate action and reduced interest rates by 50 basis points. That is a welcome step as the New Zealand economy seeks to cope with what has happened.

One of the important issues is education—schools and how they have been affected—and getting back to normal life in Christchurch. It is pleasing that, by the start of this week, over 80 schools had reopened since the earthquake. That represents about 85 per cent of all schools. Some schools have still not opened, and many have relocated, but they are getting back to normality and getting kids back in education.
The University of Canterbury has announced a draft timetable to restart its 2011 academic year commencing last week. We have the offer from the University of Adelaide, as part of the Australian assistance, to take on board 500, mostly first-year, students from Christchurch whose academic year has been disrupted. Some of the other New Zealand universities have also made similar sorts of offers.

Australian assistance has gone beyond just universities. The Australian government has donated $5 million to the New Zealand Red Cross appeal. The overall Australian assistance effort has involved 750 personnel. That has included a total of 500 police officers from New South Wales, Queensland, Victoria, South Australia, Tasmania, the Northern Territory and the Australian Federal Police. It also included some experts who, unfortunately for them, were there for the identification of bodies. That role has started to wind down in New Zealand but, unfortunately, the events in Japan have meant that some of those personnel are going from one site to the next. We also had around 220 Australian search and rescue personnel there. The Australian government also sent over a 24-person medical team, which came from Queensland. Twelve ambulance peer support personnel were sent over, and some temporary accommodation experts from Victoria were sent to provide additional advice and help in relation to what happened.

Today we are talking about our close relationship with New Zealand. That is something that the New Zealand people have recognised, and they are very grateful for the Australian response. The Prime Minister of New Zealand, the Rt Hon. John Key, the Deputy Prime Minister, the Hon. Bill English, and the Minister of Foreign Affairs, the Hon. Murray McCully, have all singled out Australia for the swiftness and generosity of our response and the heartfelt condolences that came immediately from Australia. They are very grateful for the role that Australia played. They also acknowledged the very special relationship that Australians and New Zealanders have and share.

It is just under a week ago that the Prime Minister attended a memorial service in Christchurch. There were over 100,000 people there. The Prime Minister was able to convey the condolences of all Australians to the people of Canterbury and to New Zealand generally. Today I am joining that message of condolence, and I offer the best wishes of my constituents from the New South Wales Central Coast to the people of Christchurch, Canterbury and New Zealand as a whole as they go about the difficult task of rebuilding their lives, their city and their country after the terrible devastation of this earthquake.

Mr IRONS (Swan) (6.28 pm)—I rise this evening to support this condolence motion. It is always a pleasure to follow the member for Dobell. It was interesting to hear that he has done so much research on this subject. He spoke with passion about his connections to New Zealand. On behalf of the people of Swan, particularly the constituents in my electorate who are from New Zealand, I place on record our condolences to the victims, the families, relations and everyone affected by the Christchurch earthquake which struck last month.

As the Leader of the Opposition said on Monday, there is hardly an Australian who does not have some sort of link with a New Zealander, whether it be through business, family or migration, either originally coming from New Zealand or going to New Zealand. There are certainly strong links between a lot of people in Australia and New Zealand.
Although we are separate countries, we feel much closer than that. We have a strong rivalry in rugby union, rugby league, cricket and many other sports, particularly netball. That rivalry will continue. It is friendly rivalry and it keeps and brings our countries close together.

I have my own small business in Western Australia and over the years I have been fortunate to employ and become friends with a number of New Zealanders. Some were from Dunedin and some from Port Chalmers. The people from Port Chalmers are different people. They are very friendly and they take on challenges, which I am sure most in New Zealand are with this tragedy.

They are good people, and it is right that we support them in their time of need, as they would in ours. I am pleased to say that, as far as I am aware, the Australian government has been providing a good level of support to New Zealand. We are close to them. Every bit of support we can give the New Zealanders is I am sure appreciated by them.

When the 6.3 magnitude earthquake struck on 22 February the government was quick to offer support. Australia provided support on the ground in New Zealand through emergency services and other services that they required. I understand there were more than 600 people at its peak. Of course, the human cost has been great, with 164 deaths so far, including two Australians, with the final toll expected to rise still further.

Christchurch’s spirits were certainly lifted by the memorial service last week. It was good to see Prince William, the Leader of the Opposition and the Prime Minister in attendance at that ceremony. However, as the dust settles and media attention moves elsewhere, the challenge will be to make sure that families are getting the help and support they need to recover emotionally in the long run. There is no doubt that Christchurch can be rebuilt but to rebuild its people particular attention must be paid to counselling and support services.

Of late there has been plenty of talk in this place about mental health. There is no doubt in my mind that the influence of former Australian of the Year Professor Patrick McGorry has been immense and from my point of view most welcome. I have confidence that the New Zealand health authorities will be acutely aware of the situation and doing their best to assist.

Professor Creamer, an expert in this field, has suggested that about 10 per cent of people who survive a traumatic situation go on to develop post-traumatic stress disorder while a broader swath of the affected population will endure less debilitating but still serious mental health problems in the mid to longer term. Professor Creamer expects the majority of these cases to occur over the first four, five or six months post the disaster. However, he says they may continue to see people presenting for the first time 12 months, 18 months or possibly 24 months after the disaster. All of this is applicable to the areas in our own country that have been struck by disaster this year. I hope that everyone in this parliament will be vigilant and keep the mental health issue at the forefront.

Let us also not forget the broader economic implications of this tragedy. The New Zealand Treasury has estimated that the earthquake will cost the country over $12 billion. Economists have estimated that it has wiped 1.5 per cent from New Zealand’s projected economic growth.

It was interesting to hear the member for Dobell talk about insurance. I was in New Zealand a week and a half ago and heard plenty of talk about the insurance companies not stumping up because they considered what caused the problem to be an aftershock and not the ini-
tial earthquake. The original earthquake was in September last year apparently. While I was in New Zealand there was another aftershock of 4.9 in Christchurch.

I know the member for Groom put pressure on the insurance companies in Australia when many Queenslanders faced problems with the insurance companies. We hope that the insurance companies in New Zealand do stump up and assist these people in their hour of need.

It is great that I have had this opportunity to present condolences on behalf of my electorate of Swan. My best wishes and thoughts go to the people of Christchurch.

**Ms O'DWYER** (Higgins) (6.34 pm)—I was very moved by that speech, although I did miss the last part. Our relationship with New Zealand is a very special one. Of all of the alliances that Australia has made and the friendships we have created with other nations throughout the world, our relationship with New Zealand is extremely close. It is not just our proximity to the islands of New Zealand; it is our historical connection and our shared values that bind our two countries. It is our military association through the Anzacs and our belief in the same political and social institutions. In so many ways we are alike. We may enjoy a healthy rivalry through cricket and rugby, but our people and history are so closely interwoven that we consider one another family. The freedom of travel between our countries means that 65,000 Australians currently live and reside in New Zealand. We have closer government-to-government relations with New Zealand than with any other country. More importantly, we have the closest person-to-person relations. We even sound like New Zealanders—or, more accurately, they sound a bit like us. In fact, it is a constant question for the citizens of both of our countries when they are travelling the world: 'Which country do you come from?'

So Australians have felt the grief of those in Christchurch most acutely. During the disaster we felt as close to the New Zealand people as we ever have. For this reason Australia was all too willing to respond to requests from New Zealand for any assistance they required. The earthquake, which registered 6.3 in magnitude, hit New Zealand's largest South Island city and the country's second-largest urban area. Although the intensity of the quake was slightly lower than the Canterbury quake of 2010, the vertical shaking was estimated to be significantly greater with the epicentre only 10 kilometres from the city and a very shallow four kilometres underground. The current death toll of 166 people is a terrible tragedy that is felt by all New Zealanders and Australians alike. Our prayers are with the families who have lost loved ones, with work colleagues who have lost friends and workmates, with the people who have come together over such devastation. We have seen through this crisis the courage of people dealing with such unforeseen and devastating events and we have seen great acts of kindness and compassion, but it is through this devastation that we now know the task of rebuilding must take place. With one-third of the CBD buildings absolutely devastated, the task of rebuilding is incredibly daunting and incredibly important.

The economic toll on Christchurch and New Zealand as a whole is expected to be very great. Much of the infrastructure that was not totally destroyed by the earthquake will nevertheless need to be demolished because it has been so badly damaged. Among those buildings destroyed were ChristChurch Cathedral and the iconic Pyne Gould offices, not to mention the countless homes and businesses that will also have to be rebuilt. Initial estimates put the cost of the damage of the February and September quakes as high as NZ$15 billion or A$11 billion, about seven per cent of New Zealand’s GDP. The *Economist* estimates it has wiped 1.5 per cent off New Zealand’s projected economic growth. Nevertheless, New Zealand remains
committed to fiscal consolidation, which the International Monetary Fund predicts will be beneficial for New Zealand’s economy and will remove pressure from its monetary policy, which has been loosened to accommodate reconstruction and depressed demand. Job cuts have been announced, consumer confidence has fallen and the tourism and hospitality industries have been hit hard. The extent of the damage led the Prime Minister of New Zealand, John Key, to say:

We may be witnessing New Zealand’s darkest day.

For New Zealanders this no doubt seemed true. But we know that the people of New Zealand will recover from this disaster. The Mayor of Christchurch, Bob Parker, said:

The structure of the city has received a shattering blow, but we’re making incredible progress.

It is a testament to the New Zealand government and the emergency and recovery systems that are in place that New Zealand has already made such incredible progress in reconstructing the city. We are deeply indebted to those involved in the local and international rescue efforts as well as organisations such as the Red Cross, who have provided personnel as well as vital supplies to those in need.

I would like to pay particular tribute to Australia’s effort at the heart of the crisis, which involved more than 600 people and the government contributing $5 million to the New Zealand Red Cross 2011 Earthquake Appeal. Unfortunately, Australia has also felt the devastation very personally, with two Australians lost in this terrible earthquake and tragedy.

New Zealand has benefited more than any other country from the gifts of nature. Its temperate climate and beautiful landscapes make it one of the most popular tourist destinations in the world, particularly for Australians. While this earthquake is a reminder of nature’s malignence, we know that Christchurch will be returned and restored to its great glory.

Mr ALEXANDER (Bennelong) (6.40 pm)—The unique relationship between the nations of New Zealand and Australia stretches back quite some time to before the arrival of the ANZAC, when Australian and New Zealand forces heroically fought side-by-side on the battlefields of Europe. One of the first most significant bonds between our two young nations was forged through our partnering in sporting events, where we had extraordinary international success.

Our national tennis championship at the time was the Australasian Championships, and it was played in both Australia and New Zealand until the First World War. Pre-dating New Zealand’s declaration as a dominion within the British Empire, the two nations combined to compete together in the new international tennis competition known then as the International Lawn Tennis Challenge but soon after renamed the Davis Cup. This competition began between the United States and Britain in 1900; other nations were subsequently invited to join. New Zealand partnered with Australia and played as ‘Australasia’ in the 1905 competition.

New Zealand had the greatest tennis player of the time in Anthony Wilding, a swashbuckling character who became renowned for riding around Europe on his motorbike, winning championships and befriending everyone he came in contact with, from royalty to the common sports fan. Wilding partnered Australia’s Norman Brookes, our first Wimbledon champion, who became a major figure in establishing what we now know as the Australian Open. The men’s singles trophy is named in his honour: the Norman Brookes Challenge Cup. Playing all the singles and doubles rubbers, these two champions took on the world and won, de-
delivering the Davis Cup to Australasia in 1907. The following year, we successfully defended the Davis Cup in Melbourne and, through the period to the First World War, Australasia won the Davis Cup on six occasions.

Anthony Wilding went on to win Wimbledon on four consecutive occasions from 1900 to 1913 and also won the Wimbledon doubles on four occasions. Tragically, he was killed during the First World War, in which he served as an ANZAC soldier. He was from Christchurch, and the tennis centre in Christchurch in which Australia competed in Davis Cup competitions in subsequent years is rightly named after him.

Our countries share a great deal of history, and the characteristics of both our nations and our people are remarkably similar. Much of our character has been formed on battlefields and on sports fields, in farming pursuits and, more recently, in a transition to urbanised living. The tragedy that struck Christchurch is no different to us Australians than it would be if a similar event had taken place within our own borders. Not just through proximity but also through this historic closeness, we would naturally be the first to respond with our all. Although we can be rather rugged competitors on cricket pitches and rugby fields, these competitions and their results pale into insignificance when compared to the benefits we have both enjoyed through our countries being brought even closer together. New Zealand is a home of heroes and sporting champions, and it is the character of their heroes and champions that runs through the veins of all New Zealanders. The lessons learned and characters built on those fields of endeavour are immediately evident and demonstrated with such inspiration in the way New Zealanders are confronting the devastation of Christchurch.

New Zealand so often defines itself through its toughness and determination on both the rugby field and the netball court. It also had further success in tennis, with Chris Lewis making the Wimbledon final. He was coached by another wildie left-hander, Tony Roche—the great Australian player and coach. These connections and competitions all conspired to bring our two great countries even closer together than our geographic proximity. The great benefit of such a relationship is that when one nation suffers a hardship the other is instantly there to support. That has certainly been the case with the recent earthquake in Christchurch.

As would be expected, Australia was the first there and the most willing to give assistance to our New Zealand friends. There should not be one minute’s doubt that the path that now lies in front towards rebuilding will not be walked alone. The way in which New Zealand has confronted this tragedy is an inspiration to all of those who have witnessed it. This is the same courage that has been shown in the past on battlefields and in its sporting endeavours.

The support that we will offer New Zealand does not stop at this point; it will continue long after Christchurch has rebuilt and will result in an even stronger and more meaningful relationship. The bonds formed through conflicts that we have joined in arms together, and through sporting endeavours, will be strong and will help see New Zealand through this period of trial. However, this will not stop or limit our desire to have those essential victories against each other on the cricket pitch, rugby field or netball court. But, hopefully, we will always enjoy a beer, or maybe three, afterwards.

On a personal note, I was fortunate to have played competition tennis at Wilding Park in Christchurch with friends who were friends long before those games and who remain friends to this day. The great New Zealand player and Australian Open finalist, Onny Parrun, was one of the first people to call and congratulate me after my election to the seat of Bennelong. Ac-
ceptance on the tennis circuit mandated that you had a nickname, so to Rags, Louie, The Sheep, The Big O—or better known as Brian Fairlie, Chris Lewis, Russell Simpson and Onny Parrun—I would like to send my warmest regards and prayers that you and all your loved ones are safe and well after this catastrophe, from your mate JA.

Mr SLIPPER (Fisher) (6.47 pm)—I suspect that I represent more New Zealanders than any other member of parliament in the world other than a member of the parliament of New Zealand. New Zealanders on the Sunshine Coast have become fully integrated into our community. We do not really think of them as being from another place, and those who come from across the ditch are very much part of the Australasian family.

In the time of Howard-Costello government I chaired the House of Representatives Standing Committee on Legal and Constitutional Affairs, which undertook an inquiry into closer relations within Australia and across the Tasman. Many people feel that there is some opportunity for the relationship between the six states on this side of the ditch to form an even closer relationship with New Zealand. There is, of course, a range of opportunities for us to look at further integration between both sides of the Tasman in the future. That could possibly include a common currency or a common border, or even a confederation or an opportunity for New Zealand to become part of the Australian federation. But, regardless of whether or not one proceeds in that direction, everyone would agree that the relationship between Australians and New Zealanders is a very close relationship. It is a relationship whereby none of us is really able to feel that those living on the other side of the Tasman are actually part of a different country.

My wife, Inge, and I regularly travel to New Zealand privately. We get a cheap flight, we hire a car locally—often a bomb of a car—and we just sort of merge into the community. We are able to relax there and we always find that we are welcome. We have friends right across New Zealand.

Christchurch is a particularly beautiful city. I have stayed very close to the Hotel Grand Chancellor, which is to be demolished over the next few months. We all find it impossible to imagine that, in many ways, such a historic city has been changed to the extent that it will never be the same again. If one were thinking in an engineering sense, one would ask whether Christchurch really ought to be rebuilt on its current site or whether there could in the future be a further earthquake, given where it is and the fact it is obviously subjected to conditions which would indicate that. I believe that, for reasons of national pride, the New Zealand people will rebuild Christchurch to the best of their ability and I can relate well to that approach. Christchurch is a wonderful place. The cathedral, which was in the heart of Christchurch and after which Christchurch was named, was an iconic monument in the heart of a very vibrant part of the dominion of New Zealand.

It has become too regular an occurrence in this place to speak about some tragic and massive natural disaster that has occurred somewhere in our region. I suppose we all have to ask ourselves what is happening with respect to the earth. We have been given regular times for reflection and contemplation, when we pause to consider the fragility of life and the importance of friendship as well as, in the debate before the chamber today, the value of long-held bonds between those of us who live on one side of the Tasman and those of us who live on the other. I prefer to think of us as Australasia rather than Australia and New Zealand, because the bonds that join us together are infinitely greater than the issues that separate us. In fact, the
differences between various states in Australia are, in many respects, no different from the differences which separate those states from New Zealand.

This year we have had floods in Queensland and Cyclone Yasi. We have had floods in the southern states and fires north of Perth, we have had the earthquake in New Zealand and we have had the massive earthquake and tsunami in Japan, about which I spoke earlier. My thoughts and the thoughts of other members of the Commonwealth parliament go to New Zealand, its leaders and its citizens during what is a difficult and challenging time. I was very impressed when I heard that our Prime Minister, our Leader of the Opposition and our effective head of state, the Governor-General, travelled to New Zealand to be present at that most incredibly moving memorial ceremony, held in Christchurch.

The Prime Minister mentioned in the parliament—and I am quite sure, Madam Deputy Speaker, that you listened to what she said—that she had never before seen 100,000-plus people in an area where they were gathering for such a purpose. The ceremony was held on a flat piece of land, with more than 100,000 people situated so closely together, to remember those who were lost and to give thanks to and say prayers for those who were saved and to give hope for the future. It was an experience which must have been not only very moving but also wonderful for the Prime Minister, the Leader of the Opposition and the Governor-General and, may I say, for the rest of the 100,000 people who were present.

I must say that I was absolutely shocked when I saw the first footage of the disaster in New Zealand. I think all of us in Australia have friends or family in New Zealand. Most of us have travelled there. The thought of something so horrendous and horrific happening so close to us is absolutely stultifying. It forces us to consider life and the fragility of life. It forces us to consider the importance of friendship, family and relationships and tends to put our quite vigorous pursuit of material possessions in perspective.

The people of Christchurch, New Zealand, have suffered considerably and continue to suffer as a result of the earthquake that struck so suddenly and so violently on 22 February this year. Oddly enough, the earthquake had a 6.3 magnitude; what made it so destructive was that the epicentre was only 10 kilometres south-east of Christchurch and at a depth of five kilometres. There was some speculation about whether it was actually an aftershock from a 7.1 magnitude earthquake that struck the same region on 4 September last year, but that earthquake was less destructive because it hit 40 kilometres west of Christchurch and its epicentre was much deeper, at 10 kilometres. Madam Deputy Speaker, I suspect that you are a bit like me in that you would not claim to be an expert in these matters, but I was initially surprised that an earthquake of smaller magnitude could wreak greater damage.

The death toll is currently 166, and analysts estimate that the damage could cost insurers around US$12 billion, which is about NZ$16 billion. I found it particularly sobering to see the old cathedral treated as it was by the earthquake and so many buildings badly damaged, knowing that they had stood for so long, some of them for well in excess of a century. They have put up with all sorts of weather, only to be so violently compromised, violated, damaged and in effect destroyed by the quake. It could be that ultimately those buildings had been subjected to so many climatic conditions over the years that there was simply no ability for them to withstand this earthquake of 6.3 magnitude.

On behalf of my wife, Inge, my family, the people of the electorate of Fisher and the Sunshine Coast more broadly, the people of Queensland and also the people of Australia, I would
like to pass on my and our heartfelt sympathies to the people of Christchurch and in particular to those who have lost loved ones so suddenly and violently. Australia is a great friend of New Zealand, and I am proud of the fact that our emergency service personnel, including many from Queensland, assisted in responding to the damage.

Many people from the six states on this side of the Tasman live and work in New Zealand, and both sides of the Tasman are vocal in supporting the importance of the relationship. I think all of us agree that we are reciprocal key travel destinations for both business and vacations. People love to catch up with friends and relatives. That is why I want to endorse a statement made by our former Prime Minister and the Prime Minister of New Zealand whereby they were seeking to establish a common border for Australia and New Zealand so that if you entered Australasia you were deemed to have entered countries on both sides of the Tasman. I saw somewhere that that would save about a quarter or a third of the cost of travel across the Tasman. I do not see that that laudable aim by the former Prime Minister the member for Griffith and Mr Key is unattainable. If we consider that the integrity of the immigration system on both sides of the Tasman is equally appropriate, then that is really attainable.

I would like to offer encouragement to the government and people of New Zealand in this time of need. I pray that the Lord will guide and assist all of those affected by the disaster, comfort the families of the many who have perished and give strength to the authorities and medical personnel. I pray that He will give wisdom to the leaders of New Zealand as they guide their nation through the recovery and give them the knowledge and energy they need to make difficult decisions and to sustain them in this trying time. I thank the House.

Mr ANTHONY SMITH (Casey) (6.59 pm)—On behalf of all of the electors of Casey, in the outer east of Melbourne and the Yarra Valley, I would like to associate myself with this motion of condolence for the New Zealand earthquake tragedy and the remarks of all members who have spoken in the House and in the Main Committee. All the words have been poignant; all of them have made the point that the tragedy in New Zealand is something that we as Australians relate to as we would relate to a tragedy affecting our cousins. The Leader of the Opposition said that New Zealanders are our brothers and sisters, and that is true. All of us recall the images as news came through earlier this year. We knew immediately that the situation had cost lives and we knew that our great friend and neighbour, New Zealand, was going through a terrible tragedy. The people of Christchurch, all of the families and all of those affected in every way know that in Australia they have their closest friend watching, helping and wishing them all the best in the recovery—a recovery which will take a long time. Of course, in Japan, the recovery will also take a long time. A separate motion was moved earlier regarding the Japanese tragedy that made clear the thoughts of honourable members who spoke in that debate.

In following your contribution, Mr Deputy Speaker, and those of the Prime Minister, the Leader of the Opposition and other honourable members, I wish to associate myself with those remarks to extend, on behalf of my electorate, sympathies to all of those New Zealanders so deeply affected by the tragedy in their country.

The DEPUTY SPEAKER—I understand it is the wish of honourable members to signify at this stage their respect and sympathy by rising in their places.

Honourable members having stood in their places—
Mr MELHAM (Banks) (7.02 pm)—I move:
That further proceedings be conducted in the House.
Question agreed to.

ELECTRONIC TRANSACTIONS AMENDMENT BILL 2011

Second Reading

Debate resumed from 9 February, on motion by Mr McClelland:
That this bill be now read a second time.

Mr KEENAN (Stirling) (7.03 pm)—I rise to talk on the Electronic Transactions Amendment Bill 2011. The coalition supports the purpose of this bill, which is to update the Electronic Transactions Act 1999 to align the legislation with the relevant UN convention of 2005. As explained in the Bills Digest, the bill updates Australia’s electronic transactions legislation to reflect the internationally recognised standards on electronic commerce set out in the convention, thereby giving greater certainty to international trade and commerce.

The Electronic Transactions Act 1999 implements the United Nations Commission on International Trade Law Model Law on Electronic Commerce of 1996. The intention of the model is to provide a more secure environment for electronic commerce to remove legal obstacles to its acceptance. The principal effect of this act is to provide that transactions will not be invalid merely because they have been completed electronically. Giving information in writing, providing a handwritten signature, producing a document in material form and recording or retaining information may all be done electronically.

The 2005 convention seeks to build on the model law in light of the practical experience of the past 15 years, in particular with respect to issues relating to the formation and performance of contracts between parties in different countries. However, it makes no substantive changes to contract law.

Exceptions to this regime include negotiable instruments and documents of title where there is a risk of unauthorised duplication. Complex transactions will remain subject to their own regulatory and contract rules. The regulations will provide for documents such as passports and statutory declarations to be only in paper based form.

The bill was drafted by the Parliamentary Counsel’s Committee and was approved by the Standing Committee of Attorneys-General in May 2010. The parliaments of New South Wales and Tasmania have already passed the amendments, with the remaining parliaments expected to do so by the middle of this year.

The bill applies the changes proposed by the convention in respect of international contracts. It provides default rules for determining the time of dispatch and receipt and electronic communication for the purposes of formation and performance of a contract. It also clarifies the traditional contractual rules on formation in the context of electronic commerce to recognise automated message systems, clarification of any invitation to treat, determining the location of parties and updating the electronic signature provisions.

The convention rules exclude personal, domestic or household contracts from its regime. However, the bill does not make such an exclusion. The reason for this is that the act does not override the consumer protection provisions of the Competition and Consumer Act 2010.
formerly the Trade Practices Act 1974. The public consultation process called for submissions on this issue but received none. This is probably not surprising, because the bill makes no substantive changes to contractual rules or remedies.

It should be noted that nothing in the convention or the bill affects the principle that contracting parties should be free to agree on matters affecting the formation and performance of a contract between them. Parties contracting in different countries may agree on a law which is to apply to their dealings. The convention rules only apply where the relevant law validly chosen by the parties or otherwise deemed to apply is that of a contracting state.

The coalition supports the Electronic Transactions Amendment Bill 2011 and I therefore commend the bill to the House.

Ms BRODTMANN (Canberra) (7.07 pm)—I am pleased tonight to rise to speak in support of the Electronic Transactions Amendment Bill 2011. This bill proposes legislation that in some respects is undramatic and may not generate great controversy, but it is a small part of the gradual reform and reshaping of the business environment that is so crucial to Australia’s future prosperity. Indeed, it is salutary for us sometimes to delve a little more deeply into the more quotidian details of some of the grander big-picture images that we are accustomed to use. I believe that this bill can provide us with such an opportunity to understand better the complexity and interrelationships in the modern business environment and the challenges it brings.

We are all familiar with talk of the digital environment—of cyberspace—but we need to reflect a little to see how dramatic has been the change in the environment in which we do business and reflect on how we carry out financial transactions within that environment. So accustomed have we all become to buying goods online, making financial and banking arrangements on the net and using handy and widely accepted methods such as PayPal that we rarely think about the underlying structures of these systems and the legal frameworks that surround them, bind them and manage them.

This bill is very much about the digital economy, a term we hear often, but I wonder whether there is sometimes an inclination to think of the digital economy as somehow a separate part of the economy, exclusive to geeks or video gamers, as one leading member from those opposite seemed to think at one time. But the digital economy is widespread. Anyone familiar with what might be thought of as ‘old economy’ industries such as agriculture will know that the sophisticated use of information technology is commonplace. So we are all involved in the digital economy, at least in a sensibly broad understanding of that term.

This bill also illustrates the value of international cooperation and rule-making. The amendments we are considering will allow Australia to accede to the United Nations Convention on the Use of Electronic Communications in International Contracts. The convention enhances legal certainty and commercial predictability but does not purport to vary or create contract law. This convention is an important element in international trade law and facilitates international trade. The convention was developed by the United Nations Commission on International Trade Law and is the first United Nations convention addressing legal issues arising from the digital economy. Accession to the convention requires amendments to the domestic electronic transactions regime, and each Australian jurisdiction has implemented legislation based on the UNCITRAL Model Law on Electronic Commerce 1996, which was also developed by the United Nations Commission on International Trade Law. The convention
updates the model law on the basis of a better understanding of the use of electronic communications since the model law was finalised.

Australia has long been a strong supporter of a robust international trading system. It has been the basis of our economic prosperity and will continue to be. This bill is a small part of Australia’s ongoing commitment to an open and free international trading system, but those familiar with our federal system will know that sometimes cooperation is required within a smaller sphere and that this has historically proved at least as difficult as cooperation in the international sphere. The enterprise of which this bill is part provides an example of the states and territories working towards the same ends and is one of the Gillard government’s many harmonisation, consolidation and streamlining efforts. The bill was approved by the Standing Committee of Attorneys-General, and New South Wales and Tasmania have already passed the amendments to allow it to be applied. Others are also intending to update their electronic transactions legislation. Stakeholders in the business community and other interested parties have also been consulted and are supportive of the proposed amendments.

We often talk about taking some aspect or other of Australian life into the 21st century—it is common parlance. This is shorthand for two important insights. The first is that, since we can no longer try to deny that globalisation has brought the whole world into a closer relationship, we always need to be aware of what is happening in the world at large and of what changes are occurring and to take action to ensure we benefit to the full from this globalised world and this globalised relationship. The second stems from recognition of the increasing rate of technological change. We all know of Moore’s law, which broadly states that the computing power available to us doubles roughly every two years. But even Moore’s law seems modest when we take into account the explosion in software and hardware that we are witnessing. I know from my time consulting in Defence that in some areas software becomes outdated in months and sometimes in weeks but not in years anymore. With this understanding of what lies behind the expression ‘Moore’s law’, this undramatic and modest bill does take Australia into the 21st century. The amendments we are considering achieve small but important clarifications on the details of using electronic means of communication. These include such matters as the date and time of the formation of a contract; clarifying that a contract can still be legally effective despite having been formed by an automated messaging system; reliability of electronic signatures; and determining the place of business of the parties to a transaction. We may not even be aware of these details when we use the internet to update a subscription to a magazine or buy that must-have vintage frock on eBay, but they are essential.

I note that measures such as this, which improve the environment in which business and households can operate online, are of special interest to the Australian Capital Territory region and the people of my electorate of Canberra. According to the Australian Bureau of Statistics, as of June 2009, just over five million households nationally had broadband and, of these, the Australian Capital Territory continued to have the highest proportion, with nearly three-quarters—74 per cent—of Australian Capital Territory households connected. This is one of the reasons we are so excited about the NBN and eagerly anticipate its arrival and strongly support it.

This high level of penetration is also reflected in the energetic community of businesses in the ACT, including small and micro businesses—one of which I used to own—which work in
the information technology industry, the animation industry, the film industry, the defence industry and a whole range of other industries. Eighteen countries have now signed the UN convention that underscores this bill, including significant trading partners such as the Republic of Korea and Singapore. So, for reasons local, national and international, I am very pleased to commend this bill to the House.

Ms ROWLAND (Greenway) (7.15 pm)—I would like to make a few comments on the amendments contained in the Electronic Transactions Amendment Bill 2011 as a former practitioner in this area. I dealt with the Electronics Transactions Act quite regularly in the ICT sphere, particularly in terms of contract formation in communications contexts. It is a very relevant piece of legislation that is used in the commercial space almost as a matter of norm rather than analysis. I do recall that in 1999, when it was introduced—my friend the parliamentary secretary here might have been practising at the time too—it was when we were having the Y2K provisions inserted into contracts, and we were only starting to form a body of jurisprudence and a body of statute law dealing with ICT. It was a very interesting time, because people were not quite aware of what an electronic transactions piece of legislation would do. In fact, at its core, it says that a contract is not invalid merely by reason that it may have been done by electronic means. The legislation was very clear—certainly consistent with the international convention which the member for Canberra described earlier—that ‘electronic means’ was not going to be limited to email or to internet. At the time, the internet was only starting to gain worldwide acceptance and usage. We were not going to limit it to facsimile means or any other means. So it was kept as very much a technology-neutral piece of legislation, and it continues to reflect that today.

The amendments in this bill are noncontroversial, and I think that reflects the fact that this legislation is working well. As I said, it is now legislation that is examined not so much for what it contains but in terms of what it might mean for countries that are continuing to contract and whether it would make any difference to their current practices. Again I will say that, as a practitioner in this field, and having seen some amendments go through over the years—and it is a model act which all states and territories ascribe to—there has not been controversy around this. In fact, I think that only one element of the legislation has ever been litigated. It concerned whether a digital signature would satisfy the requirements of signing, in this case involving a touch screen. It was a matter from last year involving the Electoral Commissioner. Other than that there has been zero litigation in this area to test the bounds of it. I think that is a good thing for laws in the e-commerce space to be functioning well and to be functioning well in the sense that they are widely accepted now. When we do have these amendments before us, they are to ensure that we are consistent with our international conventions rather than trying to remedy any particular faults.

As has been mentioned, there are a couple of key elements of this bill. In line with the convention, it looks at whether there are uncertainties in the formation and performance of contracts. There are provisions dealing with automated message systems and whether electronic signatures are reliable and the default rules regarding the place of business for the parties to a transaction. I will just deal very briefly with some of those elements. In terms of signatures, the Electronic Transactions Act makes it clear that an electronic communication will satisfy the requirement to obtain a person’s signature in certain circumstances, if the method used to identify a person and to indicate the approval of the information is communicated, and if the
method was as reliable as was appropriate for the purposes for which the information was communicated.

This reliability test has worked quite well, but I note that the Attorney-General’s Department has consulted on this issue and made a recommendation that the Electronic Transactions Act be amended so that a party cannot argue that a signature fails the objective reliability test when the method used is proven in fact to have identified the signatory and the intention of that signatory. Again, this is not an area which has been litigated, so it is more about removing the potential for avoidance of doubt mechanisms.

Contracts and other electronic transactions often these days use automatic message systems without review or intervention by what we call a natural person. The Electronic Transactions Act previously did not contain a provision which made it clear that the absence of human intervention itself did not make a contract invalid or unreliable. I certainly do not believe that there was ever any question that there would be invalidity on those grounds, but we are now dealing with any such potential question that invalidity existed.

In relation to contracting electronically it is very useful to go back to first principles. My former colleague Kenneth Saurajen, a partner at Gilbert + Tobin, has noted that, with flexibility of contracting electronically, some people might think it is conceptually difficult to maintain that it is appropriate or justifiable to have a special set of rules for electronic transactions and digital communication. As he has observed from the writings of others and his own analysis, the fact that a contract is entered into electronically should in theory have no impact upon its legal validity, without any legal concerns restricted to the manner in which its terms might be evidenced, should disputes as to the contract’s existent or content later arise.

This indeed reflects the fact again that the Electronic Transactions Act, the national scheme that the Commonwealth administers and the state and territory schemes have continued to work very well and have continued to ensure that we have reliability in Australia. That reliability is reflected in the very large number of our trading partners who are also signatories to this convention.

I have had the privilege of being involved in the Joint Standing Committee on Treaties, which is examining further amendments that might be required to the electronic transactions legislation based on updates to the convention. In the hearings in February I referred to the department’s extensive report into the digital economy a year or so ago and asked departmental representatives whether there was anything in the report regarding any legislative reform of the Electronic Transactions Act or whether there were any submissions on that. The response was that there were no proposals for legislative reform out of that paper, but rather in any future amendments we would simply ensure we maintain consistency with the UN Convention on the Use of Electronic Communications in International Contracts. I commend the bill to the House.

Mr BRADBURY (Lindsay—Parliamentary Secretary to the Treasurer) (7.24 pm)—I thank all of the members who have contributed to this debate—in particular, while she is still in the chamber, the member for Greenway. It is always good to see someone that has particular expertise that they are able to bring to the debate around a matter such as this.

As mentioned throughout the debate, the Electronic Transactions Amendment Bill 2011 makes amendments to the Electronic Transactions Act 1999 to implement the United Nations
The amendments are intended to provide increased legal certainty in trade by electronic means. This should encourage further growth of electronic contracting, both domestically and internationally, by dealing with rules that we all live with in the hard-copy environment. The bill contains provisions that adapt accepted contractual principles to the electronic environment. While such provisions clarify uncertainties in using electronic communications in the formation and performance of contracts, they do not unduly disturb or affect settled contract law or domestic practice.

In conclusion, the government is committed to supporting businesses and individuals operating in the digital economy. The time is apt for enacting provisions that foster greater legal certainty and commercial predictability when using electronic communications in contracts. The bill will bring Australia’s electronic transactions legislation into the 21st century. I commend this bill to the House.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

BUSINESS

Mr MELHAM (Banks) (7.27 pm)—I move:

That orders of the day Nos. 9, 11, 13 and 14, private members’ business, be returned to the House for further consideration:

Workforce participation of people with a disability;
Climate change and a carbon price;
Loss of the Malu Sara; and
Community hospitals in South Australia.

Question agreed to.

Main Committee adjourned at 7.27 pm
Australian Securities and Investments Commission
(Question No. 39)

Mr Fletcher asked the Treasurer, in writing, on the 18 October 2010:

In respect of the decision in December 2009 by the Australian Securities and Investments Commission (ASIC) and the Australian Prudential Regulatory Authority (APRA) to suspend Trio Capital Ltd as the trustee of a number of superannuation funds, including the ARP Growth Fund, causing the loss to thousands of Australians in their superannuation funds, what actions (a) and investigations are being taken by ASIC and/or APRA in relation to the collapse of these investments, particularly the ARP Growth Fund, (b) are being taken by ASIC and/or APRA to recover lost funds, and what is the status of any such attempts, particularly in relation to the ARP Growth Fund, (c) and investigations are being taken by ASIC and/or APRA in respect of auditors of the various funds, in particular the ARP Growth Fund, including potential prosecutions or civil actions, and (d) and investigations are being taken by ASIC and/or APRA in respect of financial advisers who recommended investment in these funds, in particular in the ARP Growth Fund, including potential prosecutions or civil actions.

Mr Swan—The Treasurer has provided the following answer to the honourable members question:

The Australian Prudential Regulation Authority (APRA) suspended the Responsible Superannuation Entity (RSE) licence of Trio Capital Limited (Trio) on 16 December 2009 and appointed an acting trustee to the five superannuation entities previously under Trio’s trusteeship (‘Acting Trustee’). APRA subsequently cancelled Trio’s RSE licence in April 2010.

The Australian Securities and Investment Commission (ASIC) suspended Trio’s Australian Financial Services Licence (AFSL) on 17 December 2009 following the voluntary appointment by Trio of administrators. ASIC is in the process of cancelling Trio’s AFSL.

The decision to suspend Trio was taken to protect members’ assets and to ensure that members’ assets were in independent hands. The suspensions did not cause loss to the members.

ASIC identified the Astarra Strategic Fund (ASF) as a fund of concern during September 2009 as part of a surveillance of the sector. When ASIC could not get satisfactory answers on the ASF’s overseas investments, ASIC advised APRA and investigations were commenced in October 2009. Those investigations continue and are directed at identifying wrongdoing and the conduct of various parties, including financial advisors and auditors. ASIC’s investigation also includes the ARP Growth Fund, which was a managed investment scheme operated by Trio. At this time it is not possible to make any further comment regarding the recovery of funds, civil action or prosecutions until these investigations are completed, except to note that in October 2010, an application was lodged by the Acting Trustee with the Assistant Treasurer and Minister for Financial Services and Superannuation for financial assistance under Part 23 of the Superannuation Industry (Supervision) Act 1993 (the Application). The Application seeks compensation for the loss suffered by the eligible APRA regulated Trio superannuation entities as a result of fraudulent conduct or theft in connection with ASF. This compensation is not available under existing legislation to self-managed superannuation funds, who are understood to have been the majority investors in the ARP Growth Fund. The Trio superannuation funds regulated by APRA did not invest in the ARP Growth Fund.

The Minister has sought APRA’s advice on the compensation application, as required by legislation. APRA is currently considering its response to the Minister’s request for advice on the application for compensation. Given the complexity of the application it will take APRA some time to provide a final assessment.
Asbestos

(Question No. 41)

Mr Fletcher asked the Minister for Regional Australia, Regional Development and Local Government, in writing, on 20 October 2010:

(1) Is it a fact that in the 1980s and 1990s the government participated in and funded a scheme to identify and remediate houses in the ACT that contained friable asbestos; if so, (a) will the Minister provide information about the program, including the sum of money provided by the government and other parties, and (b) what government department(s) administered the program.

(2) Are there currently any Government programs which would provide support, assistance or funding to home owner occupiers in NSW whose properties are contaminated with friable asbestos; if so, will the Minister provide information about the programs; if no programs exist, does the Minister have any discretionary power to provide such support, assistance or funding; if so, will the Minister provide information about this discretionary power.

Mr Crean—The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the honourable member’s question:

(1) In 1988, the Commonwealth Government announced the Loose Asbestos Insulation Removal Program to remove pure loose-fill asbestos insulation from affected Canberra houses at public expense. This program was undertaken by the Commonwealth as a result of its state government role in the ACT. With the introduction of self government in 1988, the program was transferred to the ACT on a shared funding arrangement. The Department of Urban Services (ACT) administered the program which concluded in 1993. Commonwealth funding was provided through the Department of the Arts, Sport, the Environment, Tourism and Territories. The Commonwealth’s contribution to the program was approximately $56million. The ACT contributed $44million. No more precise figures are able to be provided due to the time that has elapsed since the program was undertaken.

(2) The Minister does not administer any Government programs related to providing financial assistance to home owner occupiers in NSW whose properties are contaminated with friable asbestos. The Minister has no discretionary power to provide any support, funding or assistance as no funds have been appropriated for this purpose.

Building the Education Revolution Program

(Question No. 72)

Mr Fletcher asked the Minister representing the Minister for Jobs and Workplace Relations, in writing, on 16 November 2010:

In respect of the Building the Education Revolution program, what procedures has the Government put in place, or what procedures has it required of State and Territory governments and/or builders or contractors, to protect against asbestos contamination from building works.

Mr Crean—The answer to the honourable member’s question is as follows:

Safety is a priority for the Government across stimulus programs. Under the Building the Education Revolution (BER) program, measures are in place to deal with the identification of hazardous materials in schools, including asbestos, prior to construction commencing and for dealing with the treatment of those materials if discovered after construction has commenced.

State and territory governments and non-government education authorities are responsible for managing the implementation of Building the Education Revolution (BER) projects. The Bilateral Agreements and Funding Agreements entered into between the Commonwealth and the state and territory governments and non-government education authorities require compliance with all relevant statutes, regula-
tions, by-laws and requirements of any Commonwealth, state, territory or local authorities, including those that pertain to the handling of hazardous materials.

For example, BER projects in NSW are administered by three education authorities, representing government, Independent and Catholic schools. In relation to the asbestos management action plans in place for government school projects, the NSW Department of Education and Training advises that it requires all Managing Contractors to complete hazardous materials investigations. If hazardous materials are found at a school, the Principal is informed, and depending on the materials found, Workcover and the NSW Department of Environment and Climate Change are also informed, as required by law. Where appropriate, construction work is halted until any remediation work is carried out.

The Association of Independent Schools of NSW advises that its schools are aware of their requirement to comply with all local council laws, building codes and Occupational Health and Safety Regulations, and that adherence to these requirements, or procedures pertaining to the handling of hazardous materials during the building process, are embedded into builder’s contracts.

The NSW Catholic Block Grant Authority advises that the diocesan Facility Management Groups in NSW are experienced in the identification, removal and remediation of sites contaminated by a range of hazardous materials, including asbestos, in accordance with relevant laws and other requirements. Safety to students, teachers, workers and the community is part of their contractual arrangements.

Aged Pension
(Question No. 105)

Mr Andrews asked the Minister for Families, Housing, Community Services and Indigenous Affairs upon notice, on 23 November 2010.

Has she received advice on granting an exemption to the deeming provision for the Age Pension income test for persons whose investments are currently frozen in a Colonial State Mortgage Income Fund; if so, what was it and what consideration has she given to it.

Ms Macklin—The answer to the honourable member’s question is as follows:

Exemptions from the deeming provisions are considered on a case by case basis in accordance with long standing guidelines first put in place following the introduction of extended deeming in 1996. These guidelines ensure consistent and equitable treatment of all requests for exemptions.

Deeming exemptions are granted when financial investments have fundamentally failed and other criteria have been met. These criteria are that the policy intent of deeming not be compromised by the granting of an exemption, the financial investments (or a class of financial investments) are not operating to provide any returns and investors have no access at all to the investment capital. This includes cases where it is accepted that the investors have commenced all reasonable action to obtain access to the investment and the investment is currently inaccessible.

Colonial First State Mortgage Fund Investments decided to terminate their mortgage fund and return capital to investors. The fund sought a deeming exemption and the request was considered under the guidelines.

In the case of Colonial First State Mortgage Fund Investments, the fund has not failed but is being terminated in accordance with its trust deed and capital is being repaid to investors. As the guidelines were not satisfied, a deeming exemption was not granted.

Ministers and Ministerial Staff: Mobile Phones and iPads
(Question No. 131)

Mr Briggs asked the Prime Minister, in writing, on 25 November 2010:

(1) How many (a) mobile phones, (b) blackberries and (c) iPads are currently allocated to the (i) Minister, and (ii) the Ministers ministerial staff.
(2) In respect of mobile phone usage between (a) 3 December 2007 and 24 November 2010, and (b) 24 June 2010 and 24 November 2010, what was the total cost for (a) the Minister, and (b) the Ministers ministerial staff.

(3) For each month since December 2007, what was the cost of mobile phone usage for each mobile phone account allocated to the (a) Minister, and (b) Ministers ministerial staff.

Ms Gillard—I am advised that the answer to the honourable member’s question is as follows:

(1) As of 25 November 2010, one blackberry and one iPad were allocated to the Prime Minister and the Prime Minister’s staff were allocated 46 blackberries. No mobile phones were allocated.

(2) An account is received for the Prime Minister’s Office with all ministerial staff expenses, including the Prime Minister’s expenses, on the same account.

(a) The total cost of mobile phone usage for the Prime Minister’s Office from 3 December 2007 to 24 November 2010 was $11,401.93.

(b) The total cost of mobile phone usage for the Prime Minister’s office from 24 June 2010 to 24 November 2010 was nil.

(c) The last mobile phone fees were paid in June 2010, when remaining mobile phones were replaced with blackberries.

(3) Monthly mobile phone costs for the Prime Minister’s Office since December 2007 are below:

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<td>$476.99</td>
</tr>
<tr>
<td>Aug-08</td>
<td>$230.19</td>
<td>Feb-10</td>
<td>$410.98</td>
</tr>
<tr>
<td>Sep-08</td>
<td>$182.65</td>
<td>Mar-10</td>
<td>$472.47</td>
</tr>
<tr>
<td>Oct-08</td>
<td>$444.58</td>
<td>Apr-10</td>
<td>$34.44</td>
</tr>
<tr>
<td>Nov-08</td>
<td>$202.48</td>
<td>May-10</td>
<td>$56.32</td>
</tr>
<tr>
<td>Dec-08</td>
<td>$98.68</td>
<td>Jun-10</td>
<td>$71.73</td>
</tr>
<tr>
<td>Jan-09</td>
<td>$145.17</td>
<td>Jul-10</td>
<td>$-</td>
</tr>
<tr>
<td>Feb-09</td>
<td>$230.30</td>
<td>Aug-10</td>
<td>$-</td>
</tr>
<tr>
<td>Mar-09</td>
<td>$1,580.13</td>
<td>Sep-10</td>
<td>$-</td>
</tr>
<tr>
<td>Apr-09</td>
<td>$846.38</td>
<td>Oct-10</td>
<td>$-</td>
</tr>
<tr>
<td>May-09</td>
<td>$359.24</td>
<td>Nov-10</td>
<td>$-</td>
</tr>
</tbody>
</table>

Ministers and Ministerial Staff: Mobile Phones and iPads

(Question No. 150)

Mr Briggs asked the Minister for Climate Change and Energy Efficiency, upon notice on 25 November 2010:

(1) How many (a) mobile phones, (b) blackberries and (c) iPads are currently allocated to the (i) Minister, and (ii) the Minister’s ministerial staff.
(2) In respect of mobile phone usage between (a) 3 December 2007 and 24 November 2010, and (b) 24 June 2010 and 24 November 2010, what was the total cost for (a) the Minister, and (b) the Minister’s ministerial staff.

(3) For each month since December 2007, what was the cost of mobile phone usage for each mobile phone account allocated to the (a) Minister, and (b) Minister’s ministerial staff."

Mr Combet—The answer to the honourable member’s question is as follows:

(1) As at 25 November 2010, a total of 28 Blackberry units (including Blackberry Enterprise Server licences and accessories) were allocated to the Minister’s Office. There were no mobile phones or I-Pads allocated.

(2) (a) Between July 2009 and 16 November 2010 (end of nearest monthly accounting period), including three months of Blackberry charges from March to May 2009, the total mobile phone usage cost for the Minister’s Office was $92,871.71.

(b) Between 16 June 2010 and 16 November 2010 (nearest monthly accounting period), the total mobile phone usage cost for the Minister’s ministerial staff was $31,006.02.

Note: The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) will be providing a response for the period that Minister Wong was part of the SEWPaC portfolio (previously the Department of the Environment, Water, Heritage and the Arts (DEWHA)), which was 3 December 2007 to 30 June 2009, in Question on Notice No. 142. The Department of Defence will be providing a response for the period that I was a Minister in the Defence portfolio, to September 2010, in Question on Notice No. 137.

(3) For each month since May 2009, the total cost of mobile phone usage for the Minister’s Office was as follows:

<table>
<thead>
<tr>
<th></th>
<th>Mobile ($)</th>
<th>Blackberry ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minister Wong</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May-09</td>
<td>5,201.81*</td>
<td></td>
</tr>
<tr>
<td>Jun-09</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul-09</td>
<td>111.53</td>
<td></td>
</tr>
<tr>
<td>Aug-09</td>
<td>807.97</td>
<td>8,562.80*</td>
</tr>
<tr>
<td>Sep-09</td>
<td>783.48</td>
<td></td>
</tr>
<tr>
<td>Oct-09</td>
<td>827.40</td>
<td></td>
</tr>
<tr>
<td>Nov-09</td>
<td>517.69</td>
<td>11,686.27*</td>
</tr>
<tr>
<td>Dec-09</td>
<td>210.75</td>
<td>4,869.29</td>
</tr>
<tr>
<td>Jan-10</td>
<td>43.21</td>
<td>5,481.08</td>
</tr>
<tr>
<td>Feb-10</td>
<td>18.11</td>
<td>3,386.56</td>
</tr>
<tr>
<td>Mar-10</td>
<td>33.85</td>
<td>3,971.65</td>
</tr>
<tr>
<td>Apr-10</td>
<td>652.78</td>
<td>4,021.73</td>
</tr>
<tr>
<td>May-10</td>
<td>1,456.51</td>
<td>4,496.91</td>
</tr>
<tr>
<td>Jun-10</td>
<td>622.88</td>
<td>4,101.43</td>
</tr>
<tr>
<td>Jul-10</td>
<td>1,785.55</td>
<td>4,577.07</td>
</tr>
<tr>
<td>Aug-10</td>
<td>1,535.36</td>
<td>6,685.21</td>
</tr>
<tr>
<td>Sep-10</td>
<td>364.54</td>
<td>4,331.99</td>
</tr>
<tr>
<td>Oct-10</td>
<td>364.55</td>
<td>2,209.14</td>
</tr>
<tr>
<td>Nov-10</td>
<td>365.49</td>
<td></td>
</tr>
<tr>
<td><strong>Minister Combet</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct-10</td>
<td></td>
<td>1,927.42</td>
</tr>
<tr>
<td>Nov-10</td>
<td></td>
<td>6,859.70</td>
</tr>
</tbody>
</table>

* These were three monthly bills.
Note: SEWPaC will be providing a response for the period that Minister Wong was part of the SEWPaC portfolio (previously DEWHA), which was 3 December 2007 to 30 June 2009, in Question on Notice No. 142. The Department of Defence will be providing a response for the period that I was a Minister in the Defence portfolio, to September 2010, in Question on Notice No. 137.

**Ministers and Ministerial Staff: Mobile Phones and iPads**

*(Question No. 151)*

Mr Briggs asked the Minister for Social Inclusion, in writing, on 25 November 2010:

1. How many (a) mobile phones, (b) blackberries and (c) iPads are currently allocated to the (i) Minister, and (ii) the Minister’s ministerial staff.

2. In respect of mobile phone usage between (a) 3 December 2007 and 24 November 2010, and (b) 24 June 2010 and 24 November 2010, what was the total cost for (a) the Minister, and (b) the Minister’s ministerial staff.

3. For each month since December 2007, what was the cost of mobile phone usage for each mobile phone account allocated to the (a) Minister, and (b) Minister’s ministerial staff.

Ms Plibersek—The answer to the honourable member’s question is as follows:

I refer the honourable member to the response given to question in writing number 152 which appeared in the House of Representatives Hansard on 8 February 2011.

**Afghanistan**

*(Question No. 174)*

Mr Robb asked the Minister for Defence, in writing, on 7 February 2011:

How do tiers 1, 2 and 3 of the body armour system used by the British forces in Afghanistan compare with the body armour currently used by Australia’s deployed forces.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:

I am advised British Forces in Afghanistan do not use a Tiered Body Armour System. From what limited information is available publicly, and from senior Defence Materiel Organisation staff viewing the British body armour system, it is assessed that it offers a similar level of ballistic protection as Tier 3 of the Tiered Body Armour System and the Modular Combat Body Armour System. The United Kingdom system also has add-on extremity protection similar to the Modular Combat Body Armour System.

**Keith and District Hospital**

*(Question No. 176)*

Mr Secker asked the Minister for Health and Ageing, in writing, on 8 February 2011:

Will the Government provide funding to the Keith Hospital in Barker to prevent its expected closure; if so, what sum, and by when; if not, why not.

Ms Roxon—The answer to the honourable member’s question is as follows:

The Commonwealth Department of Health and Ageing has been supporting Keith and District Hospital through a variety of programs, including:

- **National Rural and Remote Health Infrastructure Program.** Keith and District Hospital received $501,500 in May 2009 to undertake the Hill Wing Refurbishment project. This project was completed in December 2010.

- **Medical Specialist Outreach Assistance Program (MSOAP) which aims to improve access to medical specialist services for people living in regional, rural and remote Australia. MSOAP plans to**
support the delivery of a Psychiatry – Adult Service to Keith and District Hospital, with planned expenditure for this financial year of $16,000.

- **Aged Care Program.** For this financial year, Keith and District Hospital has to date received $415,141 in recurrent aged care funding. Of this amount, $42,478 is a viability supplement, designed to assist residential aged care services in rural and remote areas with the extra costs of delivering services in those areas. Since 2004-05, the total Commonwealth recurrent aged care funding for Keith and District Hospital is $4,243,919, of which, $350,143 is a viability supplement.

The Commonwealth also supports private hospitals, like Keith and District Hospital, through direct funding contributions from Medicare, the Pharmaceutical Benefits Scheme and the Department of Veteran’s Affairs, and indirectly through its support for private health insurance through the private health insurance rebate.

**Australian Defence Force: Personnel**

(Question No. 187)

Mr Robert ask the Minister for Defence Science and Personnel, in writing, on the 10 February 2011:

(1) How many Australian Defence Force (ADF) personnel aged (a) 20 and under; (b) between 21 and 25; (c) between 26 and 30; (d) between 31 and 40; (e) 41 and over; are in medical facilities undergoing treatment for (i) physical injuries, and (ii) mental health conditions.

(2) How many ex-service ADF personnel aged (a) 20 and under; (b) between 21 and 25; (c) between 26 and 30; (d) between 31 and 40; (e) 41 and over; are in medical facilities undergoing treatment for (i) physical injuries, and (ii) mental health conditions.

(3) Of those (a) ADF personnel referred to in part (1); and (b) ex-service ADF personnel referred to in part (2); by the respective age sub parts, in which medical facilities do they currently reside.

Mr Stephen Smith—The answer to the honourable member’s question is as follows:

(1) As at 1400 hours Friday 25 February 2011 there were a total of 206 ADF personnel in hospital. Ninety-two of these were undergoing treatment for a physical injury, 89 for illness and 25 were undergoing treatment for a mental health condition. The number of ADF personnel in hospital can fluctuate as much as 25 per cent on a daily basis.

**Hospitalisations by age groups and hospital type are:**

<table>
<thead>
<tr>
<th></th>
<th>&lt;21</th>
<th>21-25</th>
<th>26-30</th>
<th>31-40</th>
<th>&gt;40</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number ADF personnel in ADF facilities</td>
<td>19</td>
<td>57</td>
<td>19</td>
<td>29</td>
<td>25</td>
<td>149</td>
</tr>
<tr>
<td>Number ADF personnel in civilian facilities</td>
<td>6</td>
<td>13</td>
<td>6</td>
<td>12</td>
<td>20</td>
<td>57</td>
</tr>
<tr>
<td>Total ADF personnel in facilities</td>
<td>25</td>
<td>70</td>
<td>25</td>
<td>41</td>
<td>45</td>
<td>206</td>
</tr>
<tr>
<td>Mental Health Condition in ADF facilities</td>
<td>1</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Mental Health Condition in civilian facilities</td>
<td>1</td>
<td>4</td>
<td></td>
<td>3</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Total Mental Health Condition in facilities</td>
<td>2</td>
<td>11</td>
<td>4</td>
<td>6</td>
<td>2</td>
<td>25</td>
</tr>
<tr>
<td>Injuries in ADF facilities</td>
<td>6</td>
<td>25</td>
<td>10</td>
<td>9</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>Injuries in civilian facilities</td>
<td>5</td>
<td>11</td>
<td>4</td>
<td>9</td>
<td>1</td>
<td>42</td>
</tr>
<tr>
<td>Total Injuries in facilities</td>
<td>11</td>
<td>36</td>
<td>14</td>
<td>18</td>
<td>13</td>
<td>92</td>
</tr>
</tbody>
</table>

(2) Defence does not administer health care for ex-ADF personnel and so is unable to indicate the number in hospital with either a physical injury or a mental health condition.

(3) Seventy-two per cent of treatments on Friday 25 February 2011 were being undertaken within ADF facilities. The remainder was being provided by public or private civilian facilities.

Due to the relatively small numbers of personnel involved, the actual medical facilities these members are admitted to are not disclosed as this could result in the identification of individual patients.
Aviation: Airport Noise Levels  
(Question No. 200)

Mr Irons asked the Minister for Infrastructure and Transport, in writing, on 21 February 2011:

In respect of the Senate Standing Committee on Rural and Regional Affairs and Transport’s report The effectiveness of Airservices Australia’s management of aircraft noise (2 July 2010), (a) why did the Government not respond within three months, and (b) when will the Government respond.

Mr Albanese—The answer to the honourable member’s question is as follows:

(a) and (b) The Government responded to the report on 22 February 2011.

Christmas Island Detention Centre  
(Question No. 205)

Mr Simpkins asked the Minister for Immigration and Citizenship, in writing, on 23 February 2011:

(1) In the 2010 and 2011 calendar years, how many irregular maritime arrivals from Sri Lanka and Afghanistan who have been or are being processed by Australian authorities on Christmas Island or elsewhere, were in possession of a passport or identity document when detained.

(2) For the same period, how many irregular maritime arrivals who commenced their journey from Sri Lanka or Afghanistan and have been or are being processed by Australian authorities on Christmas Island or elsewhere, utilised aircraft at any stage of their journey before embarking on a boat.

Mr Bowen—The answer to the honourable member’s question is:

(1) In the 2010 calendar year 262 irregular maritime arrivals from Sri Lanka who have been or are being processed by Australian authorities on Christmas Island were in possession of a passport or identity document when detained. In the same period 534 irregular maritime arrivals from Afghanistan who have been or are being processed by Australian authorities on Christmas Island were in possession of a passport or identity document when detained. Information on irregular maritime arrivals from Sri Lanka and Afghanistan is not available for 2011 at this time.

(2) In the 2010 calendar year 174 irregular maritime arrivals who commenced their journey from Sri Lanka and who have been or are being processed on Christmas Island or elsewhere by Australian authorities advised during their entry interview they had utilised aircraft at some stage of their journey before embarking on a boat. In the same period 2668 irregular maritime arrivals who commenced their journey from Afghanistan and who have been or are being processed on Christmas Island or elsewhere by Australian authorities advised during their entry interview they had utilised aircraft at some stage of their journey before embarking on a boat. Information on irregular maritime arrivals from Sri Lanka and Afghanistan is not available for 2011 at this time.

Maranoa Electorate: Heavy Vehicle Safety Package  
(Question No. 206)

Mr Bruce Scott asked the Minister for Infrastructure and Transport, in writing, on 23 February 2011:

(1) Since the introduction of the Road Charges Legislation Repeal and Amendment Bill 2008, how many rest stops have been built in the Maranoa electorate as a result of the $70 million four year Heavy Vehicle Safety Package, and on which highways, local roads and main roads are they located.

(2) Would the Government consider building further rest stops in the Maranoa electorate.
Mr Albanese—The answer to the honourable member’s question is as follows:

(1) and (2) Two new heavy vehicle rest areas have been built and one existing bridge will be upgraded under the Heavy Vehicle Safety and Productivity Program in the Maranoa electorate.

APEC Business Travel Card

(Question No. 208)

Mr Van Manen asked the Minister for Immigration and Citizenship, in writing, on 24 February 2011:

In respect of the Government’s decision to drop thousands of cardholders from the APEC Business Travel Card Scheme without consultation:

(a) on what date was this decision made,
(b) why was this decision made, and
(c) what will the Government do to help small to medium sized business owners adversely affected by this decision, for example, those incurring costs from time spent organising visas and facing potential layoffs due to an inability to sustain certain business activities.

Mr Bowen—The answer to the honourable member’s question is:

(a) In June 2010, the Department of Immigration and Citizenship (DIAC) implemented eligibility changes for the APEC Business Travel Card (ABTC). The imperative behind the changes, and the urgency with which they were implemented, was to maintain the goodwill of other APEC members who had noted Australia’s comparatively generous criteria and the fact that Australian cardholders, at the time, represented 30 per cent of all cardholders in the ABTC scheme.

(b) The purpose of the amendments was to urgently counter any perception that Australia was either using the scheme for its own self-interest or did not respect the approach taken more broadly by other APEC members, mindful that each ABTC application creates significant work for all participating economies.

Importantly, Australia’s underlying objective was to maintain the goodwill of other APEC members as this is relied upon to preserve the benefits and long-term viability of the ABTC scheme. Australia also relies heavily on this goodwill to pursue more significant and far-reaching trade and investment-related initiatives within APEC.

(c) To ensure that Australia’s ABTC appropriately supports small to medium sized business owners in their international trade and investment activities, DIAC will be undertaking a review of the current eligibility criteria. This review is underway and will involve consultation with key business organisations, including the Council of Small Business Organisations of Australia and bilateral business councils. DIAC’s Industry Outreach Officers, who work with these organisations on a regular basis, have also provided a list of key stakeholders including small to medium sized businesses to be involved in the consultations.

This will provide opportunity for the needs of small to medium sized businesses to be emphasised in the process of determining whether consideration should be given to changing the current criteria to offer eligibility to a wider range of Australian business applicants.

DIAC does not accept that small to medium businesses will face layoffs due to inability to undertake and sustain certain business activities by not holding an APEC Business Travel Card. While the APEC Business Travel Card scheme allows accredited business people to undertake multiple short-term visits to other APEC economies over a three year period through a single application, it is not the only means for business people to travel within the APEC region. Business people can apply for individual visas to conduct short business visits in each of the APEC economies necessary for their individual business needs.